

SECTION 13-1100 RURAL CLUSTER OPTION

13-1101 APPLICABILITY AND RELATED PROVISIONS

- A. A Rural Cluster Option is available within the Rural Area in the A-1 Zone District and portions of the A-E Zone District consistent with the purpose and intent and general requirements stated in Chapter 14 of the Arapahoe County Subdivision Regulations.
- B. An applicant for the Rural Cluster Option should refer to Chapter 14 of the Subdivision Regulations for applicable provisions addressing:
 - 1. Applicability of the rural cluster option within the Rural Areas zoned A-1 and A-E;
 - 2. Cluster subdivision review procedures;
 - 3. Standards regarding the minimum amount of conservation area set-aside;
 - 4. Standards regarding the design of the residential cluster and conservation area components of a rural cluster subdivision;
 - 5. Standards regarding utility and infrastructure requirements; and
 - 6. Standards regarding ownership and maintenance of the conservation area(s).

13-1102 COMPONENTS OF A RURAL CLUSTER DEVELOPMENT

A cluster subdivision is comprised of two components: (1) the residential cluster and (2) the conservation area. The residential cluster is the portion of the development parcel that is subdivided into lots for single-family residential and accessory uses. The conservation area is the larger portion of the development parcel that is platted as a tract(s) and permanently preserved for agricultural or open space uses.

13-1103 RESIDENTIAL CLUSTER STANDARDS

13-1103.01 ALLOWED USES ON RESIDENTIAL CLUSTER LOTS

- A. **Residential Cluster Lots Other Than Conservancy Lots.** Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, allowed uses shall be limited to one principal single-family dwelling unit, one mother-in-law apartment/dwelling unit attached to the principal dwelling structure, plus the following residential accessory uses:
 - 1. Home occupation.
 - 2. Shelter for agricultural implements and tools used to maintain premises.
 - 3. Keeping of not more than one (1) agricultural animal (e.g., horses, cattle, llamas, goats, chickens) per one (1) gross acre.
 - 4. Private stables to keep permitted animals, provided the stable is located on the rear half of the lot and no closer than 25 feet to a lot line and 50 feet to any dwelling unit.
 - 5. Greenhouse, provided products are used for consumption by residents only.
 - 6. Keeping of not more than four (4) domestic pets (e.g., dogs, cats, birds, small animals, reptiles), not including any exotic animals, and provided

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such pets are customarily kept in homes and are customarily purchased at local pet stores for the sole pleasure and enjoyment of the occupants.

- B. Accessory Buildings.** Notwithstanding the uses allowed in Chapter 4 of the Zoning regulations, allowed accessory buildings shall be limited to:
1. **Maximum Number:** In addition to one detached garage, the maximum number of accessory buildings greater than 120 square feet in area shall be two (2). In addition, the maximum number of accessory buildings of 120 square feet or less shall be three (3).
 2. **Maximum Size:** The maximum size of an accessory building greater than 120 square feet shall be 800 square feet.
 3. **Maximum Height of Accessory Buildings:** Other than agricultural silos, the maximum height of accessory buildings shall be a maximum of 20 feet.
 4. **Minimum Accessory Building Setbacks:** All accessory buildings shall comply with the IBC minimum setback from the principal dwelling structure, and shall be a minimum of 50 feet from all lot property lines.
- C. Conservancy Lots.** Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, allowed uses on the non-restricted portion of the conservancy lot shall be the same as for other residential cluster lots, as stated in subsection (A) above. On the restricted, conserved portion of the conservancy lot, uses shall be limited to those allowed in Chapter 13, "Allowed Uses and Activities in Conservation Areas," below.

13-1103.02 MAXIMUM GROSS DENSITY UNDER RURAL CLUSTER OPTION

The maximum gross density permitted under the rural cluster option shall be measured using the gross land area (in acres) of the entire parcel that is the subject of the cluster subdivision application (i.e., including land set aside in tracts as the conservation areas).

1. **In the A-E Zoning District:** Gross density not to exceed 2.25 dwelling units per 35 acres is permitted. This represents a 125% increase over gross density typically permitted in the A-E zoning district.
2. **In the A-1 Zoning District:** Gross density not to exceed 1.75 dwelling units per 19 acres is permitted. This represents a 75% increase over gross density typically permitted in the A-1 zoning district.
3. **Calculations.** Where the total number of dwelling units calculated results in a fractional number, the applicant shall round to the nearest whole number.

13-1103.03 DISCRETIONARY DENSITY BONUSES

13-1103.03.01 General Provisions

- A. Bonuses are Discretionary.** At the discretion of the Board of County Commissioners, the applicant may earn density bonuses in addition to the maximum gross density permitted under the rural cluster option in Chapter 13, above.
- B. Bonuses are Cumulative.** The applicant may seek application of more than one bonus density provision below, and the total bonus density earned shall be cumulative. However, in no case shall the total density earned through these

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bonus provisions be increased above the maximum gross density allowed in Chapter 13, above, by more than 100% for the A-E district and by more than 50% for the A-1 district.

