

Sec. 21-3213 is amended to add a new subsection (j) to paragraph (3) as follows. The remainder of the section remains unchanged.

Sec. 21-3213. Floodplain Development Permits

- (1) Requirement. No person shall commence any construction, development, or storage of materials within the floodplain overlay district unless a floodplain development permit has been obtained from the city.
- (2) Review. The floodplain administrator reviews applications for floodplain development permits to determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard and is authorized to approve, approve with conditions, or deny the application based on the approval criteria below.
- (3) Approval Criteria. A floodplain development permit may be approved if the floodplain administrator finds:
 - (a) The applicant has obtained all necessary federal, state, and local permits.
 - (b) If alteration or relocation of any watercourse is involved, the applicant has notified all adjacent communities and the Colorado Water Conservation Board of the alteration or relocation and has submitted evidence of such notification to the Federal Emergency Management Agency. The floodplain administrator must also find that the flood-carrying capacity within the altered or relocated portion of the watercourse is not diminished.
 - (c) The danger that materials may be swept onto other lands or cause the injury to others is minimal;
 - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and adjacent upstream and downstream property owners is minimal;
 - (e) The proposed use is compatible with existing and anticipated development as set forth in, or reasonably inferred from, the comprehensive plan;
 - (f) The safety of access to the property in times of flood for ordinary and emergency vehicles is adequate;
 - (g) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical and water systems is not excessive;

- (h) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site is minimized; and
 - (i) Alternative locations for the proposed use that are not subject to flooding or erosion damage do not exist.
 - (j) The proposed use avoids disturbing the natural topography of the floodplain to the maximum extent feasible to preserve and promote passive flood mitigation strategies, native wildlife habitat, and recreational opportunities.
- (4) Conditional Approval. The floodplain administrator shall be authorized to impose conditions necessary to ensure compliance with this code including, without limitation, the following:
- (a) Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters;
 - (b) Limitations on periods of use and operations;
 - (c) Imposition of operational controls, sureties, and deed restrictions;
 - (d) Location and placement of structures and buildings on a site in order to minimize obstructions to flood waters; and
 - (e) Adequate flood proofing measures. The floodplain administrator may require that the applicant submit a plan or document certified by a registered professional engineer or architect testifying that the flood proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area
- (5) Lapse. If the work described in any floodplain permit is not commenced within six months, or substantially completed within two years of the date the permit was issued, the permit shall automatically lapse and be null and void.

Sec. 21-3215 is amended to add a new subsection (f) to paragraph (1) as follows. The remainder of the section remains unchanged.

Sec. 21-3215. Minor Modifications

- (1) Description. The following deviations from the city's general standards or approved PUD zone documents are considered minor modifications:
 - (a) Up to 20 percent of any minimum or maximum standard;

- (b) An additional one foot of fence height;
- (c) Up to 50 percent of the minimum fence setback;
- (d) A screen fence instead of an open style fence; ~~or~~
- (e) A reduction to the Floor Area Ratio requirement; or
- (f) Up to 50 percent of the minimum required landscaping.

The modification of any design standard set forth in article VII shall not be considered a minor modification and shall be governed by the sections in article VII that discuss alternative compliance.

Sec. 21-3220 is amended to add a new “Description” at paragraph 1 and with the existing paragraphs renumbered as follows. The remainder of the section remains unchanged.

Sec. 21-3220. Height Exceptions

- (1) Description. Height Exceptions are used to address situations where the height standards of this land development code inflict practical difficulties on the primary operations on a property that arise due to regulatory changes, technological advancements, or similar circumstances that require structures directly associated with the primary operation to surpass the zone district's maximum allowable height. Fences, signs, and secondary uses (such as outdoor storage) are not eligible for Height Exceptions.
- (2) ~~(4)~~ Requirement. Except for the specific situations outlined below, no structure or building shall exceed the height limitations provided in this land development code without first obtaining a height exception.
 - (a) Structures that exceed the approved height limit on the effective date of this land development code. Any such structure shall not be considered a non-conforming structure due to its height only;
 - (b) Development according to the terms and conditions of a final PUD permit or final subdivision plat that was approved prior to the effective date of this land development code and that has not lapsed in any way. Any structure exceeding the maximum height permitted in a zoning district, but which is developed in accordance with such approved final plan or plat, shall not be considered a non-conforming structure due to its height only;

- (c) Development consistent with the intent, terms, and recommendations of an applicable comprehensive plan, or other special plan adopted by the city, when such plan specifically recommends and anticipates development of structures exceeding the maximum allowed height permitted in a zoning district, but which is developed in accordance with such approved comprehensive plan or other sub-area plan, shall not be considered a non-conforming structure due to its height only.
- (3) ~~(2)~~ Review.
 - (a) The director and the DRT review height exception applications, and the director provides a report to the board of adjustment regarding an application's acceptability in light of the approval criteria listed below.
 - (b) Applications are considered by the board of adjustment at a public hearing. After the hearing, the board of adjustment is authorized to approve, approve with conditions, or deny the application based on the approval criteria listed below.
- (4) ~~(3)~~ Approval Criteria. An application for a height exception may be approved if:
 - (a) All of the following criteria are met:
 - (i) The structure and development, if applicable, complies with all other standards not specifically waived by the city;
 - (ii) The exception would have minimal effect upon adjacent properties with respect to solar access, visual access, and rights of privacy, light, and air;
 - (iii) The exception will not interfere with the city's ability to provide public services to the site at the level currently enjoyed by the area, or at adequate levels per existing city policies and regulations;
 - (iv) There is no evidence to suggest that the exception would interfere with or complicate emergency services or otherwise impair public safety; and
 - (b) One of the following criteria is met:
 - (i) The exception provides a demonstrated benefit to the city; or
 - (ii) The architecture and character of the proposed building or structure that will exceed the height standards are compatible with existing development on surrounding or adjacent parcels.
- (5) ~~(4)~~ Lapse. A height exception shall lapse unless a building permit is issued and construction is substantially completed within three years from the date of

approval, unless another time frame is listed as an element of the approval of a related application (such as a conditional use permit). Amendments to a related development plan shall not affect the lapse period unless otherwise provided.

