



CASE #LDC18-004, ADOPTION OF REORGANIZED LAND DEVELOPMENT CODE, NEW RESIDENTIAL ZONE DISTRICTS AND DEVELOPMENT APPLICATION MANUAL

Planning Case Manager Jason Reynolds, Current Planning Program Manager, Planning Division
Alan White, Planner/Project Specialist, Planning Division

Date: June 4, 2019

PROPOSAL:

The Arapahoe County Planning Division is proposing a reorganization of the Land Development Code, New Residential Zone Districts and a Development Application Manual. The reorganized Land Development Code and Development Application Manual will replace the current Land Development Code in its entirety.

STAFF RECOMMENDATION:

Staff recommends **approval** of Case #LDC18-004 based on the findings, and with conditions of approval, outlined in this report.

I. BACKGROUND INFORMATION

PWD hired Clarion Associates to undertake an assessment of the Land Development Code and provide recommendations to make it more user-friendly. Clarion's recommendations included:

1. Reorganize the Code to consolidate zone district information and requirements in one place and the various land development procedures in a separate section, thus making the Code more user friendly.
2. Relocate submittal requirements and standard notes and certificates to a separate manual that could be easily updated as needed.
3. Create new residential zone districts that reflect today's trends in land development and homebuilding, rather than requiring Planned Unit Developments for all new residential projects.

Clarion provided a draft document which staff has reviewed. Changes have been made based on staff's review. A major focus of staff's review was ensuring accuracy, consistency and completeness, while eliminating duplication. The current Code has been amended at different times over the years, with the unintended results of inconsistent terminology and formatting, coupled with confusing or not-fully-described procedures. The reorganized Code corrects these inconsistencies.

The major content of the Code has been consolidated into a few chapters, with information put into lists or tables to make it easier to find and use. With a few

exceptions, the content of the Code has not changed, it has only been reorganized. Requirements such as setbacks, landscaping, parking, permitted uses and uses by special review have not changed. Approval procedures for PUDs, final plats, minor developments, and all other land development applications have not changed.

II. DISCUSSION

SUMMARY OF REORGANIZATION

1. The content has been consolidated into seven Chapters instead of 19.
2. Chapter 1 (General Provisions) of the current Code remains essentially the same in the reorganized Code.
3. Chapter 2 of the current Code (Review and Decision-Making Bodies) has been incorporated into Chapter 5 of the reorganized Code (Procedures), which contains all of the procedures for the various land development applications the County processes. Having the table summarizing the decision-making bodies together with the descriptions of the various procedures provides a more complete description of a particular land development process in one location in the Code.
4. Chapter 3 of the current Code (Obsolete Zone Districts) is proposed to be eliminated. (See Changes in Content - #3.)
5. The contents of Chapters 4, 5, 6, 7, 8, 9 and 10 of the current Code set out the description and intent, permitted uses and dimensional standards for the various agricultural, rural residential, residential, commercial, industrial, other, and overlay zone districts. This content has been moved as follows:
 - a. Descriptions and intent of the various zone districts are found in Chapter 2 (Zone Districts) of the reorganized Code.
 - b. Permitted uses, uses by special review, special exception uses and temporary uses are located in Chapter 3 (Permitted Uses) of the reorganized Code. These uses are presented in a Permitted Use Table, where all zone districts appear as columns with the permitted uses listed in rows. Any particular land use is shown as P (permitted), SR (use by special review), SE (special exception use), T (temporary use), or A (accessory use) in the corresponding cell of the Table. An excerpt of the Permitted Use Table showing residential uses is included below.

TABLE 3-2.1 PERMITTED USE TABLE																							
P = Permitted, A = Accessory, SR = Use by Special Review, SE = Use by Special Exception, T= Temporary Use/Temporary Use Permit Required, Blank = Not Permitted																							
	Agriculture and Residential ^[1]												Non-Residential ^[1]				PUD Districts ^[2]	Overlay	Use Specific Standard				
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	B-1	B-3	B-4	B-5	I-1	I-2	F ^[3]	O	PUD	SBC-O	Code Section
Residential Uses																							
Household Living																							
Single family detached dwelling	P	P	P	P	P	P	P	P	P	P	P										P		
Single family cluster, detached dwelling								P	P												P	3-3.2.B	
Single family attached dwelling, other than 2-family or townhome										P	P										p ^[4]	Error! Reference source not found., 3-3.2.H	
2-Family Dwelling										P	P										P	3-3.2.B	
Townhome Dwelling											P										p ^[4]	3-3.2.H	
Multi-family dwelling: New Multi-family requires a PUD																					p ^[4]	Error! Reference source not found., 3-3.2.H	
Mother-in-law apartment	SE	SE	SE	SE	SE																	Error! Reference source not found.	
Manufactured home	P	P	P								P											Error! Reference source not found.	
Mobile home											P											Error! Reference source not found.	
Ranch Hand/Agricultural Worker Housing	SE	SE	SE																			Error! Reference source not found.	
Home Occupation, General	A	A	A	A	A	A	A	A	A	A	A	A									A	3-3.11.A	
Home Occupation, Day Care	A	A	A	A	A	A	A	A	A	A	A	A									A	3-3.11.B	
Home Occupation, Day Care Experienced Provider or Large	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE									SE		
Marijuana, Non-commercial use	<i>See Sections 3-3.5.C.1.B, 3-3.5.C.2.A and 3-3.5.C.3</i>												<i>See Sections 3-3.5.C.2.A and 3-3.5.C.3</i>				<i>See Sections 3-3.5.C.2.A and 3-3.5.C.3</i>				3-3.5.C		
Pets	A	A	A	A	A	A	A	A	A	A	A	A									A	3-3.2.E	
Temporary Residence	T	T	T																				
Group Living																							
Group Home – Type A	P	P	P	P	P	P	P	P	P	P	P	P										Error! Reference source not found.	
Group Home – Type B	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR									SR	Error! Reference source not found.	

