CHAPTER 21 LAND DEVELOPMENT CODE

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HOW TO USE THIS LDC

Does this Land Development Code (LDC) apply to my property?

If you own property in Commerce City, yes. The provisions in this LDC apply to the development, redevelopment, new construction, renovation, or addition to all structures and land within the city limits of Commerce City. You will find provisions related to the subdivision of land and the installation of infrastructure, such as streets, sidewalks, and utilities, in Article V, *Subdivision Standards*.

What kind of provisions are in this LDC?

This LDC:

- Establishes development options and zoning districts, and shows what housing and building forms (mixed use building, commercial, single-unit detached, etc.) and land uses (residential, mixed use, and nonresidential) are allowed in those districts;
- Sets standards for lot area, building placement (how close to or far from a property line a building has to be), building height, and building design (for example, the amount of windows required to front on a street);
- Provides standards for frontages (porch, stoop, shopfront, etc.) that are allowed on various building and housing types;
- Establishes rules for parking, landscaping, signs, and building materials on private property;
- Provides standards for the design and dedication of public improvements when property is subdivided;
- Shows the process for obtaining various types of permits and approvals such as a Zoning Map Amendment, Conditional Use Permit, and Variance requests;
- Sets rules for expansions of land uses or structures that do not comply with the rules in this LDC;
- Establishes the City's process for enforcing this LDC and imposing penalties for violation; and
- Provides definitions for various terms used in this LDC.

How may my property be used?

To determine how your property may be used, take the following steps:

- Find your property on the Zoning Map to determine its zoning district.
- To see what uses are allowed, refer to the applicable use table in Sec. 21-2200, *Residential*, Sec. 21-2210, *Mixed Use and Commercial*, or Sec. 21-2220, *Industrial*, or Sec. 21-2230, *Special Purpose and Overlay Districts*.
- Follow the row across each column to determine what uses are permitted by right (P), permitted subject to limitations (L), permitted with a Conditional Use Permit (C), or prohibited (-).
- If a use is indicated with a "P," then the use is permitted by right, according to the general standards and procedures in this LDC, without the need for a public hearing. If the use has a "L," then that means that the use is permitted; without a public hearing, but is limited by the standards in Sec. 21-3200, *Limited Use Standards*. A "C" in the table indicates that the LDC requires a Conditional Use Permit from the City Council for the use. A dash (--) indicates that the use is prohibited in the given zoning district.
- Some rows contain verbiage such as "All Places of Worship". To determine what uses constitute Places of Worship, in this example, refer to the Use Category tables in Sec. 21-3120, *Public and Civic Use Categories*. Every use listed in the Places of Worship Use Category table is permitted or prohibited according to the "All Places of Worship" row in the

Use Table, as shown below

Table 21-3210-1, Mixed-Use and Commercial District Use Table								
Use Category	Specific Use	C-1	C-2	MU-C	MU-1	MU-2	C-C	Standards
Places of Worship	All Places of Worship	P	P	P		P	P	--
Social Service Establishments	Correctional Facility (Private)	--	--	--		--	--	Sec. 21-4210.C
	Halfway House	--	--	--		--	--	Sec. 21-4210.C
	All Social Service Establishment Uses Other than Listed	--	--	--		--	--	--

- Other rows may say, for example, "All Office Uses Other than Listed". This means that all uses that make up the Office Use Category, as established in Sec. 21-3130, *Commercial Use Categories*, are permitted or prohibited according to that row in the table *except* for those that are called out separately, in this case Bail Bond Office, as shown below.

Table 21-3210-1, Mixed-Use and Commercial District Use Table								
Use Category	Specific Use	C-1	C-2	MU-C	MU-1	MU-2	C-C	Standards
Office Uses	Bail Bond Office	L	L	--		--	--	Sec. 21-4200.E.2
	All Office Uses Other than Listed	P	P	L		L	L	Sec. 21-4200.E.6
Overnight Accommodations	Short-Term Rental or Bed and Breakfast	--	--	--		--	--	--
	All Overnight Accommodation Uses Other than Listed	P	P	P		P	P	--

- When referring to the Zoning Map, if you discover that your property is part of an overlay district, the use table and provisions in Sec. 21-2230, *Special Purpose and Overlay Districts,* may modify the permitted, limited, conditional, or prohibited uses for your property.

- Each zoning district has permitted building forms that are allowed. Details on the standards for these building types are spelled out for each set of residential, mixed use and commercial, and industrial districts in Subsec. 21-2200.4, Subsec. 21-2210.4, Subsec. 21-2220.4.

I have a use in mind. Where can I build it?

To determine where a specific use is permitted, take the following steps:

- Refer to the applicable use table in Sec. 21-2200, *Residential*, Sec. 21-2210, *Mixed Use and Commercial*, or Sec. 21-2220, *Industrial*, or Sec. 21-2230, *Special Purpose and Overlay Districts*.

- Find the listed use on the left-hand side of the table.

- Follow the row across each column to determine in what zoning districts the use is permitted by right (P), permitted subject to limitations (L), permitted with a Conditional Use Permit (C), or prohibited (--).

- Ifa use is indicated with a "P," then the use is permitted by right, according to the general standards and procedures in this LDC, without the need for a public hearing. If the use has a "L," then that means that the use is permitted without a public hearing, but is limited by the standards in Sec. 21-3200, *Limited Use Standards*. A "C" in the table indicates that the LDC requires a Conditional Use Permit from the City Council for the use. A dash (--) indicates that the use is prohibited in the given zoning district.

- If the use you have in mind is not listed in the use tables, contact the Planning Staff at 303-227-8777.

I have a specific building form in mind. Where can I build it?

To determine where a specific building form can be located, take the following steps:

- Find your property on the Zoning Map to determine its zoning district.
- To see what building types are allowed, refer to the Building Forms by Zoning District tables for your zoning district in the Development Options Subsections in Sec. 21-2200, *Residential*, Sec. 21-2210, *Mixed Use and Commercial*, or Sec. 21-2220, *Industrial*.

I want to change my zoning district. How do I?

Only the City Council may change the zoning district of a property, following public notice and hearings. Generally, the process goes like this:

1. You have to obtain and fill out a Pre-Application Meeting request.
2. Submit the completed request along with materials describing the property and what you propose to do.
3. After a review, the Planning Staff will arrange for a Pre-Application Meeting with you.
4. After the Pre-Application Meeting, you must hold a Neighborhood Meeting as described in Sec. 21-7110.
5. After you hold a Neighborhood Meeting, you may submit the formal application for the change in zoning district.
6. The Planning Staff, and other agencies, will review your submittal and provide comments. Your case manager will notify you of any modifications required to your submitted materials.
7. Once Planning Staff and all other agencies are satisfied, your case manager will schedule a public hearing with the Planning Commission.
8. Public notification is required for any public hearing, in the form a mailed notice to nearby property owners and a sign posted on the subject property in accordance with Sec. 21-7150, *Public Notice*.
9. At the Planning Commission's public hearing, Planning Staff will make a recommendation to the Commission, and the Commission will hear testimony from anyone in favor of, against, or neutral to your request.
10. After the Planning Commission hears public testimony, and has heard from you regarding your request, the Planning Commission will vote to recommend to the City Council approval, approval with conditions, or denial of your change in zoning district.
11. The City Council will consider your request, the Staff and Planning Commission recommendation, public testimony from the Planning Commission hearing, and testimony from its own hearing, and will approve, approve with conditions, or deny your request.

See Sec. 21-7220, *Zoning Map Amendment*, for details on the procedure.

How much (or how little) parking does a residence or business need?

The table in Sec. 21-4310, *Parking Ratios,* shows various land uses and the minimum and/or maximum number of parking spaces required or allowed. In addition, other provisions in Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, establish the number of loading spaces a business needs and, under certain circumstances, it lets a residence or business reduce the amount of parking it has to provide.

How much landscaping does a residence or business need?

Division 4.4, *Landscaping, Buffering, and Screening*, generally requires four types of landscaping that need to be provided on a site:

- Site Landscaping - Foundation plantings, landscaped areas, and interior parking lot landscaping

- Tree Canopy - The tree preservation or planting of a site to maintain shade and tree mass
- Bufferyards - Tree and shrub plantings on the edge of a site
- Right-of-Way Landscaping - Plantings associated with streets

The first two types of landscaping are required for multi-unit, nonresidential, and mixed use developments. The third type, bufferyards, are required for multi-unit, nonresidential, and mixed use developments and certain single- and two-unit developments.

What kind of signs can a residence or business have?

Division 4.7, *Signs*, allows various sign types and sizes within the various zoning districts. Most signs require a sign permit, and the permit shall be reviewed and acted upon according to Sec. 21-7470, *Sign Permit*.

What does nonconforming mean and what are my options?

Existing uses, buildings and structures, lots, landscaping and buffering, signs, and parking and loading areas that complied with the regulations when they were established or built, but do not comply with the current provisions of this LDC are considered nonconforming. Article IX, *Nonconformities*, of this LDC allows these uses, structures, and site elements to remain and undergo routine maintenance and repair, but limits or prohibits their expansion.

A use deemed a minor nonconformity may be converted from a nonconforming use to a conforming one according to the process in Division 9.3, *Conversion of Nonconforming Uses.*

An illegal use (one not permitted in the zoning district at the time the use was established) or a structure built without a valid permit are not considered nonconforming uses or structures and do not benefit from nonconformity protections described above.

May I request a variance or appeal a decision, and how?

If, due to a hardship or unique circumstances related to your property, you cannot comply with certain development or design standards, you may request a variance from the Board of Adjustment. Sec. 21-7300, *Variance,* provides the details for this procedure.

You may appeal a City staff member's decision or a formal interpretation of this LDC to the Board of Adjustment, in the manner spelled out in Sec. 21-7330, *Appeal of Administrative Decision*. Sec. 21-7170, *Appeals*, establishes other methods of appeal for decisions of the City Council, Planning Commission, or Board of Adjustment. Consult your attorney for further details.

ARTICLE I: GENERAL PROVISIONS

Contents:

- Division 1.1: General Provisions
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  - Sec. 21-1110. - Authority
  - Sec. 21-1120. - Purpose
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  - Sec. 21-1140. - Jurisdiction
- Division 1.2: Effect of LDC
  - Sec. 21-1200. - Abrogation and Conflicts
  - Sec. 21-1210. - Severability
  - Sec. 21-1220. - Transitional Provisions and Vested Rights

Division 1.1: General Provisions

Sec. 21-1100. - Title

This document shall be known, and may be cited as, the City of Commerce City Land Development Code (”LDC"). References to "this LDC" or "this Code" are deemed to be references to this document.

Sec. 21-1110. - Authority

This LDC is enacted pursuant to the City's charter and the powers granted to municipalities by the constitution and laws of the state of Colorado.

Sec. 21-1120. - Purpose

The City Council adopts this LDC to protect the public health, safety, and general welfare of present and future inhabitants of the City in accordance with the goals of the Comprehensive Plan. The provisions of this LDC are specifically intended to:

A. **Public Health and Safety**. Protecting public health and safety by:

1. Ensuring adequate provision of open space for light, air, and fire safety;
2. Promoting public safety from fire, flooding, and other natural and man-made disasters through appropriate site design;
3. Encouraging the efficient use of land and resources, and ensuring adequate services and amenities for residents; and
4. Facilitating the adequate and safe provision of transportation, water, sewage, drainage, and other public requirements in the City.

B. **Scenic and Environmental Significance**. Preserving and protecting existing trees and vegetation, floodplains, stream corridors, and other areas of scenic and environmental significance from adverse impacts of land development.

C. **Quality of Life**. Protecting the quality of life of City residents, business owners, employees, and visitors by:

1. Improving the City's appearance through the regulation of design, layout, landscaping, etc., where such regulations are appropriate;
2. Maintaining and enhancing the community’s distinct character;
3. Preserving the character and quality of residential neighborhoods;
4. Promoting a range of housing choices; and
5. Creating residential areas with strong neighborhood qualities, including pedestrian-friendly streets, community gathering spaces, and basic commercial needs in close proximity.

D. **Economic Development**.

1. Providing for the expansion and diversification of the economic base to assure a strong economy; and
2. Encouraging economic opportunities, particularly those that have meaningful multiplier effects on the local economy, by promoting the highest and best use of land and vitality and developing resilient commercial, mixed use, and industrial districts.

E. **Fiscal and Functional Health**. Protecting the fiscal and functional health of the City by:

1. Establishing and maintaining zoning districts in order to protect the property rights of all individuals by assuring the compatibility and efficient relationships of uses and practices within districts;

2. Promoting orderly, efficient, and appropriate development of land;

3. Encouraging infill development to make efficient use of existing public infrastructure;

4. Facilitating greenfield development to capitalize on valued natural features;

5. Promoting a balanced supply of residential, commercial, and industrial land uses that are compatible with adjacent land uses and have good transportation access; and

6. Securing economy in government and private sector expenditures by promoting efficiency in development review.

F. **Clear Regulations and Processes**. Providing transparent regulations and review procedures for development and outline the duties and powers of responsible administrative, elected, and appointed review bodies to maintain public trust.

Sec. 21-1130. - Applicability

A. **Generally**. It shall be unlawful for any person to do any of the following, or cause or allow the same to be done, without first obtaining all requisite City approvals required in this LDC or the Municipal Code:

1. Erect, construct, reconstruct, remodel, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building, structure, sign, or land within the City;

2. Excavate, grade, cut, clear, or undertake any other land disturbance activity;

3. Create, expand, replace, enlarge, or change a nonconforming use, lot, structure, or sign;

4. Develop, use, subdivide, construct, remodel, or engage in any other activity related to land or buildings;

5. Reduce or diminish the lot area, setbacks, or landscaping below the minimum required by this LDC; or

6. Further, it shall be unlawful for any person to fail to comply with the provisions of any approval, order, or permit approved pursuant to the City's authority to regulate land use.

B. **Building Code.** Refer to the Building Code for exemptions to requirements to obtain a Building Permit for certain development or construction activities.

C. **City Exemption**. The City is exempt from the requirements of Article IV, *Design Standards*.

D. **Structural Exemption**. The Community Development Director may exempt structures required by state or federal law from the requirements of this LDC on a case-by-case basis. The property owner shall provide government documentation as to the necessity of the requested exemption.

Sec. 21-1140. - Jurisdiction

The provisions of this LDC shall apply to any and all development of land within the municipal boundaries of the City, unless expressly and specifically exempted or provided otherwise in this LDC. All development shall comply with the applicable terms, conditions, requirements, standards, and procedures imposed by, or pursuant to, the provisions of this LDC.

Division 1.2: Effect of LDC

Sec. 21-1200. - Abrogation and Conflicts

A. **Abrogation**. Except for those provisions of the Municipal Code explicitly repealed upon the adoption of this LDC, this LDC is not intended to repeal, abrogate, or impair any existing public or private laws, easements, covenants, or deed restrictions.

B. **Conflicts**.

1. *Conflicts with Other Public Laws, Ordinances, Regulations, or Permits.* Except with regard to conflicts with an approved Planned Unit Development (PUD) zone document, if the provisions of this LDC conflict with any other statute, code, local ordinance, resolution, regulation, or other applicable federal, state, or local law; or if the LDC's provisions are internally conflicting, the more restrictive standard, limitation, or requirement shall govern or prevail to the extent of the conflict.

2. *Conflicts with Private Agreements.* In the event that the terms of an approved PUD zone document conflicts with the provisions of this LDC, the terms of the PUD zone document shall control.

Sec. 21-1210. - Severability

A. **Generally**. If a court of competent jurisdiction holds any provision of this LDC to be illegal or invalid, the remainder of this LDC shall remain in full force without being affected by the judgment.

B. **As-Applied**. If a court of competent jurisdiction holds any application of a provision of this LDC to a particular structure, land, or water to be illegal or invalid "as-applied", such judgment shall not be applicable to any other structure, land, or water not specifically included in the judgment.

Sec. 21-1220. - Transitional Provisions and Vested Rights

A. **Purpose**. The purpose of transitional regulations is to clarify the status of properties with pending applications or recent approvals, as those terms are used below, and properties with outstanding violations, at the time of the adoption of this LDC.

B. **Violations Continue.** Any violation of the previous LDC shall continue to be a violation under this Code and shall be subject to the penalties and enforcement set forth in Article X, *Enforcement and Violations*, unless the use, development, construction, or other activity complies with the provisions of this Code. Payment shall be required for any civil penalty assessed under the previous ordinance, even if the original violation is no longer considered a violation under this Code.

C. **Uses, Structures, and Lots Rendered Conforming.** A use, structure, or lot not lawfully existing at the time of the adoption of this Code is deemed lawful and conforming as of the effective date of this Code, provided it conforms to all of the requirements of this Code.

D. **Uses, Structures, and Lots Rendered Nonconforming.**

1. When a building, structure, or lot is used for a purpose that was a lawful use before the effective date of this Code, and this Code no longer classifies such use as an allowed use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by Article IX, *Nonconformities*.

2. Where any building, structure, or lot that legally existed on the effective date of this Code does not meet all standards set forth in this Code, such building, structure, or lot shall be considered nonconforming and shall be controlled by Article IX, *Nonconformities*.

E. **Processing of Applications Commenced or Approved Under Previous Ordinances.**

1. *Pending Applications.*

a. Any complete application that has been submitted for approval, but upon which no final action has been taken by the appropriate deciding body prior to the effective date of this Code, shall be reviewed in accordance with the code in effect on the date the application was deemed complete. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this code. Any re-application for an expired project approval shall meet the standards in effect at the time of reapplication.

b. An applicant with a complete application that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this Code, may request review under this Code by a written letter to the Community Development Director.

2. *Preliminary PUD Approvals.* An application for a Planned Unit Development (PUD) Development Permit for which a PUD Zone Document was approved prior to the effective date of this LDC may be processed for a final decision in accordance with the approved PUD Zone Document, even if the application does not comply with one or more requirements set forth in this LDC.

3. *PUD Uses by Permit*. Where an approved and active PUD shows a use as being "Use by Permit" that use is interpreted as being a Limited Use in this LDC.

4. *Approved Projects.*

    a. Use Permits, Site Plan approvals, Building Permits, and Variances that are valid on the date that a property is rezoned under this code, shall remain valid until their expiration date. Projects with valid approvals or permits may be completed with the development standards in effect at the time of approval.

    b. Any building or development for which a Building Permit was approved prior to the effective date of this Code may be permitted to proceed to construction.

    c. If the development for which the Building Permit is approved prior to the effective date of this Code fails to comply with the time frames for development established for the Building Permit, the Building Permit shall expire and future development shall comply with the requirements of this LDC.

5. *Subdivisions*. All subdivision plats that, upon the effective date of this LDC have been previously approved by the City, are considered to be approved subdivisions as such requirements for approval exist in this LDC.

6. *Site-Specific Development Plan*. An application for approval of a site-specific development plan, as well as the approval, conditional approval, or denial of approval of such plan, shall be governed only by the duly adopted laws and regulations in effect at the time the complete application is submitted. See C.R.S. § 24-68-102.5, Applications - Approval by Local Government.

ARTICLE II: ZONING DISTRICTS AND DEVELOPMENT STANDARDS

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  - Sec. 21-2230. - Special Purpose and Overlay Districts

Division 2.1: General Provisions

Sec. 21-2100. - Zoning Districts Established

A. **General**. Established in Table 21-2100-1, *Zoning Districts Established,* are the zoning districts for the City. The table identifies the character district, zoning district name, and abbreviation, along with the zoning previous district name.

Table 21-2100-1, Zoning Districts Established		
Former Zoning Districts	**Zoning Districts**	**Cross Reference**
Agricultural and Residential Districts		
R-U, Residential Unit District	R-E, Residential Estate	Subsec. 21-2200.3A
R-1, Single-Family Detached Residential District	R-1, Single-Unit Dwelling	Subsec. 21-2200.3B
R-2, Single-Family Attached Residential District	R-2, Two-Unit Dwelling	Subsec. 21-2200.3C
R-3, Multi-Family Residential District R-4, Townhouse Residential District	R-3, Multi-Unit Dwelling	Subsec. 21-2200.3D
MHP, Mobile Home Park District	MHP, Mobile Home Park	Subsec. 21-2200.3E
Mixed Use and Commercial Districts		
C-1, Local Commercial District	C-1, Neighborhood Commercial	Subsec. 21-2210.3A
C-2, General Commercial District C-3, Regional Commercial District	C-2, General Commercial	Subsec. 21-2210.3B
MU-1, Mixed Use District	MU-1, Neighborhood Mixed Use	Subsec. 21-2210.3D
	C-C, Corridor Campus	Subsec. 21-2210.3E
	MU-C, Corridor Mixed Use	Subsec. 21-2210.3C
Industrial Districts		
I-1, Light Intensity Industrial	I-1, Industrial Innovation	Subsec. 21-2220.3A
I-1S, Industrial Park Storage District I-2, Medium Intensity Industrial	I-2, Medium Intensity Industrial	Subsec. 21-2220.3B
I-3, Heavy Intensity Industrial	I-3, Heavy Intensity Industrial	Subsec. 21-2220.3C
	I-A, Industrial Airport	Subsec. 21-2220.3D
Special Purpose and Overlay Districts		
PUD, Planned Unit Development	PUD, Planned Unit Development	Subsec. 21-2230.2A
PUBLIC, Public District	P, Public	Subsec. 21-2230.2B
F-P, Floodplain Overlay District	F-P, Floodplain Overlay District	Subsec. 21-2230.2D
AG, Agricultural District	AG, Agriculture	Subsec. 21-2230.2E
	OS, Open Space District	Subsec. 21-2230.2C

Sec. 21-2110. - Official Zoning Map

A. **Description**. The term "official zoning map" refers to the visual depiction of a compilation of all ordinances that are currently in effect that pertain to the zoning of any property within the City. The City will endeavor to maintain a physical map that visually depicts the boundaries of the zoning districts outlined in section Sec. 21-2100, *Zoning Districts Established*, correctly. However, in case of any conflict between the visual depiction and the official zoning map, the language contained in the actual zoning ordinances shall control. The official zoning map shall be considered an integral part of this LDC.

B. **Boundary Determinations**. In determining the boundaries of zoning districts shown on the official zoning map, the following rules shall apply:

1. *Center Lines*. Unless otherwise indicated, zoning district boundaries shall be the center lines of streets, highways, alleys, railroad rights-of-way, section lines, municipal corporate lines, and natural boundary lines such as streams.

2. *Legal Description*. In the absence of a center line, zoning district boundaries shall coincide with the legal description of property adjoining the applicable boundary.

3. *Majority of Land*. Where a zoning district boundary line divides a lot or parcel that has single ownership on the date this LDC is adopted, the lot or parcel shall be considered to be in the zoning district in which the majority of the land area of the lot or parcel falls.

4. *Interpretation*. In case of a dispute concerning the exact location of the boundaries or where the actual rights-of-way or stream courses vary from the official zoning map, the Community Development Director shall interpret the map according to the reasonable intent of this LDC. Any appeal of the Community Development Director's decision shall follow the process set forth in Sec. 21-7170, *Appeals*.

Division 2.2: District Standards

Sec. 21-2200. - Residential Districts

Subsec. 21-2200.1 Use Table

A. **Use Table**. All uses of land and buildings within the agricultural and residential zoning districts shall be as set forth in Table 21-2200.1-1, *Residential District Use Table*.

B. **Permitted Land Uses**. The land uses in Table 21-2200.1-1, *Residential District Use Table*, below are classified and symbolized by the following:

1. "P" means the use is permitted by-right and is not subject to further use-specific review; however, is subject to other design standards and review procedures of this LDC.

2. "L" means the use is permitted subject to approval by the Director, Sec. 21-3200, *Limited Use Standards*, and Sec. 21-7400, *Limited Use Permit*.

3. "C" means the use requires a public hearing and conditional use approval subject to Sec. 21-3210, *Conditional Use Standards,* and Sec. 21-7130, *Conditional Use Permit*.

4. "--" means the use is prohibited.

C. **New and Unlisted Uses**. Refer to Sec. 21-3250, *New and Unlisted Uses*.

D. **Use Categories.** The Use Categories in the use table below are further described in Division 4.1, *Use Categories*. Division 4.1, *Use Categories*, provides the characteristics of each use category and identifies the specific uses that make up each category.

Table 21-2200.1-1, Residential District Use Table							
Use Category	**Specific Use**	**R-E**	**R-1**	**R-2**	**R-3**	**MHP**	**Standards**
Residential Uses[1]							
Household Living	Multi-Unit	--	--	--	P	--	--
	Dwelling, Two-Unit	--	--	P	P	--	--
	Dwelling, Single-Unit	P	P	P	P	--	--
	Live-Work	--	--	--	P	--	--
	Mobile or Manufactured Home	--	--	--	--	P	--
Group Living	Assisted Living Facility	--	--	P	P	--	--
	Boarding, Lodging, or Rooming House	--	--	P	P	--	--
	Group Home, Type A	L	L	L	L	L	Sec. 21-3200.C.1
	Group Home, Type B	C	C	C	C	C	Sec. 21-3210.D.1
	Nursing Home	--	--	P	P	--	--
Public, Institutional, and Civic Uses							
Community Service	All Community Service Uses	--	L	L	L	--	Sec. 21-3200.D.1
Day Care	All Day Care	L	L	L	L	L	Sec. 21-3200.D.2
Educational Facilities	All Educational Facilities Other than Listed	L	L	L	L	L	Sec. 21-3200.D.4
Government Facilities	All Government Facilities	--	--	--	--	--	--
Marijuana Use	All Marijuana Uses	--	--	--	--	--	--
Medical Facilities	Hospital	--	--	--	--	--	--
	All Medical Facilities Other than Listed	--	--	--	--	--	--
Parks and Open Areas	Dog Park, Public	L	L	L	L	L	Sec. 21-3200. D.3
	All Park and Open Areas Other than Listed	P	P	P	P	P	--
Passenger Terminals	All Passenger Terminal Uses	--	--	--	--	--	--
Places of Worship	All Places of Worship	L	L	L	L	L	Sec. 21-3200.D.1
Social Service Establishments	All Social Service Establishment Uses Other than Listed	--	--	--	--	--	--
Utilities, Major	All Major Utilities	C	C	C	C	C	Sec. 21-3210.C
Utilities, Minor	Small Wind Entergy Conversion System (Windmill)	L	L	L	L	L	Sec. 21-3200.D.5
	All Minor Utilities Other than Listed	P	P	P	P	P	--
Commercial Uses							
Marijuana Uses	All Marijuana Uses	--	--	--	--	--	--
Office Uses	All Office Uses Other than Listed	--	--	--	--	--	--
Overnight Accommodations	Bed and Breakfast	L	L	L	L	--	Sec. 21-3200.E.1
	All Overnight Accommodation Uses Other than Listed	--	--	--	--	--	--
Parking, Commercial	All Commercial Parking Uses	--	--	--	--	--	--
Recreation, Indoor	All Indoor Recreation Uses	--	--	--	--	--	--

Table 21-2200.1-1, Residential District Use Table							
Use Category	**Specific Use**	**R-E**	**R-1**	**R-2**	**R-3**	**MHP**	**Standards**
Recreation, Outdoor	All Outdoor Recreation Uses	--	--	--	--	--	--
Restaurant	All Restaurant Uses Other than Listed	--	--	--	--	--	--
Retail Repair, Sales, and Service	All Retail Repair, Sales, and Service Uses Other than Listed	--	--	--	--	--	--
Vehicle Sales and Service	All Vehicle Sales and Service Uses Other than Listed	--	--	--	--	--	--
Industrial Uses							
Heavy Industrial	All Heavy Industrial Uses	--	--	--	--	--	--
Light Industrial	Artisan/Handcrafted Manufacturing	--	--	--	--	--	--
	All Light Industrial Uses Other than Listed	--	--	--	--	--	--
Warehousing	All Warehousing Uses	--	--	--	--	--	--
Waste-Related	All Waste-Related Uses	--	--	--	--	--	--
Wholesale and Distribution	All Wholesale and Distribution	--	--	--	--	--	--
Open Use Categories							
Agriculture and Animal-Oriented Uses	Community Garden	L	L	L	L	L	Sec. 21-3200.G.2
	Agriculture Uses Other than Listed	--	--	--	--	--	--
Resource Extraction	All Resource Extraction Uses Other than Listed	--	--	--	--	--	--

Table Notes:

1. No new residential use shall be established on any property that lies within an airport noise contour of 55 DNL (day-night noise level) or higher.

Subsec. 21-2200.2 Development Options

Purpose. The purpose of this Subsection is to establish a range of development options that promote flexibility while guiding the physical form and character of new development. These options are intended to ensure that future growth aligns with the desired development pattern and reinforces the intended character of the area, as identified in the Comprehensive Plan.

A. **Applicability.** The development options established in this Subsection apply to residential development within the zoning districts listed in Table 21-2200.2-1, *Residential Development Options*.

B. **Zoning Districts.** Applicable zoning districts govern allowable uses and dimensional standards and can be found in Subsec. 21-2200.4 *Building Forms*.

C. **Building Forms.** All building forms shall comply with the standards in Subsec. 21-2200.4, *Building Forms*.

Table 21-2200.2-1, Residential Development Options

Development Option	Intent Statement	Applicable Zoning District	Open or Amenity Space (Min.)
Central Neighborhoods[1]	Honor Commerce City's historic roots and established development patterns while promoting context-sensitive, higher-density housing options that complement existing neighborhoods.	R-1, R-2, R-3, MHP	10%
Neighborhood Village[1]	Utilize greenfield development and infill/redevelopment to create walkable, well-connected neighborhoods that support the Neighborhood Village concept—featuring a mix of housing types, quality of open space/parks, and an interconnected street grid.	R-1, R-2, R-3, MU-1	20%
Northern Neighborhoods[1]	Recognizes the existing suburban-style development patterns in the northern areas, characterized by curvilinear streets, single-unit homes, and a mix of townhomes and apartments/condominiums.	R-E, R-1, R-2, R-3	10%

Table Notes:

1. Court developments are permitted within this development option. Refer to Subsec. 21-2200.2A, *Central Neighborhoods*, Subsec. 21-2200.2B, *Neighborhood Village*, and Article IV, *Design Standards*, for additional standards.

Subsec. 21-2200.2A Central Neighborhoods

A. **General.** Honor Commerce City's historic roots and established development patterns while promoting context-sensitive, higher-density housing options that complement existing neighborhoods.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2200.2-1, *Residential Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2200.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2200.2A-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Central Neighborhood development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2200.2A-1, Central Neighborhoods

Table 21-2200.2A-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

	Building Types	R-1	R-2	R-3	MHP	Specific Standards
	Single-Unit Dwelling, Alley-Loaded[1]	●	●	●	--	Subsec. 21-2200.4A
	Single-Unit Dwelling	●	●	●	--	Subsec. 21-2200.4B
	Two-Unit Dwelling, Duplex Side-by-Side[1]	--	●	●	--	Subsec. 21-2200.4C

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Table 21-2200.2A-1, Building Forms by Zoning District						
Key: ● = Permitted | -- = Prohibited						
	Building Types	R-1	R-2	R-3	MHP	Specific Standards
	Two-Unit Dwelling, Duplex Stack[1]	--	●	●	--	Subsec. 21-2200.4D
	Townhouse[1]	--	--	●	--	Subsec. 21-2200.4D
	Rowhouse[1]	--	--	●	--	Subsec. 21-2200.4F
	Multiplex	--	--	●	--	Subsec. 21-2200.4G
	Apartment/Condominium	--	--	●	--	Subsec. 21-2200.4H
	Tiny Home[1]	--	--	--	●	Subsec. 21-2200.4I
	HUD Manufactured Home	--	--	--	●	Subsec. 21-2200.4J

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Subsec. 21-2200.2B Neighborhood Village

A. **General.** Utilize greenfield development to create walkable, well-connected neighborhoods that support the Neighborhood Village concept—featuring a mix of housing types, quality of open space/parks, and an interconnected street grid.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2200.1, *Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2200.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2200.2B-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Neighborhood Village development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2200.2B-1, Neighborhood Village

Table 21-2200.2B-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

	Building Types	R-1	R-2	R-3	MU-1	Specific Standards
	Single-Unit Dwelling, Alley-Loaded[1]	●	●	●	--	Subsec. 21-2200.4A
	Single-Unit Dwelling	●	●	●	--	Subsec. 21-2200.4B
	Two-Unit Dwelling, Duplex Side-by-Side[1]	--	●	●	--	Subsec. 21-2200.4C
	Two-Unit Dwelling, Duplex Stack[1]	--	●	●	--	Subsec. 21-2200.4D

Table 21-2200.2B-1, Building Forms by Zoning District						
Key: ● = Permitted | -- = Prohibited						
	Building Types	R-1	R-2	R-3	MU-1	Specific Standards
	Townhouse[1]	--	--	●	●	Subsec. 21-2200.4D
	Rowhouse[1]	--	--	●	●	Subsec. 21-2200.4F
	Multiplex	--	--	●	●	Subsec. 21-2200.4G
	Apartment/Condominium	--	--	●	●	Subsec. 21-2200.4H
	Tiny Home[1]	--	--	--	--	Subsec. 21-2200.4I
	HUD Manufactured Home	--	--	--	--	Subsec. 21-2200.4J
	Mixed Use	--	--	--	●	Subsec. 21-2210.4B

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Subsec. 21-2200.2C Northern Neighborhoods

A. **General.** Recognize and build upon the suburban-style development patterns in the northern areas, characterized by curvilinear streets, single-unit homes, and a mix of townhomes and Apartments/Condominiums.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2200.1, *Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2200.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2200.2C-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Northern Neighborhoods development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2200.2C-1, Northern Neighborhoods

Table 21-2200.2C-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

	Building Types	R-E	R-1	R-2	R-3	Specific Standards
	Single-Unit Dwelling, Alley-Loaded[1]	--	●	●	●	Subsec. 21-2200.4A
	Single-Unit Dwelling	●	●	●	●	Subsec. 21-2200.4B
	Two-Unit Dwelling, Duplex Side-by-Side[1]	--	--	●	●	Subsec. 21-2200.4C

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Table 21-2200.2C-1, Building Forms by Zoning District					
Key: ● = Permitted | -- = Prohibited					
Building Types	R-E	R-1	R-2	R-3	Specific Standards
Two-Unit Dwelling, Duplex Stack[1]	--	--	●	●	Subsec. 21-2200.4D
Townhouse[1]	--	--	--	●	Subsec. 21-2200.4D
Rowhouse[1]	--	--	--	●	Subsec. 21-2200.4F
Multiplex	--	--	--	●	Subsec. 21-2200.4G
Apartment/Condominium	--	--	--	●	Subsec. 21-2200.4H
Tiny Home[1]	--	--	--	--	Subsec. 21-2200.4I
HUD Manufactured Home	--	--	--	--	Subsec. 21-2200.4J
Mixed Use	--	--	--	--	Subsec. 21-2210.4B

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Subsec. 21-2200.3 Zoning Districts

Subsec. 21-2200.3A Residential Estate (R-E)

Purpose. The Residential Estate (R-E) district provides for areas designed as larger, estate-sized lots with multiple options for open space and densities. Development in this district is primarily reserved for very low density detached residential developments with an optional accessory dwelling unit. The district is intended to preserve existing areas of rural character in the city and to manage growth on the periphery on the City limits.

Figure 21-2200.3A-1, R-E District Illustrative Example

A. **Applicability.** The R-E district is appropriate for a mix of single-unit dwellings and clusters of attached homes with integrated open spaces and is intended to be utilized in the South Platte District, North Airport District, and Innovation District character areas of the Comprehensive Plan where large lot residential is identified. R-E is not intended to be mapped and used for new development projects, but rather to accommodate potential annexations of unincorporated Adams County residential subdivisions that are typically composed of large lots.

B. **District Illustrative Example.** Figure 21-2200.3A-1, *R-E District Illustrative Example,* depicts an example of a typical subdivision layout in the R-E District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2200.3A-1, *R-E References to Related Standards*.

Table 21-2200.3A-1, R-E References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2200
Development Options	Subsec. 21-2200.2
Building Forms	Subsec. 21-2200.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2200.3B Single-Unit Dwelling (R-1)

Purpose. The Single-Unit Dwelling (R-1) district provides for protection of established single-unit dwelling neighborhoods in low-density residential developments. This district may also include uses that support and are compatible with low-density residential areas.

Figure 21-2200.3B-1, R-1 District Illustrative Example

A. **Applicability.** The R-1 district is appropriate for low density single-unit dwelling homes with an optional accessory dwelling unit, and is designed to be utilized in the Central and Northern Neighborhood Character Areas of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2200.3B-1, *R-1 District Illustrative Example*, depicts an example of a typical subdivision layout in the R-1 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2200.3B-1, *R-1 References to Related Standards*.

Table 21-2200.3B-1, R-1 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2200
Development Options	Subsec. 21-2200.2
Building Forms	Subsec. 21-2200.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2200.3C Two-Unit Dwelling (R-2)

Purpose. The Two-Unit Dwelling (R-2) district provides a mix of single-and two-unit dwellings in a moderate density setting.

Figure 21-2200.3C-1, R-2 Illustrative Example

A. **Applicability.** The R-2 district is appropriate for varying lot areas with a medium to high residential single-unit dwelling and attached with an optional accessory dwelling unit as designated in the Central and Northern Neighborhood Character Areas of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2200.3C-1, *R-2 District Illustrative Example*, depicts an example of a typical subdivision layout in the R-2 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2200.3C-1, *R-2 References to Related Standards*.

Table 21-2200.3C-1, R-2 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2200
Development Options	Subsec. 21-2200.2
Building Forms	Subsec. 21-2200.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2200.3D Multi-Unit Dwelling (R-3)

Purpose. The Multi-Unit Dwelling (R-3) district provides for higher density residential development that can accommodate more dwelling units and be developed at a larger scale.

Figure 21-2200.3D-1, R-3 Illustrative Example

A. **Applicability.** The R-3 district is appropriate near areas where there is a concentration of commercial uses, employment, and community facilities to provide better access to these services and amenities, and is intended to be used in the Central and North Neighborhood Character Areas and the Higher Density Residential Framework Area of the Comprehensive Plan. This zone district is also intended to serve as a transition from higher intensity uses to lower density residential areas.

B. **District Illustrative Example.** Figure 21-2200.3D-1, *R-3 District Illustrative Example*, depicts an example of a typical subdivision layout in the R-3 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2200.3D-1, *R-3 References to Related Standards*.

Table 21-2200.3D-1, R-3 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2200
Development Options	Subsec. 21-2200.2
Building Forms	Subsec. 21-2200.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2200.3E Mobile Home Park (MHP)

Purpose. The Mobile Home Park (MHP) district provides for mobile home parks, manufactured homes, and tiny home communities with the necessary facilities that include mobile home spaces or lots that may, but need not be, owned by different persons.

Figure 21-2200.3E-1, MHP District Illustrative Example

A. **Applicability.** The MHP district is appropriate for large land holdings in the low-density residential with buffering and open space standards as designated in the Character Areas Land Use Map of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2200.3E-1, *MHP District Illustrative Example*, depicts an example of a typical subdivision layout in the MHP District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2200.3E-1, *MHP References to Related Standards*.

1. *Mobile Homes Restricted.* It shall be unlawful for any person to park, place, construct, store, install, inhabit or occupy a mobile home within the City except within a mobile home park.

2. *Mobile Home Parks Restricted.* It shall be unlawful for any person to construct, install, establish, begin operation, or continue operation of a mobile home park within the City except within a MHP district. Mobile home parks shall be located in a manner to assure compatibility with adjacent and surrounding zone districts. No park shall be permitted within the boundaries of floodplains, high noise areas, or any other hazard areas designated by municipal, county, state, or federal law.

Table 21-2200.3E-1, MHP References to Related Standards	
Topic	**Location in LDC**
Land Uses	Sec. 21-2200
Development Options	Subsec. 21-2200.2
Building Forms	Subsec. 21-2200.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2200.4 Building Forms

Subsec. 21-2200.4A Single-Unit Detached, Alley-Loaded

Single-Unit Detached, Alley-Loaded

A. **Generally.** This Subsection provides design standards for the Single-Unit Detached, Alley-Loaded building type. The illustration of a Single-Unit Detached, Alley-Loaded building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** This building type is a small-scale, freestanding dwelling. The primary entrance is defined by a porch, stoop, or recessed entry. An attached garage with a pitched roof may be present on the front elevation in some contexts but is secondary to the principal building. Table 21-2200.4A-1, *Single-Unit Detached, Alley-Loaded Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4A-1, Single-Unit Detached, Alley-Loaded

Lot		
A	Lot Width *(min.)*	30'
B	Lot Area *(min.)*	2,500 SF
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	60%
D	Front Setback *(min.)*	15'
E	Side Setback *(min.)*	5'
F	Corner Setback *(min.)*	10'
G	Rear Setback *(min.)*[1]	10'
Building Height		
H	Building Height *(max.)*	35'
Access and Parking		
	Vehicle Access	From Alley
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Parking and Garage[1] Location	Rear See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[2]	
Primary Street-Facing Attached Garage Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	Entrance shall be covered and contain at least one of the following: • Awning, • Portico, • Overhang, • Minimum one foot recess or projection, • Arcade, • Raised corniced parapet above the door, • Peaked roof form, or • Arch.

Table Notes:

[1] An attached garage located at the rear of the principal structure may use the accessory structure rear setback, provided it meets all other accessory structure height and bulk standards. Refer to Sec. 21-3220, *Accessory Uses and Structures*, for related standards.

[2] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

Subsec. 21-2200.4B Single-Unit Dwelling

Single-Unit Dwelling

A. **Generally.** This Subsection provides design standards for the Single-Unit Dwelling building type. The illustration of a Single-Unit Dwelling building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type is a small-scale, freestanding dwelling that is located on its own lot and is not attached to another dwelling. The primary entrance is defined by a porch, stoop, or recessed entry. Most have a pitched roof unless the building is art-deco or contemporary in style. High quality, natural, and durable materials are features of this building type. Table 21-2200.4B-1, *Single-Unit, Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4B-1, Single-Unit Dwelling

Lot		
A	Lot Width *(min.)*	Front/Vehicle Access: 45' Side/Rear Vehicle Access: 50'
B	Lot Area *(min.)*	4,500 SF
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	45%
D	Front Setback *(min.)*	15'
E	Side Setback *(min.)*	5'
F	Corner Setback *(min.)*	10'
G	Rear Setback *(min.)*	20'
Building Height		
H	Building Height *(max.)*	35'
Access and Parking		
	Vehicle Access	Street access
	Parking Setback *(min.)*	Front, Street: 20'
	Parking and Garage[1] Location	See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[2]	
Primary Street-Facing Attached Garage Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	Entrance shall be covered and contain at least one of the following: ▪ Awning, ▪ Portico, ▪ Overhang, ▪ Minimum one foot recess or projection, ▪ Arcade, ▪ Raised corniced parapet above the door, ▪ Peaked roof form, or ▪ Arch.

Table Notes:

[1] An attached garage located at the rear of the principal structure may use the accessory structure rear setback, provided it meets all other accessory structure height and bulk standards. Refer to Sec. 21-3220, *Accessory Uses and Structures*, for related standards.

[2] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

Subsec. 21-2200.4C Duplex Side-by-Side

Duplex Side-by-Side

A. **Generally.** This Subsection provides design standards for the Duplex, Side-by-Side building type. The illustration of a Duplex, Side-by-Side building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** This building type contains two dwelling units separated by a firewall with either both units on the same lot (a duplex) or each unit on separate lots. This building type is a small-scale, freestanding dwelling. The primary entrance is defined by a porch, stoop, or recessed entry. An attached garage with a pitched roof may be present on the front elevation in some contexts but is secondary to the principal building. Table 21-2200.4C-1, *Duplex, Side-by-Side Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4C-1, Duplex, Side-by-Side Building Type

Lot[3][4]		
A	Lot Width *(min.)*	Front/Alley Vehicle Access: 50' Side/Rear Vehicle Access: 55'
		0 lot line: 20'
B	Lot Area *(min.)*	4,500 SF
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	60%
D	Front Setback *(min.)*	Alley: 10'; No Alley: 15'
E	Side Setback *(min.)*	5'
F	Corner Setback *(min.)*	10'
G	Rear Setback *(min.)*[1]	Alley: 10; No Alley: 20'
Building Height		
H	Building Height *(max.)*	35'
Access and Parking		
	Vehicle Access	From Alley; or Street access allowed when alley is unimproved or not present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Parking and Garage[1] Location	See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[2]	
Primary Street-Facing Attached Garage Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	Entrance shall be covered and contain at least one of the following: ▪ Awning, ▪ Portico, ▪ Overhang, ▪ Minimum one foot recess or projection, ▪ Arcade, ▪ Raised corniced parapet above the door, ▪ Peaked roof form, or ▪ Arch.

Table Notes:

[1] An attached garage located at the rear of the principal structure may use the accessory structure rear setback, provided it meets all other accessory structure height and bulk standards. Refer to Sec. 21-3220, *Accessory Uses and Structures*, for related standards.

[2] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[3] Lot ownership may affect location of lot lines. Refer to Sec. 21-52110, *Homeowners' Association and Private Facilities*, and Sec. 21-52120, *Standards for Alternative Ownership Agreements*, for additional standards.

[4] If each dwelling unit is on its own lot, then a setback of 0' on the side with the common wall is permitted. Refer to Sec. 21-52110, *Homeowners' Association and Private Facilities*, and Sec. 21-52120, *Standards for Alternative Ownership Agreements*, for additional standards.

Subsec. 21-2200.4D Duplex Stack

Duplex Stack

A. **Generally.** This Subsection provides design standards for the Duplex, Stack building type. The illustration of a Duplex, Stack building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** This building type contains two dwelling units stacked on top of each other on one lot. This building type is a small-scale, freestanding dwelling. The primary entrance is defined by a porch, stoop, or recessed entry. A detached garage with a pitched roof may be present on the rear elevation in some contexts but is secondary to the principal building. Table 21-2200.4D-1, *Duplex, Stack Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4D-1, Duplex, Stack Building Type

Lot[3][4]		
A	Lot Width *(min.)*	Front/Alley Vehicle Access: 30' Side/Rear Vehicle Access: 35'
B	Lot Area *(min.)*	2,500 SF
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	70%
D	Front Setback *(min.)*	Alley: 10'; No Alley:15'
E	Side Setback *(min.)*	5'
F	Corner Setback *(min.)*	10'
G	Rear Setback *(min.)*[1]	Alley: 10'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	35'
Access and Parking		
	Vehicle Access	From Alley; or Street access allowed when alley is unimproved or not present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Parking and Garage[1] Location	See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[2]	
Primary Street-Facing Attached Garage Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	Entrance shall be covered and contain at least one of the following: ▪ Awning, ▪ Portico, ▪ Overhang, ▪ Minimum one foot recess or projection, ▪ Arcade, ▪ Raised corniced parapet above the door, ▪ Peaked roof form, or ▪ Arch.

Table Notes:

[1] An attached garage located at the rear of the principal structure may use the accessory structure rear setback, provided it meets all other accessory structure height and bulk standards. Refer to Sec. 21-3220, *Accessory Uses and Structures*, for related standards.

[2] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[3] Lot ownership may affect location of lot lines. Refer to Sec. 21-52110, *Homeowners' Association and Private Facilities*, and Sec. 21-52120, *Standards for Alternative Ownership Agreements*, for additional standards.

[4] If each dwelling unit is on its own lot, then a setback of 0' on the side with the common wall is permitted. Refer to Sec. 21-52110, *Homeowners' Association and Private Facilities*, and Sec. 21-52120, *Standards for Alternative Ownership Agreements*, for additional standards.

Subsec. 21-2200.4D Townhouse

Townhouse

A. **Generally.** This Subsection provides design standards for the Townhouse building type. The illustration of a Townhouse building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** This building type accommodates three to eight single-unit that are on their own lot, are attached to one another side-by-side, and are oriented to the street. They are to be compatible in mass and scale with nearby residential structures of a lower scale. The facade is designed to express each individual unit. Each unit has a principal entrance on the ground floor defined by a porch, stoop, or recessed entry. End units have window openings on three sides, while interior units have window openings only in the front and back. Parking is located in the rear. Table 21-2200.4D-1, *Townhouse Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4D-1, Townhouse Building Type

Lot[3][4]		
A	Lot Width that is not subdivided with 0 lot line *(min.)*	Alley Vehicle Access: 60' Rear Vehicle Access: 65'
	Lot Width that is subdivided with 0 lot line *(min.)*	16'
B	Lot Area that is not subdivided with 0 lot line *(min.)*	5,250 SF
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	70%
D	Front Setback *(min.)*	Alley: 10'; No Alley:15'
E	Side Setback *(min.)*	5'
F	Corner Setback *(min.)*	10'
G	Rear Setback *(min.)*[1]	Alley: 10'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	35'
Access and Parking		
	Vehicle Access	From Alley; or Street access allowed when alley is unimproved or not present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Parking and Garage[1] Location	Side / Rear See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[2]	
Primary Street-Facing Attached Garage Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	Entrance shall be covered and contain at least one of the following: ▪ Awning, ▪ Portico, ▪ Overhang, ▪ Minimum one foot recess or projection, ▪ Arcade, ▪ Raised corniced parapet above the door, ▪ Peaked roof form, or ▪ Arch.
Dwelling Units Oriented to the Street	Required if any portion of the Dwelling Unit is located within 20' of Primary or Side Street Lot Line

Table Notes:

[1] An attached garage located at the rear of the principal structure may use the accessory structure rear setback, provided it meets all other accessory structure height and bulk standards. Refer to Sec. 21-3220, *Accessory Uses and Structures*, for related standards.

[2] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[3] Lot ownership may affect location of lot lines. Refer to Sec. 21-52110, *Homeowners' Association and Private Facilities*, and Sec. 21-52120, *Standards for Alternative Ownership Agreements*, for additional standards.

[4] If each dwelling unit is on its own lot, then a setback of 0' on the side with the common wall is permitted. Refer to Sec. 21-52110, *Homeowners' Association and Private Facilities*, and Sec. 21-52120, *Standards for Alternative Ownership Agreements*, for additional standards.

Subsec. 21-2200.4F Rowhouse

Rowhouse

A. **Generally.** This Subsection provides design standards for the Rowhouse building type. The illustration of a Rowhouse building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** This building type accommodates three to eight residential units that are on their own lot, are attached to one another side-by-side, and are oriented to the street. The facade is designed to express each individual unit. Each unit has a principal entrance on the ground floor defined by a porch, stoop, or recessed entry. End units have window openings on three sides, while interior units have window openings only in the front and back. Parking is located in the rear or tucked under the residential unit. This building type accommodates three to eight residential units on a single lot, within a single structure. Table 21-2200.4F-1, *Rowhouse Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4F-1, Rowhouse Building Type

Lot		
A	Lot Width that is not subdivided with 0 lot line *(min.)*	Alley Vehicle Access: 60' Rear Vehicle Access: 65'
	Lot Width that is subdivided with 0 lot line *(min.)*	16'
B	Lot Area that is not subdivided with 0 lot line *(min.)*	5,250 SF
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	70%
D	Front Setback *(min.)*	Alley: 10'; No Alley: 15'
E	Side Setback *(min.)*	5'
F	Corner Setback *(min.)*	10'
G	Rear Setback *(min.)*[1]	Alley: 10'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	45'
Access and Parking		
	Vehicle Access	From Alley; or Street access allowed when alley is unimproved or not present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Parking and Garage[1] Location	Side / Rear See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[2]	
Primary Street-Facing Attached Garage Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	Entrance shall be covered and contain at least one of the following: ▪ Awning, ▪ Portico, ▪ Overhang, ▪ Minimum one foot recess or projection, ▪ Arcade, ▪ Raised corniced parapet above the door, ▪ Peaked roof form, or ▪ Arch.
Dwelling Units Oriented to the Street	Required if any portion of the Dwelling Unit is located within 20' of Primary or Side Street Lot Line

Table Notes:

[1] An attached garage located at the rear of the principal structure may use the accessory structure rear setback, provided it meets all other accessory structure height and bulk standards. Refer to Sec. 21-3220, *Accessory Uses and Structures*, for related standards.

[2] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

Subsec. 21-2200.4G Multiplex

Multiplex

A. **Generally.** This Subsection provides design standards for the Multiplex building type. The illustration of a Multiplex building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** This building type accommodates three to six residential units on a single lot, within a single structure. This building type reflects traditional residential structures in form but is larger in scale. It is freestanding. Details include principal entrances in one or more locations. Each is defined by a porch, stoop, or recessed entry. A Multiplex building generally includes a pitched roof. Table 21-2200.4G-1, *Multiplex Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4G-1, Multiplex Building Type

Lot[3][4]		
A	Lot Width *(min.)*	Front/Alley Vehicle Access: 50' Side/Rear Vehicle Access: 55'
B	Lot Area *(min.)*	4,500 SF
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	70%
D	Front Setback *(min.)*	Alley: 10'; No Alley: 15'
E	Side Setback *(min.)*	5'
F	Corner Setback *(min.)*	10'
G	Rear Setback *(min.)*	Alley: 10'; No Alley: 15'
Building Height		
H	Building Height *(max.)*	35'
Access and Parking		
	Vehicle Access	From Alley; or Street access allowed when alley is unimproved or not present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Parking and Garage[1] Location	Rear See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[2]	
Primary Street-Facing Attached Garage Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	Entrance shall be covered and contain at least one of the following: ▪ Awning, ▪ Portico, ▪ Overhang, ▪ Minimum one foot recess or projection, ▪ Arcade, ▪ Raised corniced parapet above the door, ▪ Peaked roof form, or ▪ Arch.

Table Notes:

[1] An attached garage located at the rear of the principal structure may use the accessory structure rear setback, provided it meets all other accessory structure height and bulk standards. Refer to Sec. 21-3220, *Accessory Uses and Structures*, for related standards.

[2] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[3] Lot ownership may affect location of lot lines. Refer to Sec. 21-52110, *Homeowners' Association and Private Facilities*, and Sec. 21-52120, *Standards for Alternative Ownership Agreements*, for additional standards.

[4] If each dwelling unit is on its own lot, then a setback of 0' on the side with the common wall is permitted. Refer to Sec. 21-52110, *Homeowners' Association and Private Facilities*, and Sec. 21-52120, *Standards for Alternative Ownership Agreements*, for additional standards.

Subsec. 21-2200.4H Apartment/Condominium

Apartment/Condominium

A. **Generally.** This Subsection provides design standards for the apartment/condominium building type. The illustration of an apartment/condominium building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** This building type includes seven or more residential units on multiple floors in a single structure or multiple structures on a single lot. The design is intended to be compatible in mass and scale with the surrounding area and with a pedestrian friendly facade incorporating high quality ground floor design elements, such as transparency and clearly defined entrances. Table 21-2200.4H-1, *Apartment/Condominium Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4H-1, Apartment/Condominium Building Type

Lot		
A	Lot Width *(min.)*	Alley Vehicle Access: 60' Rear Vehicle Access: 65'
B	Lot Area *(min.)*	5,250 SF
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	60%
D	Front Setback *(min.)*	Local: 15' Collector/Arterial: 20'
E	Side Setback *(min.)*	5'
F	Corner Setback *(min.)*	10'
G	Rear Setback *(min.)*	Alley: 10'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	50'
Access and Parking		
	Vehicle Access	From Alley; or Street access allowed when alley is unimproved or not present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Street Access, Parking Location	Rear See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[1]	
Garages and Carports	See Sec. 21-4210, *Residential Building Standards*
Pedestrian Access	Entrance shall be covered and contain at least one of the following: ▪ Awning, ▪ Portico, ▪ Overhang, ▪ Minimum one foot recess or projection, ▪ Arcade, ▪ Raised corniced parapet above the door, ▪ Peaked roof form, or ▪ Arch.

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

Subsec. 21-2200.4I Tiny Home

Tiny Home

A. **Generally.** This Subsection provides design standards for the Tiny Home building type. The illustration of a Tiny Home development type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** A single-unit detached dwelling unit that is 400 square feet or less in total floor area, excluding lofts, designed for permanent, year-round occupancy. Tiny homes shall be constructed on a permanent foundation. Tiny homes shall include a kitchen, bathroom, and sleeping area, and shall be connected to utilities where required. Table 21-2200.4I-1, *Tiny Home Development Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4I-1, Tiny Home Building Type

Lot		
A	Lot Width *(min.)*	--
B	Lot Area *(min.)*	--
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	60%
D	Setback from local or private street (min.)	15'
E	Side Setback *(min.)*	5'
F	Setback from collector or arterial street (min.)	30'
G	Rear Setback *(min.)*	20'
	Maximum Gross Floor Area	400 sf
Building Height		
H	Building Height *(max.)*	35'
Access and Parking		
	Vehicle Access	From Alley; or Street access allowed when alley is unimproved or not present
	Parking Setback *(min.)*	--
	Street Access, Parking Location	Side See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[1]	
Primary Street-Facing Attached Garage[1] Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	--

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

Subsec. 21-2200.4J HUD Manufactured Home

HUD Manufactured Home

A. **Generally.** This Subsection provides design standards for the HUD Manufactured Home building type. The illustration of a HUD Manufactured Home building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description.** A structure, constructed on or after June 15, 1976, in compliance with the rules and definitions of the United States Department of Housing and Urban Development, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities for occupancy. This term does not include recreational vehicles. This building type is a small-scale, freestanding form. The primary entrance is defined by a porch, stoop, or recessed entry. A detached garage with a pitched roof may be present and is secondary to the principal building. Table 21-2200.4J-1, *HUD Manufactured Home Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2200.4J-1, HUD Manufactured Home

Lot		
A	Lot Width *(min.)*	280'
B	Lot Area *(min.)*	5 acres
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	60%
D	Setback from local or private street *(min.)*	15'
E	Side setback *(min.)*	5'
F	Setback from collector or arterial street *(min.)*	30'
G	Rear Setback *(min.)*	20'
Building Height		
H	Building Height *(max.)*	35'
Access and Parking		
	Vehicle Access	From Alley; or Street access allowed when alley is unimproved or not present
	Parking Setback *(min.)*	--
	Street Access, Parking Location	Side See Table 21-4310-1, *Off-Street Parking Requirements*.

Street Level Design[1]	
Primary Street-Facing Attached Garage Door Width *(max per unit)*	No more than 50% of the front facade of the ground floor living area for a two car garage and not more than 60% for a three or more car garage.
Pedestrian Access	--

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

Sec. 21-2210. - Mixed Use and Commercial Districts

Subsec. 21-2210.1 Use Table

A. **Use Table.** All uses of land and buildings within the nonresidential and mixed use zoning districts shall be as set forth in Table 21-2210.1-1, *Mixed Use and Commercial; District Use Table*.

B. **Permitted Land Uses.** The land uses in Table 21-2210.1-1, *Mixed Use and Commercial District Use Table*, below are classified and symbolized by the following:

1. "P" means the use is permitted by-right and is not subject to further use-specific review; however, is subject to other design standards and review procedures of this LDC.

2. "L" means the use is permitted subject to approval by the Community Development Director (Director), Sec. 21-3200, *Limited Use Standards*, and Sec. 21-7400, *Limited Use Permit*.

3. "C" means the use requires a public hearing and conditional use approval subject to Sec. 21-3210, *Conditional Use Standards*, and Sec. 21-7130, *Conditional Use Permit*.

4. "--" means the use is prohibited.

C. **New and Unlisted Uses.** Refer to Sec. 21-3250, *New and Unlisted Uses*.

D. **Use Categories.** The Use Categories in the use table below are further described in Division 4.1, *Use Categories*. Division 4.1, *Use Categories*, provides the characteristics of each use category and identifies the specific uses that make up each category.

Table 21-2210.1-1, Mixed Use and Commercial District Use Table

Use Category	Specific Use	C-1	C-2	MU-C	MU-1	C-C	Standards
Residential Uses[1]							
Household Living	Multi-Unit	L	L	P	P	P	Sec. 21-3200.C.2
	Dwelling, Two-Unit	--	--	--	--	--	--
	Dwelling, Single-Unit	--	--	--	--	--	--
	Live-Work	--	P	P	P	P	--
	Mobile or Manufactured Home	--	--	--	--	--	--
Group Living	Assisted Living Facility	P	P	P	P	--	--
	Boarding, Lodging, or Rooming House	--	--	P	P	--	--
	Group Home, Type A	--	--	L	L	--	Sec. 21-3200.C.1
	Group Home, Type B	--	--	--	--	--	--
	Nursing Home	P	P	P	P	--	--
Public, Institutional, and Civic Uses							
Community Service	All Community Service Uses	L	L	L	L	L	Sec. 21-3200.D.1
Day Care	All Day Care Uses	L	L	L	L	L	Sec. 21-3200.D.2

Table 21-2210.1-1, Mixed Use and Commercial District Use Table							
Use Category	Specific Use	C-1	C-2	MU-C	MU-1	C-C	Standards
Educational Facilities	Nursing or Medical School not Associated with a Hospital	--	C	P	P	P	Sec. 21-3210.C
	University or College	--	C	P	P	P	Sec. 21-3210.C
	All Educational Facilities Other than Listed	L	L	L	L	L	Sec. 21-3200.D.4
Government Facilities	All Government Facilities	P	P	P	P	P	--
Medical Facilities	Hospital	--	C	--	--	C	Sec. 21-3210.C
	All Medical Facilities Other than Listed	P	P	P	P	P--	--
Parks and Open Areas	Dog Park, Public	L	L	L	L	L	Sec. 21-3200.D.3
	All Park and Open Areas Other than Listed	P	P	P	P	P	--
Passenger Terminals	All Passenger Terminal Uses	--	--	--	--	--	--
Places of Worship	All Places of Worship	L	L	L	L	L	Sec. 21-3200.D.1
Social Service Establishments	All Social Service Establishment Uses Other than Listed	--	--	--	--	--	--
Utilities, Major	Electric Substation and Gas Regulator Station	C	C	C	C	C	Sec. 21-3210.F.2
	All Major Utilities	C	C	C	C	C	Sec. 21-3210.C
Utilities, Minor	Small Wind Entergy Conversion System (Windmill)	L	L	L	L	L	Sec. 21-3200.D.5
	All Minor Utilities Other than Listed	P	P	P	P	P	--
Commercial Uses							
Commercial, Drive-Through	All Commercial Drive-Through Uses	L	L	L	L	L	Sec. 21-3200.E.5
Marijuana Use	Marijuana Store	--	L	--	--	--	Sec. 21-3200.E.8
	All Marijuana Uses Other than Listed	--	--	--	--	--	--
Office Uses	Bail Bond Office	--	L	--	--	--	Sec. 21-3200.E.3
	Natural Medicine Healing Center	L	L	L	L	L	
	All Office Uses Other than Listed	P	P	L	L	L	Sec. 21-3200.E.9
Overnight Accommodations	Bed and Breakfast	P	--	--	--	--	Sec. 21-3200. E.1
	All Overnight Accommodation Uses Other than Listed	P	P	P	P	P	--
Parking, Commercial	All Commercial Parking Uses	--	--	C	C	C	Sec. 21-3210.C
Recreation, Indoor	Indoor Gun Clubs	--	L	L	L	L	Sec. 21-3200.E.12
	All Indoor Recreation Uses	P	P	P	P	P	Sec. 21-3200.E.12
Recreation, Outdoor	All Outdoor Recreation Uses	P	P	--	--	--	--

Table 21-2210.1-1, Mixed Use and Commercial District Use Table							
Use Category	Specific Use	C-1	C-2	MU-C	MU-1	C-C	Standards
Restaurant	Brewpub	L	L	L	L	L	Sec. 21-3200.E.4
	All Restaurant Uses Other than Listed	P	P	P	P	P	--
Retail Repair, Sales, and Service	Age-Restricted Retail	--	L	L	L	L	Sec. 21-3200.E.6
	All Retail Repair, Sales, and Service Uses Greater than 25,000 Square Feet in Floor Area	--	C	C	C	C	Sec. 21-3210.C
	Doggie Day Care	L	L	L	L	L	Sec. 21-3200.G.3
	Flea Market	--	--	--	--	--	--
	Pawn Shop	--	L	--	--	--	Sec. 21-3200.E.11
	All Retail Repair, Sales, and Service Uses Other than Listed	P	P	P	P	P	--
Vehicle Sales and Service	Car Wash	--	L	L	--	L	Sec. 21-3200.E.2
	Fuel Sales	--	L	L	--	L	Sec. 21-3200.E.7
	Heavy Vehicle Sales and Rental	--	--	--	--	--	--
	Transportation Terminal and Truck Stop	--	--	--	--	--	--
	Vehicle Sales and Rental less than 3 Acres in Site Area	--	L	--	--	L	Sec. 21-3200.E.15
	Vehicle Sales and Rental Greater than 3 Acres in Site Area	--	C	--	--	C	Sec. 21-3210.C
	Vehicle Repair, Major	--	--	--	--	--	--
	Vehicle Servicing, Minor	--	L	L	L	L	Sec. 21-3200.E.14
	All Vehicle Sales and Service Uses Other than Listed	--	L	--	--	L	Sec. 21-3200.E.14
Industrial Uses							
Heavy Industrial	All Heavy Industrial Uses	--	--	--	--	--	--
Light Industrial	Artisan/Handcrafted Manufacturing	L	L	L	L	P	Sec. 21-3200.F.2
	All Light Industrial Uses Other than Listed	--	--	--	--	--	--
Warehousing	All Warehousing Uses Other than Listed	--	--	--	--	--	--
Waste-Related	All Waste-Related Uses Other than Listed	--	--	--	--	--	--
Wholesale and Distribution	All Wholesale Distribution Other than Listed	--	--	--	--	--	--
Open Use Categories							
Agriculture and Animal-Oriented Uses	Community Garden	L	L	L	L	L	Sec. 21-3200.G.2
	Greenhouse/Nursery/Tree Production (With Outdoor Storage)	L	L	L	--	L	Sec. 21-3200.G.4
	Kennel	--	--	--	--	--	--
	Agriculture Uses Other than Listed	--	--	--	--	--	--
Resource Extraction	All Resource Extraction Uses Other than Listed	--	--	--	--	--	--

Table 21-2210.1-1, Mixed Use and Commercial District Use Table							
Use Category	Specific Use	C-1	C-2	MU-C	MU-1	C-C	Standards

Table Notes:

1. No new residential use shall be established on any property that lies within an airport noise contour of 55 DNL (day-night noise level) or higher.