Sec. 21-3233 is amended to clarify that easements may be vacated administratively, as follows. The remainder of the section remains unchanged.

Sec. 21-3233. Vacation of Rights of Way

- (1) Description. A vacation is used to eliminate public rights-of-way or utility easements that are no longer needed for public improvements. The vacation of easements and inactive rights-of-way may be accomplished through the approval of a plat which shows the vacation or by ordinance. Active rights of way must be vacated by ordinance. This section shall apply to all requests to vacate all rights, interests, or title of the city in and to any right-of-way, access easements, or other public easements located within the corporate limits of the city.
- (2) Review.
 - (a) Active rights-of-way ~~and easements~~.
 - (1) The director and DRT review vacation applications and the director creates a report analyzing the acceptability of the application in light of the approval criteria outlined below.
 - (2) Vacation applications are reviewed by the planning commission during a public hearing. After the hearing, the planning commission will make a recommendation to the city council based on the approval criteria below.
 - (3) After receiving the director's report and the planning commission's recommendation, the city council will consider the application at a public hearing. After the hearing, the city council is authorized to approve, approve with conditions or deny the application. The city council may approve the vacation in whole or part (i.e., vacate only a portion of the area under consideration).
 - (b) All other vacation requests. The director and the city engineer reviews and ~~has~~ have the authority to approve, approve with conditions or deny vacation applications that ~~do not~~ involve easements and inactive ~~active~~ rights-of-way and easements. The director and city engineer may approve the vacation in whole or in part.
- (3) Approval Criteria. A vacation application may be approved if:
 - (a) City-initiated vacations.

- (4) The vacation serves the interest of the city by removing maintenance or liability risks; and
 - (5) The property interest being vacated is no longer necessary for city operations.
- (b) All other vacations.
 - (6) The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;
 - (7) The land to be vacated is no longer necessary for the public use and convenience;
 - (8) The vacation will not create any landlocked properties;
 - (9) The vacation will not render access to any parcel unreasonable or economically prohibitive;
 - (10) The vacation will not reduce the quality of public services to any parcel of land; and
 - (11) A separate plat to replat the vacated area into a larger, usable piece of land has been submitted.
- (4) Zoning. Notwithstanding any provision in this section to the contrary, the zoning on any property vacated by the city shall be changed without further action as of the effective date of the vacation to that zoning of the property to which ownership of the vacated property attaches as a result of such vacation by the city.
- (5) Title. Title to the lands included within a street right-of-way or so much thereof as may be vacated shall vest in accordance with the provisions of state law unless specifically provided for in the vacating ordinance or plat. Title in all other lands shall vest in accordance with the document affecting the vacation.
- (6) Recording. The city will record all relevant vacation documents, including any vacation resolution, with the Adams County Clerk and Recorder's Office and the city may require the applicant to pay all recording costs.

Sec. 21-3410 is amended to add language allowing revocation for non-compliance with an approved plan, plat, or permit, and also to authorize an Administrative Hearing Officer to revoke such plans, plats, or permits if the plan, plat, or permit was administratively approved.

Sec. 21-3410. Revocations

The city may revoke any approved plat, plan, or permit if the applicant for such plat, plan, or permit fails to comply with the plat, plan, or permit as approved or with any of the conditions that were imposed by the city in conjunction with the approval. In such cases, the city will notify the applicant of the proposed revocation. If the plat, plan, or permit was administratively approved or conditioned, then a hearing officer will hear and decide whether the plat, plan, or permit should be revoked. If another body approved the plat, plan, or permit, or imposed the conditions, then the same body ~~and the body or staff member who imposed the conditions will hear and decide whether the plat, plan, or permit should be revoked.~~

Sec. 21-5200 Table V-1 is amended by the following additions and revisions.

Sec. 21-5200 Table V-1

“Bulk Grain Transfer” shall be added as a use by permit in the I-2 zone district and a use by right in the I-3 zone district.

“Arts and Cultural Uses” shall be added as a use by right in all non-residential zone districts (C-1, C-2, C-3, MU-1, I-1, I-1S, I-2, I-3, and PUBLIC).

“Artisan/Handcrafted Manufacturing” shall be added as a use by right in all non-residential zone districts (C-1, C-2, C-3, MU-1, I-1, I-1S, I-2, I-3, and PUBLIC).

“Material Piles – Over 8 feet in height” shall be added as a conditional use in the I-2 and I-3 zone districts.

“Construction Crane Uses” shall be added as a use by right in the I-3 zone district.

“Forging and Stamping” shall be added as a use by right in the I-2 and I-3 zone districts.

“Boiler, Tank, and Shipping Container Manufacturing” shall be amended as a use by right in the I-3 zone district.

“Hardware Manufacturing” shall be added as a use by right in the I-1, I-2, and I-3 zone districts.

“Galvanizing” shall be amended to read “Metal Coating, Engraving (including Galvanizing and Powdercoating)” and allowed as a use by right in the I-3 zone district.

“Sandblasting operations - indoor” shall be amended to read “Electroplating, Plating, Polishing, Anodizing, and Coloring (including Sandblasting)” and allowed as a use by right in the I-3 zone district.

“Steel Product Manufacturing” shall be added as a conditional use in the I-3 zone district.

“Foundries” shall be added as a conditional use in the I-3 zone district.

The I-1S zone district shall be added as a column in the table with the permitted land uses to be shown as described in Sec. 21-4510.

“Day Care Home” shall be amended to read “Family Child Care Home.”

Sec. 21-5223 is added, as follows.

