

SECTION 13-100 PLANNED UNIT DEVELOPMENT **(P.U.D.)**

13-101 INTENT

13-101.01 The alteration of established land uses and/or development criteria, can substantially affect the overall planning of unincorporated areas in Arapahoe County. Therefore a rezoning process has been established, in accordance with the Administrative Provisions of this document, to provide for the review of land use and/or development criteria revision requests.

13-101.02 As defined in the Definitions Chapter of these regulations, a Planned Unit Development is an area of land controlled by one or more landowners to be developed under unified control or unified plan of development for a number of residential, commercial, educational, recreational, or industrial uses or any combination of the foregoing, the plan for which may not correspond to lot size, bulk or type of use, lot coverage, open space and/or other restrictions of the existing land use regulations.

13-101.03 The P.U.D. process is intended to prevent the creation of a monotonous urban landscape by allowing for the mixture of uses which might otherwise be considered non-compatible, through the establishment of flexible development standards, provided said standards:

- A. Recognize the limitations of existing and planned infrastructure, by thoroughly examining the availability and capability of water, sewer, drainage, and transportation systems to serve present and future land uses.
- B. Assure compatibility between the proposed development, surrounding land uses, and the natural environment.
- C. Allow for the efficient and adequate provision of public services. Applicable public services include, but are not limited to, police, fire, school, park, and libraries.
- D. Enhance convenience for the present and future residents of Arapahoe County by ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another.
- E. Ensure that public health and safety is adequately protected against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.
- F. Provide for accessibility within the proposed development, and between the development and existing adjacent uses. Adequate on-site interior traffic circulation, public transit, pedestrian avenues, parking and thoroughfare connections are all factors to be examined when determining the accessibility of a site.
- G. Minimize disruption to existing physiographic features, including vegetation, streams, lakes, soil types and other relevant topographical elements.
- H. Ensure that the amenities provided adequately enhance the quality of life in the area, by creating a comfortable and aesthetically enjoyable environment through conventions such as, the preservation of mountain views, the creation of landscaped open areas, and the establishment of recreational activities.
- I. Enhance the usable open spaces in Arapahoe County, and provide sufficient unobstructed open space and recreational area to accommodate a project's residents and employees.

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13-101.04 The criteria, just stated, must be addressed prior to approval of any P.U.D. requests, and are intended to provide clarity of purpose and direction for applicants, neighbors, concerned citizens, and Arapahoe County decision-makers.

13-101.05 In a standard P.U.D., the development standards are established after the completion of two steps: the Preliminary and Final Development Plans. The final document must achieve the County's nine stated goals for P.U.D. zoning, and must comply with all other applicable restrictions of the Regulations. The preliminary development plan ("PDP") establishes general land uses and siting restrictions, including proposed site development criteria. Through these proposed criteria, the PDP must show, in general terms, how the development will achieve the standards for planned-unit development zoning. The FDP must meet the PDP-minimum development standards and also be an application which is desirable overall when weighed against the P.U.D. standards.

13-101.06 Another form of P.U.D. available for certain types of development proposals is the Master Development Plan ("MDP"). At the time of creation, and until later expanded by resolution of the Board of County Commissioners, the MDP is available only for Office Park Developments and Light Industrial Park Development, as defined in the Definitions Chapter of these regulations. Retail may be allowed as a use by special review within a MDP proposal. Multifamily residential may also be allowed as a use by special review and will be considered as a secondary use within a proposed or existing MDP. The process creates a single development plan that is more refined and more precise than that required for a PDP, while allowing the developer flexibility in establishing specific building architecture and site layout details, to the extent set forth in the MDP, through a subsequent Administrative Site Plan (ASP) approval process. The MDP enables a staff-level review of individual site plans as provided in the MDP. An MDP may be accompanied by a development agreement, which may contain additional standards, restrictions or conditions related to the development; may provide guidance for the interpretation and implementation of the MDP; and may establish vested property rights pursuant to C.R.S. 24-68-101, et. seq. Section 13-112 of these Regulations. An MDP also may qualify for establishment of vested property rights as a site specific development plan, all as further described in Section 13-112 of these Regulations.

13-102 GENERAL PROVISIONS

13-102.01

All applications for amending the Zoning Map after the adoption of these Regulations shall follow either the procedures outlined herein for a PUD or those described for rezoning to a conventional zone district (see Section 13-200).

13-102.02

Zone changes may be initiated by the Arapahoe County Planning Commission, the Arapahoe County Board of County Commissioners, by the owner of record, or by joint application of the owner of record together with a potential purchaser under a bona fide contract and/or agreement for sale.

13-102.03

When zone changes are initiated by the Arapahoe County Planning Commission or by the Arapahoe County Board of County Commissioners, the owners of record and/or contract purchaser shall be notified by certified mail of the intended zone change. The Planning

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Commission and/or Board of County Commissioners shall adhere to posting, publication, and hearing procedures.

13-102.04

All Planned Unit Development Applications, including applications for modified uses and setbacks in a conventional zone district, shall follow the P.U.D. procedure outlined in this chapter. For purposes of mapping, notice and general information, the P.U.D. shall be identified with a label of the zone district most closely resembling the use(s) requested. For example, if the owner wishes to develop their land with a modification to the uses specified in the B-1 district, the P.U.D. will be labeled as B-1 P.U.D. The identification of the zone district is only to establish a general category of uses. The development criteria shall be the criteria stated on the P.U.D. The development criteria stated for the zone district shall be applicable only when the P.U.D. fails to address the criteria at issue.

13-102.05

The owners of land wishing to develop their land under the A-E, A-1, A-2 or F zoning district shall be required to submit a Zoning Plan along with Preliminary and Final Plats (if necessary). The Zoning Plan shall show how the proposed development conforms to the requirements set forth in these Regulations for the appropriate district (i.e., permitted uses, building heights, minimum lot area, setbacks, etc.).

13-102.06

Amendments to an existing P.U.D. require either the signature of all owners listed on the P.U.D. signature document, or in cases where the signature of all owners is not attainable, the signature of the owners(s) of the proposed amendment plan. For amendment cases where governing P.U.D. owner signatures cannot be obtained, the Planning Division Manager shall send a notice letter to all owners listed on the governing P.U.D. signature stating there may be impacts to their property and recommend they evaluate those possible impacts. Such notice shall be sent no less than 30 days prior to the Planning Commission public hearing.

