

Chapter 2: Zoning Districts

2-1 DISTRICTS ESTABLISHED

- A.** The unincorporated area of Arapahoe County is hereby divided into zoning districts as listed in Section 2-2, Table 2-2.1, Zoning District Summary Table. Except for the A-E, A-1, RR-A and FLP-O Zoning Districts, any other District listed in Table 2-2.1 may have a PUD designation associated with it. If such is the case, the land shall be developed according to the provisions of the approved PUD Plan(s).
- B.** This Chapter of the Land Development Code establishes purpose for each of these districts. The permitted uses for each zoning district are listed in Chapter 3, Permitted Uses, in Table 3-2.1, Permitted Use Table, and generally relate back to the stated purpose for each zoning district. The regulations governing how to develop in each zoning district are contained in Chapter 4, Development Guidelines and Standards and Chapter 5, Procedures.
- C.** Obsolete Zone Districts: As of January 1, 1987 and due to Zoning Regulations effective on that date, the following zoning districts were designated to be obsolete: R-3S, R-5, R-2, R-P, R-3, and R-4. Parcels of land with an obsolete zone district designation as of April 1, 2017 shall be permitted to be developed in accordance with the regulations of that zoning district or in accordance with an existing approved PUD Plan for that parcel. Obsolete zone district regulations and approved PUD plans are available from the Planning Division.

2-2 SUMMARY TABLE OF ZONING DISTRICTS

TABLE 2-2.1 ZONING DISTRICT SUMMARY TABLE	
CURRENT ZONING DISTRICT	NEW ZONING DISTRICT
Agricultural and Residential Districts	
A-E, Agricultural Estate	No change
A-1, Agricultural-1	No change
A-2, Agricultural-2	RR-A, Rural Residential A
R-A, Residential Agricultural	RR-B, Rural Residential B
R-E, Residential Estate	RR-C, Rural Residential C
R-1, Residential One Acre	R-1-A
n/a	R-1-B
	R-1-C
	R-1-D
	R-2-A
	R-2-B
R-PSF, Residential PUD – Single-Family	Merged into a new single PUD zone district, but still subject to approved development plans
R-PM, Residential PUD – Moderate Density	
R-PH, Residential PUD – High Density	
SH, Senior Housing	
R-M, Manufactured/Mobile Home	No change
Non-Residential Districts	
B-1, Administrative and Professional Offices	No change
B-3, Neighborhood and Community Business	
B-4, Specialty Commercial	
B-5, Regional Commercial	
MU, Mixed Use	Merged into a new single PUD zone district, but still subject to approved development plans

TABLE 2-2.1 ZONING DISTRICT SUMMARY TABLE	
CURRENT ZONING DISTRICT	NEW ZONING DISTRICT
I-1, Light Industrial	No change
I-2, Heavy Industrial	
O, Open	No change
C, Cultural	Merged into a new single PUD zone district, but still subject to approved development plans
F, Floodplain	No change
	PUD, Planned Unit Development
Overlay Districts	
AIA, Airport Influence Area	Renamed AIA-O, Airport Influence Area Overlay
CAE, Centennial Airport Environs Planning Area	Renamed CAE-O, Centennial Airport Environs Overlay
SB/C, Strasburg Business/Commercial	Renamed SBC-O, Strasburg Business Commercial Overlay
	MRG-O, Mineral Resources and Geologic Hazard Areas (based on current Areas and Activities of Special Interest)

2-3 Agricultural and Residential Districts

This section sets forth the intent and purpose for each agricultural and residential zone district for the unincorporated portions of Arapahoe County as listed in Table 2-2.1 above. Also indicated is the district's role in implementing the Comprehensive Plan's future land use policies and, as applicable, location criteria that the County must consider in mapping such district to specific property. Specific dimensional standards are contained in Table 4-1.1, Agricultural and Residential District Dimensional Standards, in Chapter 4. Development and design standards and requirements applicable to development in all zone districts are also found in Chapter 4, Development Guidelines and Standards.

2-3.1. General Purposes for Agricultural Residential Zone Districts

A. AGRICULTURAL ZONE DISTRICTS

Among the County's primary land-use goals, as stated in the Comprehensive Plan, are goals to maintain its rural heritage and character, conserve natural areas and environmental quality, and ensure efficient and improved public services and facilities. The A-E and A-1 agricultural zone districts in this section are intended to implement these goals by promoting and preserving a rural, agricultural economic base and lifestyle in the eastern parts of unincorporated Arapahoe County. Residential uses are secondary in these districts, and are developed at very low densities or clustered to protect and conserve existing open and agricultural lands and to preserve a rural character. These zone districts are intended to apply only within the Rural Area as designated in the Comprehensive Plan, and are not appropriate for properties located in a Designated Growth Area. The A-E and A-1 agricultural zone districts are encouraged in the Rural Area of unincorporated Arapahoe County.

B. RURAL RESIDENTIAL ZONE DISTRICTS

Among the County's primary land-use goals, as stated in the Comprehensive Plan, are goals to maintain its rural heritage and character, conserve natural areas and environmental quality, and ensure efficient and improved public services and facilities. The RR-A, RR-B, and RR-C zone districts in this section are intended to implement these goals by promoting options for low-density Rural Residential development and small-scale agricultural activities while preserving a

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rural, agricultural economic base and lifestyle in the eastern parts of unincorporated Arapahoe County.

These districts also provide transitional zoning between the Urban Area and the Agricultural zone districts (A-E & A-1) as well as a transition between the rural town centers and Agricultural zone districts. Residential uses are primary in these districts, but such uses are developed at very low densities to protect and conserve existing open and agricultural lands and to preserve a rural character. While these zone districts are intended to apply only within the transitional areas, they may also be found in the existing urbanized areas within unincorporated Arapahoe County.

C. RESIDENTIAL ZONE DISTRICTS

These districts are intended to accommodate residential development in a variety of densities consistent with the Arapahoe County comprehensive plan, with minimum lot sizes ranging from 40,000 square feet to 3,600 square feet. The primary permitted uses are single-family, two-family, townhouse, and multifamily dwelling, but public, civic, and small scale institutional and support uses are also permitted in some districts. Smaller lots are subject to spacing and contiguous acreage limits in order to avoid large concentrations of small lots in any one area.

2-3.2. A-E, Agricultural Estate

A. SPECIFIC PURPOSE

1. All development in the district must respect and respond to the district's unique agricultural and rural character, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area's important riparian corridors that perform important drainage, habitat, and recreational functions.
2. All development must have no detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

B. RELATION TO THE COMPREHENSIVE PLAN

The A-E Zone District is intended to correspond to and implement the "Rural Area Uses" and "Agricultural" land use categories designated in the Land Use Plan element of the Comprehensive Plan.

C. LOCATION AND OTHER REZONING CRITERIA

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the A-E Zone District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located in the Rural Area and outside of Designated Growth Areas as designated in the Comprehensive Plan;
2. The district is proposed to accommodate and respect variations in the site's topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site; and
3. Any residential development proposed within the district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable "right to farm" provisions in state statutes.

D. RURAL CLUSTER OPTION IN THE A-E ZONE DISTRICT

A landowner in the A-E Zone District may be eligible for exceptions to the lot size, lot dimension, and use provisions stated in this chapter and this Land Development Code by choosing the Rural Cluster Option set forth in this Land Development Code.

2-3.3. A-1, Agricultural – One

A. SPECIFIC PURPOSE

1. The A-1 Zone District is intended to provide and preserve land for agricultural and rural economic uses in the Rural Area of unincorporated Arapahoe County as designated in the Comprehensive Plan. The primary uses allowed in this district are agricultural and open land uses, agriculture-dependent or agriculture-related uses, and other uses supportive of a rural, agriculture-based economy.
2. All development in the district must respect and respond to the district’s unique agricultural and rural character, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural environment and sensitive development areas, including impacts on the Rural Area’s important riparian corridors that perform important drainage, habitat, and recreational functions.
3. All development must have no detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

B. RELATION TO THE COMPREHENSIVE PLAN

The A-1 Zone District is intended to correspond to and implement the “Rural Area Uses” and “Agricultural” land use categories designated in the Land Use Plan element of the Comprehensive Plan.

C. LOCATION CRITERIA AND OTHER REZONING CRITERIA

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the A-1 District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located in the Rural Area, and outside Designated Growth Areas for the Eastern Communities as designated in the Comprehensive Plan;
2. The district is proposed to accommodate and respect variations in the site’s topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site;
3. Any residential development proposed within the district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable “right to farm” provisions in state statutes.

D. RURAL CLUSTER OPTION IN THE A-1 ZONE DISTRICT

A landowner in the A-1 Zone District may be eligible for exceptions to the lot size, lot dimension, and use provisions stated in this chapter and this Land Development Code by choosing the Rural Cluster Option set forth in this Land Development Code.

2-3.4. RR-A, Rural Residential A

A. SPECIFIC PURPOSE

1. The RR-A Zone District is intended to provide and preserve land for large-lot residential development and limited agricultural purposes in unincorporated Arapahoe County. The principal uses allowed in this district are residential large-lot development, open land uses, limited agricultural-related uses, and other uses supportive of a rural residential area. The intent is to provide very-low-density, single-family detached residential development with limited, small-scale agricultural uses.
2. All development in the district must respect and respond to the district’s unique large lot residential character and limited agricultural uses, as well as its topography. All development must be sited to avoid or mitigate any adverse impacts on the rural

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environment and sensitive development areas, including impacts on the Rural Area's important riparian corridors that perform important drainage, habitat, and recreational functions. All development must not have detrimental effects on soil stability or ground water supplies, and all development must also mitigate impacts from runoff or from changes to the drainage characteristic of the land.

B. RELATION TO THE COMPREHENSIVE PLAN

The RR-A Zone District is intended to correspond to the Rural Area designation in the Land Use Plan of the Comprehensive Plan, and may be appropriate in Tiers 1 and 2. This district provides a transition between the Rural Town Center Planning Areas as designated in the Comprehensive Plan and the agricultural areas in the rural portions of the County.

C. LOCATION AND OTHER REZONING CRITERIA

In addition to satisfying the general rezoning criteria set forth in this Land Development Code, the County may approve a rezoning to the RR-A Zone District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located outside of the Designated Growth Areas and Rural Town Center Planning Areas as designated in the Comprehensive Plan;
2. The proposed district accommodates and respects variations in the site's topography, such as rolling and hillside terrain, and preserves and protects sensitive development areas located on or adjacent to the site; and
3. Any residential development proposed within the zone district will have no significant, adverse impact on the continued operations of any adjacent agricultural use(s) and will comply with any applicable "right to farm" provisions in State statutes.

2-3.5. RR-B, Rural Residential B**A. SPECIFIC PURPOSE**

1. The RR-B Zone District is intended primarily to preserve existing low-density residential developments, at gross densities of at least one dwelling unit per 2.41 acres, which existed under the R-A zoning prior to August 15, 2019.
2. The RR-B District is also intended to serve a limited need for new residential development of a more rural character, at an average gross density of no less than one unit per 2.41 acres, providing a transition between the Rural Town Centers and the agricultural areas in the rural portions of the County. The principal uses allowed in this district are residential large-lot development, open land uses, limited agriculture-related uses, and other uses supportive of a rural residential area. The intent is to provide very low-density, single-family detached residential development with limited, small-scale agricultural uses.
3. Another appropriate location for such low-density development may be as a transition between higher-density, suburban residential projects and the Rural Area located outside the Urban Area, particularly where community services and infrastructure are not yet available.
4. The principal use permitted within this district is a single-family detached residential dwelling, together with accessory uses and structures appropriate for such semi-rural densities, including the keeping of a limited number of animals and accessory buildings and private stables. Limited non-commercial agricultural uses (including the keeping of rabbits, chickens, geese, or other small agricultural animal or fowl for the private use of the residents only) are also allowed.

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B. RELATION TO COMPREHENSIVE PLAN

The RR-B Zone District is intended to correspond to the Rural Town Center Planning Areas designated in the Land Use Plan of the Comprehensive Plan. This zone district provides a transition at the outer edges of the Rural Town Center planning areas and the agricultural areas in the rural portions of the County with limited, small-scale agricultural uses.

C. LOCATION AND OTHER REZONING CRITERIA

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the RR-B Zone District only if the proposed zone district complies with all of the following specific criteria:

The proposed district is located either:

1. Inside the Planning Area boundaries designated on either the Byers Sub-Area Plan or the Strasburg Sub-Area Plan, or
2. As a transition zone existing between existing agricultural uses and areas of low-density development existing immediately outside the edge of the Urban Area of Arapahoe County.
3. The proposed district accommodates and respects variations in the site's topography, such as rolling and hillside terrain, and preserves and protects sensitive development areas located on or adjacent to the site;
4. Adequate public water and wastewater facilities (i.e., central or community water or sewer) are not available to serve the zone district at the time the need for such service is expected to occur.

2-3.6. RR-C, Rural Residential C**A. SPECIFIC PURPOSE**

1. The RR-C Zone District is intended primarily to preserve existing low-density residential developments, at gross densities of at least one dwelling unit per 1.61 acres, which existed under the R-E zoning prior to August 15, 2019.
2. The RR-C Zone District is also intended to serve a limited need for new residential development of a more rural/suburban character, at an average gross density of no less than one unit per 1.61 acres, within the boundaries of the Rural Town Center Planning Areas, designated in the Comprehensive Plan.
3. The most appropriate location for such low-density development is in the Rural Town Centers and as a transition between Rural Town Centers and the surrounding rural residential and agricultural areas.
4. Another appropriate location for such low-density development may be as a transition between higher-density, suburban residential projects and the Rural Area, as designated in the Comprehensive Plan, located outside the Urban Area of Arapahoe County, and particularly where central or community services and infrastructure are not yet available.
5. The principal use permitted within this district is single-family detached residential dwellings, together with accessory uses and structures appropriate for such semi-rural densities, including the keeping of a limited number of animals and accessory buildings.

B. RELATION TO COMPREHENSIVE PLAN

The RR-C Zone District is intended to correspond to the Rural Town Center Planning Areas designated in the Land Use Plan of the Comprehensive Plan. This zone district provides a transition between the Rural Town Center Planning Areas and the agricultural areas in the rural portions of the County with very limited, small-scale agricultural uses.

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C. LOCATION AND OTHER REZONING CRITERIA

In addition to satisfying the general rezoning criteria set forth in this Land Development Code, the County may approve a rezoning to the RR-C Zone District only if the proposed zone district complies with all of the following specific criteria:

The proposed district is located either:

1. Inside the Planning Area boundaries designated on either the Byers Sub-Area Plan or the Strasburg Sub-Area Plan, or
2. As a transition zone existing between existing agricultural uses and areas of low-density development existing immediately outside the edge of the Urban Area of Arapahoe County; and
3. The zone district is proposed to accommodate and respect variations in the site's topography, such as rolling and hillside terrain, or to preserve and protect sensitive development areas located on or adjacent to the site; and
4. Adequate public water and wastewater facilities (i.e., central or community water or sewer) are available to serve the zone district at the time the need for such service is expected to occur.

2-3.7. R-1-A, Residential 1-A**A. SPECIFIC PURPOSE**

The R-1-A zone district is intended to provide for low-density single-family detached residential development within the more urban portions of the unincorporated areas of Arapahoe County. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

B. RELATION TO THE COMPREHENSIVE PLAN

The R-1-A zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone districts provides a transition between the Rural Areas of the Comprehensive Plan and more densely developed urban areas.

C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-3.8. R-1-B, Residential 1-B**A. SPECIFIC PURPOSE**

The R-1-B zone district is intended to provide large lot single-family detached residential development in the more urban portions of the unincorporated areas of Arapahoe County. It serves as a transition from more densely developed neighborhoods to the rural residential and agricultural zoned lands in the county. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

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B. RELATION TO THE COMPREHENSIVE PLAN

The R-1-B zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides a transition between the Rural Areas of the Comprehensive Plan and more densely developed urban areas.