Sec. 21-5223. Bulk Grain Transfer Facilities

The following standards shall apply to all bulk grain transfer facilities:

- (1) Operations shall comply with all applicable rules and regulations of State of Colorado and Tri-County Health Department.
- (2) Rodent and pest control programs will be provided and maintained at all times. Upon request, the operator of a bulk grain transfer facility shall submit to the city a written vector control plan.
- (3) No storage of grain is allowed on the property, including in trucks, piles, containers, or within the conveyor system.

Sec. 21-5239 is added, as follows.

Sec. 21-5239 Hazardous Materials

In addition to the performance standards in section 21-5120, those uses which store, manufacture, or utilize quantities of hazardous or toxic materials so as to require an H occupancy under the building and fire codes shall be allowed only in the I-3 zone district upon approval of a Conditional Use Permit.

Sec. 21-5224 is amended to delete paragraph 2 relating to the required amount of space per child. The existing paragraph 3 is renumbered to become the new paragraph 2.

Sec. 21-5224. Child Care Facilities

The following provisions apply to all child care facilities:

- (1) All child care facilities shall be licensed and operated in conformance with all applicable federal and state regulations.
- ~~(2) At least 50 square feet of floor space shall be set aside for school purposes for each child, and at least 200 square feet of outdoor, fenced play area shall be provided for each child. These space requirements apply to both principal and accessory use childcare facilities.~~

- (2) ~~(3)~~ An off-street vehicular loading area or driveway shall be provided for the purpose of loading and unloading children.

Sec. 21-5254 is amended as follows ...

- **Specify a surface material consistent with other sections of the LDC**
- **Move paragraph (3) Manure to subsection (a) of paragraph (6) Location.**
- **Simplify screening requirements for easier review and enforcement.**
- **Add construction crane sections and material piles to the list of exceptions for stacking height, and allow CUP for greater heights than those identified.**
- **Clarify fence and gate standards.**
- **The remainder of the section remains unchanged.**

Sec. 21-5254. Outdoor Storage

- (1) Business Related. All outdoor storage shall be incidental and directly related to the primary business being conducted on that property. Outdoor storage shall not be the primary use of any property and the leasing of space for outdoor storage is prohibited unless the outdoor storage is an accessory use to a business operated by a tenant who leases any building located on such property for the operation of the tenant's business or as permitted in paragraph (4) below.
- (2) Heating Fuels. Outdoor storage of heating fuels may be permitted in all zones, provided such storage is directly connected to heating devices for the purpose of providing fuel for heating the building of which such heating device is a part.
- ~~(3) Manure. No manure shall be stored within 100 feet of any property line.~~
- (3) Surfacing. Outdoor storage shall be paved with recycled asphalt or other road base material as approved by the city engineer.
- (4) Principal Structures. No outdoor storage shall occur on a lot that does not contain a building, unless said outdoor storage is used by an adjacent property owner or lessee and is directly related to such adjacent property owner's or lessee's business.
- (5) Agriculturally Zoned Lots. Outdoor storage, compliant with these regulations, shall be permitted only when the stored items relate directly to the principal agricultural use. Determination of which items are directly related to the principal use shall be made by the director.

- (6) Location. Outdoor storage shall be limited to the rear and side yards of the property. Required parking and landscape treatment areas can never be used for outdoor storage.

a. No manure shall be stored within 100 feet of any property line.

- (7) Stacking and Screening Requirements. All outdoor storage areas shall be enclosed by a fence or wall adequate to conceal such areas from adjacent non-industrial property and public right-of-way. Outdoor storage can be stacked to eight feet or the height of the screening fence, whichever is less, with the following exceptions and restrictions: Large items over 8 feet in height such as truck trailers or concrete pipes shall be placed in a single layer and not stacked. Additional screening mitigation may be required depending on the topography and visibility of the site.

~~(a) I-1 and I-2 Zoning Districts. In addition to not being visible from adjacent non-industrial property and public right-of-way, the outdoor storage shall not be visible to a pedestrian at ground level looking at the storage area from a public facility such as a city park, trail, and open space, or from the first floor of any building not on the subject property to the maximum extent possible. In order to confirm compliance, the city may request additional information as necessary, such as a grading plan or topographic survey, or a plan showing adjacent building footprints.~~

(a) Exceptions.

(i) In the I-2 and I-3 zone districts: Material piles such as construction aggregate and landscape materials may exceed the eight-foot maximum stacking limit upon approval of a Conditional Use Permit. Flammable materials shall have a maximum allowed stacking limit of 25 feet in accordance with adopted fire codes. Non-flammable materials shall have a maximum stacking limit of 50 feet or the maximum height permitted for a principal structure in the underlying zone district, whichever is less.

(ii) (b) I-3 Zoning Districts. In addition to not being visible from adjacent non-industrial property and public right-of-way, the outdoor storage shall not be visible to a pedestrian at ground level looking at the storage area from a public facility such as a city park, trail, and open space, or from the first floor of any building not on the subject property to the maximum extent possible. In the I-3 zone district, the exceptions to the eight-foot maximum stacking limit is include only the storage of bundled lumber, pallets, or shipping containers, or construction crane sections only, which may be stacked to a height of 20 feet if done in a manner that ensures safety. Stacking higher than 20 feet shall require approval of a Conditional Use Permit. Any

items stacked higher than the fence must be placed in such a manner that the items cannot fall and land on or outside of the fence.

- (b) ~~(c) Fences and Gates. Fences used for screening outdoor storage shall be masonry, brick, decorative rock, stone, textured concrete, stucco, or wood and meet all applicable standards of the land development code and shall be erected in accordance with the building permit issued by the city. Gates must be opaque; however, a gate may be a different material than what would be allowed for the fence. All gates must meet the required setbacks in section 21-7732 (Fences).~~

(8) Site Plans. Site plans for outdoor storage shall be provided to the city, when required, and shall depict the following:

- (a) Exact location of proposed outdoor storage area;
- (b) Dimensions and locations of aisles and circulation paths in the outdoor storage area for general and emergency access;
- (c) Square feet of proposed outdoor storage area;
- (d) Location of the fence, including pedestrian and vehicular gates;
- (e) Height and type of fence proposed, including an elevation of the fence;
- (f) Description of the material proposed to be stored;
- (g) Height of the material and/or proposed stacking height of the material proposed to be stored; and
- (h) Description of the proposed surface on which material will be stored, and of the circulation and emergency access aisles.