13-102.07

Amendments to approved P.U.D. documents, which do not qualify for the Administrative Amendment procedure as defined in these regulations, are to follow the processes described in this Chapter.

13-102.08

The Board of County Commissioners shall have the power to condition approval of individual land use applications upon the receipt of signatures of additional persons with record interests in the land which is the subject of the land use application. Signatures of persons that appear on a land use application or on a final version of an approved land development plan shall constitute such person's irrevocable consent to the action requested or reflected on or in the document.

13-102.09

The Planning Division Manager will have the right to add or waive requirements as may be recommended.

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13-102.10

All new FDP's, PDP's, ASP's and MDP's from the date of this ordinance revision must meet the requirements of the Parking, Landscape and Lighting sections of this Land Development Code.

13-102.11

All PUD's shall allocate minimum unobstructed open space based upon the net site area as follows:

Industrial	20%
Commercial	20% single story; 5% for each additional story, up to a maximum of 35%
Residential – Single Family	10%
Residential – Moderate Density	30%
Residential – High Density	35%

13-103 GENERAL PROCESS (PDP, FDP, STREAMLINED FDP, AND MDP)

The Standard Planned Unit Development process requires the execution of both a Preliminary Development Plan (PDP), and a Final Development Plan (FDP).

13-103.01 PRELIMINARY DEVELOPMENT PLAN (PDP)

- A. A Preliminary Development Plan, as defined in the Definitions Chapter of these regulations, is the first step in establishing land uses and siting restrictions for a parcel of land. The uses and siting restrictions permitted by the PDP set the general parameters with which the development must comply. The uses, minimums and maximums provided in the PDP will be reviewed at the Final Development Plan stage to further determine the appropriateness for the particular site and neighborhood.
- B. Once a PDP has been approved, an FDP which complies with the terms, conditions and requirements of the approved PDP must be submitted and approved prior to the issuance of building permits for improvements to any site or sites within the project covered by the PDP.

13-103.02 FINAL DEVELOPMENT PLAN (FDP)

- A. A Final Development Plan, as defined in the Definitions Chapter of these regulations, is the second step in establishing approval of land uses and siting restrictions for a development. This document provides specific information on the uses to be permitted and the manner in which they may be situated on the property.
- B. If the submitted Final Development Plan proposes substantial criteria changes from those approved on the Preliminary Development Plan, the applicant may be required to amend the PDP prior to submitting the Final Development Plan. The thresholds for determining whether an Amendment to an approved Preliminary and/or Final Development Plan can be processed administratively can be found in the Administrative Amendment section of these regulations.

13-103.03 STREAMLINED FINAL DEVELOPMENT PLAN (FDP)

- A. The intent of the streamlined FDP Review Process is to conduct one public hearing with the Planning Commission and then have the Board ratify the Planning Commission

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- decision without conducting a second public hearing. Using this process, applications may be processed in a timely manner while allowing for public review.
- B. The Streamlined FDP Review Process applies only to FDP applications submitted within PDP's that were applied for (or amended to comply with this Section) after November 1, 1999. Such applications shall be referred to in this Section as "eligible FDP applications". The new process will not be available for FDP applications arising out of a PDP applied for or acted upon prior to November 1, 1999 unless the text of the PDP specifically allows for review under this Section.
 - C. For purposes of this section, the Final Development Plan establishes land use siting restrictions for a development necessary to ensure that the final site design satisfies each of the PUD zoning goals set forth in these Regulations. The FDP document provides specific enforceable standards relating to the land uses and the manner in which they will be situated on the property.

13-103.04 MASTER DEVELOPMENT PLAN (MDP)

- A. A Master Development Plan, as defined in the Definition Chapter of these regulations, is an alternative to the standard Planned Unit Development process available for Office Park Developments and Light Industrial Park Developments or other eligible types of development as the Board may determine in the future. Retail may be considered as a use by special review within these office and light industrial park developments. Multifamily residential may also be considered as a use by special review within these office and light industrial park developments. The process for approval of an MDP shall be the same as the process for approval of an FDP (except that an approved PDP shall not be a prerequisite for submission or approval of an MDP).
- B. Preliminary, Final and Master Development Plans requested on parcels located within the "Area of Special Interest" shall also be required to follow those procedures.
- C. Although prepared before final architectural and site layout details are determined, the MDP sets forth one or more proposed development scenarios for the project. It also establishes development parameters that are more refined and more precise than those set forth in the PDP. The MDP shall commit to provide infrastructure and required public improvements as set forth in a master subdivision improvements agreement, approved in connection with the MDP or related subdivision approvals, covering the entire project and each phase thereof. The MDP may also establish conditions on approval of subsequent ASPs (Administrative Site Plan) to assure that construction of or payment for infrastructure, and/or dedication of public easements, rights of way or sites, occurs when warranted in light of the stage of development within the MDP. Except as otherwise provided in the MDP, ASP applications and applications for building permit approvals may be processed concurrently.
- D. No ASP applications shall be submitted until the obligations of the master subdivision improvement agreement for public or private improvements related to such ASP application has either been constructed and approved by the County or appropriate collateral for such improvements has been accepted by the County. Each MDP shall establish the signatures required to authorize amendments to the MDP or rezonings of property within the MDP. To assure that free-standing non-Professional Office uses are consistent with the general office character of the overall development, the MDP may establish appropriate conditions and restrictions on such uses (including, but not limited to, size, architecture, site layout, signage, siting restrictions and other physical constraints, and/or conditional approval subject to Use By Special Review procedures prior to or in conjunction with review of ASP submittals).

13-104 SUBMITTAL PROCESS FOR PDP, FDP AND MDP

13-104.01

Applicants are required to meet with the Planning Division prior to formal submittal of a PDP, FDP or MDP request (unless waived by the Planning Division Manager) in order to obtain input into the appropriateness of the request. Unless the MDP states otherwise, a pre-submittal meeting shall be necessary with each ASP, unless waived by the Planning Division Manager or unless the Planning Division is unable to hold the pre-submittal meeting within 5 business days after a written meeting request is received by the Planning Division Manager or his designee.