Subsec. 21-2210.2 Development Options

Table 21-2210.2-1, Mixed Use and Commercial Development Options			
Development Option	**Intent Statement**	**Applicable Zoning District**	**Open or Amenity Space (Min.)**
Mixed Use, Commercial	Promote pedestrian-friendly, high-quality development and gathering spaces that support both neighborhood-scale development and oriented businesses that serve local residents.	C-1, C-2, MU-C	10%
Mixed Use, Neighborhood	Promote pedestrian-friendly, mixed use centers where housing, businesses, and public spaces are seamlessly integrated. Encourage neighborhood-scaled buildings and walkable streets, human-scaled design, and a mix of uses that support daily needs.	MU-1, C-1	20%
Mixed Use, Regional	Promote pedestrian-friendly, mixed use centers where housing, businesses, and public spaces are seamlessly integrated. Encourage larger-scaled buildings and walkable streets, human-scaled design, and a mix of uses that support needs. These areas should also accommodate regional destinations that attract visitors.	C-2, C-C	10%

Subsec. 21-2210.2A Mixed Use, Commercial

A. **General.** Promote pedestrian-friendly, high-quality development and gathering spaces that support both neighborhood-scale development and oriented businesses that serve local residents.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2210.1, *Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2210.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2210.2A-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Mixed Use, Commercial; development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2210.2A-1, Mixed Use Commercial

Table 21-2210.2A-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

Building Types	C-1	C-2	MU-C	Specific Standards
Apartment/Condominium	--	●	●	Subsec. 21-2200.4H
Multiplex	--	●	●	Subsec. 21-2200.4G
Townhouse[1]	--	●	●	Subsec. 21-2200.4D

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options,* and Article IV, *Design Standards*.

Table 21-2210.2A-1, Building Forms by Zoning District				
Key: ● = Permitted | -- = Prohibited				
Building Types	C-1	C-2	MU-C	Specific Standards
Rowhouse[1]	--	●	●	Subsec. 21-2200.4F
Live-Work	●	●	●	Subsec. 21-2210.4A
Mixed Use	●	●	●	Subsec. 21-2210.4B
Commercial (Single-Tenant)	●	●	●	Subsec. 21-2210.4C
Commercial (Multi-Tenant)	●	●	●	Subsec. 21-2210.4D
Commercial (Drive Through)	●	●	●	Subsec. 21-2210.4E
Office-Institutional	●	●	●	Subsec. 21-2210.4F
Parking Structure		--	●	Subsec. 21-2210.4G

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Subsec. 21-2210.2B Mixed Use, Neighborhood

A. **General.** Promote pedestrian-friendly, mixed use centers where housing, businesses, and public spaces are seamlessly integrated. Encourage neighborhood-scaled buildings and walkable streets, human-scaled design, and a mix of uses that support daily needs.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2210.1, *Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2210.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2210.2B-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Mixed Use, Neighborhood development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2210.2B-1, Mixed Use, Neighborhood

Table 21-2210.2B-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

Building Types		C-1	MU-1	Specific Standards
	Apartment/Condominium	--	●	Subsec. 21-2200.4H
	Multiplex	--	●	Subsec. 21-2200.4G
	Townhouse[1]	--	●	Subsec. 21-2200.4D

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Table 21-2210.2B-1, Building Forms by Zoning District			
Key: ● = Permitted | -- = Prohibited			
Building Types	**C-1**	**MU-1**	**Specific Standards**
Rowhouse[1]	--	●	Subsec. 21-2200.4F
Live-Work	●	●	Subsec. 21-2210.4A
Mixed Use	●	●	Subsec. 21-2210.4B
Commercial (Single-Tenant)	●	●	Subsec. 21-2210.4C
Commercial (Multi-Tenant)	●	●	Subsec. 21-2210.4D
Commercial (Drive Through)	●	●	Subsec. 21-2210.4E
Office-Institutional	●	●	Subsec. 21-2210.4F
Parking Structure	--	●	Subsec. 21-2210.4G

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Subsec. 21-2210.2C Mixed Use, Regional

A. **General.** Promote pedestrian-friendly, mixed use centers where housing, businesses, and public spaces are seamlessly integrated. Encourage larger-scaled buildings and walkable streets, human-scaled design, and a mix of uses that support needs. These areas should also accommodate regional destinations that attract visitors.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2210.1, *Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2210.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2210.2C-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Mixed Use, Regional development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2210.2C-1, Mixed Use, Regional

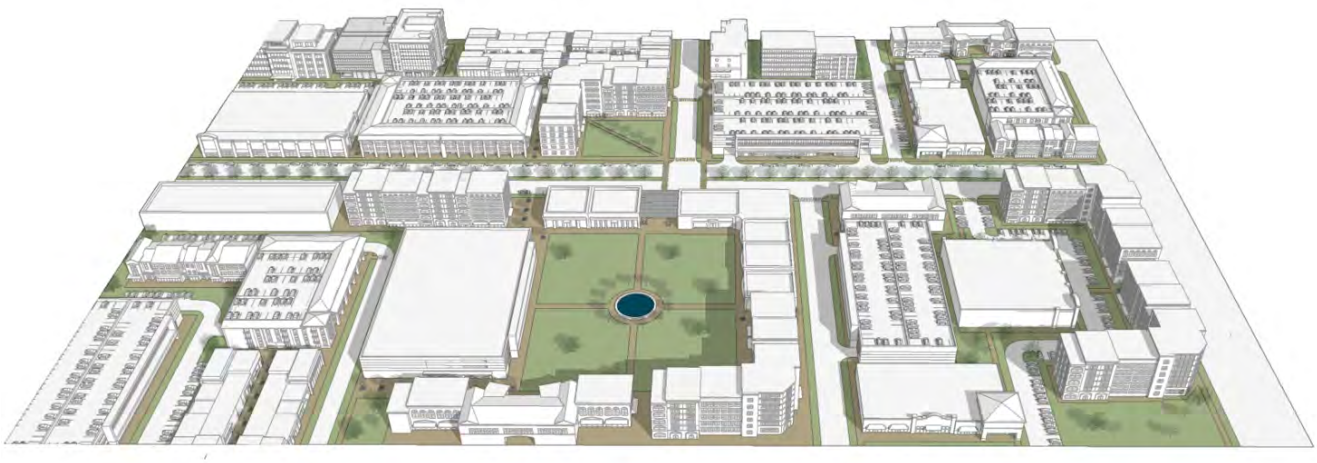


Table 21-2210.2C-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

Building Types		C-2	MU-1	C-C	Specific Standards
	Apartment/Condominium	●	●	●	Subsec. 21-2200.4H
	Multiplex	●	●	●	Subsec. 21-2200.4G
	Townhouse[1]	●	●	●	Subsec. 21-2200.4D

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Table 21-2210.2C-1, Building Forms by Zoning District				
Key: ● = Permitted | -- = Prohibited				
Building Types	**C-2**	**MU-1**	**C-C**	**Specific Standards**
Rowhouse[1]	●	●	●	Subsec. 21-2200.4F
Live-Work	●	●	●	Subsec. 21-2210.4A
Mixed Use	●	●	●	Subsec. 21-2210.4B
Commercial (Single-Tenant)	●	●	●	Subsec. 21-2210.4C
Commercial (Multi-Tenant)	●	●	●	Subsec. 21-2210.4D
Commercial (Drive Through)	●	--	--	Subsec. 21-2210.4E
Office-Institutional	●	●	●	Subsec. 21-2210.4F
Industrial	--	--	●	Subsec. 21-2220.3A
Parking Structure	--	●	●	Subsec. 21-2210.4G

Table Notes:

1. Building form is permitted within Court developments, which are further defined and regulated in Subsec. 21-2200.2, *Development Options*, and Article IV, *Design Standards*.

Subsec. 21-2210.3 Zoning Districts

Subsec. 21-2210.3A Neighborhood Commercial (C-1)

Purpose. The Neighborhood Commercial (C-1) District accommodates a mix of commercial, retail, office, and multi-unit housing. The district emphasizes commercial uses, including on the ground floor of mixed use buildings, and includes limitations on multi-unit housing to preserve opportunities for commercial activity. This district is intended to provide commercial uses and services that serve nearby residents and is not meant to include businesses that generate intensive, high-traffic activity.

Figure 21-2210.3A-1, C-1 District Illustrative example

A. **Applicability.** The C-1 district is appropriate for a variety of lot sizes with commercial, office, and mixed use development. This district is intended to be utilized in various character areas where locally-serving activity centers are envisioned, including the North Range Commercial designated in the Economic Development Framework of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2210.3A-1, *C-1 District Illustrative Example*, depicts an example of a typical commercial layout in the C-1 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2210.3A-1, *C-1 References to Related Standards*.

Table 21-2210.3A-1, C-1 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2210
Development Options	Subsec. 21-2210.2
Building Forms	Subsec. 21-2210.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2210.3B Regional Commercial (C-2)

Purpose. The Regional Commercial (C-2) district provides for more intensive business activities that have a regional draw, as well as general retail, commercial, personal and business services, and professional offices. The district emphasizes commercial uses, including on the ground floor of mixed use buildings, and includes limitations on multi-unit housing to preserve opportunities for commercial activity.

Figure 21-2210.3B-1, C-2 District Illustrative Example

A. **Applicability.** The C-2 district is appropriate for larger lot sizes and developments, and is intended to be used in more regional and auto-oriented commercial areas such as the Regional Commercial Areas designated in the Economic Development Framework of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2210.3B-1, *C-2 District Illustrative Example*, depicts an example of a typical commercial layout in the C-2 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2210.3B-1, *C-2 References to Related Standards*.

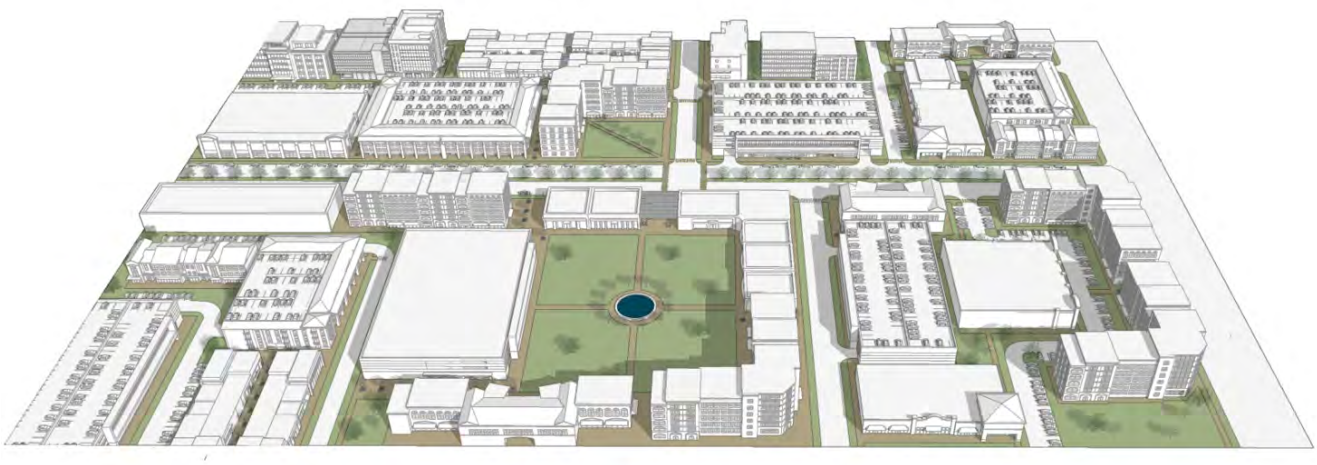
Table 21-2210.3B-1, C-2 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2210
Development Options	Subsec. 21-2210.2
Building Forms	Subsec. 21-2210.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2210.3C Corridor Mixed Use (MU-C)

Purpose. The Corridor Mixed Use (MU-C) district provides for commercial, office, and higher-density residential options along key corridors that provide high visibility and access.

Figure 21-2210.3C-1, MU-C District Illustrative Example



A. **Applicability.** The MU-C district is appropriate for office, commercial, mixed use, and higher density housing such as two-unit dwelling and apartment/condominium buildings, and is intended to be used in the Mixed Commercial Areas designated in the Economic Development Framework of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2210.3C, *MU-C District Illustrative Example*, depicts an example of a typical mixed use layout in the MU-C District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2210.3C-1, *MU-C References to Related Standards*.

Table 21-2210.3C-1, MU-C References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2210
Development Options	Subsec. 21-2210.2
Building Forms	Subsec. 21-2210.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2210.3D Neighborhood Mixed Use (MU-1)

Purpose. The Neighborhood Mixed Use (MU-1) district provides a walkable, urban environment by blending businesses and housing in a small area. Residential is integrated into retail settings, such as retail and commercial on the ground floor and residential above. Building forms clearly define and activate the public street edge and spaces. The overall scale and height of buildings are smaller in size and consistent with surrounding neighborhoods.

Figure 21-2210.3D-1, MU-1 District Illustrative Example

A. **Applicability.** The MU-1 district is appropriate for office, commercial, and vertical mixed use development designated in the Community Connection District and Stadium District Character Areas, and the Derby and Transit-Oriented Development Economic Development Framework Areas of the Comprehensive Plan. This zone district might be applicable in other character areas where a more urban, mixed use environment is envisioned.

B. **District Illustrative Example.** Figure 21-2210.3D-1, *MU-1 District Illustrative Example*, depicts an example of a typical mixed use layout in the MU-1 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2210.3D-1, *MU-1 References to Related Standards*.

Table 21-2210.3D-1, MU-1 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2210
Development Options	Subsec. 21-2210.2
Building Forms	Subsec. 21-2210.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2210.3E Corridor Campus (C-C)

Purpose. The Corridor Campus (C-C) *district provides for office, retail, educational, logistics, technology and research, mixed use, and secondary housing uses and allows projects of innovative design and layout in a highly walkable and campus-like setting organized around public spaces.*

Figure 21-2210.3E-1, C-C District Illustrative Example

A. **Applicability.** The C-C district is appropriate for employment, commercial, and supportive residential development as designated in the E-470 Expressway Corridor District of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2210.3E-1, *C-C District Illustrative Example*, depicts an example of a typical commercial; layout in the C-C District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2210.3E-1, *C-C References to Related Standards*.

Table 21-2210.3E-1, C-C References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2210
Development Options	Subsec. 21-2210.2
Building Forms	Subsec. 21-2210.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2210.4 Building Forms

Subsec. 21-2210.4A Live-Work

Live-Work

A. **Generally.** This Subsection provides design standards for the Live-Work building type. The illustration of a Live-Work building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type combines commercial uses with residential units in one structure, often providing an opportunity for a building or business owner to live and work within the same structure, although this is not required. Those uses may be separated vertically or horizontally. Commercial uses include, but are not limited to, art studios, small offices, and technology support services. The design includes varied massing and articulation techniques to maintain scale and a pedestrian-friendly facade. Table 21-2210.4A-1, *Live-Work Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2210.4A-1, Live-Work Building Type[3]

Lot		
A	Lot Width *(max.)*	N/A
B	Lot Area *(max.)*	N/A
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	**MUC/MUR:** 70% **MUN:** 60%
D	Front Setback *(min.)*	20'
E	Side Setback *(min.)*	Detached Buildings: 10'; Attached Buildings: 0'
F	Corner Setback[2] *(min.)*	15'
G	Rear Setback *(min.)*	Alley: 10'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	**MUC/MUN:** 45' **MUR:** 55'
Access and Parking[4]		
	Vehicle Access	From Alley; or Street access allowed when no Alley present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Street Access, Parking Location[5]	**Primary:** Rear **Secondary:** Side

Street Level Design[1]	
Windows *(min.)*	
Front:	40%
Corner Side:	30%
Side:	10%
Rear:	20%
Ground Floor Activation	
Depth *(min.)*	30'
Non-residential street frontage *(min.)*	50% active use required on ground floor of front façade
Floor to Ceiling Height *(min.)*	14'
Entry Frequency *(multi-tenant buildings)*	Every 50 ft. (max.)

Legend

MUC = Mixed use, Commercial | **MUN** = Mixed use, Neighborhood | **MUR** = Mixed use, Regional

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[2] For corner lots, the dumpster enclosure shall not be located between the building and the street.

[3] Building types less intense than Mixed use are any residential building type and Live-Work.

[4] Refer to Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, for additional related standards.

[5] Secondary front-loaded parking may be permitted in instances where rear or side access is not feasible due to site constraints, topographic conditions, or lack of alley or secondary street access. To mitigate the prominence of parking along the frontage, enhanced landscaping shall be required, including but not limited to increased plantings, low screening walls, and shade trees placed at regular intervals. Refer to Division 4.4, *Landscaping, Buffering, and Screening*, for additional related standards.

Subsec. 21-2210.4B Mixed Use

Mixed Use

A. **Generally.** This Subsection provides design standards for the Mixed Use building type. The illustration of a Mixed Use building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type houses retail, office, commercial, and residential uses on the upper floors. The parking is sometimes in a single structure. The design is intended to be compatible in mass and scale with a pedestrian. The design characteristics are usually varying heights, highly articulated masses, and a pedestrian-friendly facade. The entrances shall be clearly defined with canopies and awnings. High quality and durable materials are features of this building type. Table 21-2210.4B-1, *Mixed Use Building Type*, illustrates this building type and establishes the dimensional standards.

C. **Active Ground Floor Non-Residential Use Standards.** These standards apply to ground floor spaces facing any public street, plaza, paseo, or other publicly accessible open space within the Mixed Use Regional (MUR), Mixed Use Commercial (MUC), and Mixed Use Neighborhood (MUN) development options, as specified in Table 21-2210.4B-1, *Mixed Use Building Type*. The uses listed below are considered qualifying active ground floor non-residential uses for the purposes of meeting frontage, depth, and floor height requirements in this Subsection. However, inclusion in this list does not imply that a use is permitted by-right in all zoning districts. Permitted uses, along with any additional use-specific standards, are governed by Article IV, *Use Standards*.

1. *Qualifying Uses.* The following are considered active ground floor non-residential uses:

   a. Retail sales and service establishments;

   b. Restaurants, cafés, and bakeries;

c. Art galleries and studios;

d. Personal service uses (e.g., salons, tailors, fitness studios);

e. Commercial office space (including co-working spaces); and

f. Civic, cultural, or educational facilities with public access (e.g., libraries, museums, community centers).

2. *Non-Qualifying Uses.* The following uses do not qualify as active ground floor uses:

a. Residential uses, including leasing offices, tenant gyms, or resident lounges;

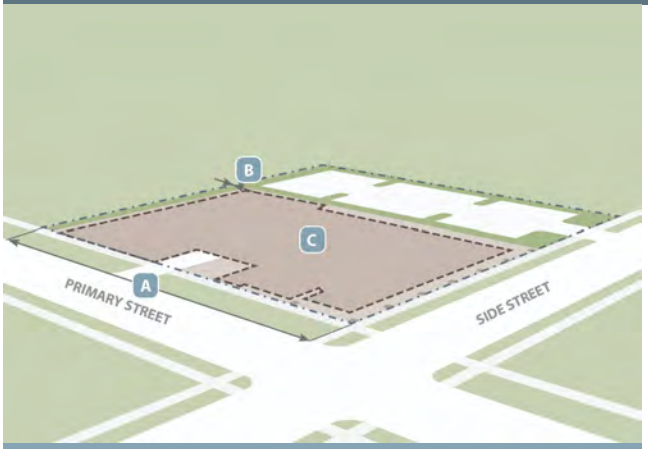
b. Structured parking or garages;

c. Storage spaces, including self-storage facilities;

d. Vehicle-oriented uses (e.g., gas stations, drive-throughs, car washes); and

e. Utility, mechanical, or service areas.

Table 21-2210.4B-1, Mixed Use Building Type[3]



Lot		
A	Lot Width *(max.)*	N/A
B	Lot Area *(max.)*	N/A
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	**MUC/MUR:** 75% **MUN:** 65%
D	Front Setback *(min./max.)*	0 - 10'
E	Side Setback *(min.)*	Detached Buildings: 10'; Attached Buildings: 0'
F	Corner Setback[2] *(min.)*	15'
G	Rear Setback *(min.)*	Alley: 10'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	**MUN & MUC:** 45' **MUR:** 75'
Access and Parking[4]		
	Vehicle Access	From Alley; or Street access allowed when no Alley present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Street Access, Parking Location[5]	**Primary:** Rear/Side **Secondary:** Front *(62' width max.)*

Street Level Design[1]	
Windows *(min.)*	
Front:	40%
Corner Side:	30%
Side:	10%
Rear:	20%
Ground Floor Activation	
Depth *(min.)*	30'
Non-residential street frontage *(min.)*	50% active use required on ground floor of front façade
Floor to Ceiling Height *(min.)*	14'
Entry Frequency *(multi-tenant buildings)*	Every 50 ft. (max.)

Legend

MUC = Mixed Use, Commercial | **MUN** = Mixed Use, Neighborhood | **MUR** = Mixed Use, Regional

Table Notes:

[1] Refer to Division 5.2, *Building Design Standards*, for additional related standards.

[2] For corner lots, the dumpster enclosure shall not be located between the building and the street.

[3] Building types less intense than Mixed Use are any residential building type and Live-Work.

[4] Refer to Division 5.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, for additional related standards.

[5] Secondary front-loaded parking may be permitted in instances where rear or side access is not feasible due to site constraints, topographic conditions, or lack of alley or secondary street access. To mitigate the prominence of parking along the frontage, enhanced landscaping shall be required, including but not limited to increased plantings, low screening walls, and shade trees placed at regular intervals. Refer to Division 4.4, *Landscaping, Buffering, and Screening,* for additional related standards.

Subsec. 21-2210.4C Commercial (Single-Tenant)

Commercial (Single-Tenant)

A. **Generally.** This Subsection provides design standards for the Commercial (Single-Tenant) building type. The illustration of a Commercial building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type houses commercial uses, such as retail and service-oriented businesses. It occurs in a variety of sizes from a small retail store to a large grocery store. It has a pedestrian-friendly facade. Entrances are clearly defined with canopies and awnings. Table 21-2210.4C-1, *Commercial (Single-Tenant) Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2210.4C-1, Commercial (Single-Tenant) Building Type[3]

Lot		
A	Lot Width *(max.)*	N/A
B	Lot Area *(max.)*	N/A
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	**MUC/MUR:** 75% **MUN:** 60%
D	Front Setback *(min.)*	15'
E	Side Setback *(min.)*	Detached Buildings: 10'; Attached Buildings: 0'
F	Corner Setback[2] *(min.)*	15'
G	Rear Setback *(min.)*	Alley: 15'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	45'
Access and Parking[4]		
	Vehicle Access	From Alley; or Street access allowed when no Alley present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Street Access, Parking Location[5]	**Primary:** Rear/Side **Secondary:** Front *(62' width max.)*

Street Level Design[1]	
Windows *(min.)*	
Front:	40%
Corner Side:	30%
Side:	10%
Rear:	20%

Legend

MUC = Mixed Use, Commercial | **MUN** = Mixed Use, Neighborhood | **MUR** = Mixed Use, Regional

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[2] For corner lots, the dumpster enclosure shall not be located between the building and the street.

[3] Building types less intense than Mixed Use are any residential building type and Live-Work.

[4] Refer to Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, for additional related standards.

[5] Secondary front-loaded parking may be permitted in instances where rear or side access is not feasible due to site constraints, topographic conditions, or lack of alley or secondary street access. To mitigate the prominence of parking along the frontage, enhanced landscaping shall be required, including but not limited to increased plantings, low screening walls, and shade trees placed at regular intervals. Refer to Division 4.4, *Landscaping, Buffering, and Screening*, for additional related standards.

Subsec. 21-2210.4D Commercial (Multi-Tenant)

Commercial (Multi-Tenant)

A. **Generally.** This Subsection provides design standards for the Commercial (Multi-Tenant) building type. The illustration of a Commercial building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type houses commercial uses, such as retail and service-oriented businesses. It occurs in a variety of sizes from a small retail store to a large grocery store. It has a pedestrian-friendly facade. Entrances are clearly defined with canopies and awnings. Table 21-2210.4D-1, *Commercial (Multi-Tenant) Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2210.4D-1, Commercial (Multi-Tenant) Building Type[3]

Lot		
A	Lot Width *(max.)*	N/A
B	Lot Area *(max.)*	N/A
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	**MUC/MUR:** 75% **MUN:** 60%
D	Front Setback *(min.)*	15'
E	Side Setback *(min.)*	10'
F	Corner Setback[2] *(min.)*	15'
G	Rear Setback *(min.)*	Alley: 15'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	45'
Access and Parking[4]		
	Vehicle Access	From Alley; or Street access allowed when no Alley present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Street Access, Parking Location[5]	**Primary:** Rear/Side **Secondary:** Front *(62' width max.)*

Street Level Design[1]	
Windows *(min.)*	
Front:	40%
Corner Side:	30%
Side:	10%
Rear:	20%

Legend

MUC = Mixed Use, Commercial | **MUN** = Mixed Use, Neighborhood | **MUR** = Mixed Use, Regional

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[2] For corner lots, the dumpster enclosure shall not be located between the building and the street.

[3] Building types less intense than Mixed Use are any residential building type and Live-Work.

[4] Refer to Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, for additional related standards.

[5] Secondary front-loaded parking may be permitted in instances where rear or side access is not feasible due to site constraints, topographic conditions, or lack of alley or secondary street access. To mitigate the prominence of parking along the frontage, enhanced landscaping shall be required, including but not limited to increased plantings, low screening walls, and shade trees placed at regular intervals. Refer to Division 4.4, *Landscaping, Buffering, and Screening*, for additional related standards.

Subsec. 21-2210.4E Commercial (Drive-Through)

Commercial (Drive-Through)

A. **Generally.** This Subsection provides design standards for the Commercial (Drive-Through) building type. The illustration of a Commercial building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type houses commercial uses, such as retail and service-oriented businesses. It occurs in a variety of sizes from a small retail store to a large grocery store. It has a pedestrian-friendly facade. Entrances are clearly defined with canopies and awnings. Table 21-2210.4E-1, *Commercial (Drive Through) Building Type*, illustrates this building type and establishes the dimensional standards.

C. **Use**. The building type shall only be associated with the Restaurant and Office use categories.

D. **Limited Use Standards**. Refer to Sec. 21-3200, *Limited Use Standards*, for standards related to stacking, aisle width, screening, architecture, and other requirements for drive-through facilities in certain districts.

Table 21-2210.4E-1, Commercial (Drive-Through) Building Type[3]

Lot		
A	Lot Width *(max.)*	N/A
B	Lot Area *(max.)*	N/A
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	**MUC/MUR:** 60% **MUN:** 50%
D	Front Setback *(min.)*	20'
E	Side Setback *(min.)*	10'
F	Corner Setback[2] *(min.)*	15'
G	Rear Setback *(min.)*	Alley: 15'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	45'
Access and Parking[4]		
	Vehicle Access	From Alley; or Street access allowed when no Alley present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Street Access, Parking Location[5]	**Primary:** Rear/Side **Secondary:** Front *(62' width max.)*

Street Level Design[1]	
Windows *(min.)*	
Front:	40%
Corner Side:	30%
Side:	10%
Rear:	20%

Legend

MUC = Mixed Use, Commercial | **MUN** = Mixed Use, Neighborhood | **MUR** = Mixed Use, Regional

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[2] For corner lots, the dumpster enclosure shall not be located between the building and the street.

[3] Building types less intense than Mixed Use are any residential building type and Live-Work.

[4] Refer to Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, for additional related standards.

[5] Secondary front-loaded parking may be permitted in instances where rear or side access is not feasible due to site constraints, topographic conditions, or lack of alley or secondary street access. To mitigate the prominence of parking along the frontage, enhanced landscaping shall be required, including but not limited to increased plantings, low screening walls, and shade trees placed at regular intervals. Refer to Division 4.4, *Landscaping, Buffering, and Screening*, for additional related standards.

Subsec. 21-2210.4F Office-Institutional

Office-Institutional

A. **Generally.** This Subsection provides design standards for the Office-Institutional building type. The illustration of an Office-Institutional building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type provides space for a variety of businesses, civic uses, and public organizations, including medical facilities, public assembly, and corporate offices. A pedestrian-friendly facade is achieved by incorporating transparency, clearly defined entrances, and architectural details. Table 21-2210.4F-1, *Office-Institutional Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2210.4F-1, Office-Institutional Building Type[3]

Lot		
A	Lot Width *(max.)*	N/A
B	Lot Area *(max.)*	N/A
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	**MUC/MUR:** 75% **MUN:** 60%
D	Front Setback *(min.)*	15'
E	Side Setback *(min.)*	10'
F	Corner Setback[2] *(min.)*	15'
G	Rear Setback *(min.)*	Alley: 15'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	**MUN/MUC:** 45' **MUR:** 75'
Access and Parking[4]		
	Vehicle Access	From Alley; or Street access allowed when no Alley present
	Parking Setback *(min.)*	Front, Street: 20' Alley: 5'
	Street Access, Parking Location[5]	**Primary:** Rear/Side **Secondary:** Front *(62' width max.)*

Street Level Design[1]	
Windows *(min.)*	
Front:	40%
Corner Side:	30%
Side:	10%
Rear:	20%

Legend

MUC = Mixed Use, Commercial | **MUN** = Mixed Use, Neighborhood | **MUR** = Mixed Use, Regional

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[2] For corner lots, the dumpster enclosure shall not be located between the building and the street.

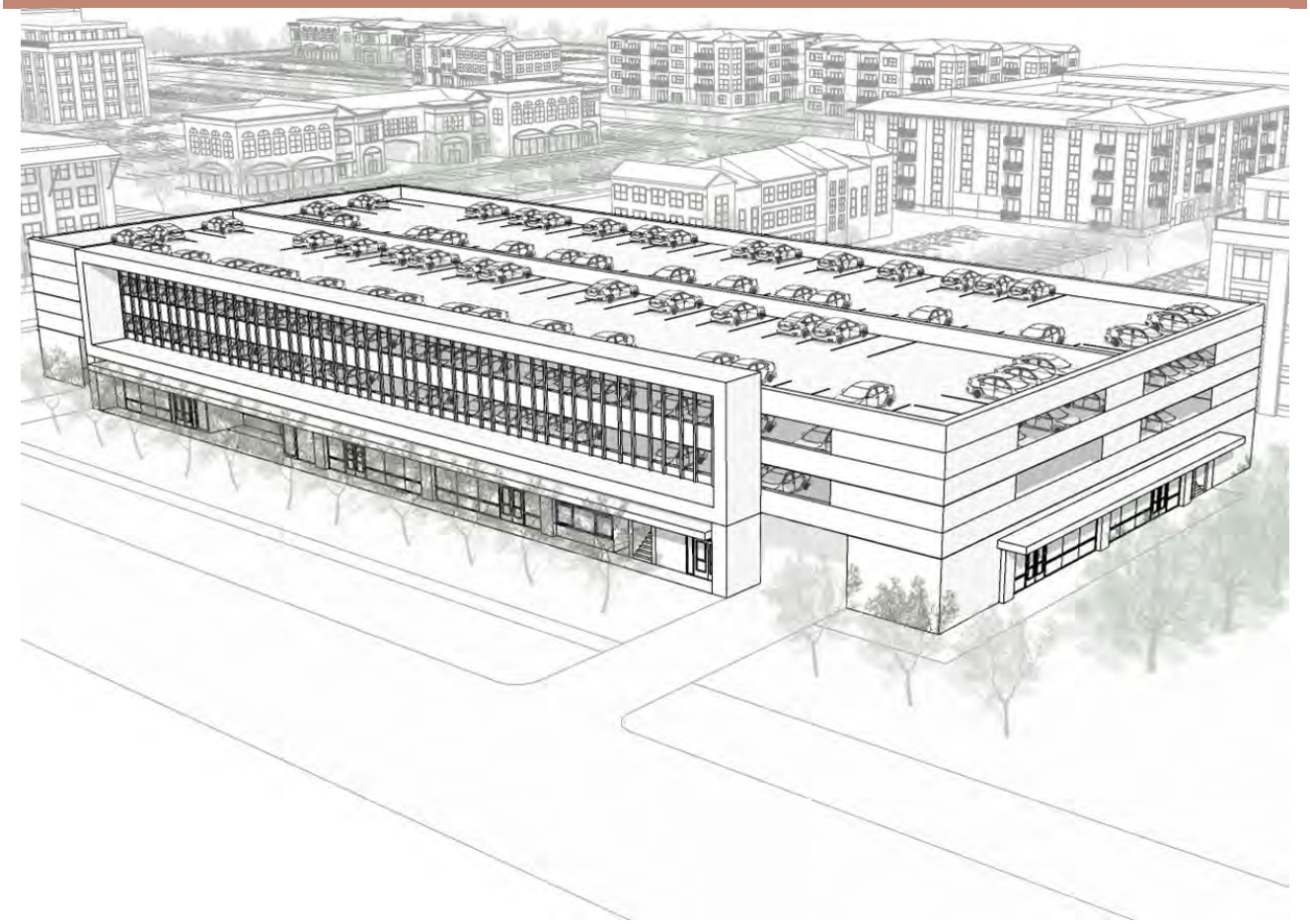
[3] Building types less intense than Mixed Use are any residential building type and Live-Work.

[4] Refer to Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, for additional related standards.

[5] Secondary front-loaded parking may be permitted in instances where rear or side access is not feasible due to site constraints, topographic conditions, or lack of alley or secondary street access. To mitigate the prominence of parking along the frontage, enhanced landscaping shall be required, including but not limited to increased plantings, low screening walls, and shade trees placed at regular intervals. Refer to Division 4.4, *Landscaping, Buffering, and Screening*, for additional related standards.

Subsec. 21-2210.4G Parking Structure

Parking Structure



A. **Generally.** This Subsection provides design standards for the Parking Structure building type. The illustration of a Parking Structure building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type accommodates vehicle parking in a form that is designed to be compatible with character of the surrounding area. Cars are concealed to the greatest extent possible and auto entries are visually subordinate. This is accomplished by concealing the garage space with other active uses as a "wrap" around parking spaces, or with architectural screens that provide visual interest and a sense of human scale. Table 21-2210.4G-1, *Parking Structure Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2210.4G-1, Parking Structure Building Type[3]

Lot		
A	Lot Width *(max.)*	N/A
B	Lot Area *(max.)*	N/A
Setbacks and Building Coverage		
C	Building Coverage *(max.)*	70%
D	Front Setback *(min.)*	20'
E	Side Setback *(min.)*	15'
F	Corner Setback[2] *(min.)*	15'
G	Rear Setback *(min.)*	Alley: 15'; No Alley: 20'
Building Height		
H	Building Height *(max.)*	75'
Access and Parking[4]		
	Vehicle Access	From Alley; or Street access allowed when no Alley present
	Street Access, Parking Location[5]	Integrated into block or placed behind mixed use buildings

Street Level Design[1]	
Windows *(min.) for parking structures with ground-floor commercial uses*	
Front:	40%
Corner Side:	30%
Side:	10%
Rear:	20%
Screening Required	Conceal views of autos from public streets and open spaces
Street-Level Facade	A brick, masonry, precast or similar wall at least 42 inches high shall be provided at street level when within 40' of a public street or open space.

Legend

MUC = Mixed Use, Commercial | **MUN** = Mixed Use, Neighborhood | **MUR** = Mixed Use, Regional

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[2] For corner lots, the dumpster enclosure shall not be located between the building and the street.

[3] Building types less intense than Mixed Use are any residential building type and Live-Work.

[4] Refer to Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, for additional related standards.

[5] Secondary front-loaded parking may be permitted in instances where rear or side access is not feasible due to site constraints, topographic conditions, or lack of alley or secondary street access. To mitigate the prominence of parking along the frontage, enhanced landscaping shall be required, including but not limited to increased plantings, low screening walls, and shade trees placed at regular intervals. Refer to Division 4.4, *Landscaping, Buffering, and Screening*, for additional related standards.

Sec. 21-2220. - Industrial Districts

Subsec. 21-2220.1 Use Table

A. **Use Table.** All uses of land and buildings within the industrial zoning districts shall be as set forth in Table 21-2220.1-1, *Industrial District Use Table*.

B. **Permitted Land Uses.** The land uses in Table 21-2220.1-1, *Industrial District Use Table*, below are classified and symbolized by the following:

1. "P" means the use is permitted by-right and is not subject to further use-specific review; however, is subject to other design standards and review procedures of this LDC.

2. "L" means the use is permitted subject to approval by the Community Development Director (Director), Sec. 21-4200, *Limited Use Standards*, and Sec. 21-7400, *Limited Use Permit*.

3. "C" means the use requires a public hearing and conditional use approval subject to Sec. 21-4210, *Conditional Use Standards*, and Sec. 21-7250, *Conditional Use Permit*.

4. "--" means the use is prohibited.

C. **New and Unlisted Uses.** Refer to Sec. 21-3250, *New and Unlisted Uses*.

D. **Use Categories.** The Use Categories in the use table below are further described in Division 4.1, *Use Categories*. Division 4.1, *Use Categories*, provides the characteristics of each use category and identifies the specific uses that make up each category.

Table 21-2220.1-1, Industrial District Use Table

Use Category	Specific Use	I-A	I-1	I-2	I-3	Standards
Residential Uses[1]						
Household Living	Apartment/Condominium	--	--	--	--	--
	Dwelling, Two-Unit	--	--	--	--	--
	Dwelling, Single-Unit	--	--	--	--	--
	Live-Work	--	--	--	--	--
Group Living	Assisted Living Facility	--	--	--	--	--
	Boarding, Lodging, or Rooming House	--	--	--	--	--
	Foster Care Home	--	--	--	--	--
	Group Home, Type A	--	L	--	--	Sec. 21-3200.C.1
	Group Home, Type B	--	C	--	--	Sec. 21-3210.D.1
	Nursing Home	--	--	--	--	--
Public, Institutional, and Civic Uses						
Community Service	All Community Service Uses	--	L	--	--	Sec. 21-3200.D.1
Day Care	All Day Care Uses	--	L	--	--	Sec. 21-3200.D.2

Table 21-2220.1-1, Industrial District Use Table						
Use Category	Specific Use	I-A	I-1	I-2	I-3	Standards
Educational Facilities	Nursing or Medical School not Associated with a Hospital	C	C	--	--	Sec. 21-3210.C
	University or College	C	C	--	--	Sec. 21-3210.C
	All Educational Facilities Other than Listed	L	L	--	--	Sec. 21-3200.D.4
Government Facilities	All Government Facilities	--	--	--	--	--
Medical Facilities	Hospital	--	C	--	--	Sec. 21-3210.C
	All Medical Facilities Other than Listed	P	P	--	--	--
Parks and Open Areas	Campground	--	--	--	--	--
	Cemetery or Mausoleum	--	--	--	--	--
	Dog Park, Public	--	--	--	--	--
	All Park and Open Areas Other than Listed	P	P	P	P	--
Passenger Terminals	Airport	--	C	C	C	Sec. 21-3210.C
	All Passenger Terminal Uses Other than Listed	C	C	P	P	Sec. 21-3210.C
Places of Worship	All Places of Worship	--	--	--	--	--
Social Service Establishments	Correctional Facility (Private)	--	C	C	C	Sec. 21-3210.C
	Halfway House	--	C	C	C	Sec. 21-3210.C
	All Social Service Establishment Uses Other than Listed	P	P	P	P	--
Utilities, Major	Electric Substation and Gas Regulator Station	C	C	C	C	Sec. 21-3210.F.2
	All Major Utilities	C	C	C	C	Sec. 21-3210.C
Utilities, Minor	Small Wind Entergy Conversion System (Windmill)	L	L	L	L	Sec. 21-3200.D.5
	All Minor Utilities Other than Listed	P	P	P	P	--
Commercial Uses						
Marijuana Use	All Marijuana Uses	--	L	L	L	Sec. 21-3200.E.8
Office Uses	Bail Bond Office	--	L	--	--	Sec. 21-3200.E.3
	All Office Uses	P	P	P	--	--
Overnight Accommodations	Bed and Breakfast	--	--	--	--	--
	All Overnight Accommodation Uses Other than Listed	P	--	--	--	--
Parking, Commercial	All Commercial Parking Uses	L	--	--	L	Sec. 21-3200.B.10
Recreation, Indoor	Sexually-Oriented Business	--	L	L	L	Sec. 21-3200.E.13
	All Indoor Recreation Uses	--	P	--	--	--
Recreation, Outdoor	All Outdoor Recreation Uses	P	P	--	--	--

Table 21-2220.1-1, Industrial District Use Table						
Use Category	Specific Use	I-A	I-1	I-2	I-3	Standards
Restaurant	Brewpub	L	--	--	--	Sec. 21-3200.E.4
	Restaurant, Fast Food	P	--	--	--	--
	All Restaurant Uses Other than Listed	P	--	--	--	--
Retail Repair, Sales, and Service	Age-Restricted Retail	L	L	L	L	Sec. 21-3200.E.6
	All Retail Repair, Sales, and Service Uses Greater than 25,000 Square Feet in Floor Area	P	--	--	--	--
	Doggie Day Care	L	L	--	--	Sec. 21-3200.G.3
	Flea Market	--	C	C	--	Sec. 21-3210.C
	Pawn Shop	--	L	--	--	Sec. 21-3200.E.11
	All Retail Repair, Sales, and Service Uses Other than Listed	P	P	--	--	--
Vehicle Sales and Service	Car Wash	--	--	--	--	--
	Fuel Sales	--	L	L	--	Sec. 21-3200.E.7
	Heavy Vehicle Sales and Rental	--	L	L	L	Sec. 21-3200.E.15
	Transportation Terminal and Truck Stop	C	C	C	C	Sec. 21-3210.F.10
	Vehicle Sales and Rental Less than 3 Acres in Site Area	--	L	--	--	Sec. 21-3200.G.15
	Vehicle Sales and Rental Greater than 3 Acres in Site Area	--	C	--	--	Sec. 21-3210.C
	Vehicle Repair, Major	--	L	L	L	
	Vehicle Servicing, Minor	L	L	L	L	Sec. 21-3200.E.14
	All Vehicle Sales and Service Uses Other than Listed	L	L	L	L	Sec. 21-3200.E.14
Industrial Uses						
Heavy Industrial	Transportation Terminal where Vehicles Carry Flammable, Explosive, Hazardous, or High Toxic Materials	--	--	--	C	Sec. 21-3210.F.9
	All Heavy Industrial Uses	--	--	--	C	Sec. 21-3210.C
Light Industrial	Artisan/Handcrafted Manufacturing	L	L	--	--	Sec. 21-3200.F.2
	All Light Industrial Uses Other than Listed	P	P	P	--	--

Table 21-2220.1-1, Industrial District Use Table						
Use Category	Specific Use	I-A	I-1	I-2	I-3	Standards
Warehousing	Above-Ground Storage Tank, Less than 48,000 Gallons	--	L	L	L	Sec. 21-3200.F.1
	Above-Ground Storage Tank, More than 48,000 Gallons	--	--	--	C	Sec. 21-3210.F.1
	Bulk Grain Transfer Facility	--	--	L	L	Sec. 21-3200.F.3
	Data Center	C	C	C	C	Sec. 21-3210.C
	Outdoor Storage	--	--	L	L	Sec. 21-3200.F.5
	Self-Service Storage	--	L	L	--	Sec. 21-3200.F.4
	All Warehousing Uses Other than Listed	P	P	P	P	--
Waste-Related	Hazardous Waste Collection, Treatment, and Disposal	--	--	--	C	Sec. 21-3210.F.3
	Landfill, Construction/Demolition or Solid Waste	--	--	--	C	Sec. 21-3210.F.4
	Material Resource Recovery Facilities	--	--	--	C	Sec. 21-3210.F.6
	Recycling Collection Area, Large	--	--	--	C	Sec. 21-3210.F.5
	Recycling Collection Area, Small	--	--	--	L	Sec. 21-3200.F.5
	Refuse Transfer Facility and/or Transfer Facility	--	--	--	C	Sec. 21-3210.F.7
	Scrap Tire Facility	--	--	--	C	Sec. 21-3210.F.8
	Towing Service with Impound Yard	--	--	L	L	Sec. 21-3200.F.6
	All Waste-Related Uses Other than Listed	--	--	C	C	Sec. 21-3210.C
Wholesale and Distribution	Groceries and Related Products	--	P	P	P	--
	All Wholesale and Distribution Other than Listed	--	--	P	P	--
Open Use Categories						
Agriculture and Animal-Oriented Uses	Agricultural and Animal Production Support, Sales, and Service	--	--	C	C	Sec. 21-3210.C
	Feedlot, Stockyard, and the Commercial Sale of Livestock	--	--	C	C	Sec. 21-3210.G.3
	Community Garden	L	L	L	L	Sec. 21-3200.G.2
	Greenhouse/Nursery/Tree Production (With Outdoor Storage)	--	--	L	L	Sec. 21-3200.G.4
	Kennel	--	L	L	L	Sec. 21-3200.G.5
	Agriculture Uses Other than Listed	--	--	--	--	--

Table 21-2220.1-1, Industrial District Use Table						
Use Category	Specific Use	I-A	I-1	I-2	I-3	Standards
Resource Extraction	Borrow Pit	--	--	--	C	Sec. 21-3210.G.1
	Subsurface Extraction (Including Oil and Natural Gas Extraction)	--	--	C	C	Sec. 21-3210.G.2
	All Resource Extraction Uses Other than Listed	--	--	--	C	Sec. 21-3210.C

Table Notes:

1. No new residential use shall be established on any property that lies within an airport noise contour of 55 DNL (day-night noise level) or higher.

Subsec. 21-2220.2 Development Options

Table 21-2220.2-1, Industrial Development Options			
Development Option	**Intent Statement**	**Applicable Zoning District**	**Open or Amenity Space (Min.)**
Urban, Business and Employment	Create a balanced employment district where light industrial, commercial service and business park uses coexist seamlessly, fostering economic growth, innovation, and job opportunities while remaining compatible with surrounding areas. This includes smaller industrial sites that are located in a more urban setting and may be adjacent to or in close proximity to commercial and residential uses. This requires effective management of industrial uses to minimize their impact on nearby residents and businesses to ensure a balance between economic vitality and community well-being.	I-1, I-2	5%
Suburban, Business and Employment	Create a balanced employment district where light industrial, commercial service and business park uses coexist seamlessly, fostering economic growth, innovation, and job opportunities while remaining compatible with surrounding areas. This requires effective management of industrial uses to minimize their impact on nearby residents and businesses to ensure a balance between economic vitality and community well-being.	I-1, I-A, CC	10%
Heavy Manufacturing	Ensure the effective management and containment of the city's most established and impactful industrial uses, minimizing their effects on nearby residents and businesses. This may require greater separation and buffering to balance economic vitality with community well-being. Over time, introduce new employment uses—such as business parks, offices, and light manufacturing—at the edges to create a more compatible transition.	I-1, I-2, I-3	5%

Subsec. 21-2220.2A Urban, Business and Employment

A. **General.** Create a balanced employment district where light industrial, commercial service and business park uses coexist seamlessly, fostering economic growth, innovation, and job opportunities while remaining compatible with surrounding areas. This requires effective management of industrial uses to minimize their impact on nearby residents and businesses, which may include greater separation and buffering for more urban settings to ensure a balance between economic vitality and community well-being.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2220.1-1, *Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2220.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2220.2A-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Urban, Business and Employment development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2220.2A-1, Urban, Business and Employment

Table21-2220.2A-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

Building Types	I-1	I-2	Specific Standards
Commercial (Single-Tenant)	●	●	Subsec. 21-2210.4C
Commercial (Multi-Tenant)	●	●	Subsec. 21-2210.4D
Office-Institutional	●	●	Subsec. 21-2210.4F
Industrial	●	●	Subsec. 21-2220.3A

Subsec. 21-2220.2B Suburban, Business and Employment

A. **General.** Create a balanced employment district where light industrial, commercial service and business park uses coexist seamlessly, fostering economic growth, innovation, and job opportunities while remaining compatible with surrounding areas. This requires effective management of industrial uses to minimize their impact on nearby residents and businesses to ensure a balance between economic vitality and community well-being.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2220.1-1, *Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2220.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2220.2B-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Suburban, Business and Employment development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2220.2B-1, Suburban, Business and Employment

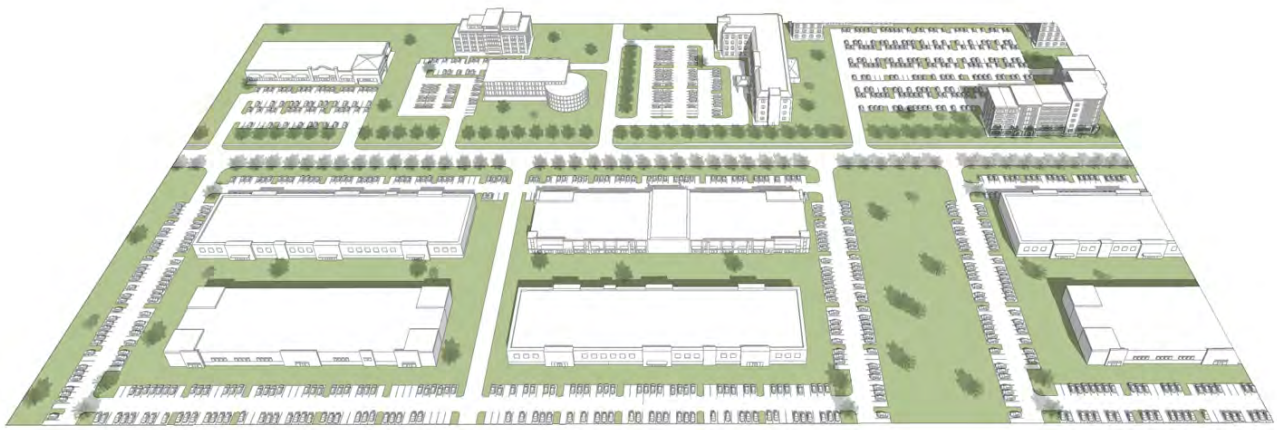


Table 21-2220.2B-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

Building Types		C-C	I-1	I-A	Specific Standards
	Live-Work	●	--	--	Subsec. 21-2210.4A
	Mixed Use	●	--	--	Subsec. 21-2210.4B
	Commercial (Single-Tenant)	●	●	●	Subsec. 21-2210.4C
	Commercial (Multi-Tenant)	●	●	●	Subsec. 21-2210.4D

Table 21-2220.2B-1, Building Forms by Zoning District				
Key: ● = Permitted | -- = Prohibited				
Building Types	C-C	I-1	I-A	Specific Standards
Commercial (Drive Through)	●	--	●	Subsec. 21-2210.4E
Office-Institutional	●	●	●	Subsec. 21-2210.4F
Industrial	●	●	●	Subsec. 21-2220.3A
Parking Structure	●	--	●	Subsec. 21-2210.4G

Subsec. 21-2220.2C Heavy Manufacturing

A. **General.** Ensure the effective management and containment of the city's most established and impactful industrial uses, minimizing their effects on nearby residents and businesses. This may require greater separation and buffering to balance economic vitality with community well-being. Over time, introduce new employment uses—such as business parks, offices, and light manufacturing—at the edges to create a more compatible transition.

B. **Zoning Districts.** The applicable zoning districts can be found in Table 21-2220.1-1, *Development Options*. Additional standards for each zoning district can be found in Subsec. 21-2220.3, *Zoning Districts*.

C. **Building Forms.** Table 21-2220.2C-1, *Building Forms by Zoning District*, shows the building forms that are permitted in each district within the Heavy Manufacturing development option. Standards for each building type can be found in Subsec. 21-2200.4, *Building Forms*.

Figure 21-2220.2C-1, Heavy Manufacturing

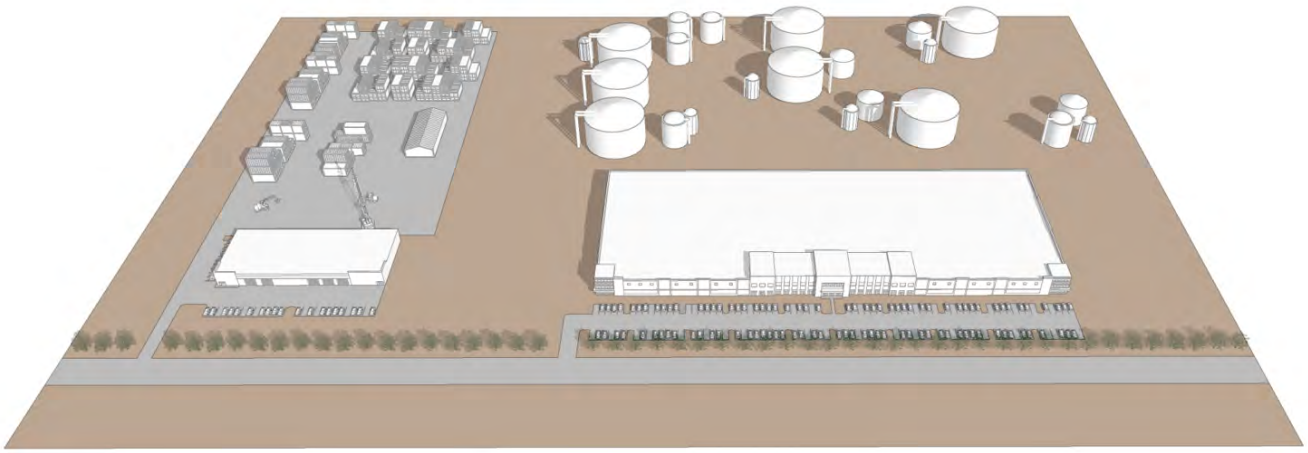


Table 21-2220.2C-1, Building Forms by Zoning District

Key: ● = Permitted | -- = Prohibited

Building Types	I-1	I-2	I-3	Specific Standards
Commercial (Single-Tenant)	●	--	--	Subsec. 21-2210.4C
Commercial (Multi-Tenant)	●	--	--	Subsec. 21-2210.4D
Office-Institutional	●	●	--	Subsec. 21-2210.4F
Industrial	●	●	●	Subsec. 21-2220.3A

Subsec. 21-2220.3 Zoning Districts

Subsec. 21-2220.3A Industrial Innovation (I-1)

Purpose. The Light Intensity Industrial (I-1) district provides for office, light industrial, and commercial uses such as advanced manufacturing, business incubator, commercial service, data storage/processing, incubation, office/industrial flex, overnight accommodations, professional services, and research laboratories.

Figure 21-2220.3A-1, I-1 District Illustrative Example

A. **Applicability.** The I-1 district is appropriate for office, light industrial, and commercial uses as designated in the Innovation Character Area of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2220.3A-1, *I-1 District Illustrative Example*, depicts an example of a typical industrial layout in the I-1 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2220.3A-1, *I-1 References to Related Standards*.

Table 21-2220.3A-, I-1 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2230
Development Options	Subsec. 21-2220.2
Building Forms	Subsec. 21-2220.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2220.3B Medium Intensity (I-2)

Purpose. The Medium Intensity Industrial (I-2) district provides for medium industrial and heavy commercial uses with outdoor storage and operation areas that may generate noise, odor, or other nuisances. The character of development within the I-2 typically consists of moderate areas of land and moderate buildings with heavy equipment and facilities. Uses within I- 2 developments may involve significant truck traffic requiring access to major roadways.

Figure 21-2220.3B-1, I-2 District Illustrative Example

A. **Applicability.** The I-2 district is appropriate for medium industrial and heavy commercial uses as designated in the Northern Business District, Fusion District (Irondale) and Fusion District (South Rose Hill) Character Areas, and Business and Employment Parks Economic Development Framework Area of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2220.3B-1, *I-2 District Illustrative Example*, depicts an example of a typical industrial layout in the I-2 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2220.3B-1, *I-2 References to Related Standards*.

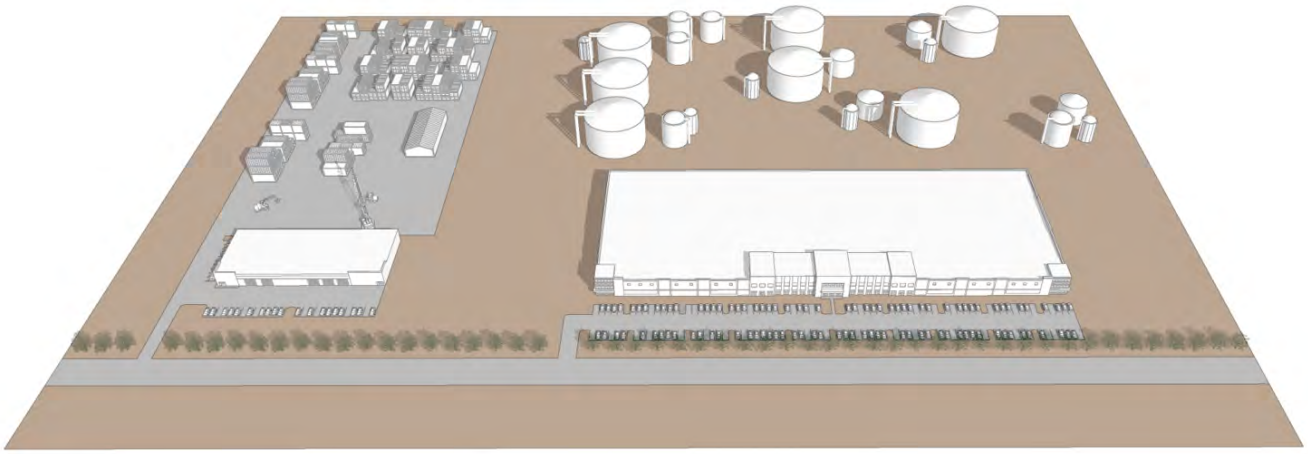
Table 21-2220.3B-1, I-2 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2230
Development Options	Subsec. 21-2220.2
Building Forms	Subsec. 21-2220.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2220.3C Heavy Intensity (I-3)

Purpose. The Heavy Intensity Industrial (I-3) district provides for areas for heavy industrial and manufacturing uses that may generate noise, odor, or other nuisances. The character of development within the I-3 typically consists of large areas of land and large buildings with heavy equipment and facilities. Uses within I-3 developments may involve significant truck traffic or rail service requiring access to major roadways and rail spurs.

Figure 21-2220.3C-1, I-3 District Illustrative Example



A. **Applicability.** The I-3 district is appropriate for industrial manufacturing, processing, storage and transport uses as designated in the 270 Industrial District Character Area of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2220.3C-1, *I-3 District Illustrative Example*, depicts an example of a typical industrial layout in the I-3 District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2220.3C-1, *I-3 References to Related Standards*.

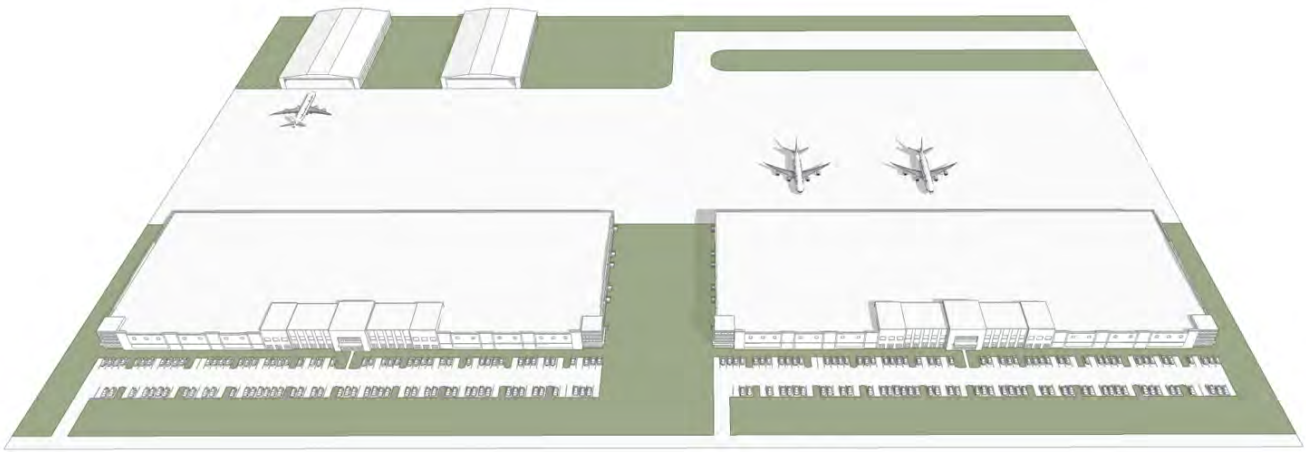
Table 21-2220.3C-1, I-3 References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2230
Development Options	Subsec. 21-2220.2
Building Forms	Subsec. 21-2220.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2220.3D Industrial Airport (I-A)

Purpose. The Industrial Airport (I-A) district provides for Light industrial uses, such as manufacturing, assembly, fulfillment centers, warehousing and distribution facilities that benefit from large land areas, proximity to the airport, and easy access to the interstate. Commercial retail and service uses can play a supporting role and provide goods and services to district employees.

Figure 21-2220.3D-1, I-A District Illustrative Example



A. **Applicability.** The I-A district is appropriate for large land holdings with light to medium industrial warehouses, distribution centers, and commercial business park uses as designated in the DEN Gateway District Character Area and Airport Employment Economic Development Framework Area of the Comprehensive Plan.

B. **District Illustrative Example.** Figure 21-2220.3D-1, *I-A District Illustrative Example*, depicts an example of a typical industrial layout in the I-A District.

C. **Related Standards.** All sites and buildings shall comply with Table 21-2220.3D-1, *I-A References to Related Standards*.

Table 21-2220.3D-1, I-A References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2230
Development Options	Subsec. 21-2220.2
Building Forms	Subsec. 21-2220.4
Use Standards	Article III
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

Subsec. 21-2220.4 Building Forms

Subsec. 21-2220.4A Industrial

Industrial Example

A. **Generally.** This Subsection provides design standards for the Industrial building type. The illustration of an Industrial building type identifies common design features. Next is a description of the building type followed by a table providing the design standards.

B. **Description**. This building type is a large-scale, freestanding form that is typically one story, but can be up to two-stories in height. The primary entrance is defined by a canopy, awning, or a full height glass structure. Table 21-2220.4A-1, *Industrial Building Type*, illustrates this building type and establishes the dimensional standards.

Table 21-2220.4A-1, Industrial Building Type[3]

	Lot	
A	Lot Width *(max.)*	N/A
B	Lot Area *(max.)*	N/A
	Setbacks and Building Coverage	
C	Building Coverage *(max.)*	75%
	Floor Area (min.)	1,500 SF
D	Front Setback *(min.)*	20'
E	Side Setback *(min.)*	**UBE/SBE:** 20' **HM:** 25'
F	Corner Setback[2] *(min.)*	25'
G	Rear Setback *(min.)*	**UBE/SBE:** Alley: 15'; No Alley: 20' **HM:** 40'
	Building Height	
H	Building Height *(max.)*	**UBE/SBE:** 55' **HM:** 75'
	Access and Parking[4]	
	Vehicle Access	From Alley; or Street access allowed when no Alley present
	Parking Setback *(min.)*	20'
	Street Access, Parking Location	**UBE Primary:** Rear/Side **UBE Secondary:** Front *(62' width max.)* **SBE/HM:** Front/Rear/Side

Street Level Design[1]	
Windows *(min.)*	
Front:	10%
Corner Side:	10%
Side:	5%
Rear:	5%

Legend

UBE = Urban, Business and Employment | **SBE** = Suburban, Business and Employment | **HM** = Heavy Manufacturing

Table Notes:

[1] Refer to Division 4.2, *Building Design Standards*, for additional related standards.

[2] For corner lots, the dumpster enclosure shall not be located between the building and the street.

[3] Building types less intense than Mixed Use are any residential building type and Live-Work.

[4] Refer to Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, for additional related standards.

Sec. 21-2230. - Special Purpose and Overlay Districts

Subsec. 21-2230.1 Use Table

A. **Use Table.** All uses of land and buildings within the special purpose and overlay zoning districts shall be as set forth in Table 21-2230.1-1, *Special Purpose and Overlay District Use Table*.

B. **Permitted Land Uses.** The land uses in Table 21-2230.1-1, Special Purpose and Overlay District Use Table, below are classified and symbolized by the following:

1. "P" means the use is permitted by-right and is not subject to further use-specific review; however, is subject to other design standards and review procedures of this LDC.

2. "L" means the use is permitted subject to approval by the Community Development Director (Director), Sec. 21-3200, *Limited Use Standards*, and Sec. 21-7400, *Limited Use Permit*.

3. "C" means the use requires a public hearing and conditional use approval subject to Sec. 21-3210, *Conditional Use Standards*, and Sec. 21-7130, *Conditional Use Permit*.

4. "--" means the use is prohibited.

C. **New and Unlisted Uses.** Refer to Sec. 21-3250, *New and Unlisted Uses*.

D. **Use Categories.** The Use Categories in the use table below are further described in Division 4.1, *Use Categories*. Division 4.1, *Use Categories*, provides the characteristics of each use category and identifies the specific uses that make up each category.