C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-3.9. R-1-C, Residential 1-C**A. SPECIFIC PURPOSE**

This district is intended for single-family detached home development on medium-sized lots of 12,500 square feet or greater. This district allows for new residential development of a suburban residential character and can be used as a transition to more densely developed neighborhoods in more urbanized areas of the county. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

B. RELATION TO THE COMPREHENSIVE PLAN

The R-1-C zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides for transition to larger lot and more rural development from more urban and mixed-use zone areas.

C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-3.10. R-1-D, Residential 1-D**A. SPECIFIC PURPOSE**

This district is intended for single-family detached home development on lots similar in size to those found in traditional single-family urban neighborhoods. This more compact development conserves land and adds variety to the types of single-family homes available in the county. The primary land use is single-family homes on lots between 7,200 and 12,500

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square feet in size. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

B. RELATION TO THE COMPREHENSIVE PLAN

The R-1-D zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides for transitions to a variety of residential and mixed-use zone districts.

C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-3.11. R-2-A, Residential 2-A**A. SPECIFIC PURPOSE**

The R-2-A zone district is intended for smaller scale single-family detached and two-family home development on relatively narrow lots. This district allows for the development of neighborhoods with a variety of lot sizes and a blend of single-family dwelling units, such as zero-lot line homes, patio homes, and two-family homes. The primary land uses are single-family detached and two-family homes on lots between 5,000 and 7,000 square feet in size. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

B. RELATION TO THE COMPREHENSIVE PLAN

The R-2-A zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides for transitions to a small lot residential and mixed-use zone districts.

C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-3.12. R-2-B, Residential 2-B

A. SPECIFIC PURPOSE

The R-2-B zone district is intended for a mix of townhome, two-family homes, and single-family detached home development on small lots. This district allows a blend of single-family unit types to be developed with a more urban type of neighborhood character. The primary land uses are townhouse, two-family homes and single-family detached homes on lots between 3,600 and 5,000 square feet in size. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

A maximum of 10 acres of contiguous land may be located in this district, and areas zoned R-2-B must be separated from each other by a distance of at least 1,000 feet, measured in a straight line. The total amount of land zoned R-2-B may not exceed 50 percent of the land in any preliminary subdivision plat.

B. RELATION TO THE COMPREHENSIVE PLAN

The R-2-B zone district fits within the Urban Residential/Single Family Detached and Attached land use designation of the Comprehensive Plan. This zone district contributes to the Comprehensive Plan goal to provide a variety of neighborhoods in the unincorporated areas with this land use designation. This zone district provides for small lot residential developments to be interspersed close to commercial and employment centers.

C. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

D. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

E. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-3.13. R-M, Residential - Manufactured/Mobile Home

A. PURPOSE

The R-M zone district is intended to provide for areas which encourage the construction of manufactured homes (as defined by Senate Bill 102, as amended), and to permit mobile homes in areas of unincorporated Arapahoe County. Adequate public water and wastewater facilities (i.e., central or community water or sewer) shall be available to serve the zone district at the time the need for such service is expected to occur.

B. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.

C. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

D. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-3.14. R-MF, Residential – Multi-Family [reserved for future regulations]

A. PURPOSE

Arapahoe County allows multi-family development only through a PUD process; this section is reserved for future regulations.

2-4 NON-RESIDENTIAL ZONE DISTRICTS

This section sets forth the intent and purpose for each non-residential zone district for the unincorporated portions of Arapahoe County as listed in Table 2-2.1 above. Also indicated is the district's role in implementing the Comprehensive Plan's future land use policies and, as applicable, location criteria that the County must consider in mapping such district to specific property. Specific dimensional standards for each zone district are contained in Section 4-1.1.B, Non-residential District Dimensional Standards in Chapter 4. Development and design standards and requirements applicable to development in all zone districts are also found in Chapter 4, Development Guidelines and Standards.

2-4.1. General Purposes for Commercial Zone Districts

The B-1, B-3, B-4, and B-5 business zone districts are established, designed, and intended to provide a wide range of services and goods to meet household and business needs, and more specifically:

- A.** To provide appropriately located areas consistent with the Comprehensive Plan for a full range of office, retail commercial, and service commercial uses needed by Arapahoe County's residents, businesses, and workers.
- B.** To strengthen the County's economic base, and provide employment opportunities close to home for residents of Arapahoe County.
- C.** To create new business centers that provide convenient vehicular access, encourage safe and efficient pedestrian connections, and provide efficient public transit circulation and connections.
- D.** To encourage mixed-use and higher-density urban development, where such development is consistent with existing land uses or is reflected in the adopted Comprehensive Plan/Sub-area Plans and to encourage redevelopment and adaptive reuse of aging and underutilized areas in the County's Urban Area and Rural Town Centers, and increase the efficient use of available commercial land in the County.
- E.** To create suitable environments for various types of commercial business uses, and protect them from the adverse effects of incompatible uses.
- F.** To minimize the impact of commercial business development on abutting residential districts and uses.
- G.** To ensure that the appearance and impacts of commercial buildings and uses are compatible with the character of the area in which they are located through design standards and guidelines.

2-4.2. B-1, Administrative and Professional Offices District

A. SPECIFIC PURPOSE

The B-1 District is intended to allow limited commercial uses adjacent to, or in close proximity to, residential neighborhoods in unincorporated Arapahoe County and the surrounding areas. In this way, jobs and services can be provided in close proximity to County residents, thereby increasing convenience for residents, encouraging alternative modes of transportation, and reducing the amount and length of automobile vehicle trips. The specific uses allowed are intended to be of a type and scale that are compatible with nearby residential uses.

B. RELATION TO THE COMPREHENSIVE PLAN

The B-1 District generally implements the “Neighborhood Commercial” and “Community Commercial” land-use categories stated in the Comprehensive Plan.

C. LOCATION AND OTHER REZONING CRITERIA

In addition to satisfying the general rezoning criteria stated in Chapter 5: Procedures, the County may consider a rezoning to the B-1 district based upon the following criteria:

1. Administrative and Professional Offices sites shall:
 - a. Range in size from one to five acres;
 - b. Be compatible with surrounding neighborhoods;
 - c. Be designed in a manner that encourages direct pedestrian and bicycle access.
2. The B-1 District shall be located within a Designated Growth Area.
3. In the Rural Area, the proposed district is consistent with the Comprehensive Plan and any applicable Sub-Area Plans.

D. DISTRICT-SPECIFIC STANDARDS

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
2. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance compatibility with adjacent land uses and minimize adverse visual and audible impacts.
3. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.
4. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.
5. The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.
6. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

2-4.3. B-3, Neighborhood and Community Business District

A. SPECIFIC PURPOSE

1. The B-3 District provides for a wide range of general commercial goods and services for County residents and local communities. Such goods and services are primarily contained in enclosed structures, and may serve multiple neighborhoods or a community.
2. The B-3 district will allow the continuance and new development of stand-alone commercial retail and business uses. Mixed-use, commercial, and employment center development is strongly encouraged. When permitted, B-3 District nonresidential uses are located in close proximity to existing residential development or a residential zone district. The B-3 district should be compatible in terms of scale and bulk, and should minimize any potential adverse impacts on adjacent residential uses.

B. RELATION TO THE COMPREHENSIVE PLAN

This B-3 District generally implements the “Neighborhood Commercial,” “Community Commercial,” “Regional Commercial,” and “Employment Centers” land-use categories stated in the Comprehensive Plan and any applicable Sub-area Plans.

C. LOCATION CRITERIA

In addition to satisfying the general rezoning criteria stated in Chapter 5: Procedures, the County may consider a rezoning to the B-3 district based upon the following criteria:

1. The B-3 District shall be located within a Designated Growth Area.
2. The proposed district is consistent with the Comprehensive Plan and any applicable Sub-area Plans.
3. The nature and location of the proposed district and uses will not create, promote, or exacerbate a strip commercial development pattern along any street.

D. DISTRICT-SPECIFIC STANDARDS

1. Permanent outdoor display and outdoors sales, temporary or seasonal outdoor displays, sales, or special events are prohibited within the district except as otherwise noted in this chapter.
2. Outdoor storage is prohibited.
3. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
4. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.
5. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.
6. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.
7. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.
8. The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.
9. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

2-4.4. B-4, Specialty Commercial District

A. SPECIFIC PURPOSE

The B-4 District is intended for business and commercial development within unincorporated Arapahoe County for specialty uses otherwise not permitted in the other Business Zone Districts. In particular, this district allows for permanent outdoor storage, activity, displays, or sales of materials and goods. While some new development in the B-4 District is expected to be single-use, the County strongly encourages new development and redevelopment in mixed-use developments, including business and light industrial parks, wherever feasible and appropriate.

B. RELATION TO THE COMPREHENSIVE PLAN

The B-4 District generally implements the "Community Commercial," "Regional Commercial," "Convenience Commercial," and "Employment Centers" land-use categories stated in the Comprehensive Plan.

C. LOCATION CRITERIA

In addition to satisfying the general rezoning criteria stated in Chapter 13, the County may consider a rezoning to the B-4 district based upon the following criteria:

1. The B-4 District is located within a Designated Growth Area.
2. In the Eastern Communities, the proposed district is consistent with Comprehensive Plan and any applicable Sub-area Plans.
3. Any outdoor activity proposed within the district will be sited and designed to mitigate adverse visual impacts, odors, and other adverse impacts on neighboring land uses and on the public's use of adjacent streets, rights-of-way, and trails.

D. DISTRICT-SPECIFIC STANDARDS

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
2. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.
3. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.
4. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.
5. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.
6. The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.
7. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

2-4.5. B-5, Regional Commercial District

A. SPECIFIC PURPOSE

The B-5 District is intended to provide for regional commercial development within the unincorporated portions of Arapahoe County. This zone district focuses on regional commercial development that may serve a broader population and may provide commercial and business services outside of the local area. The County strongly encourages new development and redevelopment in mixed-use developments, including business and light industrial parks, wherever feasible and appropriate.

B. RELATION TO THE COMPREHENSIVE PLAN

The B-5 District generally implements the "Community Commercial," "Regional Commercial," "Convenience Commercial," and "Employment Centers" land-use categories stated in the Comprehensive Plan.

C. LOCATION CRITERIA

In addition to satisfying the general rezoning criteria stated in Chapter 5: Procedures, the County may consider a rezoning to the B-5 district based upon the following criteria:

1. The B-5 District is located within a Designated Growth Area.
2. In the Eastern Communities, the proposed district is consistent with Comprehensive Plan and any applicable Sub-area Plans.
3. Any outdoor activity proposed within the district will be sited and designed to mitigate adverse visual, odor, and other impacts on neighboring land uses and on the public's use of adjacent streets and rights-of-way, and trails.
4. Intended for areas served by arterial or major collector roadways.

D. DISTRICT-SPECIFIC STANDARDS

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas as regulated by the appropriate federal, State, and local governmental agencies.
2. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. All uses must comply with the lighting standards contained in this Land Development Code.
3. All site designs shall consider visual and audible impacts to residential uses, open space, and natural areas. A combination of appropriate screening and landscaping must be used to enhance the compatibility of uses to adjacent land uses.
4. Service areas shall be located to minimize visibility from public streets or adjacent residential uses and will comply with other applicable design standards of this code.
5. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing and will comply with other applicable design standards of this code.
6. The location of exterior equipment shall minimize visual and auditory impacts to adjacent property and public streets and will comply with other applicable design standards of this code.
7. Four-sided/360 degree architecture shall be used on all buildings and will comply with other applicable design standards of this code.

2-4.6. I-1, Light Industrial District

A. GENERAL PURPOSES

1. Among the County's primary land-use goals, as stated in the Comprehensive Plan, are goals to promote employment and commercial development in Designated Growth Areas and plan for adequate public facilities and services in Growth Areas. The I-1 industrial-zone district is intended to implement these goals by promoting an economic base for unincorporated Arapahoe County.
2. Residential uses are generally not allowed in these districts, with the exception of well-planned light industrial business parks that are integrated with higher density residential units. These zone districts are intended to apply only within designated locations within the Urban Area and Rural Town Centers as designated in the Comprehensive Plan. These districts are generally not appropriate for properties located in the Rural Area, unless the proposed use is agricultural related.
3. While the County intends to foster economic development and employment opportunities in Growth Areas, this type of development should be balanced with other community values.

B. SPECIFIC PURPOSE

1. All development in the district must respect and respond to the district's unique light industrial character. All development must be sited to avoid or mitigate any adverse impacts to the environment and sensitive development areas, including impacts on air quality and important riparian corridors that perform important drainage, habitat, and recreational functions.
2. All development must have no detrimental impacts on soil stability or ground water supplies or adversely impact the quality of ground water supplies. All development must mitigate impacts from runoff and/or from changes to the drainage characteristics of the land.

C. RELATION TO THE COMPREHENSIVE PLAN

The I-1 Zone District is intended to correspond to and implement the "Employment Center" land-use category designated in the Land Use Plan element of the Comprehensive Plan.

D. LOCATION AND OTHER REZONING CRITERIA

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the I-1 Zone District only if the proposed district complies with all of the following specific criteria:

1. This zone district must be located in designated areas of the Urban Areas and Rural Town Centers as designated in the Comprehensive Plan and associated Sub-area Plans;
2. This zone district should be compatible with adjacent land uses;
3. This district should be located in areas convenient to railroads, airports or arterial roads and highways and within or near employment centers, especially for businesses that rely on movement of goods and materials.

E. DISTRICT-SPECIFIC STANDARDS

1. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas.
2. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. Lighting is regulated in another chapter of the Land Development Code.
3. Industrial activities shall be oriented to minimize visual and audible impacts to residential uses, open space, natural areas and arterial roads. A combination of appropriate screening and landscaping must be used to enhance the compatibility of industrial uses to adjacent land uses.
4. Long, unarticulated facades shall be avoided by employing at least four of the following to create visual interest and shadow lines: textured and/or patterned surfaces, projections of exterior building walls, recesses and reveals to exterior building walls, variations in color, window fenestration, roof overhangs, and/or changes in parapet height.
5. On-site loading docks and service areas shall be located to minimize visibility from public streets or adjacent residential uses to the extent feasible, given the topography of the site and surrounding areas. Service and loading areas that are visible from residences or public streets shall be appropriately screened by fences, walls, landscaping berms or any combination thereof. Site design shall demonstrate efforts to minimize audible impacts to adjacent properties.
6. All buildings shall provide architectural improvements that include at least four of the following: wainscoting, use of different colors and materials, placement of doors, window treatments, color bands, material changes, and an integral use of landscaping.

7. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing that is a minimum of six feet in height. Trash enclosures are subject to applicable design standards of this code.
8. Outdoor storage shall be completely screened, to the extent feasible, given the topography of the site and surrounding areas, by a method that matches the thematic colors and materials of the building. The screen wall or solid fence shall not exceed 10 feet in height, and storage materials shall not be stacked or be visible above the enclosure, when viewed from the property line.
9. The location of exterior mechanical equipment associated with industrial processing or manufacturing operations shall minimize visual and auditory impacts to adjacent property and public streets, and shall comply with other applicable design standards of this code.
10. Four-sided/360 degree architecture shall be used on all buildings, except where not visible from adjoining properties, public ROW, or private roadways within the development.

2-4.7. I-2, Heavy Industrial District

A. GENERAL PURPOSES

1. Among the County's primary land-use goals, as stated in the Comprehensive Plan, are goals to promote employment and commercial development in Designated Growth Areas and plan for adequate public facilities and services in Growth Areas. The I-2 industrial-zone district is intended to implement these goals by promoting an economic base for unincorporated Arapahoe County.
2. Residential uses are generally not allowed in these districts, with the exception of well-planned light industrial business parks that are integrated with higher density residential units. These zone districts are intended to apply only within designated locations of the Urban Area and Rural Town Centers as designated in the Comprehensive Plan. These districts are generally not appropriate for properties located in the Rural Area, unless the proposed use is agricultural related.
3. While the County intends to foster economic development and employment opportunities in Designated Growth Areas, this type of development should be balanced with other community values.