13-104.02

Following the Pre-submittal meeting, the applicant must complete all of the requirements of the Formal review process as prescribed by the PWD Department. Any portion of the Formal submittal requirements may be waived in writing by the Planning and/or Engineering Division Managers. (contact the Planning Division for details)

13-104.03

As part of the review process, referral agencies are notified and have the opportunity to respond in writing. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review. This referral period is 30 days and can be extended by up to 30 additional days by mutual consent of the applicant and the Planning Division Manager or designee. Failure of an agency to respond within the prescribed time period or extension period shall be deemed approval.

13-104.04

Following referral agency review, the applicant and PWD Department staff will meet to discuss the applications readiness for the Planning Commission hearing. If the PWD Department determines that the application is not ready for hearing, the applicant will be required to revise the application per County and outside referral agency comments.

13-104.05

Once the PWD Department assesses that the application is ready to proceed to the Planning Commission, a reserved date will be set.

13-104.06

The Development Plan submittal, along with the available comments of the Planning and Engineering Staff and appropriate referral agencies shall be presented at a public hearing to the Planning Commission, which shall inform the applicant of its recommendations.

13-104.07

Following the recommendation by the Planning Commission, the staff planner shall schedule the Development Plan (when applicable) with the Board of County Commissioners for final consideration. The applicant shall be notified of the hearing date and time.

13-104.08 Board of County Commissioners

A. The Board of County Commissioners will take one of the following actions at the hearing: 1. approve as submitted; 2. approve with conditions; 3. continue or table to a date certain (for further information, etc.); 4. take the request under advisement; 5. or deny.

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B. The Board may utilize standard conditions of approval and standard motions for approval which incorporate other requirement conditions, limitations or restrictions. The Board's decision shall be based upon the evidence the record relating to the application, applying the standards set forth in this Chapter For MDP applications, in evaluating the application against the standards in this Chapter the Board may consider the fact that the MDP will allow for expedited, administrative approvals of buildings following MDP approval, and may deny approval in cases where the Board determines that sound zoning and planning principles are best served by a public hearing process for final site plans. The Board may also impose conditions upon approval of ASPs, which conditions shall be stated in the MDP, as necessary to ensure that the development will not occur in advance of the availability of necessary infrastructure, permits, dedications or easements.

13-104.09

If denied by the Board, the submittal of a new application and processing fee shall be required in order to pursue the proposed development. The resubmittal of a Development Plan application for the same or substantially same request, as determined by the Planning Division Manager or designee, shall not be accepted for a one year period from the date of such denial. The applicant may appeal the decision of the Planning Division Manager or designee, in writing, to the Board within 10 days from the date of the decision. The Manager may allow an application to be withdrawn, without prejudice, at any time during the process.

13-104.10

The applicant shall be responsible for public notice, prior to the Planning Commission and Board of County Commissioners hearings, in compliance with the public notice requirements in Chapter 17 of this Land Development Code.

13-104.11

“Notice of Public Hearing” sign(s) shall be removed from the subject property within two (2) weeks of the hearing which it advertises.

13-104.12

Once the Board of County Commissioners acts on a PDP or FDP request, the applicant and/or duly appointed representative will be notified of the Commissioners’ decision as soon as practicable. Copies of the Board of County Commissioners Resolution may be obtained at the office of the Board of County Commissioners. The official County Zoning Map is revised after the Board of County Commissioners Chairman signs the final reproducible mylar of the Preliminary Development Plan (or, in the case of rezoning to an A-E, A-1, A-2 or F district, the Zoning Plan).

13-104.13

Building permits may be issued after the Board of County Commissioners Chairman signs the final reproducible mylar of the Final Development Plan (assuming the land has been final platted prior to or concurrent with Final Development Plan approval, if necessary).

13-105 STREAMLINED FDP PROCESS

13-105.01 SUBMITTAL AND PROCESS

Eligible FDP applications shall be reviewed in accord with criteria and standards outlined in this section. Application submittal and processing for PDP and associated FDP applications will occur in accord with standards outlined in these regulations. Public posting and mailing notification shall conform to standards outlined in Chapter 17 of this ordinance.

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13-105.02 ANALYSIS

13-105.02.01 PDP Minimum Requirements

All PDP applications submitted after November 1, 1999, and all eligible FDP applications, shall comply with PUD standards of these regulations and with the requirements of this Section. The applicant shall have the burden of proving that the application fulfills all applicable standards and requirements in the Land Development Code, and shall include with the application written evidence and analysis to show the application is sufficient and in compliance with this requirement.

13-105.02.02

PDP applications shall be accompanied by evidence and analysis establishing, for each use proposed, that;

- A. The uses, on each site permitted by the application, meet the standards for PUD zoning in these Regulations;
- B. There is a public need for each use permitted by the application, and for each amendment to zoning criteria permitted by applications for PDP amendments; and
- C. The application contains sufficient restrictions to prevent the submission of FDP applications that do not fulfill the zoning analysis.

13-105.02.03

Staff shall require that applicants submit sufficient site-specific analysis and evidence to clearly define the proposed land uses and the manner in which they are to be situated on the plan. Such analysis and evidence shall include, but not be limited to:

- A. Compatibility of each proposed land use with other uses proposed within and allowed adjacent to the proposed PDP plan area;
- B. Existing and proposed traffic patterns and access locations;
- C. Mitigation of noise for uses within and adjacent to the proposed PDP plan area;
- D. Buffering and screening of dissimilar uses within and adjacent to the proposed PDP plan area;
- E. Lot size requirements;
- F. Evidence to show the plan meets existing County parking standards;
- G. Architectural character and standards;
- H. Landscaping standards; and
- I. Any other potential impacts associated with development of the proposed plan

13-105.02.04

If the land within the application has not been platted and multiple sites are contemplated, the PDP shall include minimum requirements for lot size, access, and screening to ensure that the final siting of allowed uses will satisfy current PUD standards

13-105.02.05

The Planning Division shall have the authority to require that more information be submitted or depicted prior to or after referrals are sent and received to ensure that the ramifications of the PDP application are clear and easily understood. Such information will allow staff to address and resolve issues that arise as a result of analysis by staff, referral agencies or citizen comment.

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13-105.02.06

All PDP's shall include a statement describing the owner, tenant, mortgagee or owners association signatures required on any administrative or formal application for amendment of the PDP. Unless otherwise specified on the PDP application, the PDP will contain a statement that an application for amendment will be eligible for processing and approval so long as it is signed by the owner(s) of all sites upon which the amendment will apply, without regard to whether the amendment is authorized or approved by the owners association, tenants, mortgagees or adjacent owners.

