# 13-100 PLANNED UNIT DEVELOPMENT[1]

## 13-101 Purpose[2]

The purpose of the Planned Unit Development (PUD) zone district is to allow greater flexibility in development standards of Arapahoe County, prevent monotonous urban landscapes and promote the health, safety and welfare of the citizens of Arapahoe County. The PUD rezoning process allows new design concepts for land development and the ability to adjust to current trends in lifestyle and commerce that could not be achieved by strict adherence to the standards of this LDC. The intent is to create high quality residential, mixed-use or commercial developments and employment centers and to allow greater flexibility in project design in return for greater development quality, amenities, and protection of nearby properties from the impacts of new development. A rezoning to PUD may be approved pursuant to the procedures and approval criteria of this Section, and must generally confirm3 with the Arapahoe County Comprehensive Plan.

## 13-102 Applicability[4]

### 13-102.01 General Applicability

An application to establish a Planned Unit Development (PUD) may be submitted for land located within any conventional zone district or combination of districts. The approval of a PUD creates a new zone district that replaces the existing zone district or combination of zone districts. The approved PUD establishes the location and character of the uses and the unified development of the tract(s).

### 13-102.02 Transition from Prior PUD Approvals[5]

A. PUDs and related Preliminary Development Plans (PDP), Final Development Plans (FDP), Master Development Plans (MDP), Administrative Site Plans (ASP), amendments to those documents, and building permits for construction in an existing approved PUD based on those documents, that were approved on or before [effective date of these PUD amendments] shall remain valid under the previous PUD regulations. [6]

B. A PDP or FDP approved prior to the effective date of these amendments that has a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Manager, will be considered an approved SDP.

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[1] New Planned Unit Development procedures drafted in 2016.

[2] Revised current section 13-101 Intent; reworded subsection 13-101.01; and deleted current subsection 13-101.02 as repetitive of PUD definition in Definitions section. Current subsection 13.101.03 relocated to new Approval Criteria section.

[3] All instances where PUDs are required to be “consistent with” the comprehensive plan have been revised to require that they “generally conform” with the comprehensive plan, to match the text in the Colorado PUD Act.

[4] New Section incorporating current subsections 13-102.01 and adding new language to address transition to new PUD process and how current PDPs, FDPs and MDPs are handled.

[5] New section to explain how existing PDPs, FDPs and MDPs will be administered.

[6] New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.

If the Planning Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to SDPs under this Chapter. [7]

C. A PDP or FDP approved prior to the effective date of these amendments that does not have a level of detail equivalent to that required for a Specific Development Plan (SDP) under this Chapter, as determined by the Planning Manager, will be considered an approved General Development Plan (GDP) under this Chapter. If the Planning Manager makes this determination, the PDP may thereafter be amended, and may have subsequent development applications reviewed, through the same procedures, standards, and criteria applicable to GDPs under this Chapter.

D. Where a PDP or FDP approved prior to the effective date lists specific permitted uses, the Planning Manager may approve a change from those land uses to other land uses within the same general land use category (e.g. single-family residential, multi-family residential, commercial, public) provided that the Planning Manager finds that the proposed substitute use is consistent with the intended character of the approved PDP or FDP, does not represent an intensification of the height, density, or traffic, does not create significant adverse impacts on surrounding land uses, and meets all applicable standards of the LDC applicable to the substitute land use. [8]

E. PDPs and FDPs with valid approvals or permits may be completed pursuant to the development standards in effect at the time of approval. If the approval or permit expires, future applications, permits, and related development shall comply with the requirements of this Code.

F. Applications filed after [effective date of these PUD amendments] requesting amendments to PDPs, FDPs, MDPs, and ASPs approved before [effective date of these PUD amendments] shall be processed in accordance with the amendment procedures in Section 13-107.

## 13-103 Land Use and Development Standards[9]

### 13-103.01 Permitted Uses[10]

A. Only uses listed and defined in this LDC may be included in a GDP or SDP without a definition of the use. If a land use that is not listed in this LDC is proposed as part of a General Development Plan (GDP) or Specific Development Plan (SDP), the Planning Manager may require the applicant to provide a definition of that land use, and that the definition be included in any PUD development plan where the use is permitted.

G. If a PUD development plan includes any uses listed as a Use by Special Review in the most similar LDC non-PUD zoning district, as determined by the Planning Manager, and the development plan does not state that the use is exempt from further review, those

[7] New language to address how a previously approved detailed PDP will be processed under the new PUD regulations.
[8] New language to address how a change in use is processed in previously approved PDPs
[9] New section -- May be relocated to PUD Zone District in reorganized LDC
[10] New language incorporates special review from current section 13-103.04(A).

uses may only occur after approval pursuant to the LDC procedures for approval of uses by Special Review. Uses in a proposed PUD may be listed individually, or may be described through a cross-reference to those Permitted or Special Review Uses in a non-PUD zone district.

## 13-103.02 Development Standards[11]

A. The development standards applicable to each portion of the PUD (including but not limited to maximum building height, size, or floor area ratio, minimum and/or maximum building setbacks, and minimum and/or maximum off-street parking), shall be stated in the PUD development plan.

B. Development standards may be listed individually or through a cross-reference to the development standards applicable in one or more conventional zone districts, together with any exceptions to that cross-referenced list.

C. No PUD development plan shall reduce the minimum amounts of unobstructed open space shown in Table 13-100.1below. [12]

**Table 13-100.1 PLANNED UNIT DEVELOPMENT UNOBSTRUCTED OPEN SPACE**

| Land Use | Minimum Amount of Open Space (Percentage of net site area) |
|---|---|
| Residential – up to 4 du/ac | 10% |
| Residential – 4.1 to 10.9 du/ac | 30% |
| Residential – 11 du/ac and higher | 35% |
| Commercial or Public | 20% for single story; plus 5% for each additional story, up to a maximum of 35% |
| Industrial | 20% |

D. When a development standard is not addressed in a PUD development plan, the development standard for similar uses in the conventional zone district most similar to the PUD area in character or intensity, or the LDC development standards generally applicable to that aspect of building or site development, whichever is more restrictive, shall apply.[13]

[11] Revises current section 13-102.10 to clarify that development standards can be modified by PUD.
[12] Current section 13-102.11 reformatted into a table with density standards from current sections 6-206, 6-306, and 6-406 included as reference for single-family, moderate density and high density.
[13] Reworded and reorganized current section 13-105.02.07 and incorporates last two sentences of current section 13-102.04. Revises current text to clarify that PUD can modify LDC standards and to reference similar uses (rather than zone districts) and address who determines which standards apply when a PUD does not address a standard.

# 13-104 General Procedures[14]

All PUD applications for amending the Zoning Map shall follow the procedures outlined in this Section 13-100. A zoning map amendment to a conventional zone district shall follow the procedures as established in Section 13-200 of this LDC.[15]

## 13-104.01 Who May File[16]

A. An application for a PUD zoning amendment may be initiated by Arapahoe County Planning Commission, the Arapahoe County Board of County Commissioners, 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.
B. 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 that is the subject of the land use application.
C. 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.

## 13-104.02 Application Process[17]

### 13-104.02.01 Pre-Submittal Meeting[18]

A. Applicants are required to meet with the Planning Division prior to formal submittal of a PUD application in order to discuss potential issues or concerns relating to the proposed development. At this meeting, staff shall provide information to the applicant about the application requirements and review process.
B. A pre-submittal form must be completed and submitted with a sketch plan or map and documentation as listed in the Procedures Manual along with any required fees.
C. The application and all materials must be submitted at least five business days prior to the scheduled pre-submittal meeting with staff.

### 13-104.02.02 Application Submittal and Materials[19]

Following the pre-submittal meeting, the applicant must complete an application. Application materials may vary based on the type and complexity of the development proposed, the location of the project, and the service availability to the project site.