- C. **Flexibility to Accommodate Bonus Density.**
1. The Board shall have the authority to vary the minimum lot size and the minimum amount of conservation area required by this Chapter 13 and Chapter 14 of the Subdivision Regulations in order to accommodate the additional lots earned through these bonus density provisions and/or to bolster the economics of central water/sewer systems.
 2. However, in no case shall the Board reduce the minimum lot size to less than 1.5 acres, or reduce the percentage conservation area requirement to less than 60%.
 3. Notwithstanding this provision, cluster lots served by both an onsite wastewater system and an on-lot water well shall be a minimum of 2.5 acres.
 4. Prior to any Board action under this provision to reduce the lot size for cluster lots served by an on-lot septic system, the county shall request the Tri-County Health Department to provide an opinion regarding the proposed reduction.
- D. **No Guarantee of Density.** This subsection shall not be interpreted as a guarantee of achievable density. Cluster developments using bonus density provisions shall be subject to all other applicable regulations of this Chapter 13 and Chapter 15 of the Subdivision Regulations. Other regulations or site specific conditions may prevent maximum bonus density levels from being achieved.
- E. **20% Bonus for Providing Central (Community) Water.** The County may grant up to a 20% increase in the permitted maximum gross density for providing a central (community) water system to serve the residential cluster lots.
- F. **20% Bonus for Providing Central (Community) Sewer.** The County may grant up to a 20% increase in the permitted maximum gross density for providing a central (community) sewer system to serve the residential cluster lots.
- G. **20% Bonus for Fire Safety Protection.** The County may grant up to a 20% increase in the permitted maximum gross density for provision of sprinkler systems for fire protection in each approved residential dwelling unit. To be eligible for this bonus, such systems must be approved by the County and the fire district with jurisdiction over the rural cluster subdivision.
- H. **10% Bonus for Public Trail Dedications.** The County may grant a 10% increase in the permitted maximum gross density for the development and dedication of public trails, subject to the following conditions:
1. The trail shall be located east of Manila Mile Road and outside the boundaries of the Urban Drainage and Flood Control District;
 2. The trail shall be located adjacent to riparian corridors and consistent with the Comprehensive Plan, as amended, or consistent with any trails/open space plan as adopted and amended; and
 3. All trails shall be developed in accordance with applicable county construction standards and specifications, and shall provide for convenient public access.

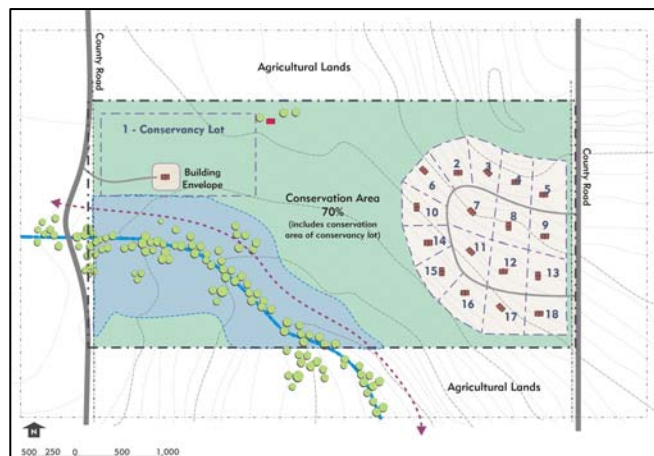
13-1103.04 CLUSTER LOT SIZE/LOT DIMENSIONS/BUILDING HEIGHT

A. Cluster Lot Size. The minimum lot area requirements set forth in Chapter 4 of the Zoning Regulations for the A-E and A-1 districts, respectively, shall not apply to lots within a residential cluster. Instead, lots within a residential cluster shall comply with the following requirements:

B. Residential lots in a rural cluster subdivision in the A-E or A-1 Zoning Districts shall be:

- 1. A minimum size of 2.5 acres.**
- 2. A maximum size of 10 acres, except for conservancy lots (below).**
 - a. Conservancy Lots.**
 - i. At the applicant's option, a residential lot in a rural cluster may exceed the maximum 10 acres if it is developed as a conservancy lot, according to the following standards. A conservancy lot is a buildable cluster lot, a significant portion of which is deed-restricted for conservation purposes. Typically, a conservancy lot is privately owned, and remains under the control of the individual lot owner.
 - ii. Conservancy lot shall be a minimum of 20 acres in size.
 - iii. A conservancy lot may be a flag lot.
 - iv. A minimum of 90 percent of the conservancy lot shall be protected from future development in perpetuity by a conservation easement or other deed restriction acceptable to the County. The total area of the conserved portion of the conservancy lot shall be credited toward the minimum conservation area required in Chapter 14 of the Subdivision Regulations.
 - v. A maximum of one single-family detached residential unit, plus related accessory uses, may be developed on a conservancy lot, but not within the portion reserved for conservation purposes. *Please see* Section 13-1103.01, above, regarding permitted principal and accessory uses within residential clusters.
 - vi. The conserved portion of the conservancy lot may be used only as permitted by Chapter 13, "Allowed Uses in Conservation Areas," below.