13-105.02.07

The requirements and standards set forth in the PDP shall comply with all applicable requirements in the Land Development Code, and shall otherwise achieve the goals of the Comprehensive Plan and the Land Development Code. Only defined terms and uses shall be included within a PDP.

13-105.02.08

Eligible FDP Review. Platting of lots within a PDP shall be consistent with the zoning analysis supporting the PDP. The analysis of whether specific land uses shall be permitted on specific site shall not be a part of the FDP review because such analysis will occur at the PDP stage.

13-105.03 ACTION

- A. For all eligible FDP applications, the Planning Commission will take one of the following actions at the hearing: 1. approve (as submitted or with additional conditions); 2. continue or table to a date certain (for information, etc.); 3. take the request under advisement to a date certain; 4. or deny.
- B. The Planning Commission may utilize standard conditions of approval and standard motions for approval, which incorporate other requirement conditions, limitations or restrictions. The Planning Commission's decision shall be based upon the evidence presented, the record relating to the application, and applying the standards set forth in this section.
- C. Following Planning Commission action, the FDP application shall be placed on the consent agenda of the Board of County Commissioners for final action. The case will be scheduled for ratification by the Board of County Commissioners, unless prior to ratification, a majority of the Board members desire that the application be scheduled for a public hearing. If the application is rescheduled for a Board of County Commissioners public hearing, the hearing shall be *de novo*, and the Board's action shall be based upon the record developed at the Board hearing. The applicant shall be notified of the County's decision to schedule the application as a public hearing, and shall be responsible for complying with the County's notice requirements for the hearing.

13-105.04 REQUEST FOR BOARD OF COUNTY COMMISSIONERS PUBLIC HEARING

- A. Any person or agency affected by the Planning Commission decision on a FDP application may request that a public hearing be held with the Board of County Commissioners by presenting a written objection to the Board and Planning Division Manager within 10 days of the Planning Commission action. Following receipt of a written objection, County staff will inform the Board and applicant of such written objection. The case may be scheduled for a public hearing if a majority of the Board of

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County Commissioners members desire to conduct a public hearing and the public hearing shall be *de novo*. The Board's action on any request for review of the Planning Commissions decision shall be based upon the record developed at the Board hearing.

13-106 GENERAL SUBMITTAL REQUIREMENTS - (PDP AND FDP PLANS)

- A. The Planning Office provides a Submittal Requirements Matrix; this matrix lists all required items to submit a project, including the number of copies required for each item. Other submittal requirements may be required based on the Planning Division review.
 1. Completed land use application (Available from the Planning Division office)
 2. Application fee (Fee Schedule available from the Planning Division office)
 3. Written Letter of Intent that explains, justifies, and validates the request, stating all facts relied upon and provides documentation where possible. (A detailed description is available from the Planning Division office)
 4. Proof of ownership, which includes a current or updated title insurance policy or title commitment no more than ninety days old.
 5. A notarized letter of authorization from all landowners permitting a representative to process the application with a disclaimer that no other party's consent is required.
 6. Preliminary or Final Development Plan Exhibit with all supporting documents required by staff (per Chapter 13, herein). The format for all plans and plats shall be in upper sans serif. Font size shall be readable when plans are reduced to an 11x 17 inch size. No plans or plats shall include copyright restrictions.
 7. Technical Report: Phase I (PDP) and Phase III (FDP) drainage plans shall be initially submitted to the Planning Division. The staff planner shall forward the plans to the Arapahoe County Engineering Division.
 8. Technical Report: A Traffic Study prepared in accordance with the Arapahoe County Guidelines for Traffic Impact Studies unless otherwise waived by the Engineering Division.

13-107 PLAN EXHIBIT (PDP only)

The Preliminary Development Plan shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

- A. Project name, type of proposal (Preliminary Development Plan, P.U.D. Amendment, etc.), legal description of the total land area, date of the drawing, scale and north arrow.
- B. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.
- C. Both existing and proposed zoning of the site. Existing zoning and densities (or, in the case of non-residential zoned properties, approved floor area ratios) of adjacent properties.
- D. Existing land uses and densities which are requested to continue until development. Specify requested duration of existing uses.
- E. Proposed densities of the development at full build-out in residential units per gross acre and/or non-residential gross floor area ratios (F.A.R.).
- F. Proposed land uses for the entire plan, the total square footage and acreage of each use, and the percentage of the entire plan of each use.

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- G. Proposed site development criteria, including setbacks, distances between structures, maximum building heights, unobstructed open space, maximum lot coverage of structures, parking ratios and any other criteria, as appropriate.
- H. If the application is a P.U.D. Amendment, a chart comparing the criteria on the latest approved Preliminary Development Plan with the criteria proposed by the P.U.D. Amendment, including uses permitted, maximum building heights, unobstructed open space, maximum lot coverage of structures, setbacks, distances between structures, parking ratios and any other criteria, as appropriate. (A blank Development Comparison Chart can be obtained from the PWD Department.)
- I. Proposed general locations of structures and parking, if known.
- J. Proposed criteria for signage types, locations and maximum dimensions, if known. (If not stated, the Sign Code contained herein shall govern).
- K. Estimated size and general location of public sites.
- L. Existing and proposed right(s)-of-way widths for all existing/proposed internal and external roadways.
- M. Existing and proposed public and/or private roadways and their conceptual points of access to adjacent and/or external roadways.
- N. Existing topography with contour intervals of two feet (2') or less, tied to U.S.G.S. or other acceptable datum.
- O. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.
- P. Owner(s) of Record signature block, and notary. (See Chapter 16).
- Q. Applicable notes approved by the Board of County Commissioners which regulate the development (Airport Influence Area note, off-site improvements note, etc.).
- R. Planning Commission review statement and Board of County Commissioners signature block.
- S. Additional information may be requested by the PWD Department, as appropriate to the request, and information required above may be waived by the Planning Division Manager if it is deemed to be inappropriate to the request.
- T. Lettering for all plans needs to be upper case sans serif. All lettering must be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.
- U. The County will not accept any plans or plats that have copyright restrictions.
- V. All Standard Notes, Certificates and dedications required by the Arapahoe County staff shall be included on the plat as described in Chapter 16 herein. Any modifications to these notes must be approved by the County Attorney. All Standard Notes not meeting these specifications shall be removed.