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[14] Consolidates, rewords and renames current sections 13-102 and 13-104 as noted. Some procedures may be relocated to common procedures in reorganized LDC.
[15] Carries forward and rewords current sections 13-102.01 and 13-102.04.
[16] Carries forward current sections 13-102.02, 13-102.08, and 13.102.09
[17] New section consolidating common application procedures. Changes are as noted.
[18] Current subsection 13-104.01, reworded to reflect revisions to PUD section. Deletes provision for waiving of pre-submittal meeting for ASPs submitted pursuant to an MDP because new PUD process is linked to the ASP process (current section 13-400) which requires a pre-submittal meeting. Requirement in current subsection 13-104.01 to hold pre-submittal meeting within 5 business days has not been carried forward.
[19] Incorporates and rewords current sections 13-102.09, 13-104.02, 13-105.02.01, and 13-106; deletes/relocates requirement for PUD applications submitted after Nov. 1, 1999 comply with provisions of current section 13-105

A. All applications shall include the forms provided by the Planning Division and all required items indicated on the Submittal Matrix provided to the applicant at the pre-submittal meeting.
B. The applicant shall have the burden of submitting information showing that the application fulfills all applicable standards and requirements in the LDC, and the approval criteria of this Section.
C. Planning and/or Engineering Division Managers may waive or modify any portion of the submittal requirements that they determine is not relevant to the application, and may require the submittal of additional information (before or after referrals to other agencies and/or citizen comments) they determine is necessary to accurately understand the impacts of the proposed PUD.

### 13-104.02.03 Application Fee[20]

The applicable development review fees shall be paid at the time of submittal of any development application. Development review fees are established by resolution by the Board of County Commissioners and are available on the county's website.

### 13-104.02.04 Completeness Determination[21]

A. The Planning staff shall review the application form and materials submitted to determine if the application is complete and consistent with the standards set forth in this LDC.
B. A determination of application completeness shall be made within ten business days of application filing. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this LDC.
C. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet and the Submittal Checklist provided after the pre-submittal meeting, and is accompanied by the applicable fee.
D. If the application is determined to be incomplete, a written notice listing the application deficiencies shall be provided to the applicant. No further processing of an incomplete application shall occur until the deficiencies are corrected.
E. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void and a new application must be submitted together with payment of applicable development review fees. It is a violation of this LDC to submit false or misleading information, or to obtain approval of any PUD document based on false or misleading information, and approvals obtained based on such information may be revoked and other penalties imposed as permitted by this LDC.

[20] New section combining all references to application fees
[21] Expands current subsection 13-403.02 to all PUD application types and clarifies process for determining completeness of application.

### 13-104.02.05 Referral[22]

After determination that an application is complete, the application shall be circulated within Arapahoe County and to outside agencies whose facilities or services may be affected by the application for review. Outside agencies may have service capacity limitations and separate requirements and standards for development that will be commented on during the referral process.

#### A. Review by Outside Agencies

1. Outside referral agencies are notified of applications and have the opportunity to respond in writing.
2. The applicant may be required to pay any fees assessed by these referral agencies in advance of their review.
3. The referral period is usually thirty (30) days but can be longer or shorter depending on the size and complexity of the application. The referral period may be extended by up to thirty additional days by mutual consent of the applicant and the Planning Manager or designee.
4. Failure of an agency to respond within the prescribed time period or extension period may be deemed ”no objection” to the application materials as circulated for referral.

#### B. Review and Coordination of Referral Comments [23]

Following referral agency review, the applicant and Arapahoe County staff will meet to discuss the application’s compliance with the approval criteria in Section 13-106, the applicable standards of this LDC, any standard included in a previously-approved PUD-related document applicable to the same property and the requirements of referral agencies. Referral agency staff may be asked by Arapahoe County staff to attend the meeting.

#### C. Revision of Application

The Arapahoe County staff will determine the readiness of the application for a public hearing, if required for the type of application being processed.

1. If Arapahoe County staff determines that the application is not ready for hearing and/or does not comply with the applicable criteria and standards in this LDC (regardless of whether a public hearing is required), the applicant will be required to revise the application per County and outside referral agency comments. Revisions to the application must be submitted within the timeframes listed in subsection 13-104.07.[24]
2. If a public hearing is required and the applicant chooses not to make the required revisions, Arapahoe County staff may recommend that the application only be approved with conditions to bring it into compliance with applicable conditions, standards, and referral comments, or may recommend denial of the application.
3. If a public hearing is not required and the applicant chooses not to make the required revisions, Arapahoe County staff may deny the application or may approve

[22] Carries forward and rewords current sections 13-104.03 thru 13-104.05
[23] Current section 13-104.04 and 13-104.05.
[24] New provision. Required time frame for completing revisions is the same as the time frame for completing documents required upon approval.

the application with conditions to bring it into compliance with applicable conditions, standards, and referral comments, or may recommend denial of the application.

### 13-104.03 Notice Requirements[25]

A. For applications requiring a public hearing, once Arapahoe County staff determines that the application is ready to proceed, a reserved date will be set for a public hearing before Planning Commission. If the application is of a type that requires a public hearing before the Board of County Commissioners, then, following the Planning Commission hearing a reserved date will be set for a public hearing before the Board of County Commissioners.

B. The applicant shall be responsible for providing public notice prior to the Planning Commission and Board of County Commissioners hearings, including without limitation all notices to mineral estate owners required by C.R.S. 24-65.5-101 et. seq., in compliance with the public notice requirements in Chapter 17 of this LDC.

C. When the application is initiated by the Planning Commission or by the Board of County Commissioners, the owner(s) of record and/or contract purchaser(s) shall be notified by certified mail of the intended zone change. The Planning Commission and/or Board of County Commissioners shall comply with posting, publication, and hearing procedures.

### 13-104.04 Public Hearing[26]

A. A staff report shall be prepared once written comments have been adequately addressed prior to the public hearing. The staff report shall be made available to the applicant and to the public.

B. The staff report, application as revised, and the comments of the Planning and Engineering Division staff and appropriate referral agencies shall be presented at the public hearing. The written decision or recommendation of the Planning Commission shall be provided to the applicant.

C. If the application is of a type that requires a hearing before the Board of County Commissioners, then, following the recommendation by the Planning Commission, the staff planner shall schedule the PUD application with the Board of County Commissioners for public hearing and decision. The applicant shall be notified of the hearing date and time.

### 13-104.05 Decision and Findings[27]

A. The decision-making body shall consider the application in relation to the staff report, comments received from referral agencies, public hearing testimony (if applicable) and

[25] Current sections 13.102.03, 13-104.05, 13-104.10 and 13-104.11. Current section 13-104.11 regarding removal of posted signs will be relocated to Notice and Hearing section in LDC reorganization or included in Procedures Manual.

[26] Current section 13-104.06 and 13-104.07

[27] Current sections 13-104.08(A) and (B) and 13-105.03 (A) and (B). Deletes subsection 13-105.03(C), ratification of Planning Commission action by BOCC, to reflect revised decision-making process of new 2-Step and 3-Step processes. Deletes section 13-104.08 (B) referencing BOCC authority to require public hearing for final site plans to conform to new 2-Step and 3-Step process.

the applicable approval criteria in this LDC. After consideration and at the public hearing (if applicable), the decision-making body may:

1. Approve as submitted;
2. Approve with additional conditions to bring the proposed development into compliance with applicable regulations, to mitigate impacts on surrounding properties and streets, or to ensure the proposed development will not occur in advance of the availability of necessary infrastructure, permits, dedications or easements;
3. Continue to a date certain or table for information or to resolve unforeseen issues, etc.;
4. Take the request under advisement to a date certain; or
5. Deny the application.

B. The decision-making body may use standard conditions of approval and standard motions for approval, which incorporate other requirements, conditions, limitations or restrictions.

C. The decision shall be based upon the evidence presented at the public hearing, the record relating to the application, and applying the standards and criteria set forth in Section 13-106.

D. Upon action by the decision-making body, the applicant and/or duly appointed representative will be notified of the decision as soon as practicable. [28]

1. Copies of the Board of County Commissioners' resolution may be obtained at the office of the Board of County Commissioners.
2. For General and Specific Development Plans, the official County Zoning Map will be revised to reflect the PUD zone district after date of the final approval by the Board of County Commissioners.[29]
3. Copies of the Planning Commission's decision may be obtained at the Planning Division.
4. Administrative decisions shall be in writing and may be obtained at the Planning Division.

## 13-104.06 Withdrawal and Reapplication[30]

A. The Planning Manager may allow an application to be withdrawn, without prejudice, at any time during the process.

B. If denied by the Board, the submittal of a new application and development review fee shall be required in order to pursue the proposed development.