Figure 1: Example of Rural Cluster Option incorporating one Conservancy Lot.



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C. Maximum Building Height and Minimum Cluster Lot Dimension Requirements.

The maximum building height, minimum lot width, and minimum yard requirements set forth in Chapter 4 for the A-E and A-1 districts, respectively, shall not apply to development on lots within a residential cluster. Instead lots and structures in a residential cluster shall comply with the following standards:

Maximum Building Height and Minimum Lot Dimension Requirements for Residential Clusters	
Maximum Building Height	35 feet
Maximum Accessory Building Height	20 feet
Minimum Lot Width	100 feet, except for flag lots permitted according to the County Subdivision Regulations
Minimum Front Yard:	
Principal Structure	50 feet
Accessory Structure	Front building line of the principal structure
Minimum Side Yard:	
Principal Structure	25 feet
Accessory Structure	50 feet
Minimum Rear Yard:	
Principal Structure	25 feet
Accessory Structure	50 feet

D. Minimum Setbacks for Residential and Agricultural Uses.

1. Minimum Setbacks from Agriculture Uses—New Residential Development. Principal residential dwellings shall be constructed consistent with the following minimum setbacks from existing agricultural uses and structures located on adjacent lots, parcels, or tracts (including agriculture uses in the conservation area):
2. Pasture, cropland, orchards: 200 feet.
3. Barns and livestock buildings/corrals/pens: 300 feet.
4. Minimum Setbacks from Residential Uses—New Agricultural Operations. No livestock pens, fenced corrals, or buildings for keeping livestock shall be located nearer than 200 feet from dwellings existing on adjacent lots or parcels of lands.
5. Minimum Setbacks—Measurement. The setbacks required by this subsection shall be measured from the closest exterior wall of the principal residential dwelling to the closest boundary, edge, or fence/wall of the subject agricultural use or structure. Alternately, the setback may be measured from the closest edge of a designated building envelope for the proposed residential dwelling to the closest boundary of boundary, edge, or fence/wall of the subject agricultural use or structure.

13-1103.05 FENCING STANDARDS

13-1103.05.01 STRICTEST FENCE STANDARD APPLIES

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In case of overlapping or conflicting fence standards in this section or in this Land Development Code, the strictest fence standard shall apply.

13-1103.05.02 GENERAL FENCE STANDARDS

- A. Fencing should be avoided except as needed for wildlife corridors, domestic animal control, or livestock containment.
- B. When fencing is proposed, it shall conform to the topography and shall be of a color and materials that blend with the surrounding natural environment.

13-1103.05.03 PROPERTY LINE FENCING ADJACENT TO CONSERVATION AREAS

- A. To the maximum extent possible, property lines adjacent to a conservation area should remain unfenced to preserve the open character of the Rural Area.
- B. The property owner may erect fences no higher than 42 inches on a property line bordering a conservation area. Such fences shall be limited to open, non-opaque fence materials (at least 50% open), except that wire mesh (e.g., chain link) and picket-style open fences are prohibited. For general fencing purposes, the County strongly encourages fence types typical of the agricultural fences historically used in the Rural Area, including 2-, 3-, or 4-strand wire fences; post and pole fences; post, pole and wire fences; and buck and pole fences.

13-1103.05.04 RESIDENTIAL PRIVACY FENCING

Privacy fencing and other solid and restricted access fencing shall be restricted to the immediate area surrounding the principal residential structure and shall not be used as a method to designate the outer boundaries of the property. Where building envelopes are designated on the Cluster Subdivision Plat, privacy fencing is permitted only within the building envelope.

13-1103.05.05 FENCING IN WILDLIFE HABITAT

- A. Fencing in a critical wildlife habitat area shall not exceed 42 inches in height, except to the extent that staff approves higher fencing to confine permitted domestic animals.
- B. Specific fence types and elements shall comply with the Colorado Division of Wildlife's specific fencing recommendations for the subject application. If CDOW does not recommend specific fence standards during its review, the applicant shall comply with the fencing guidelines and standards recommended for the applicable species in the Division's manual, *Fences with Wildlife In Mind*, as amended from time to time.