13-108 PLAN EXHIBIT (FDP only)

The Final Development Plan shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee and shall contain the following information:

- A. Project name, type of proposal (Final Development Plan), legal description of the Plan's land area, date of the drawing, scale, north arrow and existing zoning of the site.
- B. Vicinity map with north arrow (scale of 1"=2,000' preferred) with an emphasis on the major roadway network within one (1) mile of the proposal.

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- C. Commercial Development: The graphic location, dimensions, maximum heights and gross floor area of all existing and proposed structure(s), the use(s) to be contained within, and the location of entrances and loading points/service areas.
- D. Residential Development: Graphic representations showing the building types proposed, i.e. single family detached, single family attached, or multifamily. Graphic representations should also identify the general height of dwelling units, i.e. 1, 1 1/2, 2, 2 1/2, or 3 stories in height and graphically include the general layout, elevation, and perspective of detached garages to determine if they are one or two story in height. Perspectives should be provided to clearly identify the design and character of standard streetscapes and open space areas.
- E. Chart comparing all of the regulations and requirements of the proposed Final Development Plan with those of the approved Preliminary Development Plan regarding the proposed use(s), building heights, gross floor area, residential density, gross floor area ratios, setbacks, open space, parking ratios, etc.
- F. Existing and proposed finished grade topography at two foot (2') contours or less tied to a U.S.G.S. or other acceptable datum.
- G. All proposed curb cut and driveway locations and dimensions, off-street parking locations, dimensions and total numbers by type (full size, compact, handicap, etc.), and types of surfacing, such as asphalt paving, concrete, gravel, etc.
- H. Location(s) and dimension(s) of all existing access points on immediately adjacent properties.
- I. Public and private utility service lines and/or main lines with appurtenances, and location(s) and dimension(s) of all existing/proposed easements.
- J. All walks, open areas and recreation areas, with a description of these improvements.
- K. Location of outdoor trash receptacle systems.
- L. Provision for access by emergency vehicles.
- M. Location and dimension and surface treatment of drainage easements, volume capacity of all drainage ponds, and the size of the outlet restrictor.
- N. An illustrative landscape plan showing locations and general types of all
- O. Proposed landscaping materials, including fences, walls, planters and any other landscaping features. (Refer to Chapter 12).
- P. A signage plan describing and illustrating the size, location, type and material of all signs.
- Q. Location, type and height of lighting devices. (Refer to Chapter 12).
- R. Commercial: Representative architectural elevations of all sides of proposed structures which show building heights, colors and general textures of materials to be used on the exterior of the proposed buildings.
- S. Residential: See Chapter 13
- T. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure height, to allow necessary snow and ice melt from adjacent streets and sidewalks.
- U. Approved Owner(s) of Record signature block and notary (Chapter 16).
- V. Applicable notes approved by the Board of County Commissioners which regulate the development (Airport Influence Area note, off-site improvements note, etc.).
- W. Planning Commission review statement and Board of County Commissioners signature block.
- X. Additional information may be requested by the Planning Division as appropriate to the request. Information required above may be waived by the Planning Division Manager if it is deemed to be inappropriate to the request.
- Y. Lettering for all plans needs to be upper case sans serif. All lettering must be a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee.

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- Z. The County will not accept any plans or plats that have copyright restrictions.
- AA. All Standard Notes and Certificates required by County Staff shall be included on the Plan as described in Chapter 16. Any modifications to these notes must be approved by the County Attorney. All notes not meeting these specifications shall be removed.

13-109 MASTER DEVELOPMENT PLAN SUBMITTAL REQUIREMENTS

- A. The Master Development Plan establishes development parameters and restrictions that provide a greater level of detail than that required for a PDP but a lesser degree of detail than that required for an FDP or ASP. These parameters and restrictions establish reasonably certain and predictable land use entitlements upon which both the County and the developer may rely, while allowing the developer flexibility in establishing specific building architecture and site layout details through a subsequent ASP approval process. The MDP will also set forth specific development restrictions and limitations that are known, such as view corridor and perimeter screening requirements.
- B. Included within the MDP will be at least one depiction of a potential finished development scenario. Unless so stated in the MDP or in an accompanying development agreement (if any), the depictions will not be construed as the only permitted site layout but will be construed only as illustrations of one of the possible development scenarios. Even though an MDP may depict a single building in a particular location, a later ASP which depicts multiple buildings in the same general location will still be eligible for approval (and vice versa), and shall be approved if the submittal otherwise complies with the MDP. Unless otherwise provided on the MDP, multiple principal structures may be approved for construction on a single Lot. Unless otherwise provided on the MDP, previously approved FDPs for property within the MDP shall be treated as deemed approved ASPs.
- C. The MDP shall be a photographic mylar or equivalent (prepared such that the text/line work does not bleed, flake, or scratch off) on 24" x 36" single/double matte mylar. The drawing shall be in upper case sans serif with a minimum 12-point font unless otherwise approved by the Planning Division Manager or designee. The MDP submittal shall contain all information required for a PDP submittal, as specified in this Chapter, except that the information set forth in paragraph 13-107.H shall not be required. The MDP submittal shall additionally include the following information, provided that staff may waive any requirement that it deems unnecessary or unduly burdensome under the circumstances of a particular submittal:
 - 1. A completed application form, which shall include the project name, a narrative description of the proposed MDP, and contact information for applicant and consultant team members involved with the MDP submittal.
 - 2. Proof of ownership.
 - 3. A description of the permitted uses (subject only to ASP review), conditional uses (subject only to ASP review), uses allowed by special review, maximum building heights, maximum gross floor area, maximum gross floor area ratio, minimum setbacks, minimum open space, minimum parking ratios and other development standards proposed in the MDP, together with a comparison of the MDP standards and uses with the existing zoning standards. A comparison chart shall be included on the MDP document.
 - 4. A description of the approximate quantity, size, general location, type and material of signs, and any applicable or proposed conditions, restrictions or limitations. At the applicant's discretion, this requirement may be satisfied by a

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master sign plan for the project approved in conjunction with the MDP or at any time thereafter.