Outdoor Storage in the I-1 Zoning District. In addition to the foregoing paragraphs, the following special provisions apply to outdoor storage in I-1 districts:

- (a) Limited availability. No outdoor storage shall be permitted unless the property is located in the following areas:
 - (i) Rocky Mountain Industrial Park. The area located within the following boundaries: Bordered on the south by East 56th Avenue, on the east by Monaco Street, on the west by Holly Street, and on the north by a line constituting an extension of East 59th Avenue.
 - (ii) Stapleton Industrial Park. The area located within the following boundaries: Bordered on the south by East 48th Avenue, on the east by Quebec Street, on the west by Ivy Street, and the north by Sand Creek.

- (b) The board of adjustment may not consider variances or exceptions to the location requirements stated above.
- (c) Review Criteria. Outdoor storage in the areas described in paragraph 9(a) may be permitted only if the director finds:
 - (i) Outdoor storage at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they presently exist or as they may in the future be developed;
 - (ii) The characteristics of the site are suitable for outdoor storage as a use-by-permit considering the size, shape, location, topography, and existence of improvements and natural features; and
 - (iii) Sufficient landscaping and screening will be utilized to insure harmony with adjacent uses and public rights-of-way.
- (d) The area of outdoor storage shall be limited based upon the characteristics of the site. Those relevant limiting characteristics include, but are not limited to the following:
 - (i) Size of buildings;
 - (ii) Type of material being stored;
 - (iii) Vehicle circulation patterns;
 - (iv) Loading docks;
 - (v) Landscaping areas; and
 - (vi) Emergency vehicle access.
- (e) Pre-Existing Use.
 - (i) Any and all outdoor storage existing in the I-1 and I-1S zoning districts which have not been expressly permitted through this section or by a use-by-permit, whether or not said outdoor storage existed prior to the passage of this section is hereby declared to be illegal and in violation of this land development code.
 - (ii) Previous conditional use approvals. Any I-1 zoned property that had previously obtained conditional use approval for outdoor storage within the Rocky Mountain Industrial Park shall continue to operate legally under that conditional use permit until such time as the

business is sold, transferred, or ceases to operate. Any new owner, tenant, or lessee will be required to obtain approval for outdoor storage in compliance with this section.

Sec. 21-5450 Table V-6 is amended in the row related to storage sheds, as follows. The remainder of the table remains unchanged.

Storage sheds	<p>5-foot side setback. 5-foot rear setback. Prohibited in a front yard and side on street yard.</p> <p>Townhouses without legally subdivided outdoor space must meet the above requirements and also be set back at least 2 feet from the side and rear boundaries of their allocated outdoor space.</p>	<p>200-sq.ft., total of all storage, in residential Districts (except townhouses).</p> <p>Townhouses: maximum shed size shall be 120 sq. ft.</p> <p>200-sq.ft., total of all storage, in commercial districts.</p> <p>15-foot maximum height, except in an industrial district where height cannot exceed that of the existing principal structure.</p>	<p><u>All sheds shall be constructed of finished materials suitable for exterior use.</u></p> <p>Metal containers and portable-on-demand storage containers are prohibited on property zoned or used for residential or commercial purposes.</p> <p>Storage sheds in commercial districts must incorporate the enclosed trash dumpster area as part of the shed. The color, style, and materials must match the principal commercial structure.</p>
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Sec. 21-5602 Table V-5 is amended to add a column titled “New Facilities Mounted on New Pole Structures in the Public Right-of-Way,” as follows. The remainder of the section remains unchanged.

Sec. 21-5602. Telecommunication Facility Location Requirements

Telecommunication facilities shall be allowed as detailed in Table V-5, entitled Use Schedule for Telecommunication Facilities. An “R” indicates that the facility is allowed

with an administrative approval by the director. A “P” indicates that the facility is allowed as a use-by-permit. If the cell is blank, the facility is prohibited. Vacant properties shall default to the future land use shown in the comprehensive plan and mixed use properties shall default to the predominant land use (multi-family or commercial).

Table V-5 – Use Schedule for Telecommunication Facilities

Land Use	New Non-Concealed Facilities Mounted on Existing Buildings or Structures*	New Concealed Facilities	New Non-concealed Monopoles	New Facilities Mounted on Existing Pole Structures	New Facilities Mounted on New Pole Structures in the Public Right-of-Way
Single- Family Residential				P	<u>P</u>
Multi- Family Residential	P			R	<u>R</u>
Mobile Home Park				R	<u>R</u>
Commercial	R	R	P	R	<u>R</u>
Industrial	R	R	P	R	<u>R</u>
Public	R	R	R	R	<u>R</u>
Floodplain					

* Excludes 6409(a) facilities

Sec. 21-5606 is amended as follows:

- **Add clarifying examples of structures in the description.**
- **Amend paragraph (5) to clarify standards.**
- **Add new paragraphs (6) and (7).**

Sec. 21-5606. Telecommunication Facilities Located on Existing Pole Structures

All new telecommunications facilities, including small cell, micro cell, and distributed antenna systems (DAS), installed on existing utility poles, light poles, signs, electric distribution facilities, and similar types of structures, excluding monopoles, whether on private property or in the public right-of-way, shall comply with the following standards:

- (1) Location and Distance Requirements. In single-family residential zone districts, equipment shall only be located on existing poles within the right-of-way or within a utility easement. Such equipment must be located a minimum of 25 feet from any single-family residential home.
- (2) Mounting. Equipment shall be mounted as flush to the pole as is technically feasible.
- (3) Color. Equipment mounted on a pole shall be painted to match the color of the pole on which it is located.

