

Arapahoe County Land Development Code

PART 1 ZONING REGULATIONS

SECTION 3500 OVERLAY DISTRICT

VOIDED/DE-ANNEXED/DISCONNECTED LAND

1-3501 INTENT

- To accommodate land areas in Arapahoe County that have been located within the boundaries of a municipality and have either been disconnected from said municipality by Final Court Decree pursuant to Sections 31-12-119, or 31-12-603, or 31-12-704 C.R.S. (“Disconnection Land Area”) or have become unincorporated areas as the result of a Final Judgment entered declaring an annexation void pursuant to Section 31-12-117 C.R.S. (“De-annexation Land Area”).
- To establish the zoning rights of a landowner of any voided or disconnected or de-annexed land within the unincorporated area of Arapahoe County so that said landowner can continue development upon the voided, disconnected or de-annexed land area under the provisions of C.R.S. 30-28, as amended.
- To facilitate the orderly transition of lands, currently regulated within the incorporated limits of a municipality, into unincorporated Arapahoe County for the purpose of being regulated by the laws and regulations of unincorporated Arapahoe County.

1-3502 GENERAL PROVISIONS

1-3502.01

- The boundary of any officially recognized “Voided/De-annexed/Disconnected Land” Overlay District shall be as it appears on the Zoning Map and/or other documents approved by the Planning Commission and/or Board of County Commissioners.

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1-3502.02

- There shall be no minimum land area required for a voiding, de-annexation or disconnection from a municipality, which parcel is attempting to establish zoning and subdivision requirements within unincorporated Arapahoe County.

1-3503 SPECIFIC PROVISIONS

1-3503.01

- Upon receipt of a Final Court Decree and/or Final Judgment, as appropriate, or upon notice from a landowner whose parcel has had its annexation voided, and after the initial public hearing as described below, a voided, de-annexed or disconnected parcel's landowner shall apply for rezoning, subject to the regulations and procedures in these Regulations, if required.

1-3503.02

- The PWD Building Division shall issue no building permits and/or certificates of occupancy unless and until the voided, de-annexed or disconnected land has met the requirements of these Regulations, if required.

1-3503.03

- A voided, de-annexed or disconnected landowner's application for rezoning and/or subdividing shall be reviewed as to compliance with the Arapahoe County Comprehensive Plan, as amended, if required.

1-3503.04

- The Board of County Commissioners may grant an exemption to the requirements outlined in 202.1-3 above, subject to the following criteria being met: the Board determines that the zoning and/or subdivision regulations and/or any other regulation governing the parcel prior to its being voided, de-annexed or disconnected complies with the stated objectives of these Regulations, and with State Statutes. Such determination of compliance is conducted in a public hearing, as described below.

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1-3504 PROCEDURES

1-3504.01

- An applicant for a “petition for zoning hearing consideration” for a voided, de-annexed and/or disconnected parcel shall submit a letter to the PWD Planning Division requesting a hearing before the Board of County Commissioners to determine whether the zoning and/or subdivision regulations and/or any other regulations governing the parcel within the municipality comply with Section 202 of this Section. Such letter shall fully describe the existing and proposed regulations affecting the parcel of land. In addition, copies of all zoning and/or subdivision regulations in effect prior to the voiding, de-annexation or disconnection of said parcel shall accompany the letter.

1-3504.02

- Upon receipt of the letter, a public hearing will be scheduled with the Planning Commission as soon as possible after a twenty (20) day period, allotting the twenty (20) days to a review of the documents by agencies deemed appropriate to the PWD Planning Division and for publishing and posting requirements. Upon receiving a recommendation from the Planning Commission, the request shall be scheduled for a Board of County Commissioners hearing.

1-3504.03

- At the public hearing, the Board of County Commissioners may render a decision on whether the County accepts the zoning and/or subdivision regulations and/or any other regulations governing the parcel within the municipality. If the County does not accept those regulations as being appropriate for development within unincorporated Arapahoe County, the provisions of Section 202 of this Section shall apply.