13-1103.05.06 FENCING ADJACENT TO AGRICULTURAL USES

- A. **Site-Specific Design.** Fences may be constructed to separate new residential development from adjoining agricultural lands and uses. Fences shall be designed on a site-specific basis to minimize impacts to ongoing agricultural operations. All fence wire on barbed wire and combination fences shall be placed on the side of the fence that faces the livestock.

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- B. **Written Agreements.** The applicant shall include language, approved by the County, in protective covenants and on the recorded Cluster Subdivision Plat putting cluster lot owners on notice that maintenance of any fence for the purposes of fencing out livestock is the responsibility of the lot owner or the homeowners' association. Such agreements shall include a process for notifying owners adjacent to agricultural operations that Colorado has adopted statutory requirements for "fencing out" livestock. Those agreements shall place responsibility for fence maintenance on the developer, the appropriate association, or individual lot owner so long as the agricultural operation continues.
- C. **Existing Agricultural Access.** Fencing shall not in any way interfere with the operation or maintenance of any existing or historic agricultural access, including to historic ditches.

13-1104 CONSERVATION AREA STANDARDS

13-1104.01 ALLOWED USES AND ACTIVITIES IN CONSERVATION AREA(S)

Notwithstanding the uses allowed in Chapter 4 of the Zoning Regulations, the following uses and activities are the only uses allowed in the conservation area(s):

- A. Passive open space and trails.
- B. Agricultural or ranch uses, subject to the following conditions:
 - 1. **Limits on Types of Agricultural Uses Allowed.** Agricultural or ranch uses shall be specifically limited to the following types only:
 - a) The production, cultivation, growing, and harvesting of plant crops, but not including silviculture (forestry).
 - b) The raising and/or the breeding of livestock, including horses, dairy and beef cattle, sheep, goats, fur-bearing animals, poultry, and swine, but not including confined animal feeding operations (CAFO). Animal grazing shall be prohibited: (a) within 100 feet of the bank of a perennial stream corridor; (b) within 100 feet of delineated wetlands; and (c) within critical wildlife habitat identified by the County. In addition, the number of livestock that may be raised or kept within the conservation area shall be limited, as follows:
 - i. Large Animal Livestock (horses, cows, cattle, bison, elk, and similar-sized livestock of breeding age with similar waste impacts): 1 animal per 20 acres.
 - ii. All Other Livestock (chickens, emus, llamas, alpaca, deer, geese, goats, ostrich, miniature horses, sheep, swine, and similar-sized livestock of breeding age with similar waste impacts): 1 animal per 5 acres.
 - iii. The County may approve requests to keep, raise, or breed a greater amount of livestock than allowed by-right herein through the Special Exception Use process stated in Chapter 13 of these Zoning Regulations. The County shall refer the special exception use application to the National Resource Conservation District (NRCD) for review, and its final decision shall be consistent with the NRCD's recommendation.
 - c) The production of nursery products and sod.

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- d) The harvesting, storage, packaging, processing, distribution, and sale or trade of such commodities where such activities occur at the point of production.
2. **Agriculture Support and Related Uses Not Allowed.** The agricultural and ranch uses specified above shall not include the uses, structures, and retail services normally associated with agriculture-related or agriculture-support uses such as, but not limited to: Mill feed and farm supply centers, kennels, veterinary hospitals, farm equipment and machinery sales or repairs, the commercial slaughter of animals, commercial riding stables, retail sales of farm goods/products not produced on the same property as where the point of sale occurs, and similar uses as the Planning Division Manager may determine.
 - C. Private stables to keep animals permitted on either the conservation area lands or on residential cluster lots.
 - D. Private barns, sheds, and similar agricultural accessory structures to store equipment necessary to support an active agricultural use of the conservation area.
 - E. Conservation and restoration of natural areas, including but not limited to riparian corridors and wildlife habitat.
 - F. Historic structures that are more than 50 years old.
 - G. Archaeological sites.
 - H. Perimeter fences, provided such fences comply with the fencing standards stated in this Land Development Code. Opaque, privacy-type perimeter fences and walls are prohibited.
 - I. Minor utilities and driveways, subject to criteria set forth in this Land Development Code “Utility and Infrastructure Requirements,” and limited to the following:
 1. Easements and improvements for stormwater drainage;
 2. Common or shared driveway used to connect a County access road with the residential cluster(s);
 3. Central sewer systems in accordance with all applicable federal, state, DRCOG, and Tri-County Health Department standards and specifications and subject to Location and Extent review under this Chapter as applicable; and
 4. Central water supply systems in accordance with all applicable federal and state standards and specifications and subject to Location and Extent review under this Chapter as applicable.