B. SPECIFIC PURPOSE

1. The I-2 Zone District is intended to provide land for heavy industrial and basic economic uses in Designated Growth Areas, including the Urban Area and Rural Town Centers as designated in the Comprehensive Plan.
2. All development in the district must respect and respond to the district's unique site characteristics. Compatibility with surrounding land uses is very important. All development must be sited to avoid or mitigate any adverse environmental impacts such as air quality and water quality, including impacts on important riparian corridors that perform important drainage, habitat, and recreational functions.
3. All development must have no detrimental effects on soil stability or ground water supplies, or adversely impact the quality of ground water supplies. All development must mitigate impacts from runoff and/or from changes to the drainage characteristic of the land.

C. RELATION TO THE COMPREHENSIVE PLAN

The I-2 Zone District is intended to correspond to and implement the "Heavy Industrial" land-use category designated in the Land Use Plan element of the Comprehensive Plan.

D. LOCATION CRITERIA

In addition to satisfying the general rezoning criteria stated in this Land Development Code, the County may approve a rezoning to the I-2 District only if the proposed district complies with all of the following specific criteria:

1. The proposed district is located in the Urban Area or in Rural Town Centers as designated in the Comprehensive Plan/Sub-Area Plans;
2. Heavy industrial sites should have access to one or more major arterials or highways capable of handling heavy-truck traffic. Railroad or airport access may also be used.
3. This zone district focuses on regional heavy industrial uses that may serve a broader population and may provide industrial services outside of the local area.

E. DISTRICT-SPECIFIC STANDARDS

1. Traffic generated from heavy-industrial development shall not pass through residential areas.
2. This zone district will be adequately buffered from population centers and especially all residential zone districts.
3. This zone district must accommodate and respect applicable environmental regulations and have no significant environmental impact on the site and surrounding areas, especially residential areas.
4. The effects of dust, fumes, odors, refuse, smoke, vapors, and noise shall not extend beyond property lines. Lighting is regulated in another chapter of the Land Development Code.
5. Industrial activities shall be oriented to minimize visual and audible impacts to residential uses, open space, natural areas and arterial roads. A combination of appropriate screening and landscaping will enhance the compatibility of industrial uses to adjacent land uses.
6. Long, unarticulated facades shall be avoided by employing at least four of the following to create visual interest and shadow lines: textured and/or patterned surfaces, projections of exterior building walls, recesses and reveals to exterior building walls, variations in color, window fenestration, roof overhangs, and/or changes in parapet height.
7. On-site loading docks and service areas shall be located to minimize visibility from public streets or adjacent residential uses to the extent feasible, given the topography of the site and surrounding areas. Service and loading areas that are visible from residences or public streets shall be appropriately screened by fences, walls, landscaping berms or any combination thereof. Site design shall demonstrate efforts to minimize audible impacts to adjacent properties.
8. All buildings shall provide architectural improvements that include at least four of the following: wainscoting, use of different colors and materials, placement of doors, window treatments, color bands, material changes, and an integral use of landscaping.
9. Trash enclosures shall be shielded from view by placement within building, or by enclosure within walls or solid fencing that is a minimum of six feet in height. Trash enclosures are subject to applicable design standards of this code.
10. Outdoor storage shall be completely screened, to the extent feasible, given the topography of the site and surrounding areas, by a method that matches the thematic colors and materials of the building. The screen wall or solid fence shall not exceed 10 feet in height, and storage materials shall not be stacked or be visible above the enclosure, when viewed from the property line.
11. The location of exterior mechanical equipment associated with industrial processing or manufacturing operations shall minimize visual and auditory impacts to adjacent property and public streets, and shall comply with other applicable design standards of this code.

12. Four-sided/360 degree architecture shall be used on all buildings except where not visible from adjoining properties, public ROW, or private roadways within the development.

2-4.8. O, Open

A. SPECIFIC PURPOSE

1. The O zone district is intended to provide for areas intended to be used primarily for outdoor recreation activities and to provide open space buffers to residential areas and/or dwellings. Maximizing the areas set aside for un-obstructed open space will therefore be one of the major criteria for evaluation of development proposals.
2. It is expected that development under this district will provide for the conservation of the natural features of the land.
3. If land is in a 100-year floodplain, no structures will be permitted and rezoning to "FLP-O" will be required.

B. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by special use and height restrictions and performance regulations as set forth in these Regulations.

C. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

D. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-4.9. C, Cultural

A. SPECIFIC PURPOSE

1. The C Zone District is intended to provide areas for cultural facilities for the enjoyment of residents of Arapahoe County in Designated Growth Areas, including the Urban Area and Rural Town Centers as designated in the Comprehensive Plan.
2. All development in the district must respect and respond to the district's unique site characteristics. Compatibility with surrounding land uses is very important and cultural facilities will need to be adequately buffered from population centers and especially all residential zone districts. The effects of odors, refuse, noise and vibration shall not extend beyond property lines.
3. Cultural uses may serve a broader population beyond the local area.

B. AIA-O, AIRPORT INFLUENCE AREA REGULATIONS

This zone district may be affected by special use and height restrictions and performance regulations as set forth in these Regulations.

C. MRG-O, MINERAL RESOURCES AND GEOLOGIC HAZARD AREAS

This zone district may be affected by mineral resources and geologic hazard areas as set forth in these Regulations.

D. VOIDED/DE-ANNEXED/DISCONNECTED LAND REGULATIONS

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-4.10. F, Floodplain

A. SPECIFIC PURPOSE

1. Floodplains must be preserved for the primary function of conveying unobstructed floodwaters.
2. The uses and improvements listed as Permitted or Use by Special Review in the floodplain may be considered for approval within a floodplain if it is determined that the proposed use or improvement is in conformance with Section 4-3, Floodplain Management, floodplain management goals, and is otherwise consistent with the zoning district standards of the Land Development Code. It must be demonstrated that none of the conditions in subsection 2-4.10.B, will occur as a result of the proposed use or improvement.
3. Land within the floodplain may be used for other purposes so long as the primary conveyance and storage function of the floodplain is preserved, the use is not a detriment to water quality, and the use is consistent with this district.
 - a. This district is intended to comprise those areas which are subject to periodic inundation and flooding based on the stormwater produced by the 100-year storm event, and is therefore unsuitable for human habitation.
 - b. No structure shall be used for human habitation.
 - c. This district is further intended to preserve and protect the floodway.
 - d. The boundaries of lands controlled by this district shall be those areas which have been established as floodplains or special flood hazard areas by the Board of County Commissioners, in accordance with Section 4-3.4.B.
 - e. Land in this district may be used for the area requirements for any other district so long as adequate space remains in any such land outside of the floodplain for building purposes.
 - f. It is the intent of Arapahoe County that no new structures be constructed in F property, and that all such existing legal nonconforming uses either be removed upon obsolescence or be improved to meet substantial improvement criteria set forth in Section 4-3.

B. PERFORMANCE STANDARDS FOR USE OF FLOODPLAINS

1. No floodplain use shall adversely affect the efficiency of or unduly restrict the capacity of the channels or floodplains of the mainstream or any tributaries to the mainstream, drainage ditches, or any other drainage facilities or systems.
2. No structure (temporary or permanent), fill (including fill for roads and levees), deposits, obstruction, storage of materials, or other floodplain uses which, acting alone or in combination with existing or future floodplain uses, shall be permitted that adversely affect the efficiency or the capacity of the floodplain, or which adversely affects the storage capacity of the floodplain. Impervious surfaces in the floodplain shall be minimized. Proposed impervious surfaces in the floodplain are subject to approval by the Engineering Services Division with respect to generated stormwater runoff.
3. All uses of F property shall comply with applicable floodplain management regulations contained in Section 4-3, Floodplain Management, as may be amended time to time, and within the Floodplain Chapter of the Arapahoe County Stormwater Management Manual.
4. The restrictions contained in this section shall be interpreted and applied in concert with the Floodplain Management regulations set forth in Section 4-3, and the Floodplain Chapter of the Arapahoe County Stormwater Management Manual, and that in the event of conflict between the sections, the most restrictive regulation will govern.

C. PRINCIPAL PERMITTED USES

The uses and improvements listed as Permitted or Use by Special Review in the floodplain may be considered for approval within a floodplain if it is determined that the proposed use or improvement is in conformance with Section 4-3, Floodplain Management, floodplain management goals, and is otherwise consistent with the zoning district standards of the Land Development Code. It must be demonstrated that none of the conditions in subsection 2-4.10.B, will occur as a result of the proposed use or improvement.

D. PROHIBITED USES

1. Use Factors

In general any use that has the potential for the following to occur is prohibited in the floodplain:

- a. Obstruction of the flood water flow so that the floodplain is altered in excess of the allowable criteria (unless approved through a floodplain modification study).
- b. Reduction in the carrying capacity of the channel (unless approved through a floodplain modification study).
- c. Potential for material, equipment, or facilities to become dislodged or displaced and to be deposited downstream causing channel or drainageway, culvert or bridge blockage, channel degradation, or damages to other properties.
- d. Potential for negatively impacting water quality.

2. Prohibited Uses

The following uses are prohibited within the floodplain:

- a. All new construction of structures including residential, non-residential, recreational or temporary.
- b. Additions to existing structures.
- c. Fencing, including solid or perforated wood; split rail; chain link; stone; brick; or other materials. Three-strand barbed wire may be permitted in the rural areas on a case-by-case basis.
- d. Detention or water quality ponds not part of a regional or County or UDFCD approved drainage Master Plan.
- e. New construction of streets (local and collector streets may be approved on a case-by-case basis provided alternate access is available and street depth criteria are met).
- f. Storage or processing of materials, which are buoyant, flammable, explosive, or could cause injury to humans, animals, or plants.
- g. Storage, processing or materials, or any other activity that may have an adverse impact on water quality.
- h. Permanent toilet facilities.
- i. New construction of structures, ponds, or appurtenances related to water and wastewater treatment facilities.
- j. Vehicle parking lots not associated with an approved floodplain use.
- k. New construction of critical facilities.
- l. New construction of landscaping walls or structural walls that extend or flatten land that result in floodplain encroachment.

3. Storage of Materials

- a. Storage of hazardous or floatable materials in the floodplain is prohibited.
- b. Temporary storage of construction-related vehicles and materials may be permitted by the Floodplain Administrator, depending upon location and type of material storage,

2-5: Overlay Districts

- c. Storage of any material in the floodway is prohibited, unless permitted by the Floodplain Administrator.
4. **Uses Not Listed**

Uses not specifically listed above may be permitted if, in the opinion of the Floodplain Administrator, they are similar in character to permitted uses in this district, and are in conformance with the intent of this district. Uses not specifically prohibited above shall not be construed as allowed by exclusion.
5. **AIA-O, Airport Influence Area Regulations**

This zone district may be affected by the special use and height restrictions and performance regulations as set forth in these Regulations.
6. **Voided/De-Annexed/Disconnected Land Regulations**

This zone district may affect land that has been de-annexed from a municipality as set forth in these Regulations.

2-5 OVERLAY DISTRICTS

2-5.1. AIA-O, Airport Influence Area

A. INTENT

1. The Airport Influence Area District is hereby established as an overlay district which includes within its boundaries each airport influence area recognized by the Board of County Commissioners. Each airport influence area is further divided into restricted areas. Property within an airport influence area is subject to the regulations of the underlying district and this Code as well as the additional regulations of this district. Development within a restricted area may require a 1041 permit in addition to compliance with other applicable County regulations.
2. These regulations are intended to provide for specific areas within Arapahoe County which recognize benefits and potentially adverse impacts which may occur within certain distances from a public, military or private airport facility, and to provide regulations that minimize these impacts as well as protect aircraft operations.
3. These regulations recognize the efforts of other agencies (Arapahoe County Public Airport Authority, U.S. Department of Defense, Adams County Front Range Airport Authority, Denver International Airport, and Federal Aviation Administration), and evidence Arapahoe County's willingness to cooperate with these agencies in the administration of these regulations.
4. These regulations are intended to minimize exposure of residential and other noise sensitive land uses from uncontrollable aircraft noise and high numbers of aircraft overflights; to minimize risks to public safety from potential aircraft accidents; to discourage traffic congestion within these areas by regulating land use densities; and to restrict incompatible land uses within an approved airport influence area.

B. GENERAL PROVISIONS

The boundary of any officially recognized "airport influence area" and any noise contour or restricted zone shall be as the same appears on the Zoning Map and/or other updated documents recognized by resolution of the Board of County Commissioners. For purposes of these regulations, the airport influence area of Denver International Airport shall be the outside boundary of the 55 Ldn contour for that airport.

Click on the code section to view Use Specific Standards

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									Per Approved General, Specific, Preliminary or Final Development Plan	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]		3-3.2.B, 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]		3-3.2.B, 3-3.2.H		
Mother-in-law apartment	SE	SE	SE	SE	SE																3-3.2.D		
Manufactured home	P	P	P								P										3-3.2.C		
Mobile home											P										3-3.2.C		
Ranch Hand/Agricultural Worker Housing	SE	SE	SE																		3-3.2.F		
Home Occupation, General	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		3-3.11.B		
Home Occupation, Day Care Experienced Provider or Large	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE								SE		3-3.11.B		
Marijuana, Non-commercial use	See Sections 3-3.5.C.1.b, 3-3.5.C.2.a and 3-3.5.C.3											See Sections 3-3.5.B and 3-3.5.C				See Sections 3-3.5.B and 3-3.5.C		3-3.5					
Pets	A	A	A	A	A	A	A	A	A	A	A								A		3-3.2.E		
Backyard Bees or Chickens					A	A	A	A	A	A	A								A		3-3.2.I		
Temporary Residence	T	T	T																				
Group Living																							
Group Home – Type A	P	P	P	P	P	P	P	P	P	P	P								Per Approved General, Specific, Preliminary or Final Development Plan		3-3.2.A		
Group Home – Type B	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR									SR	3-3.2.A		
Civic, Cultural, and Public Uses																							
Art, cultural, educational, or other similar exhibits and displays	T	T	T																Per Approved General, Specific, Preliminary, or Final Development Plan				
Cemetery																		P					
Circus, Fair or Carnival, Temporary	T	T	T																			3-3.12.C	
Circus, Fair or Carnival, Exceeding TUP limits												SE	SE	SE	SE	SE							

Chapter 3: Permitted Uses

3-2: Permitted Use Table

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	
Community Event and Conference Center	SR	SR											P	P	P	P	P	P		SR	Per Approved General, Specific, Preliminary or Final Development Plan			
Day care, Day Care Centers													P	P	P	P	P	P				SR	3-3.11.B	
Farm museum	SE	SE																						
Farm and gardening classes	P	P																						
Outdoor entertainment and outdoor assembly events including but not limited to festivals and concerts	T	T	T										T	T	T	T								3-3.12.D
Outdoor sporting or athletic events	T	T	T										T	T	T	T								
Public park																						P		
Quasi-public use	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR					SR	
Agriculture and Animal Services																								
Agricultural or Ranch Use	P	P	P	A																P		P		3-3.1.A, 3-3.1.D
Shelter for agricultural implements and tools used to maintain premises	P	P	A	A																				
Office incidental to the operation of the permitted use	A	A	A																					
Temporary Residence	T	T	T																					
Community Garden	<i>See Community Garden Regulations, Section 3-3.3.A</i>																						3-3.1.D	
Animal Assisted Therapy Activities	P	P																					Per Approved General, Specific, Preliminary or Final Development Plan	
Animal Day Care Facility													P	P	P	P	P	P					3-3.1.B	
Animal hospital and veterinary clinic	SE	SE	SE										P	P	P	P	P	P			P		3-3.1.B	
Kennel	SE	SE	SE																					
Commercial Feed Lot	SE																						3-3.1.C	
Farm or Ranch Animal Center	P	P	P																					
Flower Farms	P	P																						
Greenhouses, wholesale or retail	P	P													P	P	P							
Greenhouses, non-commercial, exceeding accessory structure limits	P	P	A	A																			3-3.1.E	
Hunting Club	SR	SR																						
Roadside Sales Stands	A	A	A																				3-3.12.J	
Seasonal Farming or Ranching Events	P	P																					Per Approved General, Specific,	