Table 21-2230.1-1, Special Purpose and Overlay District Use Table

Use Category	Specific Use	P	OS	F-P	AG	Standards
Residential Uses[1]						
Household Living	Apartment/Condominium	--	--	--	--	--
	Two-Unit Dwelling	--	--	--	--	--
	Single-Unit Dwelling	--	--	--	P	--
	Live-Work	--	--	--	--	--
	All Household Living Other than Listed	--	--	--	--	--
Group Living	Assisted Living Facility	C	--	--	--	Sec. 21-3210.C
	Boarding, Lodging, or Rooming House	C	--	--	--	Sec. 21-3210.C
	Group Home, Type A	L	--	--	--	Sec. 21-3200.C.1
	Group Home, Type B	C	--	--	--	Sec. 21-3210.D.1
	Nursing Home	C	--	--	--	Sec. 21-3210.C
	All Group Living Other than Listed	--	--	--	--	--
Public, Institutional, and Civic Uses						
Community Service	All Community Service Uses	P	--	--	--	--
Day Care	All Day Care Uses	L	--	--	L	Sec. 21-3200.D.2

Table 21-2230.1-1, Special Purpose and Overlay District Use Table						
Use Category	Specific Use	P	OS	F-P	AG	Standards
Educational Facilities	Nursing or Medical School not Associated with a Hospital	C	--	--	--	Sec. 21-3210.C
	University or College	C	--	--	--	Sec. 21-3210.C
	All Educational Facilities Other than Listed	L	--	--	--	Sec. 21-3200.D.4
Government Facilities	All Government Facilities	P	--	--	--	--
Medical Facilities	Hospital	--	--	--	--	--
	All Medical Facilities Other than Listed	--	--	--	--	--
Parks and Open Areas	Campground	C	--	--	P	Sec. 21-3210.C
	Cemetery or Mausoleum	C	--	--	--	Sec. 21-3210.C
	Dog Park, Public	L	L	--	--	Sec. 21-3200.D.3
	All Park and Open Areas Other than Listed	P	P	P	P	--
Passenger Terminals	Airport	C	--	--	--	Sec. 21-3210.C
	Transportation Terminal where Vehicles Carry Flammable, Explosive, Hazardous, or High Toxic Materials	C	--	--	--	Sec. 21-3210.F9
	All Passenger Terminal Other than Listed	P	--	--	--	Sec. 21-3210.F10
Places of Worship	All Places of Worship	L	--	--	L	Sec. 21-3200.D.1
Social Service Establishments	Correctional Facility (Private)	C	--	--	--	Sec. 21-3210.C
	Halfway House	C	--	--	--	Sec. 21-3210.C
	All Social Service Establishment Uses Other than Listed	P	--	--	--	--
Utilities, Major	Electric Substation and Gas Regulator Station	C	C	--	--	Sec. 21-3210.F.2
	All Major Utilities Other than Listed	C	C	C	C	Sec. 21-3210.C
Utilities, Minor	Small Wind Entergy Conversion System (Windmill)	L	L	L	L	Sec. 21-3200.D.5
	All Minor Utilities Other than Listed	P	P	P	P	--
Commercial Uses						
Marijuana Use	All Marijuana Uses	--	--	--	--	--
Office Uses	Bail Bond Office	--	--	--	--	--
	All Office Uses Other than Listed	P	--	--	--	--
Overnight Accommodations	Bed and Breakfast	--	--	--	P	---
	All Overnight Accommodation Uses Other than Listed	--	--	--	--	--
Parking, Commercial	All Commercial Parking Uses	P	--	--	--	--
Recreation, Indoor	All Indoor Recreation Uses Other than Listed	P	--	--	--	--
Recreation, Outdoor	All Outdoor Recreation Uses	P	--	--	P	--
Restaurant	All Restaurant Uses Other than Listed	--	--	--	--	--

Table 21-2230.1-1, Special Purpose and Overlay District Use Table						
Use Category	Specific Use	P	OS	F-P	AG	Standards
Retail Repair, Sales, and Service	All Retail Repair, Sales, and Service Uses Other than Listed	--	--	--	--	--
Vehicle Sales and Service	All Vehicle Sales and Service Uses Other than Listed	--	--	--	--	--
Industrial Uses						
Heavy Industrial	All Heavy Industrial Uses	--	--	--	--	--
Light Industrial	All Light Industrial Uses	--	--	--	--	--
Warehousing	All Warehousing Uses	--	--	--	--	--
Waste-Related	All Waste-Related Uses	--	--	--	--	--
Wholesale and Distribution	All Wholesale and Distribution	--	--	--	--	--
Open Use Categories						
Agriculture and Animal-Oriented Uses	Agricultural and Animal Production Support, Sales, and Service	--	--	--	L	Sec. 21-3200.G.1
	Feedlot, Stockyard, and the Commercial Sale of Livestock	--	--	--	C	Sec. 21-3210.G.3
	Community Garden	L	L	L	P	Sec. 21-3200.G.2
	Greenhouse/Nursery/Tree Production (With Outdoor Storage)	--	--	L	L	Sec. 21-3200.G.4
	Kennel	--	--	--	L	Sec. 21-3200.G.5
	Rodeo	--	--	--	C	Sec. 21-3210.G.4
	Agriculture Uses Other than Listed	--	--	--	P	--
Resource Extraction	All Resource Extraction Uses	--	--	--	--	--

Table Notes:

1. No new residential use shall be established on any property that lies within an airport noise contour of 55 DNL (day-night noise level) or higher.

Subsec. 21-2230.2 Zoning Districts

Subsec. 21-2230.2A - Planned Unit Development (PUD) Overlay District

Purpose. The purpose of the Planned Unit Development Overlay District (PUD Overlay) is to allow projects of innovative design and layout that would not otherwise be permitted under this LDC because of the strict application of zoning district or general development standards.

Typically, the PUD Overlay consists of a combination of land uses that provides a higher level of standards through innovative land planning and site design concepts. The PUD Overlay shall not be used merely as a mechanism to avoid the application of the requirements of other zone districts. The PUD Overlay's purpose is to:

- *Promote more economical and efficient use of land while providing a harmonious grouping of a variety of land uses;*
- *Promote innovative design of residential areas and allow for greater densities when additional site amenities are included in the development;*
- *Create physical connections between existing and proposed developments to achieve an integrated community with common open space, transportation, transit, and public service networks; and*
- *Allow for innovative development projects that assist in the implementation of the Comprehensive Plan and not as a device to circumvent development regulations, standards, and good planning practice.*

A. **Standards**.

1. *Relationship to Base Zoning.* The PUD overlay is applied in conjunction with an underlying base zoning district. The base zoning remains in place and governs any standards or uses not modified by the PUD Overlay.

2. *PUD Zone Document*. The standards of a PUD Overlay are set forth in its respective PUD Zone Document.

3. *Site Area*. No PUD shall be less than 20 acres in size unless the following conditions are met and approval is granted by the Community Development Director:

    a. Primarily mixed use development is proposed; or

    b. The PUD Zone Document, as implemented, will catalyze economic development by meeting at least two of the Comprehensive Plan Economic Development goals.

4. *Prohibitions*. A PUD Overlay shall not contain a street design or a design of other public improvements that are contrary to the standards in Article V, *Subdivision Standards*, or the Storm Drainage Design and Technical Criteria Manual (henceforth referred to as the "Criteria Manual".

5. *Modifiable Standards. T*he PUD Overlay may modify standards from the underlying zoning district, subject to approval through the PUD Zone Document. Any modification must demonstrate a superior outcome compared to strict application of the base zoning standards. Modifications may include, but are not limited to:

    a. Dimensional standards, including lot area, setbacks, and height;

    b. Parking and loading requirements;

    c. Landscaping, screening, and buffer requirements;

    d. Block length or street connectivity;

    e. Building design and form standards;

    f. Permitted use mix and arrangement;

    g. Signage regulations.

B. **Exemptions**. Amendments to previously approved and recorded PUD Zone Documents shall be exempt from the minimum size standard of this LDC.

C. **Zoning Map.** An approved PUD Overlay shall be mapped as an overlay on the Official Zoning Map.

Subsec. 21-2230.2B - Public District (P)

Purpose. The purpose of the Public District (P) is to protect established public lands and to provide an area in the City for location of parks, public open space, government buildings and facilities, schools and school grounds, and quasi-public buildings and facilities.

A. **Standards**. It shall be unlawful for any person to build, own, or occupy any structure within the Public; zoning district that deviates from the standards set forth in Table 21-2230.2B-1, *Public District Standards.*

Table 21-2230.2B-1, Public District Standards	
Bulk Standard	**Requirement**
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	N/A
Maximum floor area ratio	N/A
Minimum lot area	20,000 square feet
Minimum lot width	70 feet
Minimum front yard setback	20 feet
Maximum front yard setback	N/A
Minimum side yard setback (interior lot)	5 feet on either side with a minimum of 30 feet total for both setbacks
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	15 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot) collector or arterial	20 feet
Maximum side yard setback (corner lot) collector or arterial	150 feet
Minimum rear yard setback	20 feet
Minimum building height.	N/A
Maximum building height	50 feet
Minimum open space	N/A
Building location	N/A
Building separation	N/A

Subsec. 21-2230.2C - Open Space District (OS)

Purpose. The purpose of the Open Space (OS) District is to preserve and enhance natural resources, environmentally sensitive areas, and recreational lands, while allowing for limited, compatible development that supports conservation objectives. The OS District is intended to provide a zoning category that permanently maintains land for open space, passive recreation, or resource protection.

The OS District is further intended to:

- *Protect significant environmental features, including floodplains, wetlands, riparian areas, steep slopes, and native habitats;*
- *Provide opportunities for public or private open space uses such as parks, greenways, nature preserves, and trails;*
- *Minimize environmental impacts through limited and low-intensity development;*
- *Preserve scenic viewsheds, rural character, and natural features;*
- *Encourage stewardship of land and the integration of open space into broader community and regional conservation networks; and*
- *Implement goals and policies of the Comprehensive Plan related to green infrastructure, natural resource protection, and recreational access.*

A. **Permitted Uses.** The permitted uses in the OS District shall comply with Sec. 21-2230, *Special Purpose and Overlay District*.

B. **Development Standards.**

1. *Minimum Site Area.* The site shall have a minimum of 5 acres, unless the designated open space is part of a larger approved development.

2. *Maximum Impervious Surface Coverage.* The maximum impervious surface coverage shall be a maximum of 10% of the total site area.

3. *Minimum Open Space.* The minimum open space shall be 80% of the site area and must be retained in a natural or undeveloped state.

4. *Setbacks and Buffers.*

   a. Structures must be set back a minimum of 100 feet from any protected natural feature (wetlands, creeks, etc.); and

   b. b. A vegetative buffer of at least 50 feet is required along any public road frontage.

5. *Building Height.* The building height shall be a maximum of 25 feet unless otherwise approved for essential public facilities.

C. **Zoning Map.** The OS District shall be shown on the Official Zoning Map and may be applied to public or private land that meets the intent of this district.

Subsec. 21-2230.2D - Floodplain Overlay District (F-P)

Purpose. The purpose of this district is to promote public health and minimize losses due to flood.

A. ***Applicability***. This district includes all special flood hazard areas as defined by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), FEMA Letter of Map Amendments (LOMA), FEMA Letter of Map Revisions (LOMR), Flood Boundary-Floodway Maps (FBFM), or Mile High Flood District (MHFD) Flood Hazard Area Delineation (FHAD) studies approved by the City and within the city boundaries, and are hereby adopted by reference and declared to be a part of this Code. These special flood hazard areas identified by the above are the minimum area of applicability of this subsection and may be supplemented by studies designated and approved by the City. These special flood hazard areas identified by FIRM, FBFM, LOMA, LOMR, FIS, FHAD, and attendant mapping are the minimum area of applicability of this subsection and may be supplemented by best available data designated and approved by the City. A copy of these studies and data is on file with the City and available for public inspection.

B. **Use-by-Right.** Agricultural uses not requiring structures, such as general farming and the raising of plants, flowers, livestock, and nursery stock, shall be a use-by-right in the floodway fringe to the extent such use is permitted by the underlying zoning district classification.

C. **Uses Allowed with a Floodplain Permit.** The following uses shall be permitted to occur within the floodway fringe area of the district only and to the extent that they are permitted by the underlying zoning district classification. These uses require a floodplain permit as outlined in Sec. 21-7460, *Floodplain Development Permit* of this Land Development Code. In cases where the floodway and floodway fringe are not delineated on the zoning map, the Floodplain Administrator may require the applicant to demonstrate, through documentation provided by a registered professional engineer, that the proposed use is within the floodway fringe.

1. Public or private recreational uses, such as parks and recreation fields; golf courses; hiking, biking, and horse trails; and accessory parking lots;

2. Public or private utility facilities, not requiring buildings, such as transmission lines, pipelines, utility lines, roadways, railroad spurs, and bridges;

3. Wildlife and nature preserve, game farms, and fish hatchery uses not requiring buildings;

4. Regional public facilities, including detention or retention or water quality enhancement facilities; or

5. Barbed wire and split rail fences. Other types of fences such as chain link or solid screen types are allowed as a use by right only if necessary for safety or security reasons provided the fence is specially designed to minimize impeding the flow of flood waters, accumulation of debris, or being subject to being easily moved during flood periods. Fence designs that meet the above criteria, such as certain breakaway fencing or fencing with slatted design allowing water to pass through, will be allowed if properly certified by a registered professional engineer as meeting the identified performance standards. Fences shall require a floodplain permit, as outlined in Sec. 21-7460.

D. **Exclusions**. The following are prohibited in the Floodplain Overlay District:

1. New residential buildings and structures; and

2. New commercial buildings and structures.

E. **Uses Not Identified.** Uses not identified in this section shall be submitted to the Floodplain Administrator for review. If approved, the Floodplain Administrator may require any conditions and restrictions deemed necessary to protect the public health, safety, and welfare provided they are consistent with these standards and regulations.

F. **General Standards.** The design shall comply with the Storm Drainage Design and Technical Criteria Manual and the following:

1. When allowed, all new construction or substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting hydrodynamic and hydrostatic loads.

2. All new construction or substantial improvements shall be constructed:

   a. With materials and utility equipment resistant to flood damage;

   b. Using methods and practices that minimize flood damage; and

   c. With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located to prevent water from entering or accumulating within the components during conditions of flooding.

3. The design of utilities shall include:

   a. All new and replacement water supply systems that shall be designed to minimize or eliminate infiltration of flood waters into the system;

   b. New and replacement sanitary sewage systems that shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and

   c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

G. **Structures.**

1. *Generally*. Residential structures are prohibited in the floodplain. Nonresidential structures, if permitted, shall either have the lowest floor (including the basement) elevated to one foot above the base flood elevation or, together with the attendant utility and sanitary facilities, comply with the following standards:

   a. Be flood-proofed so that below the required elevation the structure is watertight with walls substantially impermeable to the passage of water;

   b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

   c. Be certified by a licensed engineer or architect that the design and method of construction are in accordance with the accepted standards of practice for meeting the provisions of this code. Such certification shall be provided to the floodplain administrator.

2. *Critical Facilities.*

   a. No new, substantially improved, or additions to critical facilities shall be permitted in the floodplain unless the lowest floor or floodproofing of the structure, together with attendant utility and sanitary facilities, are at least two feet above the Base Flood Elevation.

   b. New critical facilities shall, when practicable as determined by the City, have continuous non inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

H. **Floodways**.

1. Floodways are extremely hazardous areas due to the velocity of flood waters that carry debris, potential projectiles and erosion potential. Accordingly, all encroachments are prohibited. Specifically, but without limitation, this means that no fill, construction, substantial improvements or other development shall be permitted within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the boundaries of the City during the occurrence of the base flood discharge. If so demonstrated, any new construction or substantial improvements shall comply with the standards contained in this section.

2. The following uses shall be permitted upon approval of a floodplain permit:

   a. Public recreation uses such as parks, golf courses; and hiking, biking, and horse trails;

   b. Public/utility facilities such as transmission lines, pipelines, roadways, and bridges.

I. **Properties Removed from the Floodplain by Fill.** If permitted, new structures and additions to existing structures shall comply with the following:

1. In residential structures the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill.

2. In nonresidential structures the lowest floor (including basement), electrical, heating, ventilation, plumbing, and air conditioning equipment, and other service facilities (including ductwork), must be elevated to one foot above the base flood elevation that existed prior to the placement of fill, or together with attendant utility and sanitary facilities be designed so that the structure or addition is watertight to at least one foot above the base flood level that existed prior to the placement of fill with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.

Subsec. 21-2230.2E - Agriculture (AG)

Purpose. The Agriculture (AG) district provides for low-density residential, agricultural, and supporting uses on large lots with multiple options for open space and densities. The character of developments within AG consists of rural, semi-natural landscapes with an abundance of open space and are found on the edges of the City limits where access to public facilities may be limited.

A. **Applicability.** The AG district is appropriate for large lot residential and agricultural uses such as ranchland, farms, and cropland and is designed to be utilized in the Innovation District and Northern Airport District Character Areas of the Comprehensive Plan. This zone district is also intended to be utilized as a holding district for incorporated areas not yet ready for urbanized development.

B. **Related Standards.** All sites and buildings shall comply with Table 21-2230.2E-1, *AG References to Related Standards*.

Table 21-2230.2E-1, AG References to Related Standards

Topic	Location in LDC
Land Uses	Sec. 21-2230
Design Standards	Article IV
Floodplain and Floodway Development	Sec. 21-5280
Parking Design Standards	Division 4.3
Streets and Transportation	Article V
Amenity Space	Division 4.8

ARTICLE III: USE STANDARDS

Contents:

- Division 3.1: Use Categories
  - Sec. 21-3100. General
  - Sec. 21-3110. Residential Use Categories
  - Sec. 21-3120. Public and Civic Use Categories
  - Sec. 21-3130. Commercial Use Categories
  - Sec. 21-3140. Industrial Use Categories
  - Sec. 21-3150. Open Use Categories
- Division 3.2: Use Standards
  - Sec. 21-3200. - Limited Use Standards
  - Sec. 21-3210. - Conditional Use Standards
  - Sec. 21-3220. - Accessory Uses and Structures
  - Sec. 21-3230. - Temporary Uses and Structures
  - Sec. 21-3240. - Wireless Telecommunications Facilities
  - Sec. 21-3250. - New and Unlisted Uses
  - Sec. 21-3260. - Performance Standards

Division 3.1: Use Categories

Sec. 21-3100. General

A. **Approach to Categorizing Uses**. The Use Categories found in the use tables in Sec. 21-2200, Sec. 21-2210, Sec. 21-2220, and Sec. 21-2230 are described in this Section. Specific uses may be further defined in Article XI, *Word Usage*. Any proposed use not specifically set forth in this Section is prohibited, unless the Community Development Director determines, based on criteria in Sec. 21-3250, *New and Unlisted Uses*, that the proposed use is similar to a permitted, limited, or conditional use.

B. **Basis for Classifications**. Use Categories classify land uses based on common functional or physical characteristics. Characteristics include the type and amount of activity, how goods or services are sold or delivered, and likely impact on surrounding properties and site conditions. The Use Categories provide a systemic basis for assigning land uses to appropriate zoning districts and for consistently regulating similar uses in regard to parking and other requirements in this LDC.

C. **Developments with Multiple Primary Uses**. Developments with multiple primary uses shall conform to the following provisions:

   1. When all primary uses of a development fall within the same Use Category, the entire development is assigned to that Use Category.

   2. When the primary uses of a development fall within different Use Categories, each primary use is classified in the applicable Use Category and each use is subject to all applicable regulations for that Use Category. For example, where a use has a specific use standard applied in Sec. 21-3200, *Limited Use Standards*, or in a dimensional standards table in Division 2.2, *District Standards*, the standard applies even when that use is part of a development with multiple primary uses.

D. **Characteristics**. The "Characteristics" portion of each Use Category table describes the common characteristics of each primary use.

E. **Primary Uses**. The "Primary Uses" portion of each Use Category table lists primary uses common to that Use Category. The names of these sample uses are generic and are based on common meanings, not on what a specific use may call itself. All primary uses shall comply with the applicable standards in Sec. 21-3260, *Performance Standards*.

F. **Accessory Uses**. Accessory uses are generally allowed by right in conjunction with a primary use. However, specific accessory uses with parenthetical cross-references in the Use Category tables are permitted subject to additional standards in Sec. 21-3220, *Accessory Uses and Standards*.

Sec. 21-3110. Residential Use Categories

The following tables set forth the primary uses and accessory uses included in each residential use category.

A. **Household Living**.

Table 21-3110-1, Household Living Use Category		
Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Apartment/Condominium ▪ HUD Manufactured Home Park or Subdivision ▪ Mobile Home ▪ Multi-Unit Dwelling ▪ Two-Unit Dwelling ▪ Single-Unit Dwelling ▪ Tiny Home Development ▪ Townhouse ▪ Upper Story Residential ▪ Other uses meeting the characteristics of the Household Living Use Category	▪ Accessory Dwelling Unit (Sec. 21-3220.E.1) ▪ Accessory Parking Canopy (Sec. 21-3220.D.2) ▪ Amateur Radio Facilities (Sec. 21-3220.D.3) ▪ Animal Enclosures and Pens (Sec. 21-3220.D.5) ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Bed And Breakfast Home ▪ Dog Run ▪ Family Child Care Home (Sec. 21-3220.D.9) ▪ Dog Park Accessory to Apartments/Condominiums ▪ Greenhouse (noncommercial) ▪ Home Occupation (Sec. 21-3220.D.1) ▪ Leasing For Apartments Or Manufactured Home Parks ▪ Minor Utilities ▪ Pool House ▪ Porch, Deck, Terrace, or Patio ▪ Private Community Center ▪ Short-Term Rental (Sec. 21-3220.D.13) ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Vehicle Chargers ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Assisted Living Center (See Group Living) ▪ Halfway House (See Social Service Establishments) ▪ Hotel, Motel, or Short-Term Rental (see Overnight Accommodations) ▪ Nursing Home (See Group Living)

Table 21-3110-1, Household Living Use Category		
Characteristics: Residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units, including kitchens.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
	▪ Other Miscellaneous Household Living Amenities	

B. **Group Living**.

Table 21-3110-2, Group Living Use Category		
Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. Caregivers may or may not reside on site.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Assisted Living Center ▪ Boarding, Lodging, and/or Rooming House ▪ Correctional Facility ▪ Foster Care Home ▪ Group Home - Type A ▪ Group Home - Type B ▪ Halfway House ▪ Nursing Home ▪ Other uses meeting the characteristics of the Group Living Use Category	▪ Amateur Radio Facilities (Sec. 21-3220.D.3) ▪ Animal Enclosures and Pens (Sec. 21-3220.D.5) ▪ Associated Office ▪ Facilities for Treatment of Sickness, Injuries, or Surgical Care ▪ Food Preparation and Dining Facility ▪ Garden ▪ Greenhouse (noncommercial) ▪ Minor Utilities ▪ Pool House ▪ Private Community Center ▪ Recreational Facility ▪ Refuse Containers ▪ Storage Shed ▪ Swimming Pool ▪ Vehicle Chargers ▪ Wind Turbine, Small (Sec. 21-3220.D.12) ▪ Other Miscellaneous Group Living Amenities	▪ Apartment/Condominium (See Household Living) ▪ Halfway House (See Social Service Establishments) ▪ Multi-Unit Dwelling (See Household Living)

Table 21-3110-2, Group Living Use Category		
Characteristics: Residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. Caregivers may or may not reside on site.		
Primary Uses	**Accessory Uses**	**Uses Not Included**

Sec. 21-3120. Public and Civic Use Categories

The following tables set forth the primary uses and accessory uses included in each public and civic use category:

A. **Community Service**

Table 21-3120-1, Community Service Use Category		
Characteristics: Uses of a public, nonprofit, or charitable nature providing social activities, training or counseling to the general public on a regular basis, without a residential component.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Assembly, Meeting, Event, or Exhibition Hall ▪ Aquarium, Museum, or Gallery ▪ Community Center ▪ Library ▪ Lodge or Club ▪ Philanthropic Institution ▪ Place of Public Assembly ▪ Privately Operated Community Building or Recreation Field ▪ Senior Center ▪ Social Service Organization - Facility (i.e., Salvation Army) ▪ Youth Organization or Center (i.e. Boy Scouts, Boys & Girls Club) ▪ Other uses meeting the characteristics of the Community Services Use Category	▪ Assembly Hall ▪ Associated Office and Storage ▪ Associated Retail Sales Related to the Primary Use ▪ Classrooms ▪ Community Garden ▪ Day Care ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Food Preparation and Dining Facility ▪ Greenhouse (noncommercial) ▪ Library ▪ Limited Retail Sales Area ▪ Minor Utilities ▪ Nursery School or Pre-school ▪ Recreation Facility ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Church, Mosque, Synagogue, or Temple (See Place of Worship) ▪ Counseling Office (See Office) ▪ Soup Kitchen (See Social Service Establishments)

B. **Day Care**

Table 21-3120-2, Day Care Use Category		
Characteristics: Uses providing care, protection, and supervision for children or adults on a regular basis away from their primary residence. Care is typically provided to a given individual for fewer than 18 hours each day, although the facility may be open 24 hours each day.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Adult Day Care Center ▪ Child Care Center ▪ Other uses meeting the characteristics of the Day Care Use Category	▪ Associated Office And Storage ▪ Community Garden ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Food Preparation And Dining Facility ▪ Garden ▪ Greenhouse (noncommercial) ▪ Minor Utilities ▪ Recreation Facility ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ On-site day care in connection with a business or other primary use where children are cared for while parents or guardians are occupied on the premises (see appropriate Use Category under Accessory Uses) ▪ School, Public, Private, or Denominational (See Educational Facilities)

C. **Educational Facilities**

Table 21-3120-3, Educational Facilities Use Category		
Characteristics: Public and private schools at the elementary, middle, or high school level that provide basic academic education. Also includes colleges and other institutions of higher learning that offer courses of general or specialized study leading to a degree usually in a campus setting.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ School, Public, Private, or Denominational ▪ Nursing or Medical School not Associated with a Hospital ▪ University or College ▪ Other uses meeting the characteristics of the Educational Facilities Use Category	▪ Associated Office And Storage ▪ Accessory Parking Canopy (Sec. 21-3220.D.2) ▪ Animal Enclosures and Pens (Sec. 21-3220.D.5) ▪ Community Garden ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Food Preparation And Dining Facility ▪ Garden ▪ Greenhouse (noncommercial) ▪ Minor Utilities ▪ Recreation Facility ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Music, Art or Photographic Studio Or Classroom (see Retail Repair, Sales, and Service) ▪ Child Day Care Center (See Day Care) ▪ Riding Academy (see Outdoor Recreation)

D. **Government Facilities**

Table 21-3120-4, Government Facilities Use Category		
Characteristics: Offices, storage, maintenance, and other facilities for the operation of local, state, or federal government.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Government Administration Office ▪ Social Service Organization - Office ▪ City, County, State or Federal Office, Parking Lot, or Maintenance Area ▪ Correctional Facility ▪ Emergency Services, Police or Fire Station ▪ Post Office ▪ Other uses meeting the characteristics of the Government Facilities Use Category	▪ Accessory Parking Canopy (Sec. 21-3220.D.2) ▪ Associated Helicopter Landing Facility ▪ Associated Storage ▪ Community Garden ▪ Day Care For Children of Employees ▪ Donation Bin ▪ Dormitory ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Greenhouse (noncommercial) ▪ Medical Clinic For Employees or Inmates ▪ Meeting Space ▪ Minor Utilities ▪ Fleet Maintenance ▪ Food Preparation and Dining Facility ▪ Fueling Facility ▪ Recreation Facility ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Correctional Facility (Private) (See Social Service Establishments) ▪ Park (see Parks and Open Areas) ▪ Utility (see Utilities)

E. **Medical Facilities**

Table 21-3120-5, Medical Facilities Use Category		
Characteristics: Uses providing medical or surgical care to patients. Some uses may offer overnight care.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Acupuncture Clinic ▪ Blood or Blood Plasma Center ▪ Chiropractor ▪ Drug, Alcohol, or Psychiatric Treatment Center, Out-Patient ▪ Hospital ▪ Medical or Dental Office or Clinic ▪ Medical or Dental Laboratory ▪ Medical Marijuana Center ▪ Other uses meeting the characteristics of the Medical Facilities Use Category	▪ Accessory Parking Canopy (Sec. 21-3220.D.2) ▪ Associated Helicopter Landing Facility ▪ Associated Office And Storage ▪ Associated Retail Sales Related To The Primary Use ▪ Classrooms ▪ Community Garden ▪ Day Care For Children Of Employees Or Patients ▪ Dormitory ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Fleet Maintenance ▪ Food Preparation And Dining Facility ▪ Garden ▪ Greenhouse (noncommercial) ▪ Minor Utilities ▪ Place Of Worship ▪ Pharmacy ▪ Recreation Facility ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Drug, Alcohol, or Psychiatric Treatment Center, In-patient (see Social Service Institutions) ▪ Urgent Care or Emergency Medical Center (see Retail Repair, Sales, and Service)

F. **Parks and Open Areas**

Table 21-3120-6, Parks and Open Areas Use Category		
Characteristics: Uses focusing on natural areas consisting mostly of vegetation, passive or active outdoor recreation areas, or community gardens, and having few structures.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Campground ▪ Cemetery, Columbarium, Mausoleum, or Memorial Park ▪ Dog Park, Public ▪ Nature Preserve ▪ Park or Playground ▪ Recreational Trail ▪ Trail ▪ Other uses meeting the characteristics of the Parks and Open Areas Use Category	▪ Associated Office And Storage ▪ Associated Retail Sales Related To The Primary Use ▪ Animal Enclosures and Pens (Sec. 21-3220.D.5) ▪ Boat Launch ▪ Community Garden ▪ Concession ▪ Dog Park ▪ Dining Area ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Dock Or Pier (noncommercial) ▪ Flea Market ▪ Garden ▪ Greenhouse (noncommercial) ▪ Minor Utilities ▪ Night Watchman's Quarters (Sec. 21-3220.D.7) ▪ Outdoor Activity such as Swimming Pool or Tennis or Pickleball Courts ▪ Recreation Facility ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Crematorium (see Light Industrial) ▪ Golf Course, Driving Range or Minigolf Course (see Outdoor Recreation) ▪ Recreational Vehicle Park (see Outdoor Recreation) ▪ Water Park (see Outdoor Recreation)

G. **Passenger Terminals**

Table 21-3120-7, Passenger Terminals Use Category		
Characteristics: Uses providing facilities for the takeoff and landing of airplanes and helicopters, and terminals for taxi, rail, or bus service.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Airport, Landing Field, or Landing Strip for Aircraft ▪ Bus Terminal ▪ Bus Garage and Equipment Maintenance ▪ Railroad Terminal (Passenger and Freight) ▪ Transportation Terminal (Taxicab, Limousine, or Bus) ▪ Other uses meeting the characteristics of the Passenger Terminals Use Category	▪ Associated Office And Storage ▪ Associated Retail Sales Area Related To The Primary Use ▪ Concession ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Fleet Maintenance ▪ Freight Handling Area ▪ Fueling Facility ▪ Minor Utilities ▪ Refuse Containers ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Associated Helicopter Landing Facility (See Government Facilities or Medical Facilities)

H. **Places of Worship**

Table 21-3120-8, Places of Worship Use Category		
Characteristics: Uses of a public, nonprofit, or charitable nature providing worship to the general public on a regular basis.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Church, Mosque, Synagogue, or Temple ▪ Other uses meeting the characteristics of the Place of Worship Use Category	▪ Associated Office And Storage ▪ Classrooms ▪ Community Garden ▪ Day Care ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Greenhouse (noncommercial) ▪ Library ▪ Minor Utilities ▪ Nursery School Or Pre-school ▪ Recreation Facility ▪ Residences For Clergy ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Social Service Establishment uses (see Social Service Establishments)

I. **Social Service Establishments**

Table 21-3120-9, Social Service Establishments Use Category		
Characteristics: Uses that primarily provide treatment of those with psychiatric, alcohol, or drug problems; transient housing related to social service programs; and housing for individuals legally confined.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Correctional Facility (Private) ▪ Drug, Alcohol, or Psychiatric Treatment Center, In-Patient ▪ Halfway House ▪ Soup Kitchen ▪ Domestic Abuse or Transient Shelter ▪ Other uses meeting the characteristics of the Social Service Establishments Use Category	▪ Associated Office And Storage ▪ Animal Enclosures and Pens (Sec. 21-3220.D.5) ▪ Classrooms ▪ Day Care ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Donation Bin ▪ Greenhouse (noncommercial) ▪ Library ▪ Minor Utilities ▪ Nursery School Or Pre-school ▪ Recreation Facility ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ City, County, State, or Federal Detention Center, Jail or Prison (see Government Facilities) ▪ Drug, Alcohol or Psychiatric Treatment Center, Out-Patient (see Medical Facilities)

J. **Utilities (Major and Minor)**

Table 21-3120-10, Utilities Use Category		
Characteristics: *Minor:* Public or private infrastructure serving a limited area with no on-site personnel. *Major:* Public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity, and possibly having on-site personnel.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
Minor Utilities: ▪ Cell Antenna ▪ Public or Municipally-Owned Utility ▪ Lift Station or Sewage Pressure Control Stations ▪ Small Wind Energy Conversion System (Windmill) ▪ Solar Panel Array, Small ▪ Stormwater Retention or Detention Facility ▪ Telephone Exchange ▪ Water or Wastewater Pump Station ▪ Water Pressure Control Station **Major Utilities:** ▪ Cellular/PCS Tower ▪ Electric Substation ▪ Electrical Generation Plant ▪ Gas Generation Plant ▪ Gas Regulating or Compression Station ▪ Microwave Communication Facility ▪ Solar Panel Array, Large ▪ Sewage Treatment Plant ▪ Television Or Radio Transmission Tower ▪ Wastewater Treatment Plant ▪ Water Purification Plant ▪ Water Storage ▪ Wireless Telecommunication Facility ▪ Other uses meeting the characteristics of the Utilities Use Category	▪ Associated Office And Storage ▪ Community Garden ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Fleet Maintenance ▪ Minor Utilities ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Landfill (see Waste-Related Service) ▪ Utility Office (see Office) ▪ Television or Radio Studio (see Office)

Table 21-3120-10, Utilities Use Category		
Characteristics: *Minor:* Public or private infrastructure serving a limited area with no on-site personnel. *Major:* Public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity, and possibly having on-site personnel.		
Primary Uses	**Accessory Uses**	**Uses Not Included**

Sec. 21-3130. Commercial Use Categories

The following tables set forth the primary uses and accessory uses included in each commercial use category:

A. **Marijuana Uses**.

Table 21-3130-1, Marijuana Use Category		
Characteristics: Uses involving the sale, testing, and production of marijuana products.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Marijuana Business ▪ Marijuana Membership Club ▪ Marijuana Store ▪ Marijuana Product Manufacturer ▪ Marijuana Cultivation Facility ▪ Marijuana Cultivation Facility ▪ Marijuana Testing Facility ▪ Medical Marijuana Product Manufacture ▪ Medical Marijuana Transportation Facility ▪ Marijuana Off-Site Storage Facility ▪ Marijuana Research and Development Facility ▪ Other uses meeting the characteristics of the Marijuana Use Category	▪ Associated Office and Storage ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Greenhouse (noncommercial) ▪ Minor Utilities ▪ Private Telecommunication Or Transmission Tower ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Testing or Development Laboratory (see Light Industrial) ▪ Urgent Care or Emergency Medical Center (see Retail Repair, Sales, and Service)

B. **Office**.

Table 21-3130-1, Office Use Category		
Characteristics: Uses conducted in an office setting and generally focusing on business, professional, or financial services.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Accounting, Auditing, Tax and Bookkeeping Service ▪ Appraisal Service ▪ Architectural and Planning Service ▪ Bank, Credit Union, or Financial Institution ▪ Bail Bond Office ▪ Business Association ▪ Adjustment and Collections Service or Agency ▪ Computer Service ▪ Consumer and Mercantile Credit Reporting Service ▪ Detective Service ▪ Educational and Scientific Research Office ▪ Employment Service ▪ Engineering Service ▪ Financial Advisor ▪ Insurance Agent, Carrier, or Broker ▪ Legal Service ▪ Natural Medicine Cultivation, Manufacturer, or Testing Facility ▪ Natural Medicine Healing Center ▪ Office Space (general/unspecified) ▪ Office or Agency for Services such as Advertising, Consulting, Counseling, Data Processing, Investment or Brokerage, Insurance, or Sales ▪ Protective and Security Service ▪ Radio Studio ▪ Real Estate Agents, Brokers, and Management ▪ Security and Commodity Broker, Dealer, or Exchange ▪ Television Studio ▪ Title Abstractor ▪ Travel Agency and Ticket Sales	▪ Accessory Parking Canopy (Sec. 21-3220.D.2) ▪ Associated Office and Storage ▪ Automated Teller Machines ▪ Day Care For Children Of Employees ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Medical Clinic For Employees ▪ Minor Utilities ▪ Food Preparation And Dining Facility For Employees ▪ Recreation Facility For Employees ▪ Private Telecommunication Or Transmission Tower ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Building and development contractors specializing in building, excavating, heating, plumbing, landscaping or electrical and others who perform services off-site, but store equipment and materials on-site (see Light Industrial) ▪ Government Office (see Governmental Facilities) ▪ Mail-Order Business (see Wholesale and Distribution) ▪ Medical or Dental Office or Laboratory (see Medical Facilities) ▪ Research, Testing or Development Laboratory (see Light Industrial) ▪ Urgent Care or Emergency Medical Center (see Retail Repair, Sales, and Service)

Table 21-3130-1, Office Use Category		
Characteristics: Uses conducted in an office setting and generally focusing on business, professional, or financial services.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Utility Office ▪ Other uses meeting the characteristics of the Office Use Category		

C. **Overnight Accommodations**.

Table 21-3130-2, Overnight Accommodations Use Category		
Characteristics: Bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Bed and Breakfast ▪ Hotel or Motel ▪ Resort ▪ Short-Term Rental ▪ Other uses meeting the characteristics of the Short-Term Accommodations Use Category	▪ Accessory Parking Canopy (Sec. 21-3220.D.2) ▪ Animal Enclosures and Pens (Sec. 21-3220.D.5) ▪ Associated Office and Storage ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Meeting Space ▪ Minor Utilities ▪ Recreational Facility ▪ Restaurant ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Campground (see Parks and Open Areas) ▪ Halfway House or Transient Shelter (see Social Service Establishments)

D. **Parking, Commercial**.

Table 21-3130-3, Commercial Parking Use Category		
Characteristics: Facilities that provide parking not accessory to a primary use, for which a fee may or may not be charged.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Automobile Parking Lot or Structure (Commercial) ▪ Truck Parking Lot ▪ Other uses meeting the characteristics of the Commercial Parking Use Category	▪ Associated Office And Storage ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Minor Utilities ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Bus Terminal, Taxi Terminal, Railroad Terminal (see Passenger Terminals)

E. **Recreation, Indoor**.

Table 21-3130-4, Indoor Recreation Use Category		
Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an indoor setting.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Axe Throwing Lounge ▪ Bingo Hall ▪ Bowling Alley ▪ Convention Center ▪ Country Club ▪ Dance Hall or Club ▪ Gun Club without Outdoor Range ▪ Gymnastics, Dance Studio, or Martial Arts Facility ▪ Health Club or Physical Fitness Services ▪ Movie or Other Theater ▪ On-Premise Alcohol Consumption (Such as Bar, Nightclub, Tavern, or Lounge) ▪ Pool Hall ▪ Rock Climbing Gym ▪ Sexually-Oriented Business ▪ Skating Rink ▪ Tennis or Racquetball Facility ▪ Trampoline Park ▪ Other uses meeting the characteristics of the Indoor Recreation Use Category	▪ Associated Office And Storage ▪ Associated Retail Sales Related To The Primary Use ▪ Concession ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Minor Utilities ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Outdoor Recreation Uses (see Outdoor Recreation)

F. **Recreation, Outdoor**.

Table 21-3130-5, Outdoor Recreation Use Category		
Characteristics: Generally commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities in an outdoor setting.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Amphitheater ▪ Amusement or Water Park ▪ Campground Without Short-Term Accommodations ▪ Circus or Carnival Grounds ▪ Country Club ▪ Drive-In Theater ▪ Fairgrounds or Rodeo Grounds ▪ Farm Products Sales (open-air) ▪ Golf Course, Driving Range, or Mini-Golf Course ▪ Outdoor Activity such as Archery Range, Batting Cage, Gun Club with Outdoor Range, Swimming Pool, Tennis or Pickleball Courts, or Riding Academy ▪ Paintball Facility ▪ Race Track, Animal ▪ Race Track, Vehicle ▪ Recreational Vehicle (RV) Park ▪ Stadium ▪ Swimming Pool ▪ Zoo or Botanical Garden ▪ Other uses meeting the characteristics of the Outdoor Recreation Use Category	▪ Accessory Parking Canopy (Sec. 21-3220.D.2) ▪ Animal Enclosures and Pens (Sec. 21-3220.D.5) ▪ Associated Office and Storage ▪ Associated Retail Sales Related to the Primary Use ▪ Boat Launch ▪ Classrooms ▪ Concession ▪ Dock or Pier ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Flea Market ▪ Food Preparation and Dining Area ▪ Minor Utilities ▪ Night Watchman's Quarters (Sec. 21-3220.D.7) ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Swimming Pool ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Indoor Recreation Uses (see Indoor Recreation) ▪ Parks and Open Area Uses (see Parks and Open Areas)

G. **Restaurant**.

Table 21-3130-6, Restaurant Use Category		
Characteristics: Establishments that prepare and sell food and beverages for on-premises or off-premises consumption.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Bakery, Retail ▪ Brewpub ▪ Catering Establishment, Small Scale ▪ Coffee Shop ▪ Microbrewery, Microwinery, Microdistillery ▪ Restaurant, Fast Food ▪ Restaurants, Conventional ▪ Restaurant, Delivery Only ▪ Tasting Room ▪ Yogurt, Ice Cream, or Candy Shop ▪ Other uses meeting the characteristics of the Restaurant Use Category	▪ Associated Office and Storage ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Greenhouse (noncommercial) ▪ Minor Utilities ▪ Outdoor Dining Area ▪ Recreational Facility ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ On-Premise Alcohol Consumption (Such as Bar, Nightclub, Tavern, or Lounge) (see Indoor Recreation) ▪ Catering Establishment, Large Scale (see Light Industrial)

H. **Retail Repair, Sales, and Service**.

Table 21-3130-7, Retail Repair, Sales, and Service Use Category		
Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
Repair-Oriented		
Store Offering Repair of: ▪ Appliances ▪ Bicycles ▪ Canvas Products ▪ Guns, Ammunition, and Accessories ▪ Electrical Appliances ▪ Small Electronics ▪ Furniture Repair Services ▪ Locks and Key ▪ Office Equipment ▪ Shoes ▪ Radio, Computer, Mobile Device, and Television Repair ▪ Services ▪ Watch, Clock and Jewelry Repair Service	▪ Accessory Parking Canopy (Sec. 21-3220.D.2) ▪ Associated Office And Storage ▪ Concession ▪ Day Care For Children Of Employees ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Food Preparation And Dining Area ▪ Greenhouse (noncommercial) ▪ Minor Utilities ▪ ight Watchman's Quarters (Sec. 21-3220.D.7) ▪ Outdoor Display (Sec. 21-4510) ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Car Wash (see Vehicle Sales and Service) ▪ Fuel Sales (see Vehicle Sales and Service) ▪ Restaurant Use (see Restaurants) ▪ Automobile, Motorcycles, RVs, Boats, And Light And Medium Trucks Sales, Rental, and Leasing (see Vehicle Sales and Service Use Category) ▪ Sale or Rental Of Machinery, Equipment, Heavy Trucks, Building Materials, Special trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, Or Store Fixtures (see Wholesale and Distribution)
Sales-Oriented		

Table 21-3130-7, Retail Repair, Sales, and Service Use Category		
Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
Store Selling, Leasing, or Renting Consumer, Home, and Business Goods Including, but Not Limited to: ▪ Age-Restricted Retail (including but not limited to smoke shops, vape shops, and liquor stores) ▪ Antiques ▪ Appliances (household) ▪ Art Supplies ▪ Bait Store and Live Bait Sales ▪ Bakery Products (on-premises sales) ▪ Bicycle ▪ Book and Stationery ▪ Cameras and Photographic Supplies ▪ Clothing and Apparel Accessories ▪ Collectables ▪ Computers ▪ Convenience Store ▪ Department Stores ▪ Drug Store/Pharmacy ▪ Electrical and Electronic Supplies ▪ Farm and Gardening Supplies (not including heavy equipment) ▪ Fabric ▪ Fireworks ▪ Flea Market ▪ Floor Coverings ▪ Florist ▪ Fruits and Vegetables ▪ Furniture and Home Furnishings ▪ Gifts and Novelties ▪ Groceries ▪ Guns, Ammunition, and Accessories		

Table 21-3130-7, Retail Repair, Sales, and Service Use Category		
Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Hardware ▪ Hobby and Craft Supplies ▪ Home Improvement Supplies ▪ Household Products ▪ Jewelry ▪ Luggage ▪ Meats and/or Fish ▪ Medical Supplies ▪ Music Instruments, Supplies and/or Records ▪ Newspapers and Magazines ▪ Office Equipment and Business Machines Rental ▪ Office Supplies and Equipment ▪ Pawn Shop ▪ Pets and Pet Supplies ▪ Pharmaceuticals ▪ Plants ▪ Postal Substation ▪ Radios and Televisions ▪ Secondhand Merchandise (includes Thrift Store) ▪ Shoes ▪ Shopping Centers/Malls ▪ Sporting Goods and Athletic Equipment ▪ Toys ▪ Vehicle parts and accessories		
Service-Oriented		

Table 21-3130-7, Retail Repair, Sales, and Service Use Category		
Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Art Studio or Classroom ▪ Beauty and Barber Service ▪ Blueprinting and Photocopying Service ▪ Business School ▪ Carpenter and Wood Flooring Service ▪ Commercial Trade School ▪ Courier ▪ Doggie Day Care Center ▪ Driving School ▪ Exterminating and Fumigating Service ▪ Interior Decorating Service ▪ Funeral Home or Mortuary ▪ Furniture Upholstering Service ▪ Kennel ▪ Laundering and Dry Cleaning ▪ Masonry, Stonework, Tile Setting, and Plastering Service ▪ Massage, Nail, or Tanning Establishment ▪ Music Studio Or Classroom ▪ Optical Goods (optician or optometrist) ▪ Pet Grooming ▪ Photographic Studio or Classroom ▪ Piercing Studio ▪ Printing ▪ Shoe Repair, Shoe Shining, and Hat Cleaning Service ▪ Spa ▪ Tailoring ▪ Tattoo Parlor ▪ Taxidermist		

Table 21-3130-7, Retail Repair, Sales, and Service Use Category		
Characteristics: Companies or individuals involved in the sale, lease, or rental of new or used products, or providing personal services or repair services to the general public.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Rug Cleaning and Repair Service ▪ Veterinary Service (small animals) ▪ Other Vocational, Trade, or Other Commercial Schools ▪ Urgent Care or Emergency Medical Center ▪ Other uses meeting the characteristics of the Retail Repair, Sales, and Service Use Category		

I. **Vehicle Sales and Service**.

Table 21-3130-9, Vehicle Sales and Service Use Category		
Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Minor Vehicle Service provide service while the customer waits, same day pick-up of the vehicle or allow customers to leave a vehicle on-site for less than 24 consecutive hours.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
General ■ Car Wash ■ Fuel Sales ■ Truck Stop		■ Retail or Wholesale Sales of Agriculturally-related Supplies and Equipment (see Agriculture)
Vehicle Sales and Rental ■ Automobiles, Motorcycles, and ATVs	■ Associated Office and Storage ■ Car Wash ■ Concession ■ Convenience Store ■ Donation Bin ■ Dumpster or Trash Container (Sec. 21-3220.D.4) ■ Food Preparation and Dining Area ■ Fueling Facility ■ Minor Utilities ■ Outdoor Display (Sec. 21-4510) ■ Outdoor Storage (Sec. 21-4520) ■ Sale Of Auto Parts ■ Solar Panel Array, Small (Sec. 21-3220.D.11) ■ Storage Shed ■ Towing ■ Vehicle Storage ■ Wind Turbine, Small (Sec. 21-3220.D.12)	■ Sale or Rental of Machinery, Equipment, Heavy Trucks, Building Materials, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, or Store Fixtures (see Wholesale and Distribution) ■ Vehicle Parts Sale as a Primary Use (see Retail Sales and Service) ■ Tire Recycling or Recapping (see Waste-Related)
Heavy Vehicle Sales and Rental ■ Boat Sales, Rental, or Leasing Facility ■ Manufactured Home, Mobile Home, or Portable Building Sales or Rental ■ RVs, Camping and/or Travel Trailers Sales or Rental ■ Truck Sales and Rental ■ Truck Stop		
Vehicle Servicing, Major ■ Automobile and Small Truck (1½ ton or less) Repair, Painting, Body Work and Servicing ■ Automotive Seat Cover and Upholstery Service ■ Alignment Shop, Auto Body Shop, Towing Service ■ Other repair of cars, trucks, motorcycles, RVs, and boats not included in Minor Vehicle Servicing below		
Vehicle Servicing, Minor ■ Auto Detailing ■ Battery Sales and Installation ■ Bed Liner Installation ■ Minor Scratch and Dent Repair ■ Quick Lubrication Facility ■ Tire Sales and Mounting		

Table 21-3130-9, Vehicle Sales and Service Use Category		
Characteristics: Direct sales of and service to passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. Uses classified as Minor Vehicle Service provide service while the customer waits, same day pick-up of the vehicle or allow customers to leave a vehicle on-site for less than 24 consecutive hours.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Other uses meeting the characteristics of the Vehicle Sales and Service Use Category		

J. **Commercial, Drive-Through.**

Table 21-3130-10, Commercial, Drive-Through Use Category		
Characteristics: Retail sales, personal services, or prepared food and beverage service conducted primarily for customers who remain in their vehicles. Uses in this category typically include dedicated drive-through lanes, ordering stations, and pick-up windows, and are designed for quick transactions with minimal parking or on-site customer seating.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
General	▪ Associated Office and Storage ▪ Concession Stand ▪ Convenience Store ▪ Donation Bin ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Food Preparation and Dining Area ▪ Minor Utilities ▪ Outdoor Display (Sec. 21-4510) ▪ Outdoor Storage (Sec. 21-4520) ▪ Sale Of Auto Parts ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Restaurants without drive-through service ▪ Wholesale food sales or distribution ▪ Catering operations without a customer pick-up or drive-through component
▪ Coffee shop or café with drive-through ▪ Fast-food or quick-service restaurant ▪ Beverage stand or specialty drink shop (e.g., smoothies, juice, tea) ▪ Ice cream or dessert shop ▪ Other food or beverage sales meeting the characteristics of the Commercial, Drive-Through Use Category		

Sec. 21-3140. Industrial Use Categories

The following tables set forth the primary uses and accessory uses included in each industrial use category:

A. **Heavy Industrial.**

Table 21-3140-1, Heavy Industrial Use Category		
Characteristics: Uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals, the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
Manufacture, assembly**, or** processing **of:**	▪ Associated Office And Storage ▪ Associated Retail Sales Related To The Primary Use ▪ Day Care For Children Of Employees ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Fleet Maintenance ▪ Food Preparation And Dining Facility ▪ Fueling Facility ▪ Medical Clinic For Employees ▪ Meeting Space ▪ Minor Utilities ▪ Night Watchman's Quarters (Sec. 21-3220.D.7) ▪ Outdoor Storage (Sec. 21-4520) ▪ Recreation Facility ▪ Semi-Trailer Parking ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Warehouse ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Microbrewery (see Restaurants) ▪ Recycling facility (see Waste-Related Service)

Table 21-3140-1, Heavy Industrial Use Category		
Characteristics: Uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals, the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
Abrasives, asbestos and miscellaneous mineral products; acid; acetylene gas; alcoholic beverages (wholesale); ammonia; ammunition and explosives; aircraft; animal food; animal products, packing, and processing; automobiles and other motor vehicles; automotive and other motor vehicle equipment; batteries; bones; boxes, crates, or pallets; brick and/or masonry, tile, or terra cotta; building paper and building board; building materials; celluloid; cement and/or concrete products; ceramic tile and other ceramic products; chalk; charcoal; chemicals; chlorine; coffins; corrugated metal; cotton oil; creosote; disinfectant; dyes or inks; engines and turbines; farm machinery and equipment; fat; fertilizer; fiberglass; fireworks; gas; gelatin; glass and glass products; glue; graphite; grease; guns, howitzers, mortars, explosives, and related equipment; gunpowder; gypsum; hazardous materials; heating and air conditioning supplies and equipment; hemp; insecticide, fungicides, disinfectants, and related industrial and household chemical compounds; lacquer; lard; leather and leather products; lime; linoleum; lubricating oils and greases; machinery and equipment (industrial); manufactured homes or mobile homes; metal working machinery, equipment and products; motor vehicles, related equipment, and accessories; nitrate; paint, coating, and adhesive; paraffin; paving mixtures and blocks; plaster of Paris; pharmaceuticals and medical products; plastics and synthetic materials; plumbing supplies and equipment; poison; porcelain and porcelain products; pottery and related products; prefabricated structures and their components; railroad vehicles and equipment; recreational vehicles; rendering and meat byproduct processing; rubber and fabricated rubber products; salt; shellac; soap and cleaners; tallow; tanks and tank components; tar; tires; tobacco; trailers (camping, travel, livestock, and other); turpentine; varnish; vinegar; wax; or yeast ■ Arsenal ■ Artisan/Handcrafted Manufacturing ■ Boiler Works ■ Bulk Grain Transfer		

Table 21-3140-1, Heavy Industrial Use Category		
Characteristics: Uses engaged in the manufacturing, assembly or processing of chemicals, animal products and metals, the activities of which are likely to have characteristics that discourage adjacency to residential uses. Factory production and industrial yards are located here. Sales to the general public are rare.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Bulk Storage of Explosive or Hazardous Materials ▪ Coke Oven ▪ Concrete Batching and Asphalt Processing and Manufacturing ▪ Feed Milling ▪ Fertilizer Storage ▪ Grain Elevator ▪ House Wrecking and Demolition ▪ Incinerator for Reduction of Garbage, Dead Animals, Offal, Refuse, or Automobile Bodies ▪ Railroad Yard or Repair Shop ▪ Metal Smelting, Processing, and Products (Ferrous and Nonferrous) ▪ Slaughtering, Packaging Or Processing of Animals ▪ Transportation Terminals where Vehicles Carry Flammable, Explosive, Hazardous, or High Toxic Materials ▪ Wool Scouring and Pulling ▪ Other uses meeting the characteristics of the Heavy Industrial Use Category		

B. **Light Industrial.**

Table 21-3140-2, Light Industrial Use Category		
Characteristics: Uses engaged in the manufacturing, assembly, or processing of industrial, business, or consumer goods, usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
Fabrication (Light) and Assembly of: (See generally, the definition of Light Manufacturing and Assembly) Appliances; bakery products (wholesale distribution); beds; blinds; books; bottling and canning soft drinks and carbonated waters; brooms; buses; canvas; clothing and apparel accessories; communication equipment; confectionery and related products (wholesale distribution); cut stone and stone products; dairy products; drugs, druggists supplies and sundries; electrical lighting and wiring equipment; electrical supplies and equipment; electrical transmission and distribution equipment; electronic components and accessories; engineering, scientific and research equipment; floor coverings, rugs and carpets; food and beverage products (including frozen foods); furniture and home furnishings; hardware; ice; jewelry, costume novelties, buttons, and miscellaneous notions; medical, optical, or dental instruments or supplies; mirrors; musical instruments; monuments and tombstones; motorcycles, bicycles, and parts; office, computing, and accounting machines; paper and paper products (see also building paper); perfumes; radio and television receiving sets and communication equipment; shoes; signs and advertising displays; sporting and athletic goods; toys, amusements, and novelty items; window coverings; wood products **Building Trade and Development Contractors who perform services off-site, but store equipment and materials on-site including:**	▪ Associated Office and Storage ▪ Associated Retail Sales Related to the Primary Use ▪ Associated Showroom ▪ Day Care for Children of Employees ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Fleet Maintenance ▪ Food Preparation and Dining Facility ▪ Fueling Facility ▪ Medical Clinic for Employees ▪ Meeting Space ▪ Minor Utilities ▪ Night Watchman's Quarters (Sec. 21-3220.D.7) ▪ Outdoor Storage (Sec. 21-4520) ▪ Recreation Facility ▪ Semi-Trailer Parking ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Warehouse ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Catering Establishment, Small Scale (see Restaurant) ▪ Mining Or Excavating (see Resource Extraction) ▪ Outdoor Storage Yard (see Warehousing and Freight Movement) ▪ Recycling Facility (see Waste Related Service) ▪ Sale or Rental of Machinery, Equipment, Building Materials, Special Trade Tools, Welding Supplies, Machine Parts, Electrical Supplies, Janitorial Supplies, Restaurant Equipment, and Store Fixtures (see Wholesale and Distribution)

Table 21-3140-2, Light Industrial Use Category		
Characteristics: Uses engaged in the manufacturing, assembly, or processing of industrial, business, or consumer goods, usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ General Contractor with Storage Yard ▪ Carpenter and Wood Flooring Services ▪ Electrical Services ▪ Grading and Excavation Services ▪ Heating, Ventilation, Air Conditioning Services ▪ Landscaping Services ▪ Painting, Paperhanging Services ▪ Plumbing Services ▪ Roofing and Sheet Metal Services ▪ Woodworking Including Cabinet Makers and Furniture Manufacturing		
Other Uses:		

Table 21-3140-2, Light Industrial Use Category		
Characteristics: Uses engaged in the manufacturing, assembly, or processing of industrial, business, or consumer goods, usually from basic finished inputs such as metal, stone, glass, plastic, or rubber. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Boat Building and Repairing ▪ Bus Equipment Maintenance, Repair, and Storage ▪ Brewery, Winery, or Distillery ▪ Catering Establishment, Large Scale ▪ Crematorium ▪ Electric Motor Repair ▪ Engraver ▪ Exterminator, Maintenance Yard, or Facility ▪ Food Processing ▪ Industrial and Manufacturing Product Sales and Supply ▪ Janitorial and Building Maintenance Service ▪ Laundry, Dry-Cleaning, and Carpet Cleaning Plants ▪ Lithography ▪ Publishing and Printing (Newspaper, Periodicals) ▪ Repair of Scientific or Professional Instruments ▪ Research, Testing, and Development Laboratory ▪ Smoking or Processing of Meat Products ▪ Welding, Tool Repair, or Machine Shop ▪ Other uses meeting the characteristics of the Light Industrial Use Category		

C. **Warehousing.**

Table 21-3140-3, Warehousing Use Category		
Characteristics: Uses involved in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer with little on-site sales activity to customers.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Above-Ground Storage Tank ▪ Bulk Grain Transfer Facility ▪ Bulk Storage of Non-Hazardous Freight or Goods ▪ Bus Garage or Storage ▪ Data Center ▪ Express Freight Transportation ▪ Food Packing and Distribution ▪ Freight Hauling Service ▪ Hazardous Materials Shipping ▪ Motor Freight Garaging and Equipment Maintenance ▪ Moving and Storage (Household Goods) ▪ Outdoor Storage Yard ▪ Parcel Delivery Station ▪ Railroad Switching and Marshalling Yard ▪ Self-Service Storage ▪ Trucking Company ▪ Vehicles Carrying Flammable, Explosive, Hazardous, or High Toxic Materials ▪ Other uses meeting the characteristics of the Warehousing Use Category	▪ Associated Office and Storage ▪ Day Care For Children of Employees ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Fleet Maintenance ▪ Food Preparation and Dining Facility ▪ Fueling Facility ▪ Medical Clinic for Employees ▪ Meeting Space ▪ Minor Utilities ▪ Night Watchman's Quarters (Sec. 21-3220.D.7) ▪ Outdoor Storage (Sec. 21-4520) ▪ Recreation Facility ▪ Semi-Trailer Parking ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Bulk Storage of Flammable Liquids, Fats or Oils (see Heavy Industrial) ▪ Mini-Warehouse or Multistory Enclosed Storage Facility (see Self-Service Storage)

D. **Waste-Related.**

Table 21-3140-4, Waste-Related Use Category		
Characteristics: Uses characterized by receiving solid or liquid wastes from others for transfer to another location and uses that collect sanitary wastes or that manufacture or produce goods or energy from the composting of organic material.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Animal Waste Processing ▪ Animal Waste Energy Converter ▪ Composting Facility ▪ Landfill ▪ Manufacture and Production of Goods from Composting ▪ Recycling Collection Facility ▪ Scrap Yards for Waste Material ▪ Solid Waste Facility ▪ Tire Recycling or Recapping ▪ Towing Service with Impound Yard ▪ Towing Service without Impound Yard ▪ Wood Chipping ▪ Other uses meeting the characteristics of the Waste-Related Use Category	▪ Associated Office and Storage ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Fleet maintenance ▪ Fueling Facility ▪ Minor Utilities ▪ Outdoor Storage (Sec. 21-4520) ▪ Night Watchman's Quarters (Sec. 21-3220.D.7) ▪ Repackaging and Shipment of by-products ▪ Semi-Trailer Parking ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Stockpiling of Sand, Gravel, Or Other Aggregate Materials (see Resource Extraction) ▪ Water Treatment Plant (see Utilities)

E. **Wholesale and Distribution**.

Table 21-3140-5, Wholesale and Distribution Use Category		
Characteristics: Uses involved in the sale, lease, or rental of products to industrial, institutional, or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Auction, Wholesale (On-Premises) ▪ Bulk Fuel Sales ▪ Mail-Order Business **Wholesale or Bulk Sale of:**	▪ Associated Office and Storage ▪ Associated Showroom ▪ Day Care For Children of Employees ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Fleet Maintenance ▪ Food Preparation and Dining Facility ▪ Medical Clinic for Employees ▪ Meeting Space ▪ Minor Fabrication ▪ Minor Utilities ▪ Night Watchman's Quarters (Sec. 21-3220.D.7) ▪ Outdoor Storage (Sec. 21-4520) ▪ Product Repair ▪ Recreation Facility ▪ Repackaging of Goods ▪ Semi-Trailer Parking ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Storage Shed ▪ Warehouse ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Warehousing Use (see Warehousing) ▪ Wholesale club (see Retail Sales and Service)

Table 21-3140-5, Wholesale and Distribution Use Category		
Characteristics: Uses involved in the sale, lease, or rental of products to industrial, institutional, or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
(See generally, the definition of Wholesale Establishment.) ■ Appliances ■ Candy and Related Products ■ Clothing and Apparel ■ Dairy Products ■ Commercial and Industrial Machinery, Equipment and Supplies ■ Drugs and Druggist Supplies ■ Electrical Equipment, Wiring Supplies, and Similar Construction Material ■ Electronic Parts and Equipment ■ Fabric ■ Farm Machinery and Equipment and Farm Products (Raw Materials) ■ Furniture and Home Furnishings ■ Groceries and Related Products ■ Hardware ■ Heating, Ventilation, and Air Conditioning Equipment ■ Janitorial Supplies ■ Liquor ■ Livestock ■ Lumber and Other Building Materials ■ Machine Parts ■ Meat and Meat Products ■ Medical and Dental Supplies and Equipment ■ Oil Field Equipment ■ Produce ■ Special Trade Tools ■ Store Fixtures		

Table 21-3140-5, Wholesale and Distribution Use Category		
Characteristics: Uses involved in the sale, lease, or rental of products to industrial, institutional, or commercial businesses only. The uses emphasize on-site sales or order-taking and often include display areas. Business may or may not be open to the general public. Products may be picked up on-site or delivered to the customer.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Textile and Textile Products ▪ Vending Machines and Vending Machine Merchandise ▪ Welding Supplies ▪ Other uses meeting the characteristics of the Wholesale and Distribution Use Category		

Sec. 21-3150. Open Use Categories

The following tables set forth the primary uses and accessory uses included in each open use category:

A. **Agriculture and Animal-Oriented Uses.**

Table 21-3150-1, Agriculture Use Category		
Characteristics: Uses primarily related to the raising of animals and crops that do not exceed the threshold for Concentrated or Intensive Animal Feeding Operations, and the secondary enterprises associated with agricultural production.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Agricultural and Animal Support, Sales, and Service ▪ Animal Production Including Cattle, Horses, Hogs, Donkeys, Sheep, Goats, Pigeons, Poultry, Rabbits and Other Small Animals, Apiculture, Aquaculture, or Animal Breeding and Development ▪ Agricultural and Animal Production Support, Sales, and Service ▪ Chick Hatchery ▪ Cattle Feedlot, Stockyard, and the Commercial Sale of Livestock ▪ Community Garden ▪ Crop Production including Floriculture, Horticulture, Pasturage, Sod, Row and Field Crops, Viticulture or Orchard ▪ Dairy Products Manufacturing, Exclusively Grown On Premises ▪ Doggie Day Care Center ▪ Firewood, Commercial Storage and Sales ▪ Fish Hatchery ▪ Food Manufacturing, Exclusively Grown on Premises ▪ Grain and Oilseed Milling, Exclusively Grown On Premises ▪ Greenhouse/Nursery/Tree Production (With Outdoor Storage) ▪ Kennel ▪ Livestock Sale or Auction ▪ Riding Stable/Equestrian Training ▪ Rodeo Grounds ▪ Sale of Material for the Purpose of Retail or Wholesale Sales of Plant Material (Flowers, Shrubs, Trees, Garden Supplies) ▪ Veterinary Service (All Size Animals) ▪ Wineries, Processing Fruits Exclusively Grown on Premises	▪ Animal Enclosures and Pens (Sec. 21-3220.D.5) ▪ Associated Office ▪ Buildings Associated With Agricultural Uses Being Pursued on Site ▪ Greenhouse (commercial) ▪ Greenhouse (noncommercial) ▪ Dock or Pier (noncommercial) ▪ Minor Utilities ▪ Outdoor Display of Merchandise ▪ Parking And Storage of Operable Farm Vehicles and Farm Machinery ▪ Refuse Containers ▪ Roadside Stand ▪ Slaughtering, Processing and Packaging Of Animals Raised On-Site ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Animal Products, Packing And Processing (see Heavy Industrial) ▪ Animal Waste Energy Converter (see Waste-Related Service) ▪ Animal Waste Processing (see Waste-Related Service) ▪ Manufacture and Production Of Goods From Composting Organic Material (see Waste-Related Service) ▪ Slaughtering, Packaging Or Processing Of Animals (see Heavy Industrial)

Table 21-3150-1, Agriculture Use Category		
Characteristics: Uses primarily related to the raising of animals and crops that do not exceed the threshold for Concentrated or Intensive Animal Feeding Operations, and the secondary enterprises associated with agricultural production.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Other uses meeting the characteristics of the Agriculture Use Category		

B. **Resource Extraction.**

Table 21-3150-2, Resource Extraction Use Category		
Characteristics: Characterized by activities that extract minerals and other solids and liquids from land on which the use is established.		
Primary Uses	**Accessory Uses**	**Uses Not Included**
▪ Borrow Pit ▪ Construction Sand and Gravel Mining ▪ Gas and Flammable Liquid Storage and/or Production ▪ Minerals and Earths: Quarrying, Extracting, Grinding, Mining, Crushing, and Processing ▪ Ore Dump or Elevator ▪ Oil Field Chemicals (Production and/or Storage) ▪ Rock Quarry ▪ Sand/Gravel/Caliche Extraction or Storage ▪ Subsurface Extraction (Including Oil and Natural Gas Extraction) ▪ Other uses meeting the characteristics of the Resource Extraction Use Category	▪ Associated Office and Storage ▪ Dumpster or Trash Container (Sec. 21-3220.D.4) ▪ Minor Utilities ▪ Outdoor Storage Yard ▪ Resource Processing ▪ Solar Panel Array, Small (Sec. 21-3220.D.11) ▪ Stockpiling of Resources Extracted From the Site ▪ Storage Shed ▪ Wind Turbine, Small (Sec. 21-3220.D.12)	▪ Building and Development Contractors Specializing in Building, Excavating, Heating, Plumbing, Landscaping or Electrical and Others Who Perform Services Off-Site, but Store Equipment And Materials On-site (see Light Industrial)

Division 3.2: Use Standards

Sec. 21-3200. - Limited Use Standards

A. **Purpose**. The standards in this Section establish special regulations for the limited uses as noted in the land use tables in Sec. 21-2200, Sec. 21-2210, Sec. 21-2220, and Sec. 21-2230. These uses may affect adjacent properties, the neighborhood, or community, even if the site planning and development standards of the applicable zoning district are satisfied. The regulations contained in these Sections are intended to mitigate potential problems and hazards, and to ensure consistency with the Comprehensive Plan.