C. The resubmittal of a General Development Plan or Specific 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.[31]

[28] Current section 13-104.12, revised to reflect new 2-Step and 3-Step process, adding Planning Commission and administrative decisions.
[29] Deletes signing of mylar and replaces with final approval date. Deletes reference to conventional zone districts.
[30] Current section 13-104.09, with appeal of Planning Manager's decision deleted.
[31] Provision for requesting a reconsideration of a reapplication denial has not been carried forward.

### 13-104.07 Lapse of Approval through Inaction[32]

A. If all required documentation is not submitted within 60 days of approval, the application will be considered inactive and the applicant will be sent a notice that if resubmittal is not received within 30 days of the date of the notice all application materials will be returned to the applicant, along with any portion of the application fee not used for initial review of the application. Reactivation will require a resubmittal.

B. Resubmittals are subject to all development review fees, submittal requirements and review standards in effect at the time the resubmittal is accepted by the Planning Division.

### 13-104.08 Extensions[33]

A. The Planning Manager or Designee may grant extensions of time to comply with specific deadlines in this Chapter 13 for up to twelve (12) months, upon a written request by the applicant or staff for good cause 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.

B. An extension request shall include the required extension fee. Requests for extension may result in delays in completing the County's portion of the application referral, review and approval process. Additional review of the development plan may occur based on changes in the application or administrative or regulatory procedures, resulting in additional conditions being recommended or included in any approval.

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

### 13-104.09 Recording Requirements[34]

Prior to the County's mapping or recognition of an approved PUD, the approved GDP and approved SDP must be recorded in the Office of the Arapahoe County Clerk and Recorder. The recording of the approved GDP and SDP and associated documents shall occur within 90 days after approval by the Board. An extension may be granted in writing by the Planning Manager pursuant to Section 13-104.08.

### 13-104.10 Zoning Map Requirements[35]

For purposes of mapping, notice and general information, the PUD shall be identified with a label of "PUD".

[32] Current sections 13-110.11.01 and 14-307A (MDP & Subdivision).
[33] Current sections 13-110.11.02 thru 13-110.11.04 and 14-307B thru D (MDP & Subdivision) and revises appeal authority to the original approving body rather than BOCC to align with new Two-Step and Three-Step approval authorities.
[34] New provision for PUD - Copies and rewords current section 14-306,recording requirements for subdivision
[35] Revises current section 13-102.04 to eliminate association of PUD with an underlying zone district.

### 13-104.11 Requirements for Permits after Approval[36]

A. Approval of a PUD GDP or SDP does not give the applicant authority to build. Other required approvals and permits from the County and outside agencies must be obtained by the applicant prior development of the site.

B. An application for an Administrative Site Plan under a PUD may be submitted only after an SDP is approved and all required documents have been submitted and recorded (if applicable).

C. An application for an Administrative Site Plan on land that has not been subdivided may only be submitted after a subdivision of land has been approved and all required documents have been submitted, signed by the county (if required) and recorded (if applicable).

D. Building permits may be issued after an Administrative Site Plan is approved and all required documentation is submitted (and recorded, if applicable).

## 13-105 Specific Procedures[37]

### 13-105.01 Summary Table of PUD Applications and Decision-Making Authority[38]

Two paths to PUD approval are available. The two-step process applies when the applicant submits detailed plans for a specific development to the Board of County Commissioners. The three-step procedures applies when the applicant submits general information about anticipated development on the site to the Board of County Commissioners, in which case the applicant will be required to later obtain approval of a more specific development plan from the Planning Commission before moving forward with the development.

**TABLE 13-100.2: PUD REZONING PROCESS DECISION-MAKING SUMMARY TABLE**
**R = Review D = Decision <> Public Hearing)**

| Process | Staff | PC | BOCC |
|---|---|---|---|
| **Two-Step Process** | | | |
| PUD Specific Development Plan | R | <R> | <D> |
| Administrative Site Plan | D | | |
| **Three-Step Process** | | | |
| PUD General Development Plan | R | <R> | <D> |
| PUD Specific Development Plan | R | <D> | |
| Administrative Site Plan | D | | |

[36] Current section 13-104.13, updated to conform to new PUD process and to specify need to get additional approvals and permits as required by LDC and outside agencies. Deletes requirement for signed mylar and adds that all required documents must be completed prior to submission of an ASP.
[37] New section replacing current sections 13-101.05, 13-101.06 and all of section 13-103
[38] New table summarizing decision-making authority for revised PUD process. See sections below on Two-Step and Three –Step process for thresholds for each type of review.

## 13-105.02 Eligibility for Two-Step or Three-Step Process[39]

A. For property located generally west of the line shown in Figure 13-100.1, a PUD application that meets the following conditions may be reviewed through the Two-Step PUD review process:

1. A project that includes only single-family detached residential dwelling units located on less than 10 acres of land and has a density no greater than 10 dwelling units per acre.[40]
2. A project that does not qualify under subsection (A)(1) above, where
   a. The application includes residential land uses on all or any portion of the site; and
   b. No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
   c. The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and[41]
   d. The total size of the project is five acres or less in land area;[42] and
   e. No building exceeds 40 feet in height.[43]
3. A project that includes only nonresidential uses, provided that no building exceeds 40 feet in height.[44]

B. For property located generally east of the line shown in Figure 13-100.1, a PUD application that meets the following conditions may be reviewed through the Two-Step PUD review process:

1. A project that includes only single-family detached residential dwelling units located on less than 40 acres of land.[45]
2. A project that does not qualify under subsection (B)(1) above, where
   a. The application includes residential land uses on all or any portion of the site; and
   b. No residential use has a density greater than 20 dwelling units per acre, as calculated in each area to be developed with residential uses; and
   c. The portion of the project site containing non-residential land uses is no greater than 50 percent of the site area; and[46]
   d. The total size of the project is 20 acres or less in land area;[47] and
   e. No building exceeds 55 feet in height.

[39] New section detailing what types of development can apply for Two-step PUD process. Revised since public draft to include a smaller threshold for the older, more built up area of the county.
[40] Revised since public draft; changed from 20 acres to 10 acres and maximum density threshold added.
[41] New provision since public draft per comments from ADSCC.
[42] Revised since public draft; changed from 20 acres to 5 acres maximum size.
[43] Revised since public draft; changed from 55 feet to 40 feet.
[44] Revised since public draft; changed from 55 feet to 40 feet.
[45] Revised since public draft; changed from 20 acres to 40 acres and maximum density threshold added.
[46] New provision since public draft per comments from ADSCC.
[47] Revised since public draft; changed from 10 acres to 20 acres maximum size.