Chapter 3: Permitted Uses

3-2: Permitted Use Table

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Stable, Riding Academy – Public or Commercial Riding,	P	P	P																p ^[5]	SE	Preliminary, or Final Development Plan		3-3.1.B.3.b
Stable – Private Riding	P	P	P	A																			3-3.1.B.3.a
Commercial and Industrial																							
Automotive and Parking																							
Auto sales with or without minor auto repair as an accessory use													P	P	P	P			P			p ^[6]	
Auto service station													P	P	P	P	P						
Car wash and/or auto detailing													P	P	P	P	P					SR	
Parking lot or structure, principal use (public or commercial)													P	P	P					SE			
Parking lot or structure, accessory													A	A	A	A	A	A			Per Approved General, Specific, Preliminary, or Final Development Plan		
Parking Lot, accessory to park or public facility																			A				
Parking, Temporary	T	T	T										T	T	T	T							
Vehicle Repair, Minor														P	P	P	P	P					
Vehicle Repair, Major															P	SR	P	P					
Vehicle Sales/Leasing/Rental														P	P	P	P	P					
Contractors, Trades and Construction																							
Building/landscape material sales yard															P		P	P				P	3-3.4.C
Contractors including but not limited to plumbing, heating, and electrical (no outdoor storage)														P	P	P	P	P					3-3.4.D
Contractors including but not limited to plumbing, heating, and electrical (with outdoor storage)															P		P	P			Per Approved General, Specific, Preliminary, or Final Development Plan		3-3.4.D
Specialty Trade Shop, including but not limited to cabinet, electric, plumbing, heating, lithographic and/or printing shops, furniture reupholstering															P	P	P	P				p ^[7]	
Temporary Concrete and/or Batching Plant with materials stockpiling	SE	SE																					

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Temporary construction yard and/or office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				T	T	3-3.12.B		
Recreation																									
Agri-tainment	SR	SR																							
Amateur Motorsports Facility	SR																						3-3.4.A		
Amusement park																					SE				
Ball fields																			P						
Drive-in theater																					SE				
Go-cart and skateboard tracks																					SE				
Driving range, miniature golf and "par 3" course																					SE				
Golf course and country club																			P	P			3-3.7.A		
Health Club												P	P	P	P	P	A				P				
Nature areas, picnic areas, and trails																				P					
Play courts / Playground equipment																				P					
Recreation – Indoor													P	P	P	P	P					P			
Recreation – Outdoor, including recreational clubs and camps													P	P	P	P	SR	P	p ^[8]						
Rodeo	SE	SE	SE	SE																					
Shooting Range (outdoor)	SR																								
Trails and paths open to the general public																					P				
Wildlife sanctuary																					P				
Manufacturing, Warehousing, Industrial and Utilities																									
Explosion welding, cladding, or metallurgical bonding of metal or other similar uses	SE																						3-3.4.F		
Heavy equipment repair and fabrication conducted indoors																						P			
Manufacturing, Light															P		P	P							
Manufacturing, Light – Commercial bakery, creamery, bottling plant																						P			
Manufacturing, Heavy																				P					
Processing, packaging, and selling of an agricultural Commodity, no on-site	P	P																							

Chapter 3: Permitted Uses

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manufacturing of refined product																					Per Approved General, Specific, Preliminary, or Final Development Plan			
Processing, packaging, and selling of an agricultural Commodity w/ manufacturing	SR	SR															P	P						
Repair, rental, and servicing of commodities produced or warehoused in zone district																		P	P					
Wholesale business, storage, or warehousing																			P	P			P	
Mini-warehouse/self-storage																		P	P	P				
Showroom/Warehouse																		P	P	P				
Slaughter House																				SR				
Mining																								
Mining, Quarry and Earth Extraction/sand and gravel extraction	SR	SR																		SR	SR		3-3.4.E	
Office																								
Office – General, executive, professional, and business offices; medical and dental clinics																	P	P	P	P	P		Per Approved General, Specific, Preliminary, or Final Development Plan	P
Laboratories																	P	P	P	P				
Research & Development w/ indoor use only																		P	P	P				3-3.4.G
Research & Development w/ outdoor use																		SR	P	P			3-3.4.G	
Restaurants, Bars and Hospitality																								
Bar/Tavern																	P	P	P	P			P	
Bed and Breakfast	SE	SE																					3-3.4.B	
Guest Ranch	SE																							
Hotel/Motel																	P	P	P	SR			P	
Microbrewery																	P	P	P			Per Approved General, Specific, Preliminary, or Final Development Plan		
Nightclub																P	P	P					P	
Restaurant – without drive through															A	P	P	P	P					
Restaurant – with drive through																P	P	P	P					
Retail and Commercial Service																								

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Bank (with or without drive-through)													P	P	P	P	P	A						Per Approved General, Specific, Preliminary or Final Development Plan	P	
Convenience store with or without gas pumps														P	P	P									P	
Convenience store, 24-hour operation, with or without gas pumps													SR	SR	SR	SR	SR								SR	
Farmer's Market (Year-Round)	SE	SE																								3-3.12.G
Farmer's Market (Seasonal)	P	P	T										T	T	T	T									T	3-3.12.G
Firewood, Storage and Sale	SE	SE	SE																							
Marijuana, Commercial uses																										3-3.5.B, 3-3.5.C
Retail													A	P	P	P	A	A								3-3.4.H
Retail - Department, hardware, dry good, ranching and farm supply stores																									P	
Retail - Appliance, furniture, and carpet stores																									P	
Retail -- Specialty retail sales, antique stores and gift shops																									P	
Retail sale of any commodity manufactured, processed, fabricated and/or warehoused only on the premises																	SE	SE								3-3.4.H
Retail sale of any commodity designed especially for use in agriculture, mining, industry, business, transportation, or construction																			SE							
Retail, Service													P	P	P	P	A	SE							P	
Retail, Service -- Dry cleaning and commercial laundries																								P		
Seasonal sales or events including, but not limited to pumpkin sales lots, corn mazes, hayrides, haunted houses, and other similar events or uses	T	T	T										T	T	T	T										
Sexually-oriented business															P	P	P	P							3-3.6	
Swap meets/flea markets	T	T	T										T	T	T	T									3-3.12.L	
Tent/sidewalk sales														T	T	T									3-3.12.F	

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Telecommunications and Towers																								
Broadcast Tower Facility and Other Commercial antennas and radio towers	SE																			SE	Per Approved General, Specific, Preliminary or Final Development Plan			
Commercial Mobile Radio Facilities (CMRS), Attached (Structure, roof, or building-mounted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	3-3.8.A	
Commercial Mobile Radio Facilities (CMRS), Freestanding Concealed	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	3-3.8.A	
Commercial Mobile Radio Facilities (CMRS), Freestanding Not Concealed	P	P	P										P	P	P	P	P	P					3-3.8.A	
Commercial Mobile Radio Service Facilities, Temporary	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	3-3.8.A	
Over-height Commercial Mobile Radio Service (CMRS) freestanding towers, public and private freestanding communication towers	SE	SE	SE										SE	SE	SE	SE	SE	SE				SE	3-3.8.A	
Telephone exchanges and similar buildings housing tele-communication equipment																	P	P						
Small Wind Energy Conversion System	P	P	P	P	P	P	P					SE												3-3.8.B
Transportation																								
Helipad operations													SE	SE	SE	SE	SE	SE		SE	Per Approved General, Specific Preliminary or Final Development Plan		3-3.10.A	
Airport																				SE				
Landing Strip for Private Aircraft and/or aircraft-related recreational facilities	SE	SE																		SE				
Utilities and Infrastructure																								
Major Electrical, Natural Gas, and Petroleum-Derivative Facilities of a private company	SR	SR																	SR		Per Approved General, Specific Preliminary or Final Development Plan		3-3.9.A	
Major Public Utility Facility												P	P	P	P	P	P							3-3.9.A
Minor public utility facility (distribution substation, underground distribution)												P	P	P	P	P	P							3-3.9.B

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lines)																								
Minor public utility facility (including above-ground distribution lines and underground utilities)																	P	P	p ^[9]					
Sewage disposal treatment plant																	P	P					3-3.9.C	
Water treatment plant																	P	P					3-3.9.D	
Waste and Recycling																								
Automobile Wrecking/Salvage																		P						
Junk Yard																		P						
Resource recovery operation/recycling facility	P																	P					3-3.4.I	
Sanitary Landfill, Commercial																		P					3-3.4.I	
Solid Waste Disposal Site and Facility	P																						3-3.4.I	
Injection Well, Commercial																		SR					3-3.4.J	
Accessory Uses/Structures																								
Building and use customarily appurtenant to the permitted use	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A		
Residence required for caretaker or night watchman employed by the premises																A	A	A						
Temporary Uses/Structures																								
Temporary residential sales office (Model Homes)							T	T	T	T	T	T										T	3-3.12.E	
Fireworks stands													T	T	T	T	T	T					3-3.12.H	
Christmas tree lots													T	T	T	T	T	T					3-3.12.I	
Storage containers/pods	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T					T	3-3.12.K	

NOTES:
 [1] Overlay District Regulations may apply: Airport Influence Area (AIA), Centennial Airport Environs Planning Area (CAEPA) and/or Mineral Resource and Geologic Hazard Areas. See Sections 2-5.1, 2-5.2, and 2-5.4.
 [2] Prior to April 1, 2017, the Permitted and Special Review uses are established by previously approved PUDs, including R-PSF, R-PM, R-PH, SH, MU and C. All existing PUDs with these zone district designations will continue to be governed by the existing approved PUD Preliminary and Final Development Plans. Temporary Uses listed in the Table may be permitted in non-residential portions of a PUD with an approved Temporary Use Permit. Temporary uses in residential portions of a PUD are allowed as shown in the Table with an approved Temporary Use Permit.
 [3] The uses and improvements listed as Permitted or Use by Special Review in the Floodplain District may be considered for approval within a floodplain if it is determined that the proposed use or improvement is in conformance with Section 4-3, Floodplain Management, floodplain management goals, and is otherwise consistent with the zoning district standards of the Land Development Code. It must be demonstrated that none of the conditions in subsection 2-4.10.B, will occur as a result of the proposed use or improvement.
 [4] May include stacked multi-family units, including second-story multi-family units above office and retail uses.

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[5] Provided that no permanent structure or shelter is located within the floodplain. [6] Includes truck, farm equipment and implement sales/service and repair, including indoor auto and truck bodywork and painting. [7] May include equipment yards and company vehicle storage. [8] Indoor uses are limited to 10% of site. [9] Underground utilities are permitted so long as adequate cover exists to protect the utilities.																						

3-3 USE-SPECIFIC STANDARDS

3-3.1. Agricultural Uses

A. AGRICULTURAL ANIMALS

1. Agricultural animals are permitted only in the A-E, A-1, RR-A, RR-B and R-1-A zone districts and there is no limit to the number of agricultural animals allowed per acre except as provided for below.
2. In the RR-B zone district a maximum of one agricultural animal per acre is allowed except that there is no limit on small agricultural animals kept for non-commercial use (see definitions chapter for ‘agricultural animal, small, non-commercial’).

B. ANIMAL FACILITIES

1. Animal hospitals and veterinary clinics and animal day care facilities in the B-1 and B-3 zone districts are not allowed to have outdoor kennels.
2. Animal feed yards, commercial animal sales yards, commercial riding academies and public stables shall:
 - a. Not be located closer than 200 feet from any property line,
 - b. Provide automobile and truck ingress and egress,
 - c. Provide parking and loading spaces so designed as to minimize traffic congestion, and
 - d. Control odor, dust, noise or drainage so as to not constitute a nuisance or hazard to adjoining properties.
3. Stables in the A-E, A-1, RR-A, and RR-B zone districts shall meet the following standards:
 - a. A private stable must be located on the rear half of the lot, 25 feet from all property lines and 50 feet from any dwelling unit.
 - b. A commercial stable must be located on the rear half of the lot, 50 feet from all property lines and 100 feet from any dwelling unit.

C. COMMERCIAL FEED LOT

In the A-E zone district commercial feed lots must be setback 200 feet from all property lines.

D. CULTIVATION OF CROPS

1. In the O zone district agricultural use is limited to cultivation of crops only and provided that no dwelling or other structure is located in the district.

2. In the FLP-O district agricultural use is limited to:
 - a. Agriculture (including crop production, livestock grazing, and fish hatcheries) and nursery, where allowed in the applicable zoning district.
 - b. Noncommercial production of crops (e.g., orchards or garden plots that are an amenity to development).

E. GREENHOUSE

A greenhouse is permitted as an accessory use in the RR-A and RR-B zone districts provided the products grown are for consumption by residents only.

3-3.2. Residential Uses

A. GROUP HOMES

1. Intent

- a. To acknowledge the role of the group home as a means of providing certain individuals the opportunity to live in normal residential surroundings.
- b. To designate the different types of group homes and to ensure that, to the extent possible under federal and state regulations, group homes comply with the Administrative Provisions of this document.

2. General Provisions: Type A Group Home

- a. As every residential use does, so must the group home accomplish the following:
 - i. Conform to the provisions of the governing zone district.
 - ii. Demonstrate architectural consistence and compatibility with surrounding development.
 - iii. Comply with any and all applicable federal, state and county rules, regulations and/or requirements pertaining to the specific use.
- b. Group homes may not contain more than eight resident individuals.
- c. Group homes may not be located within 750 feet of any other group home. The 750 foot separation requirement shall only apply to a group home within the unincorporated area of the County.
- d. In the MU zone district, Type A Group Homes shall be a principal permitted use when residential uses are a part of the MU-PUD.

3. General Provisions: Type B Group Homes

- a. A Public Hearing is required prior to establishing all group homes in this category. Depending upon the governing zone district, the procedure which contains such a hearing will be either a Use by Special Review or Planned Unit Development, as described in these regulations. The number of required hearings will depend on the procedure to be used.
- b. The group home must comply with any and all applicable federal, state and county rules, regulations and/or requirements pertaining to the specific use.

B. MIX OF USES AND DWELLING UNIT TYPES

1. R-PSF Zone District: Any combination of single-family detached and single-family attached dwelling unit is permitted
2. R-PM and R-PH Zone District: Any combination of single-family detached, single-family attached and multi-family dwelling unit is permitted.
3. MU Zone District: Any combination of commercial, industrial, or residential uses permitted by an approved Preliminary Development Plan.

C. MANUFACTURED/MOBILE HOME PARKS OR SUBDIVISIONS

1. Manufactured/mobile home parks or subdivisions shall abut or have access to streets and highways no less than 60 feet wide.
2. The manufactured home, or mobile home, park or subdivision shall be so arranged that all residences have direct access to an interior roadway.
3. Approved landscaping shall not interfere with the transporting of a mobile home unit.
4. 10 foot setbacks shall be provided along the front, side and rear perimeter of the park to be used for no other purpose than landscaping, and shall be so designated on the Preliminary Development Plan.
5. In each manufactured/mobile home park there shall be provided the following areas:
 - a. Adequate laundry facilities for residents.
 - b. Two off-street parking spaces for each residence.
 - c. A recreation area for the residents.
6. Garbage and trash containers, rodent and insect control features, and water and sewer provisions must meet with the approval of the Tri-County Health Department and/or the State Health Department.

D. MOTHER-IN-LAW APARTMENT

1. A mother-in-law apartment or dwelling unit must comply with the following standards:
 - a. Be attached to the principal dwelling unit and be constructed of a similar architectural style as the principal dwelling unit.
 - b. The lot containing the principal dwelling unit and mother-in-law apartment or dwelling unit shall not be further subdivided in order to create a separate lot for the mother-in-law apartment or dwelling unit.
 - c. A mother-in-law apartment or dwelling unit shall not be rented, leased, or sold separately from the principal dwelling unit.
2. Such dwelling may include separate kitchen facilities and separate entrances from the principle dwelling unit.