B. **Applicability.**

1. *Generally*. Uses shown as limited may be approved only if they meet the standards of this Section and other applicable standards and requirements of the LDC.

2. *Timing of Compliance*. These standards apply at the time a limited use is requested for an existing or new structure, or when an existing limited use is proposed to be expanded by more than 10 percent, cumulatively, over a five-year period, of the gross square footage currently devoted to the use.

3. *Expansions*. This Section is applicable when there is an expansion of the use whether it is to or within an existing building, an outdoor area devoted to the use, or a combination of thereof.

4. *Distance Requirements.* Unless otherwise stated within this Section, all distance requirements for limited uses are interpreted to be measured from the property line of the subject property to the nearest property line of the property from which the limited use is to be separated.

5. *Procedures*. For limited uses, the Community Development Director shall use the criteria set out in this Section to determine whether to authorize a land use requested by an applicant, subject to the Appeal of Administrative Decision of Sec. 21-7310.

6. *Approval Runs with Land*. The approval of a Limited Use Permit remains valid regardless of ownership, tenant, or name of business or institution, provided that the approved limited use remains continually in place and in operation.

7. *Other Applicable Standards*. The standards of this Section are applied in addition to the other applicable standards and procedures of this LDC, specifically including:

   a. Article II: Zoning Districts and Development Standards;

   b. Article IV: Design Standards;

   c. Article V: Subdivision Standards; and

   d. Article VII: Review Procedures.

C. **Residential Uses.**

1. *Group Home, Type A*. This use is permitted provided that:

   a. Group homes shall be licensed and operated in conformance with all applicable governmental regulations. If a license is pending, the City may issue a permit but such permit shall not take effect until the applicable license is obtained,

   b. The proposed group home shall be designed, operated, and maintained in a manner that is compatible with the surrounding residential context. Specifically, it shall not result in excessive traffic, on-street parking, noise, or visual impacts that significantly differ from those associated with typical residential uses. While neighborhood opposition may be considered during the review process, an application shall

not be denied solely on the basis of public opposition unless valid, substantiated evidence is presented demonstrating a material adverse impact on the neighborhood's residential character or quality of life.

c. No group home shall be located closer than 750 feet from another group home.

d. No group home shall provide housing to any individual whose tenancy would constitute a direct threat to the health or safety of any other individual or would result in substantial physical danger to the property of others.

e. No group home shall provide housing to more than one person required to register as a sex offender pursuant to state law.

2. *Multi-Unit*. This use is permitted in the C-1 and C-2 *zoning districts* subject to the following limitations:

a. In the C-1 District, multi-unit residential is permitted only if the use is contained within a Mixed Use Building Form.

b. In the C-2 District, multi-unit residential is permitted only if:

i. The use is not located within 600 feet of an arterial or collector street; or

ii. The use is contained within a Mixed Use Building Form.

D. **Public and Institutional Uses.**

1. *Community Service and Places of Worship Uses.*

a. *Access, Buffering, and Separation*. The facility shall, if newly developed:

i. Take access from a collector or arterial level street unless the use is located in the MU-C or MU-1 district where pedestrian access is prioritized and traffic impacts are minimal;

ii. Provide a Type B bufferyard when adjoining a residential use; and

iii. Locate buildings and parking areas at least 50 feet from a residential use.

b. *Location*. The use shall be located in a permanent structure.

c. *Parking and Traffic Congestion.* The use shall not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding residences.

d. *Outdoor Activity Areas*. Outdoor gathering or activity areas (such as playgrounds, courtyards, or event spaces) must be set back at least 25 feet from any residential property line and screened with landscaping or fencing.

e. *Minimum Lot Size*. The minimum lot size shall be one acre, unless located in a zoning district that allows smaller lots and the proposed use can demonstrate compliance with parking, buffering, and circulation requirements without adverse impacts to adjacent properties.

2. *Day Care Uses.* This use is permitted provided that:

a. All Day Care Uses shall be licensed and operated in conformance with all applicable federal and state regulations.

b. An off-street vehicular loading area or driveway shall be provided for the purpose of loading and unloading clientele.

c. Outdoor play areas shall be:

i. Fully enclosed with a fence a minimum of four to six feet in height;

ii. Located in the rear or side yard whenever feasible to reduce impacts on adjacent residential properties; and

iii. Designed to minimize noise and visual impacts through landscaping, screening, or setbacks from property lines.

d. Day care uses located in residential zoning districts shall limit operating hours to 7:00 a.m. to 7:00 p.m.

3. *Dog Park*.

a. *Location.*

i. The dog park shall not be located in a detention basin.

ii. The dog park shall include an adequate buffer to minimize noise and odor impacts on neighboring properties.

b. *Fencing.* The dog park shall utilize security fencing at least four feet in height around the entire perimeter of the park to prevent off-leash dogs from escaping the park enclosure.

c. *Gates.*

i. A minimum of one pedestrian and dog entry gate shall be installed.

ii. The gate shall be a double gate with an eight-foot by eight-foot concrete pad to provide a transition area for dogs and people to enter and exit the facility.

d. *Signage.*

i. A minimum of one sign shall be posted at the entrance gate of the facility and shall include a minimum of the following information:

(A) Rules for the use of the facility;

(B) Hours of operation; and

(C) Requirement to pick up and properly dispose of dog waste.

e. *Trash Receptacles.*

i. A minimum of two trash receptacles shall be required.

ii. At least one trash receptacle shall be located inside the gate and one shall be located outside the gate.

f. *Dog Bag Dispenser.*

i. A minimum of two dog bag dispensers shall be required.

ii. At least one of the dog bag dispensers shall be located within 10 feet of a trash receptacle.

4. *Educational Facilities*.

a. *Setback.* All structures and buildings shall be set back at least 50 feet from side property lines and 100 feet from front property lines.

b. *Drainage and Access*. All educational facilities shall comply with the drainage and access standards of the City.

5. *Small Wind Energy Conversion System (Windmill).* This use is permitted provided that:

a. *Purpose.* It is the intent of this Section these standards to encourage the use of small wind energy conversion systems to provide an alternative source of energy. Decorative windmills not used for this purpose shall follow accessory structure criteria, where applicable

b. *Application Requirements.* In addition to the regular requirements of a standard building permit application, the following must be submitted with the Limited Use Permit application:

i. A site plan clearly defining the location of the proposed small wind energy conversion system including any towers, setbacks, and height information. The site plan shall also show the location of all existing structures, above-ground utility lines, and existing vegetation described by size and type.

ii. A letter of certification from a registered structural engineer that verifies the structural integrity of the supporting tower for its ability to withstand structural and wind loads in compliance with the City's building code.

c. *Design Standards.*

i. *Maximum height.* The maximum height of a small wind energy conversion structure shall not exceed 50 feet in all residential and agricultural zoning districts and 75 feet in all other zoning districts.

ii. *Setback.* A small wind energy conversion structure shall be located at least one times the height of the structure from all property lines and from any overhead utility lines. These wind energy conversion structures may be freestanding or co-located on buildings or other structures.

iii. *Noise and frequency emission.* The sound levels of noise radiating from the small wind energy conversion system shall not at any time exceed 45 decibels measured from the nearest property line(s) to the structure, or fluctuate more than ten decibels in a full cycle of the windmill. Generators and alternators shall be rated for, or emit a level of radio-frequency energy emission which will not create electrical interference.

iv. *Number limitation*. Small energy conversion systems shall be limited to one structure per parcel of land, or per five acres, whichever is less.

d. *Electrical Power Limitation.* The electrical power output of the small wind energy conversion system shall not exceed 100 kilowatts or 1½ times the kilowatt needs of the residence or business, whichever is less.

e. *Safety.* Prior to installation of the system, the applicant shall notify the utility company which has jurisdiction over the property where the proposed system is to be located to prevent unsafe interconnections with the utility company's power grid. The installation shall meet the interconnect requirements of utility company or as is required by the public utilities commission (PUC). The small wind energy conversion structure shall be located on the site such that it allows sufficient access for repair or servicing without trespassing on adjoining property. Unauthorized access to the system's tower shall be prevented. The small wind energy conversion system shall be maintained in a sound working order and sound structural condition.

f. *Abandonment and Removal.* Any system which is inoperable or abandoned for a period of not less than 180 days shall be disconnected from the public utility and dismantled and removed from the property within 30 days following notice from the building official.

E. **Commercial Uses.**

1. *Bed and Breakfast.*

a. *Maximum Stay.* Up to eight individuals are permitted to stay up to 30 days.

b. *Maximum Guest Bedrooms.* No more than four guest bedrooms.

c. *Cooking Facilities.* No individual cooking facilities may be installed in any guest bedroom.

d. *Meal Service.* Meal service is limited to residential guests only. Sale of food and beverage to other than overnight guests is strictly prohibited.

e. *Parking.* Parking shall comply with Division 5.3, *Parking, Loading, Stacking, and Pedestrian Circulation*.

f. *Additions.* Any proposed additions must be compatible with the architectural style and building materials for the dwelling and compliant with city codes.

g. *Lighting.* No lighting out of character with a residential area may be used for the bed and breakfast.

2. *Automobile and Truck Wash Facilities.*

a. *General Standards.* The following standards shall apply to all automobile wash facilities including accessory car wash bays.

i. No new wash facility operating as a primary use may be located within one mile of any other existing wash facility operating as a primary use.

ii. The wash facility, including all appurtenant structures, shall be set back a minimum of 20 feet from any adjacent street.

iii. Drying, vacuuming, and detailing areas may not be placed closer than 50 feet from a residential property line while also being located behind the primary structure.

iv. All washing facilities shall be equipped with a water recycling system.

v. A bypass lane shall be provided to allow vehicles a way to navigate the site without needing to turn around or travel through a car wash tunnel.

vi. Car wash entrances and exits shall be screened from view from adjacent properties and streets.

(A) *Methods.* Required screening shall be provided in the form of a Type B bufferyard, screen panels, topographic changes, buildings, horizontal separation, or a combination of these techniques.

vii. Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7:00 a.m. and 9:00 p.m.

b. *Accessory Car Wash.* A fully-enclosed car wash is allowed as an accessory use to convenience stores and gas stations, or for the purpose of washing vehicles associated with the business operations on an industrial zoned site subject to the following design standards:

i. The entrance to the car wash shall be screened from view from adjacent properties and streets;

(A) *Methods.* Required screening shall be provided in the form of a Type B bufferyard, screen panels, topographic changes, buildings, horizontal separation, or a combination of these techniques.

ii. The accessory car wash shall be limited in size to a single vehicle; and

iii. In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in Sec. 21-5350, *Stacking Requirements*.

3. *Bail Bond Businesses.* This use is permitted provided that:

a. No bail bond business shall be located within 100 feet of the property line of any lot, tract, or parcel of land within the City which is zoned for residential use, or zoned AG and used for residential purposes.

b. No bail bonds business shall be located within 600 feet of the property line of any school or public park. The distance shall be measured in a straight line, without regard to intervening structures, objects or city limits, from the closest exterior wall of the structure in which the bail bonds business is located to the property line of the zone district, school, or park.

4. *Brewpub*.

a. Not more than 30 percent of the gross floor area of a brewpub shall be used for the production of beer.

5. *Restaurant, Drive-Through.*

   a. *C-1, C-2, and C-C.* This use is permitted in the C-1, C-2, and C-C zoning districts subject to the following limitations:

      i. *Stacking.* Sufficient stacking areas for vehicles shall be comply with Sec. 21-5350, *Stacking Requirements*

      ii. *Aisle Width.* All aisles shall be a minimum of 12 feet wide.

      iii. *Pedestrian Walkways Restricted.* Pedestrian walkways shall only intersect drive-thru, drive-in, or drive-up aisles when there is no other reasonable alternative. In such event, walkways shall have clear visibility and shall be identified by special raised or patterned paving or other treatment.

      iv. *Screening.* Landscaping, screen walls, berms, placement of the drive aisle, or other site design techniques shall be used to screen cars waiting in the drive-thru, drive-in, or drive-up aisles from the public right-of-way and shall be used to minimize the visual impact of drive-thru, drive-in, or drive-up aisles, menu boards, and directional signs. The entire drive-thru area must be landscaped or bermed with a minimum 36-inch high berm or wall to screen the drive-up facility from view from adjacent streets. Where a 36-inch high berm or wall may not be practical and landscaping can accomplish the desired intent, the berm may be reduced or deleted. Sight-distance triangles shall be maintained.

      v. *Alcoholic Beverages.* No alcoholic beverages may be sold at drive-up or drive-through windows

      vi. *Architecture.* Drive-thru, drive-in, or drive-up uses within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-thru, drive-in, or drive-up use shall be compatible with and have minimal adverse impact on the use of surrounding properties

   b. *MU-C and MU-1.* This use is permitted in the MU-C and MU-1, zoning districts provided that Drive-thru, drive-in, or drive-up uses shall be limited to call-in or mobile orders only. Order placement through on-site exterior equipment, such as speaker boxes or menu boards, shall be prohibited. No component of the facility shall suggest or accommodate on-site order by vehicle, except for the pickup of pre-placed orders.

6. *Age-Restricted Retail.*

   a. *Minimum Distance from Same Use.* In all applicable districts, the use shall be located a minimum of 1,000 feet from property line to property line.

   b. *Minimum Distance from Other Uses.* The use shall be located a minimum of 600 feet from the following uses, measured as a radius from property line to property line.

      i. Public, private, or denominational schools;

      ii. Parks or playgrounds;

      iii. Uses in the Day Care use category;

      iv. Hospitals; and

      v. Uses in the Places of Worship use category.

7. *Fuel Sales*. This use is permitted provided that:

   a. *General Standards.* All businesses where fuel sales occur shall comply with the following standards:

      i. No more than two may be located within 660 feet of an arterial/arterial intersection; however, this separation requirement shall not apply to fuel sales that are accessory to a grocery store;

      ii. Street access shall conform to the requirements imposed by the engineering division; and

iii. Vehicle access and circulation shall be designed so that the impacts to adjacent residential uses or properties from the movement of vehicles or the lights from vehicles are minimized.

b. *Pump Islands.*

i. A maximum of two pump islands, as depicted in Figure 21-3200-1, *Two Pump Islands*, shall be permitted on a 12,000-square foot lot. One pump island may be added for each additional 2,000 square feet of lot area, provided that the total number of pump islands shall not exceed four per lot.

ii. The addition of one pump island may be administratively approved if the Director finds:

(A) The on-site circulation will not be negatively impacted;

(B) The off-site circulation will not be negatively impacted

(C) Access to the property will not be negatively impacted;

(D) Appropriate screening and/or landscaping will mitigate the visibility of the pump island; and

(E) The total area for fuel pumps is not increased.

Figure 21-3200-1, Two Pump Islands

c. *Building and Equipment Setbacks and Buffers.*

i. The principal building and any accessory structures, except for fuel pumps, pump islands, detached canopies, and similar equipment, shall be set back a minimum of 15 feet from any street right-of-way and a minimum of 20 feet from all property lines abutting a residential zoning district.

ii. When the facility abuts a residential district, use, or property, a minimum 20-foot wide landscape buffer shall be provided along the shared boundary in accordance with Division 4.4, *Landscaping, Buffering, and Screening.*

iii. Fuel pumps, pump islands, detached canopies, and similar equipment shall be set back a minimum of 40 feet from all street rights-of-way and from all property lines abutting a residential zoning district.

iv. Compressed air and vacuum connections shall be setback from public rights-of-way a minimum distance equal to the minimum landscape buffer. They shall be set back from any residential zoned property a minimum of 40 feet.

d. *Supplemental Development and Design Standards.* In addition to any other development or design standard set forth in Division 5.2, *Building Design Standards*, the following standards shall apply:

i. Any fuel pump canopy or accessory structures shall utilize the same architectural treatment as the primary or principal building. The material used on the underside of the canopy shall not be highly reflective.

ii. A maximum of 25 percent of each canopy fascia area visible from any public street may be internally illuminated, and no portion of any fascia may be externally illuminated. Each side of a fuel pump canopy shall be considered a separate fascia area.

iii. All canopy lighting shall be fully recessed into the canopy structure so that the light source itself is not directly visible from any adjacent street or property.

iv. Where the use abuts or is across the street from a residential zoning district, sight lighting or other lights illuminating the fuel pumps or other areas of the site shall be extinguished at the close of business.

e. *Accessory Car Wash Bays.* A fully-enclosed, single-bay car wash is allowed as an accessory use, subject to the following development and design standards:

i. To the maximum extent possible, the entrance to the car wash bay shall be sited so as not to be visible from the lot's primary street frontage;

ii. The car wash bay shall be limited in size to a single vehicle;

iii. The car wash bay shall be located outside of the 20-foot landscape buffer required by 21-3200.E.2.b of this Section;

iv. In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in Sec. 21-5350.-*Stacking Requirements*;

v. Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7:00 a.m. and 9:00 p.m.

8. *Marijuana Use*. This use category is permitted provided that:

a. *Location Restrictions.*

i. *General Restrictions.* No marijuana business shall be located within:

(A) 1,000 feet of any educational institution or school, either public or private; excluding institutions of post-secondary education;

(B) 1,000 feet of any state licensed child care facility;

(C) 1,000 feet of any alcohol or drug rehabilitation facility;

(D) 1,000 feet of any group home;

(E) 1,000 feet of any halfway house or correctional facility;

(F) 1,000 feet of any City-owned public park or City-owned recreation center provided, however, that for purposes of this Section, the term park shall exclude any trailer;

(G) 1,000 feet of any other marijuana use of any type.

ii. *Restrictions Related to Residential Uses*.

(A) Retail marijuana stores and medical marijuana centers shall not be located within 2,000 feet of any property in the City that is zoned: mixed use and has a residential entitlement; residential; or agricultural.

(B) All other marijuana business and primary caregivers shall not be located within 1,000 feet of any property in the City that is zoned: mixed use and has a residential entitlement; residential; or agricultural.

v. *Retail or Medical Marijuana Store Separation*. No retail or medical marijuana store shall be located within 2,000 feet of any other retail or medical marijuana store.

vi. *Applicability*. The location restrictions contained in this Section shall be applicable at the time of initial licensing. For purposes of this Section, an established and licensed marijuana business or primary caregiver may continue operations without being deemed to be in violation of this Section if one of the above-referenced uses locates within an applicable buffer zone. For purposes of this code, the business or caregiver shall be deemed to be a pre-existing use. The business or primary caregiver who continues to operate does so at its own risk, however, and shall be subject to the enforcement of any applicable non-city provision relating to location

b. *Advertising, Signage, and Design.*

i. *Advertising Generally*. In addition to this LDC, primary caregivers and all marijuana businesses, regardless of whether they are medical or retail in nature, shall comply with the provisions contained in Part 2 of Article 10 of Title 44 of the Colorado Revised Statues.

ii. *Sign Approval Required*. No permanent or temporary sign associated with a marijuana-related business licensed with the City may be installed or located until reviewed and approved by the City via a temporary or permanent Sign Permit

iii. *Color Restrictions.* Colors for both signage and the overall building that offer low reflectance in subtle, neutral or natural tones are required over the use of high-intensity or reflective colors that draw attention to the business.

iv. *Prohibitions*. The following activities are prohibited anywhere within the City:

(A) Storage or marijuana or marijuana-related products off the site of the licensed premises without a valid off-site storage permit;

(B) Marijuana hospitality and retail hospitality;

(C) Marijuana membership clubs;

(D) Marijuana businesses as home occupations;

(E) Marijuana businesses within a mixed use development that includes a residence; and

(F) Marijuana vapor lounges.

9. *Office Uses*.

a. *All Office Uses*. Drive-through facilities are prohibited.

b. *Healing Center*. Healing Centers may only be open between the hours of 8:00 a.m. and 8:00 p.m. daily.

10. *Parking, Commercial.*

a. Parking areas shall be screened from the public street. Site walls, landscape berms or a dense shrub hedge at least 36" height shall be incorporated between parking areas and the public street.

b. A minimum of 50% of the parking shall be covered with a permanent structure type parking canopy.

c. The design of parking canopies, structures, and enclosures shall be integrated architecturally with the primary structures, if located on the site. Materials and colors can be utilized to integrate covered parking elements with principal buildings located on the site.

11. *Pawn Shop.*

a. *Separation Requirements.* A pawn shop shall not be located within:

i. 1,000 feet of another pawn shop;

ii. 500 feet of any school, public park, places of worship, or residentially zoned property; and

iii. 300 feet of a bail bond business or similar alternative financial service provider.

b. *Hours of Operation.* Pawn shops may operate only between 8:00 AM and 8:00 PM, seven days a week.

c. *Display and Storage.*

i. *Outdoor Activities Prohibited.* All activities shall be performed or carried out entirely within an enclosed building.

ii. *Outdoor Display Prohibited.* The display of items outdoors is prohibited.

d. *Tracking Compliance.* Pawn Shop businesses shall participate in the Police Department's stolen merchandise tracking program.

e. *Vehicle Sales Prohibited.* On-site vehicle sales are prohibited.

12. *Recreation, Indoor.*

a. *Uses.* The following indoor recreation uses shall be prohibited within a vertical mixed use building:

i. Bowling Alley; and

ii. Gun Club without Outdoor Range

b. *Location.* No Gun Club without Outdoor Range shall be located within 1,000 feet of the following:

i. The exterior boundary of any residential zoning district;

ii. Any Residential Use as listed in Sec. 21-4110; and

iii. Any Educational Facility.

13. *Sexually-Oriented Business*. The use is permitted provided that:

a. *Purpose*. The standards set forth in this Section are intended to promote the health, safety, and general welfare of city residents by establishing reasonable and uniform standards to prevent the deleterious location and concentration of sexually oriented businesses within the City. It is neither the intent nor the effect of this Section to restrict or deny access by adults to sexually oriented entertainment or to deny access to the distributors and exhibitors of sexually oriented entertainment to their intended market.

b. *Location*. No sexually oriented business shall be located within 1,000 feet of the following:

i. The exterior boundary of any public zone district;

ii. The exterior boundary of any residential zone district;

iii. The exterior boundary of any existing or occupied mobile home;

iv. The exterior boundary of any lot on which there is located a single-unit or multi-unit residence, whether located within or outside of the City;

v. Any church or religious institution;

vi. Any educational institution or school, either public or private;

vii. Any licensed child care facility;

viii. Any public community center, park, fairground, or recreation center, or any publicly owned or maintained building open for use to the general public; or

ix. Any other adult entertainment use whether such other adult entertainment use is located within or outside of the City.

c. *Urban Renewal Projects.* No sexually oriented business shall be located in any area designated as an urban renewal project pursuant to state law, whether such use is located within or outside of the City.

d. *Advertisements*. Advertisements, signs, displays, or other promotional material depicting adult entertainment uses shall not be shown or exhibited off the premises where the adult entertainment uses are conducted, in a manner visible to the public, from roadways, pedestrian sidewalks, or walkways, or from other public areas.

e. *Indoor Use*. All sexually oriented businesses shall conduct business indoors, and all building openings, entries, and windows shall be located, covered, or screened in such a manner as to prevent a view into the interior; and for new construction, the building shall be constructed so as to prevent any possibility of viewing the interior.

f. *Priority of Use*. No sexually oriented business shall be found in violation of Section (b) above based upon a use or land reclassification that occurs after the City approves the sexually oriented business. An existing sexually oriented business shall be given priority over the proposed new use or land reclassification and shall be permitted to continue, so long as it is in compliance, as determined by the City, with all other applicable conditions of its zoning, and so long as it has any such current and validly approved licenses as may be required by this LDC, or by any other applicable statute or ordinance of the City.

14. *Vehicle Servicing, Minor and Vehicle Repair, Major.* This use is permitted provided that:

a. *General Standards.* All such uses shall comply with the following standards:

i. Street access shall conform to the requirements imposed by the engineering division; and

ii. Vehicle access and circulation shall be designed so that the impacts to adjacent residential uses or properties from the movement of vehicles or the lights from vehicles are minimized.

b. *Equipment, Activity, and Materials.*

i. All repair work, vehicle washing, installation of parts, hydraulic hoists, pits, and all lubrications, greasing, automobile detailing, or repairing equipment shall be entirely enclosed within a building. When any such building or portion of a building faces, abuts, or is adjacent to residentially zoned property, the closest, adjacent building wall or face shall consist of a solid wall with no window or door openings other than those required by applicable building codes.

ii. All vehicle parts, dismantled vehicles and similar materials, and all discarded materials such as tires, cans, and drums, shall be stored within an enclosed building or meet the criteria for outdoor storage.

iii. *Inoperable Vehicles Prohibited*. The storing or keeping of inoperable vehicles on the property is strictly prohibited.

c. *Vehicle and Truck Storage*. All vehicles awaiting repair shall be stored on site in approved parking spaces and under no circumstances shall such vehicles be stored outside in an unassembled condition, on an unapproved parking surface, or stored on or obstruct access to a public right-of-way.

d. *Accessory Car Wash Bays*. A single-bay tunnel car wash is allowed as an accessory use subject to the following development and design standards:

i. To the maximum extent possible, the entrance to the car wash bay shall be sited so as not to be visible from the lot's primary street frontage;

ii. The car wash bay shall be limited in size to a single vehicle;

iii. The car wash bay shall be located outside of the 20-foot landscape buffer required by paragraph 21-3200.E.2.b of this Section;

iv. In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in Sec. 21-5350, *Stacking Requirements*;

v. Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7:00 a.m. and 9:00 p.m.

15. *All Vehicle Sales and Rental.*

a. Display of vehicles shall be on hot-mix asphalt or concrete and shall not impact existing landscaped areas or encroach into required landscape buffers.

b. No merchandise shall be placed for sale, display, or storage within any public rights-of-way, or landscaped areas.

c. Outdoor displays that pose a safety hazard to the general public shall be prohibited.

d. Outdoor displays of merchandise shall be located in areas that are accessible to and safe for pedestrian access.

e. Any business engaged in vehicle sales or rentals shall have a principal building consisting of a minimum of 500 square feet in size. The building shall be a permanent structure. Modular or portable buildings, or mobile homes, shall not be permitted.

f. Outdoor speakers and sound amplification systems shall not be permitted.

g. There shall be no use of elevated platforms for the display of vehicles.

K. **Industrial Uses.**

1. *Above-Ground Storage Tanks, Less than 48,000 Gallons*. This use is permitted provided that:

a. All tanks shall meet the applicable building and fire code requirements.

b. The tank for the storage of liquids does not exceed 12,000-gallon capacity.

c. Tanks for the storage of liquid materials shall be located in side or rear yards.

d. The refueling of motorized vehicles from above-ground storage tanks is permitted only to the extent such activity is authorized by the fire and building codes adopted by the City.

2. *Artisan/Handcrafted Manufacturing*. The use is permitted provided that:

a. The maximum gross floor area shall not exceed 5,000 square feet.

b. No outdoor storage is permitted.

c. Where such buildings are located within 50 feet of any residential use, no openings facing a residential use are permitted other than stationary windows, fire exits, or garage doors that are open only when

necessary to permit immediate vehicle access and then are immediately closed.

3. *Bulk Grain Transfer Facilities.* This use is permitted provided that:

   a. Operations comply with all applicable rules and regulations of State of Colorado and Tri-County Health Department.

   b. Rodent and pest control programs must 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.

   c. No storage of grain is allowed on the property, including in trucks, piles, containers, or within the conveyor system.

4. *Self-Service Storage.* This use is permitted provided that:

   a. All site fencing along public right-of-way shall consist of wrought iron or similar types of decorative fencing materials. Chain link fences are prohibited.

   b. All mini-storage facilities shall provide a minimum 24-foot wide drive aisle between all buildings and adjacent to all building walls with storage compartment access doors.

   c. Colors shall generally complement the surrounding development, and shall not be used to attract attention to the facility (i.e., no red roofs, orange doors, etc.).

   d. Building exteriors shall not be corrugated metal or similar surface, but shall be of finished quality. Metal containers are prohibited.

   e. Doors to individual units shall be located internal to the development.

   f. Architectural style shall be compatible with surrounding properties. A minimum of 4:12 pitched roofs are required.

   g. All storage units shall be located within an enclosed building or buildings.

   h. Storage units shall only be used for the storage of goods and/or property.

   i. Storage units shall not be used for activities of any kind, including but not limited to:

      i. Residences, offices, workshops, studios, hobby, meetings, gathering spaces, or rehearsal areas;

      ii. Manufacturing, fabrication, or processing of goods, service or repair of vehicles, engines, appliances, or other electrical equipment, or any other industrial activity;

      iii. Conducting retail sales of any kind, including garage or estate sales or auctions or to conduct any other commercial activity;

      iv. Storage of flammable, perishable, or hazardous materials or the keeping of animals.

   j. Accessory retail uses such as general retail storefronts, or the sale of boxes or packing materials are encouraged and allowed only if they are otherwise permitted in the zoning district in which the facility is located, and meet all applicable use and development standards.

   k. Hours of operation shall be limited to the hours from 6:00 a.m. to 10:00 p.m. Business activities and tenant access to storage units shall not be permitted from 10:00 p.m. to 6:00 a.m.

   l. All facilities shall be climate-controlled, whereby both temperature and humidity are regulated.

   m. No new commercial indoor self-storage facility shall be located within 1,250 feet of any other existing commercial indoor self-storage or traditional mini-storage facility.

   n. For commercial indoor self-storage facilities, the following standards shall apply in addition to the development standards generally required for all new commercial development in Article IV, *Design Standards*, regarding entrances, materials, landscaping, parking, etc.:

i. Commercial indoor self-storage facilities are permitted only within multi-story structures designed to emulate multi-unit residential or office buildings. A minimum of 20% glass or other window openings are required per façade.

ii. The site on which a commercial indoor self-storage facility is located shall not have frontage along an arterial street.

iii. All individual storage units shall gain access only from the interior of the building. The primary facility loading bays, docks, or doors shall not be directly facing any adjacent residential property.

iv. All fencing shall consist of wrought iron or similar types of decorative fencing materials. Chain link fences are prohibited.

v. Colors shall compliment the natural characteristics of the site and surrounding development, and shall not be used to attract attention to the facility (i.e., no red roofs, orange doors, brightly colored doors, etc.).

5. *Outdoor Storage.* Outdoor storage is prohibited, including outdoor storage of boats, RVs, vehicles, and storage in outdoor storage pods, shipping containers, or similar.

6. *Small Recycling Collection Area*. This use is permitted provided that:

a. The facility shall be no larger than 300 square feet and shall occupy no more than five parking spaces, excluding space that will be periodically needed for removal of materials or exchange of containers, and 1 parking space for an attendant, which shall be located outside the facility.

b. The facility shall be set back at least ten feet from any public right-of-way and shall be located so that pedestrian or vehicular circulation is not obstructed.

c. The facility shall accept only glass, aluminum, plastic containers, papers, and similar items.

d. The facility shall use no power-driven processing equipment, except for reverse-vending machines.

e. The facility shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, and shall be of a capacity sufficient to accommodate materials collected within an allotted collection schedule.

f. All recyclable materials shall be stored in the unit and shall not be left outside of the unit when unattended.

g. The facility shall be maintained in a clean and sanitary manner, free of litter and any other undesirable materials.

h. With the exception of multi-unit developments, facilities shall not be located within 150 feet, excluding right-of-way, of any residential zoning district or any parcel identified as residential in the comprehensive plan.

i. Containers shall be clearly marked to identify the type of material, which may be deposited. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling containers.

j. The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.

k. The facility shall be completely screened by an opaque fence or wall.

7. *Towing Services with Impound Yard.* This use is permitted provided that:

a. *Fence and Screening Requirements*. An impound yard must be completely enclosed by a screen style fence that is eight feet in height.

b. *Vehicle Parts*. Vehicle parts shall not be taken or sold from vehicles stored in an impound yard, nor shall any vehicle parts be stored within an impound yard.

c. *Temporary Storage*. Except as required by court order or requested by law enforcement conducting an official investigation, no vehicle may be stored in an impound yard in excess of 90 days.

d. *Rows*. Vehicles stored in an impound yard must be parked neatly in rows.

L. **Open Uses.**

1. *Animal Production*. This use is permitted provided that:

a. *Additional Regulations*. Additional regulations regarding number of animals allowed shall be made by the Community Development Director, using the space requirements for horses as a guide.

b. *Number of Animals*. One horse/large animal shall be permitted; for the first 12,000 square feet of net lot area (lot area without a structure upon it); one additional horse/large animal shall be permitted for each additional 6,000 square feet of net lot area.

c. *Lot Area*. The lot exceeds 12,000 square feet.

2. *Community Garden.* This use is permitted provided that:

a. *General Standards.*

i. The growing and/or cultivation of marijuana, for any purpose, is prohibited.

ii. All community gardens shall have on-site irrigation.

iii. The keeping of animals is prohibited except for those animals allowed with a valid permit approved in accordance with Chapter 4, Article V of the Municipal Code and kept in accordance with the applicable provisions of the Municipal Code and state laws.

iv. No community garden shall be permitted on any property on which a single-unit dwelling, either attached or detached, exists.

v. Off-street parking, if any, shall include a dust-free surface approved by the City Engineer.

vi. Tools and equipment must be stored in sheds. Hoop houses and greenhouses shall not be used to store tools or equipment.

vii. All compost materials shall be kept in an enclosure that limits the negative impacts to adjacent properties.

b. *Sign Standards.*

i. Identification signs shall be monument type and shall not exceed 20 square feet in area or six feet in height. Each community garden shall be limited to one identification sign per street frontage that is setback a minimum of 10 feet.

ii. Each community garden shall be allowed one entrance sign per entrance that is intended to communicate garden information, rules, regulations, or policies. Entrance signs shall not exceed 15 square feet in area or six feet in height. Entrance signs shall be setback a minimum of 10 feet.

iii. Signage to communicate and/or distinguish specific crops or garden orientation shall be limited to three square feet and shall not require a permit from the Planning Division.

c. *Accessory Structures Limited*. The following accessory structures may be located on property being used as a community garden: sheds, hoop houses, green houses, fences, compost enclosures, and vertical growing structures. All other accessory structures are prohibited.

d. *Accessory Structure Standards.* Unless a different standard is specified in this Section, all accessory structures must comply with the general standards of this code.

i. No accessory structure shall exceed 15 feet in height.

ii. No more than three sheds shall be permitted.

iii. No more than a combined total of 3three hoop houses and/or greenhouses shall be permitted and the cumulative square footage of all such hoop houses and greenhouses shall not exceed ten percent of the lot area.

iv. Hoop houses, green houses, and sheds shall be set back ten feet from the front property line, five feet from the side and rear property lines, and ten feet from any property line adjacent to a street.

v. No more than one compost enclosure shall be permitted on any property that is one acre or less in size. No more than two compost enclosures shall be permitted on any property that is more than one acre in size. Compost enclosures shall be set back ten feet from all property lines and shall not exceed six feet in height. Compost enclosures may consist of multiple sections.

e. *Fences*.

i. Electric and barbed wire fences are prohibited.

ii. To the maximum extent feasible, fences shall be compatible in appearance and placement with the fences in the area.

f. *Height and Style.*

i. Along the right-of-way, fences shall be open style and shall not exceed 42 inches in height.

ii. Portions not along the right-of-way shall comply with the fence standards of the applicable underlying zone district.

g. *Setbacks*.

i. *Residential*. Fences along the right-of-way shall be set back a minimum of 30 inches from the property line. Fences that are not along the right-of-way shall comply with the general setback requirements for fences in residential zone districts.

ii. *Nonresidential*. Fences along the right-of-way shall be set back a minimum of 5five feet from the property line. Fences that are not along the right-of-way shall comply with the general setback requirements for fences in the applicable underlying zone districts.

3. *Doggie Day Care Facilities*.

a. *Indoor Use.* Except any outdoor play area, all services provided by a doggie day-care facility shall be conducted within a completely enclosed, soundproof building.

b. *Design.* All doggie day-care facilities shall be designed and constructed in a manner that minimizes any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to such facilities.

c. *Fencing*. The premises or portion of the premises upon which the outdoor play area is located shall be enclosed with a fence constructed to a height and of materials sufficient to be reasonably certain of confining the animals placed therein.

d. *Noise*. Structures and fences shall be constructed of such materials and be of sufficient quality to minimize the possibility of animals creating a nuisance by barking or otherwise creating noise loud enough to disturb neighbors.

4. *Greenhouse/Nursery/Tree Production (With Outdoor Storage)*. This use is permitted provided that:

a. *Agricultural District.* Off-site delivery of plant materials and the use and storage of all vehicles and equipment necessary for those activities are permitted.

b. *Display and Storage.* Merchandise, landscaping materials, and equipment shall be displayed or stored within an enclosed building or in an area of the property that has been fenced or landscaped to conceal the area from any public right-of-way. Neither storage nor display shall occur within 25 feet of public right-of-way or occupy required off-street parking spaces.

c. *Vehicle Maintenance.* Any repair or servicing of vehicles or equipment used in the operation of the business shall occur within an enclosed building. Repair and servicing shall be limited to normal maintenance and shall not include body repair or modification.

d. *Growing Areas.* Areas for the growing of plants and nursery stock may be permitted in greenhouses or in open areas as designated by the applicant.

e. *Outdoor Storage.* Outdoor storage shall meet all requirements for outdoor storage established in Division 4.5, *Outdoor Display and Storage*. The type and location of any materials to be stored on any site shall be determined at the time of development plan approval. Any materials approved for outdoor storage shall not cause a hazard or nuisance to the health, safety, or welfare of humans or animals

5. *Kennels*. This use is permitted provided that:

a. *Existing Kennels*. Any kennel licensed and in operation as of the date of adoption of this LDC shall be exempt from provision e, *Structures, Space Requirements, and Setbacks*, of this Section. Such pre-existing uses shall be considered legal nonconforming uses and shall be governed by Article X: *Nonconformities*.

b. *Containment and Noise*. Fencing and landscaping should be used to minimize noise, glare, and other nuisances. The portion of the premises upon which a kennel is located shall be enclosed with a fence constructed to a height and of materials sufficient to be reasonably certain of confining the animals placed therein, or the animals shall be restrained by other means consistent with the size, weight, and abilities of the animals restrained to be reasonably certain to prevent them from being able to escape and run at large. Animals running at large will be prevented. Structures and fences will be constructed of such materials and quality to minimize the possibility of animals creating a nuisance by barking or other noise loud enough to disturb neighbors.

c. *Structures, Space Requirements, and Setbacks.*

i. All places where the animals are kept including structures, pens, yards, and runs shall be located a minimum distance of 100 feet or a distance equal to 1½ times the width of the parcel of land occupied by the shelter, whichever is the lesser of the two distances from any residence or primary structure located on parcels of land adjoining the parcel. New construction on adjoining parcels of land will not affect existing structures, pens, runs, yards, and other places where animals are kept.

ii. Dog kennels shall be situated on not less than a five-acre parcel of land.

iii. All shelters shall be of sufficient height and width to permit each animal or animals to stand up and turn around when fully grown. If cages are used, they shall be of sufficient height and width to permit each animal or animals to stand up and turn around when fully grown, but minimum cage sizes shall be as follows:

(A) Small breeds and cats: 21 inches wide, 29 inches deep, and 24 inches high.

(B) Medium breeds: 29 inches wide, 32 inches deep, and 33 inches high

(C) Large breeds: 29 inches wide, 45 inches deep, and 33 inches high.

d. *Dust*. Adequate provision shall be made to prevent dust.

e. *Traffic*. All kennel traffic shall be diverted from residential areas to the maximum extend feasible.

f. *Licensure*. All kennels shall be licensed and operated in conformance with all applicable governmental regulations.

g. *Health and Sanitation*. All kennels shall be maintained in a clean and sanitary condition at all times in order to prevent health hazards, odors, and other nuisances. Kennels shall be operated in accordance with the following standards:

i. Excreta shall be removed from enclosures, pens, and runs as often as necessary to reduce disease hazards and odors and to prevent its accumulation from constituting a nuisance. At a minimum, daily removal of excreta is required. All premises shall be kept clean and in good repair, and all animal and food wastes shall be handled and disposed of in a sanitary manner.

ii. Adequate shelter from the elements shall be provided. Adequate shelter includes, but is not limited to, proper ventilation, heating, cooling, and lighting.

iii. Lavatory and washroom facilities sufficient for use by all kennel caretakers and employees shall be provided.

iv. Drainage shall be constructed to protect adjacent bodies of water from pollution.

v. The premises shall be maintained so as to meet Tri-County District Health Department standards and not constitute a nuisance.

vi. All kennels shall contain an isolation ward for animals which are sick or diseased, sufficiently removed so as not to endanger the health of other animals.

Sec. 21-3210. - Conditional Use Standards

A. **Purpose**. The standards in this Section establish special regulations for the conditional uses as noted in the land use tables in Sec. 21-2200, Sec. 21-2210, Sec. 21-2220, and Sec. 21-2230. These uses that may affect adjacent properties, the neighborhood, or community, even if the site planning and development standards of the applicable zoning district are satisfied. The regulations contained in these sections are intended to mitigate potential problems and hazards, and to ensure consistency with the Comprehensive Plan.

B. **Applicability**.

1. *Generally*. Uses shown as conditional may be approved only if they meet the standards of this Section and other applicable standards and requirements of the LDC.

2. *Timing of Compliance*. These standards apply at the time a conditional use is requested for an existing or new structure, or when an existing conditional use permit is proposed to be expanded by more than 10 percent, cumulatively, over a five-year period, of the gross square footage currently devoted to the use.

3. *Expansions*. This Section is applicable when there is an expansion of the use whether it is to or within an existing building, an outdoor area devoted to the use, or a combination of thereof.

4. *Distance Requirements.* Unless otherwise stated within this Section, all distance requirements for conditional uses are interpreted to be measured from the lot line of the subject property to the nearest lot line of the property from which the limited use is to be separated.

5. *Procedures*. For conditional uses, City Council shall use the criteria set out in this Section to determine whether to authorize a land use requested by an applicant.

6. *Approval Runs with Land*. The approval of a Conditional Use Permit remains valid regardless of ownership, tenant, or name of business or institution, provided that the approved limited use remains continually in place and in operation.

7. *Other Applicable Standards*. The standards of this Section are applied in addition to the other applicable standards and procedures of this LDC, specifically including:

a. Article II: Zoning Districts and Development Standards;

b. Article IV: Design Standards;

c. Article V: Subdivision Standards; and

d. Article VII: Review Procedures.

C. **General Standards for All Conditional Uses.** The conditional uses permitted under this Land Development Code may be undertaken and maintained only in conformance with the following standards, and, where applicable the use-specific standards of this Section. An applicant for a proposed use may be required to submit evidence that a use complies with these standards, including a report prepared by an expert. Such expert shall be fully qualified to give the required information and shall be acceptable to the Director. The cost of the expert's services shall be borne by the applicant. Additional standards as outlined in this Section may be required based on use.

1. *Vibration*. Uses that generate vibrations in violation of this section shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

   a. Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;

   b. Uses shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents whose property abuts the property line of the parcel;

   c. Uses shall not generate ground vibration that interferes with the operation of equipment and facilities of adjoining parcels; and

   d. Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this section.

2. *Noise*. Uses and activities shall be conducted so that any noise generated on the property will not violate the noise regulations contained in the municipal code.

3. *Air Pollution*. Activities in all zone districts shall conform to applicable federal, state, and local air pollution standards. The applicant may be required to provide proper documentation justifying that all operations will be in compliance with federal, state, and local air pollution standards.

4. *Odor*.

   a. Uses shall not result in the creation of odors of such intensity and character either on or off property as to be detrimental to the health and welfare of the public or that interferes unreasonably with the comfort of neighboring property owners. Without limiting the foregoing, odorous emissions shall comply with applicable provisions of the federal, state, and local requirements.

   b. Agricultural operations conducted in compliance with this LDC shall be exempt from this paragraph, unless the odor created constitutes a health hazard.

5. *Dust*. No dust or particulate matter shall be emitted that is detectable by a reasonable person without instruments. Nonresidential exhaust air ducts shall be located and designed or directed away from abutting residentially zoned properties.

6. *Electromagnetic Radiation*. It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communications, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes except in compliance with the Federal Communications Commission (FCC) regulations, or in the case of governmental agencies and governmental-owned plants, the regulations of the interdepartmental radio advisory committee. Any application for a proposed use or activity emitting electromagnetic radiation shall include an expert report that demonstrates conformance with the applicable regulations of the FCC, or interdepartmental radio advisory committee, as applicable.

7. *Hazardous Materials*. All activities and all storage of hazardous materials shall comply with all federal and state regulations as well as any applicable safety, fire, and building codes adopted by the City for the use and storage of the hazardous materials involved. Adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using the best available technology.

8. *Glare and Heat.* No direct or sky-reflected glare, whether from lights or from high temperature mechanical or chemical processes such as combustion or welding, shall be permitted to unreasonably interfere with the use and enjoyment of adjacent properties. These regulations shall not apply to signs or floodlighting or parking areas otherwise permitted by this LDC. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

9. *Materials and Waste Handling.*

   a. No person shall cause or permit any materials to be handled, transported, or stored in a manner that allows particulate matter to become airborne or liquid matter to drain onto or into the ground.

   b. All materials or wastes that might cause fumes or dust, or that constitute a fire hazard or may be edible by or otherwise be attractive to rodents or insects, shall be stored outdoors only in enclosed, permeable trash containers that are screened in accordance with this code.

   c. Toxic and hazardous materials and chemicals shall be stored, secured, and maintained so that there is no contamination of ground, air, or water sources at or adjacent to the site.

   d. Notwithstanding anything contained herein, all treatment, storage, disposal, or transportation of hazardous waste shall be in conformance with all federal and state statutes, codes, and regulations.

   e. Provisions shall be made so that all lubrication and fuel substances shall be prevented from leaking or draining onto the property.

   f. Nonradioactive liquid or solid wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the regulations of the Tri-County Health Department and South Adams County Water and Sanitation District.

10. *Conditional Approval.* The City Council may impose additional conditions on a Conditional Use Permit request on a case by case basis.

D. **Residential Uses.**

1. *Group Home, Type B.*

   a. Group homes shall be licensed and operated in conformance with all applicable governmental regulations. If a license is pending, the City may issue a permit but such permit shall not take effect until the applicable license is obtained.

   b. The proposed group home shall not adversely affect the residential character and quality of life in the particular neighborhood. However, no application for a proposed group home shall be denied solely on the basis of neighborhood opposition, where no valid and substantive evidence has been offered to show that the proposed facility would have such adverse effect.

   c. No group home shall be located and designed closer than 750 feet from another group home.

   d. No group home shall provide housing to any individual whose tenancy would constitute a direct threat to the health or safety of any other individual or would result in substantial physical danger to the property of others.

   e. No group home shall provide housing to more than one person required to register as a sex offender pursuant to state law.

   f. A Conditional Use Permit may be approved for the term of the group home's license, or for such shorter period as the City deems appropriate under the circumstances of the individual case.

g. At the expiration of its term, a Conditional Use Permit shall automatically renew under the same conditions, including duration, as the original permit, unless the City or the group home's licensing agency has received written complaints concerning its operation. If any such complaint has been received, the application for renewal must be heard by the Planning Commission and City Council under the same requirements for a new conditional use application.

h. Where the use is discontinued for a period of 180 days, the use shall be considered to be abandoned and may be reinstated only after obtaining a new conditional use approval.

i. The Federal Fair Housing Act requires that local governments be prepared to make reasonable accommodations in order to permit housing for certain protected groups to occur in residential areas. In response to a written application identifying the type of housing being provided and the portions of the Fair Housing Act that require that reasonable accommodations be made for such housing, the Community Development Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need of a rezoning or variance process:

i. Modify any spacing, building setback, height, lot coverage by no more than 20 percent;

ii. Modify the limits on the number of nonrelated occupants allowed in the principal building by no more than 20 percent;

iii. Reduce the 750-foot spacing requirement; or

iv. Reduce any off-street parking requirement by one space.

j. The Director may approve a type of reasonable accommodation different from that requested by the applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Fair Housing Act with fewer impacts on adjacent areas. The decision of the Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved. Requests for types of accommodation that are not listed above may only be approved through a conditional use or rezoning process.

E. **Public and Institutional Uses.** [Reserved]

F. **Industrial Uses.**

1. *Above-Ground Storage Tanks, Greater than 48,000 Gallons*.

a. All tanks meet the applicable building and fire code requirements.

b. No conditional use permit allowing a property to store more than 48,000 gallons shall be approved unless the property is at least 3 acres in size and is zoned I-3, Heavy Intensity Industrial.

c. No more than 10,000 cubic feet of capacity for the storage of flammable gases shall be permitted on any single property.

d. Tanks for the storage of liquid materials are located and designed to standards determined in side or rear yards.

e. The refueling of motorized vehicles from above-ground storage tanks is permitted only to the extent such activity is authorized by the fire and building codes adopted by the City.

2. *Electric Substations and Gas Regulator Stations*.

a. *Screening*. A wall or fence, a minimum of six feet in height, shall enclose the area. In certain locations, this wall or fence may be required to be a screened type of fence with columns.

b. *Setback Minimums*.

i. Front: 30 feet.

ii. Side: 25 feet.

iii. Rear: 25 feet.

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

4. *Landfill Disposal Site or Solid Waste*. All disposal facilities shall obtain from the City a conditional use permit for a solid waste disposal facility. The land owner and the operator of the disposal site associated with construction/demolition and solid waste activities shall each be jointly and severally responsible for complying with the following requirements:

   a. The operator of the facility shall demonstrate the nature of materials accepted at the facility.

   b. The facility may be filled only with the knowledge and consent of the land owner for the primary purpose of leveling, raising, or otherwise preparing land for construction or other permitted land use that requires a leveled, raised, or prepared surface.

   c. The filling operation, including compacting, leveling of all disposed material, covering with sufficient clean soil, and re-vegetating and/or commencing of road or building construction will be completed within 12 months of initial disposal activity unless extended for good cause by the City. The filling operation must be compatible with surface and subsurface uses and not cause any subsidence or other problems with surface and subsurface uses.

   d. Any filling operation that qualifies as a disposal facility must satisfy all other federal, state and local regulations and requirements including those pertaining to solid waste disposal, floodplains and floodways, wetlands' preservation, soil quality protection, water quality protection, air quality protection, and dust and erosion control.

   e. Only inert materials shall be placed in an inert material disposal facility.

   f. No material shall be placed in ground water. All material shall be placed in a manner and location to not adversely affect ground water.

   g. Financial assurance in a form acceptable to the City for closure and post-closure care is required of all disposal facilities.

   h. An annual report shall be submitted by the facility to the City by May 1 of each year. The report shall state the amount of materials received at the facility, processed, disposed of on-site, and shipped off-site for the preceding calendar year.

   i. The facility shall maintain all-weather access roads to those areas of active operation and as necessary to meet the fire control plan.

   j. The facility shall collect litter in order to avoid a fire hazard or a nuisance and control the growth of vegetation to minimize potential fuel sources.

   k. Adequate fencing, natural barriers, or other security measures to preclude public entry shall extend around the entire perimeter of the facility and shall include a lockable gate or gates.

   l. Prominent signs shall be posted in public view at the entrance to the facility with the name of the facility, the hours which the facility is open for public use, a listing of the wastes accepted at the facility, and a phone number for a 24-hour emergency contact. A copy of the Conditional Use Permit shall be available for inspection at the site.

   m. The facility shall immediately notify the City, Tri-County Health Department, the fire district having jurisdiction, and the Colorado Department of Public Health and Environment in the event of a fire or other emergency. Within two weeks of this notification, the facility shall submit a report on the emergency to

each such entity. This report shall describe the origins of the emergency, the actions that have been taken, actions that are currently being taken or are planned, results or anticipated results of these actions, and an approximate date of resolution of the problems generated by the emergency.

5. *Large Recycling Collection Area*. This use is permitted provided that:

   a. A recycling collection facility which is larger than 300 square feet or on a separate parcel not accessory to a primary use and which has a permanent structure shall be subject to the following provisions:

      i. The facility shall not be adjacent to a parcel zoned or planned for residential use on the comprehensive plan.

      ii. Structure setbacks shall comply with the standards of the zoning district in which the facility is located and designed.

      iii. All exterior storage of materials shall be in sturdy, rust-proof containers that are covered, secured, and maintained in good condition, and of sufficient capacity to accommodate collected materials. Outdoor storage shall comply with all standards set forth in Division 4.5, *Outdoor Display and Storage*.

      iv. The site shall be clean, sanitary, and free of litter and any other undesirable materials and shall be cleaned regularly of loose debris. Containers shall be clearly marked to identify the type of material that may be deposited, and the facility shall display a notice stating that no material shall be left outside the recycling containers.

      v. Space shall be provided on-site for a minimum of five vehicles to circulate and to deposit recyclable materials and for employees and commercial vehicle parking.

      vi. All containers provided for after-hours donation of recyclable materials shall be at least 100 feet from any residential use or zone district.

      vii. The facility shall be clearly marked with the name and phone number of the facility operator and the hours of operation. Identification, informational, and directional signs shall meet the sign standards of the zone district.

      viii. Light processing facilities are limited to bailing, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.

      ix. The site shall be secured from unauthorized entry and removal of materials when attendants are not present.

      x. Hazardous materials, dead animals, or yard waste shall not be considered recyclable material, except as otherwise provided in the municipal code.

6. *Material Resource Recovery Facilities (MRRF).*

   a. *Type of Resource Materials.* The facility shall only hand source separated household recyclable materials and incoming solid waste. A MRRF shall not be conducted as a garbage transfer station and shall not collect, process, or sort any raw or wet garbage. Any incoming waste not recycled or recovered shall be transported to an authorized landfill within 48 hours.

   b. *Sorting*. Materials shall be sorted only within an entirely enclosed building. Delivery doors shall be located and designed on building walls away from potential or existing noise sensitive land uses and away from public rights-of-way.

   c. *Outdoor Storage.* Baled, palleted, or otherwise consolidated materials stored outdoors shall be stacked no higher than eight feet and placed no closer than 25 feet to any front property line or any property line adjacent to residentially used land. Outdoor storage shall be located and designed to standards determined out of view from public rights-of-way and completely screened by a solid fence or wall and shall only be allowed in zoning districts that permit outdoor storage.

d. *Maintenance*. The property owner shall undertake adequate measures to ensure that the site is free of wind blown debris at all times. The property owner shall be responsible for clean up of any wind blown debris on or off-site from incoming/outgoing vehicles or outdoor storage.

7. *Refuse Transfer Facility and/or Transfer Facility.*

a. The premises shall be kept in an orderly condition.

b. All garbage, trash, rubbish, or debris shall be concealed from view from the public right-of-way

c. Signs shall be posted to identify the ingress and egress to the refuse or transfer facility.

d. All applicable rules and regulations of the State Department of Health and the Tri-County District Health Department will be complied with.

e. Anti-litter signs shall be posted at the cost of the operator both at the facility and along assigned haul routes to and from the facility. The operator shall be responsible for any litter problems along the haul routes.

f. All fires shall immediately be reported to the fire district having jurisdiction.

g. All transportation vehicles used for refuse collection and disposal shall be covered to prevent litter.

h. Two free community disposal days shall be provided to city residents annually.

i. Unrestricted access shall be provided to all inspection authorities.

j. Landscaping materials shall be installed and maintained. Landscaping plans shall be subject to approval by the City.

k. Methane detection and control devices shall be installed in all structures where and when deemed necessary by the Building Official, fire district, or Tri-County Health Department.

l. Rodent and pest control programs will be provided and maintained at all times. The operator of a refuse transfer facility shall submit to the City a written vector control plan.

m. Unless specifically authorized, no hazardous or toxic waste substances shall be accepted. All operational personnel shall be trained in the identification and handling of hazardous and toxic waste.

n. Any resource recovery, incineration, or recycling shall be prohibited without first obtaining a Conditional Use Permit from the City Council.

8. *Scrap Tire Facility.*

a. All scrap tire disposal facilities shall obtain a Conditional Use Permit. The landowner and the operator of the facility shall each be jointly and severally responsible for complying with the requirements under this LDC.

b. When applying for a Conditional Use Permit, the operator of a scrap tire facility shall submit a plan for approval. The plan shall describe, in detail, the nature of the activity, the types and capacities of equipment that will be used, all methods of processing and storage, the means to be used to track inventory on a volume or weight basis, and the proposed method and procedures for closure.

c. Financial assurance in a form acceptable to the City for closure and post-closure care is required of all scrap tire facilities.

d. An annual report shall be submitted by the facility to the City by May 1 of each year. The report shall state the amount of scrap tires received at the facility, processed, disposed of on-site, and shipped off-site for the preceding calendar year.

e. The facility shall maintain all-weather access roads to those areas of active operation and as necessary to meet the fire control plan.

f. The operator shall be responsible for any litter problems on the property or in the adjacent right-of-way.

g. Adequate fencing, natural barriers, or other security measures to preclude public entry shall extend around the entire perimeter of the facility and shall include a lockable gate or gates.

h. Prominent signs shall be posted in public view at the entrance to the facility with the name of the facility, the hours which the facility is open for public use, a listing of the wastes accepted at the facility, and a phone number for a 24-hour emergency contact.

i. The operator shall maintain a working telephone at the facility.

j. The operator of a scrap tire facility shall have a written vector control plan that shall be submitted to the City.

k. If pesticides are used in vector control efforts, they shall be used in accordance with the Pesticide Applicator's Act, C.R.S. § 35-10-101.

l. The operator shall submit a fire control plan to the City specifying the facility's fire lane locations and widths, the means that are assumed to be used to extinguish fires, and designation of a facility emergency coordinator. This plan shall be in accordance with local fire codes and the plan shall be written by a qualified professional and submitted to and approved by the local fire control authority.

m. The minimum standards to be allowed for tire pile storage will be as follows:

    i. In no case shall piles of whole tires, tire bales, or tire shreds that are stored on open ground, as opposed to stored in open pits or cells, be larger than 50 feet in width and no higher than 8 feet above grade. An approved field measurement system must be employed to facilitate estimates of pile dimensions.

n. A minimum of 50 feet shall be maintained between piles of whole, shredded, or baled tires to allow access for fire fighting equipment.

o. A minimum distance of 50 feet of clear area is to be maintained from all property lines.

p. The facility shall immediately notify the City, Tri-County Health Department, the fire district having jurisdiction, and the Colorado Department of Public Health and Environment in the event of a fire or other emergency. Within two weeks of this notification, the facility shall submit a report on the emergency to the each such entity. This report shall describe the origins of the emergency, the actions that have been taken, actions that are currently being taken or are planned, results or anticipated results of these actions, and an approximate date of resolution of the problems generated by the emergency.

q. During all stages of operation, the facility shall have on site an attendant who is responsible for site activities.

r. Only scrap tires shall be placed in a scrap tire facility.

9. *Transportation Terminal where Vehicles Carry Flammable, Explosive, Hazardous, or High Toxic Materials.*

    a. A minimum distance of 1,000 feet shall be maintained from any residential zoning district, school, daycare center, hospital, senior living facility, or public park, as measured from property line to property line.

    b. A minimum 500-foot buffer shall be maintained from any water body, wellhead protection area, or critical environmental feature.

10. *Transportation Terminal and Truck Stop.*

    a. All new businesses and fellowship activities shall be contained within the primary structure. No detached garage, tent, trailer, vehicle, storage container, or accessory building shall be used to house any new, ongoing for-profit, nonprofit, charitable, or religious business or establishment. A temporary use, the duration of which shall not exceed one calendar week, may be allowed on the property, subject to all

applicable standards and permitting requirements contained in this code. In no event shall more than one temporary use occur on the same property at the same time.

b. A Conditional Use Permit shall be required for all new transportation terminals in the I-1 zoning district and all truck stops. All such uses legally operated as a use-by-right as of the effective date of this LDC shall be considered a legal conforming use only under the following provisions and exceptions:

i. Use of the property as a transportation terminal or truck stop was a use by right before the effective date of this code; and

ii. The property was in use as a transportation terminal or truck stop on the effective date of this code.

iii. *Exceptions*. Any building permit that increases the size of any covered structure, truck bay, or building larger than 200 square feet on the property will require the current use to obtain a Conditional Use Permit, approved by City Council, prior to approval of the above-mentioned building permit.

G. **Open Uses**.

1. *Borrow Pits.*

a. The applicant shall be responsible for securing all other permits or approvals required by any other governmental agency that may have jurisdiction over the proposed use.

b. It shall be unlawful for any person, firm, or corporation to process, crush, blast, or similarly treat earth materials on any approved borrow pit site.

c. In addition to the standards specified in this section and this code, the proposed use shall be evaluated using the applicable standards that the state or federal government use to evaluate a permit request for the specific use. Additionally, all annual or other reports required by another governmental agency may be required to be simultaneously submitted to the City.

d. *Exempted Activities.* The following borrowing and hauling of earth material may be done without obtaining a Conditional Use permit from the City:

i. Minor projects that have cuts or fills each of which is less than five feet in vertical depth at its deepest point measured from the existing ground surface, which include all of the following:

(A) Less than 50 cubic yards of earth material, or

(B) The removal of less than 10,000 square feet of vegetation.

ii. Minimum excavation required in connection with a building or other structure authorized by a valid Building Permit.

iii. Grading work being done pursuant to an approved grading plan in conjunction with an approved recorded plat or overlot grading plan being done on the same property.

iv. Trenching incidental to the construction and installation of approved underground pipeline, septic tank, disposal lines, electrical or communication facilities, and drilling or excavation for approved wells or fence posts.

v. Grading or excavation in accordance with plans incorporated in an approved Conditional Use Permit.

vi. Maintenance and cleaning of ditches, lakes, ponds, and water storage reservoirs.

2. *Subsurface Extraction.*

a. *Purpose*. This Section is enacted pursuant to the home rule authority, land use authority, and the police powers of the City, and to protect and promote health, safety, welfare, and the environment.

b. *Applicability.*

i. Subject to the provisions of this section, no Oil or Gas Operations ("Operations") shall be initiated in any manner within the City prior to issuance of an Oil and Gas Permit.

ii. All Operations are subject to the requirements of this section and other parts of this code directly addressing Operations. If such provisions directly conflict with any other generally applicable provisions of the Code, sections of this code directly addressing Operations shall supersede but such conflict shall not alleviate an Operator from obtaining any required permits or approvals.

c. *Application Requirements.* Refer to the requirements outlined in Sec. 21-7260, *Oil and Gas Permit*.

d. *Third Party Technical Review.* The City may require third-party consultants to participate on behalf of the City in the Initial Assessment Process, to review any submittals or applications to the City, attend meetings, and to advise on other processes deemed by the City to be appropriate and necessary. Reasonable costs associated with such reviews, including third-party consultant fees, shall be paid by the Operator. The Director may require the Operator to deposit funds with the City prior to the execution of such services based on a reasonable estimate provided to the Director from the independent expert or consultant until a final cost is determined. Fees shall be paid from the Operator's deposited funds. Funds not expended shall be refunded to the Operator at the conclusion of the review.

e. *General Standards*. All Operators and their agents, employees, licensees, and contractors shall:

i. Comply with all local, state, and federal laws and regulations;

ii. Comply with the BMP Document and any Regional Operator Agreement or Extraction Agreement with the City.

iii. Comply with all required plans submitted and approved by the City as part of the Oil and Gas Permit application and any conditions of approval placed on the permit by the City.

f. *Setbacks and Floodplain Restriction.*

i. No Oil and Gas Production Site may be located and designed within 1,000feet of any of the following existing conditions:

(A) Any residential use or platted residential property;

(B) Any Public Park or public recreation facility, not including trails or City-designated open space;

(C) Outdoor venues, playgrounds, permanent sports fields, amphitheaters, or other similar place of outdoor public assembly;

(D) Senior living or assisted living facilities;

(E) Public Water Supply Wells; and

(F) Reservoirs.

ii. No Oil and Gas Production Site may be located and designed within 1,500feet of ten or more existing residential or platted residential properties, or any building classified as a High Occupancy Building Unit, as defined by the Energy and Carbon Management Commission (ECMC);

iii. No Oil and Gas Production Site may be located and designed within 2,000 feet of a school facility or child care center as defined by the ECMC;

iv. No Oil and Gas Facilities may be located and designed in the Floodplain.

v. Measurements shall be taken from the edge of the proposed Production Site to the parcel boundary. For agricultural properties over 10 acres in size with residential uses, the measurement shall be taken from the nearest edge of any occupied dwelling unit.

g. *Site Development Standards.* The following standards shall apply to all Well Sites, in addition to any requirements of the BMP Document and other generally applicable provisions of this code except to the extent of any direct conflict.

i. *Visual Mitigation*. Visual mitigation will be site specific. The Director may approve a Visual Mitigation Plan that is consistent with the BMP Document that allows the location to blend into the landscape, appear compatible with adjacent existing and reasonably anticipated land uses, or obfuscate the site. Staff may consider surface owner preferences. Oil and gas development near planned residential or commercial development may require a staged Visual Mitigation Plan.

ii. *Fencing*. Above-ground Operations shall be fenced and gated as part of the Visual Mitigation Plan and Security Plan. Fencing shall be eight-foot high, wrought iron fencing, Ameristar Impasse, Stronghold fencing, or an equivalent, or better, as approved in the Visual Mitigation Plan. Eight-foot high masonry may be used as an alternate.

iii. *Landscaping*.