c. Chapter 3 of the reorganized Code also contains Use Specific Standards, noted in the far right column of the Permitted Use Table, which incorporates

requirements for specific land uses (e.g., adult uses) that are scattered throughout Chapter 12 (Specific Regulations) of the current Code. The requirements for specific uses are organized under the headings of agriculture, residential, cultural and civic, commercial/industrial/utility, marijuana land uses, sexually-oriented businesses, recreation, towers and antennas, public utilities, transportation, home occupation and temporary uses and structures.

- d. Dimensional standards, such as lot sizes and setbacks, are summarized in the Dimensional Standards Tables in Chapter 4 (Development Standards and Guidelines) for agricultural and residential districts, commercial districts, and special purpose districts. Other than the new residential districts the **dimensional standards have not changed**. An excerpt of the Agricultural and Residential District Table is included below.

TABLE 4-1.1 AGRICULTURAL AND RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS													
ac = acres; du = dwelling unit; sf = square feet													
	Agricultural		Rural Residential			Residential							PUD ^[3]
	A-E	A-1	RR-A	RR-B	RR-C	R-1-A	R-1-B	R-1-C	R-1-D	R-2-A	R-2-B	R-M	
Lot Standards (Minimum)													
Lot Size													
Single-family	35 ac	19 ac	9 ac	2.41 ac ^[1]	1.61 ac ^[2]	40,000 sf	20,000 sf	12,500 sf	7,000 sf	5,000 sf	3,600 sf	5,000 sf	Per Approved Development Plan
Single-family cluster								6,250 sf ^[4]	3,600 sf ^[4]				
2-family										2,800/ du	2,800/ du		
Townhome											2,000/ du		
Lot Width (feet)													
Single-family	600	330	165	125	110	75	75	60 ^[5]	50 ^[5]	45 ^[5]	40 ^[5]	50	Per Approved Development Plan
2-family										40	35		
Townhome											25		
Setbacks, Principal Structure or Use (Minimum) (feet)													
Front	100	100	50	50	50	25	25	20 ^{[6], [10]}	20 ^{[6], [10]}	20 ^[6]	Garage: 20 ^[6] Living area: 15 ^[6]	20	Per Approved Development Plan
Side, each	100	50	25	25	25	25	15	10 ^[10]	5 ^[10]			0	
Side, combined										10 ^[7]	8 ^[7]		
Rear	100	50	50	25	25	25	25	20 ^[10]	15 ^[10]	15	10	10	
Side Corner	100	100	50	50	25	25	25	20	20	20	Garage: 20 Living area: 15	20	
From Public Right-of-way								50 from arterial street 25 from collector street				20	

6. Chapter 4 (Development Standards and Guidelines), in addition to setbacks and other dimensional standards, consolidates all of the standards for development currently found in Chapters 12, 15 and 18 of the Code, including:

- a. All of the individual site development standards such as parking, landscaping, lighting, and signs that in the current Code are located in various sections of Chapter 12. Information required to be included in parking, landscaping and lighting plans has been moved to the Development Application Manual.

- b. Urban design principles, subdivision design principles and standards, improvement requirements, rural guidelines/standards, and streetscape guidelines that in the current Code are found in Chapters 15 and 18.
 - c. For Small Lot Residential design standards staff proposes to change the lot size that triggers the small lot standards from <6,000 square feet to <5,000 square feet; the proposed code includes a zone district with single-family lot size of 5,000 square feet. With that as a new standard-sized lot, the threshold for triggering the small lot design requirements was reduced.
7. The current Code has separate Chapters for Zoning (Chapter 13) and Subdivision (Chapter 14) procedures. In the reorganized Code, all procedures have been consolidated into Chapter 5 (Procedures), organized under the headings of Common Procedures, Zoning Procedures, Site Development Procedures, Exceptions Procedures, Subdivision Procedures, and Miscellaneous Procedures.
- a. Clarifications have been made to some procedures as there is contradictory or missing information in the current Code. For example, in the current code it is not clear if a Board hearing for a Minor Subdivision is required. The proposed code clarifies that a hearing is required. The procedures and clarifications have been reviewed by the County Attorney's Office.
 - b. The reorganized Code contains a new section responding to a recommendation from the Consultant – Common Procedures. There are several basic steps that every application goes through: pre-submittal meeting, application intake, staff and referral agency review, public hearings if required, and preparation of final documents, some of which may be recorded. These procedures are explained in the Common Procedures section.
 - c. Materials and exhibits to be submitted for each type of application are listed in the Development Application Manual, along with standards for the maps and exhibits to be submitted.
8. Chapter 5, Section 5-1.1 contains an updated and expanded Summary of Review and Decision-making Authority Table to include notice requirements for the specific development application and to create consistency between the Table and the Code sections describing those application processes. Below is an excerpt of that Table.