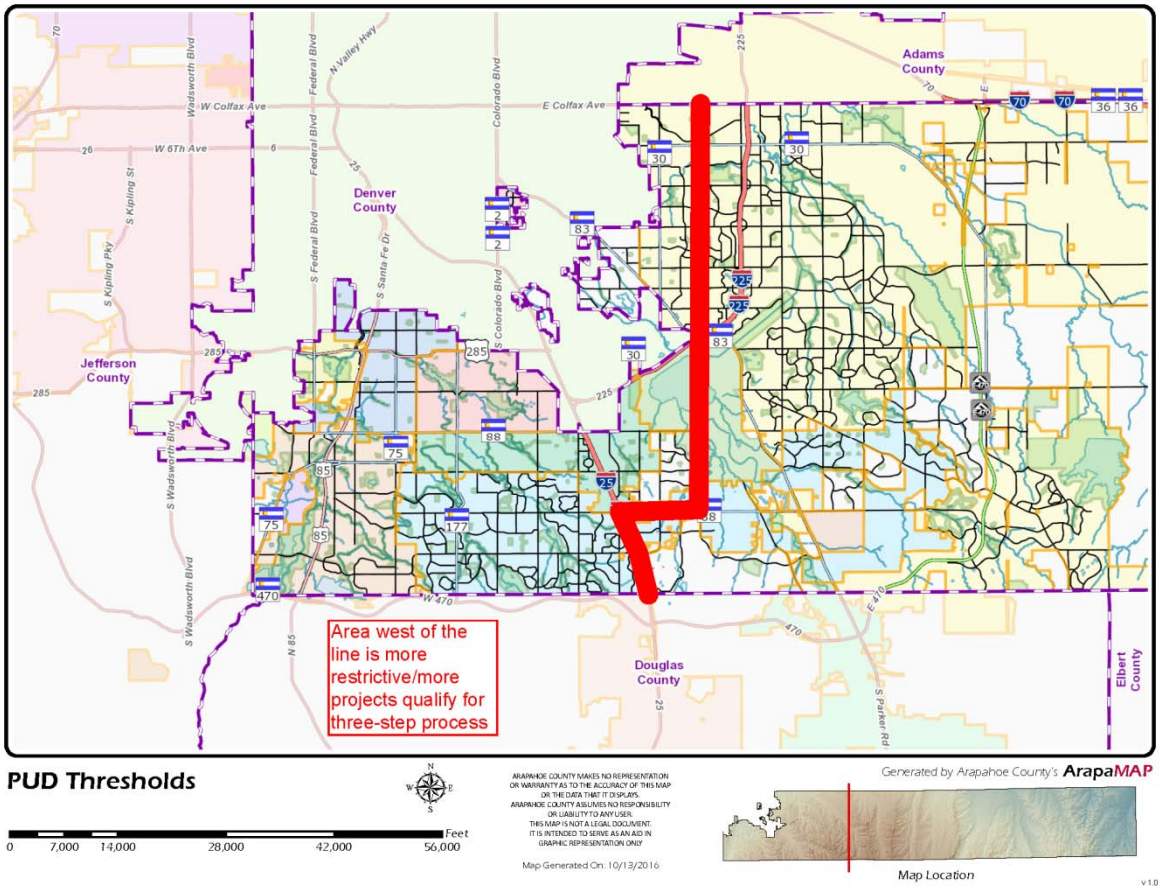
3. A project that includes only nonresidential uses, provided that no building exceeds 55 feet in height.

C. All other projects shall be reviewed through the Three-Step PUD review process.

D. Even if a PUD application qualifies under subsection A(1) above, staff may determine that the PUD application is of a size, intensity of use, or location that may result in unanticipated environmental, utility, transportation or service delivery impacts that require preliminary analysis before a more detailed site design is considered, and that the Three-Step process will apply.

**Figure 13-100.1 Boundary for Two-Step PUD Process Eligibility Threshold**

(Note: This map is a general depiction; for exact boundary contact the Planning Division)



## 13-105.03 Two-Step Process[48]

Where an applicant can provide a high level of detail about the proposed PUD, a two-step process can be used. The first step in the two-step process is approval of Specific Development Plan (SDP), which establishes the specific land uses and development standards that will govern future development of the property. The second step is approval of an Administrative Site Plan consistent with the approved SDP. The applicant must obtain approval for an Administrative Site Plan (ASP) consistent with the SDP before, before proceeding with development. Preliminary technical reports and conceptual engineering documents are required for the Two-Step PUD process. Applications that do not meet the submittal requirements contained in subsection 13-105.03(B)(1) below will be treated as applications for a General Development Plan and will be eligible to be processed through the Three-Step PUD process described in Section 13-105.04.

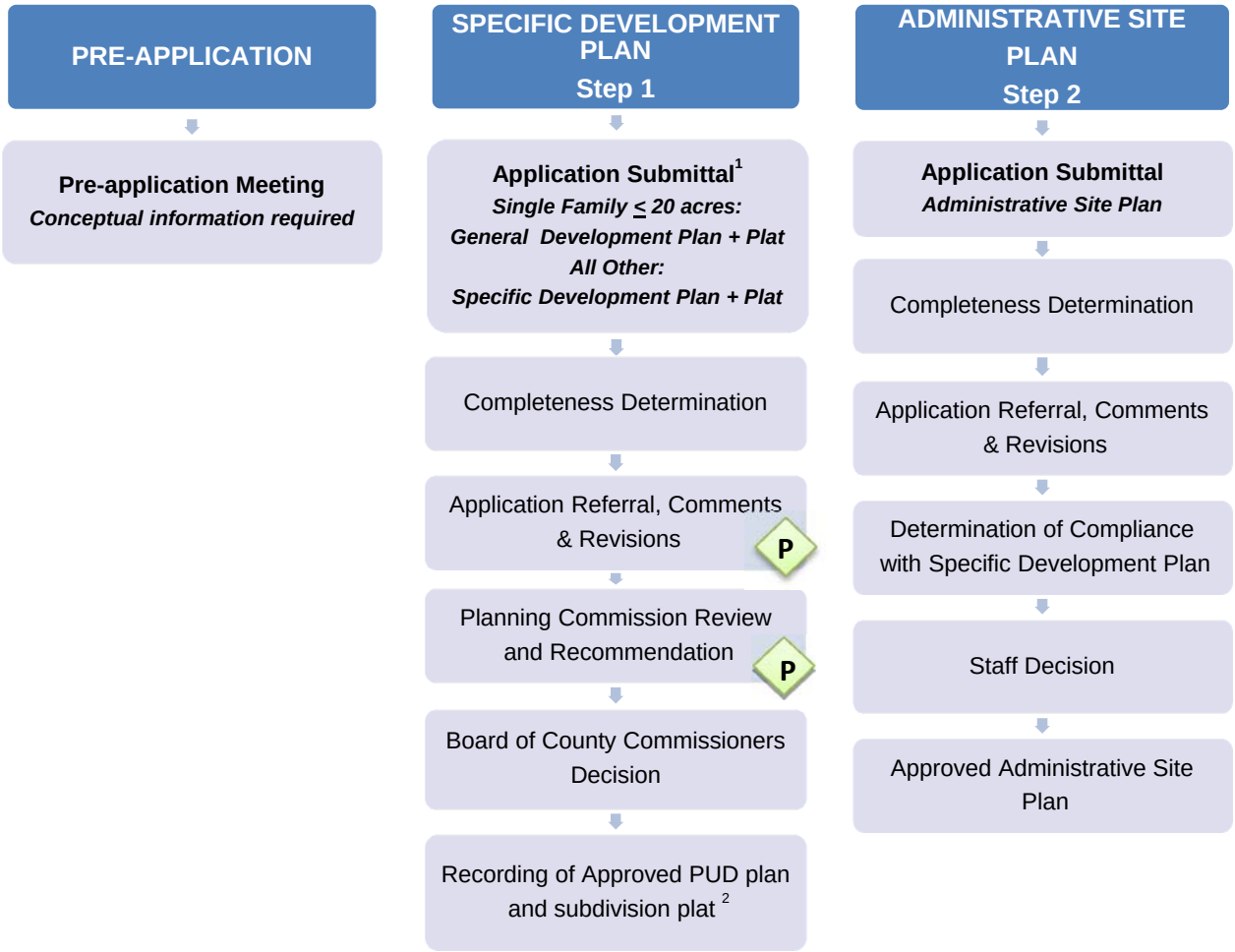
### A. Flowchart

Figure 13-100.2 shows the review steps for rezoning to PUD when the Two-Step process applies.

[48] New section explaining Specific Development Plan. Definition of Specific Development Plan to be added to Definitions section.

**Figure 13-100.2 Summary of Procedure for PUD Two-Step Review Process**

**NOTES:**
P = Public Hearing
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan.




## B. Step One - Specific Development Plan (SDP)[49]

### 1. SDP Application

An application for a PUD rezoning in the Two-Step review process shall submit, in addition to the information required by Section 13-104 (General Procedures) the following:

[49] Consolidates and replaces current lengthy and repetitive list of submittal and plan exhibit requirements in Sections 13-107, 13-108 and 13-109.

a. If the application includes only single-family detached dwelling units and contains less than 40 acres of land, the requirement for a SDP shall be satisfied by the submittal of:[50]

   i. A GDP meeting all applicable requirements in subsection 13-105.04(B)(1), of this LDC, and the Procedures Manual; and
   ii. A preliminary subdivision plat for the property meeting all applicable requirements of this LDC and the Procedures Manual.[51]

b. If the application is eligible for processing under the two-step process, but does not qualify under subsections 13-105.02(A)(1) or 13-105.02(B)(1) above, the application shall include the following:

   i. An SDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:

      - Location and land area for each type of land use;
      - Density and unit type for residential areas;
      - Size, floor area and building type for non-residential areas;
      - Location, size and access for parking areas for non-residential and multi-family residential;
      - Location, size and type of dedicated or common open space and public use areas (i.e., schools);
      - Internal circulation system and access points to arterials and collector streets and conceptual location of trails, bicycle paths, and pedestrian ways; and
      - Backbone infrastructure location, layout and system connections (civil construction engineering not required).

   ii. Development standards for all uses and development areas contained within the SDP, including landscaping, parking, signs, fences, noise, historic preservation and other applicable standards.
   iii. Illustrations showing the general design and character of all proposed uses, landscaping, and buildings[52] including materials palette, building design features and building elevations showing the quality of each type of use in the PUD.
   iv. Preliminary technical reports at conceptual level (civil construction engineering not required):

[50] Revised since public draft per comments from ADSCC. Changed from 20 acres to 40 acres maximum size.
[51] Added to allow small developments of all single-family home to be processed through the Two-Step review process, per recommendation of ADSCC.
[52] Landscaping and building reference added.