(A) *Landscaping will be site specific*. The Director may approve a Landscaping Plan that achieves one or more of the following objectives: to obfuscate the Well Site from public view; to blend the Well Site into the surrounding landscape; to reinforce or extend any existing pattern of natural vegetation; to improve Well Site security; or to create visual enhancement. The Landscaping Plan shall be coordinated with the City, depending on access to water, may be staged to accommodate surface development.

(B) All plant materials shall be maintained in a healthy growing condition at all times. The Operator is responsible for the regular weeding, mowing, fertilizing, pruning and other maintenance of all plant materials as needed. Adequate irrigation of plant materials (excluding existing vegetation) shall be provided by the Operator.

iv. *Lighting*. To the maximum extent practicable, exterior lighting shall be downcast to reduce spill-over to adjacent properties and directed away from residential and sensitive wildlife areas or shielded from said areas to eliminate glare. All permanent lighting fixtures installed at the Operations shall comply with the lighting standards of this Code and the BMP Document.

v. *Signs and Markers*. The Operator shall mark each and every Oil and Gas Well as required in the BMP Document.

h. *Environmental Standards.*

i. *Wildlife Mitigation.*

(A) *General*. When Operations will be located and designed within or adjacent to a sensitive wildlife area or city designated open space, the Operator shall consult with the Colorado Parks and Wildlife to obtain recommendations for appropriate site-specific and cumulative impact mitigation procedures. The Operator shall implement such mitigation procedures as are recommended by the Colorado Parks and Wildlife after consultation with the City. When Operations are adjacent to or within a federal wildlife or natural area, the Operator shall consult with the relevant federal authority to satisfy any applicable federal rules or regulations relevant to Operations. In all such instances, the Operator shall file a mitigation plan with the City.

(B) *Endangered Species.* The Operator shall not engage in activities that Colorado Parks and Wildlife, or other relevant federal authorities, indicates would threaten endangered species.

ii. *General Waste Management.*

(A) The Operator shall at all times keep all aspects of an Operation, including roads and rights-of-way, safe and in good order and free and clear of noxious weeds, litter, and debris.

(B) Disposal of any water or any equipment, litter, sewage, waste, trash, chemicals, or debris shall be at an approved disposal site.

iii. *Sanitary Regulations.*

(A) The Operator shall provide proper health and sanitation facilities for its employees and subcontractors.

(B) The Operator shall fully comply with all applicable rules and regulations of the county and state health departments or other similar body.

(C) The Operator shall at all times provide at the Oil and Gas Well Site a sufficient supply of safe drinking water for its employees and shall give orders against the use of water known or believed to be unsafe.

(D) During extended construction and maintenance Operations, the Operator shall, at convenient places within the Oil and Gas Well Site, provide fly-proof outside toilets, which shall be maintained in a sanitary condition in compliance with the approved Temporary Sanitary Facilities Plan. Toilets shall not be permitted in any water reservoir area and shall not be permitted where they may pollute a water supply.

iv. *Drainage and Stormwater Management.*

(A) *Drainage*. Operations shall comply with all applicable state and local drainage requirements and standards.

(B) *Stormwater Management.* All stormwater management shall comply with state and local requirements and standards.

i. *Nuisance Standards.*

i. *Odor/Dust Containment.* Operations shall be conducted in such a manner that odors and dust do not constitute a nuisance or hazard to public health, safety, welfare, or the environment. All Operations shall use the best available technologies that are technically and economically practicable to control odor and dust. If deemed necessary and reasonable, the City may require additional mitigation efforts at any point during Operations.

ii. *Noise Impacts.*

(A) Operations shall be conducted in such a manner that noise does not constitute a nuisance or hazard to public health, safety, welfare or the environment. All Operations shall use the best available technologies that are technically and economically practicable to control noise. If deemed necessary and reasonable, the City may require additional mitigation efforts at any point during Operations.

(B) The Operator shall comply with the stricter of ECMC noise rules, as may be amended from time to time, and the following maximum permissible noise levels in Residential/Rural-zoned areas:

(1) 50 db(A) in the hours between 7:00 p.m. to 7:00 a.m. and 55 db(A) in the hours between 7:00 a.m. to 7:00 p.m. or 4 db(A) higher than the baseline ambient sound measured and;

(2) 60 db(C) during all hours of the day or 4 db(C) higher than baseline ambient sound measured.

(C) The foregoing noise limits shall be enforced during all drilling, completion, and production operations but not during Well Site pad construction. During pad construction at the Well Sites, noise levels shall not exceed those produced by the construction of a typical residential or commercial development.

(D) Noise measurement protocols and points of compliance are as specified by ECMC rules.

(E) Operators may be required to provide for additional noise mitigation as described in the BMP Document.

j. *Traffic Standards.*

i. If public road improvements are necessary to accommodate an Operation, and before work will be permitted within any City right-of-way, the Operator shall submit construction drawings to be prepared by a Colorado licensed civil engineer, in conformance with City standards, for review and approval by the City Engineer. Financial assurances shall be required when any Operation requires the construction or reconstruction of public or private roads.

ii. *Maintenance*. If Operations or related activities cause any City roadway to become substandard, the City may require the Operator to provide ongoing repair and maintenance of the roadway at the Operator's cost. Such maintenance may include dust control measures and roadway improvements (e.g. graveling, shouldering, paving) as determined in the Traffic Impact Study.

iii. *Oil and Gas Well Site Access.* Access to any property from a City street requires a City-approved Right-of-Way Permit. Right-of-way Permits are revocable upon issuance of a stop work order or if other Oil and Gas Permit violations occur. The permitting and construction of accesses shall comply with the City's Engineering Construction Standards and Specifications (henceforth referred to as "Standards and Specifications") and design standards.

iv. *Private Access Roads*. All private roads used to access or conduct Operations shall be constructed in compliance with the approved Stormwater Management Plan. The Operator shall comply with City standards regarding vehicle tracking and dust mitigation.

v. *State Highway Access*. Where a Site's access is directly to a state highway, the Operator must procure and maintain an approved State Highway Access Permit.

vi. *Access Roads.*

(A) *Tank Battery Access Roads.* Access roads to tank batteries shall be, at a minimum, a graded gravel roadway at least 20 feet wide with a minimum unobstructed overhead clearance of 17 feet and a minimum thickness to be approved by the City Engineer.

(B) *Wellhead Access Roads.* Access roads to wellheads shall be, at a minimum, a graded gravel roadway at least 20 feet wide with a minimum unobstructed overhead clearance of 17 feet, and a minimum thickness to be approved by the City Engineer.

(C) *Pavement Standards.* To protect public streets, sidewalks, and curbs and gutters, all tank battery and wellhead access roads that intersect a paved City street or alley shall be paved to standards determined by the City Engineer. The access location shall comply with all City requirements.

vii. *Haul Routes.* Operators shall only use roadways for haul routes that are identified on a City-approved traffic control plan.

viii. *Oversize/Overweight Vehicles*. Any oversize or overweight vehicle making use of any City street shall obtain an Oversized, Overweight and Longer Vehicle Combination Permit from the City's Department of Public Works prior to any such use.

ix. *Indemnification*. No public improvements, such as curbs, gutters, pavement or sewer lines, street lights, traffic signals, sidewalks, storm drainage facilities, etc., shall be damaged by vehicles entering or leaving the location. In the event of damage, the Operator shall indemnify the City for any repair costs.

k. *Prohibition*. The following facilities are prohibited within the City:

i. Injection Wells for disposal of oil and gas Exploration and Production Wastes;

ii. Gas Storage Wells;

iii. Disposal pits;

iv. Commercial disposal facilities;

v. Centralized Exploration and Production Waste management facilities; and

vi. Subsurface disposal facilities.

l. *Air Quality Standards and Monitoring.*

i. The Air Quality Mitigation Plan must consider the cumulative impacts to existing air quality and all planned and existing oil and gas operations within one mile of the City. The Plan must describe how the Operator will eliminate, capture, or minimize all potentially harmful emissions, including Volatile Organic Compounds (VOC's) and BTEX through compliance with these provisions and the BMP Document.

ii. Operator shall minimize dust associated with onsite activities and traffic on access roads pursuant to the terms as identified herein.

iii. Operator shall comply with all applicable state and federal regulations including regulations promulgated by CDPHE, ECMC and US EPA.

m. *Ambient Air Monitoring.* Operator shall create and submit an air monitoring plan describing how the Operator will conduct baseline monitoring prior to construction of the well site. The plan shall also describe how the Operator will conduct continuous monitoring and collect periodic canister samples (or equivalent method) during the drilling, completion and production phases of development. Air pollutants monitored by canister samples shall include, but are not limited to, methane, VOCs, Hazardous Air Pollutants (HAPs), Oxides of Nitrogen (NOx), Particulate Matter (PM), and Fine Particulate Matter (PM 2.5). At Operator's cost, a third-party consultant approved by the City shall conduct baseline and ongoing air sampling and monitoring. Such sampling and monitoring shall comply with the following requirements:

i. Baseline sampling shall be conducted within 500 feet of a proposed facility over a 90-day period. Baseline sampling shall track levels and changes in monitored air pollutant concentrations. Baseline sampling data shall be provided as part of the Oil and Gas permit submittal.

ii. Continuous monitoring for hydrocarbons shall occur during the drilling and completions phase of oil and gas development. Each hydrocarbon monitor shall include a sampling device to automatically collect an air sample when the monitor levels reach a trigger level defined below in (iii). Monitors shall also include meteorological monitoring capabilities. Continuous monitoring may not cease until three years have passed from the date the last well drilled on the site has entered the production phase, unless any use defined in Paragraph G.2 is within 1,000 feet of the edge of the well site. In such instance, continuous monitoring shall be required until all wells are plugged and abandoned.

iii. An increase in the detection of hydrocarbon greater than the ambient levels determined during baseline sampling plus the anticipated change based on Operator-provided impacts of modeled operations shall require the Operator to collect a further sample utilizing an 8-hour canister sample immediately after detection.

iv. In the event a canister sample is triggered, the City shall be notified within one hour after the occurrence of such event. Depending on the circumstances, expedited lab analysis may be required.

v. In response to a reportable safety event, as defined by ECMC Rule 602(c), a spill, release, or a reported and substantiated nuisance that occurs outside of drilling and completion Operations, the City may require additional air quality sampling or monitoring as deemed reasonably necessary by City. The Operator shall reimburse the City for all costs incurred by the City as a result.

n. *Abandonment and Plugging.*

i. The Operator shall comply with all ECMC rules in relation to abandonment and plugging.

ii. For new Oil and Gas Facilities, the Operator shall be required to plug and abandon all existing vertical wells owned or controlled by the Operator within a proposed drilling and spacing unit (DSU) that target the same formation as any proposed horizontal wells.

iii. Operators of wells that are to be plugged and abandoned shall notify both the City's Local Government Designee (LGD) and the applicable fire district not less than one week prior to commencing plugging operations.

iv. Operators shall remove all Flowlines associated with a plugged and abandoned well. The City may grant an exception to allow a Flowline to be abandoned in place, where the removal of such Flowline would constitute a significant hazard to public health, welfare, safety, and the environment.

v. Operators shall provide copies of all ECMC plugging and abandonment reports to the City concurrent with filing the reports with the ECMC.

vi. It shall be unlawful for any Operator or other person to reactivate a plugged or abandoned Oil and Gas Well unless a new Oil and Gas Permit has first been approved by the City. The recompleting or reworking of an Oil and Gas Well and relocation of accessory equipment or gathering and transmission lines will be permitted if all applicable State applications are obtained.

o. *Fees*. The fees identified in this subsection shall apply in addition to any other applicable fees. All fees shall be paid at the time an Oil and Gas Permit is approved.

i. *Oil and Gas Transportation Impact Fee*. The Operator shall pay an Oil and Gas Transportation Impact Fee, pursuant to Sec. 21-7260, *Oil and Gas Permit*.

ii. *Inspection fees*. The applicant shall provide reimbursement to the City for the full cost necessary to inspect any Well Site. Upon completion of an inspection, the applicant shall receive an invoice for the cost of such inspection.

iii. Where reimbursement to the City or any other party is required by this section, such reimbursement shall be payable immediately upon invoice. The City may require a deposit to cover such costs.

p. *Financial Assurances and Insurance.*

i. Operator shall provide all necessary insurance as set forth in the BMP document.

ii. *Financial Assurance.*

(A) *General Requirement.* The Operator shall provide the City with financial assurance as provided in this section and regulations established by the City Manager pursuant to this section.

(B) *Administrative Regulations.* The City Manager shall establish administrative regulations for financial assurances consistent with this section. Such requirements shall include, at a minimum, standard language for each type of financial assurance; qualifications for issuing institutions; and procedures for the review, processing, acceptance, replacement, cancellation and termination, use, release, or aggregation of financial assurances and standby trusts to implement financial assurances. Such requirements shall be reviewed and updated by the City Manager as needed to meet the intent of this section.

(C) *Minimum Requirements.*

(1) *Amount*. The financial assurance shall be in the amount of ninety thousand dollars ($90,000.00), multiplied by the number of approved wells on the associated planned well site. The Financial Assurance (including any existing Financial Assurance) shall be adjusted

for inflation on January 1, 2021, and on January 1 of each year thereafter. "Inflation" shall mean the annual percentage change in the United States department of labor, bureau of labor statistics, consumer price index for Denver-Aurora-Lakewood, all items, all urban consumers, or its successor index.

(2) *Term*. The financial assurance required by this section shall be provided to the City before the commencement of any work, including Well Pad construction, and shall remain shall be provided until all wells at the Well Site have been plugged and abandoned and the well site has been adequately reclaimed, as determined by the City, unless the financial assurance has been replaced pursuant to administrative regulations established by the City Manager.

(3) *Type*. The financial assurance must be in the form of a surety bond or irrevocable standby letter of credit, or approved combination thereof.

(4) *Purpose*. The Financial Assurance must guarantee, at a minimum, that the Operator will:

1. Secure the wells, well sites, associated well site lands and infrastructure; plug and abandon all wells at the well site in compliance with State law, and reclaim the well site in compliance with State law;

2. Perform all requirements of the Oil and Gas Permit and Extraction Agreement (and Regional Operator Agreement, if applicable) for the well site;

3. Provide an alternate financial assurance and obtain the City's written approval of such alternate financial assurance upon the issuing institution's cancellation or failure to extend a financial assurance, as provided in this section; and

4. Guarantee that, if the Director notifies the issuing institution that the Operator has failed to do any of the foregoing or the occurrence of any event providing for an authorized use as defined in this section, the issuing institution will pay the amount of the bond or letter of credit into a standby trust fund.

(D) *State Bonding Requirements.* The financial assurance required by this section shall not be a substitute for any bonding required by the state regulatory agencies for plugging and abandoning wells. The Operator shall comply with all state regulatory agencies' bonding requirements.

(E) *Financial Setback Notification*. Operator shall notify the City of the existence of the occurrence of any of the following events within five business days of their occurrence, provided notification by the Operator shall not be a condition to the City's use of any financial assurance: The Operator files for protection under the bankruptcy laws, makes an assignment for the benefit of creditors, appoints or suffers appointment of a receiver or trustee over its property, files a petition under any bankruptcy or insolvency act or has any such petition filed against it which is not discharged within ninety (90) days of the filing thereof;

(F) *No Liability for Claim*. The City shall not be liable to the Operator or any surety, guarantor, or financial institution for consequential damages arising from the City's exercise of its rights under this section, including without limitation a claim for impairment of bonding capacity.

iii. *Performance Security*. To ensure compliance with mitigation and other requirements set forth in this section, the BMP Document, and any permit conditions, the Operator may be required to provide reasonable performance security to the City in a form acceptable to the City.

iv. *Cost Reimbursement.* The Operator shall reimburse the City, the applicable fire district, and any other emergency service provider for any emergency response costs incurred by any of them in connection with the Operations.

q. *Inspection by the City.*

i. The City has the right to inspect all Well Sites, Operations, and Oil and Gas Facilities. No person shall refuse entry to, impede, obstruct, delay, or in any manner interfere with the inspection of Oil and Gas Facilities subject to an Oil and Gas Permit or the regulations of this section by any federal, state, county, or local inspector who is either permitted or required to inspect the premises. Entry and inspection shall be permitted to all areas of the Oil and Gas Facility as defined by this code. No inspector shall be required to be escorted or accompanied during an inspection.

ii. Any attempt to refuse entry to, impede, obstruct, delay, or in any manner interfere with a lawful inspection, or to require that an inspector be escorted or accompanied during an inspection, shall constitute grounds for revocation of an Oil and Gas Permit in addition to any other penalties permitted by the code.

iii. The Operator shall provide the telephone number of a contact person who may be reached 24 hours a day.

r. *Modifications to Oil and Gas Bulk Standards.* Applicants who wish to seek relief from any of the bulk standards defined within Paragraph G.2 shall be reviewed by the Planning Commission and approved by the City Council. A reduction may be approved if all of the following criteria are met:

i. There is no deviation from the approval criteria of Sec. 21-7260, *Oil and Gas Permit*;

ii. The proposed reduction is the minimum needed for the reasonable development of mineral resources at the proposed location;

iii. Through alternative site analysis, the applicant has demonstrated that no other reasonable locations exist to access the targeted minerals;

iv. The applicant has incorporated any necessary additional Best Management Practices beyond current requirements to mitigate additional impacts that may arise from the reduced setback distance; and

v. Bulk standards are not modified by greater than 20% of the minimum value.

s. Modifications to other Oil and Gas standards contained within Article III, *Use Standards*, and Article VII, *Review Procedures*, of the LDC and the City's adopted Best Management Practices shall not be permitted.

t. *Enforcement and Penalties.*

i. *Failure to Obtain Permits*. Any Operator that fails to obtain an Oil and Gas Permit, or that fails to comply with requirements of this code, the Oil and Gas Permit, the BMP Document or any applicable Regional Operator Agreement or Extraction Agreement, may be enjoined by the City from engaging in Operations and may be subject to such other criminal or civil liability as may be prescribed by law.

ii. *Suspension of Oil and Gas Permit*. If the City determines that the Operator has violated any term or condition of this Code, the Oil and Gas Permit, the BMP Document or any applicable Regional Operator Agreement or Extraction Agreement, or that one or more material changes to the Operations or Oil and Gas Facilities have been made without the express, written consent of the City, the Director may temporarily suspend the Oil and Gas Permit and order all Operations permitted by the City under the Oil and Gas Permit to cease upon written notification to the Operator. In such event, the Operations shall be safely ceased as soon as possible. This suspension shall be in addition to any other enforcement mechanism available to the City.

iii. *Revocation of Oil and Gas Permit.* In the manner consistent with this code, revocation of an Oil and Gas Permit may be premised upon a violation of any term or condition of this Code, any term or condition of the Oil and Gas Permit, the BMP Document, or any applicable Regional Operator Agreement or Extraction Agreement, or if one or more material changes to the Operations or Oil and Gas Facilities have been made without the consent of the City.

iv. *ECMC Enforcement Orders*. Within five business days of the receipt of a ECMC Enforcement Order for a violation occurring in the City, the Operator shall provide the Enforcement Order to the City.

v. *No Permit Approval Pending Enforcement Action.* No Oil and Gas Permit application or any proposed amendment to an Oil and Gas Permit application, shall be processed or approved with regard to a Well Site that is subject to an ongoing enforcement action by any federal, state, or local agency having jurisdiction over the property.

vi. *Other Oil and Gas Operations*—Seismic Operations. An Oil and Gas Permit shall not be required for seismic surveys unless the drilling of a seismic (shot hole) core or other exploratory hole is involved or unless the seismic survey is located and designed on City property. This section shall not operate to relieve any party from the obligation to obtain a Right-of-Way Permit. The Operator will provide the City with resulting data if collected within 1,000 feet of the surface and requested by the City due to potential impacts on City projects or municipal water supplies.

vii. *Strict Liability.*

(A) An Operator shall be strictly liable to the City and any emergency service provider for all costs of emergency response to any Well Sites. Such costs shall include, but not be limited to, those born by fire, police, and other first responders, regardless of jurisdiction, including any hazmat response and cleanup costs of any nature whatsoever. Absent the Operator's negligence, the Operator shall not be liable for such costs caused by a third-party lacking privity with the Operator.

(B) An Operator shall be strictly liable to the City and any emergency service provider for all damages to any and all City-owned or operated property and infrastructure, incurred as a result of the Operator's Operations. Nothing in this subsection shall be construed to require Operator to pay an additional amount where such damages are anticipated and accounted for through the payment of generally applicable fees or impact fees.

3. *Cattle Feedlot, Stockyard, and the Commercial Sale of Livestock*.

a. Allowed only on AG and I-3 zoned lots exceeding 12,000 square feet.

b. One horse/large animal shall be permitted for the first 12,000 square feet of net lot area (lot area without a structure upon it); one additional horse/large animal shall be permitted for each additional 6,000 square feet of net lot area.

c. Additional regulations regarding number of animals allowed shall be made by the Director, using the space requirements for horses as a guide.

4. *Rodeo*.

a. All activities shall take place at least 100 feet from any exterior lot line.

b. The use shall be placed on a parcel of land of at least ten acres.

c. Food sales shall be provided for patrons of the rodeo only.

d. A public address system is permitted, provided that the speakers and other such audible equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.

e. A lighting system is permitted, provided that the light fixtures and other such equipment are pointed in a downward and inward direction, so as to be away from adjoining properties.

f. Hours of operation shall be between 7:00 a.m. to 11:30 p.m. Mountain Time.

g. All rodeo fencing material must meet all applicable safety guidelines.

Sec. 21-3220. - Accessory Uses and Structures

A. **Purpose**. This Section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to primary uses and structures, provided that the accessory use or structure complies with all applicable standards in this Section.

B. **Applicability**.

1. *Where Permitted.* The standards of this Section are for accessory uses and structures that are permitted in any zoning district, unless otherwise noted in the standards below, in association with a primary use or uses.

2. I*nterpretation of Unlisted Accessory Use.* The Community Development Director shall evaluate applications for accessory uses that are not defined in this Section on a case-by-case basis, based on the following standards:

   a. The definition of "accessory use" and the general accessory use standards and limitations established in this Section;

   b. The purpose and intent of the district in which the accessory use is located;

   c. Potential adverse impacts that the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and

   d. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

C. **General Standards**. All accessory uses shall comply with the following general standards:

1. *Incidental to Principal Use*. The accessory use or structure shall be clearly incidental and customarily found in connection with the primary use. No accessory use or structure is permitted on a lot or parcel without a primary use or structure.

2. *Commercial Use Restricted*. No accessory structure on a residentially zoned property shall be used for any commercial purpose other than a short-term rental located in a permitted accessory dwelling unit.

3. *Lot Restriction.* The accessory uses or structures shall be conducted and/or located on the same lot and within the same zone district as the primary use.

4. *Unity of Ownership*. There shall be unity of ownership and unity of user between the primary use and accessory use.

5. *Prohibition on Subdivision and Separate Utilities.* Accessory uses and structures shall not be subdivided from the principal lot and shall not be served by separate utility meters or utility connections, including but not limited to water, sewer, and electric services. Accessory uses and structures shall share utility service with the primary use unless otherwise approved by the City in accordance with applicable utility policies and regulations.

6. *Time of Establishment*. No accessory use shall be conducted and no accessory structure shall be erected on a lot until after all required permits and approval of the primary use or activity has been obtained.

7. *Nonconforming Use*. No new accessory structures shall be permitted on a lot with a legal nonconforming use.

8. *Sight Distance*. No accessory structure or use shall be located within a sight-distance triangle.

9. *Location of Accessory Structures.*

   a. *City Easements*. No accessory structure shall be located within any platted or recorded easement of the City's, except as expressly agreed to in writing by the City. The applicant shall be responsible for correctly identifying easements and their ownership on the Site Plan provided with the Building Permit for the accessory structure.

   b. *Easements Not Belonging to the City*. The applicant and property owner shall be responsible for any accessory structures placed within an easement.

D. **Standards Applicable to Specific Accessory Uses.**

1. *Home Occupation*. This use is permitted provided that:

a. *Licensure*. A City business license shall be required for all home occupations.

b. *Standards*. Home occupations shall comply with the following standards:

i. Home occupations shall be clearly incidental and accessory to the use of the residence as a dwelling;

ii. No more than eight patron visits per day shall be permitted and all visits shall occur between the hours of 7:00 a.m. and 7:00 p.m.;

iii. Delivery to or pick-up from the premises, except postal and small parcel, is prohibited. No more than four small parcel deliveries shall be permitted each day;

iv. No persons, other than residents of the household, shall be permitted to perform any work at the residence in conjunction with the home occupation; and

v. Signs associated with home occupations shall be regulated in Division 4.7, *Signs*.

c. *Prohibited Activities, Equipment, and Materials.* The following uses and activities are prohibited as part of any home occupation:

i. Use of equipment or machinery that is not customarily incidental to domestic use (e.g., cement mixers, tractors, and paint booths);

ii. Equipment, machinery, or processes that create noise, smoke, glare, fumes, odor, or vibration (e.g., assembly requiring power tools, carpentry) offensive to a reasonable person at the property line;

iii. Uses that involve activities or use of equipment or materials on more than an intermittent basis so as to change the fire safety or occupancy classification of the premises (e.g., welding);

iv. Activities that cause electromagnetic (e.g., radio, television, etc.) interference to surrounding properties;

v. Use or storage of chemicals or processes that are not customarily associated with domestic use; and

vi. Repair of motor vehicles.

d. *Exterior Evidence of Use Prohibited*. To ensure that dwellings for which home occupations have been approved remain compatible with surrounding residential use, the following regulations shall apply:

i. The home occupation shall be conducted entirely within the principal dwelling;

ii. Incidental storage in a garage or any activities associated with the home occupation shall not displace any required parking in a currently usable garage;

iii. The home shall not require any alteration not customarily associated with residential use. Home occupation activities shall not be visible from the public rights-of-way or neighboring properties;

iv. Outdoor storage or storage in any accessory building or structure is prohibited;

v. No off-site sign shall be placed as to denote the location of the home occupation;

vi. No home occupation shall produce quantities or types of refuse not customarily associated with a residential use;

vii. The entrance to the space devoted to such use shall be from within the dwelling, unless otherwise required by state law or regulation; and

viii. The use shall not change the character of the dwelling or create outside the dwelling any external evidence, either on the property or on the street, of the operation of the home occupation.

e. *Firearms Sales.*

i. No firearms, ammunition, or accessories shall be sold or offered for sale on the premises.

ii. The exchange of firearms shall only be conducted at gun shows.

iii. No firearm-related services shall be conducted on the premises.

iv. No business shall keep more than 12 firearms for business purposes on the premises at any time.

f. *Vehicles, Parking, and Traffic.* No vehicle shall be allowed in conjunction with a home occupation that has been manufactured or altered to provide mobile services. Examples of vehicles that have been manufactured or altered to provide mobile services include, but are not limited to, ice cream trucks, catering trucks, or tow trucks. Parking needs and traffic volumes generated by the home occupation shall not exceed that typically generated by a residential use.

2. *Accessory Parking Canopy.*

a. *Location*. This accessory use is permitted in all zoning districts except for R-1 and R-2.

i. *Front*. The entry to an accessory parking canopy shall not be located forward of the front wall of the principal building.

ii. *Side*. An accessory parking structure may be located in a side yard, but shall be no closer to the street than the front facade of the nearest primary structure, but in no case closer than 20 feet from the right-of-way.

iii. *Setbacks*. The accessory parking structure shall be a minimum of five feet from the side and rear property lines.

b. *Height*. An accessory parking structure shall be no more than:

i. 15 feet tall in a residential zoning district; or

ii. 25 feet tall in a non-residential zoning district.

c. *Additional Regulations.*

i. An accessory parking structure shall be allowed only for the storage of operable vehicles used in conjunction with the primary use.

ii. Any accessory parking structure serviced by a right-of-way shall be provided access by a driveway consisting of concrete, asphalt, or similar hard-surface material.

iii. Nothing in this section shall supersede any garage requirements for any underlying zone district.

iv. Accessory parking structures may be used in addition to and not in place of any garage requirement.

v. Accessory parking structures shall only be used to cover permanent and approved parking spaces.

vi. Accessory parking structures shall be constructed as one structure. At no time shall a series of structures be attached to one another to create an accessory parking structure.

vii. Design.

(A) The color, style, and type of materials used in the construction of the exterior portions of an accessory parking structure shall match those of the principal structure.

(B) The use of prefabricated metal structures, corrugated metal, fiberglass, or similar panels is not allowed.

(C) For an accessory parking structure to match the principal structure, the following criteria shall apply:

(1) The roofline, the type of roofing material, and the color of the roofing material shall be the same or similar to the principal structure. If the principal structure has a flat roof, the accessory parking structure may be allowed to have a pitched roof if approved by the Community Development Director.

(2) Any painted surface shall be the same, similar, or complementary color as the principal structure.

(3) Any enclosed sides of the accessory parking structure shall meet the architectural requirements for a garage.

3. *Amateur Radio Facilities*. The following standards apply where this structure is associated with a Household Living or Group Living Use.

a. Roof mounted facilities shall not increase the height of the structure by more than 20 feet.

b. Antennas shall be setback at a ratio of 1:1 from all property lines.

c. Neither guy wires nor their foundation shall be located within five feet of any property line.

d. Only one facility shall be permitted on any legally subdivided parcel or lot.

e. An amateur radio facility and any accessory equipment shall, to the maximum extent feasible, use materials, colors, textures, screening, and landscaping that will blend the amateur radio facility to the surrounding natural setting and built environment.

f. When installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color so as to make the antenna and related equipment as visually unobtrusive as possible.

g. No antenna or support structure may be located so as to extend, move or swing beyond the plane of the property boundary at any time.

h. Crank-up antennas are encouraged to provide enhanced radio capability with minimized neighborhood impact. The crank-up tower shall be kept in its lowest extension whenever it is not being used.

i. Antenna or support structures attached to roofs, chimneys, and other structures shall be screened to the greatest extent possible as determined by the City.

j. No commercial uses shall be allowed to co-locate on any amateur radio facility or related facility. However, amateur radio facilities shall be allowed to co-locate on properly permitted commercial telecommunications facilities.

k. Facilities shall be located in the rear yard of property in which it is located or on the rear ⅓ of the principal structure.

l. Amateur radio facilities shall not be used for commercial purposes.

4. *Dumpster or Trash Container.*

a. Applicability. All of the following uses and developments shall provide for the enclosure and screening of waste equipment, which includes carts on wheels (food waste, trash, and recycling), waste oil containers, compactors, or dumpsters (trash and recycling):

i. Multi-unit buildings;

ii. Business, commercial, or industrial development; and

iii. Substantial rehabilitation of such developments, where the cost of such repair or rehabilitation exceeds 150 percent of the property's assessed value.

b. Paved Surface. Waste equipment shall be placed on a paved surface of either concrete or asphalt.

c. Screening Methods.

i. Required waste equipment screening may be achieved by designating an enclosed space for waste equipment within a principal building or within an accessory structure such as a garage.

ii. Where waste equipment is not enclosed within a principal or accessory structure, it shall be screened on all sides (except for the gate area) by permanent and durable materials, other than chain-link or woven wire materials, with a minimum height of six feet. One side of the waste equipment area shall be furnished with an opaque, lockable gate.

iii. The screening walls required by this Section shall:

(A) Be planted with vines;

(B) Be architecturally compatible, in material and color, with the principal structure on the property; or

(C) Display a mural.

5. *Animal Enclosures and Pens.*

a. *Location*. This accessory structure is permitted in AG, R-E, and Public R-F zoning districts and by Conditional Use Permit in conjunction with eligible land uses as established in Division 3.1, *Use Categories*. This includes structures such as horse or livestock pens, kennels, or other enclosed areas intended to house or contain animals.

i. *Minimum Setback*. All animal enclosures shall abide by the following minimum setbacks:

(A) Front setback: 60 feet;

(B) Side setback: 25 feet; and

(C) Rear setback: 25 feet.

ii. *Related to Residential Structures.* Animal enclosures shall be a minimum of 50 feet from any existing residentially used structure on adjacent property.

b. *Fencing*. Fencing regulations for the underlying zoning district shall apply.

6. *Mobile Business Operation.* The use of any motor vehicle, trailer, mini-mobile storage container, or shipping container as a structure in which, out of which, or from which any goods are sold or stored, any services performed, or other businesses conducted, shall be prohibited in all zoning districts except for:

a. This accessory use is permitted in association with all Use Categories.

b. The sale of goods or merchandise at a city-approved or sponsored event;

c. The use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation;

d. The use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building, grading, or construction permit; or

e. The use of a trailer, shipping, or storage container for the temporary loading and unloading of goods, provided that no individual trailer or container is in place longer than 72 hours.

f. No mobile home or recreational vehicle (RV) shall be used for accessory uses.

7. *Night Watchman's Quarters.*

a. *Location*.

i. This accessory structure is permitted in the AG, C-2, I-1, I-2, I-3, P, and OS zoning districts.

ii. The location of the structure on the site shall comply with setback standards for the zoning district in which it is located.

b. *Number*. Only one residential caretaker unit shall be permitted per property.

c. *Use*. The structure shall be used only to house the caretaker of the primary use, plus immediate family members.

d. *Prohibited Structures*. Mobile or manufactured homes, recreational vehicles, and buses shall not be used as living quarters.

8. *Swimming Pool, Pool House, Pool Equipment Room, Hot Tub, and Hot Tub House.*

a. *Location*. These structures shall not be permitted in the front yard.

b. Screening. Pool equipment shall be screened from neighboring properties.

c. *Fencing*. Fencing around the Swimming Pool shall be required with a minimum height of 4 feet. Hot Tubs shall have a locking cover. Consult the building code for specific details.

9. *Family Child Care Home*.

a. The primary use shall be a Single-Unit Dwelling or Two-Unit dwelling.

b. Exterior yard space for child care use shall be enclosed by a fence at least 72 inches tall.

c. The family child care home shall not create parking or traffic congestion or otherwise unreasonably interfere with the peace and enjoyment of surrounding residences.

10. *Parking Recreational Vehicles in Residential Districts*. Recreational vehicles may be parked on residentially zoned lots if:

a. The recreational vehicle does not encroach into any required setback and is fully screened from view from the public right-of-way and neighboring residential properties; or,

b. The recreational vehicle is parked within a fully enclosed accessory structure.

11. *Solar Panel Array, Small*.

a. *Agreement*. If solar panels are to be interconnected to the electric utility grid, proof of an executed interconnect agreement shall be provided to the Planning Director before the system is interconnected. Systems approved pursuant to this Subsection may not generate power as a commercial enterprise.

b. *Roof-Mounted*.

i. Roof-mounted solar panels may be located on principal and accessory buildings.

ii. A roof-mounted array on a pitched roof may not extend more than 12 inches above the roof surface if the roof is visible from the public right-of-way or from a residential property, nor may it extend more than 12 inches beyond any edge of the roof.

iii. Where an array is placed atop a flat roof, it may not extend more than five feet above the roof and shall be screened from the public right-of-way with the building's façade parapet or similar

mechanism. A roof-mounted solar panel array that cannot meet these placement standards requires a Conditional Use Permit per Sec. 21-7250, *Conditional Use Permit*.

c. *Ground-Mounted*. Ground-mounted solar panels shall be:

i. Located in the interior side or rear yard and screened from adjacent residential property and all public rights-of-way with Type B Bufferyard; and

ii. Set back from lot lines as if they were detached accessory buildings if the highest point on the panels is more than six feet above grade.

12. *Wind Turbine, Small*.

a. *Setback*. The base of the tower shall be set back from all property lines, public rights-of-way, and public utility lines a distance equal to one and one-half times the total height.

b. *Tower Height*. The maximum tower height is permitted as follows:

i. *Ground-Mounted*. The height limit for a small wind turbine shall be the height limit of the zoning district, as long as the turbine meets the setback established in 25.a., above.

ii. *Building-Mounted*. Rooftop turbines shall not exceed a height of 10 feet above the roof or the top of a parapet, whichever is higher. Building-mounted turbines shall be measured from the point at which the turbine is mounted to the maximum arc of a blade at its peak arc. Non-bladed turbines shall be measured from the base of the turbine where it is mounted on the building to the highest point of the turbine.

iii. *Exceptions*. Height limitation imposed by the Federal Aviation Administration (FAA) shall supersede Subsections 12.b.i. and 12.b.ii., above.

c. *Distance Between Turbines*. The distance between the tower support base and any two turbines shall be the minimum of five rotor lengths, determined by the size of the largest rotor.

d. *Fence*. A fence with a minimum height of six feet with a locking gate shall be placed around any turbine tower base.

e. *Sound*. Audible noise due to turbine operations shall not exceed 55 dBA or 10 decibels greater than ambient noise levels, measured at the nearest dwelling or otherwise occupied structure. Sound levels may be exceeded during short-term events such as utility outages and/or severe wind storms.

f. *Lighting*. No illumination of the turbine or tower shall be allowed unless required by the FAA.

g. *Signage*. All signs, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind generator, tower, building, or other adjacent structure associated with a turbine visible from any public street or adjacent property shall be prohibited.

h. *Access*.

i. *Freestanding Tower*. Climbing apparatus below 12 feet of a freestanding tower shall be removed to prevent unauthorized climbing.

ii. *Lattice or Guyed Towers*. The bottom tower section must be secured such that it cannot readily be climbed.

i. *Interference*. The turbine operation shall not interfere with radio, television, computer, or other electronic operations on abutting or nearby properties.

j. *Ownership*. Whenever the turbine and/or property upon which the turbine is sited are transferred to new ownership, all requirements and responsibilities pertaining to the turbine are transferred to the new ownership.

k. *Abandonment*. If a turbine is inoperable for six consecutive months, the property owner shall be notified that they must, within six months of received notice, restore their system to operating condition. If the owner fails to restore their system within the required six-month time period, the owner is required at their expense to remove the wind turbine from the tower.

l. *Utility Notification*. No turbine shall be installed until the utility company has been informed of the customer's intent to install an interconnected customer-owned generator.

m. *FAA Regulations*. No turbine shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR Part 77 of the FAA guidance on airspace protection.

n. *Compliance with National Electric Code*. Turbine installation shall conform to the National Electric Code, as updated from time to time.

o. *Insurance*. Additional insurance beyond property owners' or homeowners' coverage shall not be required.

13. *Short-Term Rental*.

a. *Primary Uses and Districts*. A short-term rental shall only be permitted as an accessory use to a single-unit detached or duplex dwelling in the PUD, R-1, R-2, R-3, and AG zone districts.

b. *Accessory Use Only*. In zone districts, where permitted, short-term rentals shall be clearly incidental and subordinate to the primary use of a single-family detached or single-family attached dwelling unit on the lot on which the short-term rental is located. A short-term rental cannot be the primary use of the dwelling unit. The dwelling unit must otherwise be occupied and utilized as a residential dwelling unit for the majority of the year.

c. *License Required*. It is unlawful to operate any short-term rental in the city without first obtaining a short-term rental license that has been duly approved pursuant to Chapter 9, *Business Licenses and Regulations*, of the Municipal Code.

d. *Length of Stay*. The length of stay at a short-term rental may not exceed 30 consecutive days for any guest(s).

e. *Density Restriction*. There may be no more than one short-term rental within 500 feet of another licensed short-term rental in any residentially zoned district as measured in accordance with Sec. 21-11110, *Measurements*.

f. *Accessory Dwellings*. On lots where there is both a single-family dwelling unit an accessory dwelling unit, short-term rentals are allowed in either dwelling unit; however, a short-term rental cannot be operated in the principal single-family dwelling unit by a person maintaining their primary residence in the accessory dwelling unit only. The principal single-family dwelling unit must be occupied as a long-term residence when not being utilized for a short-term rental per Subsection a, *Primary Uses and Districts*, above.

g. *Simultaneous Short-Term Rentals Prohibited*. Short-term rentals shall not include simultaneous rental to more than one party under separate contracts. This limitation is intended to prevent more than one short-term rental contract from operating within the same dwelling unit at the same time, or within a dwelling unit and its associated accessory dwelling unit at the same time.

h. *Food*. No food shall be prepared for or served to guests of the short-term rental unit by the property owner or the owner’s agents or contractors.

i. *Maximum Guests Permitted*. The maximum number of persons allowed to occupy a short-term rental shall not exceed two persons per bedroom, plus two persons.

j. *Parking*.

i. *Location*. Parking intended to serve a short-term rental shall be located on the same lot as the short-term rental.

ii. *Amount*. No additional parking, other than what has been permitted and exists with the dwelling unit on the lot is required. If there is no legally established parking on the lot no more than two vehicles are permitted to park on the street that are associated with the short-term rental.

k. *Allowed Signage*. A short-term rental may not have any exterior signage.

l. *HOA Rules and Covenants*. Nothing in this division shall be interpreted as preventing a functional homeowners association from promulgating additional HOA rules and covenants to govern the operation of short-term rental units.

E. **Standards Applicable to Accessory Dwelling Units.** Accessory Dwelling Unit *(ADU)*. Attached, contained, and detached ADUs, as depicted in Figure 21-3220-1, *ADU Types*, are permitted according to the following standards.

1. *Standards Applicable to Certain ADUs*.

a. *Attached ADU and Contained ADU*.

i. The principal dwelling unit shall not be altered in any way so as to appear from a public or private street to be multi-unit housing. Prohibited alterations include multiple doorways and walkways that connect to the sidewalk (except from an alley) or multiple mailboxes.

ii. Access to the ADU shall be by means of an existing side or rear door, except where a new entrance is required by the Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.

iii. Water, sanitary sewer, and electrical utilities shall not be separately provided to an attached, detached, or contained ADU.

b. *Detached ADU*.

i. The address of the principal dwelling shall remain the same and the ADU shall be assigned a unit designation.

ii. A vehicular access shall not serve the ADU separate from that serving the principal dwelling unless the accessory dwelling is accessed from an alley and the principal dwelling is accessed from a street.

iii. The detached ADU shall:

(A) Be sited so that the front wall of the ADU is located behind the rear wall of the principal building;

(B) Be less than the height of the principal building, or a maximum of 22', whichever is less.

2. *Standards Applicable to All ADUs*.

a. *Number*. Only one ADU shall be permitted per lot.

b. *Use*. An accessory dwelling unit may be owner-occupied or occupied by a person who is not the property owner.

c. *Size of Unit*. The floor area of the ADU shall not exceed 75 percent of the floor area of that of the principal unit or 1,000 square feet, whichever is less. However, a minimum of 750 square feet of floor area is permitted, regardless of the size of the principal unit.

d. *Residential Building Code*. The ADU shall comply with the requirements of the City's Building Code.

e. *Associated Building Type*. An ADU is permitted where a single-unit dwelling is allowed.

i. Planned Unit Developments Included. An ADU is allowed in Planned Unit Development zone districts where a single-unit dwelling is allowed.

Figure 21-3220-1, ADU Types

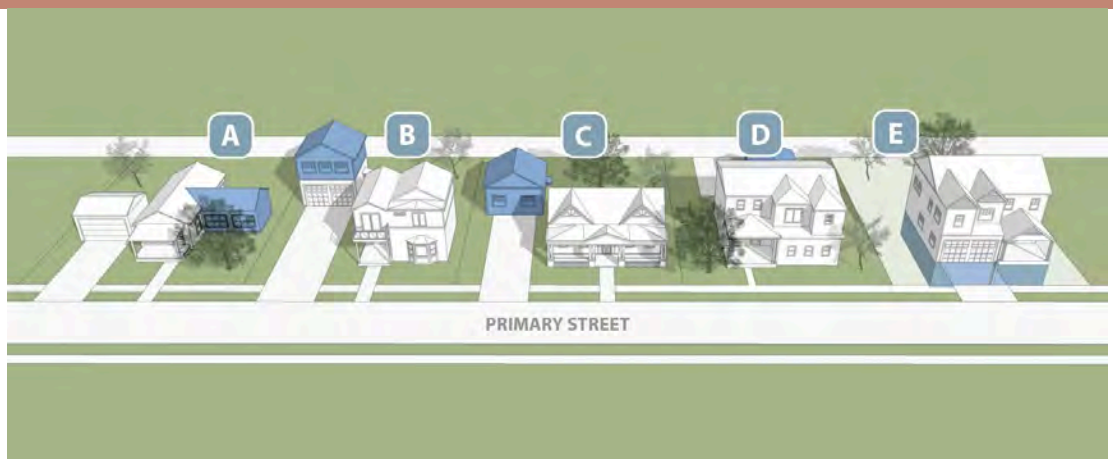


FIGURE NOTES:
A = Attached | B = Detached (Garage Conversion) | C = Detached | D = Detached (Alley Loaded) | E = Contained

F. **Minor Accessory Structures.** A minor accessory structure is a detached accessory structure that is less than or equal to 120 square feet in area and less than or equal to 8 feet in height, or uncovered decks, flatwork, patio, or sport courts of any size. If it exceeds either threshold of size or height it defers to the appropriate table.

1. *Design Standards.* Minor accessory structures shall comply with the following and Table 21-3220-2, Minor *Accessory Structure Standards:*

   a. Count towards the maximum number of accessory structures for a site;

   b. Count towards the maximum lot coverage/maximum impervious area;

   c. Cannot be located in the front or street side setback;

   d. Cannot be located within the front or side yard;

   e. Must be setback a minimum of 2 feet from all side and rear property lines;

   f. Do not need a building permit; and

   g. Require an approved Zoning Construction Permit.

2. *Exemptions.* The following are exempted from the minor accessory structure standards:

   a. Arbors;

   b. Play structures;

   c. Mechanical equipment such as air conditioning units and heat pumps; and

   d. Other structures that are similar in impact, height, and footprint.

3. *Exceptions From Maximum Number of Accessory Structures*.

   a. A PUD Zone Document specifically regulates the number of accessory structures permitted within the PUD; the number of accessory structures shall comply with the provisions of this section unless a Variance is approved by the Board of Adjustment.

   b. Trash enclosures, flagpoles, satellite dishes, clotheslines, and driveways shall not count toward the maximum number of accessory structures permitted by this section.

c. All other detached accessory structures shall count towards the maximum number of accessory structures permitted by this Section.

Table 21-3220-2, Detached Accessory Structure Standards				
	Agricultural	Residential	Commercial and Mixed Use	Industrial
Maximum Number of Structures[1]	5	3	2	3
Maximum Size (footprint)	N/A	Not to exceed 400 square feet[2]	Not to exceed 600 square feet[2]	Not to exceed 1000 square feet[2]
Maximum Height	30 feet	15 feet	Not to exceed the existing principal structure	Not to exceed more than 10% of the existing principal structure
Front Setback	Same as primary building type			
Side Setback	5 feet			
Street Side Setback	Same as primary building type			
Rear Setback	5 feet			

Table Notes:

1. The maximum number of structures includes Minor, Detached and Attached structures.
2. Not to exceed the footprint of the principal structure.

Sec. 21-3230. - Temporary Uses and Structures

A. **Generally**. Permitted temporary uses and structures are set forth in Table 21-3230-1, *Permitted Temporary Uses, Frequencies, and Durations*. Standards for temporary uses and structures are set forth below.

B. **Purpose**. The purpose of this Subsection is to establish specific conditions for certain uses and structures permitted for a limited duration. The following standards ensure that such temporary uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.

C. **Applicability**.

1. *Permit Required.* A temporary use permit shall be required, as established in Sec. 21-7480, *Temporary Use Permit*, and is subject to administrative approval depending on the conformance of the application with the requirements of this Section.

2. *Listed Uses.* This Section applies to temporary uses in the zoning districts in Table 21-3230-1, *Permitted Temporary Uses, Frequencies, and Duration*, below. Any temporary use that this Section does not allow, or that the Community Development Director determines to be substantially similar to those not allowed, is prohibited.

3. *Unlisted Uses.* Temporary uses or structures not listed in Table 21-3230-1, *Permitted Temporary Uses, Frequencies, and Duration* are prohibited unless determined appropriate by the Community Development Director.

4. *Required Principal Use.* Establishment of a temporary use requires a permanent principal use, except for a batch plant and outdoor seasonal holiday sales.

5. *Requirements for Initiating Use*. No temporary use shall be conducted or temporary structure erected and/or used except after:

a. A site plan containing sufficient information to show compliance with standards and requirements of this LDC is submitted to and approved by the City;

b. All permits required by applicable building, electrical, fire, plumbing, and mechanical codes are obtained; and

c. All licenses required for the operation of the temporary use are obtained.

D. **Exemptions**. The following activities or events shall not require a Temporary Use Permit nor shall they be required to comply with the standards of this Section.

1. Natural disaster and emergency recovery/clean-up; and

2. City sponsored events.

E. **General Standards.**

1. *Conditions of Approval*. No temporary use shall violate any applicable conditions of approval that apply to the principal use and zoning for the site.

2. *District Standards*. A temporary use shall comply with all other standards and requirements of the zoning district in which the temporary use is proposed. In the event that a PUD zoning district specifically regulates temporary uses, the PUD zoning shall control.

3. *Locational Prohibitions*. Temporary uses or structures shall not be conducted or located within existing vegetated buffers, designated setbacks, required parking areas, public rights-of-way, designated easements, or any areas that interfere with any sight distance triangle.

4. *Safety and Health*. Temporary structures shall be constructed to promote safety and health. Materials which may be used on the exterior surface of any temporary stand or structure shall include, but are not limited to, freshly painted plywood or masonite, nonrusted galvanized steel sheathing, aluminum, fiberglass or polyfilm. Materials which shall not be used for the exterior surface include, but are not limited to, paper, cardboard, old unpainted lumber or masonite, and rusted metal sheathing.

5. *Parking*.

   a. The use shall not negatively affect the availability of parking and that adequate on-site parking will be available to accommodate the proposed temporary use for the duration of the permit. See Division 4.3 for parking requirements.

   b. Minimum required parking ratios shall be based on the most similar permanent use in Table 21-4310-1, *Off-Street Parking Requirements*, according to the Community Development Director.

   c. All parking shall be constructed on an approved surface, unless otherwise approved by the Community Development Director.

6. *Fire Lanes*. All required fire lanes have been approved by the applicable fire district.

7. *Maintenance*. Temporary structures and the property on which any temporary structure or use is permitted shall be maintained in good condition during the time of its use. Vegetation shall be regularly mowed. Trash and rubbish barrels/receptacles shall be provided and regularly removed from the site.

8. *Signs*. Only temporary signs erected in accordance with Division 4.7, *Signs,* shall be permitted and such signs shall be removed at the conclusion of the use. Each sign shall require a permit as detailed in Sec. 21-7470, *Sign Permit*.

9. *Remediation*. Upon conclusion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, re-vegetated, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

10. *Removal*.

a. Temporary structures used in conjunction with temporary uses shall be removed not more than seven calendar days after the event is closed. Temporary stands, motor vehicles, and trailers shall be removed on the date of termination of the permit unless a specific date is approved in the application.

b. Except for temporary structures removed in compliance with paragraph 10.a of this Section, all set-up, clean-up, dismantling, and removal of the temporary use must be conducted during the permit period.

11. *Restrooms and Water*. If portable restroom and or drinking water facilities are to be provided with the temporary use, OSHA requirements shall be followed.

F. **Temporary Use Table.**

1. *Generally*. Table 21-3230-1, *Permitted Temporary Uses, Frequencies, and Duration*, shows which temporary uses are permitted in which zoning districts and provides maximum frequency and duration of an allowed temporary use.

2. Symbols. The symbols in Tables 21-3230-1 and Table 21-3230-2 have the following meanings:

a. "TP" means "Temporary Permitted Use" subject to the applicable requirements of this Section and approval of a Temporary Use Permit by the Community Development Director.

b. "--" means that the use is prohibited in a specified zoning district.

c. "Number / Number" in the Duration column means the maximum time period (days or months) permitted per event and the maximum number of events permitted on a single lot in a calendar year.

Table 21-3230-1, Permitted Temporary Uses, Frequencies, and Duration in Residential Zoning Districts

Temporary Use	Specific Standards	Duration(1)	Residential Zoning Districts					
			AG	R-E	R-1	R-2	R-3	MHP
Auction	N/A	7 days / 4	TP	--	--	--	--	--
Batch Plant	(G)(1)	6 months / 1	TP	--	--	--	--	--
Car Wash Fundraiser	N/A	3 days / 4	TP	TP	TP	TP	TP	TP
Charitable Collection Device	N/A	60 days / 2	TP	--	--	--	--	--
Farmers' Market	(G)(2)	52 days(2) / 2	TP	--	--	--	--	--
Mobile Office Structure or Construction Trailer	(G)(3)	6 months(3) / 2	TP	TP	TP	TP	TP	TP
Mobile Storage Container	(G)(4)	30 days / 2	TP	TP	TP	TP	TP	--
Organized Event	(G)(5)	14 days / 1	TP	TP	TP	TP	TP	TP
Outdoor Sales Event	(G)(6)	14 days / 3	--	--	--	--	--	--
Outdoor Seasonal Holiday Sale	(G)(7)	2 months / 3	TP	TP	TP	TP	TP	TP
Outdoor Seasonal Sale	N/A	6 months / 1	--	--	--	--	--	--

Table 21-3230-1, Permitted Temporary Uses, Frequencies, and Duration in Residential Zoning Districts								
Temporary Use	Specific Standards	Duration[1]	Residential Zoning Districts					
			AG	R-E	R-1	R-2	R-3	MHP
Real Estate Office (Temporary)	(G)(8)	Until the last unit in the filing is sold	TP	TP	TP	TP	TP	TP
Roadside Produce Stand	(G)(9)	3 months / 2	TP	--	--	--	--	--

Table Notes:
(1) Period may be extended one time for an additional 30-day period upon approval of written request submitted to the Community Development Director 7 days prior to the permit expiration
(2) The permit shall be valid for the summer season and entitle the permit holder to conduct the market in either of the following manners: one day per week, or monthly (up to three consecutive days at the same site, provided that no other farmers' market has been conducted by the permit holder at that site during the preceding 30 day period.
(3) The permit shall be valid until a Certificate of Occupancy is approved. The permit may be extended for one additional 6-month period, for good cause shown, upon approval of a written request, submitted to the Community Development Director 30 days prior to the expiration of the permit.

Table 21-3230-2, Permitted Temporary Uses, Frequencies, and Duration in Nonresidential and Mixed Use Districts											
Temporary Use	Specific Standards	Duration [1]	Nonresidential and Mixed Use Zoning Districts								
			MU-1	C-2	C-C	I-A	I-1	I-2	I-3	R-F	Public
Auction	N/A	7 days / 4	--	--	--	--	TP	TP	TP	--	--
Batch Plant	(G)(1)	6 months / 1	--	--	--	--	TP	TP	TP	--	TP
Car Wash Fundraiser	N/A	3 days / 4	TP	TP	TP	TP	TP	TP	TP	TP	TP
Charitable Collection Device	N/A	60 days / 2	--	TP	TP	TP	TP	TP	TP	TP	--
Farmers' Market	(G)(2)	52 days[2] / 2	--	--	--	--	TP	TP	TP	TP	TP
Mobile Office Structure or Construction Trailer	(G)(3)	6 months[3] / 2	TP	TP	TP	TP	TP	TP	TP	TP	TP
Mobile Storage Container	(G)(4)	30 days / 2	--	TP	TP	TP	TP	TP	TP	TP	TP
Organized Event	(G)(5)	14 days / 1	TP	TP	TP	TP	TP	TP	TP	TP	TP
Outdoor Sales Event	(G)(6)	14 days / 3	TP	TP	TP	TP	TP	TP	TP	TP	TP
Outdoor Seasonal Holiday Sale	(G)(7)	2 months / 3	TP	TP	TP	TP	TP	TP	TP	TP	TP
Outdoor Seasonal Sale	N/A	6 months / 1	TP	TP	TP	TP	TP	TP	TP	--	--
Real Estate Office (Temporary)	(G)(8)	1 year / 1	TP	TP	TP	TP	TP	TP	TP	TP	TP
Roadside Produce Stand	(G)(9)	3 months / 2	--	TP	TP	--	--	--	--	--	--

Table Notes:
(1) Period may be extended one time for an additional 30-day period upon approval of written request submitted to the Community Development Director 7 days prior to the permit expiration
(2) The permit shall be valid for the summer season and entitle the permit holder to conduct the market in either of the following manners: one day per week, or monthly (up to three consecutive days at the same site, provided that no other farmers' market has been conducted by the permit holder at that site during the preceding 30 day period.
(3) The permit shall be valid until a Certificate of Occupancy is approved. The permit may be extended for one additional 6-month period, for good cause shown, upon approval of a written request, submitted to the Community Development Director 30 days prior to the expiration of the permit.

G. **Specific Temporary Use Standards.**

1. *Batch Plant.*

a. The hours of operation shall be limited to the hours specified on the approved permit.

b. The use shall be setback at least 300 feet from any residential structure.

c. Vehicle use areas, material storage areas, and structures shall be setback at least 100 feet from the property boundary.

d. The permit holder shall control dust, dirt, and any other debris from migrating from the site on to other property. Inability to effectively mitigate dust will result in revocation of the permit.

e. Due to the potential magnitude of the use, the City Engineer may add additional standards regarding trucking routes and the size of loads to protect the general welfare of the public.

2. *Farmers' Market.*

a. Goods may be sold or displayed from a motor vehicle or trailer.

b. The hours of operation shall be limited to the hours specified on the approved permit. All set-up and clean-up shall be completed within the hours of operation.

3. *Mobile Office Structure or Construction Trailer.*

a. *Restricted Use.*

i. A mobile office structure or construction trailer may be placed on property for the following limited purposes:

(A) Expansion space for an existing permitted principal use, as long as there is an active permit to expand or alter the principal structure;

(B) Temporary offices for construction and security personnel during the construction of a development;

(C) Temporary quarters for general office uses including, but not limited to, hiring and membership solicitation, as long as there is an active permit to expand or alter the principal structure; or

(D) Temporary quarters for a nonresidential use when the permanent building has been destroyed by fire or other physical catastrophe, provided that a building permit for the permanent facility is obtained within 90 days after approval of the temporary building. The Community Development Director may approve a written request for an extension of an additional 90 days for good cause shown.

ii. If the purpose of the temporary mobile office structure is to serve temporary real estate needs, see standards in section G.8, below.

b. *Standards*.

i. Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for the use in Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*.

ii. A mobile office structure shall not be used as any type of dwelling.

iii. All mobile office structures and construction trailers shall have at least ten feet of horizontal clearance on all sides to allow for proper circulation and to meet applicable fire and building codes.

iv. Temporary chain-link fencing up to six-feet high may be approved for a period of time not to exceed six months.

v. If more than three mobile office structures are required, the applicant may request a limited use permit to allow for additional temporary offices.

4. *Mobile Storage Container.* Mobile storage containers shall be located in on-site parking areas or spaces.

5. *Organized Event.*

   a. *Standards*. Given the variety of circumstances which fall into this permit category, the Community Development Director may impose, in addition to the standards contained in section 21-5325, any standard or requirement deemed reasonable to protect the health, safety, and welfare of the participants and the public.

   b. *Hours of Operation.* The hours of operation of any organized event should be specified in the permit. In the event the hours of operation are not specified, the ending time for such event shall be 10:00 p.m.

   c. *Number of Permits*. Any organized event that involves more than one activity or site, or which is held over a period of more than one day, need only obtain one permit, provided that the application specifies each activity, site, and dates.

   d. *Notification to Nearby Property Owners*. Any person who intends to hold an event that meets any of the criteria listed below shall make a reasonable attempt to notify every person who owns property within 500 feet, or a greater distance as specified by the Community Development Director, of the proposed event. Notification shall be provided in a manner that is satisfactory to the City.

      i. The event will occur on more than one calendar day;

      ii. Any part of the event will occur after 8:00 p.m. or before 8:00 a.m.;

      iii. Attendance at the event is reasonably anticipated to exceed 200 people;

      iv. Alcoholic beverages will be served during the event; or

      v. Live or amplified sound will occur during the event.

6. *Outdoor Sales Event.*

   a. Outdoor sales events shall be conducted only in commercial or industrial districts.

   b. The site shall contain an area that is not actively used that would support the proposed temporary sale of goods without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability.

   c. The display and/or sale of goods, products, and/or services shall not occur within 100 feet of a residential district.

   d. Off-street parking shall be adequate to accommodate the parking needs for the proposed sale in conformance with Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*.

   e. The hours of operation of the outdoor sales event shall be between sunrise and sunset, or the same as the hours of operation of the principal use, whichever is more restrictive.

   f. The retail sales of bulk household goods, such as furniture, carpets, artwork/paintings, or similar items, or the sale of prepared or processed food products shall not be permitted.

   g. No more than three outdoor sales event permits may be approved to the same applicant for the same property in any calendar year.

7. *Outdoor Seasonal Holiday Sale.*

   a. A business license shall be required.

   b. The site shall contain an area that is not actively used that would support the proposed temporary sale of goods without encroaching into or creating a negative impact on existing buffers, open space, landscaping, traffic movements, or parking space availability.

c. The display or sale of goods, products, or services shall not occur within 100 feet of a residential lot.

d. Off-street parking shall be adequate to accommodate the proposed sale of goods in conformance with Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*.

e. The hours of operation of the outdoor holiday seasonal sales shall be between 7:30 a.m. and 10:00 p.m., or the same as the hours of operation of the principal use, whichever is more restrictive.

f. The outdoor seasonal holiday sale shall be accessed via either a gravel, recycled asphalt, or paved parking lot or other all-weather surface.

8. *Real Estate Office (Temporary).*

a. The temporary real estate sales office shall be located on a permitted residential lot or within a multi-family development that was approved by the City as part of a residential development, or within an approved nonresidential development.

b. Parking spaces shall be provided in a number sufficient to meet the requirements set forth for offices in Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*. An accessible paved parking area for visitors shall be provided if the Community Development Director determines on-street parking is not sufficient.

c. Open-style, trap-type fencing up to 42 inches high may be used for a temporary period of time, if approved by the Director.

d. If a model home is used as the structure for this temporary use, the fencing approved in the Development Plan shall be installed at the time of construction.

e. Upon expiration of the permit for a temporary real estate sales office, the structure shall be removed or converted into, or replaced with, a permanent residential use.

f. A temporary use permit for a temporary real estate sales office shall be valid until the last dwelling unit in the filing or phase is sold. This period may be extended for additional 30-day period, for good cause shown.

9. *Roadside Produce Stand.*

a. No structure shall be situated, and no sale of goods shall occur, less than 50 feet from the public right-of-way.

b. The roadside produce stand shall be accessed via either a gravel, recycled asphalt, or paved parking lot.

c. The hours of operation shall be between the hours of 7:00 a.m. and 7:00 p.m.

d. Parking for the stand shall not block or be located within any right-of-way or public sidewalk. At least 3 off-street parking spaces shall be provided per 200 square feet of stand area

Sec. 21-3240. - Wireless Telecommunications Facilities

A. **Purpose**. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, these regulations are necessary to:

1. Encourage the location of wireless telecommunications facilities in nonresidential areas and minimize the total number of towers throughout the community;

2. Encourage strongly the joint use of new and existing tower sites;

3. Require users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

4. Require users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas; and

5. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

B. **Review and Approval.** All telecommunications facilities shall be reviewed by the City prior to installation.

1. *Section 6409(a) Facilities*. All 6409(a) facility applications shall be reviewed and approved in compliance with the federal rules in effect at the time the application is received.

2. *Other Facilities*. Administrative Applications for telecommunication facilities that do not involve 6409(a) facilities shall be governed by the following:

a. *Approval Criteria.* An application may be approved if the decision maker finds that:

i. The facility complies with all City standards;

ii. The facility is suitable for the site, considering the size of the facility and lot, the location of the lot and the facility within the lot, the topography and natural features on the lot, and existing structures or improvements on the lot;

iii. There will be adequate mitigation of the visual impacts to the site on which the facility is located and the surrounding area to ensure harmony with adjacent uses and public rights-of-way;

iv. The facility creates a positive precedent for future telecommunications facilities and collocations.

b. *Federal Aviation Administration (FAA) Review.* Any telecommunication facility that exceeds 200 feet in height or is located within 20,000 feet of a major airport (commercial and military aircraft facility) and 10,000 feet of a general aviation airport (serving smaller aircraft) shall be reviewed by the FAA.

c. *Removal Assurance.* Prior to erecting or installing any new monopole, the owner or operator shall post with the City a bond, or some other form of financial assurance deemed suitable to the City, to cover the cost of removal of the facility if abandoned, or deemed abandoned, pursuant to the terms of this LDC.

C. **Operating Standards**. All telecommunication facilities shall comply with the following standards:

1. *Signage*. Wireless telecommunication facilities shall not display signs or advertising devices other than certification, warning, or other required seals or signs. This requirement does not preclude the mounting of telecommunication facilities on existing or new signs which signs are or will be installed in compliance with the standards contained in this LDC.

2. *Co-Location Requirements.* No telecommunications facility owner or operator shall unfairly exclude a telecommunication competitor from using the same facility or location. Upon request by the City, the owner or operator shall provide evidence as to why co-location is not possible. If a telecommunications competitor attempts to co-locate a facility on an existing or approved telecommunications facility or location, and the parties cannot reach an agreement, the City may require a third-party study, at the expense of either or both parties, to determine the feasibility of co-location.

3. *Abandonment*.

a. All permits or approvals for telecommunication facilities shall expire immediately upon cessation of use by the provider. Upon request of the City, all providers must furnish to the City proof of continued use of the telecommunications facility. Proof shall consist of a copy of the FCC license and a letter from the cellular provider indicating that the facility is still in use. All providers must furnish to the City notice of discontinuation of use by furnishing a copy of any notices reflecting discontinued use as sent to the FCC or other federal regulatory agency having jurisdiction over the operation of the facility. In addition, commercial mobile radio service facilities not used for a continuous period of 6 months shall be deemed abandoned and shall be removed no later than 90 days after being deemed abandoned.

b. All leases for the location of commercial mobile radio service facilities must provide that the provider shall have full access to the leasehold space for the purpose of removing the facility. In addition, in the event that the provider and/or the landlord shall fail to remove the facility within the 90-day time period

provided herein, then the City shall have access to the leasehold space of the abandoned facility for the purpose of removal. All costs incurred by the City in connection with the removal of the facility shall be recoverable, at the option of the City, against the bond posted by the owner or operator, or alternatively, all costs incurred may be assessed as a lien against the property on which the facility is located, and the City may record said lien, and the lien shall be enforceable and may be collected in the same manner as a tax lien by the County treasurer and any funds recovered thereby shall be remitted to the City, provided, however, that prior to the City's removal of the abandoned facility the City shall have first given notice to the provider and the landowner, by regular and certified mail, of its intent to remove the facility, not less than 30 days prior to the City's removal of any abandoned facility.