- (4) Ground Equipment. Any equipment located on the ground shall be screened from public view in accordance with the screening standards found in this land development code.
- (5) Pole Replacement. Poles may be replaced in order to structurally accommodate the addition of a telecommunications facility. The new pole shall meet any applicable previous approvals, conditions, and/or current requirements for those structures. Unless otherwise agreed to by the Director or their designee upon clear and convincing evidence, poles must have a primary functional component such as a light, and shall not be installed for the sole purpose of placing telecommunications equipment.
 - (a) If the facility is proposed in an area with an existing or adopted theme, streetscape design, or lighting plan, the replacement pole shall adhere to the design theme for the area in which it is proposed to be placed.
 - (b) New wood poles shall be prohibited.
 - (c) Replacement poles shall comply with section 21-7720 (Utilities to be Placed Underground).
- (6) Authorization to Attach. Where the Telecommunication Facility owner is not the owner of the supporting existing pole structure, the Telecommunication Facility Owner must provide to the City evidence of authorization to attach from the existing pole owner.
- (7) License Agreement. If located in the public right-of-way, the proposed Telecommunication Facility operator shall sign a license agreement with the City for use of the right-of-way prior to approval of any necessary permits.

Sec. 21-5607 is added as follows.

Sec. 21-5607. Telecommunication Facilities Located on New Pole Structures on the Public Right-of-Way

All Telecommunication Facilities, including small cell, micro cell, and distributed antenna systems (DAS), installed on new pole structures and other similar types of structures deployed for the purpose of supporting a Telecommunication Facility in the public right-of-way shall comply with all applicable standards of Sec. 2156-6 in addition to the following standards:

- (1) Location and Distance. All new pole structures deployed in the public right-of-way for the purpose of supporting a Telecommunication Facility shall be separated from any existing or proposed pole structure supporting a Telecommunication Facility by no less than 300 feet, unless located in an Activity Center as identified in the Comprehensive Plan or an urban renewal area as determined by the director.
- (2) Color and Design. The new pole structure shall be compatible with the colors and aesthetic design of the other towers or poles in the right-of-way in the immediate

vicinity. For example, new pole structures near traffic signals at an intersection should match the color and decorative base cover design of the traffic signals. Similarly, if new pole structures are lights in the public right-of-way, the color and design of the new pole structures should be the same, or substantially the same, as that of the existing light poles in the area.

- (a) If the facility is proposed in an area with an existing or adopted theme, streetscape design, or lighting plan, the replacement pole shall adhere to the design theme for the area in which it is proposed to be placed.
- (b) New wood poles shall be prohibited.
- (c) Poles shall comply with section 21-7720 (Utilities to be Placed Underground).
- (3) Height. The height of the new pole structure shall not be more than ten (10) feet higher (as measured at the base of the pole from the ground to the top of the pole) than any existing utility or traffic signal pole structure within 500 feet of the new pole structure. Additionally, no such new pole structure shall exceed the building height standards set forth in this code for the applicable zone district. Where a height exception is sought in accordance with Sec. 21-3220, it shall conform with all such height exception requirements and be no greater than ten (10) feet higher than the applicable zone district including those being attached to an existing pole structure.
- (4) Other Approvals. The siting and construction of the new pole structure shall comply with all other applicable City requirements, including but not limited to, compliance with city standards for distances and the granting of a right-of-way permit.
- (5) License Agreement. Prior to approval of any necessary permits, the proposed Telecommunication Facility operator shall sign a license agreement with the City for use of the right-of-way.

Sec. 21-7205 paragraph (1) is amended to update the maximum allowed width in subsection (a)(i), and to delete subsection (d). The remainder of the section remains unchanged.

Sec. 21-7205. Driveways

- (1) Width. The width of driveway openings (or curb cuts) shall be:
 - (a) Single-Family Residential.
 - (i) Non-shared driveways. For buildings with two or less garage spaces, no curb cut shall be less than 12 feet wide or more than 20 feet wide. For buildings with more than two garage spaces, no curb cut shall be less than 12 feet wide or more than ~~30~~ 24 feet wide. Although wider driveways may be necessary to accommodate

approved paved recreational vehicle pads, curb cuts shall not be wider than the standards provided herein.

- (ii) Shared driveways. No curb cut shall be less than 20 nor more than 24 feet in width.
- (b) Multi-Family Developments. No curb cut nor driveway shall be less than 24-feet wide. No curb cut shall be more than 36-feet wide unless the city engineer determines that a wider curb cut is required based on the number of trips generated or the need for turning lanes. The exact width of the curb cut shall be determined by the city engineer.
- (c) Other Uses. Access widths for all other uses shall be based on 12 feet of width for every travel lane.
- (d) ~~Transitions. Driveways shall not dominate the streetscape and front of housing units. The driveway may transition to the width of the garage starting ten feet behind the sidewalk or front property line.~~

Sec. 21-7237 paragraph (9) is amended to allow electric vehicle parking spaces to count towards minimum parking requirements, as follows. The remainder of the section remains unchanged.

Sec. 21-7237. Computing Parking and Loading Requirements

- (1) Fractions. All partial space requirements for the total number of parking spaces required shall be rounded down to the next lowest whole number of usable parking spaces.
- (2) Multiple Uses. Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.
- (3) Fixed and Non-Fixed Seating. Where fixed seating is provided in the form of benches, pews, or bleachers, a seat shall be defined as 24 inches of continuous bench space for the purpose of calculating the number of required parking spaces.
- (4) Floor Area. Unless otherwise noted, all square footage based parking and loading standards shall be computed on the basis of gross floor area.
- (5) Employees. For the purpose of computing parking requirements based on the number of employees, calculations shall be for the largest number of persons working on any single shift, including owners and managers.
- (6) Company-Owned Vehicles. The number of parking spaces required by the city does not include spaces needed for the parking of company-owned vehicles. Parking spaces to accommodate company-owned vehicles shall be in excess of the requirements for a particular land use.