Table 5-1.1: Summary of Review and Decision-Making Authority and Public Hearing and Notice Requirements												
R = Review; D = Decision; A = Appeal; * = Public Hearing; Pub = Publication in Newspaper; Mail = Mailing to Landowners; Sign = Sign Posting Yes = Required; No = Not Required												
Type of Application or Process	Reviewing or Decision-Making Body											
	Staff	PC				BOCC				BOA		
	Role	Role	Hearing Notices			Role	Hearing Notices			Role	Hearing Notices	
			Pub	Mail	Sign		Pub	Mail	Sign		Pub	Mail
Zoning Procedures												
Land Development Code Text Amendment	R	R*	Yes	No	No	D*	Yes	No	No			
Rezoning (Zoning Map Amendment/Conv. District)	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes			
Planned Unit Development - 3 Step												
General Development Plan	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes			
Specific Development Plan	R	D*	No	Yes	Yes							
Administrative Site Plan	D	A	No	Yes	Yes							
Planned Unit Development - 2 Step												
Specific Development Plan	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes			
Administrative Site Plan	D	A	No	Yes	Yes							
PUD Amendment - Major												
General Development Plan	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes			
Specific Development Plan												
3-Step	R	D*	No	Yes	Yes							
2-Step	R	R*	No	Yes	Yes	D*	Yes	Yes	Yes			
PUD Amendment - Administrative	D	A	No	Yes	Yes							
Use by Special Review	R					D*	Yes	Yes	Yes			
Use by Special Review - Energy Facility w/ MOU	D or refer to BOCC					D* if referred	Yes	Yes	Yes			
Use by Special Review - Energy Facility no MOU	R					D*	Yes	Yes	Yes			
Use by Special Review Private Utility Company	R	R*	Yes	Yes	Yes	D*	Yes	Yes	Yes			
Type B Group Home	R		See Section 5-3.13			See Section 5-3.13						
CMRS	D					A	No	Yes	Yes			

9. Chapter 6 of the current Code contains regulations for planned residential development at single family, moderate, and high densities, and for senior housing (R-PSF, R-PM, R-PH and SH). These required a Planned Unit Development application. Any future development of these housing types can be accommodated by the new Planned Unit Development regulations, effective April 1, 2017, or the new residential zone districts. These districts have been eliminated from the reorganized Code, but the reorganized Code provides that these previously approved PUDs remain in full force and effect. References acknowledging these previous approvals appear at appropriate locations throughout the reorganized Code. For example, the Permitted Use Table refers to approved preliminary or final development plans to determine if a particular use is allowed by a previously approved R-PSF PUD.

Chapter 6 also contains regulations for manufactured/mobile home developments (R-M). These regulations have not been modified, but allowed uses and dimensional standards are contained in the Permitted Use Table and the Dimensional Standards Table.

10. Chapter 16 of the current Code (Standard Notes) has been incorporated into the Development Application Manual and does not appear in the reorganized Code.
11. Chapter 19 (Definitions) of the current Code remains essentially unchanged and is Chapter 7 of the reorganized Code. Definitions have been added or modified to provide consistency with the intent of the new residential zone districts, or to provide

missing definitions. (Examples: major electrical, natural gas and petroleum-derivative facilities of a private company; outdoor recreation.)

CHANGES IN CONTENT

1. The reorganized Code proposes the following minor changes to procedures or content:
 - a. Some sections of the current Code reference non-existent or previously removed or renumbered Code sections. These errors have been corrected.
 - b. Clarifies that Administrative Site Plans may be submitted concurrently with Specific Development Plans, which reflects current practice.
 - c. Memorializes existing practice that applications must be submitted within six months of holding a pre-submittal meeting.
 - d. Clarifies that Administrative Site Plans are not required for individual single-family or two-family lots, for subdivisions of four or fewer lots, or densities lower than 1 dwelling/40,000 square feet.
 - e. Corrects inconsistencies in the Subdivision Regulations and added language clarifications/additions to make the survey requirements for plats consistent with applicable State surveying rules.
 - f. Standardizes submittal requirements for the various types of land use and development applications available under the LDC.
 - g. Recent updates such as A-E lot width and the residential chickens and bees regulations have been included.
2. Currently the only standard residential zone district available for new homebuilding is the R-1 district (re-named R-1-A in the reorganized Code) with a minimum lot size of 40,000 square feet. Few homebuilders choose this option because of the large lot size requirement and instead must opt for the lengthier and expensive PUD process to build on lots smaller than 40,000 square feet. In response to this, new residential zone districts have been created, along with the associated dimensional standards (e.g., setbacks, minimum lot sizes, maximum heights). These proposed districts were reviewed by the development and homebuilding communities for comments. Comments and suggestions have
 - a. The new residential zone districts allow a variety of dwelling unit types and the reorganized Code contains revised and new definitions for these dwelling units. Illustrations depicting these different types of dwellings accompany the definitions.
 - b. Names of current Agricultural Districts, A-E (35-acre lots) and A-1 (19-acre lots), and all other dimensional standards have not changed.