5. The geographic location, quantity, dimensions, heights and gross floor area of all existing structures, along with a statement describing how the existing structures will be incorporated into the MDP; the approximate geographic location, architectural character, quantity, dimensions, heights and gross floor area of all proposed structure(s); the conceptual location of building entrances and loading points/service areas; the proposed use(s) to be contained within such structures; and any applicable or proposed conditions, restrictions or limitations. The applicant shall also describe any FDPs approved for property included within the MDP and state the extent to which such FDPs are intended to be incorporated within or otherwise survive approval of the MDP.
6. Locations of existing access points on immediately adjacent properties (which shall be updated as necessary in conjunction with each subsequent ASP). A general description and geographic location of the proposed approximate curb cut and driveway locations and dimensions, and proposed approximate off-street parking locations and ratios, and any applicable or proposed conditions, restrictions or limitations.
7. Proposed finished grade topography at two (2) foot contours or less, tied to U.S.G.S. datum.
8. A description of the type and height of lighting devices, and any applicable or proposed conditions, restrictions or limitations.
9. A graphic depiction of landscape standards, street cross-sections showing all landscape materials, street perspectives depicting the streetscape theme, and criteria for proposed irrigation systems, caliper of deciduous trees, height of evergreen trees, and gallon size of shrubs, and any applicable or proposed conditions, restrictions or limitations. All landscaping will comply with Arapahoe Landscape Standards in accordance with Chapter 12 herein.
10. A general description of width and turning parameters for emergency vehicles access.
11. If applicable, a general description of proposed sidewalks, walkways, open areas and recreation areas, and outdoor trash receptacle systems, and any applicable or proposed conditions, restrictions or limitations.
12. Location and description of existing public and private utility service lines and main lines, together with the locations and dimensions of any existing easements, and any applicable or proposed conditions, restrictions or limitations.
13. Traffic Study which may be in the form of a previously-approved master traffic study for the development if certified as current and reliable and in conformance to all existing County requirements). In addition, following approval of an MDP, the County may require annual master traffic study updates, utilizing data collected within 2 months of the date of the update. Each update must provide a certified analysis prepared by a Colorado licensed professional traffic engineer which states that traffic conditions, columns and movements and intersection levels of service existing as of date of the update conform in all respects to the traffic projections and analysis set forth in the Master Traffic Study. The update shall include data and analysis conforming to the County's "Guidelines for Traffic Impact Studies" then in effect, including but not limited to: (i) Intersection Capacity Analysis; (ii) Current 24-hour bi-directional traffic counts for all roadways in and adjacent to the MDP; (iii) Critical Movement Analyses; (iv) Progression Analyses; (v) graphical and tabular comparative analyses of the traffic generation within the Project MDP that was analyzed (and predicted) by

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he projected increases in background traffic analyzed by the Master Traffic Study and the actual increase in background traffic; and (vii) warrant study projections for all traffic control devices, including but not limited to signalization and acceleration and deceleration lanes. If the Code requirements relating to traffic are amended after the approval of the Master Traffic Study, the updates must analyze the infrastructure requirements and restrictions required by the Code and propose a means acceptable to the Board for complying with the new requirements. The updates must be certified by Colorado licensed professional traffic engineer based upon the studies and analyses conducted by or under the supervision of such engineer.

14. Drainage Report (which may be in the form of a previously-approved master drainage report for the development).
15. A copy of all current recorded covenants, conditions and restrictions applicable to the property, and all other private architectural and use guidelines and restrictions in effect at the time of submittal, together with a description of any changes proposed to take effect prior to or after the adoption of the MDP, to the extent then known.
16. A depiction of one or more possible buildout scenarios for the development, which complies with the assumptions and limitations of the underlying traffic and drainage studies, and complies with all applicable conditions, restrictions and limitations shown on the MDP.
17. Architectural design guidelines for the development with graphic illustrations depicting the architectural character, of structures and exterior wall materials, and any applicable or proposed conditions, restrictions or limitations.
18. If appropriate, suggested language regarding appropriate conditions and restrictions on the uses set forth in the MDP submittal (including, but not limited to, siting restrictions and other physical constraints, or conditional approval subject to Use by Special Review procedures prior to, or in conjunction with, review of ASP submittals).
19. A statement describing the owner, tenant, mortgagee, or owner association signatures required on any administrative or formal application for amendment of the MDP. Unless otherwise specified by the MDP applicant, the MDP will contain a statement that an application for amendment will be accepted for processing so long as it is signed by the owner(s) of all sites upon which the amendment will apply, without regard to whether the amendment is authorized or approved by the owners association, tenants, mortgagees, or adjacent owners within the MDP.
20. Proposed language addressing the need, if any, for platting, easement or fee interest (such as right-of-way and parks) dedications, infrastructure funding or construction prior to, concurrent with or subsequent to submission of ASP applications.
21. Proposed language, if any, regarding concurrent submittal and review of subsequent ASP applications and building permit applications pursuant to the MDP.
22. Board of County Commissioners, Planning Commission and Owner signature/approval blocks.
23. The Planning Division shall have the authority to require more information be submitted or depicted prior to or after referrals are sent, for the purpose of ensuring that the ramifications of the MDP are clear and easily understood, and

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for the purpose of addressing and resolving issues which arise as a result of analysis by staff, referral agencies or citizen comments.

24. The submittal requirements are provided to guide the preparation of the MDP. Final plan content shall be determined through the referral process, staff and Planning Commission analysis, and ultimately, the conditions of the Board of County Commissioner approval.

13-110 ADMINISTRATIVE SITE PLAN PROCESS AND SUBMITTAL REQUIREMENTS WITHIN AN MDP

Site plans for areas located within and MDP shall be processed as ASP(s) unless otherwise specified by the MDP process. See Chap 13, Section 400, Administrative Site Plan for information regarding the processing of an ASP.

13-110.01 MDP DESIGNATION

The MDP may designate uses by special review within all or designated areas of the MDP. Retail and multifamily residential uses may be considered within a MDP through the Use by Special Review (USR) procedures. Development of a site for a use designated as a use by special review shall follow the Use by Special Review procedures set forth in these Regulations, as modified by this paragraph. Upon approval of an application for a USR within the MDP, the applicant shall prepare a reproducible final mylar(s) for signature by the Chairman of the Board of County Commissioners, which shall be titled an "ASP for Use by Special Review" for the described site (rather than the "Use by Special Review Plan" required for a non-ASP use by special review). The approved ASP for Use by Special Review shall establish the same entitlements and shall have the same effect as a complete ASP approved pursuant to the procedure set forth below.