E. PETS

1. A maximum combination of three pets per dwelling unit is allowed in in the RR-C, R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, and R-M zone districts.
2. A maximum of four pets is allowed in the A-1, RR-A and RR-B zone districts.

F. RANCH HAND/AGRICULTURAL WORKER HOUSING

Residence may be occupied by persons employed at the principal permitted use only.

G. PRINCIPAL USES/STRUCTURES PER LOT

1. In Agricultural, Rural Residential and Single Family Residential zone districts, only one principal structure is permitted per lot or parcel. Exceptions may be permitted, where authorized, by a Special Exception Use.
2. In the B-1 zone district principal uses shall be contained within a completely enclosed structure.
3. In the B-3 zone district all principal uses shall contained within a completely enclosed structure, except for outdoor seating and eating areas.

H. SENIOR HOUSING

1. **Location**
Senior housing should be accessible to:
 - a. Established public transportation routes.

- b. Existing or proposed shopping areas.
- c. Public or private recreational amenities.
- d. Other residential areas to minimize senior citizen isolation.
- e. Situated to minimize traffic and emergency vehicle access impacts to surrounding neighborhoods.
- f. Medical facilities.

2. Development Plan Notes

A note shall be placed on the Preliminary Development Plan prescribing a minimum age limit for one occupant of each unit in the project at 55 years of age or older. The restriction may be released for rental units which are advertised for 270 consecutive days and not occupied by one or more qualified individuals. Those unoccupied units, and those only, may then be rented to person(s) of any age. In the event that such unit is occupied by a non-senior, and later vacated, the 270-day period shall apply to that unit.

3. Non-Profit Senior Housing

In the event the senior housing project is non-profit and/or non-profit subsidized, the following may apply:

- a. Restrictions regarding age requirements shall be effective as long as bond financing instruments are outstanding but in no case less than 10 years from the date of the initial Certificate of Occupancy being issued.
- b. The County may waive the normal County fee relating to the issuance of industrial revenue bonds which are issued by the County.
- c. The County may waive the developer’s obligation to provide required public improvements on a case-by-case basis.
- d. The County may waive land dedication and/or cash-in-lieu of land dedication requirements on a case-by-case basis.

I. BACKYARD BEES AND CHICKENS

1. Intent

- a. To allow for the keeping of bees and chickens on residential, single family detached properties and uses within any zone district, including all PUD zoning that allows single-family uses. A-E, A-1, RR-A, and RR-B zone districts are not affected by these regulations. Backyard chickens and bees are not considered agricultural for purposes of agricultural affidavits. HOA covenants and guidelines may supersede these regulations.

2. Backyard Bees Requirements and Restrictions

- a. Number of hive boxes allowed:

Lot Area	Number of Hive Boxes
Less than 20,000 sf	2
20,000 sf to 1 acre	4
1 acre or more	8*
*Note: A-E, A-1, RR-A, and RR-B zone districts do not have a hive box limit	

- b. Setback/height requirements:
 - i. Maximum height, per hive box: up to six (6) feet in height above ground level and up to ten (10) cubic feet in volume.

- ii. Hive(s) shall be located behind the front building line of the principal structure and no less than ten (10) feet from the side and rear property lines with the hive entrance facing away from neighbors and public right-of-way.
 - iii. Flyway requirements: (a) If the hive is at least twenty-five (25) feet from all property lines, no flyway required; (b) if the hive is closer than twenty-five (25) feet to any property line, a flyway is required on any side closer than 25 feet from a property line.
 - c. The commercial sale of honey on the property is prohibited.
- 3. Backyard Chickens Requirements and Restrictions**
- Backyard chicken keeping must meet the following criteria:
- a. Up to four (4) chicken hens are allowed.
 - b. Chickens must be kept in a coop overnight – between dusk and dawn.
 - c. Chickens must be contained to the owner’s property at all times, behind the front building line.
 - d. Odor, noise, dust, waste, and drainage must be controlled so as not to constitute a nuisance, safety hazard, or health problem to adjoining properties or uses.
 - e. Slaughtering on residential property is prohibited.
 - f. The commercial sale of eggs on the property is prohibited.
 - g. Roosters are not permitted. No other fowl or poultry, including but not limited to ducks or turkeys, are permitted.
 - h. Chicken coops must meet the following performance standards:
 - i. Coops must meet all applicable Building Code requirements. A building permit may be required for coops larger than 120 square feet in area.
 - ii. Maximum coop height is six (6) feet from ground level.
 - iii. Recommended indoor coop floor space is three (3) square feet per bird.
 - iv. Coops 120 square feet or less in area: coop shall be located behind front building line of principal structure and no less than ten (10) feet from the side and rear property lines (chicken run enclosures must also be at least 10 feet from the property lines; chicken run enclosure areas are not counted towards the 120 square foot limit).
 - v. Coops larger than 120 square feet in area: the coop and chicken run enclosure shall be a minimum of 10 feet from side and rear property lines or meet the setbacks for primary structures, whichever distance is greater.

3-3.3. Cultural and Civic Uses

A. COMMUNITY GARDENS

1. Intent

- a. The intent of this section is to provide regulations pertaining to Community Gardens for the purposes of encouraging and facilitating availability of locally-grown food, educating residents of the County about gardening, and adding to a sense of community.
- b. Community gardens may be allowed in public, quasi-public and other use areas as defined in this section subject to the requirements of this section.

2. Location

a. Locations Approved

Community Gardens may be located on publicly-owned properties and properties owned and managed by quasi-public agencies and organizations and other use areas

to include the following, but excluding the public rights-of-way and areas restricted by drainage easements, floodplains or other limitations:

- i. Public libraries, parks, heritage or cultural facilities, government offices, or other publicly-owned or managed properties.
- ii. Properties owned by a Quasi-Public Agency, as defined in this code, such as parks, water districts, fire stations, public schools, or similar properties.
- iii. Privately-held properties used for a Quasi-Public Use, as defined in this code, such as religious or cultural facilities, private schools, hospitals, or other use meeting the purpose and intent of this section.
- iv. Common-ownership areas of a residential development, such as parks or recreational facilities managed by a Home-Owners' Association on behalf of residents, common areas of a multi-family residential development, or similar area meeting the intent of this section.

b. Locations Not Approved

Community Gardens may not locate on a vacant residential lot, on a lot platted within a residential subdivision for a residential structure, on lots zoned for commercial or industrial use, except as otherwise permitted under Locations Approved, or on other areas not consistent with Locations Approved described within this section.

c. Requirements

Community Gardens are subject to the following performance standards:

- i. The total gross floor area of any structure for community gardens may not exceed 250 square feet on any lot.
- ii. Structures, such as sheds, are limited to 10 feet in height, including pitched roof.
- iii. Structures other than perimeter fences shall be set back from property lines a minimum distance of five feet.
- iv. Perimeter fences shall not exceed six feet in height, shall be at least 50 percent open if they are taller than four feet, and shall be constructed of wood, chain link, or ornamental metal. Where applicable, fences must meet 30 foot sight triangle requirements of the Land Development Code applicable to placement near roads or driveways. Best efforts should be made to ensure that the fences are compatible in appearance and placement with the character of nearby properties. Fences must be maintained in good condition at all times.
- v. One identification sign is permitted and shall comply with the following requirements: maximum sign area 32 square feet; maximum sign height six feet; minimum setback for free -standing sign 10 feet; must comply with regulations for 30 foot sight triangle where applicable; non-illuminated.
- vi. The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent property.
- vii. Gasoline or other flammable liquids shall not be stored on site.
- viii. A responsible party for the garden shall evaluate previous land uses. If visible inspection or land use history indicates that soil contamination may be present, the responsible party shall take appropriate measures to ensure or provide soil that is suitable for gardening.
- ix. Outdoor lighting is prohibited.

- x. Outdoor storage is prohibited. When not in use, all equipment and tools shall be stored in the garden structure (shed) or removed from the site.
- xi. At all times the garden shall be maintained in good condition so as to prevent nuisance odors and vectors.
- xii. Gardens shall register with the Planning Division by completing a Community Garden Registration Form. Gardens shall renew their registrations annually by the first of February of each calendar year.

d. Submittal Requirements for Garden Registration

The applicant shall submit to the County a scaled and dimensional Site Plan showing the following:

- i. An overall schematic site plan of the garden on the property showing the relationship of the garden to other features on the site, such as proximity to permanent buildings or other site elements, setbacks from property lines, and sight triangles affecting fence placement.
- ii. The schematic of the garden must show any proposed fencing, gates, structures (e.g., shed) and other features (e.g., parking, water tap, signage, trash containers, as applicable). The site plan shall identify the materials that will be used for the fencing, gates and any structures.
- iii. An established set of operating rules addressing the governance structure of the garden, hours of operation, maintenance and security requirements and responsibilities, adequate liability insurance at one million dollars with Arapahoe County as additionally insured, and proof of ownership or lease of the property or other agreement with property owner.
- iv. A garden coordinator shall be designated to perform the coordinating role for the management of the community garden and must assign garden plots in a fair and impartial manner according to the operating rules established for that garden.
- v. The site plan, operating rules, and proof of insurance and ownership or lease or other agreement for use of the property shall be filed with the Planning Division at the time of the completion of the Community Garden registration.
- vi. Acknowledgment that the applicant is responsible for ensuring compliance with any Conditions, Covenants and Restrictions that may apply to the property. Some properties or developments may be governed by private restrictions and covenants that would not permit a Community Garden.
- vii. Outside referrals will be sent to all adjacent property owners and Home Owners Associations (HOA's) for informational purposes.

B. ADDITIONAL ALLOWANCES FOR PRODUCE STANDS

A Produce Stand, as defined in this Code and associated with a registered Community Garden meeting the requirements of this section, may be permitted as follows:

1. A produce stand shall be permitted as an accessory use to a Community Garden for the sale of fruit, vegetables, plants, herbs or flowers produced on the premises, or from a nearby registered community garden.
2. The stand area shall occupy no more than 100 square feet.
3. The stand shall be located a minimum of 10 feet from any property line.
4. Sales shall be limited to two days per week.
5. Hours of operation shall be limited to the hours from 8:00 a.m. to 8:00 p.m.

3-3.4. Commercial and Industrial Uses and Utilities

A. AMATEUR MOTORSPORTS FACILITY

1. Intent

To provide regulations pertaining to Amateur Motorsports Facilities.

2. Requirements

Amateur Motorsports Facilities are subject to the following performance standards:

- a. The facility may not be less than 100 acres in size.
- b. All access to the site must be from paved roads.
- c. Noise generated by activities on the site may not exceed 103 decibels at the site boundary.
- d. No grandstand or seating structure erected on the site may exceed 15 feet in height, measured from the surface of the highest seat to the ground immediately under the seating surface. Additional structures such as handrails, canopies, and seat backs may be allowed at the discretion on County staff.
- e. Seating provided not to exceed capacity for 500 persons.

B. BED AND BREAKFAST

1. Intent

To provide regulations pertaining to the location, appearance, and operation of bed and breakfast lodgings and accommodations.

2. Requirements

In addition to the requirements for a special exception use, all bed and breakfast inns shall be subject to the following standards:

- a. Maintain a Residential Appearance: Structures shall not be altered in a way that changes their general residential appearance.
- b. Owner on Premises: The owner or on-site manager shall live on the premises when the bed and breakfast inn is in operation.
- c. On-Site Parking:
 - i. A minimum of one parking space shall be provided for each guest bedroom, plus spaces required for the principal residence in accordance with Section 4-1.2 Parking, Loading and Drive-Through.
 - ii. Additional parking shall be required if reception or party space is available.
 - iii. If four or more off-street parking spaces are provided, visual screening (fence, wall, evergreen landscaping, or combination thereof) from adjacent residential uses may be required.
 - iv. Signs shall be allowed in accordance with Section 4-1.5, Signs.
 - v. Receptions and Meals: No receptions, private parties, or similar activities shall be permitted, and no meals shall be served to the general public, unless expressly approved as part of the Special Use Permit application (Farmhouse Restaurant).
 - vi. Limits on Tenancy: No long-term rentals shall be permitted. The maximum length of stay shall be 30 days. No cooking facilities, other than a microwave, shall be allowed in the guest rooms.

C. BUILDING/LANDSCAPE MATERIAL SALES YARD

1. Building and landscape material sales yards in the B-4, I-1 and I-2 zone districts may not include concrete mixing, creosote, or asphalt operations.
2. Building sales yards may not include asphalt and concrete plants in the SBC District

D. CONTRACTORS

No outdoor storage is allowed in the B-3 and B-5 zone districts.

E. GRAVEL, MINERAL OR SAND EXCAVATIONS

1. In the FLP-O district, gravel, mineral or sand excavations are subject to the conditions required in Section 2-5.4, Mineral Resources and Geologic Hazard Areas.
2. In the FLP-O district, maximum building height cannot exceed 25 feet.
3. In the FLP-O district, all permitted structures shall set back at least 25 feet from any public right-of-way.

F. EXPLOSION WELDING, CLADDING OR METALLURGICAL BONDING OF METALS

1. Intent

To provide regulations pertaining to the process of explosion welding, cladding or metallurgical bonding of metals, or other uses of the same general character which would have similar shock, dust and noise characteristics.

2. Requirements

Explosion welding, cladding or metallurgical bonding of metal activities is subject to the following performance standards:

- a. The use shall not be permitted within four miles of a regularly inhabited residential structure which existed as of the date of the filing on an application for a Special Exception Use permit, unless all owners of residential structures located within four miles of the proposed site of the use have waived, in writing, any objection to the site of the use.
- b. The dust and pollutants emitted by the use must meet the rules and regulations established by the Colorado Department of Health - Air Pollution Control Division.
- c. The use must limit the detonation of explosives to weekdays between the hours of 9:00 a.m. and 5:00 p.m.
- d. The transportation of blasting agents and explosives to or from the site of the use and storage of such materials shall be in compliance with all applicable state and federal regulations. On County roads or streets commonly used by school buses or public transit, transportation of blasting agents and explosives in excess of 100 pounds to or from the site of the use shall only be permitted between the hours of 9:00 a.m. and 2:30 p.m.
- e. At a radius of four linear miles from the site of the use and beyond, sound and air overpressure levels generated by the use shall not exceed 65 Db(L), measured with equipment having a lower frequency for flat response of from 2.0 to 6.0 hertz with a variation from linear response of no more than +4dB.
- f. To prevent possible damage to adjacent property without compensation, the applicant must provide legal documentation that all property owners within one-half mile of the site, the outer limits of the area designated for blasting, have reached agreement with the applicant on the operation designated in the Special Exception Use.

- g.** A referral shall be made to the F.A.A. for whatever precautions they deem necessary prior to the Board of Adjustment hearing.
- h.** A referral shall be made to the PWD Engineering Services Division for their investigation as to possible damage to roads and bridges the granting of the Special Exception Use would cause prior to the Board of Adjustment hearing.

G. RESEARCH AND DEVELOPMENT

Research and development with an outdoor use is not permitted in the B-5 zone district and is subject to use by special review in the B-4 zone district.

H. RETAIL

- 1.** Retail in the I-1 and I-2 zone districts is allowed as an Accessory Use provided the retail space is limited to 25 percent of gross floor area.
- 2.** Retail exceeding 25% of gross floor area may be permitted in the I-1 and I-2 zone districts with an approved Special Exception Use provided the commodity is manufactured, processed, fabricated and/or warehoused only on the premises.

I. WASTE DISPOSAL, RESOURCE RECOVERY, AND RECYCLING OPERATIONS

Commercial sanitary landfills, solid waste disposal site and facility, resource recovery operations and recycling facilities are subject to obtaining the required "Certificate of Designation" as well as all applicable State requirements.

J. INJECTION WELLS

Commercial injection wells are subject to obtaining the required "Certificate of Designation" as well as all applicable State requirements. Injection well sites shall be located adjacent to paved arterial roads. Hours of operation shall be limited to 7:00 am to 7:00 pm.

3-3.5. Marijuana Land Uses

A. INTENT

To provide regulations pertaining to the commercial and non-commercial use of land, buildings and structures for the purpose of growing, selling, producing, distributing, manufacturing, and consuming marijuana and marijuana products.