- c. Rural Residential zone district names are being modified, but the dimensional standards remain the same. The rural residential zone districts have been re-named as follows:
 - A-2 = RR-A (9-acre lots)
 - R-A = RR-B (2.41-acre lots)
 - R-E = RR-C (1.61-acre lots)
3. The obsolete (residential) zone districts Chapter (Chapter 3) is proposed for elimination as no longer necessary. Instead of the PUD classifications of R-PSF, R-PM, and R-PH, future PUD's will simply be labeled as PUD's on the zoning map. Rezoning to any of the obsolete districts is prohibited under the current Code, although the ability to develop property within those obsolete districts in a manner consistent with the obsolete district or an approved PUD remains available to property owners in those districts. Archived versions of the old Code with the obsolete zone district provisions are available for that purpose. One reason for creating new residential zone districts is to potentially rezone the areas with obsolete zoning designations to the new residential zone districts.
4. Uses allowed in the various zone districts have not changed, except as noted below.
 - a. Staff proposes to add a use to the Permitted Use Table concerning the processing, packaging and selling of agricultural commodities in agricultural zone districts. Processing, packaging and selling of agricultural commodities remains a permitted use on agriculturally-zoned property, but if the processing, packaging, or selling of the commodity will involve any manufacturing associated with the commodity or refinement of the commodity for use or consumption, that manufacturing activity would require a Use by Special Review approval. An example of this is hemp processing. Under this proposal, you could grow hemp and press it to extract the initial raw hemp oil as a permitted use. Using that oil to produce lotions or lip balm would require a use by special review.
 - b. Staff proposes to add "commercial salt water disposal/injection wells" to the Permitted Use Table and clarifies that they require I-2 heavy industrial zoning, a Use by Special Review, and a Certificate of Designation; this reflects current practice for these types of facilities. Proposed revisions also update some of our definitions to include injection wells.
5. Sections have been added to the reorganized Code to reference State statutes for applications for Certificates of Designation, formation of Title 32 or Metropolitan Districts, and formation of Title 30 Improvement Districts. The Development Application Manual includes submittal materials for Certificates of Designation, mirroring what is required in State statutes.
6. Inclusion of Provisions for Inactive Applications and Failure to Submit Final Documents in a Timely Manner:

- i. Time requirements for submitting final plans or plats after approval have been extended to all development application types, except exceptions procedures. (Variances, temporary uses and structures, and special exception uses – these application have no requirements for final plan submittal after approval.) These time frames currently exist for PUDs and Final Plats. The time frames are: Final signatures (or recordation) must occur within 90 days of approval. The applicant has 60 days from approval to deliver final mylars. Staff then has 30 days to obtain all County signatures. If the applicant fails to meet the 60 day deadline, the approval can be voided. Extensions can be granted.
 - ii. A 60 day provision has also been included for applications which are in process, but for which no activity has occurred on the applicant's part for 60 days. Staff will contact the applicant after 30 days to confer about the status of the application. If the application is not to be resumed in a timely manner, the case manager can initiate case file closure procedures.
- 7. The **Development Application Manual** has been prepared as recommended by Clarion. Its content is in large measure information moved from the LDC. The Manual contains the following information:
 - a. A flowchart illustrating the basic development process, from rezoning to building permit. This flowchart is new and is found in a section of the Manual that describes procedures common to the processing of all applications. This section is duplicated from the reorganized Code. (Some common procedures described are presubmittal meeting, application submittal, staff and referral agency review, public noticing, hearings and final approval.)
 - b. Flowcharts illustrating the basic steps in the approval process have been developed for each application type. These flowcharts are new.
 - c. Submittal requirements, including all information, reports, exhibits and plans for the various land development applications. Also included in the Manual is the information to be provided on all parking, landscaping and lighting plans as required in the current LDC. References to the Development Application Manual have replaced the submittal and informational requirements for the various applications in the Code.
 - i. The submittal materials lists for each application type have been standardized to use consistent language. Some application types in the current LDC didn't list application forms or fees as submittal requirements. The lists have also been updated to reflect the current standard practice of requiring presubmittal meeting notes and the submittal requirement checklist provided at the presubmittal meeting to be submitted with the other application materials.
 - ii. The current LDC requirements for proof of ownership range from title insurance or title commitment less than 180 old to less than 30 days old. Staff has learned that different title companies include different items in title reports, commitments and insurance or ownership/encumbrance reports, etc.

The proof of ownership requirement has been standardized for all applications to require ownership information, dated not less than 30 days from the date of submittal of the application that includes: owner, property legal description, effective date of document (to confirm it meets the 30-day requirement), encumbrances/schedule B items, and hyperlinked connections to documents referenced in the report. This is the information staff needs to verify ownership and encumbrances and is not dependent upon what any title company calls a particular report.

