

Ordinance 2158: Minor Amendments to Various Sections of the Land Development Code

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 minimizes disturbing the natural topography of the floodplain, and promotes passive flood mitigation strategies and preserves native wildlife habitat and recreational opportunities to the maximum extent feasible given the benefits of the proposed development.
- (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. 21-3410 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

“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. 21-5224 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 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 in accordance with the ECSS (Engineering Construction Standards & Specifications).
- (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. 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.~~
 - ~~(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. The exception to the eight foot maximum height limit is the storage of bundled lumber, pallets, or shipping containers only, which may be stacked to a height of 20 feet if done in a manner that ensures safety. 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.~~

(a) Exceptions.

(i) Material piles such as construction aggregate and landscape materials may exceed the eight-foot maximum stacking limit in the I-2 and I-3 zone districts 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) The storage of bundled lumber, pallets, shipping containers, or construction crane sections may exceed the eight-foot maximum stacking limit in the I-3 zone district only. These specific items may be stacked to a height of 20 feet, or higher than 20 feet upon approval of a Conditional Use Permit, if done in accordance with adopted fire codes. 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 the standards in Article VII Division 7 Part C (Fence and Wall Standards) of this 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</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</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</p>
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	their allocated outdoor space.	industrial district where height cannot exceed that of the existing principal structure.	color, style, and materials must match the principal commercial structure.
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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. 21-7561 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 screened from all sides 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 Division 4 (Accessory Uses and Accessory Structures) of this 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. 21-7721 add paragraph (4) to exclude single family attached and detached homes from undergrounding due to electrical capacity upgrades and paragraph (5) to exclude repairing damage to existing overhead electrical lines. The remainder of the section remains unchanged.

Sec. 21-7721. Exceptions to Underground Requirement

- (1) Temporary aboveground utility lines and service laterals required during construction. Such lines shall be removed when construction is completed or when service to the temporary facility is no longer required. In no case shall the temporary lines remain in place for more than one year without express authorization from the city.
- (2) All services necessary for additional street lighting, where aboveground utilities are in place and in use.
- (3) Electrical Transmission Lines. Electrical transmission lines with a rated voltage of 26 kilovolts or greater and used to distribute electricity to the utility provider substations.
- (4) Existing Single-Family Residential. Increases in customer capacity for existing single-family attached and detached homes which result from additions, remodels, new detached garages, service relocation, or other typical improvements by the property owner shall not require undergrounding of service laterals or utility lines. New residential construction, including scrape-off and rebuild, is not exempt.
- (5) Damage to Existing Aboveground Lines. In situations where the existing service has been damaged due not to the fault of the property owner, undergrounding of service laterals or utility lines shall not be required.

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 minimum gate setbacks to be reduced in accordance with the Engineering Construction Standards and Specifications;
- 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
<i>Height Maximum</i>					
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
<i>Setback Minimum as measured from property line and/or back of sidewalk</i>					
Front Yard	0	30 inches	10 feet	20 feet	10 feet
Rear Yard	0	0	0	0	0

	AGRICULTURAL	RESIDENTIAL	COMMERCIAL AND MIXED USE	INDUSTRIAL	PUBLIC/ INSTITUTIONAL
Side Yard	0	0	0	0	0
Side Yard or rear yard along public right-of-way.	0	<u>5 feet 30 inches</u>	10 feet	20 feet	20 feet
Along a public or private open space or park.	0	0	0	0	0
<i>Fence Style</i>					
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	<u>Open if over 5 feet in height, Open or Screen if 5 feet in height or less</u>	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.
<i>Minimum length of driveway or drive aisle between gate to public-right-of-way (may be reduced in accordance with ECSS (Engineering Construction Standards & Specifications))</i>					
	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 only 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. 21-11200 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.

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.

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 of 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.