D. **Telecommunication Facility Location Requirements.** Telecommunication facilities shall be allowed as detailed in Table 21-3240-1, *Use Schedule for Telecommunication Facilities*. 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-unit or commercial).

1. A "P" indicates that the facility is permitted by-right, with an administrative approval by the Community Development Director.

2. A "L" indicates that the facility is permitted as a Limited Use.

3. "--" indicates that the facility is prohibited.

Table 21-3240-1, 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-Unit Residential	--	--	--	L	L
Multi-Unit Residential	L	--	--	P	P
Mobile Home Park	--	--	--	P	P
Commercial	P	P	L	P	P
Industrial	P	P	P	P	P
Public	P	P	P	P	P
Floodplain	--	--	--	--	--

E. **Monopole Standards.** All new non-concealed monopoles shall comply with the following standards:

1. *Setback*. Monopoles shall be located in the side or rear yards of developed properties, and shall meet the required principal structure setbacks of the underlying zoning district. The monopole shall not reduce the required parking, landscaping, and/or open space requirements for the principal use.

2. *Height Limitations.* Monopoles in industrial zoning districts shall not exceed 70 feet in height. Those in commercial zoning districts shall not exceed 50 feet in height. The height of monopoles in all other zoning districts shall be governed by the building height standards set forth in this LDC for the applicable zoning district.

3. *Distance Requirements.*

   a. No portion of a monopole, including accessory equipment, shall be located within 100 feet of a property zoned and/or developed for single-unit residential purposes. In the event that the height of a monopole exceeds 100 feet through a Variance approved in compliance with this LDC, the monopole and all

accessory equipment shall be set back from the aforementioned residential lands by a distance equal to the height of the monopole.

b. To the maximum extent feasible, monopoles shall be located at least 2,000 feet from any existing freestanding telecommunications facility. It shall be the applicant's burden to establish a lack of feasibility.

c. To the maximum extent feasible, monopoles shall not be located within 2,000 feet of the existing public service transmission line, which begins at Colorado State Highway 85, travels east, south of East 104th Avenue, moves north by northeast east of Picadilly Road, and concludes at Hayesmount Road. It shall be the applicant's burden to establish a lack of feasibility.

4. *General Screening.* Existing land forms, vegetation, and structures shall be used to aid in screening the monopole from view or blending in with the surrounding built and natural environment.

5. *Screening Wall.*

a. When a monopole is located on an industrially zoned property and is visible from any public right-of-way, public or private open space, or nonindustrially zoned property, the base of the monopole and associated accessory equipment shall be enclosed with a screening wall or fence compatible with the character of the property on which it is located and the surrounding area.

b. When a monopole is located on a property that is not zoned industrial, the base of the monopole and any associated accessory equipment shall be enclosed with a screening wall or fence compatible with the character of the property on which it is located and the surrounding area.

c. If a screening wall or fence is required, landscaping shall be installed on the outside of the fence to soften the appearance of the cell site. The landscaping shall consist of a minimum of one tree and three shrubs for every ten linear feet of publicly-visible enclosure perimeter, with a minimum of two trees per side. The first two trees per side shall be evergreen; the remaining landscaping should be an approximate 50% mix of evergreen and deciduous species to promote year-round visual interest.

6. *Co-Location*. To the maximum extent feasible, monopoles shall be designed for a minimum of two users. It shall be the applicant's burden to establish a lack of feasibility.

7. *Design*. Monopoles and any associated antennas shall be of a color which generally matches the building, surroundings or background, and minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones, and subdued colors shall be used wherever possible.

8. *Antenna Type.* In some circumstances, the City may require canister-type antenna instead of the traditional array antenna, if the City determines that the proposed location would be negatively impacted by the array antenna.

9. *Accessory Equipment.* Telecommunication accessory equipment, such as buildings, shelters, cabinets, and other components, shall be grouped as closely together as technically possible. The total footprint coverage area shall not exceed 400 square feet per provider, and shall not reduce the requirements for parking and/or landscaping area for other principal uses on the parcel. No structure shall exceed 15 feet in height, and shall be compatible with the design, materials, and colors of structures on the same and/or adjacent parcels.

F. **Telecommunication Facilities on Existing Buildings or Structures.** All non-6409(a) telecommunication facilities that are mounted on an existing building or structure shall comply with the following standards:

1. *Screening*. The telecommunication facility shall be adequately screened in accordance with the rooftop mechanical and utility equipment screening standards found in this Land Development Code.

2. *Design*. A wall-mounted telecommunication facility shall be flush-mounted and shall match the building or structure in design, color, and materials.

3. *Accessory Equipment.* Accessory equipment for a wall-mounted telecommunication facility that is located on the roof shall be adequately screened in accordance with the rooftop mechanical and utility equipment

screening standards found in this Land Development Code. If the accessory equipment is located on the ground, the accessory equipment shall adhere to the following requirements:

a. The accessory equipment shall be located as close to the building or structure as possible.

b. The accessory equipment footprint shall not exceed 400 square feet, and shall not be more than 15 feet in height.

c. The accessory equipment shall be enclosed in a screening or concealing wall or fence to match the building or structure in color, design, and materials, and shall not reduce the landscaping or parking requirement for the use of the subject property.

d. All accessory equipment structures shall be landscaped from public view and all rights-of-way along the outside of the required screening enclosure. Such landscaping shall consist of a minimum of one tree and three shrubs for every ten linear feet of publicly-visible enclosure perimeter, with a minimum of two trees per side. The first two trees per side shall be evergreen, and the remaining landscaping should be an approximate 50% mix of evergreen and deciduous species to promote year-round visual interest.

G. **Concealed Telecommunication Facilities.** Concealed telecommunications facilities that meet the following standards may be placed as such in accordance with Table 21-3240-1, Use Schedule for Telecommunication Facilities and shall not be required to comply with the standards contained in Sec. 21-3240.E, *Monopole Standards*, and Sec. 21-3240.F, *Telecommunication Facilities on Existing Buildings or Structures*, above.

1. *Dimensions*. The dimensions of a concealed facility must reasonably approximate the dimensions of the object as which it is being disguised.

2. *Design and Location*. The design and location of a concealed facility must be compatible with the property on which it is located as well as the surrounding area.

3. *Height and Setback.* A concealed telecommunication facility shall comply with the bulk standards of the object as which it is being disguised and shall not reduce the required parking, landscaping, and/or open space requirements for the principal use.

4. *Distance from Residential*. Concealed monopoles shall not be located within 100 feet of a property zoned and/or developed for single-unit residential purposes.

5. *Co-Location*. To the maximum extent feasible, concealed facilities shall be designed to accommodate a minimum of two users to reduce the overall number of sites required in the City.

6. *Accessory Equipment*. All accessory equipment shall be designed so as to not defeat the purpose of the concealment of the telecommunication facility itself through the use of screening, landscaping, or other technique.

H. **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-unit 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-unit 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 LDC.

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

current requirements for those structures. Unless otherwise agreed to by the Community Development 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 Sec. 21-5270, *Utilities, Easements, and Street Lights*.

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 authorization from the existing pole owner to attach the proposed equipment.

7. *Right-of-Way Usage and Licensing Agreement.* If located in the public right-of-way, the proposed Telecommunication Facility operator shall sign a licensing agreement with the City for use of the right-of-way prior to approval of any necessary permits.

I. **Telecommunication Facilities Located on New Pole Structures on Public Rights-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. 21-3240.H, *Telecommunications Facilities Located on Existing Pole Structures*, 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. If located in an Activity Center as identified in the Comprehensive Plan or an urban renewal area, Telecommunication Facilities may be located closer than 300 feet, as determined by the Community Development 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. Utilities serving the pole shall comply with Sec. 21-5270, *Utilities, Easements, and Street Lights*.

3. *Height*. The height of the new pole structure shall not be more than 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 LDC for the applicable zoning district. Where a height exception is sought in accordance with this Section, it shall conform with all such height exception requirements and be no greater than 10 feet higher than the applicable zoning 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. *Right-of-Way Usage and Licensing Agreement.* Prior to approval of any necessary permits, the proposed Telecommunication Facility operator shall sign a licensing agreement with the City for use of the right-of-way.

Sec. 21-3250. - New and Unlisted Uses

A. **Authorization of Unlisted Uses.** The use categories listed in the land use tables in Sec. 21-2200, Sec. 21-2210, Sec. 21-2220, and Sec. 21-2230, are defined in the corresponding use tables. On written request, if a proposed use is not listed as part of a use category definition, the Community Development Director may determine whether the proposed use is functionally similar to a use that is listed. Depending on such determination, the proposed use is then permitted, permitted with standards, allowed with a Conditional Use Permit, or prohibited. Any decision regarding a new and unlisted use shall require a written decision issued by the Community Development Director.

B. **If Not Authorized, Then Prohibited.** If the Community Development Director determines that a proposed use does not fit within a given use category and is not functionally the same as a permitted, limited, or conditional use, then the use is a prohibited use.

C. **Decision Criteria.** In making such determinations, the Community Development Director may consider, but is not limited to the following criteria to determine whether a proposed use is appropriate:

1. Hours of operation;
2. Traffic impacts;
3. Environmental impacts;
4. Potential for adverse impacts on surrounding properties;
5. Whether the proposed use is typically housed in buildings or structures similar and compatible to those used to house allowed uses in the zoning district;
6. Where the proposed use is consistent with the purpose and intent of the particular zoning district;
7. The actual or projected characteristics of the activity in relation to those of the use type;
8. The amount of lot area or floor space and equipment devoted to the activity;
9. Vehicle parking demand;
10. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);
11. Types of vehicles used and their parking requirements;
12. Building coverage;
13. Solid waste generation;
14. Use and storage of hazardous materials;
15. How the use is advertised;
16. Visibility of Equipment;
17. Any other pertinent considerations necessary to assess the nature and impacts of a proposed use; and
18. Compliance with all federal, state, and local laws.

D. **Appeal**. Appeals of the Community Development Director's decision may be made following procedures under Sec. 21-7170, *Appeals*. Unless the Community Development Director's decision is overturned on appeal, the proposed use shall be prohibited until this section is amended to indicate that such use is an allowed in one or more zoning districts.

Sec. 21-3260. - Performance Standards

A. **Purpose.** The purpose of this Section is to ensure that all land uses permitted under this LDC are operated in a manner that protects public health, safety, and general welfare, and that minimizes impacts on surrounding properties and the community. An applicant for a proposed use may be required to submit evidence that a use complies with these standards, including a report prepared by an expert. Such expert shall be fully qualified to give the required information and shall be acceptable to the Community Development Director. The cost of the expert's services shall be borne by the applicant.

B. **Applicability.** The standards in this Section apply to all uses and development within the jurisdiction of this LDC, unless otherwise expressly stated. These standards apply in addition to, and do not replace or modify, any use-specific standards in Division 3.2, *Use Standards*, or other applicable federal, state, or local regulations. Where a conflict arises between these performance standards and other standards in this Code, the more restrictive provision shall apply, unless otherwise expressly stated.

C. **Vibration.** Uses that generate vibrations in violation of this Section shall be cushioned or isolated to prevent generation of vibrations. Uses shall be operated in compliance with the following provisions:

1. *Perceptible Ground Vibration.* Uses shall not generate ground vibration that is perceptible without instruments by the average person at any point along or beyond the property line of the parcel containing the activities;

2. *Vibration Affecting Neighboring Residents.* Uses shall not generate vibrations that cause discomfort or annoyance to reasonable persons of normal sensitivity or which endangers the comfort, repose, health or peace of residents whose property abuts the property line of the parcel; and

3. *Vibration Interfering with Equipment.* Uses shall not generate ground vibration that interferes with the operation of equipment and facilities of adjoining parcels.

4. *Exemptions.* Vibrations from temporary construction/demolition and vehicles that leave the subject parcel (e.g., trucks, trains, and aircraft) are exempt from the provisions of this Section.

D. **Noise.** Uses and activities shall be conducted so that any noise generated on the property will not violate the noise regulations contained in the municipal code.

E. **Air Pollution.** Activities in all zone districts shall conform to applicable federal, state, and local air pollution standards. The applicant may be required to provide proper documentation justifying that all operations will be in compliance with federal, state, and local air pollution standards.

F. **Odor.**

1. *Impact.* Uses shall not result in the creation of odors of such intensity and character either on or off property as to be detrimental to the health and welfare of the public or that interferes unreasonably with the comfort of neighboring property owners. Without limiting the foregoing, odorous emissions shall comply with applicable provisions of the federal, state, and local requirements.

2. *Exemption.* Agricultural operations conducted in compliance with this LDC shall be exempt from this Paragraph, unless the odor created constitutes a health hazard.

G. **Dust.** No dust or particulate matter shall be emitted that is detectable by a reasonable person without instruments. Nonresidential exhaust air ducts shall be located or directed away from abutting residentially zoned properties.

H. **Electromagnetic Radiation.** It shall be unlawful to operate, or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communications, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes except in compliance with the Federal Communications Commission (FCC) regulations, or in the case of governmental agencies and governmental-owned plants, the regulations of the interdepartmental radio advisory committee. Any application for a proposed use or activity emitting electromagnetic radiation shall include an expert

report that demonstrates conformance with the applicable regulations of the FCC, or interdepartmental radio advisory committee, as applicable.

I. **Hazardous Materials.** All activities and all storage of hazardous materials shall comply with all federal and state regulations as well as any applicable safety, fire and building codes adopted by the City for the use and storage of the hazardous materials involved. Adequate precautions shall be taken to protect against negative off-site impacts of a hazardous materials release, using the best available technology.

J. **Glare and Heat.** No direct or sky-reflected glare, whether from lights or from high temperature mechanical or chemical processes such as combustion or welding, shall be permitted to unreasonably interfere with the use and enjoyment of adjacent properties. These regulations shall not apply to signs or floodlighting or parking areas otherwise permitted by this land development code. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

K. **Materials and Waste Handling.**

1. *Prevention.* No person shall cause or permit any materials to be handled, transported, or stored in a manner that allows particulate matter to become airborne or liquid matter to drain onto or into the ground.

2. *Storage Requirements.* All materials or wastes that might cause fumes or dust, or that constitute a fire hazard or may be edible by or otherwise be attractive to rodents or insects, shall be stored outdoors only in enclosed, permeable trash containers that are screened in accordance with this code.

3. *Toxic Material Containment.* Toxic and hazardous materials and chemicals shall be stored, secured, and maintained so that there is no contamination of ground, air, or water sources at or adjacent to the site.

4. *Regulations.* Notwithstanding anything contained herein, all treatment, storage, disposal, or transportation of hazardous waste shall be in conformance with all federal and state statutes, codes, and regulations.

5. *Leak Prevention.* Provisions shall be made so that all lubrication and fuel substances shall be prevented from leaking or draining onto the property.

6. *Discharge.* Nonradioactive liquid or solid wastes. There shall be no discharge at any point into any public or private sewage disposal system or stream, or into the ground, of any liquid or solid materials except in accordance with the regulations of the Tri-County Health Department and South Adams County Water and Sanitation District.

ARTICLE IV: DESIGN STANDARDS

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Division 4.1: Purpose and Applicability

Sec. 21-4100. - Purpose

A. **Standards for Development.** All new principal buildings shall strive to meet the following goals.

1. *Environmentally Friendly.* Encourage sustainable development and green building practices to help balance growth with protection of our region's valuable natural resources and reduce resource consumption and environmental impacts through:

   a. Sustainable site planning;

   b. Energy efficiency;

   c. Water conservation;

   d. Waste minimization;

   e. Pollution prevention;

   f. Using resource-efficient materials; and

   g. Providing enhanced indoor environmental quality for occupants.

2. *Low Impact.* Minimize impervious surface, protect and enhance native vegetation and soils, and manage stormwater at its source.

3. *Outdoor Dining.* Maximize the opportunities to enjoy the climate by providing solar access and shade by encouraging eating establishments to provide outdoor dining areas for their patrons away from heavy arterial/collector streets.

4. *Solar.* Encourage all developments to create site designs that are oriented to provide the maximum advantage of solar access.

5. *Crime Prevention.* Encourage the integration of the principles of Crime Prevention through Environmental Design (CPTED) to the maximum extent feasible. Applicants are encouraged to consult with the City's police and planning departments regarding implementation of CPTED principles to developments. These principles include the following:

   a. *Territoriality.* surrounding outdoor spaces. Define and delineate the space within the development and to create a sense of ownership, such that intruders and strangers stand out. This may be accomplished through the use of pavement treatments, landscaping, art, signage, screening, fencing, and similar techniques.

   b. *Natural Surveillance.* Create an environment where it is possible for people engaged in their normal behavior to observe the spaces around them. Maximize a space's visibility through thoughtful design of building orientation, window placement, entrances and exits, landscaping of trees and shrubs, and other physical obstructions. Utilize nighttime illumination of parking lots, walkways, entrances, stairwells, and related areas that promote an environment in which natural surveillance is possible.

   c. *Access Control.* Plan and implement access control to restrict criminal intrusion, especially in areas where criminal activity cannot be easily observed. Access control may include, but is not limited to, use of fences, walls, landscaping, and lighting to prevent or discourage public access to or from dark or unmonitored areas. In addition, sidewalks, pavement, lighting, and landscaped areas shall be used to guide the public to and from primary development entrances and exits.

   d. *Activity Support.* Create activity support by placing new or existing activities in an area so that individuals engaged in a particular activity become part of the natural surveillance of other areas. For example, picnic

areas may be located next to tot lots, not away from such areas, to assist in observation of children at play.

e. *Maintenance.* Maintain landscaping, lighting fixtures, and other features to facilitate the principles of CPTED, territorial reinforcement, natural surveillance, graffiti control, and access control.

6. *Universal Design.* Encourage the incorporation of "universal design" elements, such that the structure may be accessible to persons of all ages and abilities for the life of the structure. For example, dwelling units may be designed with at least one no-step entrance, wider interior doorways and hallways, wall reinforcement in bathrooms, and accessible environmental controls and light switches.

7. *Environmental Justice*. Promote environmental justice by ensuring equitable access to a healthy and sustainable environment for all residents, particularly those in historically marginalized and underserved communities so that attractive buildings, parking that promotes natural drainage practices, substantial buffering between manufacturing and residential, and the inclusion of open or amenity spaces that fulfill social and environmental functions.

B. **Building Design Standards**. The purpose of Division 4.2, *Building Design Standards,* is to address how the physical form, materials, and articulation of buildings contribute to the quality, livability, and identity of the built environment. Building design plays a critical role in supporting a vibrant and walkable community by promoting visual interest, reinforcing pedestrian-scale environments, fostering social interaction, and enhancing connectivity between buildings, streets, and public spaces. These standards apply to residential, nonresidential, and mixed-use buildings and are intended to meet the following goals:

1. *Visual Interest.* Create visual interest in ways that are compatible with the architectural character of the surrounding area through the use of similar elements such as rooflines, materials, colors, fenestration. In addition, all sides of a building shall have architectural visual interest (three hundred sixty-degree architecture). This standard shall apply to all new buildings that are part of an existing development, including development in a PUD Zone district.

2. *Texture and Relief.* Create texture and relief in facades; shall avoid large, flat, unbroken wall planes; and shall take advantage of the sun to bring out changes in plane, material, and detail through light and shadow.

3. *Façade Detail.* Facades of buildings that face a street shall incorporate detailing through the use of reveals, belt courses, cornices, expression of structure or architectural bays, recessed windows or doors, material or material module changes, color and/or texture differences, or strongly expressed mullions.

4. *Public Entries.* Primary public entries of buildings shall be emphasized through the use of differing colors or materials, arches, arcades, or other architectural treatments.

5. *Materials.* All primary buildings shall use materials that are durable, economically maintained, and of a quality that will retain their appearance over time.

6. *Colors.* Large wall areas shall be designed using a thoughtful color palette that enhances visual interest and complements the building's architecture. Bright, saturated colors may be incorporated as primary or accent colors when they contribute to a cohesive design concept, enhance placemaking, or promote community identity. Deeper, richer shades of colors are preferred. Monotonous color palettes are strongly discouraged. To ensure that there is consistency, color and material palettes must be submitted and reviewed as part of the development review process.

7. *Scale.* Development throughout the City shall apply architectural principles that emphasize human scale and walkable environments. Buildings within mixed use developments shall have some scale, size, and proportional differences that contribute toward a unified and attractive neighborhood.

8. *Mass.* Buildings shall be similar to or complementary in mass and height to neighboring buildings, including side and rear elevations. This ensures continuity of scale, especially pedestrian scale, throughout the development.

9. *Roof Materials.* Roofs constructed of light colors of clay or concrete tiles, slate, Masonite, or heavy-duty hail-resistant dimensional composition are preferred. Roofs of Single-Unit Dwelling, Two-Unit Dwelling, Multi-Unit

Dwelling, and apartment/condominium buildings may be constructed of conventional light-colored asphalt (three-tab).

10. *Land Use Compatibility.* Different land uses shall be designed to assimilate into the neighborhood through integrated architectural design styles and characteristics, similar or compatible colors, building materials, scale, form, and site design. Compatibility also shall include resolving issues relative to lighting, noise, traffic, and other factors that may make land uses incompatible. Solutions to these problems may include, but are not limited to: limiting hours of operation, installing lighting with reflectors to direct lights away from adjacent land uses, limiting the placement of noise-generating activities, designing truck and traffic circulation patterns that lessen the impact on the neighborhood, and providing greater separation from adjacent land uses, landscaping, and/or fencing.

11. *Phasing of Improvements.* If a development is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project at the time of project development approval, and may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may also include off-site improvements.

C. **Parking, Loading, Stacking, and Pedestrian Circulation**. The purpose of Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, to ensure that the design and placement of vehicle and pedestrian circulation systems contribute to a safe, efficient, and livable urban environment. Parking and access systems should support walkability, minimize conflicts between modes of travel, and reinforce the character and function of adjacent streets, buildings, and public spaces. These standards are intended to create comfortable, connected places that promote active transportation, reduce visual and environmental impacts of large paved areas, and balance access needs with the broader goals of placemaking and urban form. Division 4.3 strives to meet the following goals:

1. *Adequacy.* Ensure that adequate off-street parking for vehicles and bicycles and facilities for loading and stacking are provided for new land uses and changes in use;

2. *Mitigation of Impacts of Development.* Minimize the negative environmental and urban design impacts that can result from excessive parking, driveways, and drive aisles within parking lots;

3. *Safety.* Establish standards and regulations for safe and well-designed vehicle use areas that minimize conflicts between pedestrians and vehicles; and

4. *Reductions.* Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations.

D. **Landscaping, Buffering, and Screening**. The purpose of Division 4.4, *Landscaping, Buffering, and Screening*, is to establish standards that contribute to the ecological function, visual quality, and livability of the built environment. Thoughtfully designed landscaping plays a key role in enhancing public and private spaces, supporting walkability, shaping the character of corridors and districts, and reinforcing transitions between land uses. These standards are intended to help create attractive, comfortable, and cohesive places by meeting the following goals:

1. *Balance Between Ecology and Aesthetics.* Promote the value and benefit of landscaping as a means of protecting and preserving the appearance and character of the City, while recognizing the need to utilize water and other resources as efficiently as possible;

2. *Mitigation of Impacts of Development.* Remove, reduce, lessen, or mitigate the impacts between differing uses of abutting zoning districts including noise, dust, debris, artificial light intrusions, and other impacts of an abutting or nearby use;

3. *Natural Resource Protection and Stormwater Mitigation.* Preserve the ecological function of sensitive natural resources, including contributing to the process of air purification, groundwater recharge, control of stormwater runoff, energy conservation, promotion of low-impact development designs and best management practices to reduce the risk of flooding, and restoration of pre-development hydrologic conditions on development sites without solely using traditional storm drainage conveyance systems; and

4. *Quality of Life.* Promote the health and quality of life of the residents of the City through the protection of trees, the planting of new trees, and the provision of landscaping for development.

E. **Outdoor Display and Storage.** The purpose of Division 4.5, *Outdoor Display and Storage*, is to ensure that such activities contribute positively to the urban environment and do not detract from the quality, safety, or functionality of public and private spaces. Outdoor display and storage areas, when thoughtfully designed and located, can enhance commercial vitality and contribute to a dynamic streetscape. These standards are intended to balance business needs with urban design principles by meeting the following goals:

1. *Regulate Activities.* Regulate permanent and temporary outdoor display, sales, storage, and refuse container activities;

2. *Compatibility.* Encourage outdoor displays and activities that are compatible with associated and nearby uses; and

3. *Preserve Public Realm Functionality.* Prevent the obstruction of pedestrian or vehicle circulation and avoid creating an unsightly appearance of unrestricted clutter that undermines the visual cohesion, accessibility, or walkability of commercial areas and public-facing frontages.

F. **Outdoor Lighting.** The purpose of Division 4.6, *Outdoor Lighting*, is to enhance the visual environment of the City, support a high-quality public realm during evening and nighttime hours, and promote safety, comfort, and environmental sustainability. Outdoor lighting plays a key role in shaping the nighttime character of streets, parks, and public spaces, and should be used to highlight architectural features, reinforce walkability, and contribute to a cohesive and attractive built environment. These standards are intended to achieve the following goals:

1. *Trespass of Light.* Preventing the trespass of artificial light into the night sky and onto rights-of-way, residential, nonresidential, industrial, and institutional properties in ways that constitute a hazard to public safety or interference with the use, value, and enjoyment of the property;

2. *Environmental Health*. Minimize the adverse effects of artificial lighting on human health, wildlife, and ecosystems;

3. *Minimize Heat Generation.* Helping to minimize heat generation resulting in higher temperatures during night-time hours; and

4. *Minimize Carbon Footprint.* Helping to minimize the City's carbon footprint.

5. *Enhance Urban Design and Public Life.* Reinforce a sense of place, improve visibility and comfort in walkable areas, and enhance the perception of safety and usability of public spaces after dark. Lighting should be scaled appropriately to pedestrians and designed to complement adjacent buildings, streetscapes, and landscape features.

G. **Signs**.

1. *Purpose*. The purpose of Division 4.7, *Signs*, is to safeguard the health, safety, convenience, order and welfare of all residents of the City. The City Council recognizes that signs may act as a visual means of communication between the public and businesses and those businesses have an expectation of using signs to identify and advertise themselves. The purpose of Division 4.7 is to:

   a. Recognize the commercial communications requirements of the business community;

   b. Encourage the innovative use of design;

   c. Promote both renovation and proper maintenance;

   d. Allow for special circumstances;

   e. Guarantee equal treatment through accurate record keeping and uniform enforcement;

   f. Provide a balanced and fair legal framework for the design, construction, and placement of signs in order to:

i. Manage exterior signs by providing an orderly but balanced system of signs which contributes to the protection and the promotion of the health, safety, and welfare of the traveling public and the citizens of the City;

ii. Promote the efficient communication of information and ensure that persons exposed to signs are not overwhelmed by the number of messages presented;

iii. Promote the safety of persons and property by ensuring that signs do not create a hazard by confusing or distracting motorists or impairing drivers' ability to see pedestrians, obstacles or other vehicles, or to read traffic signs;

iv. Promote visual harmony and a respect for the environmental character of the City by reducing and preventing sign clutter;

v. Ensure that signs are attractive and compatible with their surroundings, and prevent the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, or height;

vi. Enhance the economy and the City's businesses and industries by promoting reasonable, orderly, and effective signs that assist in wayfinding and achieve better communication with the public;

vii. Protect, encourage, and support local tourist-related businesses for the general economic well-being of the City and the state; and

viii. Preserve and enhance the value of private property by assuring the compatibility of signage with surrounding land uses.

2. *Intent*. It is the intent of Division 4.7 to provide for the proper control of signs in a manner consistent with the First Amendment guarantee of free speech. It is not the intent of Division 4.7 to regulate signs based on the content of their messages. Rather, this article advances important, substantial, and compelling governmental interests. In achieving the goals, it is the intent of the City that:

a. The incidental restriction on the freedom of speech that may result from the regulation of signs hereunder is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced by this article. Certain types of speech are not constitutionally protected due to the harm they cause to the individual or the community.

b. The City has an important and substantial interest in preventing sign clutter (which is the proliferation of signs of increasing size and dimensions as a result of competition among property owners for the attention of passing motorists and pedestrians), because sign clutter:

i. Creates visual distraction and obstructs views, potentially creating a public safety hazard for motorists, bicyclists, and pedestrians;

ii. May involve physical obstructions of streets or sidewalks, creating public safety hazards;

iii. Degrades the aesthetic and essential historic character of the City, making the City a less attractive place for tourism, commerce, and private investment; and

iv. Dilutes or obscures messages displayed along the City's streets through the proliferation of distracting structures and competing messages.

c. The City has a substantial and/or compelling interest in preventing traffic accidents.

d. The City has a substantial and/or compelling interest in preventing negative impacts associated with temporary signs. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City and its streets if they are not removed.

H. **Amenity Space.** The purpose of Division 4.8, *Amenity Space*, is to ensure that developments incorporate meaningful and well-designed amenity spaces that enhance community life, support environmental goals, and contribute to a

vibrant and livable urban environment. Amenity spaces—whether in the form of passive natural areas, focal points, gathering spaces, or functional features like stormwater infrastructure—are essential to creating high-quality places that promote health, social interaction, and a sense of identity. These standards are intended to reinforce urban design goals such as walkability, connectivity, and placemaking by meeting the following objectives:

1. *Qualify Amenity Space.* Land reserved by the developer for amenity space shall be of a character, scale, and location suitable for the proposed development and surrounding context. Amenity spaces should be designed to support the intended users, activate public or semi-public areas, and provide visual and physical connections to adjacent streets, buildings, and pedestrian routes.

2. *Specify Amenity Standards.* Apply minimum requirements for public and private amenities based on the scale, intensity, and use of the development. Amenity features should contribute to a cohesive site design, complement building architecture, and support community-wide goals such as recreation, gathering, environmental performance, and social equity.

Sec. 21-4110. - Applicability

A. **Generally.** The standards of this Article apply to new development, redevelopment, substantial improvement, and expansions of uses, sites, and buildings, as shown in Table 21-4110-2, *Development Standards Applicability*. Each Division may have more tailored applicability thresholds that Table 21-4110-2 does not show. For example, Division 4.4, *Landscaping, Buffering, and Screening*, generally applies to new construction; however, some provisions of Division 4.4 apply to nonresidential development that do not apply to all residential types of development.

B. **Timing of Compliance**. No permanent Certificate of Occupancy shall be approved until all building and site improvements required in this Article are constructed in conformance with the approved permit or plan required in Article VII, *Development Review Procedures*.

C. **Establishment of Tiers and Applicability**. Table 21-4110-1, *Development Activity Tiers*, establishes four tiers of development activity. Table 21-4110-2, *Design Standards Applicability*, shows the Divisions of this Article that apply for each tier.

Table 21-4110-1, Development Activity Tiers				
Development Activity	**Development Tiers**			
	1	**2**	**3**	**4**
♦ = Tier Applies | -- = Tier Does Not Apply				
Site Improvements to Existing Developments				
Establishment of new landscaping, buffering, or screening or adding additional landscaping, buffering, or screening to an existing site	♦	--	--	--
Establishment of new outdoor display or storage or adding additional outdoor display or storage space	♦	--	--	--
Construction of new outdoor lighting or modification of existing outdoor lighting	♦	--	--	--
Construction of a new sign or structural modification of an existing sign	♦	--	--	--
Establishment of new amenity space or adding additional amenity space to an existing site	♦	--	--	--
Increase in Area				
Increase in gross floor area or impervious surface where the increase of square footage is, cumulatively over a five-year period, a maximum of 4,000 square feet or 25 percent of the existing square footage	--	♦	--	--
Increase in apartment/condominium units or manufactured home stands by five or more	--	♦	--	--
Increase in gross floor area or impervious surface where the increase of square footage is, cumulatively over a five-year period, between 4,001 and 10,000 square feet or between 26 percent and 50 percent of the existing square footage	--	--	♦	--

Table 21-4110-1, Development Activity Tiers				
Development Activity	Development Tiers			
	1	2	3	4
♦ = Tier Applies | -- = Tier Does Not Apply				
Increase in gross floor area or impervious surface where the increase of square footage is, cumulatively over a five-year period, greater than 10,000 square feet or greater than 50 percent of the existing square footage	--	--	--	♦
Change in Use				
Change in use requiring additional parking, loading, or stacking spaces	--	♦	--	--
Change in use from residential to nonresidential	--	--	--	♦
New Construction				
Construction of a nonresidential accessory structure	--	♦	--	--
Construction of a telecommunication tower	--	♦	--	--
Construction of a new stand-alone parking lot of up to 10 spaces	--	♦	--	--
Construction of a new stand-alone parking lot of more than 10 spaces	--	--	♦	--
Construction of a new residential, nonresidential, or mixed use development	--	--	--	♦

Table 21-4110-2, Design Standards Applicability				
Divisions of this Article	Development Activity Tiers			
♦ = Division Applies | -- = Divisions Does Not Apply	Tier 1[1]	Tier 2	Tier 3	Tier 4
Division 4.2, *Building Design Standards*	♦	--	--	♦
Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*	♦	♦	♦	♦
Division 4.4, *Landscaping, Buffering, and Screening*[2]	♦	♦	♦	♦
Division 4.5, *Outdoor Display and Storage*	♦	--	♦	♦
Division 4.6, *Outdoor Lighting*	♦	--	♦	♦
Division 4.7, *Signs*	♦	--	♦	♦
Division 4.8, *Amenity Space*	--	--	--	♦

Table Notes:

[1] If a sign is constructed or structurally modified, then Division 4.7 applies to the new sign. If outdoor lighting is constructed or modified, then Division 4.5 applies to the new lighting, and so forth. The standards of the applicable Division shall only apply to the features being constructed or modified unless otherwise noted.

[2] Refer to Table 21-4400-2, *Landscape Upgrades*, for specific threshold for expansion of uses or structures with nonconforming landscaping.

Division 4.2: Building Design Standards

Sec. 21-4200. - General Provisions

A. **Permitted Building Materials**. All buildings shall utilize quality building materials that are in keeping with the character of traditional buildings in Commerce City. Permitted materials for exterior walls (exclusive of windows and doors) that are directly visible from the street and public or private open space shall be permitted as specified in Table 21-4200-1, *Permitted Building Materials*.

1. *Composition.* At least two exterior finish materials shall be used on all building façades facing a public street, amenity space, multi-unit or nonresidential parking lot. The mix of materials shall be consistent and proportionate on all building elevations and shall be architecturally varied through the use of building materials, color, or external façade elements such as porches, porticos, dormers, bay windows, shutters and awnings in order to provide visual interest from the street.

2. *Materials Detailing.*

a. Where differing materials are used on a single building, the materials shall transition to accentuate building forms, design elements, and edges so as not to appear as a superficial application to a wall plane.

b. A change in material on a vertical wall plane shall occur at recesses and projections. A change in material in horizontal surfaces shall occur only at the end of the wall plane not at the outside corner.

3. *Alternative Materials.* Other building materials may be approved and added to the approved materials list by the Community Development Director if it is demonstrated by specifications that the material has comparable durability, impact resistance, and aesthetic quality as the approved materials. The Community Development Director may approve alternative materials that are more compatible with those of the existing building than those listed in this Section in cases of additions. Alternative materials for buildings that meet the following standards may be included without approval of the Community Development Director:

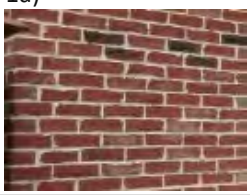
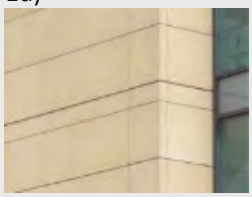
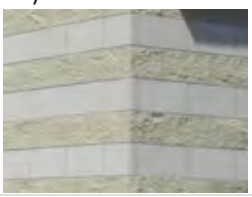
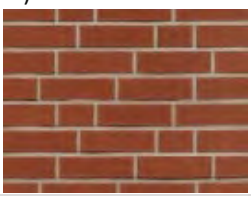
   a. *LEED Standard.* Designed for bronze (or higher) certification in Leadership in Energy and Environmental Design ("LEED"), and the materials qualify for LEED points under both the "energy and atmosphere criteria" and the "materials and resources criteria" of the LEED checklists;

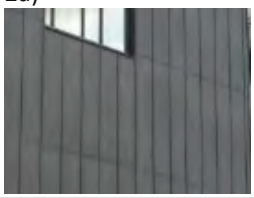
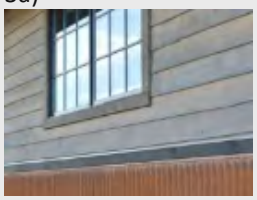
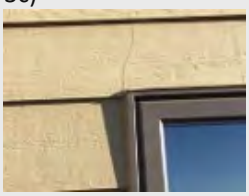
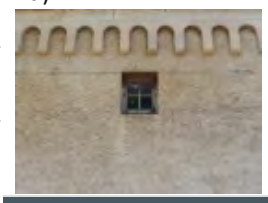
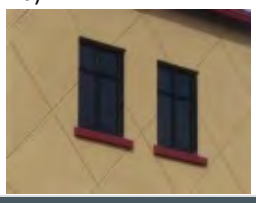
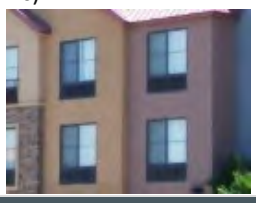
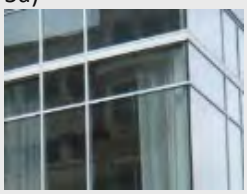
   b. *Energy Star Standard.* EPA certified and designed to earn ENERGY STAR, and the materials substantially improve the energy efficiency of the building compared to approved materials; or

   c. *Other Standards*. Any Well Building Certification, Living Building Challenge Certification, UL GREENGUARD Certification, Green Globes Certification, or Certification by the Building Research Establishment and Energy Assessment Method.

4. *Materials For Additions.* Any residential and nonresidential building additions shall be of the same color, style, texture, and quality as the original structure.

Table 21-4200-1, Permitted Building Materials

1 Masonry		Photo Example		
1a)	Modular Brick	1a) 	1b)	1c)
1b)	Modular Stone			
1c)	Architectural cast or precast concrete (detailed)			
1d)	Architectural reinforced concrete (glass fiber, fiber)	1d) 	1e)	1f)
1e)	Cement board siding			
1f)	Terra cotta			
1g)	Cast stone	1g)	1h) 	1i) 
1h)	Architectural concrete masonry unit			
1i)	Prefabricated brick			

2 Metal		Photo Example		
2a)	Metal panels	2a) 	2b)	2c)
2b)	Metal accents			
2c)	Composite wall panel			
3 Siding		**Photo Example**		
3a)	Wood lap (natural or cement)	3a) 	3b)	3c) 
3b)	Wood (natural or cement)			
3c)	Cement board siding			
4 Stucco		**Photo Example**		
4a)	Authentic (detailed)	4a) 	4b) 	4c) 
4b)	Synthetic (scored)			
4c)	Synthetic (not scored)			
5 Glass		**Photo Example**		
5a)	Curtain wall	5a) 	5b)	
5b)	Glass accent			

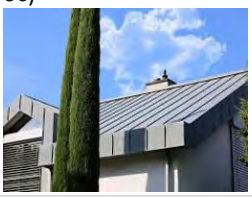
6 Roofing Material		Photo Example		
6a)	Asphalt shingle	6a)	6b)	6c) 
6b)	Concrete or clay tile			
6c)	Standing seam metal			
6d)	Metal shingles	6d)	6e)	6f)
6e)	Solar Shingles			
6f)	Vinyl Membrane			

Table Notes:

[1] Permitted material may not be used in some circumstances. Refer to Sec. 21-4210, *Residential Standards,* and Sec. 21-4220, *Mixed Use and Nonresidential Standards,* for additional requirements.

B. **Prohibited Building Materials**.

1. *Single-Unit Dwellings.* Exterior materials shall exclude EIFS and concrete block structures.

2. *All Buildings.*

   a. Exterior materials shall exclude panelized plywood or similar materials lacking durable finishes, architectural trim, or design articulation.

   b. Vinyl siding shall be prohibited in any new construction. For the purposes of this standard, "new construction" shall mean any newly-built houses, principal buildings, or model homes. Any model or elevation plan approved pursuant to section 21-7440 that includes vinyl siding in the approved design may use vinyl siding for any construction within the subdivision filing associated with such approval until development of the subdivision is complete or the approval lapses. Any approved model or elevation plan that includes vinyl siding in the approved design may not use such approval for any subsequent subdivisions or filings. Any revisions to existing and approved model or elevation plans will require the prohibition of vinyl siding.

3. *All Buildings (Except Industrial Buildings).*

   a. *Primary Exterior Material.* The primary exterior material on any building elevation, excluding industrial buildings, shall not consist of low-cost or industrial materials applied in a utilitarian or unfinished manner. The following materials are prohibited as the dominant exterior finish:

      i. Exposed sheet or corrugated metal (e.g., aluminum, iron, or steel), unless part of a finished architectural panel system;

      ii. Unfinished or unarticulated concrete, such as plain tilt-up panels or precast walls without decorative formwork, texturing, or detailing; and

      iii. Plain concrete masonry units (CMU) without a decorative finish (for example, split-face, burnished, or integrally colored block).

   b. *Exceptions.*

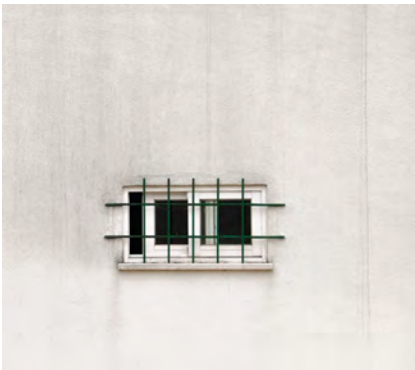
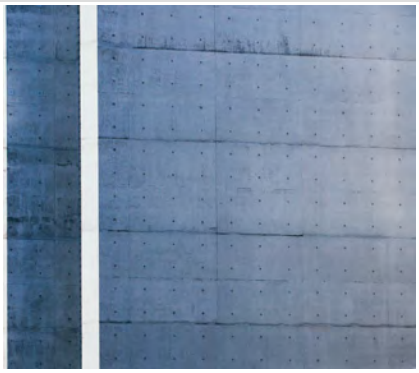
      i. Such materials may be used as secondary exterior finish materials if they cover no more than 10 percent of the surface area. Buildings designed for planned expansion may use architectural metal panels on the wall(s) to be removed for expansion of the building.

      ii. The Community Development Director may approve high-quality architectural applications of otherwise restricted materials if they are finished to a high standard and clearly contribute to the overall design of the building. Examples include board-formed concrete, textured or articulated metal panels, or other contemporary materials that demonstrate thoughtful detailing and visual interest as shown in Figure 21-4200-1, *Prohibited Primary Material Exceptions*.

4. *Building Materials That Create Excessive Glare.* Facade building materials that are highly reflective shall not be used when viewed from any public street or from any residential area.

Figure 21-4200-1, Prohibited Primary Material Exceptions

Prohibited Examples	Permitted Examples	

Figure 21-4200-1, Prohibited Primary Material Exceptions	
Prohibited Examples	**Permitted Examples**
	

C. **Building Height**. In order to encourage creativity and diversity of architecture and site design within the context of harmonious neighborhood planning, buildings over 35 feet in height developed next to single-unit residential property shall meet the following criteria and requirements:

6. *Light and Shadow.* Buildings over 35 feet in height shall be designed so they do not adversely impact the natural and artificial light on adjacent property. Adverse impacts include, but are not limited to, casting shadows on adjacent property that preclude the functional use of solar energy; creating glare, or contributing to the accumulation of ice and snow on adjacent property. Techniques to reduce the shadow impacts of buildings may include, but are not limited to, repositioning a structure on a lot, increasing setbacks, reducing building mass, utilizing building step-backs, or redesigning the shape of the building.

7. *Privacy.* Buildings greater than 35 feet in height shall be designed to avoid infringing on the privacy of adjacent property, including parks. Techniques to ensure privacy include, but are not limited to: landscaping, increased setbacks, changing the building orientation, utilizing building step-backs, and/or providing fencing.

8. *Neighborhood Scale.* Buildings greater than 35 feet in height shall be compatible with the scale of the neighborhood in terms of mass, relative height, and relationship to human scale. The transition between any building over 35 feet and the abutting neighborhood structures shall not be abrupt, but shall transition from a lower to a higher height, such as utilizing a building step-back technique.

9. *Exemptions for Non-Conforming Uses.* Paragraph C shall not apply where the adjacent property contains a legally established nonconforming use.

Sec. 21-4210. - Residential Standards

A. **General Residential Building Standards**. All residential buildings shall comply with Sec. 21-4200, *General Provisions,* Table 21-4210-1, *Residential Building Standards*, and the following:

Table 21-4210-1, Residential Building Standards		
Applicability	**Standard**	**Requirements**
Building Placement and Orientation		
All Residential Buildings	Primary Entrance	
	▪ Location	▪ Shall front along a street or common open space
Housing Variation[3]		
Single Family Detached, Duplex, and Multiplex	Facade Duplication	▪ No street elevation design with an identical facade shall be placed directly adjacent to one another or directly across the street from one another as illustrated in Figure 21-4210-1, *Identical Facades*. "Across the street" is defined as lots that overlap each other when the side lot lines are extended across the street to the opposite lot. The same housing model used at the end of one block shall not be repeated on the first lot of the neighboring block.
Single Family Detached, Duplex, and Multiplex	Varied Housing Features (min.)[4]	3 of the following: ▪ Building mass ▪ Building form ▪ Roof type ▪ Windows and doors ▪ Garages ▪ Porches ▪ Exterior building materials

	Color Schemes (Similar Elevations)	▪ Adjacent models shall have distinct color schemes.
Mass Variation		
Single Family Detached, Duplex, and Multiplex	Varied Design Features[6] (min.)	At least 3 of the following: ▪ Dormer windows or cupolas; ▪ Pillars, posts, or pilasters; ▪ A change in the vertical or horizontal wall plane within 20 feet above grade; ▪ A change in the color or material of the wall; ▪ An min. 12 in. masonry return; ▪ A bay window with a min. 12 in. projection; ▪ A porch or balcony with a min. 60 in. projection; ▪ Structured transition from public to private areas using built elements such as arbors, low walls, trellis work, and/or similar elements integrated with plantings; ▪ Detailing the wall with reveals, belt courses, cornices, projections or other devices; or ▪ Shuttered windows or glazed doors to overlook the street, park, open space or golf course.
Street Facing Wall Articulation		
Townhomes, Rowhomes, and Multiplex	▪ Façade width before articulation (max.) ▪ Articulation depth (min.) ▪ Articulation width (min.) ▪ Offset for attached dwellings (min.)	▪ 65 ft ▪ 1 ft ▪ 4 ft ▪ 2 ft
Garage[5]		
Multi-Unit Dwellings	▪ Number of Stalls ▪ Articulation	▪ Freestanding fronting along a public street garages shall not contain more than 6 attached stalls. ▪ Each set of free standing garages shall contain a minimum of one of the following: ▪ A break in the roof plane every 20 ft. min.; or ▪ 'Type B' Bufferyard treatment per Sec. 21-4430., *Bufferyards.*
Patios, Balconies, and Porches[6]		
All Residential Buildings	▪ Width *(min.)* ▪ Depth, Balconies *(min.)*	▪ 6 ft. width ▪ 2 1/2 ft. depth

	▪ Depth, Porches and Patios *(min.)*	▪ 6 ft. depth
	▪ Height Clearance *(min.)*	▪ 8 ft. clearance
Materials		
Single-Unit Dwellings	▪ Front/Street Facing Walls	▪ 20% Masonry on the exterior front and street facing walls
	▪ Masonry Wrap (min.)	▪ 3 ft. masonry wrap on side walls not facing a street

TABLE NOTES:

1. Individual buildings shall be located to avoid more than two buildings with parallel orientations to a public street, unless offset by more than five feet. The ground floor entrances (front doors) to the dwelling units shall face a street right-of-way (not including alleys), rather than the side or corner lot lines. Entrances may face interior courts, plazas, mews or similar site design features shared by other adjacent homes as part of a master-planned development.

2. For any single-unit dwelling residential structure with a nonshared 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.

3. All new residential subdivisions and new home builders wishing to construct model homes in existing subdivisions shall provide the amount of housing types, housing series, and housing models as set forth in the Table 21-4210-2, *Mixed Housing Requirements*.

4. The sole use of minor cosmetic changes such as different paint color, reversing or creating mirrored images of the exterior architectural elevations, shutters, decorative brackets, or using different brick or stone color shall not meet the intent of a variation. See Paragraph (1), *Mixed Housing Requirements*, for additional requirements.

5. See Paragraph (3), *Garages and Entry Design*, for additional requirements.

6. Standards shall apply to the front elevations of a building or the front and corner elevations if the building is located on a corner lot.

Figure 21-4210-1, Identical Facades

Corner Lot Example | **Interior Lot Example**

1. *Mixed Housing Requirements.*

   a. *Housing Model Locations.*

      i. *Location.* The same housing model with the identical street elevation design (or nearly identical) shall not be placed directly adjacent to one another or directly across the street from one another. The same housing model used at the end of one block shall not be repeated on the first lot of the neighboring block.

ii. *Tracking.* Upon request, the builder will provide the City with a plat sheet tracking document that maintains a record of home model variety for every development parcel. When required, the builder will demonstrate compliance with this section prior to issuance of a building permit.

b. *Table Elements.* All new residential subdivisions shall comply with Table 21-4210-2, *Mixed Housing Requirements.*

i. *Residential Building Forms.*

(A) Single-unit dwelling;

(B) Duplex side-by-side and stack;

(C) Townhouse;

(D) Rowhouse;

(E) Multi-plex; and

(F) Apartment/Condominium.

ii. *Format Variations.*

(A) Front-loaded.

(B) Alley loaded.

iii. *Housing Models.* Each housing model shall provide and exhibit at least three features that clearly and obviously distinguish them from other housing models. See *Housing Variation* in Table 21-4210-1, *Residential Building Standards*. These features can include any of the following:

(A) *Building Mass.* Building mass is considered to be the outline of the structure. This is determined by the height, width, and depth of the structure.

(B) *Building Form.* Building form is considered to be the style of the home, including ranch, tri-level or two-story structures.

(C) *Roof Type.* Roof types consist of mansard, hip (full or clip), flat, gambrel, gable, and front-to-back (shed style). Differentiation may also be achieved through the use of roof dormers, gables, and hips. Flat or A-frame roofs should be avoided unless appropriate to the architectural style.

(D) *Windows and Doors.* The vertical or horizontal variation in the placement of at least two windows and/or doors on the front façade elevation or window shapes that are substantially different.

(E) *Materials.* The use of different materials on the front façade elevation (brick vs. stone).

(F) *Garages.* Substantial variation in the location and/or proportion of garages and garage doors, such as alley-loaded garages, side-loaded garages, etc. (2-car garage vs. 3-car garage of the same elevation do not meet the intent).

(G) *Porches.* Variation in the location, width, and proportion of front porches.

iv. *Elevations per Single-Unit Model.*

(A) *Elevation Minimums.* Each housing model shall have varied front elevations equal to the minimum standard.

(B) *Elevation Criteria.* A distinct elevation must include at least three clearly distinguishable architectural differences from other elevations of the same model. Elevation differences may include the following:

(1) Building mass;

(2) Building form;

(3) Roof type;

(4) Windows and doors;

(5) Change in materials;

(6) Orientation of siding or stonework;

(7) Architectural style;

(8) Porch, size, placement, or roof style;

(9) Addition of shutters, cornice, beltway, trellis, arbors, or louvers;

(10) Chimney, turret, or other tower element;

(11) Inclusion of cupola, dormer, or other change in the roofline.

Table 21-4210-2, Mixed Housing Requirements

Development Filing Size	Minimum Number of Residential Building Forms	Minimum Number of Format Variations	Minimum Number of Single-Unit Housing Models	Minimum Number of Elevations per Single-Unit Model
8 - 20 Acres	1	1	4	3
21 - 40 Acres	2	1	4	3
41 - 160 Acres	3	2	4	4
161 - 320 Acres	4	2	5	5

Table Note:

1. Further requirements are described in paragraph 1.b., *Table Elements*, above.

2. *Building to Building Orientation.* Unless prohibited by terrain or other site constraints, the orientation of new lots shall repeat the predominant relationship of buildings to building and buildings to street along the same block face or the facing block face.

Figure 21-4210-1, Building Orientation

Buildings to Buildings

Buildings to Street

3. *Garage and Entry Design.* Each model elevation review shall include a variety of garage and entry configurations. A minimum of two garage locations shall be used within each filing, and each model shall feature a distinct entry design. Elevations of the same model or floor plan may reuse garage and entry designs.

a. *Garage Locations.*

i. *Recessed.* Attached and recessed a minimum of three feet from the front facade of the building.

ii. *Forward.* Flush with or projecting no more than 15 feet in front of the living unit facade.

iii. *Perpendicular.* Garages with side-facing doors shall include architectural detailing, masonry, or windows on the street-facing wall that reflect the design of the dwelling.

b. *Entry Designs.* All entry features shall have a sidewalk of at least four feet in width directly connecting to a public sidewalk or street. Acceptable entry types include:

i. *Full-Width Covered Porch.* A covered porch that spans the entire front façade, excluding garage width, with a minimum depth of eight feet.

ii. *Stoop.* A covered or uncovered landing at least six feet wide and six feet deep.

iii. *Porch with Railing.* A porch that spans the full front façade (excluding the garage) with a minimum depth of eight feet, enclosed with railings where not covered.

iv. *Front Courtyard.* A courtyard enclosed by a masonry wall or fence no more than 42 inches in height, extending to be flush with the garage or a minimum of eight feet from the front facade, and at least six feet wide.

v. *Wraparound Porch.* A covered porch occupying at least 25% of the front façade (excluding garage) and extending at least 6 feet onto the side façade.

vi. *Entry Court.* A recessed entry located behind both the garage and the living area, with the living space projecting at least half as far as the garage. The court shall be a minimum of six feet wide.

c. *Alternative Designs.* The Community Development Director may approve alternative garage or entry configurations if the design:

i. Provides equal or greater visual interest compared to the listed options and complements the architectural character of the area; or

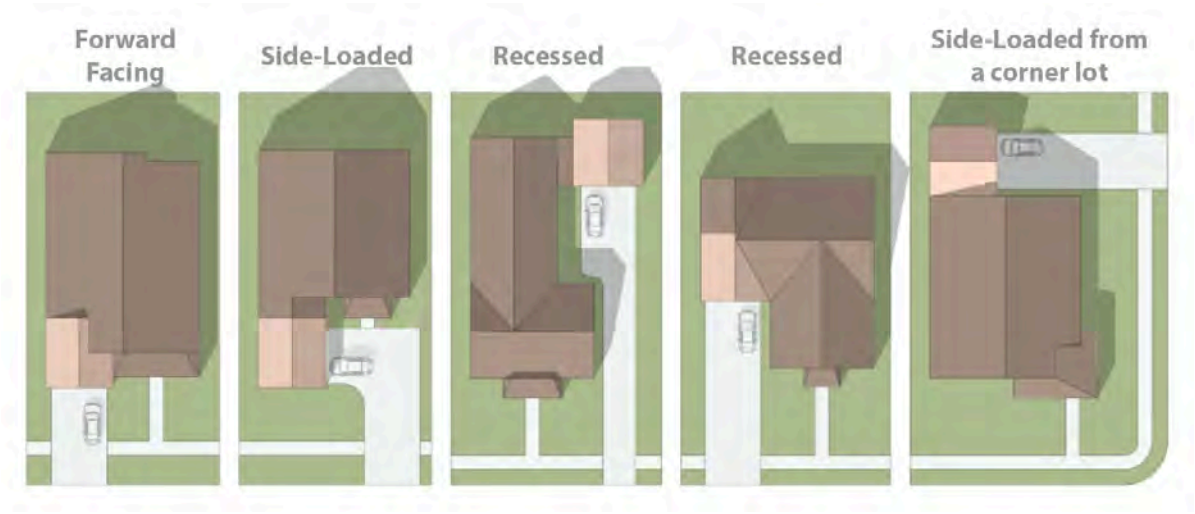
ii. Incorporates sustainable design features such as renewable energy systems, eco-friendly materials, or green infrastructure (e.g., green walls, roofs).

d. *Detached and Multi-Car Garages.*

i. *Detached Garages.* For all homes with garages that are detached, whether accessed from the front, side, or rear, the garage shall be a minimum of five feet behind the front or street-facing façade and incorporate one of the approved Entry Designs.

ii. *Multi-Car Garages.* Any third or fourth car garage door opening shall be recessed a minimum of three feet from the two-car garage door opening façade or shall not have the same orientation as the first two garage doors.

Figure 21-4210-2, Garage Orientation Configurations



B. **Manufactured Homes**.

1. *HUD Code Manufactured Home.* No -manufactured home may be altered before being placed on a permanent foundation and all manufactured homes shall be certified pursuant to the National Manufactured Housing and Construction and Safety Standards Act of 1974, as amended. No variance is permitted.

2. *Manufactured Homes.* The following additional design standards shall be applied to all manufactured homes:

   a. *Skirting.* The area beneath the manufactured home, between the floor and the ground surface, shall be wrapped with skirting material matching or complementing the siding material to conceal the underbody.

   b. *Shape and Form.* The predominant shape and form shall be compatible with that of the surrounding neighborhood with the length of the home not exceeding four (4) times the width, excluding additions.

   c. *Width and Floor Area.* The width and floor area shall be the average of other residences in the zone district in which it is located.

   d. *Decks, Porches, Garages and Additions.* The architectural and aesthetic standards specified in this section shall be applicable to all additions including porches and garages. All such additions shall be compatible with the shapes, proportions and materials of the main dwelling.

C. **Mobile Home**.

1. *Mobile Homes Restricted.* It shall be unlawful for any person to park, place, construct, store, install, inhabit, or occupy a mobile home within the City except within a mobile home park established and operated in compliance with this section.

2. *Mobile Home Parks Restricted.* It shall be unlawful for any person to construct, install, establish, begin operation, or continue operation of a mobile home park within the City except within a MHP district. Mobile home parks shall be located in a manner to assure compatibility with adjacent and surrounding zone districts, and in conformance with the Comprehensive Plan. No park shall be permitted within the boundaries of floodplains, high noise areas, or any other hazard areas designated by municipal, county, state, or federal law.

3. *Mobile Home Park (MHP) Zoning District Standards.*

   a. *New Park.* It shall be unlawful for any person to build, occupy, or place any mobile home within an MHP district created after the effective date of this LDC that deviates from the standards in Table 21-2200-1 and Table 21-2200-2, Sec. 21-2200.3E, and Subsec. 21-2200.4J, and with the standards below, unless that person has received a Variance, as detailed in Sec. 21-7300, or Administrative Adjustment, as detailed in Sec. 21-7340 in accordance with the provisions of this LDC.

b. *Recreational Facilities.*

i. A recreation open space area shall be provided in each park at the ratio of at least 250 square feet for each mobile home lot, at least 25 percent of which shall consist of functional turf.

ii. Recreational areas shall be centrally located within the park, unless another location or allocation is deemed advisable by the City and is so indicated on the approved development plan.

iii. Community facilities within the park, excluding driveways, parking areas, pedestrian pathways, required storage facilities, and central laundry facilities and drying yards, may be considered as recreational areas for purposes of fulfilling the requirements of this section.

iv. Except in the case of a park restricted to adult occupancy, there shall be provided at least 5,000 square feet of area and facilities for elementary school-age children.

v. A recreation hall that includes a kitchen, meeting and social room, and restroom shall be provided.

c. *Existing Parks.*

i. A replacement mobile home unit may maintain the same setbacks of the unit that previously occupied the site and existed at the time of adoption of Ordinance 532 (May 21, 1979), for those dimension(s) (length and/or width) that are the same size.

ii. A replacement mobile home unit may maintain the same setbacks of the unit that previously occupied the site and existed at the time of adoption of Ordinance 532 (May 21, 1979), for those dimension(s) (length and/or width) that are the same size.

iii. In addition, the replacement mobile home, addition, carport, covered deck, covered porch, and similar structures shall follow the standards in Table 21-4210-3, *MHP Standards for Existing Parks*.

Table 21-4210-3, MHP Standards for Existing Parks	
Setbacks for Replacement Mobile Homes, Additions, Carports, Covered Decks, Covered Porch, or Similar Structure	
Minimum distance from:	
The closest point of front door side of mobile home or site built structure to the nearest point of the replacement structure	12 ft.
The closest point of all other sides of a mobile home or site built structure to nearest point of the replacement structure	6 ft.
The individual storage sheds, on the same space or an adjoining space, to the nearest point of the replacement structure	3 ft.
The mobile home park boundaries to the nearest point of the replacement structure	3 ft.
Setbacks for Uncovered Decks and Uncovered Porches	
Minimum distance from:	
The closest point of the front door of an adjoining mobile home or site built structure to the nearest point of the uncovered deck or uncovered porch	6 ft.
The closest point of all other sides of an adjoining mobile home or site built structure, to the nearest point of the uncovered deck or uncovered porch	3 ft.
The individual storage sheds, on the same space or an adjoining space, to the nearest point of the uncovered deck or uncovered porch	3 ft.
The mobile home park boundaries, to the nearest point of the uncovered deck or uncovered porch	3 ft.

Table 21-4210-3, MHP Standards for Existing Parks	
Setbacks for Replacement Mobile Homes, Additions, Carports, Covered Decks, Covered Porch, or Similar Structure	
Setbacks for Accessory Structures from Mobile Homes on the Same Space and on Adjoining Spaces	
Minimum setback from structures on adjoining spaces:	
The closest point of the front door site of a mobile home or site built structure, to the nearest point of an accessory structure	6 ft.
All other sides of a mobile home or site built structure, to the nearest point of an accessory structure	3 ft.
General:	
Minimum distance from the nearest point of any accessory structure to the mobile home park boundary	3 ft.

d. *Construction Standards for New and Existing Parks and Homes.*

i. Every mobile home in a mobile home park shall be designed and constructed based on the provisions of the National Manufactured Housing Construction and Safety Standards Act of 1974 42 U.S.C. 5401 et seq. as amended, and also shall be designed to meet the City's minimum roof snow load and basic wind speed. Provided, however, that mobile homes constructed before the National Manufactured Housing Construction and Safety Standards Act of 1974 shall be allowed in mobile home parks only if they satisfy the requirements of an inspection by the City conducted with the criteria of the International Property Maintenance Code and the International Existing Building Code. Such mobile home units shall be subject to inspection when moved into a mobile home park initially or transferred from one mobile home space to another within the same mobile home park. Pursuant to Sec. 21-7450. - Building Permit and Sec. 21-7470. - Sign Permit of this LDC, no mobile home may be placed or moved within the City unless a Building Permit has been approved authorizing such placement or movement.

ii. Each mobile home shall be properly serviced with the necessary utilities and services including water supply, sewage disposal, electrical, and gas supply.

iii. Accessory structures built on the mobile home lot shall meet building codes, and a permit for such structures shall be obtained from the City.

iv. No mobile home shall be permanently attached to a foundation. Stabilizing devices or piers may be used and shall be installed based on the manufacturer's instructions.

v. All mobile homes stand in new mobile home parks shall provide adequate support for the placement of the mobile homes.

vi. Every mobile home shall have skirting installed that completely encloses the space beneath the mobile home. Readily openable access panels or doors shall be installed to permit entrance for the servicing of utility connections. The skirting shall be constructed of materials that are the same or similar in design, texture, and color as the exterior material used in the construction of the mobile home. If skirting material is wood, it shall be of exterior grade only. The skirting shall not be permanently attached to the ground or used to anchor the mobile home to its pad.

vii. Any electrical, gas, or plumbing repairs, alterations, or installation of equipment, shall be performed based on all applicable laws and standards.

D. **Townhouse**.

1. *Parking Location and Layout.* In addition to the general parking design standards in Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, the following guidelines and standards exist:

a. *Garage and Parking Placement.* Where surface lots or detached garages are used, they shall be located behind or between buildings, rather than adjacent to public streets.

b. *Guest Parking.* Developments shall be designed to have guest parking in a location convenient to the building that the parking is intended to serve. Through access drives may be designed to permit on-street parallel parking for guests, provided the design meets city standards.

2. *Building Composition.* No fewer than three dwelling units and no more than six dwelling units shall be constructed in a continuous configuration. No continuous group of dwellings shall exceed 200 feet in frontage width.

E. **Multi-Unit Dwelling**.

1. *Parking Location and Layout.* In addition to the general parking design standards set forth in Division 4.3, *Parking, Loading, Stacking, and Pedestrian Circulation*, the following guidelines and standards exist:

a. *Guest Parking.* Developments shall be designed to have guest parking in a location convenient to the building that the parking is intended to serve. Through access drives may be designed to permit on-street parallel parking for guests, provided the design meets city standards.

b. *Garage and Parking Placement.* Where surface lots or detached garages are used, they shall be located behind or between buildings.

c. *Covered Parking.* At least 25% of all required off-street parking shall be covered, either within a garage or by a carport. Assisted living facilities and nursing homes are exempt from this standard.

2. *Entrances.*

a. Pedestrian entry to the site from the fronting street shall be emphasized through landscaping, special paving, gateways, arbors, and/or other similar features.

b. Long, linear, and/or hidden stairways or corridors shall be avoided.

c. Covered entrances shall be provided as protection from bad weather and as a transition from indoor to outdoor.

F. **Court Developments.**

1. *Intent. A cluster of residential buildings that are arranged around and oriented toward a shared open space.*

2. *Development Options.* Court developments are permitted within the development options identified in Subsec. 21-2200.2, *Development Options.*

3. *Permitted Building Forms.* The building forms permitted within court developments are established in Subsec. 21-2200.2A, *Central Neighborhoods,* and Subsec. 21-2200.2B, *Neighborhood Village.* Figure 21-4210-3, *Court Developments,* illustrates examples of Court Developments.