- Traffic impact study (for projects including more than 25 dwelling units or 15,000 square feet of non-residential floor area) prepared in accordance with the county Guidelines for Traffic Impact Studies;
- Water source and service capacity;
- Sewage treatment and service capacity;
- Phase 2 storm drainage management system and capacity report;[53]
- Natural hazard mitigation and resource protection at Phase 1 level; and
- Other utility and public safety provider district requirements.

v. Copies of any special covenants, conditions and restrictions.
vi. Subdivision Plat (if new lots are being created or existing lots are being reconfigured or combined).
vii. Development phasing plan.
viii. Development agreement, if applicable.

### 2. SDP Review and Approval

An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements:

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

## C. Step Two – Administrative Site Plan (ASP)[54]

### 1. ASP Application

Following the approval of an SDP, the applicant must obtain an approval an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and any applicable utility or service provider. Civil construction engineering documents are required at this stage.

[53] Modified since prior draft to clarify that a Phase 2 study is needed at this point.
[54] New section and language replacing current Section 13-110 with role of and requirements for Administrative Site Plan. Cross-reference to current ASP section, 13-400, which will be updated to include compliance with Specific Development Plan.

a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09.
b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

### 2. ASP Review and Approval

The general procedures for ASP review are as follows:

a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

## 13-105.04 Three-Step Process[55]

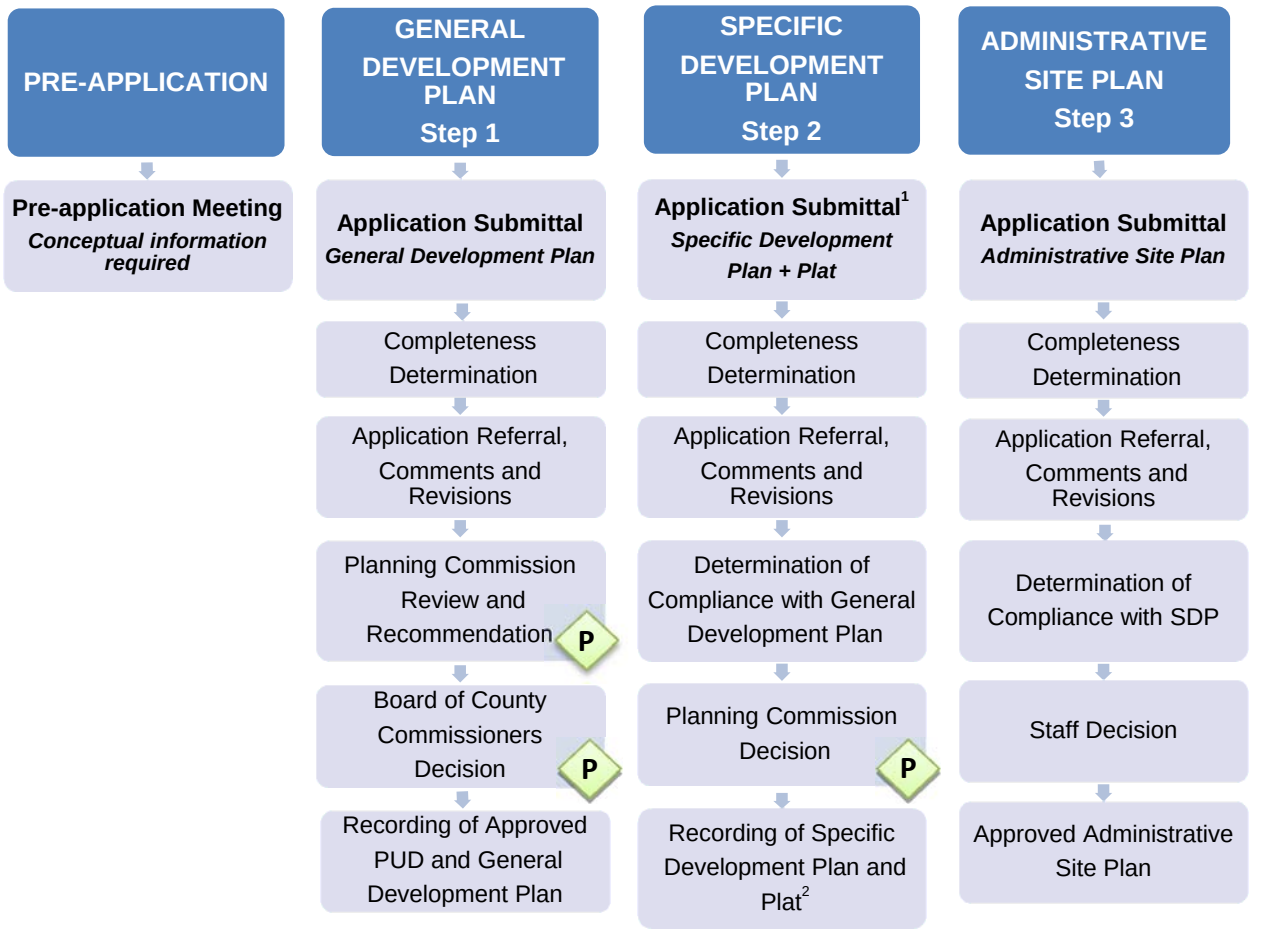
Where an applicant is not able to provide the high level of detail about the proposed PUD required to qualify for the Two-Step review process, as described in Section 13-105.02, or cannot provide the level of detailed application materials required in subsection 13-105.03(B)(1) the Three-Step process must be used. The first step in the three-step process is approval of a General Development Plan (GDP) that establishes the general framework for land uses, site layout, development density/intensity, relationship to existing roadways and infrastructure. The second step is approval of a Specific Development Plan (SDP) consistent with the approved GDP. The third step is approval of an Administrative Site Plan (ASP) consistent with the SDP.

### A. Flowchart

Figure 13-100.3 shows the review steps for rezoning to PUD when the Two-Step process applies.

[55] New section explaining General Development Plan. Revises current section 13-103.01 to conform to new PUD process. Definitions for General Development Plan, Specific Development Plan and Administrative Site Plan will be included in Definitions section in Module 2.

**Figure 13-100.3 Summary of Procedure for PUD Three-Step Review Process**




**NOTES:**
P = Public Hearing
[1] A plat not submitted concurrently with the SDP is processed under the subdivision procedures of this LDC and will require review and approval by the Planning Commission and Board of County Commissioners.
[2] Major amendments to a plat are reviewed and approved in the same manner as the Specific Development Plan. See section 13-107 for minor and major amendment criteria.

## B. Step One - General Development Plan (GDP)[56]

### 1. GDP Application

An application for a PUD rezoning using the Three-Step review process shall submit, in addition to the information required by Section 13-104, General Procedures, a GDP that meets the requirements of this LDC and the Procedures Manual and that includes the following information and any additional information required at the pre-submittal meeting:[57]

[56] Current section 13-105.02.03, 13-105.02.04, 13-105.02.06
[57] Current Section 13-107 with repetitious provisions deleted and common submittal requirements included in General Submittal Requirements.

a. The general location of proposed land uses different portions of the site (e.g. low-density residential, multi-family residential, commercial, institutional, industrial, or mixed use);
b. The maximum development density/intensity on different portions of the site;
c. The maximum building heights on different portions of the site;
d. Existing and proposed locations of arterial and collector streets;
e. General methods for buffering and screening of dissimilar uses within and adjacent to the GDP site;
f. Evidence that required infrastructure and drainage can be served within the infrastructure and capacity of service providers, which may be in the form of letters from service providers (civil construction engineering not required), and which must include a Phase 1 storm drainage management system and capacity report.[58]

### 2. GDP Review and Approval

Approval of a GDP is the first step in the PUD Three-Step review process. An application for a GDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above and the following requirements.