13-110.02 PERMITTED USES AND CONDITIONAL USES (SUBJECT ONLY TO ASP REVIEW)

- A. Development of a site for uses designated on the MDP as permitted uses (subject only to ASP review) and conditional uses (subject only to ASP review) shall follow the procedures set forth below. Unless the MDP specifically states otherwise, ASP applications for improvements which do not require Use by Special Review approval under the MDP may be submitted after (i) the execution, submission and approval of the MDP final mylar and the master subdivision improvement agreement applicable to the development, (ii) the obligations of the master subdivision improvement agreement for public or private improvements related to such ASP application have either been constructed and approved by the County or appropriate collateral for such improvements has been accepted by the County, and (iii) completion of any other additional review and analysis which the MDP requires to be submitted prior to such submittal. An ASP may cover proposed development of a single or multiple lot(s), and may include a single or multiple primary structure(s) together with any accessory structures. An ASP application must comply with all requirements of the MDP and these regulations, and must comply with the assumptions and limitations of the drainage and traffic studies/reports then in effect for the MDP.
- B. A determination of whether a requested non-Professional Office use (such as light industrial, office/warehouse, office/showroom, research and development, hotel and conference facilities, child care facilities, health clubs, retail, multifamily residential, restaurants or other uses) is appropriate to include within a particular development shall be made in connection with review of the application for an MDP with appropriate conditions and limitations included at the time of approval of an MDP.

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- C. A determination of whether a requested non-Light Industrial use (such as office/showroom, hotel and conference facilities, child care facilities, health clubs, retail, multifamily residential, restaurants or other uses) is appropriate to include within a particular development shall be made in connection with review of the application for an MDP or PDP, with appropriate conditions and limitations included at the time of approval of an MDP, PDP, or FDP.

13-110.03 PROCESSING OF ASP APPLICATIONS WITHIN AN MDP

- A. County staff may require the applicant to appear at one or more staff or referral agency meetings to present the application, to respond to specific questions, or to provide further information or analysis concerning the application.
- B. A site may have only one approved site plan in effect at any given time. Approval of an ASP application shall constitute rescission of any previously approved but unbuilt ASP or FDP. If a previously approved ASP or FDP includes property covered by the later approved application, the prior plan approval is rescinded.
- C. Planning staff shall approve ASP applications which comply with the MDP and these regulations and with the assumptions and limitations of the traffic and drainage studies/reports then in effect for the MDP.

13-110.04 ADMINISTRATIVE APPEAL OF DENIED APPLICATION

The Board shall have the power to deny an ASP application, which, if approved, would result in the violation of an approved FDP or MDP. The Board of County Commissioners may, by resolution, adopt administrative review or appeal procedures for review of denied ASP applications or for review of conditions attached to conditionally approved ASP applications. County processing of ASP applications shall not be final until any available administrative review or appeal procedures are concluded. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.

13-110.05 APPROVAL CRITERIA

See Chap 13, Section 402 - (Administrative Site Plan) Approval Criteria.

13-110.06 SUBMITTAL PROCESS

See Chap 13, Section 403 - (Administrative Site Plan) Submittal Process.

13-110.07 GENERAL SUBMITTAL REQUIREMENTS

See Chap 13, Section 404 - (Administrative Site Plan) Submittal Requirements.

13-110.08 PLAN EXHIBIT

See Chap 13, Section 405 - (Administrative Site Plan) Plan Exhibit.

13-110.09 OTHER SUPPORTING DOCUMENTS

13-110.09.01 TRAFFIC STUDIES

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- A. Documentation of conformance with the master traffic study, in the form of a letter update certified by the applicant's engineer as accurate, complete and current as of the date of the letter, which shall be valid for all ASP applications submitted within twelve (12) months of such letter update.
- B. A traffic analysis is certified by a Colorado licensed professional traffic engineer that demonstrates, the reasonable satisfaction of the County's Engineering Services Division, that the site design complies with the assumptions and limitations of the then-current version of the Master Traffic Study. The submittal must analyze the traffic demands based upon the maximum occupancy of the development depicted in the ASP application, and shall include (i) new local ground counts, (ii) formal warrant studies as set forth in the Code or the latest edition of the Manual of Uniform Traffic Control Devices for all traffic control devices (including signals and acceleration/deceleration lanes) identified in the Master Traffic study, and (iii) intersection and access point level of service analysis.

13-110.09.02 DRAINAGE STUDIES

Documentation of conformance with the master drainage report, in the form of a Phase III drainage report for the site(s) covered by the submittal. A drainage report, complying with the Board's content and certification requirements for Phase III drainage reports, that demonstrates (i) that the site plan drainage and infrastructure will comply with the Master Drainage Plan, (ii) that sufficient capacity exists, or will be constructed in advance of the projected drainage impacts for all on-site and off-site drainage conveyance facilities required to serve the development described in the application, (iii) that sufficient volume exists to detain the drainage from the Site in conformance with the Master Drainage Plan, (iv) an accounting of the utilization and capacity of the regional detention facilities serving the application which shows available volume to detain the utilization and capacity of the regional detention facilities serving the application which shows available volume of the facilities to detain the drainage from the developed Site, through graphical and tubular analyses which include the total volume of the facilities, the flows from all sources, the volume available presently and after development as depicted in the application, and the volume remaining after the proposed development.

13-110.09.03 RESERVED FOR G.E.S.C. REQUIREMENTS

13-110.09.04 SUDIVIDISION IMPROVEMENT AGREEMENTS

Proposed changes or updates to the approved master subdivision improvement agreement language or cost estimates, if any, needed to ensure that sufficient collateral remains available to secure construction of the improvements associated with the site as developed within the schedule recommended by the County Engineering Services Division.

13-110.09.05 ACCESS TO ASSETS NOT OWNED BY THE DEVELOPER

If development or use of the site as contemplated by the ASP submittal requires the use of property, facilities, or infrastructure owned or controlled by others (such as encroaching into easements, access across other sites or off-site, or use of drainage outfalls or infrastructure under the control of districts or private parties), the submittal is not eligible for processing unless it includes evidence demonstrating that each owner or controlling district of such property, facilities, or infrastructure has granted permission, either in the form of the Board standard easement or other document acceptable to the

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County Attorney, to use such property, facilities or infrastructure in the manner contemplated by the ASP or otherwise required by the Code.