- (7) Garages and Carports. Space within a carport or garage may be used to satisfy residential off-street parking requirements.
- (8) Shopping Cart Storage. Required shopping cart storage areas shall not be used to satisfy off-street parking requirements.
- (9) Electric Vehicle (EV) Charging Stations. Parking spaces that are dedicated for use as electric vehicle charging stations shall not count toward ~~either the minimum or~~ maximum parking space requirement.
- (10) Unknown or Speculative Uses. Where new buildings are proposed but the owner or developer does not wish to designate the type of use that will occupy the building, the most intensive use possible, recognizing the use limitations of the zoning on the property, shall determine the parking requirements.
- (11) Unlisted Uses. Upon receiving a development application for a use not specifically listed in this subsection, the director may apply the parking requirements specified for the listed use that is deemed most similar to the use proposed in the application or require a parking study, the costs of which shall be borne by the applicant.

Sec. 21-7238 paragraph (3) is amended to require that a request meet two of five criteria for approval, as follows. The remainder of the section remains unchanged.

Sec. 21-7238. Minor Modifications Related to Off-Street Parking Requirements

- (3) Hardship Reductions. The director may reduce or waive up to 20 percent of the parking requirements, or a minimum of 1 space, for a new development, change in use, or expansion of structure, when criterion (a) and one additional of the following approval criteria are met:
 - (a) With the exception of housing for the elderly or disabled, the structure housing the use was designed and intended for nonresidential use; and
 - (b) The owner or developer substantiates that the provision of additional parking would entail severe hardship; or
 - (c) Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use; or
 - (d) The nature of operational aspects of the use warrants unique parking arrangements; ~~and~~ or
 - (e) Sufficient evidence is provided demonstrating how the unique circumstances of the proposed use(s) do not generate the traffic and/or parking demand met by normal code.

Sec. 21-7561 is amended to refer to the Minor Modification process for an administrative variance instead of the Variance process.

Sec. 21-7561. Variances

An administrative variance not to exceed 50 percent of any requirement contained in this article may be granted by the director in accordance with the provisions of in section ~~21-3222 (Variances)~~ 21-3215 (Minor Modifications). If a variance exceeding 50 percent is sought, a variance from the board of adjustment must be obtained in accordance with section 21-3222 (Variances).

Sec. 21-7602 is amended to simplify the screening requirements in paragraph (2) for easier review and enforcement.

Sec. 21-7602. Screening Areas of Low-Visual Interest.

- (1) Loading Docks. Loading docks and other service functions shall be incorporated into the overall design theme of the building and the landscape so that the architectural design is continuous and uninterrupted by equipment. These areas shall be located and screened so that the visual and acoustical impacts of these functions are fully contained and out of view from adjacent properties and public streets. Loading docks should not be placed adjacent to residential areas or visible from the public right-of-way.
- (2) ~~Roof-top~~ Mechanical Equipment. For all primary structures except single-family residential uses, rooftop, wall mounted and ground mounted mechanical equipment and appurtenances shall be fully screened ~~so that they are not visible from public streets or adjacent properties less than 200 feet away when viewed from 5 feet above grade level~~. Screening enclosures shall use at least one of the predominant materials used in the facades of the primary structure and one of the predominant colors used in the primary structure. All air conditioning compressors shall be completely screened. All rooftop and wall vents and flues that extend above the top of the nearest parapet shall be painted to match the roof. Multi-family residential air-conditioner units shall be screened to the maximum extent feasible. Any rooftop equipment generating off-site noise also shall be baffled or otherwise attenuated to direct unavoidable noise upward.
- (3) Trash Receptacles. For all primary structures except single-family residential uses, all trash receptacles shall be enclosed with a screening wall or fence that is a minimum of six feet in height on all sides and designed with a gate facing away from streets or adjacent land uses. All screening materials shall be well maintained at all times.
- (4) Miscellaneous Utility Equipment. Utility meters, electric transformers, and similar equipment shall be placed in locations that are not exposed to view from the street,

or they should be fully, opaquely screened or painted to match surrounding building surfaces.

Sec. 21-7622 paragraph (3) is amended to be consistent with the accessory structure standards in Article V by combining subsections (b) and (c). The existing subsection (c) will be deleted, and the following subsections renumbered as follows. The remainder of the section remains unchanged.

Sec. 21-7622. Development Standards

- (3) Garages. All development shall include a garage, either attached or detached, as part of the new construction or placement.
 - (a) The garage shall be constructed prior to the issuance of a certificate of occupancy or certificate of completion.
 - (b) The garage shall not exceed a floor area of 864-square feet per residence and shall be no less than 400-square feet in floor area per residence and shall conform to article V (Accessory Structures) of the land development code and all building code requirements as adopted by the city. In no case may the garage square foot area exceed the first floor square foot area of the principal residence.
 - ~~(c) All dwellings proposed for construction with an attached or detached garage that shall conform to article V (Accessory Structures) of the land development code and all building code requirements as adopted by the city.~~
 - (c) ~~(d)~~ Upon request by a builder, the director may approve a development plan that provides less than 400-square feet of garage floor area per residence, if all of the following criteria are satisfied:
 - (i) The builder is a non-profit, 501(c)(3) corporation.
 - (ii) The development includes at least 200-square feet of enclosed garage space per residence.
 - (iii) The development plan provides at least 360-square feet of paved, off-street, on-site parking for each residence.
 - (iv) The development plan includes a storage shed of at least 100-square feet for each residence. Storage sheds may be placed in the rear-yard only.
 - (v) Applicant demonstrates that at least 50 percent of the existing single-family homes on the block (measured from public street to public

street, including both sides of the street) have less than a standard, enclosed two-vehicle garage.

The placement of the parking and storage shed(s) must comply with the underlying zone district setback requirements without requiring a variance. Any garage floor area less than 200-square feet shall require a variance from the board of adjustment.

- (d) ~~(e)~~ For any single-family detached residential structure with a non-shared side-loaded garage that is accessed from a public street, the minimum garage door setback shall be 15 feet measured from the garage door face to the side lot line.