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
b. The Planning Commission shall conduct a public hearing and make a recommendation to the Board of County Commissioners based on the approval criteria in Section 13-106.
c. The Board of County Commissioners shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106.

## C. Step Two - Specific Development Plan (SDP)

### 1. SDP Application

The application submittal for an SDP based on an approved GDP shall be the same as required for the Two-Step PUD SDP in subsection 13-105.03(B)(1), with the following exceptions:

a. If the SDP application is made within one year of the date of approval of the GDP, any information and exhibits submitted for the General Development Plan do not need to be re-submitted unless there has been a change in condition on the PUD site.
b. The application shall include letters from all off-site service providers stating that there has been no change in the service provider's ability to serve the site and proposed development.

### 2. SDP Review and Approval

An SDP approval is the second step in the Three-Step review process. An application for an SDP shall be processed in accordance with the General Procedures detailed in Section 13-104 above, and the following requirements:

[58] Modified from earlier drafts to clarify that a Phase 1 study is needed at this point.

a. Upon completion of the review and referral process, staff shall prepare a recommendation based on general conformance with Comprehensive Plan, applicable LDC standards, the PUD approval criteria in Section 13-106, and referral agency comments.
b. The Planning Commission shall conduct a public hearing and make a decision based on the approval criteria in Section 13-106 below.

**D. Step 3 - Administrative Site Plan (ASP)**

#### 1. ASP Application

Following the approval of an SDP, the applicant must obtain an approval an ASP before building permits for construction can be issued. This step ensures that the final site layout, infrastructure engineering, street design and building configuration comply with the development and design standards in this LDC, the approved SDP, and any applicable utility or service provider. Civil construction engineering documents are required at this stage.

a. An application for an ASP may be filed only after the approved SDP documents are recorded with the Arapahoe County Clerk and Recorder in accordance with subsection 13-104.09 of this Section.
b. An application for an ASP shall be made in accordance with the requirements of Section 13-400, Administrative Site Plan.

#### 2. ASP Review and Approval

The general procedures for ASP review are as follows:

a. Upon determination by Staff that a complete application has been submitted, the application shall be distributed to all applicable referral agencies.
b. Staff shall review the ASP for compliance with the approved SDP and referral agency comments and advise the applicant of the need to revise the Administrative Site Plan based on any deviations from the standards in this LDC, the approved SDP, and referral agency comments received.
c. Once an ASP is approved by staff the applicant may proceed with applications for building permits necessary for site development and construction.

## 13-106 Approval Criteria[59]

### 13-106.01 Approval Criteria for all PUD Applications [60]

The PUD process is intended to allow flexibility for innovative combinations of land uses and site designs while mitigating the impacts of those designs on surrounding areas and preventing the creation of a monotonous urban landscape. A PUD rezoning, GDP or SDP may be approved if the proposal meets all of the following criteria and any applicable criteria in Sections 13-106.02 and 13-106.03 below:

[59] New section with new criteria specific to PUDs. Current section 13-101.03 deleted as repetitious with the same standards in current section 13-201, Rezoning. Compliance with rezoning standards maintained and new PUD criteria added. Section13-101.04 deleted as unnecessary with language in review sections cross-referencing the approval criteria of this section.
[60] New section with PUD approval criteria applicable to all PUD applications. All new language.

A. It is consistent with and generally conforms to the Arapahoe County Comprehensive Plan; and
B. It complies with the standards for conventional rezoning pursuant to Section 13-201; and
C. It represents an improvement in quality over the strict application of the otherwise applicable zone district or development standards in this LDC, including but not limited to open space and access; environmental protection; vegetative preservation; efficiency in transportation systems and connectivity; alternative transportation options; improvements in utilities and services; or innovative housing or employment centers; and
D. It is consistent with the purpose of the Planned Unit Development District as stated in Section 13-101 of this LDC;
E. Any modifications to the standards and requirements of this LDC are warranted by the layout and design of the site, amenities incorporated into the development plan, or by the need to protect or avoid unique site features; and
F. The proposed plan meets the applicable standards of this LDC, unless varied by the PUD.

### 13-106.02 Approval Criteria for General Development Plan (GDP) [61]

In addition to meeting the criteria in Section 13-106.01 above, a GDP must also meet the following criteria:

A. The proposed land uses, development densities/intensities, and building heights will not create significant adverse impacts on surrounding properties; and
B. It demonstrates an efficient use of land that facilitates a more economic arrangement of buildings, vehicular and pedestrian circulation systems and utilities; and
C. It provides efficient street and trail connectivity to existing adjacent development that generally conforms with the Comprehensive Plan;
D. It provides or expands access to existing open space, and preserves and protects natural features; and
E. It includes efficient general layouts for major water, sewer, and storm drainage areas.

### 13-106.03 Approval Criteria for Specific Development Plan (SDP) [62]

In addition to meeting the approval criteria in Section 13-106.01 above, an SDP submitted pursuant to an approved GDP under the Three-Step review process must also comply with the development standards and requirements of the approved GDP for the site.

### 13-106.04 Approval Criteria for Administrative Site Plan (ASP) [63]

An ASP must comply with the development standards and requirements of the approved SDP for the site and applicable standards of this LDC.

[61] New section with new language
[62] New section with new language
[63] New Section with new language

# 13-107 Amendments[64]

## 13-107.01 Application for Amendments[65]

A. Amendments to an existing PUD Development Plan requires either the signature of all owners listed on the PUD signature document, or in cases where the signature of all owners is not attainable, the signature of the owners(s) of the land where the proposed amendment would apply.

   1. For proposed amendments where all of the PUD owner signatures cannot be obtained, the Planning Manager shall send a notice letter to all owners listed on the PUD signature stating there may be impacts to their property and recommending that they evaluate those possible impacts.
   2. Such notice shall be sent no less than 30 days prior to the Planning Commission public hearing on the proposed amendment, if a hearing on the proposed amendment is required.

B. Amendments that qualify as Administrative Amendments to an approved PUD development plan or ASP shall be reviewed and processed under the procedures for Administrative Amendments in Section 13-107.02.[66] The procedures for Administrative Amendments in Section 13-500 and the procedures for Technical Amendments in Section 13-600 shall not apply to amendments to ASPs subject to this Section 13-100.

C. Amendments that do not qualify as Administrative Amendments to an approved PUD development plan shall be reviewed and processed under the procedures for Major Amendments in Section 13-107.03.

D. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, but it is consistent with the approved SDP, it shall require the submittal of a new ASP for the property. Where an amendment to an ASP is not eligible to be processed as an Administrative Amendment in Section 13-107.02(A) below, and it is not consistent with the approved SDP, the SDP for the property must be amended using the procedures for a Major Amendment.

E. No administrative amendments are allowed for a General Development Plan approved by the BOCC.

## 13-107.02 Administrative Amendments[67]

**A. Eligibility for Administrative Amendments**

An Administrative Amendment may be granted for a Specific Development Plan provided that all of the following conditions are met:

[64] New section detailing PUD amendment process and standards for administrative versus minor amendments. This section applies to PUD development plans and related ASPs.

[65] New section detailing PUD amendment process and standards for administrative versus minor amendments. Cross-references to current section 13-500, Administrative Amendments, noted.

[66] New language referencing new administrative amendment section for SDPs and cross-referencing current LDC administrative amendment procedures for ASPs

[67]New section with new list identifying the point at which an amendment is complex enough for it to become a major amendment.

