

SECTION 13-800 SPECIAL EXCEPTION USES

13-801 INTENT

To provide for uses within the unincorporated areas of Arapahoe County which require special review by the Board of Adjustment in order to determine their compatibility with surrounding principal permitted uses. Such uses commonly have the potential for various adverse impacts such as traffic congestion, noise, visual and aesthetic impacts which could undermine the integrity of the zoning district in which it would be situated and therefore could jeopardize the health, safety and welfare of the existing community.

13-802 SUBMITTAL REQUIREMENTS

13-802.01

All applications for a Special Exception Use shall be submitted to the Secretary of the Board of Adjustment prior to consideration of the request by the Board of Adjustment.

13-802.02

A complete application for a Special Exception Use hearing must contain the following:

- A. Letter of Intent requesting the Special Exception Use hearing and fully describing the intended use of the property. The letter must be signed by the property owner and applicant (if different from property owner), and a copy of the owner's deed must be included in the submittal.
- B. A fee established by the Board of County Commissioners shall be established and paid to the Board of Adjustment.
- C. A site plan (ten copies) drawn on 24" x 36" sheets, in upper case sans serif to include the following information:
 - D. Name of proposed use.
 - E. The land area and legal description.
 - F. Vicinity map (one (1) mile radius with emphasis on major roads).
 - G. The proposed land use for each area and its area in square feet.
 - H. Existing and proposed public and private rights-of-way, easements and drainageways.
 - I. The existing zoning of the property, as well as the zoning and residential density of all adjacent properties.
 - J. The roadways, existing and proposed, serving the site, including the types of surfacing, width of paving and rights-of-way.
 - K. Proposed finished grade topography and elevations shown at 2-foot (2') intervals or less, corresponding with datum acceptable to the County.
 - L. The location(s) and dimensions of all existing and proposed structure(s), the use(s) to be located therein, gross floor area, locations of entrances and loading points.
 - M. Location of outdoor waste disposal facilities.
 - N. All curb cuts, driveways, parking (including number of spaces), loading and storage areas.
 - O. All walks, open areas and recreation areas, with a description of these improvements.
 - P. Location and height of fences, walls, screens, planting and any other landscaping features.

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- Q. Types of surfacing, such as asphalt paving, concrete, gravel or grass, of the interior of the site.
- R. Provisions for access by emergency vehicles.
- S. Signs and lighting devices (fully detailed).
- T. Utility lines and appurtenances.
- U. Drainage report conforming to the requirements of the “Arapahoe County Storm Drainage Design & Technical Criteria,” if required.
- V. Traffic report conforming to the requirements of the “Guidelines for Traffic Impact Studies,” if required.
- W. Cost estimate of public improvements, if required, such as sidewalks, roadway and/or drainage improvements, etc.
- X. An appropriate number of 11" x 17" reductions of the required site plan.
- Y. Letter from the appropriate water and sanitation district(s) and fire district stating the availability to serve the proposal.
- Z. Structures located on the south side of streets or highways may be required to provide additional building setbacks, depending on structure heights, to allow necessary snow and ice melt from adjacent streets and sidewalks.
- AA. Additional information may be requested by the Board of Adjustment as appropriate to the request, and information required above may be waived by the Board of Adjustment if it is deemed to be inappropriate to the request.

13-803 APPROVAL STANDARDS

A Special Exception Use shall be approved only if the Board of Adjustment finds that the proposed Special Exception Use:

- A. Complies with the minimum zoning requirements of the zoning district in which the Special Exception Use is to be located;
- B. Complies with the submittal requirements of this Chapter;
- C. Complies with the Arapahoe County Subdivision Regulations;
- D. Will be in harmony and compatible with the character of the surrounding areas and neighborhood;
- E. Will be consistent with the Arapahoe County Comprehensive Plan;
- F. Will not result in an over-intensive use of land;
- G. Will not have material adverse effect on community capital improvement programs;
- H. Will not require a level of community facilities and service greater than that which is available;
- I. Will not cause significant air, water, or noise pollution or any other detrimental environmental impacts;
- J. Will be adequately landscaped, buffered, and screened;
- K. Will not otherwise be detrimental to health, safety, or welfare of the present or future inhabitants of the County.

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13-804 LENGTH OF APPROVAL

A Special Exception Use shall be permitted for a duration of time specified by the Board or until the land use changes or is terminated, whichever occurs first. The Special Exception Use may transfer with the sale of the land.

13-805 PROCEDURE

13-805.01

Once the submittal is determined to be complete, the Secretary to the Board of Adjustment will:

- A. “log in” the submittal as a bona fide “case”.
- B. Refer the submittal to appropriate agencies, which will include the Board of County Commissioners, for a thirty-five (35) day period.
- C. Schedule the proposal at a Board of Adjustment hearing.
- D. Send posting requirement instructions to the applicant.

13-805.02

After the thirty-five (35) day review period, the Board of Adjustment staff will prepare a report, including recommendations from responding agencies, to the Board of Adjustment. A copy of this report will be available prior to the Board of Adjustment hearing.

13-805.03

The applicant shall be responsible for public notice, prior to the Board of Adjustment hearing, in compliance with the public notice requirements in Chapter 17, herein.

13-805.04

At the hearing, the Board of Adjustment will take one of the following actions regarding the case. It may:

- A. Approve as submitted; or
- B. Approve with conditions; or
- C. Table (for further information, etc.); or
- D. Take the request under advisement; or
- E. Deny.