Sec. 21-7720 paragraph (1) subsection (e) is amended to exclude single family attached and detached homes. The remainder of the section remains unchanged.

Sec. 21-7720. Utilities to be Placed Underground

- (1) Standards. All new utility lines, including without limitation electrical, communication, cable lines, shall be placed underground in accordance with the following standards:
 - (a) Utility lines within, bordering, or directly identifiable as needed to serve, newly developed areas shall be installed underground.
 - (b) Where existing utility lines are underground, all new utility lines shall also be installed underground.
 - (c) When existing aboveground utility distribution lines are moved, the lines must be re-installed underground, and all utility lines supported by the existing utility poles shall be installed underground up to the property line, and the poles shall be removed.
 - (d) All new service laterals shall be installed underground regardless of whether the distribution system is under or aboveground.
 - (e) All new increases in customer capacity brought on by the property owner or upgrades to existing electrical boxes shall require the undergrounding of service laterals or utility lines.
 - 1. This shall not apply to increases in capacity for existing single-family attached and detached homes which result from additions, remodels, new detached garages, relocation, or other typical improvements by the property owner. New residential construction, including scrape-off and rebuild, is not exempt.
 - 2. This shall not apply in situations where the existing service has been damaged due not to the fault of the property owner.

- (f) The replacement, modification of, and or addition to existing aboveground utility lines will be allowed when reasonably required to maintain or service laterals that may have been damaged unless multiple pole replacement is required or to allow for increases in customer capacity from the local utility provider.
- (g) Appurtenances may be placed aboveground where the city determines it is appropriate to serve the systems they support. This includes all appurtenances reasonably necessary to connect underground utility lines to existing or permitted aboveground utility lines. Aboveground appurtenances shall be located away from parks, playground, and schools when possible. The property owner or developer, in conjunction with the utility provider, shall provide to the city a utilities plan describing the general location and landscaping treatment of aboveground appurtenances necessary to serve any new development. The utilities plan shall be submitted and approved by the city prior to the approval of the subdivision plats associated with said development.
- (h) Every effort shall be made by the utilities provider to coordinate the cooperative use of trenches and such other installation features as can be shared for installing underground utilities.

Sec. 21-7730 paragraph (3) is amended to remove the requirement specifically for metal as part of a combination-style fence. The remainder of the section remains unchanged.

Sec. 21-7730. Fence and Wall Styles

- (3) Combinations. A fence which combines the elements of both open and screen style fences may be permitted where a solid masonry base shall have a maximum height of two feet and decorative open style metal material built on top of that base. Such fencing shall be classified as open style.

Sec. 21-7732 is amended as follows:

- Paragraph (1) Table VII-21 is amended to update the height and setback standards for residential fences in side or rear yards along public-right-of-way;
- Paragraph (1) Table VII-21 is amended to update the height standards for public/institutional fences in front yards and side or rear yards along public-right-of-way;
- Paragraph (1) Table VII-21 is amended to add language allowing the City Engineer to reduce minimum gate setbacks administratively;

- Paragraph (2) is amended by adding subsection (f) to provide fencing standards for vacant lots.

Sec. 21-7732. Fence and Wall Requirements by Land Use

(1) Table. All fences shall comply with the following standards related to land use.

Table VII-21. Fence and Wall Standards.

	AGRICULTURAL	RESIDENTIAL	COMMERCIAL AND MIXED USE	INDUSTRIAL	PUBLIC/ INSTITUTIONAL
Height Maximum					
Front Yard	42 inches	42 inches	42 inches	6 feet	6 8 feet
Rear Yard	6 feet	6 feet	8 feet	8 feet	8 feet
Side Yard	6 feet	6 feet	6 feet	8 feet	8 feet
Side or rear yard along public right-of-way	5 feet	5 feet if screen style, 6 feet if open style	6 feet	6 feet	6 8 feet
Along a public or private open space, park or trail.	5 feet	48 inches	6 feet	8 feet	8 feet
Setback Minimum as measured from property line and/or back of sidewalk					
Front Yard	0	30 inches	10 feet	20 feet	10 feet
Rear Yard	0	0	0	0	0
Side Yard	0	0	0	0	0
Side Yard or rear yard along public right-of-way.	0	5 feet 30 inches	10 feet	20 feet	20 feet
Along a public or private open space or park.	0	0	0	0	0
Fence Style					
Front Yard	Open	Open	Open or Screen	Open or Screen	Open or Screen
Rear Yard	Open or Screen	Open or Screen	Open or Screen	Open or Screen	Open or Screen
Side Yard	Open or Screen	Open or Screen	Open or Screen	Open or Screen	Open or Screen
Side Yard or rear yard along public right-of-way	Open	Open if over 5 feet in height, Open or Screen if 5 feet in height or less	Open or Screen	Open or Screen	Open or Screen
Along a public or private open space, park or trail.	Open	Open	Open or Screen as determined by the director.	Open or Screen as determined by the director.	Open or Screen as determined by the director.
Minimum length of driveway or drive aisle between gate to public-right-of-way (may be reduced with approval of city engineer)					
	20 feet	20 feet	50 feet	50 feet	50 feet

(2) Exceptions.

- (a) When a property sides onto an arterial, state, or federal highway, a solid fence up to a maximum six feet in height may be allowed in residential districts subject to the setbacks listed above.
- (b) When an interior lot backs onto another public right-of-way, a solid fence up to a maximum 6 feet in height may be allowed in residential districts subject to the setbacks listed above.
- (c) Tennis Courts, baseball field, or similar outdoor recreational use may consist of a fence with a maximum height of 12 feet, provided that the fence is open style and is not located in any required setback. These recreational use fences may not be used for any standard property line fencing mentioned above. In addition, mesh netting is allowed for these outdoor recreational use fences.
- (d) Any gates located along interior lot lines or along alleys do not have to meet the required gate setback.
- (e) Fencing over 42 inches in height for individual mobile home lots or spaces is prohibited. Perimeter fencing around an entire mobile home park or district is allowed utilizing the public/institutional fence standards.
- (f) Vacant lots may have a chain-link, wrought iron, or similar open-style fence of equal transparency to prevent illegal dumping. The maximum allowed height for such a fence is 6 feet, and the front setback shall be equal to the minimum front setback for a principal structure in that zone district. Barbed wire, razor wire, and electric fences are prohibited.