B. GENERAL: MARIJUANA LAND USES NOT ALLOWED

The use of land, buildings or structures to grow, produce, cultivate, sell, dispense, distribute, store, test or manufacture marijuana and/or marijuana products, or as a marijuana club, is not allowed or permitted throughout unincorporated Arapahoe County, except to the extent specifically identified in Section 3-3.5.C, below.

C. EXCEPTIONS

1. Non-Conforming Commercial Uses

- a.** An exception to the prohibition of marijuana land uses is the use of any land, building or structure for a medical marijuana center where such use commenced prior to December 15, 2009, so long as, and to the extent that, the property owner or other operator can establish that such use was and is in compliance with all of the terms and conditions of Section 6-4, Nonconformities, and all applicable building and fire codes, and so long as such use is in compliance with Article XVIII, Section 14 of the Colorado Constitution and the Colorado Medical Marijuana Code (CMMC), any rules or regulations adopted by the Colorado Department of Revenue, and all other applicable state and local laws and regulations.

- b. Notwithstanding anything in this sub-section or in Section 6-4, Nonconformities to the contrary, in no event shall a medical marijuana center, a medical marijuana-infused products manufacturer, an optional premises cultivation operation or any other commercial marijuana land use be allowed in a residential zone district, in the residential portion of a planned unit development or within a dwelling unit in any other zone district.

2. Non-Commercial Uses

An exception to the prohibition of marijuana land uses is the non-commercial growing, cultivation, storage or production of marijuana or marijuana products, by a person, patient or his or her primary caregiver, to the extent that such activity is specifically authorized as a lawful personal use pursuant to Article XVIII, Section 16 of the Colorado Constitution, or is specifically exempt from criminal prosecution under Article XVIII, Section 14 of the Colorado Constitution, is in compliance with all applicable state and local statutes, rules and regulations and with all applicable building and fire codes, and subject to the following:

a. Dwelling Units

The non-commercial growing, cultivation, storage or production of marijuana or marijuana products may only be conducted as a non-primary use in an agricultural (A-1, AE), rural residential (RR-A, RR-B, RR-C), or residential (R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, or R-M), obsolete residential (R-2, R-3, R-3S, R-4, R-5), or the residential portion of a PUD zone district (including those originally zoned in a R-P, R-PSF, R-PM, R-PH, MU, or SH), and may only be conducted within a dwelling unit (and not on a porch or within a shed, greenhouse or other such structure) by a person residing at the dwelling unit, for such person's own use, or by a primary caregiver on behalf of a patient who resides at the same dwelling unit as the primary caregiver; however, in no event shall more than six plants, with three or fewer being mature flowering plants, be grown or cultivated at any one time by each person or primary caregiver residing at such dwelling unit, up to a maximum of 12 plants total per dwelling unit.

3. Additional Restrictions

The marijuana land uses authorized by subsection 3-3.5.C.2 are subject to the following additional restrictions:

- a. All uses shall be conducted in an enclosed and secure area within a dwelling unit and shall not be visible to the public.
- b. All such uses shall not cause odors, smoke, heat, glare or light that is detectable to a person of normal senses beyond the property line of the property upon which the use is being conducted, or in an adjacent dwelling unit or public area.
- c. Signage or other advertising on the premises of marijuana use that is visible to the public is not allowed.

D. APPLICATION TO EXISTING USES

Notwithstanding any provisions of Section 6-4, Nonconformities, all marijuana land uses are subject to all restrictions contained within this Section 3-3.5 including those uses that were in existence prior to the adoption of this Section 3-3.5 including any amendments thereto, except, and to the extent, that state or federal law requires that the marijuana land uses be exempt from such restrictions.

3-3.6. Sexually-Oriented Businesses

A. INTENT

To provide suitable potential locations for sexually-oriented businesses in a manner that minimizes the harmful secondary effects associated with such establishments and this is consistent with the health, safety and welfare of the community.

B. GENERAL PROVISIONS

1. No person may operate or cause to be operated a sexually-oriented business outside of the B-4, B-5, I-1 and I-2 Zoning Districts. No person may operate or cause to be operated a sexually-oriented business on a property with a P.U.D. zoning designation, unless such use was specifically listed in the P.U.D. approval prior to the enactment of this Section.
2. No person may operate or cause to be operated a sexually-oriented business within 1,000 feet of:
 - a. Any church
 - b. Any school meeting all requirements of the compulsory education laws of the state;
 - c. The boundary of any residential zoning district;
 - d. A dwelling unit (single or multiple);
 - e. A public park adjacent to any residential zoning district; or,
 - f. A licensed child-care center
3. No person may operate or cause to be operated a sexually-oriented business within 1,000 feet of another sexually-oriented business.
4. No person may cause or permit the operation, establishment or maintenance of more than one sexually-oriented business within the same building or structure or portion thereof.
5. For purposes of this Section, the distance between any two sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures or streets, from the closest exterior structural wall of each business.
6. For purposes of this Section, the distance between any sexually-oriented business and any church, school, child-care center, public park, dwelling unit (single or multiple) or residential zoning district shall be measured in a straight line, without regard to intervening structures or objects from the nearest property line of the property on which the sexually-oriented business is conducted to the nearest property line of the premises of a church, school, child-care center, or dwelling unit (single or multiple), or the nearest boundary of an affected public park or residential zoning district.
7. Any sexually-oriented business lawfully operating on or before April 2, 2001 that is in nonconformance with this Section shall have six months to cease operations and after such time all nonconforming sexually-oriented businesses must be in compliance with this Section. Notwithstanding the above, the Board of Adjustment shall grant an extension of time during which a sexually-oriented business in violation of this Section will be permitted to continue upon a showing by a preponderance of the evidence, which is credible and which to the extent practical meets the admissibility standards of the Colorado Rules of Evidence, that the owner of the business has not had a reasonable time to recover the initial investment in the business that was made or irrevocably committed to prior to the date of the enactment of this Section. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his or her initial financial investment in the business. The procedure for obtaining permission to continue the business from the Board of Adjustment shall be

the same procedure as for variances. The Board of Adjustment shall have the right to refer any evidence submitted to the Arapahoe County Finance Department or any other department or agency for its review and comment, and may continue any hearing as necessary to do so. Any application for an extension must be submitted on or before the last day of the six month amortization period, and such application shall toll the deadline for ceasing the non-conforming use until such time as the Board of Adjustment renders its decision. A sexually-oriented business in violation of this Section may continue during any extension period granted by the Board of Adjustment unless the business is sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Such business shall not be enlarged, extended, or altered except that the business may be brought into compliance with this Section.

8. If two or more sexually-oriented businesses are within 1,000 feet of another and are otherwise in a permissible location, the sexually-oriented business which was first established and continually operating at its particular location will be deemed to be in compliance with this Section and the later established business(es) will be deemed to be in violation of this Section.
9. A sexually-oriented business lawfully operating is not rendered in violation of this Section by the subsequent location of a church, school, child-care center, dwelling unit (single or multiple), public park, or residential zoning district within 1,000 feet of the sexually-oriented business.

3-3.7. Recreation

A. GOLF COURSES

1. Golf courses are permitted in the FLP-O district provided that:
 - a. The applicant provides a management plan that demonstrates that downstream water quality will not be adversely affected by fertilizers and pesticides associated with the use; and
 - b. Pedestrian and golf cart trails and bridges are designed to pass the 10-year flood event with freeboard as per requirements of the Arapahoe County Stormwater Management Manual.
2. Golf courses are permitted in the O zone district subject to the limitations required in Section 2-5.4.

3-3.8. Towers and Antennas

A. COMMERCIAL MOBILE RADIO SERVICE (CMRS FACILITIES)

1. Intent

The intent of this section is:

- a. To accommodate the wireless communication needs of the County residents, businesses, and visitors, while protecting the public health, safety, general welfare, and visual environment of the County;
- b. To enhance the ability to provide wireless services to County residents, businesses and visitors, while using performance standards and incentives to promote location of CMRS facilities on concealed structures and existing buildings;
- c. To ensure that telecommunications facilities minimize adverse visual impacts through careful design, appropriate siting, landscape screening, and innovative camouflaging techniques;

- d. To encourage the joint use of new and existing telecommunications facility locations and to reduce the number of towers needed to serve the County by requiring facilities to be placed on existing structures and requiring co-location of CMRS providers on existing and new towers, wherever possible.

2. Classification of Wireless Facilities

a. Attached

A wireless telecommunications facility is an “attached facility” if it is affixed to an existing or proposed structure (including, but not limited to, buildings, water tanks, traffic signal light standard, utility poles, and broadcast towers) provided such structure conforms to all applicable regulations including building and zoning regulations. A wireless telecommunications facility that is attached to an existing structure which is classified as a legal nonconforming use is considered an “attached facility.”

b. Freestanding

A wireless facility that is not an attached facility and is defined as either a “concealed freestanding facility” or a “non-concealed freestanding facility” as follows:

- i. A concealed freestanding facility is a structure, as defined in Chapter 19, that has been designed to be architecturally compatible with the surrounding area and camouflages or conceals the presence of the tower and antennas. These structures would include, but are not limited to: artificial rocks and trees, freestanding clock towers and steeples, light poles, flagpoles, and artistic structures.
- ii. A non-concealed freestanding facility is a lattice tower, monopole tower, guyed tower, or other freestanding facility that does not meet the definition of a concealed freestanding facility.

3. General Provisions

- a. All CMRS facilities must comply with FCC Regulations and all other federal and state regulations.
- b. In the residential and agricultural zone districts, the residential component of mixed-use zone districts, and the residential component of PUD districts, all attached and concealed freestanding CMRS facilities shall have a setback from property lines that is 100 percent of tower height, but not less than minimum building setbacks in the underlying zoning district, except when an alternative setback has been approved or when attached to a public utility substation or to a high-tension power line tower within a utility corridor, the setback may be the same as the setback for the existing high-tension power line tower or substation. This standard does not apply to attached CMRS facilities in the A-E and A-1 zone districts.
- c. Freestanding non-concealed CMRS facilities in the A-E, A-1 RR-A, B-1, B-3, B-4, B-5, I-1, and I-2 zone districts that are over height may apply for a Special Exception Use Permit through the Board of Adjustment.
- d. In the residential and agricultural zone districts, the residential component of mixed-use zone districts, and the residential component of PUD districts, outside referral is required.
- e. In the R-1-A, R-1-B, R-1-C, R-1-D, R-2-A, R-2-B, R-PSF, R-PM, R-PH, SH, and R-M zone districts the applicant is required to conduct neighborhood meeting and to send

notices to all Home Owners Associations and property owners within 500 feet of the site. Notification to a larger area may be required if the Planning Division Manager determines the facility's visual impact warrants a greater notification area.

4. Additional Criteria

a. New CMRS Facilities

New CMRS facilities shall be categorized as one of the following categories: Attached, Freestanding Concealed, or Freestanding Non-Concealed.

b. Location

i. ATTACHED FACILITIES

- (a) To the maximum extent feasible, CMRS facilities shall be located on existing structures, including but not limited to buildings, water towers, broadcast towers, and related facilities, provided that such installation preserves the character and integrity of those structures.
- (b) Attached CMRS facilities are limited to quasi-public and public areas in the RR-B, R-E, R-1-A, R-PSF, R-PM, and R-M zone districts.
- (c) Attached CMRS facilities are not allowed on residential buildings or any building containing residential uses in all agricultural and residential districts except the R-PH and SH zone districts.

ii. FREESTANDING FACILITY - CONCEALED

The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate. If the applicant demonstrates that it is not feasible to locate on an existing structure, CMRS facilities shall be designed so as to be concealed and be architecturally compatible with the surrounding area and camouflages or conceals the presence of the tower and antennas. These freestanding facilities would include, but are not limited to: artificial rocks and trees, freestanding clock towers and steeples, light poles, flagpoles, and artistic structures.

iii. FREESTANDING FACILITY – NON-CONCEALED

- (a) The applicant shall have the burden of proving that there are no feasible existing structures upon which to locate and that a concealed facility is also not feasible. Such Non-Concealed Freestanding facilities include: a lattice tower, monopole tower, guyed tower, or other freestanding facility that does not meet the definition of a concealed freestanding facility.
- (b) CMRS freestanding facilities, non-concealed, are not allowed on residential buildings or any building containing residential uses in the A-E, A-1, and RR-A zone districts.

c. Rights-of-Way

- i. CMRS facilities may be located in County rights-of-way, on a case-by-case basis and subject to review and approval from the Public Works and Development Department.
- ii. Must obtain a right-of-way permit with the County.
- iii. CMRS facilities may be allowed on an existing traffic signal light pole, street light standard, utility pole, or other vertical infrastructure, or on a replacement traffic signal light pole, street light standard, utility pole, or other vertical infrastructure, provided:

- (a) The owner of the vertical infrastructure approves the use;
- (b) The facility does not exceed the height of the existing infrastructure on which it is mounted by more than eight feet;
- (c) CMRS facility shall be structurally similar to existing infrastructure;
- (d) CMRS facility shall continue the function of the existing infrastructure;
- (e) Freestanding Facilities shall not be permitted in the rights-of-way; limited to attached facilities;
- (f) Ground-based equipment may be located within the rights-of-way on a case-by- case basis, taking into account the impacts of such equipment within the ROW on the public health, safety and welfare.
- (g) Applications for CMRS facilities in the rights-of-way that are within 500 feet of residentially zoned property shall require a referral to all interested or affected parties.

d. Facilities on Residential Properties

CMRS facilities may not be placed on buildings used for single-family residential purposes.

e. Facilities in the O Zone District

The height and location of CMRS facilities in the O zone district are especially to be reviewed.