4. *Building Quantities.* A court development shall contain a minimum of four and a maximum of 13 residential buildings.

5. *Building Orientation.*

a. The front door of each residential building shall be oriented toward a shared open or amenity space.

b. Lots shall be oriented so that the rear of any residential building does not front or face an adjacent street. Rear-facing homes may be allowed along a street if street-facing garages are limited as follows:

i. No more than 50 percent of the residential buildings on any individual block face may have garages that face the street; or

ii. Across the entire perimeter of streets enclosing a block, no more than 50 percent of the residential buildings may have garages that face the street.

c. In cases where garages face the street, enhanced architectural elements (such as porch extensions, articulation, or landscaping) shall be used to reduce visual dominance of garage doors.

6. *Building Design Standards.* All residential buildings within a court development shall comply with the applicable requirements in Division 4.2, *Building Design Standards*.

7. *Parking.*

   a. Off-street parking shall be accessed from a rear alley or located in a common parking area that is outside of the open or amenity space.

   b. Driveways serving individual units from the fronting street are not permitted.

8. *Pedestrian Circulation.* A continuous walkway, a minimum of six feet in width, shall access the shared open or amenity space and provide direct connections to the front entrance of each building.

9. *Open or Amenity Space Standards.*

   a. *Consolidation.* Required open or amenity space shall be consolidated into a single, contiguous shared area located centrally within the court development.

   b. *Shape*. The open or amenity space shall generally be square or rectangular in shape.

   c. *Permitted Open or Amenity Space Types*. The permitted open or amenity space types shall be courtyards or greens, as established in Table 21-4810-1, *Open or Amenity Space Types.* A community garden may occupy a maximum of 25 percent of the total courtyard or green area.

   d. *Minimum Width.* The open or amenity space shall have a minimum width of 60 feet, measured from the front façade or front porch of a building on one side of the green to the front façade or front porch of a building on the opposite side.

      i. *Exceptions.* In cases where site constraints—such as irregular lot shape, existing topography, or utility easements—make the 60-foot width impractical, the Community Development Director may approve a reduced width of no less than 40 feet, provided the overall design maintains a functional, usable, and visually prominent shared open space. In such cases, enhanced design features—such as increased landscaping, seating, pedestrian connectivity, or recreational amenities—may be required to ensure the quality and usability of the space is preserved.

Figure 21-4210-3, Court Developments

Cottage Court

Green Court

G. **Motor Court Developments.**

4. *Intent.* A compact residential development type in which homes are oriented around a shared private motor court, rather than a public street, while maintaining a walkable, street-oriented frontage and high-quality shared access.

5. *Development Options.* Motor court developments are permitted within the development options identified in Subsec. 21-2200.2, *Development Options.*

6. *Permitted Building Types and Unit Limits.* Only single-unit dwellings and duplexes are permitted within a motor court development. The allowable number of structures and dwelling units shall be determined by building type and driveway/access configuration, as shown in Figure 21-4210-4, *Motor Court Shared Accessway Configurations*, and Table 21-4210-4, *Motor Court Building Types and Unit Limits*.

Figure 21-4210-4, Motor Court Shared Accessway Configurations

Dead end accessway

Cul-de-sac

Table 21-4210-4, Motor Court Building Types and Unit Limits

Building Type	Shared Accessway Configuration	Maximum Structures	Maximum Dwelling Units
Single-Unit Dwelling	Dead end accessway	4	4
Single-Unit Dwelling	Cul-de-sac	3	3
Duplex	Dead end accessway	4	8
Duplex	Cul-de-sac	3	6

4. *Building Orientation.*

   a. The front door of each dwelling unit shall face the public street or the shared motor court.

   b. For homes that front a public street, the front door shall be oriented toward the street.

   c. Garages shall be oriented to face the motor court, not the public street.

5. *Driveway and Motor Court Standards.*

   a. Homes shall be accessed by individual driveways that take access from the motor court. Individual driveways from a public street are prohibited.

   b. The shared motor court shall be a minimum of 20 feet in width.

   c. The distance from the edge of the public street to the farthest parking space or garage within the motor court shall not exceed 150 feet.

   d. Motor court developments shall account for no more than 30 percent of the dwelling units within a development as shown in the Preliminary Plat.

e. All shared motor courts and driveways shall:

i. Be privately maintained, with clearly defined responsibilities for maintenance and repair; and

ii. Be dedicated to and maintained by a homeowners' association (HOA) or metropolitan district as denoted in Sec. 21-52110, *Homeowners' Association and Private Facilities.*

6. *Parking.*

a. *Location.* Off-street parking shall be located within garages or designated spaces accessed from the shared motor court. No parking is allowed within the shared motor court.

b. *Driveway Depth.* Individual driveways leading from the shared accessway to each dwelling unit shall be at least 20 feet in length, as measured between the front of the garage and the closest edge of the shared accessway.

7. *Open or Amenity Space*. Due to the additional impervious surface and limited minimum lot area associated with motor court developments, required open or amenity space provided in accordance with Division 4.8 in a subdivision with a motor court development shall be subject to the following standards.

a. *Increased Requirement.* Motor court developments shall provide open or amenity space equal to at least 125 percent of the minimum otherwise required for the phase of the subdivision in which the motor courts are located.

b. *Public Open Space Proximity Requirement*.

i. *Minimum Proximity*. A minimum of 25 percent of the required public open or amenity space for the phase of the subdivision in which the motor courts are located shall be within 800 feet of the nearest property line of the motor court properties.

ii. *Functional Access*. A direct, ADA-accessible path shall connect each motor court cluster to the open or amenity space.

c. *Size and Usability*. The portion of open and amenity space counted toward this requirement shall:

i. Be at least 2,000 square feet in contiguous area;

ii. Have a minimum dimension of 20 feet in any direction; and

iii. Be designed for active or passive recreation as established in Table 21-4810-2, *Active and Passive Open Space*.

8. *Design Standards.* All residential buildings within a motor court home development shall comply with all other applicable requirements in this Section.

Sec. 21-4220. - Mixed Use, Commercial, and Apartment/Condominium Standards

A. **General Mixed Use, Commercial, and Apartment/Condominium Building Standards**. All mixed use, commercial, and apartment/condominium buildings shall comply with Sec. 21-4200, *General Provisions,* Table 21-4220-1, *Mixed Use, Commercial, and Apartment/Condominium Building Standards*, and the following standards.

1. *Site Layout.*

   a. *Single Building.* If the proposed development consists of only one building, the building shall be oriented towards the primary abutting street.

   b. *Multiple Buildings.* Where multiple buildings are proposed on a development parcel:

      i. All primary and pad site buildings shall be arranged so their primary orientation complements adjacent, existing development and:

         (A) Frames or encloses a pedestrian and/or vehicle access corridor within the development site; or

         (B) Frames and encloses (on at least three sides) parking areas, public spaces, or other site amenities.

         (C) All buildings shall be oriented towards the primary abutting street.

      ii. Buildings shall be oriented to allow views into the project and shall preserve high-quality views through the project (e.g., views of the mountains).

Table 21-4220-1, Mixed Use, Commercial, and Apartment/Condominium Building Standards	
Standard	**Requirements**
Building Placement and Orientation	
Primary Entrance	▪ The main entrance shall face the primary abutting street, or pedestrian plaza/space; ▪ At least 2 of the following features shall be incorporated at the primary entrance: ▪ Roof overhangs, raised cornice parapets, or peaked roof forms; ▪ Recessed or projecting wall sections; ▪ Arcades or arches; ▪ Outdoor patios; ▪ Water features; ▪ Architectural details such as tile work and moldings integrated into the building structure; or ▪ Integral planters or wing walls that incorporate landscaped areas and/or seating areas.
Mass Variation	
Varied Design Features (min.)[1]	At least two of the following shall be incorporated: ▪ Height Variation; ▪ Substantial Offset in Wall Planes; ▪ Upper Level Front Stepback; ▪ Upper Level Side Stepback; ▪ Building Corner or Focal Point; ▪ Roof Variation; ▪ Decorative tile work; or ▪ Trellis containing planting.
Base[3] (min.) Body[3] (min.) Cap[3] (min.)	All buildings must have a distinguishable base, middle, and cap
Street Facing Wall Articulation[2]	
Number of wall articulation techniques required	
▪ Building wall length < 100'	▪ Two
▪ Building wall length > 100'	▪ Three

TABLE NOTES:

1. See Table 21-4220-2, *Varied Massing Techniques*, for additional standards.
2. See Table 21-4220-3, *Wall Articulation Techniques*, for options and standards.
3. Standards shall apply to all elevations of a building.

Maximum distance between articulation techniques	50 ft
Roof Form	
Pitched Roof Height (max.)	1/2 of the overall building height

TABLE NOTES:

1. See Table 21-4220-2, *Varied Massing Techniques*, for additional standards.
2. See Table 21-4220-3, *Wall Articulation Techniques*, for options and standards.
3. Standards shall apply to all elevations of a building.

Table 21-4220-2, Varied Massing Techniques

Height Variation

Height variation is a change in the height of at least one floor for a portion of the building.

- A change in height shall count as a massing variation technique when it extends back a minimum of 50 percent of the depth of the building.
- The change in height shall extend a minimum of 10 percent of the depth of the building, and in no case greater than a one-story height variation.

Substantial Offset in Wall Planes

A substantial offset in wall planes that extends the full height of the building and expresses a building module.

Dimensions

- Minimum offset: Four feet
- Minimum width: Eight feet

Upper Level Front Stepback

An upper-level front stepback is when the upper floors of a building is horizontally set back from the front face of the building's lower portion to add visual interest and reduces the mass of a larger building.

- Minimum stepback of 15 feet

Upper Level Side Stepback

A side stepback is when the upper floors of a building is horizontally setback from the side or end of the building and is effective in providing a transition to adjacent buildings of lesser height and usable open spaces.

- A change in height at the end of a building shall count as a massing variation technique when the stepback extends a minimum of 50 percent of the total building length (measured from end-to-end).

Building Corner or Focal Point

Table 21-4220-2, Varied Massing Techniques		
Building corner elements or focal points are achieved using height variations, offset in wall planes, upper level setbacks or other corner massing techniques that provide a or strong visual element.		▪ Visual elements shall extend between a minimum of 5 and 15 feet above the maximum height at building corners.
Roof Variation		
Roof variations are achieved when varied roof lines and forms are integrated to add visual interest to the building.		▪ A roof variation shall count as a varied massing technique when the minimum roof pitch of at least one roof is: 2:4 and is at least 80% along the frontage.

Table 21-4220-3, Wall Articulation Techniques		
Accent Lines		
An accent line is a vertical element, such as an attached column, or a horizontal element, such as a cornice or molding that creates rhythm and sense of scale on a façade.		▪ Minimum projection from the primary wall plane: Four inches ▪ Minimum width: Four inches
Wall Plane Offsets		
Wall plane offsets are modest changes in wall planes that divide a façade into smaller modules to reduce scale.		▪ Minimum depth of wall offset: One foot ▪ Minimum width of offset: Three feet
Variations in Material and/or Color		
A change in material that expresses a traditional façade dimension in height and width. When applied in units, panels, or modules, materials can help convey a sense of scale.		▪ A change in material or color may only count as an articulation technique when used in combination with another articulation technique.
Awnings & Canopies		
Awnings, canopies, or other projecting features help define the ground floor of a building and frame the pedestrian environment. They also provide shelter from the elements.		▪ Awnings and canopies shall be arranged to express individual building modules in order to count as an articulation technique.

B. **Circulation**.

1. *Entry*. A sense of entry or arrival shall be created at primary entryways into the development. Building placement landscaping, gates, entry monuments, specialty lighting, and other design elements can be used to create this design effect.

2. *Circulation Patterns.* Circulation patterns within parking areas shall be defined by signage, striping, curbs and landscaped islands.

3. *Street View Corridors.* Streets shall create view corridors that frame public plaza areas, public buildings, parks, and natural features.

C. **Gateways and Prominent Intersections**.

1. *Corner Buildings.* Buildings located at the corner of gateways or prominent intersections shall be designed to emphasize the gateway or intersection location. This may include major architectural expression in the façade roof form and/or massing, such as:

   a. Larger bulk;

   b. Tower forms;

   c. Peaked roofs; and

   d. Over-sized windows.

D. **Architectural Design**.

1. *Character and Image.*

   a. *Site-Specific Design.* In the case of a multiple-building development, each individual building, including free-standing buildings located on pad sites, shall include predominant characteristics shared by all buildings in the development, so that the development forms a cohesive place within the zone district or community. These shall include the use of similar architectural elements including rooflines, materials, colors, fenestration, and other architectural details.

   b. New primary structures that express a standardized corporate identity may be required to be modified to meet the architectural standards included in this code and to ensure consistent and similar facades and building designs in developments. Changes to prototypical franchise styles to meet these standards may include, but not be limited to, modifications to roofs, windows, doors, building mass, materials, colors, and placement of architectural features and details. Franchise architectural styles found to meet these standards will not require any modifications.

2. *Materials.* Refer to Sec. 21-4220, *General Provisions*, for information about permitted and prohibited building materials.

E. **Roofs**.

1. Roofs shall be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building. Variations within one architectural style are highly encouraged. Visible roof lines and roofs that project over the exterior wall of a building enough to case a shadow on the ground are highly encouraged. Architectural methods shall be used to conceal flat roof tops, unless specifically required by the architectural style (contemporary). Overhanging eaves, sloped roofs, articulated parapet walls, and multiple-roof elements are highly encouraged. Mansard-style roofs are discouraged.

2. Metal roofs may be allowed if compatible with the overall architectural design of the building. In no case may a roof material be reflective or cause glare.

3. On all structures exceeding two stories in height, roofs shall internally drain, and external scuppers and wall drains shall be prohibited with the exception of an emergency drain or secondary auxiliary drain.

4. All primary structures with flat roofs shall include a parapet or fascia around all sides of the building to screen rooftop equipment from views of the right-of-way.

Sec. 21-4230. - Industrial Standards

A. **Industrial Standards**. All industrial buildings shall comply with Sec. 21-4200, *General Provisions,* Table 21-4230-1, *Industrial Standards*, and the following standards.

Table 21-4230-1, Industrial Standards	
Standard	**Requirements**
Building Placement and Orientation	
Single Building	■ Building shall be oriented towards the primary abutting street.

Multiple Buildings	▪ All primary and pad site buildings shall be arranged and grouped so that their primary orientation complements adjacent, existing development and: ▪ Frames and encloses a pedestrian and/or vehicle access corridor within the development site; or ▪ Frames and encloses on at least three sides parking areas, public spaces, or other site amenities.
Mass Variation	
Varied Design Features (min.)	At least three of the following shall be incorporated: ▪ Height Variation; ▪ Substantial Offset in Wall Planes; ▪ Upper Level Front Stepback; ▪ Upper Level Side Stepback; ▪ Building Corner or Focal Point; ▪ Roof Variation; ▪ Concrete or masonry plinth at the base of the wall; ▪ Recesses and reveals at least 12 inches in depth; ▪ Windows and fenestration; ▪ Arcades and pergolas; ▪ Towers; ▪ Gable projections; ▪ Horizontal/vertical breaks; ▪ Belt courses of a different texture and color; ▪ Projecting cornice; ▪ Projecting metal canopy; ▪ Decorative tile work; or ▪ Trellis containing planting.; ▪ Artwork; or ▪ Other similar techniques approved by the City.
Street Facing Wall Articulation[2]	
Number of wall articulation techniques required	
▪ Building wall length < 100'	▪ Two
▪ Building wall length > 100'	▪ Three

Maximum distance between articulation techniques	▪ 50 ft
Roof Form	
Flat Roofs	▪ All primary structures with flat roof shall include a parapet or fascia around all sides of the building.

TABLE NOTES:

1. See Table 21-4220-2, *Varied Massing Techniques,* for options and standards.
2. See Table 21-4220-3, *Wall Articulation Techniques*, for options and standards.

Division 4.3: Parking, Loading, Stacking, and Pedestrian Circulation

Sec. 21-4300. - General Provisions

A. **General Provisions.**

1. *Permanence.* Required parking, stacking, and loading spaces and aisles shall be permanently available.

2. *Signs and Striping.* All parking areas, except those designed to serve single-unit residential uses, shall delineate each space by single or double stripes on each side of the space. Parking lot signs and striping shall be continuously maintained to be clearly visible. The City Engineer shall regulate the placement of all signs and striping within parking areas. This requirement shall not apply to Household Living uses, except for apartment/condominium and tiny home developments and townhouses with common parking areas.

3. *Maintenance.* Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas shall be kept free of dust, graffiti, and litter and shall be continually maintained in satisfactory condition that is safe and free of any hazard, nuisance, or other unsafe condition.

4. *Fire Lanes.* Parking is prohibited in fire lanes designated by the applicable fire district.

5. *Right-of-Way Prohibition.* No required off-street parking space or maneuvering space shall be located within any public right-of-way unless approved by the City Engineer.

6. *Compliance with City Standards.* All parking and loading facilities shall comply with the latest edition of Engineering Construction and Standards and Specifications, City building code and any other applicable Municipal Code or regulation.

7. *Lighting.* Lighting shall comply with Division 4.6, *Outdoor Lighting*.

8. *Accessibility.* All parking spaces shall be accessible at all times from a street, alley, aisle, or driveway intended to serve such off-street parking.

9. *Landscaping Required.* Refer to Division 4.4, *Landscaping, Buffering, and Screening*, for requirements in parking areas including landscaped islands, access drives, pedestrian refuge areas, and the ends of parking aisles.

10. *Tandem Parking Spaces.* Tandem parking spaces are permitted for single-unit and multi-unit residences.

11. *Front Yard Parking.* Parking any vehicle in the front yard of a single-unit residence is prohibited unless the vehicle is parked on an approved parking space with an improved surface of hot-mix asphalt, cast-in-place concrete, or other surface material approved by the City.

12. *Accessible Parking.* A portion of the required parking spaces shall be designed and reserved for use by persons with disabilities per Section 21-4300, *Accessible Parking*.

13. *Garage and Carport Conversion.* Conversion of a garage or carport for a single-unit residence shall be prohibited unless an equivalent space is provided in compliance with the requirements of Table 21-4310-1, *Off-Street Parking Requirements*.

14. *Location of Required Parking.* Parking required by this Division shall be located on the same lot as the uses it serves unless otherwise provided for within this LDC.

    a. *Residential uses.* Except as specifically provided otherwise, all required residential off-street parking spaces shall be located on the same lot as the principal use.

    b. *Nonresidential uses.* The location of required nonresidential off-street parking spaces shall not interfere with normal traffic flow or with the operation of queuing and vehicle backup areas.

15. *Phasing of Parking.* Required off-street parking may be installed in phases that coincide with any phased development project that has been approved by the City. Areas required for parking, but not immediately improved, shall be reserved for such future parking. Undeveloped future parking areas shall be seeded with a low-to-moderate water grass mix acceptable to the City at same time as the first phase of the development is completed. Any area reserved for future parking shall be reseeded and maintained until the until the area is fully developed into a parking surface.

16. *Nonconforming Parking Locations and Designs***.** Parking spaces that were legally in use on the effective date of this LDC but that do not satisfy the locational or design requirements contained in this Division may continue to be used until the use associated with the nonconforming parking spaces is changed and compliance under paragraph A of this Section shall apply.

B. **Access Options.** When vehicular access is required for development (e.g., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods as determined by the City Engineer, unless one method is specifically required by this LDC.

1. *Lowest Classified Street.* Access shall generally be taken from an alley (either an existing, proposed or potential alley), mid-block lane, or the lowest functionally classified street possible. If a property has the ability to take access to a lower functionally classified roadway, direct access to a higher functionally classified roadway is not permitted unless required by the applicable fire district for fire and life safety reasons. This requirement applies to all properties, all zones, and all uses (e.g., alleys are considered a lower classification than local streets).

2. *Shared Access.* Access to a public street may be taken from a shared private street or driveway straddling a shared property line. If such access is approved, a cross-access easement covering the private street or driveway shall be recorded at the county, and a copy shall be provided to the city to assure access to the closest street for all users of the shared access.

3. *Cross Access.* Access to a public street may require users of a development to cross an adjoining property. In such event, an easement allowing such use shall be required and shall be recorded at the county, and a copy shall be provided to the city to assure permanent access to the street system.

4. *Arterial and Collector Streets.* As a last resort, the city may permit access from an arterial or collector street adjacent to the development parcel. As a condition of approving such access, the owner/developer shall be required to close, consolidate, or relocate one or more existing access points to the arterial or collector when adequate alternative access becomes available. Direct access to an arterial or collector street shall be limited to right turns only, unless the access is shared and/or the applicant submits a traffic impact analysis, acceptable to the city, demonstrating that full access will operate effectively, not cause a traffic safety concern, and provide a benefit to the operations of the arterial or collector roadway system. This determination shall be made by the city engineer based upon the following considerations:

   a. The access, based upon a 20-year evaluation, will provide an immediate and long-term benefit to the arterial or collector; and

   b. The benefits exceed any mitigation of impacts related to the development regarding safety and operations.

C. **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, except as modified by Sec. 21-4320, *Parking Reductions and Credits*.

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 to calculate 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.* To compute 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 the maximum parking space requirement. Such charging stations shall comply with the 2021 International Energy Conservation Code model code, if applicable.

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 Community Development 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.

D. **Use of Required Off-Street Parking Areas.**

1. *General Standard.* Off-street parking spaces shall be provided for the use of residents, customers, patrons, and employees. Except in conjunction with a valid temporary use permit, parking spaces shall not be used for the storage, sale, or display of goods or materials or for the sale, repair, or servicing of vehicles, nor shall parking areas be used by commercial vehicles conducting business.

2. *Recreational Vehicles.* Parking and storage of recreational vehicles, including but not limited to boats and campers, shall be subject to the following conditions. These conditions are in addition to those general parking requirements stated above. Recreational vehicles:

   a. Shall be maintained in a clean, well-kept state;

   b. Shall not be permanently connected to utility lines;

   c. Shall not be used for the storage of goods, materials, or equipment other than those items that pertain to the use of the vehicle;

   d. Shall be parked outside of required front yard and street side yard setbacks to the maximum extent possible;

   e. Shall comply with all City-approved regulations or codes; and

   f. Except as expressly permitted by this LDC, shall not be used as living or sleeping quarters by any person.

   g. In addition to the foregoing, areas within multi-unit off-street parking lots that are intended to be used for the parking of tenants' recreational vehicles, such as boats and campers, shall be shown on the development plan for the project.

3. *Commercial Vehicles.* No commercial motor vehicle shall be parked on any lot devoted to a residential use, except for a vehicle less than six-ton gross weight (such as a full size pickup truck, mini van, sports utility vehicle, etc.) used by a person domiciled on such lot and used to drive to and from work.

Sec. 21-4310. - Parking Ratios

A. **Minimum Parking**.

1. Table 21-4310-1, *Off-Street Parking Requirements,* establishes the minimum number of off-street parking spaces required for each listed use.

2. In addition to land uses in Table 21-4310-1 with "--" in the Minimum Off-Street Parking Column, the following land uses shall have no minimum parking requirement:

   a. Applicable Transit Service Area, as regulated in Sec. 21-4320.G, *Parking Exemptions*; and

   b. Accessory Dwelling Units.

B. **Maximum Parking**. Except for single-unit residential uses, the number of surface parking spaces provided per use shall not exceed 150 percent of the minimum number of spaces prescribed by Table 21-4310-1.

Table 21-4310-1, Off-Street Parking Requirements

Use Classification	Specific Use Type	Minimum Off-Street Parking
Agricultural Uses		
Agriculture	Fish hatchery	--
	Poultry house or pigeon coop	--
	Roadside stand	--
	Rodeo	1 space/6 seats or 1/50 SF if no permanent seats
	Stable, riding ring, dairying, or stock raising	1 space/1,500 SF
	Stockyard, feedlot, and the commercial sale of livestock	--
Agricultural Services	Agricultural support businesses and services	1 space/500 SF
Horticulture & Nurseries	Greenhouse/Nursery	1 space/500 SF of enclosed area plus outdoor seasonal sales requirement
Commercial Uses		
Adult Businesses	Adult entertainment	1 space/300 SF
Animal Services	Animal Boarding (kennels) and training	1 space/employee + 1 space/500 SF, including runs
	Veterinary offices or clinics	1 space/500 SF
	Doggie day care centers	1 space/employee + 1 space/400 SF including runs
Building Materials & Services (Retail)	Landscape equipment, hardscape materials	1 space/500 SF of enclosed area plus outdoor seasonal sales requirement
	All others (plumbing, electrical, lumber & building equipment)	1 space/500 SF of enclosed area plus outdoor seasonal sales requirement
Eating and Drinking Establishments	Bar, tavern, nightclub	1 space/300 SF
	Catering services	1 space/300 SF
	Restaurant	1 space/100 SF
Financial Institutions	Bank or financial institution	1 space/600 SF
Food and Beverage Sales	Convenience store without fuel sales	1 space/300 SF
	Grocery store (>5,000 s.f.)	1 space/400 SF
	Liquor store	1 space/300 SF
	All others (e.g., delicatessen, retail bakery, specialty food market, coffee shop)	1 space/200 SF

Table 21-4310-1, Off-Street Parking Requirements		
Use Classification	**Specific Use Type**	**Minimum Off-Street Parking**
Funeral and Internment Services	Cemetery/Pet cemetery	--
	Crematory or mausoleum when incidental or supplemental to primary cemetery use	1 space/employee
	Crematory as principal use	1 space/4 seats in main chapel or 1 space/50 SF if no permanent seats + 1/employee + 1/vehicle used in operation
	Funeral home	1 space/
Office	Business or professional office	1 space/500 SF
	Courier services	1 space/500 SF
	Medical and dental office and clinic	1 space/300 SF
Outdoor Sales	Short term sales event	1 space/500 SF of open sales and display area, minimum of 3 spaces
	Seasonal or holiday sales	1 space/500 SF of open sales and display area, minimum of 3 spaces
Personal Services	Instructional services, studios	1 space/300 SF
	All others	1 space/300 SF
Recreation or Amusement Facilities, Private	Bingo establishments/social gaming outlet/performance centers	1 space/3 seats
	Bowling, billiards, & similar uses	2 spaces/lane + 2 spaces/billiard table + 1 space for every 5 seats
	Fitness/Recreation centers	1 space/250 SF
	Movie theaters	1 space/ 4 seats
	Outdoor recreation	1 space/1,000 SF outdoor recreation area
	Drive-in theater	1 space/stall + 6 additional spaces
	Racetrack (animal or vehicle)	1 space/ 4 seats + 1 space/employee
Retail Establishments	Pawn shop	1 space/300 SF
	Retail store	1 per 300 SF up to 35,000 SF + 1 per 600 SF above 35,000 SF
	Flea markets, indoor and outdoor	1 space/300 SF
	Thrift store	1 space/300 SF
Telecommunications Facilities and Satellite Dish Antennas	Radio or television broadcasting facilities	1 space/500 SF

Table 21-4310-1, Off-Street Parking Requirements		
Use Classification	**Specific Use Type**	**Minimum Off-Street Parking**
Vehicle/Equipment Sales and Services	Car wash	1 space/2 self-service stalls; 1 space/ unattended, automated wash; 5 spaces per attended, automated wash with detail or hand-finishing services
	Fueling plaza or convenience store with fuel sales	1 space/200 SF area, excluding pump islands
	Minor vehicle repair (Lube shops, oil changes, brake service, accessory service to a gas station, etc. where vehicles are not stored overnight in an inoperable condition)	1 space per 500 SF
	Major vehicle/equipment repair (includes auto body repair, paint shops, and incidental sales of parts)	1 space per 500 SF
	Motor vehicle and equipment rentals	1 space/500 SF
	Motor vehicle and equipment sales (outside display area)	1 space/ 250 SF of sales/office, repair, or maintenance space
	Motor vehicle and equipment sales showroom (interior display)	1 space/ 250 SF of sales/office, repair, or maintenance space
Visitor Accommodations	Bed and breakfast establishment	1 space/ room for rent (in addition to the residential requirement)
	Hotel or motel	1 space/rooming unit + 1 space/300 of SF restaurant or bar + 1 space/300 SF of meeting room floor area + 10 spaces for visitor parking
	Overnight campground	--
Table Note: [1] Bars, restaurants, and eating establishments with outdoor seating areas equal to 20% or more of the gross floor area of indoor seating area shall provide additional parking of 1 space per 400 SF of indoor seating area.		
Industrial Uses		
Auction House or Yard	Auction house (interior space)	1 space/500 SF
	Auction yard (outdoor space)	1 space/1,000 SF

Table 21-4310-1, Off-Street Parking Requirements		
Use Classification	**Specific Use Type**	**Minimum Off-Street Parking**
General Industrial	Industrial shell building (User to be determined)	1 space/500 SF
	Firewood; commercial storage and sales	1 space/1,000 SF
	Mill or foundry	--
	Junkyard, scrap yard, or salvage yard	--
	Outdoor storage yard	1 space/2,500 SF with minimum of 3 spaces
	Lumber and building supply yard	1 space/500 SF
	Railroad yard together with buildings, structures, and facilities related thereto	--
	Refinery/Oil and gas production	--
	Slaughterhouse, packinghouse, meat processing, or fat rendering	--
	Testing laboratory	1 space/500 SF
	Production, manufacturing, processing, storage, shipping, and handling of goods	1 space/1,000 SF
	Light industrial and manufacturing (I-1 and I-2 uses)	1 space/1,000 SF of manufacturing floor + 1 space/300 SF for office
	Intense industrial manufacturing and processing (I-3 uses)	1 space/1000 SF of manufacturing floor + 1 space/300 SF for office
	Research and development	1 space/500 SF
Truck/Transportation Services	Transportation terminal	1 space/ 1,000 SF of indoor space
	Transportation terminal where vehicles carry flammable, explosive, hazardous, or high toxic materials	--
	Truck stop	1 space/250 SF building area
	Trailer sales and service limited to use for private passenger motor vehicles	1 space/500 SF including service bays, wash tunnels, and retail areas
	Truck trailer sales, repair, and maintenance (including oil, lube, and wash)	1 space/500 SF including service bays, wash tunnels, and retail areas
Vehicles	Vehicle or automobile wrecking or salvage yard (includes outdoor storage or inoperable vehicles)	--
	Vehicle towing services	1 space/ 300 SF office; minimum of 4 spaces
Wholesaling, Warehousing & Distribution	Mini-storage	Minimum 3 spaces + 2 spaces for office/residential use
	Retail sales accessory to warehouse or wholesaling establishment	1 space/500 SF
	Office space accessory to warehouse or wholesaling establishment	1 space/300 SF
	Warehousing	1 space/500 SF; minimum of 3 spaces
	Industrial office	1 space/500 SF
	Wholesale establishments incidental to other principal uses	--

Table 21-4310-1, Off-Street Parking Requirements		
Use Classification	**Specific Use Type**	**Minimum Off-Street Parking**
Waste-Related Uses	Landfill operation	--
Public, Institutional, and Civic Uses		
Airport/Heliport	Public or Private Airport, Heliport	--
	Facilities providing aviation transport and services including aircraft repair, sales, and similar services	--
Ambulance Service	Garage and office for ambulance service	1 space/ambulance + 1/300 SF
Clubs and Lodges	Private lodge or club	1 space/400 SF
	Gun club	1 space/platform + 1 space/300 SF office
Community Services	Events center	1 space/4 seats or 1/50 SF if no permanent seats
Day Care Facilities, Adult or Child	Childcare center	1 space/10-person capacity + 1 space/employee + drop off area
	Adult day care center	1 space/10-person capacity + 1 space/employee
Golf Course	Golf course/Driving range	5 spaces/hole, + 1 space/employee
Hospitals	Hospital	1 space/2 beds + 1 space/2 employees + 1 space/2 staff doctors + 30 spaces for emergency
Educational Facilities	Public, charter, or private educational institutions for Elementary and Junior high	1 space/3 fixed seats + 10 spaces for visitor parking
	Senior high school	2 spaces/classroom + 1 space/employee + 1 space/3 fixed seats of auditorium capacity + 10 spaces for visitor parking
Religious Institutions	Church or religious institution	1 space/6 seats in the principal assembly area or 1/50 SF if no permanent seats
Residential Uses		
Group Living Facilities	Group home	1 space/2 residents + 1 space/employee
	Correctional institution or halfway house	1 space/2 residents + 1 space/employee
	Boarding or rooming house	2 spaces/dwelling unit
Household Living	Foster care home	Same as residential dwelling type
	Mobile home	2 spaces/dwelling unit
	Apartment/Condominium or Multiplex	1.5 spaces/1 br units + 1.75 spaces/2 br units + 2 spaces/3 br or more units + 15% of total required spaces for visitor parking
	Single-unit dwelling	2 spaces/dwelling unit
	Two-unit dwelling	2 spaces/dwelling unit
	Townhouse or Rowhouse	2 spaces/dwelling unit
	Home occupation	Same as residential dwelling type

Table 21-4310-1, Off-Street Parking Requirements		
Use Classification	**Specific Use Type**	**Minimum Off-Street Parking**
Senior Housing	Assisted living facility	1 space/2 units if residents are allowed to operate personal vehicles + 1 space/employee
	Nursing homes	1 space/3 beds + 1 space/employee

Sec. 21-4320. - Parking Reductions and Credits

A. **Modifications.** The applicant may request a modification to the parking requirements per the provisions of this Section. In considering such a modification, the Community Development Director may require the applicant to submit a parking study prepared by a qualified traffic engineer to justify the requested modification. The cost of such study shall be borne by the applicant.

B. **Incentive for Specific Uses and Areas.** The Community Development Director may approve a reduction in the number of required parking spaces for any one of the following uses or areas listed below, provided the proposed reduction satisfies the approval criteria in paragraph B(3)(a) in this Section. This incentive may not be combined; if a reduction has been approved for one of the following three uses or areas, a development shall not receive a further reduction based upon any other incentive program.

1. *Office Buildings.* The Director may reduce the required parking spaces by up to 20 percent when an office building is larger than 20,000 square feet in gross floor area.

2. *Mixed Use Developments.* The Director may reduce the amount of required parking by up to 25 percent when the development is part of a project that includes both residential and nonresidential uses.

3. *Core Centers.* The Director may reduce the number of required parking spaces by up to 50 percent for development that occurs within any area identified as Transit-Oriented Development, Regional Commercial, Derby, and Dicks's Sporting Goods Park in the Comprehensive Plan or within a quarter mile of a multi-model transportation station or bus stop.

   a. Approval Criteria. The Director may approve the reduction of required parking spaces as provided in paragraphs B(1), B(2), and B(3) of this section if the following criteria are satisfied:

      i. The reduction is appropriate in light of the reasonably anticipated automobile usage by residents, businesses, and visitors to the development, including the proposed mix of uses;

      ii. The reduction will not be detrimental to the health, safety, convenience, or general welfare of persons residing in or working in the vicinity;

      iii. The reduction minimizes conflict of vehicular and pedestrian movements;

      iv. Transportation modes, other than the automobile, are sufficient; and

      v. There are adequate public and private parking facilities in the vicinity.

C. **Hardship Reductions.** The Director may reduce or waive up to 20 percent of the parking requirements, or a minimum of one space, for a new development, change in use, or expansion of structure, when the following approval criteria are met:

1. With the exception of housing for the elderly or for persons with disabilities, the structure that houses the use was designed and intended for nonresidential use; and

2. The owner or developer substantiates that the provision of additional parking would entail severe hardship; and

3. 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

4. The nature of the use's operation warrants unique parking arrangements; or

5. Sufficient evidence is provided demonstrating how the unique circumstances of the proposed use does not generate the traffic or parking demand met by parking requirements in effect.

D. **Parking Requirement Variances.** Any adjustment to the parking requirements imposed by this land development code beyond the administrative adjustments allowed shall require a variance by the board of adjustment in compliance with the standards in this section and Sec. 21-7300. - Variance.

1. *Considerations.* In determining whether to grant a variance, the Board of Adjustment may consider the following factors:

   a. The parking demand and trip generation characteristics for all of the uses for which the variance is requested;

   b. The extent to which the parking spaces provided will be shared, remote, or accessory; and

   c. The availability of alternative means of transportation (e.g., including carpooling and ridesharing), that will provide levels of service such that the use of private passenger vehicles will be significantly reduced.

2. *Approval Criteria.* The Board of Adjustment may grant a variance to authorize an adjustment in the number of off-street parking spaces only if it finds, in addition to the findings required by Sec. 21-7300. - Variance, that:

   a. The parking demand generated by the use does not equate to the number of off-street parking spaces required;

   b. The variance would not create a traffic hazard or increase traffic congestion on adjacent and nearby streets; and

   c. There is adequate room on the site to accommodate the required parking needed for future changes in occupancy.

3. *Limitation of Board Authority.* The Board of Adjustment shall not have the authority to grant a variance changing the number of parking spaces specifically required by a PUD or a conditional use permit.

E. **Shared Parking Program.** Where two or more uses are separate and distinct but share a common or interconnected parking facility or are in the same building, the Director may reduce the number of required parking spaces by up to 25 percent if the following criteria are satisfied.

1. The uses have substantially different peak traffic usage periods (e.g., a theater and a bank) or share customers (e.g., a barber shop and a tailor);

2. The most remote space is located within 300 feet of the use it is intended to serve as measured along the most direct pedestrian path; and

3. A reciprocal parking and access easement agreement, that shall run with the life of the development, is recorded with the county assessor.

F. **Increases in Required Parking.** The Community Development Director may approve an increase in parking of up to 200 percent of the required parking if the increased number of spaces will provide a greater service to prospective users and a greater benefit to the community, while minimizing any aesthetic and visual impacts of the additional paving areas on surrounding areas.

G. **Parking Exemptions.** Within the Applicable Transit Service Area, as defined in C.R.S. § 29-36-302, no off-street parking shall be required for new multi-unit residential developments or for adaptive reuse developments in which at least 50% of the resulting gross floor area is residential. However, the Director may require that up to one off-street parking space be provided for each dwelling unit if all of the following requirements are met.

1. The multi-unit residential development contains 20 or more dwelling units, or contains regulated affordable housing as defined in C.R.S § 29-36-302;

2. Within 90 days after receipt of a complete application for the proposed development, the City Engineer has published written findings that not imposing or enforcing a minimum parking standard in connection with the proposed development would have a substantial negative impact on:

   a. Safe pedestrian, bicycle, or emergency access to the multi-unit development, or;

   b. Existing on- or off-street parking spaces within one-eighth mile of the multi-unit development.

3. The findings in required in paragraphs G(2)(a) and G(2)(b) in this Section must:

   a. Be supported by substantial evidence in support of such findings;

   b. Include parking utilization data collected from the area within one-eighth mile of the multi-unit development; and

   c. Demonstrate that the City's implementation of strategies to manage demand for on-street parking in the area within one-eighth mile of the multi-unit development would not be effective to mitigate the substantial negative impacts contained in such findings.

Sec. 21-4330. - Parking Design

A. **Space and Aisle Dimensions.** Parking space and aisle dimensions shall be provided per this section.

1. *Measurement.* Except for parallel parking spaces, the width of a parking space shall be measured from the center of one stripe to the center of the other stripe on the opposite side of the stall.

2. *Automobiles.* Table 21-4330-1, *Vehicular Parking Dimensions* establishes the permitted parking angles, stall dimensions, and aisle widths for parking lots and areas intended for automobile use.

Table 21-4330-1, Vehicular Parking Dimensions

Parking Angle (Degrees)	Stall Width[1] (Feet)	Stall Depth (Feet)	One-Way Aisle Width (Feet)	Two-Way Aisle Width (Feet)
0	9	21	N/A	N/A
20	9	21	14	24
30	9	18	14	24
40	9	18	14	24
45	9	18	14	24
50	9	18	14	24
60	9	18	18	24
70	9	18	19	24
80	9	18	24	24
90	9	18	24	24

Table Note: [1] Except for parallel parking spaces, the width of a parking space shall be measured from the centerline of one stripe to the centerline of the other stripe.

B. **Layout.** All off-street parking spaces, other than those designed solely for a single dwelling unit and not sharing a common parking area, shall comply with the following requirements:

1. Each off-street parking space shall open directly onto an aisle or driveway that is not a public street or a public alley.

2. Parking lots shall have clearly defined circulation routes for both automobile and pedestrian traffic. Sidewalks and circulation routes across parking and drive aisles are discouraged.

3. Aisles, sidewalks, and driveways shall not be used for parking vehicles.

4. Parking spaces shall be designed to permit entry and exit without moving any other vehicle.

5. Parking areas that require that vehicles be backed onto a public street from a parking or loading facility as a means of egress (head-in parking) shall be prohibited, except for parking areas serving single-unit and two-unit uses.

6. No parking space shall be located so as to block access by emergency vehicles.

7. One-way dead-end parking lots shall be prohibited except where appropriate turnaround areas are provided.

C. **Circulation**.

1. *External Entrances.* The number of external entrances shall be consistent with existing or anticipated design of external streets.

2. *Entry.* A sense of entry or arrival shall be created at primary entryways into the development. Building placement landscaping, gates, entry monuments, specialty lighting, and other design elements can be used to create this design effect.

3. *Circulation Patterns.* Circulation patterns within parking areas shall be defined by curbs and landscaped islands.

4. *Street View Corridors.* Streets shall create view corridors that frame public plaza areas, public buildings, parks, and natural features.

D. **Surfacing.**

1. In all zoning districts except where noted, off-street parking lots and areas, aisles, driveways, turnarounds, and access drives shall be surfaced with hot-mix asphalt, concrete, or other surface material approved by the City Engineer to provide a durable and dust-free surface.

2. Durable nonpaving material (e.g., grass-crete, eco-stone) or porous pavement is encouraged to reduce stormwater runoff, protect water quality, and protect air quality. Paving thickness shall comply with the ECSS.

3. At a minimum, outdoor storage areas shall be paved with recycled asphalt or other road base.

4. Gravel shall not be allowed.

E. **Stormwater Management.** When an impervious surface is used, all driveways, parking areas, aisles, and turnarounds shall have on-site collection or infiltration of stormwater to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Stormwater facilities shall be constructed in conformance with the City's Criteria Manual.

F. **Curbs.** All open off-street parking areas, drives, and storage lots, except parking lots and garages that are accessory to a single-unit dwelling or two-unit dwelling, shall provide a six-inch concrete curb around the entire perimeter. Alternative barrier designs may be approved by the City.

G. **Secondary Parking in Front**. The building form tables in Division 2.2, *District Standards*, indicate that, as a secondary option for some building forms, parking may be located in the front of a building, between the building and the fronting street. Parking may be located as a secondary option between the building and the street under one or more of the following circumstances, as determined by the Community Development Director:

1. *Topographic or Site Constraints*. The lot has unusual slopes, floodplains, wetlands, or other natural features make side or rear parking impractical.

2. *Lot Size or Configuration*. The lot is narrow, shallow, or oddly-shaped and may not accommodate side or rear parking without violating other dimensional standards.

3. *Shared Parking*. The lot includes shared parking in accordance with Sec. 21-4320, *Parking Reductions and Credits*, and placing it in front is necessary for access or efficiency.

4. *Public Safety or Accessibility*. The site is configured such that or its surroundings dictate that rear or side parking would create unsafe conditions or hinder emergency access.

5. *Existing Development or Structures*. Existing structures or site features (e.g., mature trees, utility easements, historical structures) prevent feasible side or rear parking without significant disruption.

6. *Enhanced Pedestrian Experience. Demonstrates the ability to provide better outcomes for the pedestrian realm and experience.*

Sec. 21-4340. - Loading Requirements

A. **Applicability.** In all zone districts, every building that has a gross floor area of 10,000 square feet or more and that will be occupied by one or more of the uses listed in Table 21-4340-1, *Off-Street Loading Requirements,* shall provide and maintain on the same lot off-street loading spaces per the following:

Table 21-4340-1, Off-Street Loading Requirements

Type of Land Use	Total Gross Floor Area	Loading Spaces Required	Short-Term Parking Spaces Required[1]
Industrial Uses	10,000 to 30,000 sq. ft.	1	0
	30,001 - 150,000 sq. ft.	1 for each additional 20,000 sq. ft. + additional as req'd. by Director	1 per 2 loading spaces
	Over 150,000 sq. ft.	1 for each additional 20,000 sq. ft. + additional as req'd. by Director	1 per 2 loading spaces
Public and Civic and Commercial Use Categories	10,000 to 70,000 sq. ft.	1	0
	70,001 - 200,000 sq. ft.	1 for each additional 35,000 sq. ft. plus additional as req'd. by director	0
	Over 200,000 sq. ft.	1 for each additional 35,000 sq. ft. plus additional as req'd. by director	1 per 2 loading spaces

Table Notes:
1. Refer to Sec. 21-4370, *Tractor-Trailer Parking and Staging Requirements*.

B. **Loading Area Design and Use Standards.**

1. *Dimensions.* Loading spaces, open or enclosed, shall be 12 feet in width and 60 feet in length, with a minimum vertical clearance of 14 feet.

2. *Surfacing.* All open off-street loading spaces shall be surfaced with asphalt or concrete and shall be constructed to provide for adequate drainage, as approved by the City Engineer.

3. *Use.* Required off-street loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading and unloading only. No sales, storage, display of merchandise (including automobiles), repair work, or dismantling shall be permitted in such area. In no event shall areas that provide direct access to off-street loading areas, such as the areas in front of loading docks and overhead doors, be used to satisfy off-street parking standards.

4. *Layout.*

   a. Any off-street truck loading space or maneuvering area shall be located 25 feet or more from the right-of-way of a public street and more than 10 feet from any other property line. Any loading dock or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading, unloading, and maneuvering.

   b. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the City Engineer may require installation of physical barriers or other means of separating loading areas from parking areas and pedestrian traffic.

i. No loading space shall be located to block access by emergency vehicles.

ii. All off-street loading areas shall be screened per the landscape and buffer standards in Division 4.4, *Landscaping, Buffering, and Screening*.

iii. For commercial, civic, or institutional uses, passenger loading areas may be allowed on private lots outside of the normal circulation flow of traffic.

Sec. 21-4350. - Stacking Requirements

A. **Number of Spaces Required**. Drive-thru and drive-in facilities shall provide stacking spaces as provided in Table 21-4350-1, *Stacking Requirements*.

B. **Variation from Existing Standards.** Variations from these minimums may be allowed based on a traffic impact analysis submitted for review and approval by the City Engineer. The cost of any such analysis shall be borne by the applicant.

C. **Stacking Requirements for Uses Not Listed.** If a particular use that requires stacking is not included in Table 21-4350-1, the City Engineer shall determine the minimum number of stacking spaces required based on location, facility brand, operating procedures, and other similar types of uses.

Table 21-4350-1, Stacking Requirements

Type of Operation	Minimum Stacking Spaces Per Aisle	Measured From
Financial services with drive-up tellers	5	Teller or window
Financial services with drive-up ATM	3	Teller or ATM machine
Self-service car wash	4	Entrance
Automatic car wash	3	Entrance
Gas station pump island	2	From the end of the line of pumps
Fast food restaurant/coffee shop (one drive-through window)	9	4 spaces between order box to pick-up window; 5 spaces before the order box
Fast food restaurant/coffee shop (multiple drive-through windows)	8	5 spaces between order box to pick-up window; 3 spaces before the order box
Photo processing, dry cleaning, pharmacy, or other drive-up personal services	3	Pick-up window
Gated parking lot, community entrance, or overhead door	1	Entrance
Funeral home/mortuary	4	Primary passenger loading area for processions
Self service storage	3	Entrance gate

D. **Stacking Space Design Standards.** All stacking spaces shall comply with the following standards:

1. *Dimensions.* A stacking space shall be a minimum of 10 feet wide and 20 feet long.

2. *Calculating Requirements.* The space at a drive-in or drive-through window, menu board, order station, gated entrance, designated drop-off zone, or service bay is considered a stacking space.

3. *Use.* An area reserved for stacking spaces may not double as a circulation driveway, maneuvering area, or off-street parking space.

4. *Location.* Stacking spaces may be located anywhere on the building site, provided that traffic impacts on and off-site are minimized and the location does not create negative impacts on adjacent properties due to noise, light, or other factors.

5. *Bypass Lane.* A bypass lane with a minimum width of 12 feet shall be provided if a one-way traffic flow is used in the parking lot. The bypass lane shall be clearly designated and distinct from the stacking area.

Sec. 21-4360. - Bicycle Parking

A. **Spaces Required.** Bicycle parking shall be provided as detailed in Table 21-4360-*1 Bicycle Parking Requirements.* For any use not contained in the following table, except those uses specifically exempted from this section in paragraph B, a minimum of two bicycle parking spaces per use shall be required.

B. **Exceptions.** This section shall not apply to the following uses:

1. Single-family residential;
2. Home occupations;
3. Street vendors or temporary sales operations;
4. Auto service stations (not including convenience stores);
5. Automotive and truck repair and service;
6. Mortuaries;
7. Motels;
8. Self-storage facilities;
9. Car washes and
10. Any other development with fewer than 10 vehicle parking spaces.

C. **Covered Spaces for Multi-Unit Dwellings.** Bicycle parking spaces shall be located within a garage, storage shed, basement, or utility room. For residential complexes without garages nor easily accessible storage units, bicycle parking spaces shall be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover other than a balcony.

Table 21-4360-1, Bicycle Parking Requirements

Use	Requirements
Multi-Unit dwellings with 4 units or more	1 space/10 motor vehicle spaces; minimum = 2
Retirement home or assisted living facility	2 spaces, or 1 space /10 employees, whichever is greater
Retail sales and service	1 space/20 motor vehicle spaces; minimum = 2
Mixed use	1 space/10 motor vehicles spaces required for all uses in the development. For buildings with multiple uses (such as a commercial or mixed use center), 1 bicycle parking space is required for every 10 automobile spaces required for the entire development
Restaurants, cafes, and bars	1 space/20 motor vehicle spaces; minimum = 2
Professional office	1 space/20 motor vehicle spaces; minimum = 2
Medical or dental office, clinic, or hospital	1 space /20 motor vehicle spaces; minimum = 2
Stadium, arena, theater, or similar use	1 space/20 seats
Public or private recreational facility, library, or other activity center	1 space/20 motor vehicle spaces; minimum = 2
Industrial uses	1 space/20 motor vehicle spaces; minimum = 2
Religious institutions	1 space/20 motor vehicle spaces; minimum = 2

Table 21-4360-1, Bicycle Parking Requirements	
Use	**Requirements**
Public or private school	1 space/25 students; whenever possible, spaces should be sheltered under an eave, overhang, independent structure, or similar cover
College, university, or trade school	1 space/10 motor vehicle spaces; 50% of bicycle parking spaces should be sheltered under an eave, overhang, independent structure, or similar cover
Parking lots	1 space/20 motor vehicle spaces; minimum = 2

D. **Bicycle Parking Design Standards.**

1. Wherever possible, bicycle racks should be located within 100 feet of a building entrance and be visible from the building entrance and its approaches. If necessary, signs should be posted that indicate the location of bicycle parking.
2. Bicycle parking facilities shall be easy to recognize, attractive, and functional and shall not impede pedestrian or vehicular circulation.
3. The surface of a bicycle parking area need not be paved but shall be finished to avoid mud and dust.
4. Bicycle racks shall be anchored to a hard surface to prevent easy removal.
5. Bicycle racks may be a standard inverted "U" design, however, the City does encourage innovative designs that meet the requirements of this Section.
6. Fixed objects that are intended to serve as bicycle racks, but due to design or appearance are not easily identified as such, shall be labeled as available for bicycles.
7. The bicycle racks shall be coated in a material that will not damage the bicycle's painted surfaces.
8. Trees, fences, light poles, branches, or other outdoor furnishings shall not be used as designated bicycle parking facilities.
9. Bicycle parking facilities shall have a minimum separation from one another of 18 inches.

Figure. 21-4350-1 U-Shaped Bicycle Rack Dimensions

Sec. 21-4370. - Tractor-Trailer Parking and Staging Requirements

A. **Purpose.** The intent of this Section is to:

1. Provide designated off-street parking spaces for tractor-trailers, commercial trucks with trailers, other shipping and delivery vehicles, large recreational vehicles, and vehicles pulling trailers;

2. Minimize adverse impacts of tractor-trailers on neighboring properties; and

3. Provide compliance with Part 395 of Title 49 of the Code of Federal Regulations to prevent driver fatigue and improve road safety.

B. **Applicability.**

1. *Industrial Uses*. The requirements of this Section apply to off-street parking for tractor-trailers in connection with any newly constructed or substantially altered industrial uses and Vehicle Servicing, Major uses in the =Industrial zoning districts.

2. *Freeway Oriented Uses*. This Section also applies to uses that:

a. Serve the motoring public (e.g., lodging facilities, service stations, truck stops, mini-marts, restaurants, and similar freeway-oriented uses); and

b. Are within 500 feet of a freeway right-of-way or 500 feet from the right-of-way of a road intersecting the freeway.

C. **Number of Required Off-Street Loading Spaces.** Refer to Table 21-4340-1, *Off-Street Loading Requirements*.

D. **Prohibitions.** Tractor-trailers are prohibited from parking in spaces designated for automobile parking and parking lot circulation aisles.

E. **Outbound Trucks.** One semi-trailer truck parking space, or five percent of all required truck parking spaces at large facilities, shall be reserved for outbound trucks with a driver who is required to layover or rest per federal hours-of-service regulations. Such spaces must be accessible during and after the facility's operating hours as necessary.

F. **Tractor-Trailers.** For uses that cater to the parking of tractor-trailers, designated off-street parking spaces shall be required for each such vehicle. The use of regular automobile parking spaces, or automobile circulation aisles for tractor-trailer parking, is prohibited. Where an off-street parking space will be used primarily by tractor-trailers, the parking area dimensions in Table 21-4370-1, *Minimum Off-Street Parking Space Requirements—Tractor-Trailers*, shall apply.

Table 21-4370-1, Minimum Off-Street Parking Space Requirements—Tractor-Trailers	
Parking space width	12 feet
Parking space length	80 feet
Height clearance	14 feet
Aisle width	50 feet

G. **Additional Requirements.** In addition to the dimensions above, the City may require special design provisions based on the overall site layout and parking area design. No backing maneuvers shall be allowed in the public right-of-way.

1. *Pull-through Parking and Circulation.* Pull-through parking that allows vehicles to exit parking spaces in a forward direction shall be provided per Table 21-4370-2, *Pull-Through Parking Requirements—Tractor-Trailers*. On-premises circulation shall provide for exiting of the site to the public right-of-way in a forward direction.

Table 21-4370-2, Pull-Through Parking Requirements—Tractor-Trailers		
Type of Requirement	**Truck Stops**	**Other Uses**
Percentage of pull-through spaces required	80%	5%
Dimensions	12 ft. x 80 ft.	12 ft. x 60 ft.

2. *Marking.* These spaces shall be clearly marked for recreational vehicles, large vehicles, or vehicles with trailers only.

3. *Plantings*. One landscaped island, a minimum of 960 square feet in area, shall be required per 10 tractor-trailer parking spaces and there shall be no more than 10 consecutive spaces without an intermediary landscaped island. Each island shall contain a minimum of two shade trees, one ornamental or evergreen tree, and ground cover.

4. *Exceptions*. The Community Development Director may authorize a reduction of parking associated with loading areas with one of the following options:

   a. Propose fewer spaces based on projected data according to a parking study or study at similar developments during peak periods of use; or

   b. Share parking spaces for trucks between adjacent operations based on a consolidated parking area for truck staging and parking serving all uses.

Sec. 21-4380. - Pedestrian Circulation Requirements

A. **Single-Unit Home Construction.** Prior to receiving a certificate of occupancy for new single-unit dwelling construction, a sidewalk shall be constructed along the property frontage in conformance with the ECSS, unless a bond or cash deposit acceptable to the City has been secured or other arrangements have been made through a developer's agreement. Sidewalk construction is required when existing sidewalks are present within 600 feet along the same street frontage abutting the subject lot unless waived by the City.

B. **Circulation Requirements for All Other Developments.** All developments, except single-unit dwellings, shall provide pedestrian access and circulation per the standards in this subsection.

1. *Required Connections.*

   a. All primary building entrances within the development to one another;

   b. For commercial, industrial, mixed use, public, and institutional buildings, the primary entrance is the main public entrance to the building. In the event no public entrance exists, accessible connections shall be provided to each employee entrance.

   c. For residential buildings, the primary entrance is the front door (i.e., the door oriented towards the street) or, for multi-family buildings in which each unit does not have its own exterior entrance, the primary entrance may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling and be accessible.

   d. All parking areas, storage areas, recreational facilities, common areas (as applicable), and adjacent development to the building's entrances and exits;

   e. All future phases of development, adjacent trails, public parks, and open space areas whenever possible; and

   f. Connect or stub to adjacent streets and private property, per all city engineering standards.

2. *Convenience.* Pedestrian ways shall be reasonably direct. For purposes of this section, reasonably direct means the route does not deviate unnecessarily from a straight line or involve a significant amount of out-of-direction travel for likely users.

3. *Safety.* Pedestrian ways shall be kept free of hazards and should be lighted in conformance with division 7 (Lighting).

4. *Accessibility.* All pedestrian ways shall comply with the Americans with Disability Act (ADA) and the Accessibility Guidelines created in conjunction with the ADA. Except for sidewalks, switchback paths shall be

required where grades exceed ADA and city standards and accessible alternate routes such as ramps and/or lifts shall be provided.

5. *Compliance.* All pedestrian ways shall be per the City's parks and recreation master plans.

C. **Walkway Standards.**

1. *Sidewalks.* All sidewalk improvements shall comply with the latest edition of Engineering Construction and Standards and Specifications.

2. *Walkways in Parking Lots.* There shall be internal pedestrian walkways that are a minimum of five feet in width within parking lots or drive areas to provide safe pedestrian access from parking to a store entrance. These walkways shall be clearly defined by no less than two of the following elements:

   a. Six-inch vertical curb;

   b. Trellis;

   c. Special railing;

   d. Bollards;

   e. Special paving;

   f. Low seat wall or other architectural features; or

   g. Pedestrian-scale lighting.

3. *Vehicle/Walkway Separation.* Walkways that are parallel or adjacent to a driveway or street (public or private) shall be raised 6 inches and curbed, or separated from the driveway/street by a 5.5-foot minimum landscaped strip. Special designs may be permitted if this 5.5-foot separation cannot be achieved.

4. *Housing/Walkway Separation.* Pedestrian walkways shall be separated a minimum of five feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the walkway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Division 4.4, *Landscaping, Buffering, and Screening*. No walkway/building separation is required for commercial, industrial, public, or institutional uses.

5. *Walkway Surface.* Walkway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface that makes a smooth surface texture, and shall conform to ADA requirements.

6. *Exceptions.* The City Engineer may determine, based upon facts in the application and other public records, that a walkway is impractical due to physical or topographical conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); building or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the walkway connection.

Sec. 21-4390. - Accessible Parking

A. **In General.** Accessible parking spaces shall be provided and designed to meet the requirements of the Americans with Disabilities Act.

B. **Number Required.** Where parking is required under Sec. 21-4310, accessible parking spaces shall be provided per Table 21-4390-1, *Number of Accessible Spaces Required*. Spaces required by this Section shall count toward fulfilling off-street parking requirements unless the minimum required is 15 spaces or fewer. One in every six accessible parking spaces with a minimum of one shall be van accessible.

Table 21-4390-1 Number of Accessible Spaces Required		
# of Vehicle Spaces in Total	# of Accessible Spaces Required	# of Van Accessible Spaces Required
1 - 25	1	1
26 - 50	2	1
51 - 75	3	1
76 - 100	4	1
101 - 150	5	1
151 - 200	6	2
201 - 300	7	2
301 - 400	8	2
401 - 500	9	2
501 - 1,000	2% of accessible spaces required	1/6 of total accessible spaces required
1,001 and higher	20 + 1 per every 100 over 1,000	1/6 of total accessible spaces required

C. **Accessible Parking Space Dimensions, Design, and Location.**

1. The design and location of accessible parking spaces shall adhere to the 2010 ADA Standards for Accessible Design, Section 502, at the time the parking space is striped;

2. Accessible routes to and from accessible parking spaces shall be provided as required by the 2010 ADA Standards for Accessible Design, Section 502, at the time the parking spaces are striped; and

3. Accessible routes shall be graded according to the standards of the 2010 ADA Standards for Accessible Design, Section 502, at the time the parking lot is developed or any time it is regraded.

Division 4.4: Landscaping, Buffering, and Screening

Sec. 21-4400. - General Provisions

A. **Plant Material Standards**.

1. *Plant Variety and Quality*. All plants shall be of the type and species appropriate for the climate of Commerce City. All plants shall be A-Grade or No. 1 Grade, free of any defects, and shall be of normal health, height, leaf density, and spread appropriate to the species as defined by American Association of Nurserymen Standards. The extensive use of a single species of trees or shrubs shall be limited as outlined in Table 21-4400-1, *Monoculture Restrictions*, below, to minimize the potential for disease or pests to strike a particular species resulting in significant same-species loss.

2. *Permitted and Prohibited Plants*. Plant materials shall be selected from Appendix A, *Plant List*. Invasive species, and prohibited species referenced in the Plant List are not allowed in the City.

3. *Sizes*. All required plants shall meet the size and variety requirements in Table 21-4400-1, *Minimum Plant Sizes and Varieties*.

Table 21-4400-1, Monoculture Restrictions

Number of Tree Plantings	Maximum Use of Same Species
10-19	50%
20-39	33%
40-59	25%
Over 60	15%

B. **Plant Locations**. All plantings shall comply with the following:

1. *Public Right-of-Way*. A person shall obtain a permit prior to planting any landscape material in the public right-of-way, and shall comply with all requirements established in the Standards and Specifications.

2. *Sight Distance Triangle*. No landscaping shall violate the visibility triangle established in Sec. 21-11110, *Measurements and Allowances*. The property owner shall keep corner lots and locations where driveways and alleys intersect with street rights-of-way free of plant materials that interfere with the vision of a motorist or pedestrian.

3. *Easements*. Required trees, and other deep-rooted vegetation, shall not be planted within public water and/or wastewater easements. In particular circumstances where no other area within the required location can accommodate the required planting, the Community Development Director may waive this requirement.

4. *Fire Safety*. Landscaping shall meet minimum clearances from all fire hydrants as required by the South Adams County Fire Marshal.

5. *Spacing*. In general, all plants shall be sited and spaced in a manner to allow for appropriate growth to mature size.

C. **Plant Substitutions**.

1. *Tree Types*. The following substitution of tree planting requirements may be made to meet the tree canopy, interior parking lot landscaping, and bufferyard requirements of this Division according to the below ratios:

   a. *Shade Tree*. One shade tree to three required ornamental trees.

   b. *Ornamental*. One ornamental tree to five required shrubs.

   c. *Shrubs*. One shrub to three ornamental grasses.

d. *Overhead and Underground Utilities*. Where shade trees are required beneath an overhead utility line or over an underground utility where roots could cause damage, it shall be substituted with three ornamental trees. Ornamental trees planted over underground utilities shall have non-invasive roots.

2. *Limit on Substitutions*. An applicant may replace with substitution trees a maximum of 50 percent of the required tree types on a site. For example, if the tree canopy, interior parking lot landscaping, and bufferyard standards require a total of 30 shade trees, then a maximum of 15 of such required trees may be replaced with the allowed number of ornamental trees.

D. **Low Impact Development (LID)**. LID techniques shall be included in a development.

1. Once the Water Quality Capture Volume (WQCV) has been calculated in accordance with the specifications provided in Chapter 14 of the City's Criteria Manual, the total WQCV must be treated by one or more of the Low Impact Development methods outlined in the Criteria Manual. In addition, the requirements set forth below in this Section, referred to as Low Impact Development (LID) Criteria, must be met. For the purposes of this Section, the LID methods and techniques described in the Criteria Manual, together with any methods or techniques determined by the City Engineer to be functionally equivalent, shall, be considered LID techniques

2. The LID Criteria are as follows:

a. No less than 75 percent of total disturbed project area for which either a Grading Permit or Development Infrastructure Permit is required under this Code or the City Code must be treated using one or a combination of LID techniques on new developments, redevelopment; or

b. If, in the judgment of the City Engineer, one or more requirements of this Section cannot be met due to site engineering constraints, then a design alternative may be allowed, provided that the design results in equal or better storm water quality than by compliance with the otherwise applicable requirement.

c. The City may establish requirements for construction activities and facility operations of development and redevelopment projects to comply with the current MS4 Permit, lessen the water quality impacts of development by using smart-growth practices, and integrate LID practices and standards for stormwater pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use. LID shall be inclusive of new development or redevelopment requirements.

d. The City may further define and adopt stormwater control measures, and to develop LID principles and requirements, including, but not limited to the objectives and specifications for integration of LID strategies.

E. **Landscape Upgrade**.

1. *Generally*. Lawfully established landscaping conditions on developed sites that existed prior to the adoption of this LDC may be continued until such time as development activity on the property triggers compliance with this Section in accordance with Sec. 21-4110, *Applicability.* If compliance with this Section is required on a site with existing landscaping, the existing landscaping shall be upgraded as provided in Table 21-4400-2, *Landscaping Upgrades*, below, if such landscaping does not already meet the requirements of this Section.

Table 21-4400-2, Landscape Upgrades

Building Addition (Gross Floor Area—GFA)[1]	Landscape Area Upgrade
0—25% change in GFA; or change in use with no increased GFA	Upgrade area by 25% of base standard
26—50% change in GFA	Upgrade area by 50% of base standard
Over 50% change in GFA	Upgrade area by 100% of base standard

TABLE NOTES:

1. For the purposes of this table, outdoor display shall be treated as GFA.

2. *Calculations*. The amount of landscaping necessary to satisfy the percentage of upgrade shall be calculated by first determining the total amount of landscaping required under each Section of this Division. The upgrade

percentage shall then be applied to the amount of landscaping required in each Section except that a reduction in zoning district bufferyard requirements shall not be permitted.

3. *Landscaping Priorities*. The landscaping upgrades required in the table above shall be accomplished in the following order of priority unless otherwise determined by the City:

   a. Street and parking area bufferyards;

   b. Interior parking area landscaping; then

   c. Other landscaping interior to the site.

4. *Exceptions*. Single-family residences are required to upgrade the landscape area by 100 percent of base standard for any addition over 200 square feet.