Sec. 21-7736 is added to provide standards for courtyard walls, as follows.

Sec. 21-7736. Courtyard Walls.

- (1) Description. Solid or semi-transparent walls architecturally integrated with the primary structure which are used to create an enclosed or partially enclosed outdoor living space that is open to the sky.
- (2) Materials. Courtyard walls shall utilize similar or complementary materials as the connecting principal structure. Where the principal structure includes masonry, the wall shall incorporate matching masonry materials into the design of the wall. Other acceptable materials include wood, brick, stone, masonry, stucco, decorative metal panels, tile, glass block, composite or fiberglass materials that mimic the appearance of natural wood or stone, or other materials as approved by the city. Any gate or door may be of a complementary material to the rest of the wall, and shall be of an open/semi-transparent design.

- (3) Finished Sides. The courtyard wall shall present a finished appearance on the interior and exterior sides of the wall as well as on the top. This may include a cap of the same or a complementary material as the rest of the wall. Walls designed to be filled as planters are also acceptable.
- (4) Setbacks. All courtyard walls shall comply with the principal structure setbacks for the underlying zone district. The space in front and side yards along a public right-of-way between the courtyard wall and the street shall be landscaped in accordance with Sec. 21-7510.
- (5) Height.
 - (a) Front and side yards along a public right-of-way or open space. The maximum allowed height is 4 feet. Walls with an undulating design may be up to 5 feet at the highest point with an overall average height of 4 feet. Columns may exceed the wall height by up to 1 foot, inclusive of any caps or decorative features. An archway or entry feature may be up to 8 feet at the highest point and shall not exceed 5 feet in horizontal width. A maximum of one (1) archway or entryway feature is allowed in the front yard.
 - (b) Side and rear yards. The maximum allowed height is 8 feet for all components of the wall, including columns, archways, and any decorative features.

Sec. 21-11200 is amended with the addition, revision, or deletion of the following definitions. New definitions are to be inserted alphabetically and all paragraphs renumbered as needed.

Arts and/or Cultural Center shall mean a space providing for creation, display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, performance space, artist's studios, galleries, interpretive sites, independent theaters.

Artisan/Handcrafted Manufacturing shall mean the shared or individual use of hand-tools, mechanical tools and electronic tools for the manufacture of finished products or parts including design, processing, fabrication, assembly, treatment, and packaging of products; as well as the incidental storage, sales and distribution of such products. Typical artisan manufacturing uses include, but are not limited to: electronic goods, food and bakery products; non-alcoholic beverages; printmaking; household appliances; leather products; jewelry and clothing/apparel; metal work; furniture; glass or ceramic production; paper manufacturing.

Bulk Grain Transfer shall mean the direct transfer of grain from one truck or container to another via conveyor belt. No on-site storage of grain, either in piles or containers, shall occur.

Child Care Center shall mean a facility, excepting Family Child Care Homes, which is maintained for the whole or part of a day for the care of children under the age of 18 46 years who are not related to the owner, operator, or manager thereof, whether such facility is operated with or without compensation for such care, and shall include facilities commonly known as day nurseries, nursery schools, preschools, play groups, day camps, summer camps, centers for developmentally disabled, and those facilities which give 24-hour care for dependent and neglected children; and shall include those facilities for children under the age of 6 years with stated educational purposes operated in conjunction with a public, private, parochial college or a private or parochial school, except that the term shall not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least 6 grades.

~~Day Care Home shall mean a residence which is used by its owner or legal occupant for the purpose of providing care or training to 6 or fewer children who are under the age of 16 years and unrelated to the care provider. For purposes of this land development code, operation of a day care home is considered to be an accessory use to a principal residential use.~~

Family Child Care Home shall mean a residence which is used by its owner or legal occupant for the purpose of providing care or training to 12 or fewer children who are under the age of 18 46 years and unrelated to the care provider. For the purposes of this land development code, operation of a day care home is considered to be an accessory use to a principal residential use.

Distribution Center shall mean a facility for the receipt, transfer, storage, and dispatching of goods transported by truck. Unlike Transportation Terminals, these establishments commonly utilize a warehouse, sometimes specialized with refrigeration or air conditioning, and may include the accessory uses of order processing, package handling, cross-dock, storage or parking of trucks awaiting cargo, as well as facilities for the light servicing of trucks.

Material Piles shall mean outdoor storage of loose materials in piles, e.g. construction aggregate piles (sand, gravel, crushed stone, recycled concrete or asphalt, etc.) and landscape material piles (topsoil, compost, mulch, etc.), in heights that exceed the limit allowed for regular outdoor storage. This definition specifically excludes scrap metal, salvage, garbage, debris, refuse, as well as any landfill approved by the City and the State of Colorado.

Micro cell shall include "micro wireless facility" and shall be defined by C.R.S. 29-27-402(3.5) as currently exists and as may be amended from time to time.

Pole, for the purposes of telecommunications contexts, shall include "pole structure" and "tower" and shall be defined by C.R.S. 29-47-402(6.5) as currently exists and as may be amended from time to time

Small cell shall include "small cell facility" and shall be defined by C.R.S. 29-27-402(4) as currently exists and as may be amended from time to time.

Transportation Terminal shall mean a facility for the receipt, transfer, short-term storage, and dispatching of goods transported by truck. Unlike Distribution Centers, these establishments commonly utilize a cross-dock facility and may also include the accessory uses of warehouse, storage or parking or trucks awaiting cargo, as well as facilities for the light servicing of trucks. Included in this definition would be express and other mail and package distribution facilities, including such facilities operated by the U.S. Postal Service, other than a traditional post office.