5. Requirements and Performance Standards

a. General Standards and Requirements

- i. CMRS facilities shall comply with all applicable federal, state, and county rules, regulations, and/or requirements pertaining to the specific use.
- ii. CMRS facilities shall conform to the provisions of the governing zoning district unless otherwise provided for in this section.
- iii. Any CMRS facility lawfully operating on the date of enactment of this section that is inconsistent with the provisions of this Code shall be deemed a nonconforming use as provided for in this Code (nonconforming uses), except that co-location will not be considered an expansion of a nonconforming use.
- iv. The absence of a principal use on a given parcel of land does not preclude the establishment of a CMRS facility as an accessory use.
- v. Planned Unit Developments (PUD's): CMRS facilities shall comply with the provisions set forth within the Final Development Plan for the parcel, as approved by the Board of County Commissioners, or in the absence of a Final Development Plan shall comply with the provisions set forth within the approved Preliminary Development Plan or Master Development Plan (MDP), except that these CMRS facility regulations shall govern where said Preliminary, Master, and/or Final Development Plans do not otherwise address provisions required by these regulations.
- vi. CMRS facilities shall comply with the provisions set forth within the approved Location and Extent Plan, Administrative Site Plan, and Use by Special Review for the parcel, as applicable.

b. Setbacks for CMRS Facilities

i. ATTACHED FACILITIES

- (a) Attached facilities and ground-based equipment may encroach up to 24 inches into the minimum building setbacks in the underlying zoning district but must not extend over property lines.
- (b) Ground-based equipment may be located within the rights-of-way on a case-by-case basis, taking into account the impacts of such equipment within the right-of-way on the public health, safety and welfare.
- (c) The required setback for facilities and ground-based equipment within the ROW shall be determined by the Public Works and Development Department and shall be based on safety requirements and consistent with the setbacks for similar structures.

ii. FREESTANDING FACILITY - CONCEALED

- (a) Minimum setbacks for Freestanding Facilities – Concealed are the same as the minimum building setbacks in the underlying zoning district, or the height of the facility, whichever is greater.
- (b) An alternative setback may be approved by the Planning Division Manager, if the proposed concealed freestanding facility will replace an accessory structure to an established principal use, not limited to signs, light poles, and flagpoles.
 - (i) The proposed alternative setback decrease shall not be more than 30 percent of the original setback dimension, and
 - (ii) Such alternative setback may be permitted where it is evidenced that the siting and location of the concealed freestanding facility with the alternative setback substantially camouflages or conceals the presence of the tower and antennas and has less visual impact than would be achieved by applying the principal structure setback.

iii. FREESTANDING FACILITY – NON-CONCEALED

Minimum setbacks for non-concealed freestanding facilities are as follows:

- (a) From property lines of properties in the Business and Industrial zone districts: 30 percent of the facility height but not less than minimum building setbacks in the underlying zoning district.
- (b) From property lines of properties in the residential and agricultural zone districts and mixed-use zone districts with a residential component: 100 percent of the facility height but not less than minimum building setbacks in the underlying zoning district.

iv. GROUND-BASED EQUIPMENT

- (a) All ground-based equipment shall meet the setbacks applicable to principal structures in the zone district, unless an alternative setback is established for a concealed freestanding facility.
- (b) Ground-based equipment may be located within the rights-of-way on a case-by-case basis, taking into account the impacts of such equipment within the right -of-way on the public health, safety and welfare.

c. Equipment Design

i. ATTACHED FACILITIES

- (a) Attached facilities on a roof may extend up to 15 feet over the height of the building or structure, subject to FAA height restrictions if located within an Airport Influence Area (AIA).
- (b) Such facilities may exceed the maximum height of the underlying zoning district by up to 15 feet, subject to FAA height restrictions if located within an Airport Influence Area (AIA).
- (c) Attached antennas must be located, painted and/or screened to be architecturally and visually compatible with the building or structure it is attached to unless conflicting with state or federal requirements.

ii. FREESTANDING FACILITY - CONCEALED

- (a) Concealed Freestanding Facilities must be painted or coated in a color that blends with the surrounding building and natural environment, unless state or federal regulations require different colors.
- (b) When a CMRS facility is incorporated into an overall photometric plan, such as a CMRS facility being included on a parking lot light pole or on sports field lighting, the CMRS facility height must be consistent with the pole height used for the parking lot or sports field. The CMRS Facility must meet the height restrictions outlined in the Land Development Code.

iii. FREESTANDING FACILITY – NON-CONCEALED

- (a) Freestanding Non-Concealed Facilities must not be artificially lighted, unless required by the FAA or other state or federal agencies.
- (b) Security lighting on the CMRS facility may be mounted up to 15 feet high and must be directed toward the ground to reduce light pollution, to prevent offsite light spillage and avoid illuminating the tower.

iv. GROUND-BASED EQUIPMENT

- (a) Ground-based equipment must be compatible with the architectural style of the surrounding building environment with consideration given to exterior materials, roof form, scale, mass, color, texture and character. Ground-based equipment must be constructed with materials that are comparable to the materials of the principal use. Equipment cabinets must be located, painted and/or screened to be architecturally and visually compatible with the surrounding building and natural environment. All equipment, storage shelters, and/or cabinet components of the CMRS facility shall be grouped as closely as technically possible
- (b) The total footprint of each service provider's equipment storage shelter and/or cabinets shall not exceed 400-square feet and shall not exceed 15 feet in height. The Planning Division Manager may approve a request submitted as part of a CMRS Facility application to increase the maximum allowable footprint of each service provider's equipment storage shelter and/or cabinets otherwise meeting the requirements of this Code for Equipment Design for Ground - Based Equipment, subject to the following:
 - (i) The amount of increase in the footprint of the ground-based equipment approved by the Planning Division Manager shall not exceed 30 percent of the maximum allowable area.

- (ii) Criteria to be considered by the Planning Division Manager in the determination of whether to allow an increase in the maximum allowable footprint shall include, but not be limited to, information provided by the applicant: justifying the need for the increased area for ground-based equipment; demonstrating that a single, larger equipment enclosure would better integrate into the architecture and site design for the property where the equipment is to be located than multiple smaller cabinets for co-located facilities; demonstrating efforts to incorporate the ground-based equipment into the design of the buildings and grounds for the principal use of the property; demonstrating use of landscaping or other mitigating design elements to enhance the property and/or mitigate negative impacts from the larger ground-based equipment enclosure.
- (c) Equipment must not generate noise that can be measured at the property line. However, this does not apply to generators used in emergency situations where the regular power supply for a facility is temporarily interrupted. It also does not apply to air conditioners or noise made during regular maintenance and upkeep of the facility and site.

d. Site Design

- i. Screening and landscaping appropriate to the context of the site and in harmony with the character of the surrounding environment is required when any part of the facility is visible from a public right-of-way or adjacent properties. Screening shall include architectural design, fencing, landscaping, or other suitable means for the site. Landscaping shall be in accordance with the requirements of this Code and shall be maintained. Fencing may be up to six feet high and shall be a solid fence of a suitable architectural finish for the development and compatible with the quality and design of buildings on the site (no chain link permitted). If a facility fronts on a public street, street trees must be planted along the roadway to provide additional screening. Landscaping in the ROW may require review by the Engineering Services Division and approval of any necessary license agreements.
- ii. Existing vegetation and grades on the site must be preserved as much as possible.
- iii. Signage at the site is limited to non-illuminated warning and equipment identification signs, not to exceed six feet in height and a maximum of six square feet in area. This does not apply to concealed facilities incorporated into freestanding signs, as otherwise permitted in the Land Development Code.
- iv. CMRS facilities shall not include manned offices, long-term vehicle storage or other outdoor storage, or other uses not needed to send, receive, or relay transmissions.

e. Co-Location on Existing CMRS Facilities

- i. CMRS providers must not exclude other providers from co-locating on the same free-standing (concealed or non-concealed) facility when co-location is structurally, technically, or otherwise possible. When requested, the applicant must provide written documentation which demonstrates that co-location was refused or provide evidence that co-location is not possible before attempting to locate an additional free-standing CMRS facility (concealed or non-concealed)

on a given parcel of land. The County may require a third-party technical study at the expense of either or both parties to determine the feasibility of co-location. The study will be conducted at a reasonable cost and with minimum necessary effort to make determination regarding co-location.

- ii. If the facility height is not increased, and the new CMRS facility, along with any ground-based equipment, complies with all applicable regulations of this Code as well the approved plan for the existing facility, CMRS facilities may be attached to an approved existing tower upon administrative approval of a complete application.
- iii. In addition to equipment proposed for the applicant's use, proposed CMRS facilities sites must be designed to accommodate co-location of one additional CMRS provider for every 40-foot segment of the structure's height over 40 feet.
- iv. With respect to any application for new CMRS facilities, the County may reduce the required shared capacity if sharing of such CMRS facility dominates and adversely alters the area's visual character.
- v. The addition of equipment for co-location of CMRS facilities on existing legal, nonconforming antenna towers is not considered a nonconforming use expansion and is exempt from the nonconformities section of this Code, if the facility height remains unchanged. Appropriate permits are required for the addition of any equipment.

B. SMALL WIND ENERGY CONVERSION SYSTEMS

1. Intent

To provide for the installation of small wind energy conversion systems (SWECS) providing electricity up to 100 kilowatts on properties within the unincorporated areas of Arapahoe County, unless otherwise prohibited by an approved Preliminary Development Plan.

2. General Requirements

- a. All requests for the installation of small wind energy conversion systems shall be submitted to the PWD Building Division, with referrals to the Current Planning Section, Engineering Services Division, and Zoning Section, and shall be accompanied by a dimensioned site plan showing:
 - i. Property lines.
 - ii. Proposed location of the tower, including setbacks and height information.
 - iii. Location of all existing structures.
 - iv. All above-ground utility lines.
 - v. Location of trees or other vegetation described by size and type.
 - vi. Existing easements
- b. The maximum tower height allowed in any zone district shall be 120 feet.
- c. Small wind energy conversion systems shall be located at least one times the height of the supporting tower from all property lines, and from any overhead utility lines.
- d. For "horizontal axis" small wind energy conversion systems, the minimum allowable height above-ground for any portion of the rotor or blades shall be 30 feet.
- e. Climbing access to the structure shall be limited either by means of a six foot high fence around the tower base with a locking gate or by limiting tower climbing apparatus to no lower than 12 feet above the ground.
- f. Wind energy conversion systems shall not create a detrimental effect on adjacent properties through electromagnetic interference (EMI) or noise (not to exceed

maximum permissible noise levels at the property line as stated in CRS 25-12-103 for the respective zoned districts).

- g.** The maximum capacity of a small wind energy conversion system is 100 kilowatts. The SWECS shall not be located along the major axis of an existing microwave communications link nor placed where it may interfere with existing and/or proposed airport facility aids (ILS, NDB, etc.) where the operation of the system is likely to produce an unacceptable level of electromagnetic interference.
- h.** Small wind energy conversion systems installed in accordance with the requirements of this Section shall not generate power as a commercial enterprise as defined by the Public Utilities Commission (PUC) or the Federal Energy Regulatory Commission (FERC). Any wind energy system that generates power as a commercial enterprise as defined by the PUC or FERC is subject to, at a minimum, a 1041 permit or a Use by Special Review.

3. Procedure

- a.** Applicants requesting installation of a small wind energy conversion system shall contact the utility company which has jurisdiction over the parcel of land where the proposed system is to be located (Public Service, IREA).
 - i.** The affected utility shall set forth requirements for the proposed interconnection in compliance with the provisions of the Public Utilities Commission or applicable utility company. Such requirements may include, but not be limited to system specifications, metering, disconnect and emergency features, maintenance, insurance and safety factors.
 - ii.** Upon the utility's review of the proposed system, the landowner/authorized representative shall submit a "letter of intent to interconnect" to the PWD Building Division, which has been signed by the utility company. This requirement shall be waived if no interconnection is proposed.
- b.** The landowner/authorized representative shall receive and submit to the PWD Building Division a letter of certification from a registered structural engineer, which verifies the structural integrity of the supporting tower for its ability to withstand structural and wind loads in compliance with the Uniform Building Code.

3-3.9. Public Utility

A. MAJOR PUBLIC UTILITY FACILITY

An application for a major public utility facility including, but not limited to power plant, transmission line, transmission substation, natural gas transmission pipeline, and natural gas transmission pump station must comply with the "Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)".

B. MINOR PUBLIC UTILITY FACILITY (DISTRIBUTION SUBSTATION)

An application for a minor public utility facility, such as a distribution substation, must comply with Section 5-7.3, Location and Extent, of this LDC.

C. SEWAGE DISPOSAL TREATMENT PLANT

An application for a sewage disposal treatment plant must comply with the "Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)".

D. WATER TREATMENT PLANT

An application for a water treatment plant must comply with the "Regulations Governing Areas and Activities of State Interest in Arapahoe County (1041 Regulations)".

3-3.10. Transportation

A. HELIPAD

Helipad operations are allowed provided the facility is:

1. Approved by the Federal Aviation Administration (F.A.A.) and
2. Not located closer than 1,000 feet to any existing or planned residential dwelling unit.

3-3.11. Home Occupation

A. GENERAL HOME OCCUPATION

1. Intent

To allow for the use of a residence for an occupation which does not change the character of the neighborhood in which it is located.

2. Requirements and Restrictions

In order for a home occupation to be considered compatible with the neighborhood which it is located, the following criteria must be met:

- a. The home occupation must be conducted entirely within the principal dwelling structure. Not more than 20 percent of the garage area shall be used for storage of permitted materials and goods associated with the home occupation.
- b. The home occupation shall be conducted only by the residents of the principal dwelling.
- c. There shall be no visible advertising of the home occupation on the premises upon which it is located.
- d. There shall be no outdoor storage of goods or materials associated with the home occupation.
- e. There shall be no excessive or offensive noise, vibration, smoke, dust, odors, heat, glare or light, or dumping of materials produced by the home occupation.
- f. The receipt or delivery of merchandise, goods or supplies for use in a home occupation shall be limited to the United States mail, parcel post or general delivery service or private passenger vehicle, but shall exclude truck and/or trailer-delivered goods or merchandise.
- g. A home occupation shall not change the appearance or character of the dwelling and/or neighborhood. Only materials, goods and services normally associated with a dwelling unit shall be considered eligible for a home occupation.
- h. Sales conducted in conjunction with the home occupation shall be primarily by telephone or direct mail. Incidental pick-up of goods is permitted; however, a home occupation shall not generate an amount of traffic which affects the residential character of the neighborhood, nor shall it encourage congregations of people for extended periods of time.

B. DAY CARE

1. Day Care Home

A "day care home" (see definitions) shall be permitted subject to the following provisions:

- a. Such "day care home" shall not be allowed signage.
- b. Such "day care home" shall provide care for children as follows:

TABLE: 3-3.10.1 NUMBER OF CHILDREN PERMITTED IN DAY CARE HOME	
Provider's children not attending full-day school	Maximum number of day care children permitted at one time
6 or more	0
5	1
4	2
3	3
2	4
1	5
0	6
Provider's children under 12 years attending full-day school	Additional day care children permitted during school hours
0	0
1	1
2	2

- c. Such “day care home” shall obtain proper licensing as may be required by Colorado Department of Human Services, and/or any other agency as may be required by Colorado laws.
 - d. A “day care home” is exempt from the provisions of subsections 3-3.11.A.2.a and 3-3.11.A.2.d through 3-3.11.A.2.g above.
2. **Experienced Family Child Care Provider**
- a. To be approved for the Experienced Family Child Care provider, the provider **must**:
 - i. Have been a family child care home provider in Colorado for at least the last six consecutive years;
 - ii. Have completed 90 clock hours of training within the preceding six years (excluding pre-licensing training); providers with a minimum of 65 hours of training within the preceding six years may be approved for the license if they complete the additional 25 hours of training within one year of the effective date of these rules; 40 hours of the 90 hours must be in infant/toddler training;
 - iii. Have had no substantiated complaints in the preceding two years for violations that could directly threaten the health or safety of children in care;
 - iv. Have no negative licensing action taken against the license in the preceding two years;
 - v. Meet requirements of 35 square feet of inside space and 75 square feet of outside space per child; The following chart describes the various options available to the Experienced Family Child Care Provider. Providers are free to move from one option to another without notifying the department, as long as they are in compliance with all licensing rules.

TABLE 3-3.10.2 EXPERIENCED FAMILY CHILDCARE PROVIDER - NUMBER OF CHILDREN ALLOWED				
Note: All options include the provider's own children under 10 years of age				
	Birth to School Age	Under Two Years of Age	Number Under 18 Months of Those Under Two	Additional School Age Children Allowed
Option 1	5	4	2	2
Option 2	6	3	2	3
Option 3	8	2	2	0
Option 4	7	2	2	2

- b. An Experienced Family Child Care Provider shall be permitted subject to the following provisions:
 - i. Such Experienced Child Care Provider shall be approved by the Board of Adjustment under Special Exception Use
 - ii. Such Experienced Child Care Provider shall not be allowed signage.
 - iii. Such Experienced Child Care Provider shall obtain proper licensing as may be required by Colorado Department of Human Services and/or any other agency as may be required by Colorado laws.
 - iv. An Experienced Child Care Provider is exempt from the provisions of subsections 3-3.11.A.2.a and 3-3.11.A.2.d through 3-3.11.A.2.g above.
- 3. **Child Care Home, Large**
 "Child Care Home, Large" (see definition) shall be permitted subject to the following provisions:
 - a. Such "Child Care Home, Large" shall be approved by the Board of Adjustment under Special Exception Use.
 - b. Such "Child Care Home, Large" shall not be allowed signage.
 - c. Such "Child Care Home, Large" shall obtain proper licensing as may be required by Colorado Department of Human Services and/or any other agency as may be required by Colorado laws.
 - d. A "Child Care Home, Large" is exempt from the provisions of subsections 3-3.11.A.2.a and 3-3.11.A.2.d through 3-3.11.A.2.g above.