- iii. All application types include a section dealing with post-decision actions and procedures. While post-decision actions are explained for some applications in the current LDC, for many applications it is not clear if documents are recorded or if final documents are needed as permanent records.
- d. The Manual includes graphic standards for the plans and exhibits required for each application. Most of these standards are in the current LDC, but are not consistently included and do not reflect current practice. (For example, 15 paper copies of plans are no longer required to be submitted.)
- e. Consolidating this information in a separate Manual will enable staff to make minor changes to a standard note, for example, without having to go through the time-consuming process of amending the Code, which requires Planning Commission and BOCC hearings. The Manual will be adopted by the BOCC as part of the Land Development Code and will be fully enforceable as part of the Code. However, it will function and be amended like other manuals the BOCC has adopted (Grading, Erosion, and Sediment Control; Infrastructure Design and Construction Standards), requiring only approval by the Board upon recommendation by the PWD Director or Planning Commission.

Staff reviewed the reorganized Code for general conformance with the Comprehensive Plan and considered comments from referral agencies. A summary of the analysis is as follows:

1. Comprehensive Plan:

Reorganization of the LDC is consistent with Comprehensive Plan policy of encouraging improvements to the County's development review process. The reorganized Code and the Development Application Manual use tables, flowcharts, comprehensive lists, and consistent language to create user-friendly documents for applicants and staff. The LDC consolidates information in essentially three chapters: development standards, permitted uses, and procedures for ease in locating requirements and processes for each type of development application. The consolidated information along with comprehensive submittal materials lists are intended to assist applicants in preparing complete development applications, which in turn will reduce review and processing times.

The Comprehensive Plan also includes a strategy to review and amend residential zone districts to accommodate current trends in lot sizes and housing product types. The

proposed new residential zone districts create opportunities for housing of varying types on varying lot sizes.

2. Referrals:

Staff sent out email referrals to seven homebuilders/developers operating in the County, the Homebuilding Association of Metro Denver, 67 of the County’s standard referral agencies, and 80 homeowners associations. The comment period was from April 18 to May 10, 2019. Of all of the agencies, builders and HOAs contacted, three responded with comments and five responded with “No Comments.” Planning staff worked with staff of PWD internal divisions to review and refine the Development Application Manual, incorporating innumerable changes and suggestions. The outside agency comment(s) received are summarized and addressed below.

Tri County Health Department	<p>Incorporate TCHD guidelines for OSWTs into the requirements for the new residential zone districts. OSWTs should not be allowed on lots less than 2.5 acres. <i>The “Intent” section of the proposed residential zoning districts now includes a statement that the districts are intended for property with adequate public water and wastewater facilities.</i></p>
Home Builders Association	<ul style="list-style-type: none"> • Setback standards don’t reflect alley loaded product (assuming you will be allowing that type of product). <i>Alley-loaded would be permitted in the proposed code; detached alley-loaded garages are allowed a zero foot setback in districts with lots 7,000 square feet in area or smaller. For attached garages, an applicant could pursue a PUD.</i> • Lot size may not work with suggest product type. <i>The proposed zoning districts provide more options than Arapahoe County currently allows. Staff will monitor applications and if we continue to see PUD development, we can revisit the dimensional standards.</i> • 3600 sf is too large for townhomes unless two will be allowed per lot. <i>The townhome district allows townhomes on 2,000 square foot lots; 3,600 sf is for a single family in the R-2-B District.</i> • A smaller option than 3600-4999 might work better. Townhomes generally require 2600 sf. <i>R-2-B sets minimum lot size as 2,000 per unit for townhomes.</i> • R-2-B (Residential 2-B) The maximum of 10 acres may want to have an exception for retail in urban areas to improve walkability. <i>The mix of retail and townhome would require a PUD.</i>

REAP	<ul style="list-style-type: none"> • REAP appreciates hard work Arapahoe County Planning shown in the creation of the Land Development Code Reorganization and New Residential Zone Districts document. • Is the Planning Department planning to present this document to the public in ways other than hearings before the Planning Commission and Board of County Commissioners? Are there any scheduled meetings for the public and discussions of these document? When? Where? <p><i>Staff presented the proposed changes to the Four Square Mile Neighborhood Group. The Planning Commission and Board of County Commissioners hearings will offer opportunities for public comment.</i></p>
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III. STAFF FINDINGS

Staff has prepared and reviewed the reorganized Land Development Code and Development Application Manual based on Clarion’s LDC Assessment and 1st draft, together with referral comments as detailed in this report. Based on review of Clarion’s Assessment, good planning practices, and staff and referral agency input, Staff finds:

1. The reorganized Code is more user-friendly as it consolidates common information basically into two chapters, Chapter 4 (Development Standards and Guidelines) and Chapter 5 (Procedures), using tables whenever possible to organize and summarize information. The tables reduce redundancy and provide quick references for zone district information such as permitted uses and setbacks. The new tables are far easier to use compared to how the information is presented in the current Code.
2. The reorganized Code implements Comprehensive Plan policies to improve the development review process and to create zone districts that reflect current homebuilding trends.
3. The Homebuilders Association of Metro Denver and homebuilders with projects in the County were contacted via email on February 5 and given 30 days to provide comments concerning the new residential zone districts.
4. Staff forwarded the draft code to outside referral agencies and homeowners associations on April 18, 2019 and were given 30 days to comment on the proposed changes.
5. A draft of the reorganized LDC has been posted to the Planning Division’s website continuously since April 18, 2019. The posting invites anyone to read the document and provide comments.