### 1. Land Uses

a. No change in the permitted number or type of residential uses (including residential uses in a mixed use development).
b. No change in permitted nonresidential uses between use categories (commercial, industrial, office, or public uses). Changes within any of those four use categories are permitted, subject to the limitations of Section 13-102.02(D).
c. No change affecting an area greater than:[68]
   i. Five acres in size for properties located in the area described in Section 13-105.02(A) and shown on Figure 13-100.1.
   ii. 20 acres in size for properties located in the area described in Section 13-105.02(B) and shown on Figure 13-100.1.
d. Land uses that are listed on a previously approved GDP and not included on a subsequent SDP (or included in a previously approved PDP and not included in a subsequent (FDP) may be approved, subject to the limitations of Section 13-102.02(D). [69]

### 2. Development Standards

a. No increase in total lot coverage greater than ten percent.
b. No decrease in setbacks greater than ten percent.
c. No increase in residential density within any residential area shown on the SDP.
d. No increase in total gross floor area of non-residential uses (commercial, industrial, office, or public greater than 10 percent).
e. No consolidation of non-residential floor area into one building resulting in a building containing more than 100,000 square feet of gross floor area that was not shown on the SDP.
f. No increase in building height within 100 feet of residential property lines.
g. No increase in building height greater than five percent where the building is located more than 100 feet from residential uses.
h. No decrease in off-street parking that results in off-street parking being more than ten percent below the parking standards of this LDC.
i. No change to an area of the SDP greater than five acres in size. The Planning Manager may waive the size limitation upon a determination that the proposed amendment and area to be amended has no significant impact to the surrounding land uses and no change in intent of the PUD.

### 3. Open Space/Buffers

a. No change in the location of or access to allowed on open space.
b. No decrease in open space.
c. No decrease in the width of buffer areas adjacent to residential zone districts.

### 4. Utilities/Infrastructure

a. No changes to of backbone infrastructure that would affect any property other than the applicant's property.
b. No change in connections to off-site infrastructure unless a letter from the service provider states that the relocation of the connection does not require

[68] Different size threshold added since Public Draft for areas west of line shown in new Figure 13-100.1
[69] New language to address how a change in use not included on an FDP or SDP is processed when listed in approved PDPs and GDPs

additional off-site improvements and does not change the ability of the service provider to adequately serve the PUD.

c. No change in the location of access points to arterial or collector roads external to or within the PUD by more than 50 feet unless the Engineering Division determines there is no practical alternative to the change due to terrain or engineering considerations.

#### 5. Location

No change to any area of the SDP that is adjacent to a residential zone district that was not included in the boundaries of the original PUD GDP or SDP approval.

#### 6. Ordinances

No conflict with the standards and requirements of this LDC or any applicable resolutions or ordinances.

#### 7. Cumulative Effect

The criteria listed in this section apply to the cumulative effect of the proposed amendment together with all administrative adjustments previously approved for the parcel. For example, an Administrative Site Plan that has previously received an Administrative Amendment to exceed the original lot coverage limit by four percent may not receive an additional Administrative Amendment that would increase lot coverage more than an additional one percent above the originally approved lot coverage limit, for a cumulative total adjustment of ten percent compared to the original SDP approval.

**B. Approval Criteria[70]**

An Administrative Amendment may be approved provided the amendment:

1. Meets the conditions listed in subsection 13-107.02(A) above;
2. Does not result in a change to the overall character or intent of the PUD;
3. Will not materially interfere with the development or use of adjacent lands or public interest; and
4. Will not pose a danger to the public health or safety.

### 13-107.03 Major Amendments[71]

An amendment to a General Development Plan, or an amendment to a Specific Development Plan that is not eligible for an Administrative Amendment, shall be processed, reviewed, and approved under the same procedures as required for the original GDP or SDP approval.

[70] New section adapted from current section 13-517 (Approval Criteria for Administrative Amendment)
[71] Current section 13-102.07, reworded.

# 13-108 Appeals[72]

## 13-108.01 Administrative Decisions

A. Appeals of any administrative decision authorized in this Section, including but not limited to approval or denial of an ASP or a determination as to whether a proposed amendment to an SDP is eligible to be processed as an Administrative Amendment, shall be made to the Planning Commission.
   1. Such appeal must be made in writing within ten days after the decision.
   2. The appeal shall be scheduled for the next available Planning Commission meeting.
   3. The Planning Commission shall review the appeal based on the standards and requirements of this Section and the applicable requirements of this LDC.

   The decision of the Planning Commission shall be final.

B. Decisions on GDP, SDP, and ASP applications shall not be final until the time for filing any available administrative review or appeal procedures has expired without an appeal being filed, or, if an appeal has been timely filed, until a decision on that appeal has been made. Applicants shall exhaust any administrative review or appeal procedures in effect prior to exercising any right of judicial review.[73]

## 13-108.02 Review of Planning Commission Decisions in Three-Step PUD[74]

A. An applicant for an SDP or a person living or owning property within an SDP or within 200 feet of any boundary of an SDP may submit a written objection to the decision of the Planning Commission on the SDP.
   1. Written objection must be made to the Planning Manager within ten days after the Planning Commission decision, and must state with specificity how the decision being appealed is inconsistent with any GDP applicable to the property, or what standard or criteria contained in this LDC have been ignored or improperly applied.
   2. Following receipt of a written objection, County staff will inform the Board of County Commissioners and applicant of the written objection.
   3. The Board of County Commissioners may decide to review the decision of the Planning Commission, but is under no obligation to do so.
   4. If a majority of the Board of County Commissioners desires to review the decision of the Planning Commission, the Board will conduct a public hearing within a reasonable period of time, and the public hearing shall consider the project de novo. Notice for the public hearing shall comply with the procedures in Section 13-104.03, Notice Requirements.
   5. The Board's action on any request for review of the Planning Commission's decision shall consider the record developed at the Board hearing, but shall not be limited to consideration of that record.

[72] New section clarifying authority to hear appeals and review decisions in new Two and Three-Step process. Replaces current section 13-110.04 and makes Planning Commission the review body for appeals of Administrative decisions to incorporate best practices recommended in the LDC Assessment. Incorporates current section 13-105.04(A). May be relocated to consolidated Appeals section in reorganized LDC.
[73] Incorporated from current section 13-110.04(A)
[74] Current section 13-105.04, reformatted and including language to limit who may file a request to immediate neighbors and property owners, and to clarify that the applicant may request BOCC review.

B. The decision of the BOCC on whether or not to review a decision of the Planning Commission shall be final, and the decision of the BOCC after review of a Planning Commission decision on an SDP is final.

# 13-109 Vested Property Rights[75]

## 13-109.01 General Applicability

A. In accordance with the provisions of Article 68 of Title 24 C.R.S. as amended, 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":
   1. Specific Development Plans on property that has a recorded final subdivision plat, and where the approval of the SDP does not require revisions to that recorded plat; and
   2. Specific Development Plans on property that require recording of an original or amended final subdivision plat, and for which a final subdivision plat has been recorded; and
   3. Such other plans as the Board may designate in an agreement entered into by the County and the landowner.

B. An ASP or amended ASP approved pursuant to an SDP shall automatically be entitled to the same vested rights granted for the SDP to which the ASP relates, for the remaining period of SDP vesting at the time the ASP or amended ASP is approved. [76]

## 13-109.02 Vested Property Rights – General Provisions

A. 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 PUD Development Plan, so long as such plan complies with all land use standards and criteria in effect at the time vesting is sought.
B. 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.
C. The process for seeking a "vested property right" is separate from the process for seeking approval of a PUD 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.

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[75] Current section 13-110.12 reorganized and reworded and to conform to new Two and Three-Step PUD process and General Development, Specific Development and Administrative Site Plan terminology. Clarifies that vesting takes place at ASP and can be granted with an SDP if specifically requested and required procedures for vesting are done concurrently if requested. Deletes language specifying that an ASP automatically receives the same vested rights as have been granted pursuant to the Vested Property Rights Act for the Specific Development Plan to which the ASP relates, for the same period of vesting which remains for the SDP at the time the ASP is approved. The vesting section may be relocated into another section (i.e. not the PUD provisions) in a reorganized LDC.
[76] Current 13-110.12, with wording clarified.

## 13-109.03 Vested Property Rights - Site Specific Development Plan Procedure

**A. Notice Requirements and Public Hearing**

A notice of a public hearing relating to a vested property right shall be provided by publishing notice of the public hearing in a newspaper of general circulation and providing mail notification of the public hearing to adjacent property owners.

**B. Vesting Period**

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.

**C. Criteria**

1. 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:
2. Being required to pay compensation to the affected landowner,
3. Injury to others, and
4. Requiring variances, exemptions or waivers of County policies, regulations or rights then in effect.