13-110.10 RESTRICTIONS ON APPROVALS AND PERMITS

County staff does not have the authority to approve ASP applications that exceed the parameters of the MDP or these regulations. Permits issued for development within a site subject to an MDP may contain such conditions as are necessary to ensure compliance with the MDP and with the assumptions and limitations of the traffic and drainage studies associated with the MDP, as those restrictions, assumptions and limitations may be modified as a result of updates to the traffic and drainage studies. Following the termination of the vesting period, if any, associated with the MDP, additional requirements may be imposed on ASP applications received thereafter.

13-110.11 EXPIRATION OF APPROVAL

13-110.11.01

Failure by the applicant to submit all required documentation within 60 days of approval render approval of the development plan voidable resulting in the necessity for a new submittal of the development plan. Resubmittals are subject to all processing fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Division.

13-110.11.02

The Planning Division Manager or Designee may grant extensions of time up to twelve (12) months, upon a written request by the applicant or staff for good cause being shown. Good cause may include but not be limited to: signatories are out of state or country, or a major change was requested by the Board of County Commissioners.

13-110.11.03

An extension request shall include a fee and a narrative stating the reasons for the applicant's inability to comply with the specified deadlines. List any changes in the character of the neighborhood, any changes in the County Master Plan, Zoning Resolution or Subdivision Regulations that have occurred since approval of the development plan. These changes may affect the plan and the anticipated time schedule for completing the platting process. A Fee Schedule is available from the Planning Division office. Additional review of the development plan may occur, resulting in additional conditions as applicable.

13-110.11.04

The denial of an extension by the Planning Division Manager may be appealed to the Board in writing within ten (10) working days of the decision by the Planning Division Manager.

13-110.12 VESTED PROPERTY RIGHTS PROVISIONS

13-110.12.01 GENERAL

In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended (the "Vested Property Rights Act"), an applicant may seek approval of a "vested property right" either by approval of a "site specific development plan" or by approval of a "development agreement" relating to the proposed development. The following approvals shall be eligible for vesting as "site specific development plans": Final Development Plans on property that has received final plat approval by the Board of County Commissioners, qualifying Master Development Plans (described below), and Administrative Site Plans, or such other plans as the Board may designate in an agreement entered into by the County and the landowner. An approved ASP

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shall automatically be entitled to the same vested rights as have been granted pursuant to the Vested Property Rights Act for the MDP to which the ASP relates, for the same period of vesting which remains for the MDP at the time the ASP is approved.

13-110.12.02 VESTED PROPERTY RIGHTS

Vested property rights, either through a site-specific development plan or a development agreement, may be sought concurrently with or subsequent to approval of a particular development plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought. Unless otherwise specified in a development agreement, the grant of vested property rights shall neither preclude nor require compensation for the application of County ordinances and regulations of general applicability, including but not limited to building, fire, plumbing, electrical and mechanical codes and drainage, flood control, water quality, roadway and other regulations and requirements. The process for seeking a “vested property right” is separate from the process for seeking approval of a development plan. Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication in a newspaper of general circulation within the County no later than fourteen days following approval.

13-110.12.03 SITE SPECIFIC DEVELOPMENT PLAN PROCEDURE

The process for establishing a “vested property right” for FDPs, qualifying MDPs and ASPs shall follow the process for approval of a Final Development Plan. This process shall include posting the subject property with a notice of a public hearing relating to a vested property right, publishing notice of the public hearing and providing mail notification of the public hearing to adjacent property owners. If approved, the vesting shall last for a period of three years. This period may be extended by the County to the extent permitted by the Vested Property Rights Act. In considering whether to approve a site specific development plan, the Board may consider whether the applicant has established that the County is able to comply with the requirements of C.R.S. §24-68-105(1) for the vested period without being required to pay compensation to the affected landowner, without injury to others and without requiring variances, exemptions or waivers of County policies, regulations or rights then in effect. The applicant will present certified engineering analyses establishing that the existing and planned infrastructure serving the plan is or will be sufficient, at the time development occurs, to meet the projected demand upon such infrastructure during the vested period. The applicant shall also comply with all other requirements of the County for establishment of vested property rights which may be imposed by resolution of the Board of County Commissioners from time to time. An MDP may be considered to qualify as a site specific development plan for vested property rights purposes following a determination by the Board of County Commissioners that the MDP contains sufficient restrictions, and that any forecasts of future off-site developed land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan, to justify the administrative approval of final site plans as allowed by the MDP and these regulations. This determination may be requested at the time of the MDP application, or may be requested after approval of the MDP in connection with an application for vested property rights.

13-110.12.04 DEVELOPMENT AGREEMENT PROCEDURES

The process for establishing a “vested property right” relating a development agreement shall involve negotiation of an agreement between the County and the developer. After a proposed development agreement has been negotiated by staff and the applicant, the Board shall conduct a public hearing at which it shall consider and take action on the proposed development agreement. This process shall include posting the subject property with a notice

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of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners. The County shall consider and act upon requests for vested property rights in its sole discretion. To provide guidance to applicants, and not as a limitation on the discretion of the Board of County Commissioners, the County may consider the following in determining to grant vested property rights: (i) whether the plan or project is sufficiently well-defined to justify vesting for the period proposed, (ii) whether there are sufficient corresponding benefits to the County and its citizens to justify granting any or all of the vested property rights requested for the development, (iii) whether any forecasts of future off-site land uses, infrastructure, traffic and drainage conditions are reliable throughout the vesting period, as those studies are required to be updated from time to time; (iv) other factors as outlined in resolutions or policies of the Board, and (v) recommendations, if any, of citizens, County staff and referral agencies. If approved, a development agreement may establish vested property rights for a period exceeding three years to the extent permitted by the Vested Property Rights Act. A development agreement may vest property rights created in previously or contemporaneously approved Final Subdivision Plats, PDPs, FDPs, MDPs, ASPs, master sign plans, master drainage plans, master traffic studies, customized review and approval processes, and any other development approval or process determined by the Board to be advisable under the circumstances, together with all amendments to any such development approvals and processes

13-110.12.05 NOTICE OF APPROVAL OF VESTED PROPERTY RIGHT

Upon approval of a vested property right, a notice of such approval and creation of a vested property right shall be made by publication no later than fourteen days following approval.