6. The Development Application Manual been posted to the Planning Division's website since May 30, 2019. The posting invites anyone to read the document and provide comments.
7. Notice for this Planning Commission hearing was given in the Villager newspaper on May 30, 2019 and in the I-70 Scout on May 28, 2019.
7. Review and recommendation by the Planning Commission of the reorganized LDC, new residential zone districts, and Development Application Manual comply with the applicable Land Development Code policies and procedures for code amendments, including public notification requirements, as set forth in the Land Development Code.

IV. STAFF RECOMMENDATION

Based on the findings described above, Staff recommends **approval** of Case #LDC18-004 with the following conditions of approval:

1. Minor modifications to correct typographical errors, formatting, cross-references and similar minor changes are hereby to be undertaken by staff.

V. DRAFT MOTION

Conditional Recommendation to Approve:

In the case of LDC18-004, Reorganized Land Development Code, New Residential zone Districts and Development Application Manual, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant's presentation and the public comment as presented at the hearing and hereby move to recommend approval of this application based on the findings in the staff report, subject to the following conditions:

1. Minor modifications to correct typographical errors, formatting, cross-references and similar minor changes are hereby to be undertaken by staff.

Staff provides the following Draft Motions listed below as general guidance in preparing an alternative motion if the Planning Commission reaches a different determination:

Recommendation to Deny:

In the case of LDC18-004, Reorganized Land Development Code, New Residential zone Districts and Development Application Manual, I have reviewed the staff report, including all exhibits and attachments and have listened to the applicant's presentation and the public comment as presented at the hearing and hereby move to recommend denial of this application based on the following findings:

1. *(State new or amended findings to support a motion for denial)*

Continue to Date Certain:

In the case of LDC18-004, Reorganized Land Development Code, New Residential zone Districts and Development Application, I move to continue the hearing to [date certain], 6:30 p.m., to obtain additional information and to further consider the information presented.

Attachments:

Referral comments (only the referral agencies that responded have been included with this Staff report)



May 9, 2019

Jason Reynolds
Arapahoe County Public Works and Development
6924 S. Lima Street
Centennial, CO 80112

RE: Land Development Code Reorganization and New Residential Zone Districts,
LDC18-004
TCHD Case No. 5567

Dear Mr. Reynolds,

Thank you for the opportunity to review and comment on the reorganization of the Land Development Code and the adoption of new residential zoning districts. Tri-County Health Department (TCHD) staff has reviewed the application for compliance with applicable environmental and public health regulations and principles of healthy community design. After reviewing the application, TCHD has the following comments.

On-Site Wastewater Treatment System (OWTS)

Proper wastewater management promotes effective and responsible water use, protects potable water from contaminants, and provides appropriate collection, treatment, and disposal of waste, which protects public health and the environment. While TCHD does not have a "minimum lot size" requirement for on-site wastewater treatment systems (OWTS), we typically recommend a minimum of 2.5 acres for lots served by individual wells and OWTS and 1 acre for lots served by OWTS and central water. Residential-1-A-D and Residential-2-A-B zone districts allow for smaller residential lot sizes to provide more options for residential development, ranging in size from 3,600 to 40,000 square feet. As written, it does not appear there are water and wastewater standards for these districts. TCHD recommends that the land development code provide guidance on the intended water and wastewater provisions for these zone districts as OWTS is likely not appropriate on the smaller lot sizes proposed in this district.

TCHD is happy to talk about this further. Please feel free to contact me at 720-200-1585 or ahenrich@tchd.org if you have any questions on TCHD's comments.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Heinrich".

Annemarie Heinrich, MPH/MURP
Land Use and Built Environment Specialist

cc: Sheila Lynch, Dylan Garrison, Michael Weakley, TCHD

Jason Reynolds

From: Heidi Williams <HWilliams@hbadenver.com>
Sent: Friday, April 05, 2019 12:11 PM
To: Jason Reynolds
Subject: RE: Arapahoe County - Proposed Residential Zone Districts

Great...general comments that we can discuss:

- Setback standards don't reflect alley loaded product (assuming you will be allowing that type of product)
- Lot size may not work with suggest product type
- 3600 sf is too large for townhomes unless two will be allowed per lot
- A smaller option than 3600-4999 might work better. Townhomes generally require 2600 sf.
- R-2-B Residential 2-B The maximum of 10 acres may want to have an exception for retail in urban areas to improve walkability

I look forward to speaking with you Monday morning.

Heidi K. Williams

Director of Government Affairs

Cell: 303-819-9722

Work: 303-551-6737

hwilliams@hbadenver.com

Need to schedule a meeting? [Here's my calendar link](#) to make finding time easy.



www.hbadenver.com

National Discounts, Local Member Savings available at

www.nahb.org/MA

From: Jason Reynolds <JReynolds@arapahoegov.com>
Sent: Friday, April 5, 2019 12:06 PM
To: Heidi Williams <HWilliams@hbadenver.com>
Subject: RE: Arapahoe County - Proposed Residential Zone Districts

Thanks – looks like 8:30 Monday is the best time for me!