**D. Application Requirements**

1. The applicant shall 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.
2. The applicant shall also comply with all other requirements of the County for establishment of vested property rights that may be imposed by resolution of the Board of County Commissioners from time to time.

**E. Specific Development Plan Determination**[77]

1. The creation of a vested property right based on a site specific development plan shall require a public hearing by the Board of County Commissioners. In the case of an application for vested rights based on a Specific Development Plan that does not require a plat or replat and that is being processed under the Two-Step process, the Board hereby delegates the authority to hold the public hearing to the Planning Commission.
2. An SDP 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:
3. Any forecasts of future off-site land uses, traffic and drainage conditions are sufficiently reliable for the vesting period of the site specific development plan to ensure that development under the site specific development plan will not result in adverse impacts to county roads or infrastructure or to surrounding properties that

[77] Current section references Administrative Site Plan. Revised to Specific Development Plan to align with proposed automatic vesting of ASPs.

might require the county to modify its approval of the site specific development plan.

4. This determination may be requested at the time of the SDP application, or may be requested after approval of the SDP in connection with an application for vested property rights.

## 13-109.04 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. A development agreement may vest property rights created pursuant to previous or concurrent approvals for the following:

- Final Subdivision Plats,
- General Development Plans,
- Specific Development Plans,
- Administrative Site Plans,
- 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.

### A. Notice Requirements and Public Hearing

1. 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.
2. This process shall include posting the subject property with a notice of the public hearing, publishing a notice of the public hearing and providing mail notification to adjacent property owners.

### B. Criteria

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:

1. Whether the plan or project is sufficiently well-defined to justify vesting for the period proposed;
2. 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;

3. 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;
4. Other factors as outlined in resolutions or policies of the Board; and
5. Recommendations, if any, of citizens, County staff and referral agencies.

**C. Vesting Period**

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.

## 13-109.05 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.

# SECTION 13-400 ADMINISTRATIVE SITE PLAN

## 13-401 INTENT

An Administrative Site Plan is required for the following situations, excluding single-family detached development:

A. All development on vacant land governed by conventional zoning, unless a Use by Special Review (USR), Location and Extent (L&E), or Special Exception Use (SEU) is required.

B. On all development sites within the bounds of a final plat.

C. Development of sites within an MDP not covered by a Use by Special Review plans.

D. Additions to buildings located within conventionally zoned areas that are equal to or exceed 50% of the original structure. The determination of what constitutes the original structure is based on the building as shown at the time of initial permit, and not an expanded building based on subsequent permits.

E. All development for which an ASP is required pursuant to Chapter 13-100 (Planned Unit Development).

# SECTION 13-500 ADMINISTRATIVE AMENDMENT

## 13-501 INTENT

To provide an amendment process for minor modifications to an Administrative Site Plan required pursuant to Chapter 13-401A, B, C, or D that does not substantially alter approved development standards. This amendment process does not apply to amendments of Administrative Site Plans required pursuant to Chapter 13-100 (Planned Unit Development), The Administrative Amendment must preserve the intent of the original Administrative Site Plan it modifies. This administrative amendment process is intended to be accomplished within a thirty (30) business day period, however, this time frame may vary depending upon the circumstances of each individual case.

## 13-502 ELIGIBILITY FOR ADMINISTRATIVE AMENDMENT

The following general criteria must first be met in order to be considered for a specific administrative amendment:

**13-502.01**

If the application is for amendment to an ASP, the ASP is required pursuant to Section 13-401 A, B, C, or D.

**13-502.02**

Unless specified herein, no right-of-way dedications, public improvements, traffic studies, drainage studies, or subdivision improvement agreements are required.

**13-502.03**

A current final drainage report and current street construction plans have been approved for the Administrative Site Plan governing the proposal.

**13-502.04**
The perimeter boundaries of the Administrative Amendment coincide with existing boundaries of the governing Administrative Site Plan.

# SECTION 13-600 TECHNICAL AMENDMENT

## 13-601 INTENT

A. To provide a rapid administrative process for approval of minor technical changes to an

Location and Extent Plans, Administrative Site Plans required pursuant to Chapter 13-401.A, B, C, or D. This amendment process does not apply to amendments of Administrative Site Plans required pursuant to Chapter 13-100 (Planned Unit Development). All Technical Amendment plans must comply with the spirit and intent of the original plan that it modifies. The intent of this section is to act on such amendments within 10 working days after submittal. However, the time necessary to review and act on a proposed technical amendment will depend upon the circumstances of each case.

B. Technical Amendments may include, but are not limited to minor changes to: building facades, location and type of landscape material, location of light poles or fixtures that do not affect light levels at the property line, the location of interior pedestrian walks and trails, the relocation of public transportation facilities if accompanied by an approval letter from the appropriate authority, or a minor revision to public improvements as approved by the Engineering Services Division manager or designee.

C. The Technical Amendment process also applies when changes to a development plan are of such a limited nature or scope that a formal amendment process or Administrative Amendment would be unnecessary.

D. Amendments regarding issues specifically reviewed or addressed by the Planning Commission, Board of Adjustment, or Board of County Commissioners do not qualify for the Technical Amendment process.

## 13-602 CRITERIA FOR APPROVAL OF A TECHNICAL AMENDMENT

The criteria used by the Planning Division Manager and the Engineering Services Division Manager for approval of an application shall include, but not be limited to, the following:

**13-602.01**
If the application is for amendment to an Administrative Site Plan, the ASP is required pursuant to Section 13-400, and not Section 13-100.

**13-602.02** The proposed amendment conforms to existing zoning regulations and adheres to the conditions of approval as stated by the Board of County Commissioners, Planning Commission, or Board of Adjustment.

**13-602.03** The proposed amendment does not fall within the criteria listed for a formal PUD plan
Amendment or Administrative Amendment as specified in these regulations.

**13-602.04**

The proposed Technical Amendment does not violate existing zoning regulations, is in keeping with the spirit and intent of such regulations, and will not weaken the purposes of these regulations.

**13-602.05**The proposed amendment does not relate to any site, building, or sign detail, etc. that was subject to a condition of approval through the public hearing process.

**13-602.06**
The proposed amendment does not affect the overall architectural character, style, or general layout of buildings on the approved development plan. A change in building color, building materials, or building height that was included in any condition of approval does not qualify for the Technical Amendment process.

**13-602.07**The proposed amendment does not affect parking areas to the extent that a drainage report or traffic study is required. Minor adjustments to parking areas and/or other impervious areas
may be eligible for a Technical Amendment if approved by the Engineering Services Division Manager or designee. Any change that reduces the parking lot setback, reduces the minimum number and size of parking stalls, or reduces the setback from property line for an access drive does not qualify for the Technical Amendment process.

**13-602.08**The proposed amendment does not affect the lighting plan to the extent that a photometric study is required. Minor adjustments to the location of light poles or other building exterior illumination are eligible for the Technical Amendment process.

**13-602.09**The proposed amendment does not affect the landscape plan to the extent that it reduces the minimum number or size of plant material required by zoning. Adjustments to the location or type of plant material may be processed as a Technical Amendment if such changes do not involve review and approval of a drainage report. Adjustments to landscaping within easements or public rights of way may be processed as a Technical Amendment if approved by the Engineering Services Division Manager or a designee and if a drainage letter ofconformance, certified by a Colorado Professional Engineer, is submitted for review and approval with fees as authorized by the Engineering Services Division fee schedule.

**13-602.10**
The proposed amendment to site conditions, such as the location and size of trash enclosures, earthen berms, pedestrian walks or trails, or public transportation facilities may be eligible for the Technical Amendment process if such changes are approved by the Engineering Services Division Manager and meet the criteria outlined in this section. The Engineering Services Division Manager may also request that the appropriate engineering documents be submitted for review and approval with fees as authorized by the Engineering Services Division fee schedule.

**13-602.11**
The Technical Amendment ensures the efficient development and preservation of the underlying development plan;

**13-602.12**
The proposed Technical Amendment does not adversely affect the applicant's reasonable development expectations, the adjacent property owner's use and enjoyment of their property, or the public interest;

**13-602.13**

The proposed Technical Amendment does not adversely affect the public health, safety, and welfare.

**13-602.14**

The proposed Technical Amendment does not reduce the amount of open space shown on the approved plan.