3-3.12. Temporary Structures and Uses

A. TEMPORARY COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES

- 1. Temporary CMRS facilities designed for use while a permanent CMRS facility or network is under construction may operate for up to 180 days, after which the temporary facility must be removed. In cases where temporary facilities are necessary due to destruction or significant damage to permanent structures hosting CMRS facilities due to causes beyond the control of an applicant, renewal requests for temporary facilities are subject to review and approval by the PWD Director on a case-by-case basis. Unless such renewal request is granted, no other temporary facility can be built by the provider on the property after the original temporary facility is removed.
- 2. Temporary CMRS facilities designed for use during a special event may operate for up to 14 days, after which they must be removed at the provider's expense. An extension of the temporary use may be granted by the Planning Division Manager to coincide with an

extended period of time for the special event and subject to conditions to mitigate impacts of the extended use. Such temporary facilities may be operated on a property up to four times a year.

3. Temporary CMRS facilities must comply with this code (requirements and performance standards). The Planning Division Manager may require landscaping and screening requirements for temporary facilities where adjacent or nearby properties or users of public rights-of-way may be impacted.

B. TEMPORARY CONSTRUCTION YARD AND/OR OFFICE

A parcel used for the storage of construction materials and/or a temporary structure for a construction office to be used for managing a construction job may be permitted in all districts with the following restrictions:

1. The structure and/or parcel are/is to be used only during normal construction hours by the construction superintendent, construction workers, contractors, etc.
2. While construction is occurring, a temporary construction office and/or construction yard may be permitted provided that it is located within the area of a recorded Final Plat, an approved Final or Master Development Plan, Administrative Site Plan, Subdivision Development Plan, Location & Extent or a Use by Special Review.
3. The temporary construction office may be used as a security office but shall not be used as living quarters.

C. TEMPORARY FAIR OR CARNIVAL

A fair or carnival shall not exceed 30 days in one year.

D. TEMPORARY OUTDOOR ENTERTAINMENT AND OUTDOOR ASSEMBLY EVENTS

Outdoor entertainment and outdoor assembly events, including but not limited to fairs, festivals and concerts may be permitted upon compliance with the use specific standards of this section.

1. Event Requirements

- a. Each property shall be limited to no more than four events per calendar year.
- b. A property shall not hold events on consecutive weekends.
- c. An event shall have a collective duration (duration refers to actual event time exclusive of setup and breakdown) of no more than 10 days per calendar year unless otherwise provided in conjunction with an approved Planned Unit Development, Use by Special Review or other development approval, and except as otherwise provided in this section.

2. Extensions

- a. The Zoning Administrator may approve additional events and/or additional days for such events within a calendar year if the property for which the Temporary Use Permit is requested has a pending and complete application for a General Development Plan, Specific Development Plan or other applicable land use approval to establish the use approved through the Temporary Use Permit as a permanent use on the property.
- b. Additional events and/or days may be approved only during the time frame that the application is pending; however, in no event shall additional events or days be approved for a timeframe that is more than three years after the application was first submitted.

E. TEMPORARY RESIDENTIAL SALES OFFICES (MODEL HOMES)

Temporary residential sales offices for the sale of units in an area shall be permitted with the following restrictions:

1. Sales shall be limited only to those units within the platted subdivision in which the office is located.
2. The temporary structure shall be located within the area of a recorded Final Plat.
3. The use of a temporary residential sales office may require the posting of a bond with the PWD Building Division.
4. Sales offices within model homes shall meet criteria as may be established by PWD Building Division regulations, as set forth within the County Building Code, etc.

F. TEMPORARY SEASONAL SALES

Temporary seasonal “tent”/sidewalk sales may not exceed a total of 30 days in any one calendar year, per shopping center

G. FARMERS’ MARKETS

1. Purpose

To provide regulations pertaining to Outdoor Farmers’ Markets, as defined in this Code, for the purposes of encouraging and facilitating availability of locally-grown food while adding to a sense of community.

2. Procedures

Outdoor Farmers’ Markets may be allowed as a temporary use subject to the requirements of this Section and with prior approval of a Temporary Use Permit under the provisions of Section 5-5.3, Temporary Use Permits of this Code.

3. Requirements

a. Performance Standards.

Outdoor Farmers’ Markets are subject to the following performance standards and other conditions established with an approved Temporary Use Permit:

- i. Outdoor Farmers’ Markets shall comply with State of Colorado applicable regulations for retail food establishments and the sale of unprocessed, uncut fruits and vegetables.
- ii. Hours of operation shall be limited to the hours approved with the Temporary Use Permit.
- iii. Outdoor Farmers’ Markets may be approved for the months of May through October.

b. Additional Submittal Requirements for Temporary Use Permit

In addition to requirements of Section 5-5.3, Temporary Use Permits, an applicant for an Outdoor Farmers’ Market shall submit to the County a scaled and dimensional site plan showing the layout of the entire market area, including parking spaces for the use, vehicle access, waste receptacles and restrooms and shall pay any applicable fees for the Temporary Use Permit application.

H. FIREWORKS STANDS

Fireworks stands shall be permitted upon compliance with the following provisions:

1. Fireworks stands shall not be permitted in residential zoning districts.
2. Fireworks stands shall not be permitted within 75 feet of residential structures.
3. Fireworks stands shall be located no closer than 50 feet from all property lines.

4. Proof of compliance with Arapahoe County Ordinance No. 86-1 shall be submitted with an application for a fireworks stand permit, including proof of insurance.
5. A minimum of 15 parking spaces are to be provided for customers.
6. The PWD Engineering Services Division has granted access approval.
7. Fireworks stands must be located within the boundaries of a fire protection district, and comply with all applicable district requirements.
8. No stand shall be permitted to operate prior to June 15th or after July 7th.
9. Fireworks stands must comply with the provisions applicable to temporary structures in the most recently adopted Arapahoe County Building Code, and meet the minimum requirements of the Fire Code adopted by the fire department having jurisdiction over the location of the fireworks stand.
10. The net weight of the pyrotechnic composition of fireworks stored at the site shall be limited to 125 pounds (where the net weight if the pyrotechnic composition is not known, it shall be presumed that 25 percent of the gross weight of the fireworks, including packaging, equals the net weight of the pyrotechnic composition of the fireworks), except that storage in excess of 125 pounds is permitted at the site if stored in an approved magazine that is located outside of the sales area and a minimum of 100 feet from inhabited buildings, 20 feet from all property lines, 30 feet from automobile parking and 50 feet from flammable liquids or fuels.
11. Proof of permission to occupy the site (for example, a lease or rental agreement) must be provided.
12. Permit fees shall be \$500.00 plus a \$250.00 deposit which is refundable if the permittee completely cleans up the site and calls for a clean-up inspection prior to July 13.

I. CHRISTMAS TREE LOTS

Christmas tree lots shall be permitted upon compliance with the following provisions:

1. Christmas tree lots may be approved as shown in Table 3-2.1, Permitted Uses.
2. Any structure(s) associated with the operation of a Christmas tree lot shall be erected no closer than 50 feet from all property lines, and shall be anchored in such a manner as to withstand normal wind pressure, be safe from collapse, and be constructed in such a manner so as not to create a health, safety and/or welfare violation(s).
3. Christmas tree lots shall not be erected prior to the weekend after Thanksgiving, nor remain after January 1.
4. Proof of compliance with Arapahoe County Ordinance No. 85-1 shall be submitted with an application for a Christmas tree lot permit.
5. That a minimum of 15 parking spaces are to be provided for customers.
6. That the PWD Engineering Services Division has granted access approval.

J. ROADSIDE SALES STAND

This temporary use is allowed provided:

1. Only products raised on the premises shall be sold in such stand, and
2. Any such structure shall comply with applicable building code.

K. STORAGE CONTAINERS/PODS

This temporary use is allowed provided it:

1. Is not be located in the public right of way;
2. Is not be closer than five feet from a side or rear property line;
3. Is not block access;

4. Is not exceed the height of an allowed accessory structure;
 5. Is be located in areas of least visibility; and
 6. Is removed from the site no later than 10 days after construction activity has ceased or for no more than seven consecutive days for the purpose of moving or estate sale.
- L. SWAP MEETS/FLEA MARKETS**
Swap meets/flea markets may be permitted for no more than three consecutive days.

Chapter 4: Development Guidelines and Standards

4-1 LOT AND SITE DEVELOPMENT STANDARDS

4-1.1. Dimensional Standards

A. AGRICULTURAL AND RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS

1. General Dimensional Standards

All primary and accessory structures in the agricultural and residential districts shall comply with the dimensional standards in Table 4-1.1, unless an exception or a different standard is stated in another section of this LDC.

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 ^[12]	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	
Setbacks, Accessory Structure or Use (Minimum) (feet)													
Front	100	[8]	[8]	[8]	[8]	[8]	[8]	20	20			[9]	Per Approved Development Plan
Side	100	25	25	15	5	10	10	10	[8]			5	
Rear	100	25	25	10	10	10	10	20	Garage: 0 Other: 10			5	
Distance between principal								Per Fire Code				20	

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		
structures														
Building Standards (Maximum) (feet)														
Building Height (feet)														
All DUs	50	50	35	35	35	35	35	38					Per Approved Development Plan	
Mobile homes														25
Manufactured homes	35	35												35
Building Coverage														
All structures								40% ^[10]	50% ^[10]	60%	70%			Per Approved Development Plan
Density (Maximum)														
Dwelling Units per Gross Acre													7	Per Approved Development Plan
Unobstructed Open Space (Minimum)														
Attached DU														Per Approved Development Plan
Multifamily DU														
Not specified														
Open Space with direct access to Dwelling (sf)											360 ^[11]			

Notes:

[1] 105,000 square feet

[2] 70,000 square feet

[3] Prior to April 1, 2017, dimensional standards for residential uses approved in any previous PUD, including R-PSF, R-PM, R-PH, SH, MU and C, apply to land with these zone designations and are further subject to the terms and provisions of the approved development plans. Residential components of PUDs approved after August 15, 2019 shall be subject to the dimensional standards established in the approved development plan.

[4] Cluster developments require that a minimum of 35 percent of the site area outside lots is set aside as open space and protected open space or landscaping is located to buffer surrounding development from the visual impacts of the single-family cluster. Development shall not contain more single-family residential lots than would otherwise be permitted.

[5] In the R-1-C, R-1-D, R-2-A, and R-2-B zone districts, where a development parcel is located across a local street from an already-developed area of single-family detached residences, residential development along that local street frontage shall be single-family detached homes, each of which shall have a minimum lot width at least 90 percent as large as the minimum lot width of those in the already-developed single-family area across the local street.

[6] When a vacant lot shares a side lot line with an adjacent residential lot on which a single-family detached dwelling unit has been built, any single-family detached residential dwelling unit constructed on the vacant lot shall have a front setback within 3 feet of the front setback of the single-family detached home on the adjacent lot. When a vacant lot shares two side lot lines with two adjacent residential lots on which single-family detached dwelling units have been built, any single-family detached residential dwelling unit constructed on the vacant lot shall have a front setback within the range of the front setbacks of two single-family homes on either side.

[7] The required side setback can be located predominantly on one side of the primary building, provided that any side wall of the primary building must be a minimum of three feet from a side lot line.

[8] Front Building Line of Principal Building

[9] Front building line

[10] Primary building setbacks and maximum lot coverage on clustered residential lots may not be smaller than 75 percent of those required in the zone district.

[11] Minimum dimension on any side must be 15 feet

[12] Parcels larger than 35 acres in area and created prior to April 2, 2019 shall be considered to meet this lot width requirement, regardless of their existing width. All other development standards including, but not limited to, animals, building height, and setbacks, shall apply.

B. PERFORMANCE STANDARDS FOR UNDERSIZED PARCELS IN A-E AND A-1 ZONE DISTRICTS

All primary and accessory structures in undersized parcels in the A-e and A-1 zone districts shall comply with the dimensional standards in Table 4-1.2, unless an exception or a different standard is stated in another section of this LDC.

TABLE 4-1.2 PERFORMANCE STANDARDS FOR UNDERSIZED PARCELS IN A-E AND A-1

These setbacks apply to legally created parcels which are smaller than the minimum required lot area in the A-E and A-1 zone districts. These parcels were either created prior to the adoption of the Arapahoe County subdivision regulations or may be created through a subdivision exemption (Section 5-6.9 of the Land Development Code).

Parcel Size (Acres)	35+	19-34.9999	9-18.9999	2.41-8.9999	<2.41
Setbacks (Minimum)					
Front	See Table 4-1.1	50'	50'	50'	25'
Side	See Table 4-1.1	50'	25'	25'	25'
Rear	See Table 4-1.1	50'	50'	25'	25'
Side Corner	See Table 4-1.1	100'	50'	50'	25'
Accessory, Front	See Table 4-1.1	Front building line of principal structure	Front building line of principal structure	Front building line of principal structure	Front building line of principal structure
Accessory, Side	See Table 4-1.1	25'	25'	15'	15'
Accessory, Rear	See Table 4-1.1	25'	25'	15'	15'

C. NON-RESIDENTIAL DISTRICTS DIMENSIONAL STANDARDS

All primary and accessory structures in the commercial and industrial zone districts shall comply with the dimensional standards in Table 4-1.3, unless an exception or a different standard is stated in another section of this LDC.

1. Setbacks may differ subject to the International Building Code's requirements.
2. Buildings are not permitted in easements unless a letter from the utility easement holder(s) is recorded.
3. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow for snow and ice melt on adjacent streets and sidewalks.
4. Dimensional standards may be subject to specific overlay district regulations (AIA, CAEPA, Strasburg Downtown Overlay, and others as specified in this Land Development Code – see Section 2-4.10.)

TABLE 4-1.3 NON-RESIDENTIAL DISTRICT DIMENSIONAL STANDARDS						
	B-1	B-3	B-4	B-5	I-1	I-2
Lot Standards						
Lot Size	All site designs must demonstrate compliance with all site development standards in this LDC & applicable building codes					
Setbacks (Minimum)						
Setback from property lines abutting adjacent residential uses	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.	100 ft.
Setback from property lines abutting adjacent public right-of-way	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.
Setback from front property line if the building is oriented toward the street and accesses the public sidewalk	10 ft.	10 ft.	10 ft.	25 ft.		
Setback from property lines abutting commercial business or industrial zones or uses	10 ft.	10 ft.	25 ft.	10 ft.	25 ft.	50 ft.
Setback from interior property lines for multiple parcels managed as a single development	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Minimum separation between structures	IBC	IBC	IBC	IBC	IBC	IBC
Setback between designated parking areas and property lines	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Building Standards (Maximum)						
Building Height, including mechanical appurtenances	35 ft.	50 ft.	50 ft.	50 ft.	50 ft.	50 ft.
Unobstructed Open Space (Minimum)						
Single story structure	20%	20%	20%	20%	20%	20%
Each additional story	For each additional story, an additional 5% up to a maximum of 35%					

D. SPECIAL PURPOSE DISTRICTS DIMENSIONAL STANDARDS

All primary and accessory structures in the Cultural and Open zone districts shall comply with the dimensional standards in Table 4-1.4 unless an exception or a different standard is stated in another section of this LDC.

TABLE 4-1.4 SPECIAL PURPOSE DISTRICT DIMENSIONAL STANDARDS		
	O	PUD ^[1]
Lot Size (Minimum)		
Area		Per Approved Development Plan
Setbacks (Minimum)		
Setback from any property lines abutting residential zones or uses	Per Approved Administrative Site Plan	Per Approved Development Plan
Setback from property lines abutting adjacent public right-of-way		
Setback from any property lines abutting non-residential zones or uses		
Interior lot line setback		
Minimum separation between structures		
Setback between designated parking areas and property lines		
Building Standards (Maximum)		
Building Height (including rooftop mechanical appurtenances in industrial districts)	35 ft.	Per Approved Development Plan
Unobstructed Open Space (Minimum)		
Single story structure		Per Approved Development Plan
Each additional story		
All structures and uses	90%	
Notes: [1] Prior to April 1, 2017, dimensional standards for residential uses approved in any previous PUD, including R-PSF, R-PM, R-PH, SH, MU and C, apply to land with these zone designations and are further subject to the terms and provisions of the approved development plans. Residential components of PUDs approved after April 1, 2017 shall be subject to the dimensional standards established in the approved development plan.		