From: Heidi Williams <HWilliams@hbadenver.com>
Sent: Friday, April 05, 2019 12:04 PM
To: Jason Reynolds <JReynolds@arapahoegov.com>
Subject: RE: Arapahoe County - Proposed Residential Zone Districts

Hi Jason:



Public Works and Development
6924 S. Lima Street Centennial, Colorado 80112 Phone: 720-874-6650; FAX 720-874-6611
www.co.arapahoe.co.us

Planning Division

Referral for LDC Code Updates

Case Number / Case Name:	LDC18-004 Land Development Code Reorganization and New Residential Zone Districts
Planner:	Jason Reynolds [jreynolds@arapahoegov.com]
Date:	April 18, 2019
Date to be returned:	May 10, 2018

Arapahoe County is proposing an amendment to its Land Development Code. Please examine this request and, after review, email comments or "no comments" to LDCrewrite@arapahoegov.com before the date indicated above. You may use the form below, but you can also send a PDF on letterhead or just an email if you would prefer.

	COMMENTS:	SIGNATURE/AGENCY
<input type="checkbox"/>	Have NO comments to make on the case as submitted	Jeff Sceili – Plan Reviewer – South Metro Fire Rescue
<input checked="" type="checkbox"/>	Have the following comments to make related to the case: See Attached	



SOUTH METRO FIRE RESCUE

LIFE SAFETY BUREAU

9195 E Mineral Ave, Centennial, CO 80112
PHONE: 720.989.2230 www.southmetro.org FAX: 720.989.2130

Jason Reynolds, Current Planning Program Manager
Arapahoe County Public Works – Planning Division
6924 S. Lima Street
Centennial, CO 80112

File #/Name: LDC18-004/ Land Development Code Reorganization
Project Type: Land Development Code Reorganization
Referral Received: April 18, 2019
Comments Due: May 10, 2019

S Metro Review # REFOTH19-00094
Plan reviewer: Jeff Sceili jeff.sceili@southmetro.org
Review date: April 22, 2019

Narrative:

Code Reference: 2015 International Fire Code, 2015 International Building Code

South Metro Fire Rescue's Life Safety Division has reviewed the above proposed changes and has **approved** the plans and have the following comments.

SITE SPECIFIC COMMENTS:

Proposed development projects shall be subject to individual review for compliance to applicable codes to include emergency vehicle access, fire hydrant placement, and vehicle parking arrangements.

Jason Reynolds

From: Arnold Hollingsworth <ajguitar2@yahoo.com>
Sent: Sunday, April 21, 2019 10:21 AM
To: Jason Reynolds
Subject: Re: Arapahoe County Land Development Code Reorganization and Residential Zone Districts (LDC18-004)

Jason, thanks for the communication. The why of it is pretty clear. I don't believe I can give any worthwhile comments. This is all tied up in very very legal terminology. In order to give any input I would have to seek legal advice (which I don't see the need of) Arnold Hollingsworth east end advisory committee.

From: Jason Reynolds <JReynolds@arapahoegov.com>
To: Jason Reynolds <JReynolds@arapahoegov.com>
Sent: Thursday, April 18, 2019 3:47 PM
Subject: Arapahoe County Land Development Code Reorganization and Residential Zone Districts (LDC18-004)

Arapahoe County is proposing a reorganization of our Land Development Code and the adoption of new residential zoning districts. The code reorganization leaves the existing code language mostly unchanged (though significantly rearranged) while making some adjustments that clarify requirements or correct errors. Many submittal and formatting requirements have been moved to a separate Development Application Manual, which helped remove repetitive sections of the code. If you would prefer not to read the entire (very large) Land Development Code document during your review, I have listed the non-trivial changes (things other than fixing typos, correcting confusing phrasing, etc.) in bullet points below. You can also review a summary of the new residential zone districts and their proposed setbacks/dimensional standards (first link below).

The code proposes several new residential zoning districts. Our current code has a minimum residential lot size of 40,000 square feet and for decades we would only allow smaller residential lots using Planned Unit Developments. The proposed code would not change any property's zoning but it would provide more options for residential development.

New Residential Zone Districts Summary:

<http://www.arapahoegov.com/DocumentCenter/View/7980/Arapahoe-County-Proposed-Residential-Zone-Districts?bidId=>

Draft Land Development Code:

http://www.arapahoegov.com/DocumentCenter/View/7942/Arapahoe-County-LDC-Reorg-DRAFT_4-5-19?bidId=

Development Application Manual Draft:

<http://www.arapahoegov.com/DocumentCenter/View/7979/Development-Application-Manual---4-12-19?bidId=>

Project Information Page (this page also includes links to the documents listed above):

<http://www.arapahoegov.com/1464/Land-Development-Code-Assessment>

Though this is primarily a reorganization, staff is proposing a number of clarifications and changes (other than the new residential zoning districts):



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Planning Division

Referral for LDC Code Updates

Case Number / Case Name:	LDC18-004 Land Development Code Reorganization and New Residential Zone Districts
Planner:	Jason Reynolds [jreynolds@arapahoegov.com]
Date:	April 18, 2019
Date to be returned:	May 10, 2018

Arapahoe County is proposing an amendment to its Land Development Code. Please examine this request and, after review, email comments or "no comments" to LDCrewrite@arapahoegov.com before the date indicated above. You may use the form below, but you can also send a PDF on letterhead or just an email if you would prefer.

	COMMENTS:	SIGNATURE/AGENCY
<input type="checkbox"/>	Have NO comments to make on the case as submitted	<u>Julio Iturreria</u>
<input checked="" type="checkbox"/>	Have the following comments to make related to the case:	<u>REAP</u>

REAP appreciates hard work Arapahoe County Planning shown in the creation of the Land Development Code Reorganization and New Residential Zone Districts document.

Is the Planning Department planning to present this document to the public in ways other than hearings before the Planning Commission and Board of County Commissioners? Are there any scheduled meetings for the public and discussions of these document? When? Where?



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Planning Division

Referral for LDC Code Updates

Case Number / Case Name:	LDC18-004 Land Development Code Reorganization and New Residential Zone Districts
Planner:	Jason Reynolds [jreynolds@arapahoegov.com]
Date:	April 18, 2019
Date to be returned:	May 10, 2018

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	COMMENTS:	SIGNATURE/AGENCY
<input checked="" type="checkbox"/>	Have NO comments to make on the case as submitted	Glenn Thompson, Bureau Chief, Arapahoe County Sheriff's Office
<input type="checkbox"/>	Have the following comments to make related to the case:	

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Jason Reynolds

From: Michael Gradis <mgradis@centennialco.gov>
Sent: Monday, April 29, 2019 8:35 AM
To: LDC Rewrite
Subject: RE: Arapahoe County Land Development Code Reorganization and Residential Zone Districts (LDC18-004)

Dear Jason,

Thank you for sending a referral to the City of Centennial for LDC18-004. At this time, The City has no comments.

Sincerely,

Michael Gradis, AICP | Senior Planner
City of Centennial | Community Development
13133 E. Arapahoe Rd. Centennial, CO 80112
Direct (303) 754-3356
mgradis@centennialco.gov
CentennialCO.gov | [Facebook](#) | [Twitter](#)
[Tell us how we're doing!](#)

[New Online Permitting and Planning E-Services Are LIVE!](#)

All permits and plans may be applied for and managed online using the new [EnerGov Self-Service portal](#)

From: CentennialPlanning
Sent: Friday, April 19, 2019 9:18 AM
To: Michael Gradis <mgradis@centennialco.gov>
Subject: FW: Arapahoe County Land Development Code Reorganization and Residential Zone Districts (LDC18-004)

Hi Michael,

The following message is a referral request from Arapahoe County.

Thank you,

Jen

From: Jason Reynolds [<mailto:JReynolds@arapahoegov.com>]
Sent: Thursday, April 18, 2019 3:48 PM
To: Jason Reynolds <JReynolds@arapahoegov.com>
Subject: Arapahoe County Land Development Code Reorganization and Residential Zone Districts (LDC18-004)

Arapahoe County is proposing a reorganization of our Land Development Code and the adoption of new residential zoning districts. The code reorganization leaves the existing code language mostly unchanged (though significantly rearranged) while making some adjustments that clarify requirements or correct errors. Many submittal and formatting requirements have been moved to a separate Development Application Manual, which helped remove repetitive sections of the code. If you would prefer not to read the entire (very large) Land Development Code document during your review, I have listed the non-trivial changes (things other than fixing typos, correcting confusing phrasing, etc.) in

Jason Reynolds

From: Hans Friedel <hans.friedel@cityoflonetree.com>
Sent: Monday, April 22, 2019 1:59 PM
To: Jason Reynolds
Subject: RE: Arapahoe County Land Development Code Reorganization and Residential Zone Districts (LDC18-004)

Jason,

The City of Lone Tree has no comment on this referral request. Thank you for the opportunity to review the proposed Land Development Code reorganization.

Regards,

Hans Friedel, AICP
Senior Planner
City of Lone Tree
9220 Kimmer Drive, Suite 100
Lone Tree, Colorado 80124
720.509.1271
hans.friedel@cityoflonetree.com

From: Jason Reynolds <JReynolds@arapahoegov.com>
Sent: Thursday, April 18, 2019 3:48 PM
To: Jason Reynolds <JReynolds@arapahoegov.com>
Subject: Arapahoe County Land Development Code Reorganization and Residential Zone Districts (LDC18-004)

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Referral for LDC Code Updates

Case Number / Case Name:	LDC18-004 Land Development Code Reorganization and New Residential Zone Districts
Planner:	Jason Reynolds [jreynolds@arapahoegov.com]
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COMMENTS:		SIGNATURE/AGENCY
<input checked="" type="checkbox"/>	Have NO comments to make on the case as submitted	MARY MUNEKATA, ASSOC. PLANNER M. MuneKata, Town of Parker
<input type="checkbox"/>	Have the following comments to make related to the case:	