F. **Landscape Standards Cumulative**. The landscape standards set forth in this Division shall be cumulative in nature. As an example, the landscape plan of a parking lot that is located next to an arterial street must meet the parking lot landscape requirements in addition to the street bufferyard requirements established for lots adjoining arterial streets.

G. **Landscape Plans Required**. Landscape Plans are required for the following development applications and are subject to the review procedures for the type of development application involved: Conditional Use Permit, Development Plan, Site Development Plans, Limited Use Permit, Variance, and Rezoning or Zone Change.

H. **Approved Landscape Plan Compliance**. The landscaping, as planted, shall comply with the approved Landscape Plan. Amendments to an approved landscape plan must be approved in writing by the Director.

I. **Consideration Criteria**. Upon review of the Landscape Plan, the Community Development Director shall make affirmative findings that the Plan:

1. Reinforces and extends any existing patterns of outdoor spaces and vegetation where practicable;

2. Supports functional purposes such as spatial definition, visual screening, creation of privacy, management of microclimate or drainage;

3. Enhances the appearance of the development and neighborhood;

4. Protects significant trees, natural systems, and habitat;

5. Enhances the pedestrian environment;

6. Identifies all landscape areas and all landscaping elements within each landscape area;

7. Contains plants that are well suited for healthy growth along the Colorado front range; and

8. Supports water efficiencies by using plants from Appendix A, *Plant List*, and appropriate irrigation techniques, as outlined in Sec. 21-4470, *Installation and Maintenance*.

J. **Water Conservation Requirement**.

1. *Materials and Techniques*. All required landscaping shall be designed to incorporate water conservation materials and techniques. Xeriscape landscaping is incentivized in the Sustainability Index established in Sec. 21-4460. Xeriscaping does not include or allow artificial turf or plants, mulched (including gravel) beds or areas without landscape plant material, paving of areas not required for walkways, plazas or parking lots, bare ground, weed-covered or -infested surfaces, or any landscaping that does not comply with the standards of this Section. Smart-water conservation landscaping principles include the following techniques:

   a. Grouping plants with similar water requirements together on the same irrigation zones as per the Hydrozones criteria in Sec. 21-4470, *Installation and Maintenance*;

b. Limiting high-irrigation functional turf and plantings to appropriate high-use areas with high visibility and functional needs;

c. Use of low-water demanding plants and functional turf where practicable;

d. Use of efficient irrigation systems;

e. Incorporation of soil improvements;

f. Use of native seeds, where seeding is utilized;

g. Use of mulches; and

h. Provision of regular and attentive maintenance.

2. *Species*. Native, adapted, and Xeric plant species shall be used in all landscapes with priority consideration of native species. Plant materials shall be grouped according to similar moisture, light, and drainage needs. Landscape improvements shall consist of a variety of species to enhance the visual and functional aspects of the landscaped area, such as shading and windbreaks.

K. **Tree Preservation**.

1. *Identification*. All existing street trees that are located on City rights-of-way abutting the development shall be accurately identified by species, size, location, and condition on required landscape plans, and shall be preserved and protected in accordance with the standards below.

2. *Tree Planting*. All developments shall establish tree lawns and canopies along all City streets, in and around parking lots, and in all landscape treatment areas in order to establish at least a partial urban tree canopy. Trees within a tree lawn shall be of a species denoted in the approved plant list as being appropriate for public rights-of-way. These trees may also be combined or interspersed with other landscape areas in remaining portions of the development to accommodate views and functions such as active recreation and storm drainage. A root barrier is required along all concrete sidewalks, curbs, and the portions of driveways that are within public rights-of-way.

3. *Tree Grates*. Where trees are planted in paved areas, such as patios, pedestrian plazas, or sidewalks, a protective tree grate shall be provided. The soil beneath the tree grate shall be in a condition acceptable to the Community Development Director.

Figure 21-4400-1, Protective Tree Grate Example

4. *Significant Trees*. Existing significant trees (greater than six inches in caliper) shall be preserved to the maximum extent feasible and may help satisfy the landscaping requirements in this Division. Such trees shall be considered "protected" trees within the meaning of this Division, subject to the exceptions contained in Subsection c., *Exceptions*, below. Streets, buildings, and lot layouts shall be designed to minimize the disturbance to significant existing trees. All required landscape plans shall accurately identify the locations, species, size, and condition of all significant trees, each labeled showing the applicant's intent to either remove, transplant, or protect.

   a. *Replacement*.

      i. A significant tree that is removed shall be replaced with trees sufficient to mitigate the loss of value of the removed significant tree. The applicant shall select a qualified landscape appraiser to determine such loss based upon an appraisal of the tree to be removed by using the most recent published methods established by the Council of Tree and Landscape Appraisers. Replacement trees shall be planted on the development site and shall meet the minimum size requirements in Table 21-4400-3, *Replacement Tree Minimum Size Requirements.*

      ii. In cases where the total caliper of trees removed in violation cannot be determined, eight replacement trees shall be provided per acre of disturbed area.

Table 21-4400-3, Replacement Tree Minimum Size Requirements

Replacement Tree	Minimum Size Requirements
Shade Tree	1:1 caliper replacement of any removed shade tree
Ornamental Tree	1:1 caliper replacement of any ornamental tree
Evergreen Trees	1:1 caliper replacement of any evergreen tree

   b. *Protection*. The following tree protection specifications shall be followed for all projects with protected existing trees:

      i. Within the drip line of any protected existing tree, there shall be no cut or fill over a four-inch depth unless a qualified arborist or forester has evaluated and approved the disturbance.

ii. Prior to and during construction, barriers shall be erected around all protected existing trees with such barriers to be of orange fencing a minimum of four feet in height, secured with metal T-posts, no closer than six feet from the trunk or ½ of the drip line, whichever is greater. There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone.

iii. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be ribboned off, rather than erecting protective fencing around each tree as required in subsection (b)(ii) above. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.

iv. During the construction stage of development, the applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the drip line of any protected tree or group of trees.

v. No damaging attachment, wires, signs or permits may be fastened to any protected tree.

vi. The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches. The auger distance is established from the face of the tree (outer bark) and is scaled from tree diameter at breast height, as described in Table 21-4400-4, *Auger Distance for Excavation*, below.

Table 21-4400-4, Auger Distance for Excavation

Tree Diameter at Breast Height (inches)	Auger Distance from Face of Tree (feet)
0—2	1
3—4	2
5—9	5
10—14	10
15—19	12
Over 19	15

c. *Exceptions*. Trees that meet one or more of the following removal criteria shall be exempt from the requirements contained in this subsection:

i. Dead, diseased, or naturally fallen trees, or trees found to be a threat to public health, safety or welfare;

ii. Trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections; or

iii. Tree species that constitute a nuisance to the public such as cotton-bearing cottonwood, Siberian or Chinese elm, Russian olive and female box-elder. Native cotton-bearing cottonwood trees and female box-elder trees, when located in a natural area buffer zone, are not nuisance tree species.

d. *In-Lieu Fee Alternative*.

i. Where existing conditions make it impractical to comply with the replacement standards, the applicant may, at the discretion of the Community Development Director, pay in lieu of meeting the requirement for replacement of damaged or removed trees, in whole or in part. The in-lieu fee shall be $500 per replacement tree.

ii. In-lieu fees shall be deposited in a tree reserve account for the purchase and installation of trees and tree-related irrigation systems in City parks, rights-of-way, and other public open spaces in

reasonable proximity to the applicant's project.

L. **Utilities**. Landscape and utility plans shall be coordinated. This Subsection sets forth minimum dimension requirements for the most common tree/utility separations. Exceptions to these requirements may be approved by the Community Development Director where utilities are not located in their standard designated locations. Tree/utility separations shall not be used as a means of avoiding the planting of required street trees.

1. Forty feet of separation is required between shade trees and streetlights. Fifteen feet is required between ornamental trees and streetlights.

2. Ten feet of separation is required between trees and water or sewer mains.

3. Six feet of separation is required between trees and water or sewer service lines.

4. Four feet of separation is required between trees and gas lines.

5. Street trees planted within the utility easement may conflict with utilities. Additional conduit may be required to protect underground electric lines.

6. Additional landscaping may be required in other areas of the site based on specific site conditions.

M. **Revegetation Required**. When the development causes any disturbance within any natural area, the developer shall restore the land to its original condition, or as close thereto as possible, as determined by the Director.

N. **Detention/Retention Areas**. The landscaping of detention and retention ponds shall be in accordance with the following standards:

1. *Bufferyards.* Detention/retention areas shall be permitted within bufferyards provided they do not hamper the intent of a bufferyard to provide screening or jeopardize plant material survival.

2. *Plantings.*

   a. Two deciduous or evergreen tree and 20 shrubs are required per 100 feet of pond perimeter, as measured along the top of the bank elevation, excluding the designated overflow area. The required landscaping shall be planted in a natural, random pattern, not limited to the top of the pond bank.

   b. Trees must be planted above the freeboard line of the pond. Shrubs planted below the freeboard line of the pond must be tolerant of wet or moist soil conditions. The location of plant material shall consider the need to provide access for and minimize disruption of plant material during routine pond maintenance.

3. *Views of Pond.* The edge and landforms of the pond shall be sculpted to filter and soften views of the pond.

4. *Natural Environment.* The pond shall be landscaped to replicate a natural environment with trees and shrubs, in a wide variety, clustered around the basin.

5. *Safety.* The maximum slope of a bank or side of a pond shall be designed and constructed in a way that protects the general public health, safety, or welfare of the community. Deep ponds with steep slopes will require a 42-inch wrought iron or other decorative fence style to be placed around the perimeter for public safety.

6. *Mulches.* Wood and synthetic mulches are prohibited from all detention and retention areas.

O. **Landscaping on Slopes**.

1. *Steeper Slopes*. Slope banks five feet or greater in vertical height with slopes between 1.5:1 and 2:1 shall, at a minimum, be irrigated and landscaped with an appropriate groundcover for erosion control.

2. *Moderate Slopes*. Slope banks five feet or greater in vertical height with slopes greater than or equal to 4:1 shall, at a minimum, be irrigated and landscaped with appropriate groundcover for erosion control and to soften their appearance as follows:

   a. One 15-gallon or larger tree per each 600 square feet of slope area;

b. One gallon or larger shrub for each 100 square feet of slope area; and

c. Appropriate groundcover.

3. *Tall Slope Banks*. Slope banks in excess of 8 feet in vertical height with slopes greater or equal to 3:1 shall also provide one five-gallon or larger tree per each 1,000 square feet of slope area in addition to the requirements of this Subsection.

4. *Planting Arrangement*. All trees and shrubs should be planted in staggered clusters to soften and vary the slope plane. Slope planting required by this section shall include a permanent irrigation system to be installed by the developer prior to occupancy.

P. **Optimal Landscape Concepts and Approval**. In reviewing the required Landscape Plan, the Director shall have the authority to approve the optimum placement and interrelationship of required landscape plan elements such as trees, vegetation, functional turf, irrigation, screening, buffering and fencing, based on the following criteria:

1. Protecting existing trees, natural areas and features;

2. Enhancing visual continuity within and between neighborhoods;

3. Providing tree canopy cover;

4. Creating visual interest year-round;

5. Complementing the architecture of a development;

6. Providing screening of areas of low visual interest or visually intrusive site elements;

7. Establishing an urban context within mixed use developments;

8. Providing privacy to residents and users;

9. Conserving water;

10. Avoiding reliance on excessive maintenance;

11. Promoting compatibility and buffering between and among dissimilar land uses; and

12. Utilizing curb breaks to capture runoff.

Q. **Prohibited Practices and Elements**.

1. *Undesirable Design*. The use of undersized landscape materials or landscape in an unnatural spaced design is highly discouraged, unless specifically addressed in this LDC.

2. *Artificial Turf*. Partial or entirely synthetic material designed and manufactured to simulate living turf grass shall be prohibited, with the exception of public or private recreation fields as long as they are not against a building foundation or attempting to function as foundation plantings.

3. *Fruit Trees*. Fruit trees are prohibited in tree lawns, rights-of-way, medians, and landscape islands.

4. *Non-Functional Turf. T*urf that does not meet the definition of "Functional Turf" is not allowed in all nonresidential development, common interest community property, and street right-of-way.

a. *Exceptions.* Any improvements that result in a disturbance of 50% or less of the total landscape area.

Sec. 21-4410. - Site Landscaping

A. **Generally**. The site landscaping provisions of this Section, as depicted in Figure 21-4410-1, *Site Landscape Types*, below, include requirements for:

1. Foundation plantings;

2. Landscape areas; and

3. Interior parking lot landscaping.

Figure 21-4410-1, Site Landscape Types

TABLE NOTES:
A = Foundation Plantings | B = Landscape Areas | C = Interior Parking Lot Landscaping

B. **Foundation Plantings**.

1. *Plant Materials*. Building foundation planting, as depicted in Figure 21-4410-2, *Foundation Planting Example*, shall include a combination of low-height plant materials (shrubs, ornamental grasses, perennials) and shall be installed and maintained next to or along building foundation lines where not impeded by building entrances, loading areas, and sidewalks. Foundation plantings may be installed at grade, in raised planters, or decorative plant containers.

2. *Widths, Radii, and Percentage of Facade*. Building foundation planting widths and radii shall be required as set out in Table 21-4410-1, *Foundation Planting Requirements*. The table also provides the minimum percentage of the foundation that the planting area shall occupy.

3. *Location*. Foundation plantings may be immediately abutting the foundation or within a maximum of 10 feet of the foundation. If the plantings are not immediately abutting the foundation, then the space between the foundation and plantings shall be designed for pedestrian circulation. Walkways that provide access to the building may cross building foundation planting areas.

4. *Art*. The use of sculptures, monuments, and other public art installations in the front and side street planting areas shall reduce the required number of building foundation tree plantings by 10 percent.

5. *Fire Resistance*.

   a. *Distance from Foundation*. Foundation plantings shall be installed a minimum of 48 inches from the building foundation.

   b. *Fire Resistance Species*. Foundation plantings that are closer than 48 inches to the building foundation shall be of a species designated as fire resistant in Appendix A, *Plant List*, or shall be approved on a case-by-case basis by the Community Development Director.

6. *Irrigation.* Drip irrigation shall be used to water the plants.

Figure 21-4410-2, Foundation Planting Example

Table 21-4410-1, Foundation Planting Requirements			
District	Minimum Width and Radii Around Building / Percentage of Facade		
	Front and Side Street	Side	Rear
AG, RE, MHP, PUD[1]	--	--	--
R-3, R-1, R-2, MU-C, MU-1[2]	4 ft / 30%	N/A	N/A
C-1, C-2, CC, P	8 ft. / 60%	6 ft.[3] / 40%	4 ft.[3] / 30%
I-A, I-1, I-2, I-3[4]	6 ft. / 40%	4 ft.[3] / 30%	N/A

TABLE NOTES:
1. In a PUD development, the foundation plantings shall be as approved by City Council. In an existing PUD, if the approved plan or ordinance that approved the PUD was silent on foundation plantings, then this table shall apply.
2. Applies only to apartment/condominium, nonresidential, and mixed use buildings.
3. Foundation plantings are required when adjacent to a parking lot or drive-through on the same or adjacent lot.
4. Applies only to nonindustrial uses in I-2 and I-3.

C. **Landscape Areas**.

1. *Definition*. Landscape areas shall include all areas on a site that are not covered by buildings, structures, paving or impervious surface, and bufferyards. Landscape areas are not required as part of outdoor space that is located in the AG, Agriculture district, and maintained in active agricultural use or single-unit residential properties. For single-unit residential properties, the landscape area is limited to the front setback and any side or corner setback adjacent to a street, park, or other open space.

2. *Elements Permitted in Landscape Areas*. Landscape areas may include the following elements:

   a. *Turf Grass*. High-use areas may only be planted with irrigated functional turf grass. Non-irrigated shortgrass prairie grasses, native grasses, or other adapted grasses affiliated with Xeric landscaping, may be established in all other areas.

   b. *Planting Beds*. Shrub and ground cover planting beds shall be separated from turf grass with edging, curbing, or stone borders and shall have open surface areas covered with mulch.

   c. *Detention and Retention Ponds*. Detention and retention ponds may be used as long as they are physically, functionally, and visually integrated into landscaping through the use of topography, building and parking lot placement, plantings, permanent water features, recreational or open space amenities, or other methods. Slopes shall not exceed a 4:1 ratio or be flatter than two percent.

   d. *Drainage Zones*. Drainage zones are areas that are irrigated by runoff water and that may support wetlands and native species adapted to riparian conditions. All drainage conveyance, detention, and

retention areas shall be landscaped using Xeric plant material to reduce irrigation water use and encourage habitat development.

e. *Hardscape*. Landscape areas also may include, by way of example but not by way of limitation, the following areas: plazas, basketball courts, pools, tennis courts, playgrounds, or similar recreational areas or uses. Vehicle drive or parking areas shall not be considered hardscape.

f. *Tree Lawns*. Tree lawns landscaped in connection with development in accordance with the standards contained in this LDC. Tree lawns may contain Xeric plant material in accordance with the approved plant list in Appendix A.

g. *Low Impact Development*. Landscape areas shall follow the low impact development standards in Sec. 22-440.D.

3. *Elements Required in Residential Landscape Areas*.

a. A Single-Unit Dwelling, Two-Unit Dwelling, Rowhouse, or Townhouse shall require a minimum of six shrubs per unit, 50 percent of which shall be deciduous. All other housing types shall require a minimum of six shrubs per two units, 50 percent of which shall be deciduous.

b. Residential landscape areas must contain a minimum of 75% live plants and turf shall not exceed 50% of the total landscape area.

c. Residential developments shall install additional landscaping elements as established in Table 21-4410-2, *Residential Development Landscape Requirements*.

Table 21-4410-2, Residential Development Landscape Requirements

Development Type	Landscape Area	Trees
Single-Unit Dwelling 8,000 sq. ft. lot size or less [1]	Front and side yard	Minimum of 1 shade or evergreen tree
Single-Unit Dwelling greater than 8,000 sq. ft. lot.[1, 2]	Front and side yard	Minimum of 2 shade or evergreen trees
Two-Unit Dwelling, Rowhouse, or Townhouse[1]	Front and side yard	Minimum of 1 shade, ornamental, or evergreen tree per unit.
Multiplex	Entire area	Minimum of 1 shade, ornamental tree, or 1 evergreen tree per two units.

TABLE NOTES:
1. If lot is on a corner, double the required number of trees and shrubs.
2. For lots greater than 24,000 square feet in size, double the required number of trees and shrubs in front and side yard.

4. *Elements Required in Mobile Home Parks*. The following elements are required for mobile or manufactured home parks in addition to any other requirements of the MHP, Mobile Home Park district. A mobile or manufactured home park shall provide a Type D street bufferyard around those portions of the park perimeter (exterior property lines) that border public rights-of-way. If a wall or fence is provided as part of the street bufferyard, it shall be setback a distance not less than 25 feet from the exterior property lines that border public rights-of-way. The mobile home park perimeters that do not border rights-of-way shall meet residential bufferyard requirements as provided in Sec. 21-4430, *Bufferyards*. Additional landscaping may be required based on the specific layout of the park. Each mobile or manufactured home space shall be provided with at least one tree. The property owner shall be responsible for the installation and continual maintenance of the required landscaping.

5. *Elements Required in Nonresidential Landscape Areas*. Nonresidential developments must contain a minimum of 75% live plants.

D. **Interior Parking Lot Landscaping**.

1. *Generally*. Parking lots that have interior rows of parking spaces shall have landscaping as depicted in Figure 21-4410-3, *Interior Parking Lot Landscaping Elements*, comply with the provisions of this Subsection.

Figure 21-4410-3, Interior Parking Lot Landscaping Elements

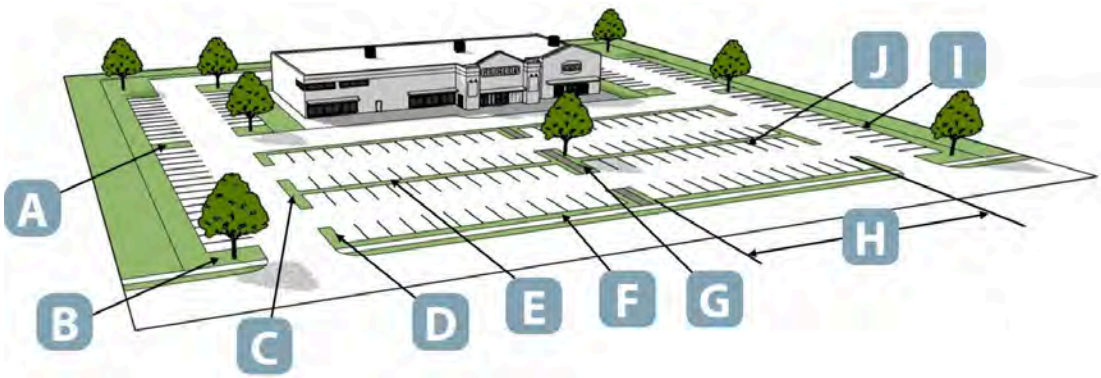


TABLE NOTES:
A = Single Interior Island | B = Corner Island | C = Double Endcap Island | D = Single Endcap Island | E = Median | F = Parking Bufferyard | G = Double Interior Island | H = Maximum Interval | I = Single Parking Row | J = Double Parking Ro

Table 21-4410-3, Interior Parking Landscaping Requirements

Interior Parking Landscaping Element	Standards
Single endcap island with groundcover[1] and 1 shade tree or 3 evergreen or ornamental trees and 6 shrubs or other Xeric plant material	▪ At the end of all parking rows ▪ Each endcap island shall be a minimum of 9' wide and the length of the parking row ▪ To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than 24 inches in height shall be located within 15 feet of a curb cut ▪ Shade trees shall comprise at least 75 percent of the trees within the endcap islands ▪ Double endcap islands shall have double the required trees and shrubs
Corner island with groundcover[1] and 1 shade tree or 3 evergreen or ornamental trees	▪ At the corners of parking lots ▪ Each corner island shall be a minimum of 200 square feet in area ▪ To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than 24 inches in height shall be located within 15 feet of a curb cut ▪ Shade trees shall comprise at least 75 percent of the trees within the corner islands

Table 21-4410-3, Interior Parking Landscaping Requirements	
Single interior island with groundcover[1] and 1 shade tree or 3 evergreen or ornamental trees and 6 shrubs or other Xeric plant material	▪ Placed so that there are no more than 15 continuous parking spaces between interior islands[2] ▪ Each interior island shall be a minimum of 9' wide and the length of the parking row ▪ To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than 24 inches in height shall be located within 15 feet of a curb cut ▪ Shade trees shall comprise at least 75 percent of the trees within the interior islands ▪ Double interior islands shall have double the required trees and shrubs
Median with 1 shade tree or 3 evergreen or ornamental trees and 6 shrubs per 30 linear feet, groundcover[1] and native grasses, mulch, shrubs, planters, or other Xeric plant material	▪ Placed along the entire centerline of all parking rows or double parking rows ▪ Each median shall be a minimum of 9' wide, or 14' wide if the median contains a walkway ▪ Shade trees shall comprise at least 75 percent of the trees within the interior islands ▪ To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than 24 inches in height shall be located within 15 feet of a curb cut
Parking bufferyard	▪ Refer to Sec. 21-4430, *Bufferyards*

TABLE NOTES:
1. The groundcover area shall not include concrete, asphalt, or other impervious surfaces, with the exception of xeriscape groundcover, rocks, decorative pavers, or stamped, dyed concrete which may be used only within the first one and a half feet of the parking island to allow persons to access their vehicle without stepping on landscaping. The height of the groundcover plant species chosen shall not interfere with sight distance triangles along access drives or anywhere throughout the parking lot.
2. See Item H in Figure 21-4410-1, above for an example of a perimeter parking interval.

2. *Walkways and Driveways*.

   a. A minimum of one concrete pedestrian walk, six to eight feet wide, depending on the location and design and determined by the Director, shall be provided along the length of the landscape median closest to the building entrance. The walkway shall connect to perimeter pedestrian walks, whenever possible, and include raised or striped crosswalks.

   b. Connecting walkways through parking lots shall have one shade tree per 30 linear feet of such walkway planted in landscape areas within five feet of such walkway. Driveways through or to parking lots shall have one shade tree per 30 linear feet of and along each side of such driveway, in landscape areas within five feet of such driveway.

Sec. 21-4420. - Tree Preservation Credit

A. **Tree Quantity Requirements.** All trees and other plant materials shall meet the tree quantity requirements established in Sec. 21-4410, *Site Landscaping*.

B. **Preservation Credits**. To encourage the retention of healthy, mature trees, credit toward the required number of newly planted trees may be approved for preserved trees, subject to the following criteria:

1. *Eligibility Criteria.* Preserved trees may count toward the required tree quantity if they:

   a. Are a minimum of eight inches in diameter;

   b. Are in good health and structural condition, as verified by an arborist or landscape professional approved by the Community Development Director;

   c. Are appropriately protected during construction; and

   d. Are located in an area where they will remain viable long-term (e.g., not within future building pads or infrastructure corridors).

2. *Credit Ratio.* Eligible preserved trees may be credited at a 2:1 ratio, such that:

   a. One preserved tree = Two required new trees.

   b. No more than 50% of the total tree planting requirement may be satisfied through preservation credits unless otherwise approved by the Community Development Director due to site constraints or presence of exceptional trees.

3. *Documentation Requirements.* To receive credit, the following must be included with the landscape or development plan:

   a. Location, species, and diameter of the preserved trees;

   b. A description of the tree protection measures during construction; and

   c. Certification of condition of the preserved trees by a qualified arborist.

4. *Maintenance and Replacement.* Preserved trees that are damaged, removed, or die within two years of final inspection shall be replaced with new plantings in accordance with the minimum size standards in Table 21-4420-1, *Minimum Plant Size and Spacing Requirements*.

Sec. 21-4430. - Bufferyards

A. **Generally**. The bufferyards required in this Section provide physical barriers and transition between properties of differing land uses, between a parking area and a street, and between a building and a street, to reduce the effects of sound, sight, noise, and other incompatibilities. The district boundary, perimeter parking, and street bufferyards, as depicted in Figure 21-4430-1, *Bufferyards*, are based on the amount of buffering and screening they provide. They are classified from less buffering (Type A) to more buffering (Type D), depending on the abutting zoning districts, parking lot, or street type.

Figure 21-4430-1, Bufferyards
District Boundary Bufferyard - Between Differing Zoning Districts

Figure 21-4430-1, Bufferyards

Perimeter Parking Bufferyard - Between a Parking Area and a Street or Adjacent Property

Street Bufferyard - Between a Street and the Remainder of the Property

B. **General Standards**.

1. *Groundcover*. Except as otherwise specified, in addition to the required plantings, walls, fences, and berms, the remaining portions of all bufferyards shall contain groundcover other than turf grass.

2. *Plant Groupings*. Bufferyard trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization.

3. *Earthen Berms*. Berms within a bufferyard may undulate and vary to accommodate drainage and to provide a natural appearance. Incorporation of a berm into a bufferyard may result in a need to increase the width of the bufferyard beyond what is required in Table 21-4430-1, *Bufferyard Classifications and Illustrations*.

4. *Encroachment*. No part of any required bufferyard shall be used for structures, storage, parking, loading, locating refuse containers, or any similar activity.

5. *Access Breaks*. Breaks for pedestrian, bicycle, and vehicle access are permitted on the condition that access shall be designed to cross a bufferyard at as near a perpendicular angle as practical. The existence of access ways or driveways within a bufferyard yard shall not reduce the minimum requirements for trees and shrubs.

6. *Low Impact Development*. Low impact development and other similar stormwater management features as established in Sec. 21-4400.D, *Low Impact Development*, are permitted in a required bufferyard. Refer to Sec. 21-4460, *Sustainability Index*, for incentives for incorporation of these features.

7. *Relation to Setbacks*. Bufferyards may be provided in the area required for setbacks by the zoning district.

8. *Bufferyards Exceeding Setbacks*. Where the required bufferyard exceeds the setback required by the zoning district the bufferyard required by this Section shall be provided.

9. *Credit for Existing Buffer*. An existing vegetated area proposed to be preserved in accordance with Sec. 21-4400.K, *Tree Preservation*, shall be credited toward these bufferyard requirements. The plant material to be saved shall be listed in Appendix A, *Plant List*, shall be identified and illustrated to show their size and height, and shall be in a healthy condition.

10. *Bufferyards Adjacent to a Vacant Parcel*. Bufferyards adjacent to vacant parcels of property shall only be required to provide one-half of the required bufferyard in this Section. When the vacant property develops, it shall be required to provide the remainder of the required bufferyard.

C. **Bufferyard Types**. There are four types of bufferyards, each of which varies in width and the numbers and types of plants required per 100 linear feet. The minimum planting requirements for each type of bufferyard are specified and illustrated in Table 21-4430-1, *Bufferyard Classifications and Illustrations*.

Table 21-4430-1, Bufferyard Classifications and Illustrations

Type	Width (A)	Required Plantings per 100 Linear Feet (B)				Height of Berm, Wall, or Fence[1] (C)
		Shade Trees	Ornamental Trees	Evergreen Trees	Shrubs	
Option 1: Landscape-Only Bufferyard						
Type A	10'	1	1	1	5	N/A

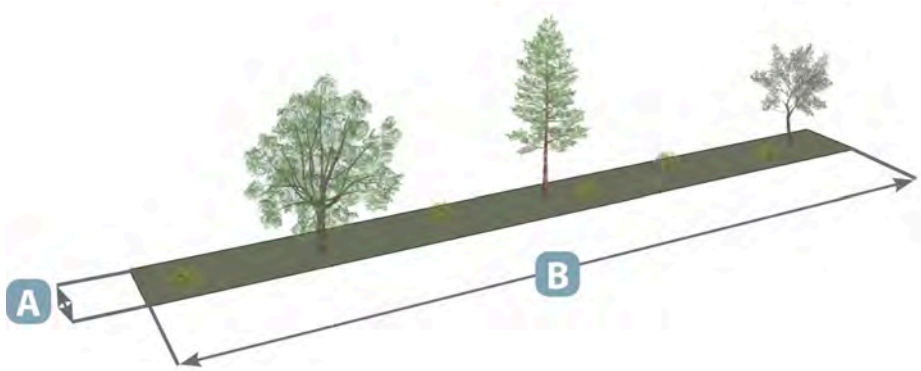


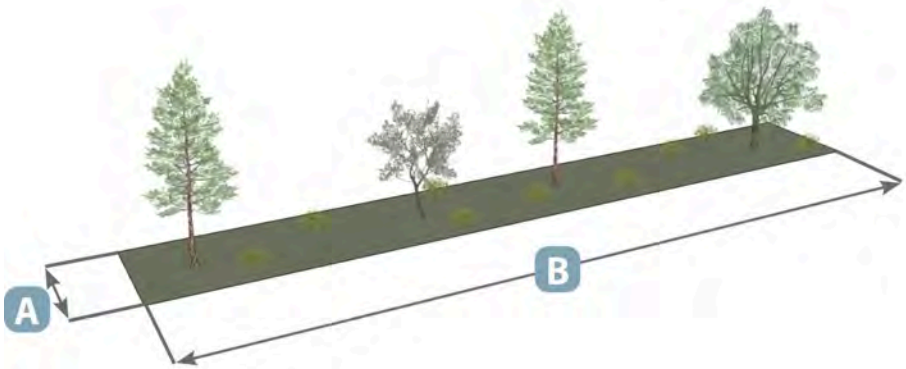
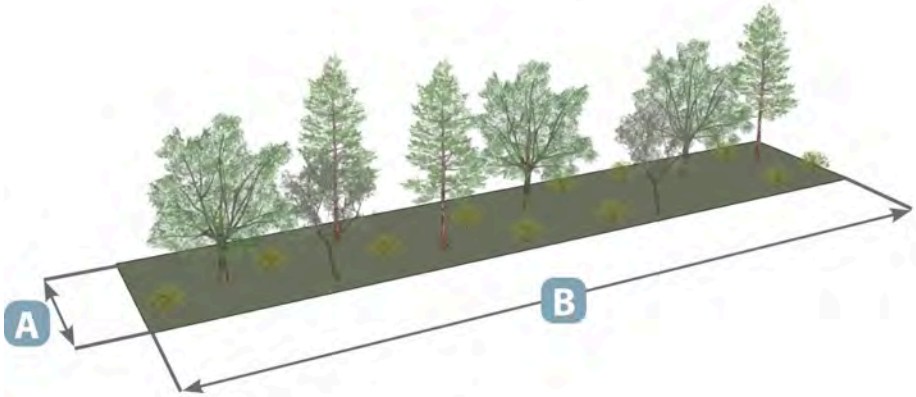
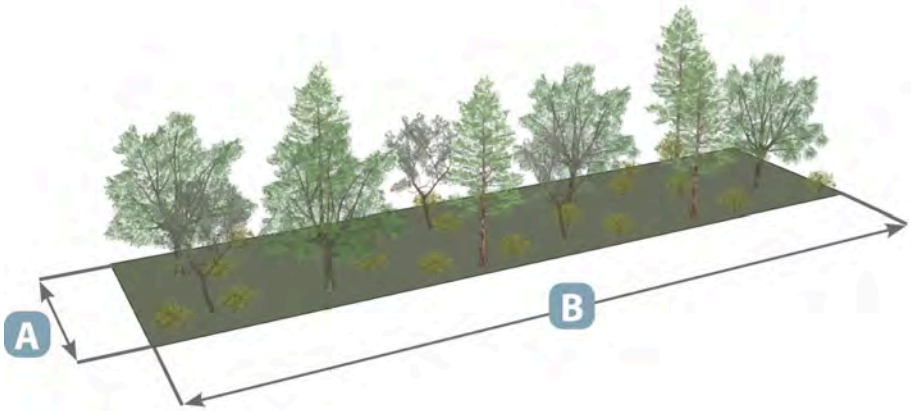
Table 21-4430-1, Bufferyard Classifications and Illustrations						
Type	Width (A)	Required Plantings per 100 Linear Feet (B)				Height of Berm, Wall, or Fence[1] (C)
		Shade Trees	Ornamental Trees	Evergreen Trees	Shrubs	
Type B	15'	2	1	2	8	N/A
						
Type C	20'	3	2	3	10	N/A
						
Type D	25'	4	3	4	20	N/A
						
Option 2: Landscape with Berm or Wall[2]						
Type A	5'	1	1	0	0	6' tall brick or stone wall / 4' tall berm

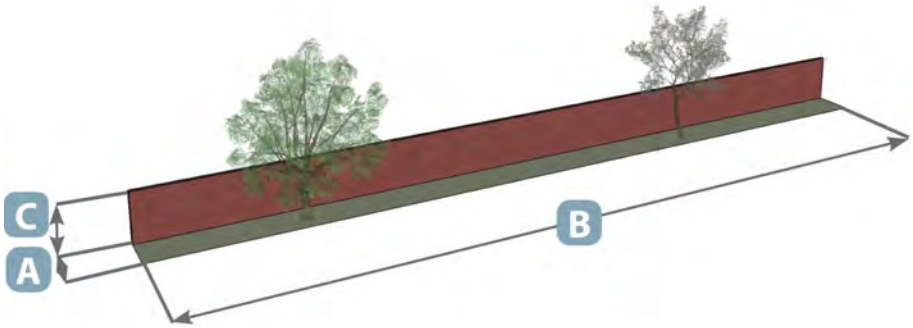
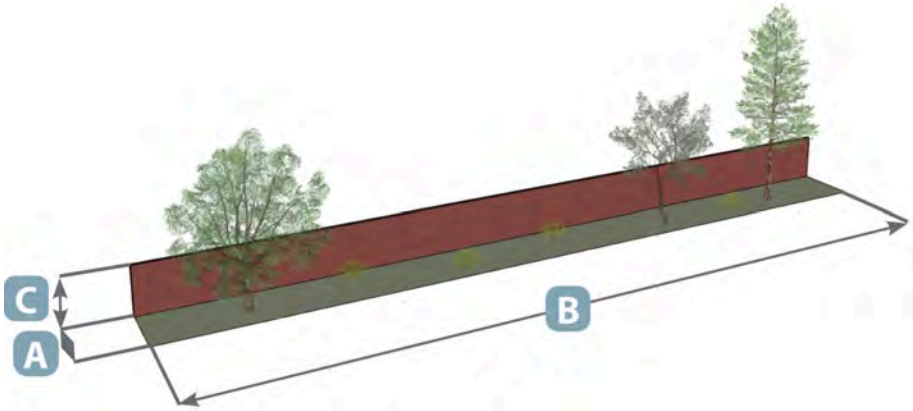
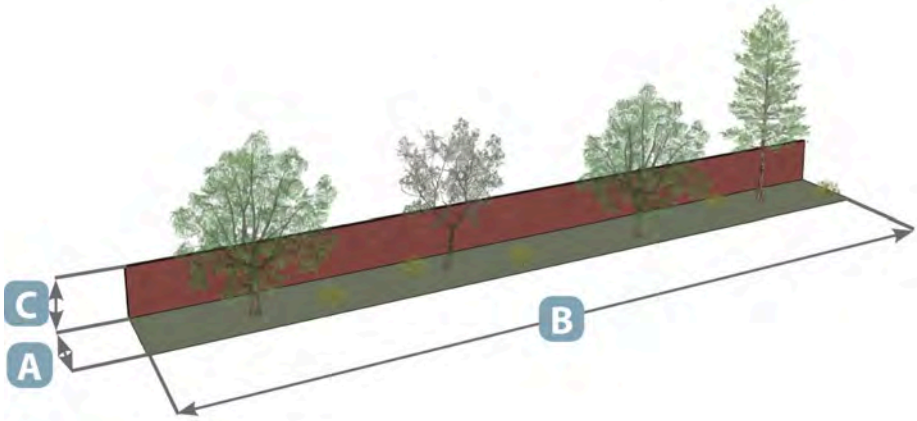
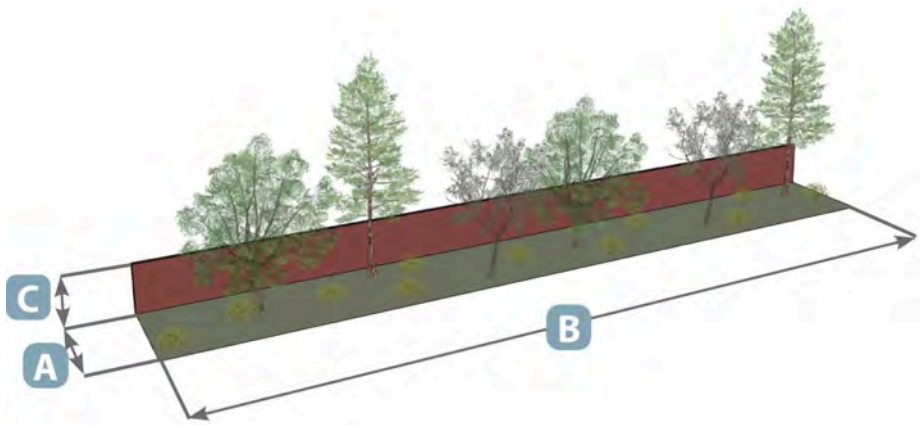
Table 21-4430-1, Bufferyard Classifications and Illustrations						
Type	Width (A)	Required Plantings per 100 Linear Feet (B)				Height of Berm, Wall, or Fence[1] (C)
		Shade Trees	Ornamental Trees	Evergreen Trees	Shrubs	
						
Type B	8'	1	1	1	4	6' tall brick or stone wall / 4' tall berm
						
Type C	10'	2	1	1	5	6' tall brick or stone wall / 4' tall berm
						
Type D	13'	2	2	2	10	6' tall brick or stone wall / 4' tall berm

Table 21-4430-1, Bufferyard Classifications and Illustrations						
Type	Width (A)	Required Plantings per 100 Linear Feet (B)				Height of Berm, Wall, or Fence[1] (C)
		Shade Trees	Ornamental Trees	Evergreen Trees	Shrubs	



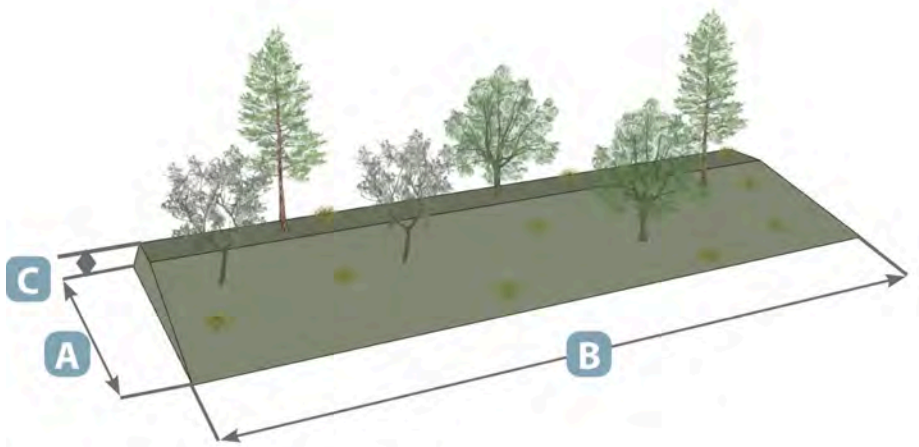


Table Notes:
1. A berm, wall, or fence is not required for landscape-only bufferyards.
2. Plant material may be installed on the inside or outside of the wall or fence facing the abutting properties. Plant material shall be installed on the outside of the wall or fence facing the street.

D. **District Boundary Buffer**.

1. *Table Instructions*. Table 21-4430-2, *Bufferyard Requirements by Zoning District*, shows all base and special purpose zoning districts. The rows indicate the zoning of the property proposed for development, and columns indicate the zoning of the adjoining land. The letters indicate which type of bufferyard is required to be planted on the parcel proposed for development as detailed in Table 21-4430-1, *Bufferyard Classifications and Illustrations*. Where "--" is found, there is no bufferyard required. Refer to Sec. 21-4480, *Alternative Compliance*, for situations such as infill development, that may allow for a lesser bufferyard than required in the table.

2. *Bufferyard Composition*. Required bufferyards may be with or without a wall or berm as follows:

   a. *Walls and Fences.* Walls or fences that are part of the required district bufferyard shall:

      i. Be composed of masonry, stone, or wood only, and if a fence, shall contain brick or masonry columns spaces a maximum of 40 feet apart. Prohibited wall or fence materials include, but are not limited to: wood, plywood, corrugated steel sheets, and chain-link with or without weave mesh or slats;

      ii. Not encroach into the public right-of-way;

iii. Be maintained by the homeowner or homeowners' association, or property owner or property owners' association, as applicable; and

iv. Have plans and details designed and sealed by a licensed professional engineer and be approved by the Building Official if required.

b. *Berms.*

i. Earthen berms that are part of a required district bufferyard shall have:

(A) A minimum two-foot-wide flat area on top;

(B) Slopes of not less than four feet horizontal for each one foot vertical; and

ii. To accommodate a berm, the bufferyard may need to be wider than required in Table 21-4430-1, *Bufferyard Classifications and Illustrations*. For example, a Type A bufferyard would have to be over 34 feet in width to accommodate the berm but will only require the number of plantings required for a Type A bufferyard.

Table 21-4430-2, Bufferyard Requirements by Zoning District

Zoning District of Parcel Proposed for Development	Zoning District of Abutting Property				
	R-E, R-1, R-2	R-3, MHP	C-1, C-2, C-C, MU-C, MU-1	I-A, I-1	I-2, I-3
R-E, R-1, R-2	N/A	Type A	Type A	Type B	Type C
R-3, MHP	Type A	N/A	Type A	Type B	Type C
C-1, C-2, C-C, MU-C, MU-1	Type B	Type A	N/A	Type A	Type B
I-A, I-1	Type C	Type B	Type B	N/A	Type A
I-2, I-3	Type D[1]	Type D[1]	Type C	Type B	N/A

Table Note:

1. Bufferyard shall be limited to only Option 2.

3. *District Boundary Buffer Standards*.

a. For purposes of this Section, an adjacent zoning district or land use, as described above, includes all zoning districts or land uses on properties abutting the subject property. Where the property shares a boundary with more than one zone district, the width of the most intense buffer shall be required along that particular property line.

b. When the AG, Agricultural district is considered for buffer requirements, the future land use designation in the Comprehensive Plan and the associated zoning district that results in the most intense bufferyard shall be used to determine buffer requirements.

c. Trees and shrubs planted as part of the buffer requirement cannot be used to meet any other landscaping requirement in this LDC, except for the requirements of Sec. 21-4420, *Tree Canopy*.

d. All areas of the bufferyard outside of trees, shrubs, and/or flowerbeds shall be covered with a City-approved mulch.

e. The bufferyard requirements of this Section apply whether or not the property in the adjacent zoning district as set forth in the first table is developed.

f. For reasons of conflicting uses, unfavorable topography, or other unique or extraordinary circumstances, the Director may increase or decrease landscape plantings in any required bufferyard in accordance with Sec. 21-4480, *Alternative Compliance*.

g. In situations where the Director determines that the arrangement of uses or design of buildings does not adequately mitigate conflicts reasonably anticipated to exist between dissimilar uses or building designs, one or more of the following landscape buffering techniques shall be used to mitigate the conflicts.

i. *Separation and Screening with Plant Material*. Planting groups of evergreen trees, shade trees, ornamental trees, or shrubs;

ii. *Integration with Plantings*. Incorporating trees, vines, planters, or other plantings into the architectural theme of buildings and their outdoor spaces to subdue differences in architecture and bulk and avoid harsh edges;

iii. *Establishing Privacy*. Establishing vertical landscape elements to screen views into or between windows and defined outdoor spaces where privacy is important, such as where larger buildings are proposed next to side or rear yards of smaller buildings;

iv. *Visual Integration of Fences or Walls*. Providing plant material in conjunction with a screen panel, arbor, garden wall, privacy fence, or security fence to avoid the visual effect created by unattractive screening or security fences; and

v. *Landform Shaping*. Utilizing berming or other grade changes to alter views, subdue sound, change the sense of proximity and channel pedestrian movement.

E. **Perimeter Parking Bufferyard**.

1. *Type Required*. Except for single-unit dwelling, two-unit dwelling, and multi-unit dwelling development, the perimeter of parking areas shall contain a bufferyard based on the size of the parking area as follows:

a. 1 to 10 parking spaces: no bufferyard required;

b. 11 to 50 parking spaces: Type A bufferyard;

c. 51 to 100 parking spaces: Type B bufferyard;

d. 101 to 150 parking spaces: Type C bufferyard; and

e. 151 or more parking spaces: Type D bufferyard.

2. *Shrubs and Hedgerows*. In place of shrub planting requirements in a landscape-only bufferyard type, a perimeter parking bufferyard shall contain an evergreen hedgerow a minimum of three feet in height that provide a continuous screen within three years of planting.

3. *Where no District Boundary Bufferyard is Required*. Where a perimeter parking bufferyard is required, but no district boundary bufferyard is required (for example, where a parking area lies along the boundary of identical zoning districts), then the perimeter parking bufferyard shall consist of one of the following types under Option 1.

a. *Type A with Shrubs*. This option consists of a modified Type A landscape-only bufferyard between the parking area and the adjacent property, excluding access openings. A continual hedgerow of evergreen shrubs that provide a continuous screen within three years of planting shall be required to serve as a screening device.

b. *Type A with Knee Wall*. This option consists of a modified Type A bufferyard between the parking area and the adjacent property, excluding access openings. A knee wall between three feet and four feet in height

shall be required to serve as a screening device.

c. *Type A with Berm*. This option consists of a modified Type A bufferyard with a berm between the parking area and the adjacent property, excluding access openings. A berm a minimum of two and one-half feet higher than the finished elevation of the parking area and an evergreen hedgerow a minimum of three feet in height that provide a continuous screen within three years of planting shall be required. The berm shall have a rounded crown suitable for planting and stabilized slopes of not less than three feet horizontal for each one-foot vertical.

F. **Street Bufferyards**.

1. *Location*.

a. Street bufferyards are required on private property, outside of the existing street right-of-way or, for private streets, the paved roadway, and outside of future rights-of-way, along the entire length of the property excluding driveway openings.

b. A street bufferyard shall include an area beginning at the property line adjacent to a street right-of-way or adjacent to an easement line for a private street, extending into the private property to establish the required width as listed in this Subsection.

c. The street bufferyard's trees, shrubs, ground cover, and other landscaping shall be placed and maintained so as not to cause a visual obstruction and so as not to violate the visibility triangle established in Sec. 21-11110, *Measurements*.

2. *Type Required*. Except for single-unit dwelling, two-unit dwelling, and multi-unit dwelling development, the property shall contain a bufferyard based on the adjacent street classification as follows:

a. Local: Type A bufferyard;

b. Collector: Type B bufferyard;

c. Arterial: Type C bufferyard; and

d. Colorado DOT State Highway and Interstate, Pena Boulevard, and E-470 Tollway: Type D bufferyard.

3. *Design*. The design of fences or walls in a street bufferyard shall avoid long stretches to the point of visual monotony and shall be varied by using changes in height, different material combinations, offset angles, or other types of articulation.

4. *Noise Reduction*. Where a residential subdivision borders a railroad right-of-way, a limited access highway, or a principal arterial, an Option 2, Type D bufferyard shall be provided for adequate reduction of noise pollution. This buffer is in addition to any required right-of-way and exclusive of any lot size requirements.

Sec. 21-4440. - Right-of-Way Landscaping

A. **Requirements for Landscaping in or Near Rights-of-Way**.

1. *Maintenance*. Tree lawns shall be maintained by the owner of the property adjacent to the tree lawn.

2. *Tree Spacing for Separated Sidewalks*. Wherever the sidewalk is separated from the street by a tree lawn, canopy shade trees shall be planted at 35 foot intervals (spacing) in the center of all such tree-lawn areas and a minimum of 10 feet from the utility line of any public utility for storm sewer, sanitary sewer, and water (potable & irrigation). The City Engineer may require wider spacing if necessary for development of the tree or for safe use of the street or sidewalk. When space is limited or to achieve certain design effect, closer spacing may be considered.

3. *Grouping or Clustering*. In cases where the sidewalk meanders, grouping or clustering of trees may be allowed provided that the total number of trees are achieved.

4. *Tree Spacing for Attached Sidewalks*. Wherever the sidewalk is attached to the street, canopy shade trees shall be established in an area ranging from three to seven feet behind the sidewalk at 30- to 40-foot spacing.

5. *Planting Cutout Areas*. Wherever the sidewalk is attached to the street and is 10 feet or more in width, or extends from the curb to the property line, canopy shade trees shall be established in planting cutout areas of at least 16 square feet at 30- to 40-foot spacing.

6. *Xeriscape*. The tree lawn planting design shall consist of Xeric plant material and shall include an irrigation system appropriate for the planting design. The tree lawn planting design shall consist of Xeriscape design principles in accordance with Sec. 21-4400.J, Water Conservation Requirement.

7. *Centering of Plantings*. Trees must be planted in the center of the planting strip measured from the front of the sidewalk and back of the curb unless the applicant can demonstrate a conflict with underground utilities.

8. *Distance from Sidewalk*. No street tree shall be planted closer to the street than two and a half feet from the back of the sidewalk. No tree planting shall be permitted where the distance between the back of curb and a detached sidewalk is less than five feet.

9. *Distance from Driveways, Alleys, and Utilities*. No tree shall be planted:

   a. Closer than 10 feet from any driveway or alley, measured from the radius return;

   b. Closer than 10 feet from any fire hydrant;

   c. Closer than 10 feet from any public utility line for storm sewer, sanitary sewer, and water (potable & irrigation);

   d. Closer than 15 feet from a street intersection, measured from the intersection of right-of-way lines; or

   e. In such a manner than its eventual growth cannot be reasonably controlled so as to avoid interference with or obstruction to any improvements installed for public benefit.

B. **Right-of-Way that also is a State or Federal Highway**. This Subsection is intended to provide as close to the full arterial landscaping requirement as allowed or recommended by the Colorado Department of Transportation (CDOT).

1. *Curb and Gutter Provided.* If curb and gutter is to be installed within the right-of-way with the development, full arterial right-of-way landscaping standards shall apply.

2. *Curb and Gutter Deferred*. If curb and gutter is to be installed in the future, but not as part of this development as determined by the City, the applicant shall identify the clear zone on all plans and provide information on the plan as required under a final landscape plan to identify which portions of the full arterial standards will be installed with the development and for which portions the developer will pay cash in lieu.

3. *Curb and Gutter not Required*. If curb and gutter shall not be installed in the future as determined by the Public Works Department, the applicant shall provide information on the plan as required under a final landscape plan to identify the clear zone as defined and regulated by CDOT. Outside the clear zone, the applicant shall be required to install trees and shrubs in the quantities required per this code. The applicant will provide irrigation in the right-of-way outside the clear zone. The applicant shall also seed the right-of-way clear zone, using a suitable grass seed mixture and temporary irrigation until final acceptance by the City.

4. *Deferred Landscaping*. If full arterial landscaping is not to be installed in conjunction with the development or redevelopment public improvement construction, it shall be completed by the City at a later time. In the event of such deferment, the applicant shall seed the right-of-way, or any portion thereof, to ensure a viable grass stand using a suitable grass seed mixture and temporary irrigation and establish and maintain all such areas until final acceptance by the city. The applicant shall deposit with the City the dollar value of the required landscaping and other public improvements for future construction.

Sec. 21-4450. - Screening

A. **General Provisions**.

1. *Finish*. All fence posts and related supporting members of a fence, whether for required screening purposes or for privacy, shall be erected so that the finished sides of the fence face the adjacent property or public right-of-way.

2. *Maintenance*. Fences and walls, including supports, shall be maintained in a proper state of repair. The property owner shall repair any damage to or deterioration of a fence or wall, whether due to vandalism, weather, age, loss of mortar, or peeling paint. For maintenance of living screening materials, refer to Sec. 21-4470, *Installation and Maintenance*.

B. **Screening Areas of Low-Visual Interest**.

1. *Loading Docks*.

   a. Loading docks shall be a minimum of 50 feet from any residentially zoned or used property unless completely enclosed by building walls, or a uniformly solid wall, or any combination of the two, as depicted in Figure 21-4450-1, *Enclosed Loading*.

   b. Where the Community Development Director determines that an enclosed loading area is not possible, the loading area shall be screened along its length by a district boundary bufferyard that has one additional level of intensity (for example, from a Type B bufferyard to a Type C bufferyard) than required Sec. 21-4430, *Bufferyards.*

   c. Loading facilities within 25 feet of the nearest point of any street intersection are prohibited.

Figure 21-4450-1, Enclosed Loading

2. *Mechanical Equipment*. For all primary structures except two-unit dwelling, single-unit dwelling, and multi-unit dwelling residential uses, rooftop, wall mounted, and ground mounted mechanical equipment and appurtenances shall be screened from all sides. 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. Apartment/Condominium 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 and Recycling Receptacles*.

   a. *Screening Device*. For all primary structures except two-unit dwelling and single-unit dwelling residential uses, all trash and recycling receptacles shall be screened in one of the following manners:

i. Enclosed with an opaque 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; or

ii. Located within a principal structure or within an accessory structure such as a garage, subject to approval by the City Engineer.

b. *Design Options*. The screening wall or fence required by this Section shall:

i. Be planted with vines;

ii. Be architecturally compatible, in material and color, with other buildings and structures on the site; or

iii. Display a mural compliant with Division 4.7, *Signs*.

c. *Setbacks*. All trash or recycling receptacles shall be located a minimum of 25 feet from residential zoning districts; however, the Community Development Director is authorized to approve reduced setbacks when site size or other conditions prevent compliance with this setback.

d. *Maintenance*. All screening materials shall be well maintained at all times.

4. *Miscellaneous Utility Equipment*. Utility meters, electric transformers, and similar equipment, with the exception of water meters and fire hydrants, 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.

C. **Fence Standards.**

1. *Fence and Wall Styles.*

a. *Open Style Fencing*. Open style fences shall not be designed to completely conceal the interior portion of the lot. An acceptable design for open style fencing shall include open rail, split rail, separated picket, chain link, wrought iron, or similar design approved by the City. With the exception of alternating picket fences, the minimum spacing between pickets shall be two inches. Wire material may be attached to the interior property side of the fence to provide for security and pet containment.

b. *Screen Style Fence*. Screen fences shall provide an opaque surface designed to conceal the interior portion of a property from an adjacent property and the public right-of-way. Screen fencing is not allowed on a lot without a principal structure.

c. *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 material built on top of that base. Such fencing shall be classified as open style.

d. *Electric Fences.* Electrified fences are permitted in agricultural zoned districts for agricultural and security purposes and in industrial districts for security purposes. For purposes of this Section, an electric fence shall include electric systems that use an electrified buried cable, so long as no part of the electrified cable protrudes above the surface of the ground. Except as specifically provided herein, electric fences shall comply with the following standards.

i. *Agricultural Zone District Requirement.* No electric fence used for the containment of livestock shall have more than two electric strands. Electric fences that are installed for the purpose of securing farm equipment shall be permitted provided that they comply with each of the elements outlined in paragraph ii of this Section relating to electric fences installed in industrial zone districts and further provided that they do not enclose any structure used as a primary residence.

ii. *Industrial Zone District Requirements.*

(A) A perimeter nonelectric fence must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six inches from the electric fence. At gates, the perimeter fence shall be located not less than three inches from the electric fence. Perimeter fences shall be regulated by Table 21-4450-1, *Fence and Wall Standards*.

(B) Warning signs, notifying the public of the existence of the electric fence, shall be posted in a conspicuous manner on the property and at intervals of not less than 25 feet on any property line that abuts either a residential or public zone district and not less than 50 feet on any property line abutting any other zone district. Warning signs shall be written in English and Spanish and shall include a diagram illustrating the fence is electrified.

(C) A key box with an entry key shall be installed at one or more locations, as determined by the fire department.

(D) No electric fence shall be installed or operated with a power source other than a storage battery not exceeding 12 volts direct current. Notwithstanding the foregoing, a backup system to maintain security in case of battery failure shall be permitted provided such system will not result in higher voltage being delivered upon contact with the fence.

(E) It shall be unlawful to place an electric fence along any property line adjacent to a residential or public zone district or use unless:

(1) The electric fence and the perimeter fence required by paragraph (A) above are set back a minimum of 20 feet from the property line and an additional perimeter fence is erected on the property line; or

(2) A solid style fence or wall is constructed as the perimeter fence

(F) The maximum height for an electric fence in each of the categories contained in Table 21-4450-1, *Fence and Wall Standards* shall be no more than two feet higher than the perimeter fence.

e. *Barbed Wire and Razor Wire.* Razor wire and fencing with sharp projection tips are prohibited in all zone districts. Barbed wire fencing shall be prohibited in all zone districts with the following exceptions:

i. Fences in industrial zone districts may be topped with up to three strands of barbed wire, provided that the wire is installed at least six feet above grade;

ii. Barbed wire may be used as a fencing material in agricultural zone districts; and

iii. Barbed wire is allowed on rural properties being used for agricultural purposes, but not zoned for such, as determined by the Community Development Director.

2. *General Standards*.

a. *Finished Side*. The finished side (side without exposed rails) of any fence fronting on a public right-of-way must face the public right-of-way.

b. *Transitions.* When fences or walls of differing heights are connected on the same property or across property lines there shall be an area of transition between fence heights that shall be approved by the department.

c. *Sight-Distance*. No fence or wall shall be placed in any location or at any height that unreasonably obstructs the vision of any person exiting a property. The exact amount of unobstructed visibility shall be determined by topography of the site, the traffic speed limit on the street, and the proximity of the driveway to the fence.

d. *Materials*. Fence materials shall consist of wood, brick, stone, masonry, stucco over concrete block, vinyl, wrought iron, aluminum, fiberglass, composite or chain link materials to be approved by the City. Decorative materials, including but not limited to tile or glass block, may be incorporated into the design of permitted fences or walls. Sheet plastic, sheet metal, and plywood fencing shall not be allowed. Corrugated metal shall only be allowed in industrial zone districts. Chain link fencing with inserts, slats and/or attached fabric screening material are prohibited. All fences shall be constructed of materials of commercial fencing quality.

e. *Maintenance*. All fences and walls, including those in existence on the effective date of this Section, shall be maintained in good condition so as to meet the intent for which they were installed. Without limiting the foregoing standard, all fences shall be kept in an upright and sturdy condition, free from the appearance of deterioration and graffiti, and painted or stained as needed.

f. *Openings, Gates, and Driveway Length*. Gates installed as part of the fence must be hinged to open into private property and are prohibited from encroaching into the public right-of-way and public property. Gates located to secure access from a driveway or drive aisle into private property must be set back as provided in Table 21-4450-1, *Fence and Wall Standards*.

g. *Maximum Length*. Unless otherwise stated in this Section, the maximum continuous length of any wall or fence (regardless of any articulation or changes in the fence plane) shall be 1,500 feet along an arterial street and 1,000 feet along a collector or local street.

h. *Minimum Articulation*. Fences constructed for screening purposes along the public right-of-way, if greater in length than 200 continuous linear feet, shall include an architectural feature such as a masonry column or pillar every 75 feet. A masonry column must be placed at all corners or turning points. With the exception of single-unit residential front yards, a masonry column or pillar may exceed the height of the fence by one foot. If a column or pillar is not used, then each 24-foot fence Section or fence panel shall be staggered or offset a minimum of four inches, or include a vertical support element that is exposed to the public right-of-way subject to the approval of the City.

i. *Height Measurement*. The height of a fence or wall shall be the distance from the top of the fence or wall to the highest finished grade of the lot directly under the fence or wall. When a fence is erected on top of a retaining wall, the height of the fence shall be measured from the top of the retaining wall.

j. *Easements*. Fences may be permitted within city easements. However, the City shall not be responsible for the repair or replacement of fences that must be removed to access such easements.

3. *Fence and Wall Requirements by Land Use*.

a. *Table.* All fences shall comply with the following standards related to land use in Table 21-4450-1, *Fence and Wall Standards*.

Table 21-4450-1, 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	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	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	30 inches	10 feet	20 feet	20 feet

Table 21-4450-1, Fence and Wall Standards					
	Agricultural	Residential	Commercial and Mixed Use	Industrial	Public/Institutional
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 Community Development Director.	Open or Screen as determined by Community Development Director.	Open or Screen as determined by Community Development Director.
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)					
	20 feet	20 feet	50 feet	50 feet	50 feet

D. **Retaining Walls.** All retaining walls shall meet the following requirements:

1. *Maximum Height.* The maximum height of any retaining wall that is not attached to a primary structure and not necessary to compensate for a change in grade on the site shall not exceed four feet. The maximum height of any retaining wall that is attached to a primary structure and necessary to compensate for a change in grade (with no artificial fill) shall not exceed six feet. A series of low retaining walls (instead of one taller retaining wall) shall be used whenever possible. Where multiple retaining walls are used, minimum horizontal spacing shall be at least four feet.

2. *Railing Required.* Where the construction of a retaining wall results in a downward vertical drop of more than 30 inches within four horizontal feet of a sidewalk, walkway, or other public circulation area, a railing at least 42 inches high shall be placed along the top edge of the retaining wall to prevent pedestrians from falling over the edge of the retaining wall.

3. *Materials.* Dry-stacked native stone, pre-cast masonry block materials, cast in place concrete, or masonry block walls with stone, brick, or stucco facing should be used for retaining walls. Treated timber walls and railroad tie walls shall not be used for retaining walls, except on single-unit dwelling and two-unit dwelling residential properties. Tires are prohibited from being used as a retaining wall in all zone districts.

E. **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 Division 4.4, *Landscaping, Buffering, and Screening*.

5. *Height.*

   a. *Front and Side Yards along a Public Right-of-way or Open Space.* The maximum allowed height is four feet. Walls with an undulating design may be up to five feet at the highest point with an overall average height of four feet. Columns may exceed the wall height by up to one foot, inclusive of any caps or decorative features. An archway or entry feature may be up to eight feet at the highest point and shall not exceed five feet in horizontal width. A maximum of one archway or entryway feature is allowed in the front yard.

   b. *Side and Rear Yards.* The maximum allowed height is eight feet for all components of the wall, including columns, archways, and any decorative features.

Sec. 21-4460. - Sustainability Index

A. **Purpose**. The standards in this Section require increased energy efficiency, conservation of natural resources, and use of sustainable practices in the development process.

B. **Exemptions**. The following are exempt from this Section:

1. *LEED and Other Certifications*.

   a. New development or redevelopment that has achieved or will achieve:

      i. LEED requirements necessary to receive certification from the U.S. Green Building Council at the LEED Silver level or above;

      ii. Any Well Building Certification;

      iii. Living Building Challenge Certification;

      iv. UL GREENGUARD Certification;

      v. Green Globes Certification; or

      vi. Certification by the Building Research Establishment and Energy Assessment Method.

2. *Single-Unit Residential*. New development or redevelopment of varieties of single-unit dwelling including modular homes, cottage courts, motor courts, green courts, tiny homes, or HUD manufactured homes; or

3. *Historic Designation*. Historic or architecturally significant buildings that meet a minimum of one of the following criteria:

   a. Individually listed on the US Department of the Interior's National Register of Historic Places;

   b. Individually listed in the Colorado State Register of Historic Properties; or

   c. Noted as a contributing structure in a district listed within the US Department of the Interior's National Register of Historic Places or the Colorado State Register of Historic Properties or a local historic district designated per this Code.

C. **Documentation of Compliance**. As part of a Site Plan or Overall Development Plan submittal for an applicable property, a Sustainability Plan that clearly depicts each of the proposed practices shall be submitted from which Staff may confirm compliance with the minimum requirements of this Section. For practices that may only be demonstrated on Construction Plans or Building Plans, the Sustainability Plan shall reference such drawings. In addition to demonstrating compliance on the face of the Sustainability Plan, the applicant may submit the following documentation:

1. Manufacturer's certification statement;
2. Sample and manufacturer's certification statement;
3. Indication on building plans;
4. Indication on building elevations;
5. Indication of landscape plan; or
6. Provision of Green Building Certification Institute's verification of project compliance.

D. **General Provisions.**

1. *Documentation Required*. Applicants shall provide documentation, including a narrative, of techniques that will be used to satisfy the requirements of this Section at the time of submittal of a Conditional Use Permit, Development Plan, or Minor Development Plan application. Documentation for items that may not be visually verified as part of an inspection may be provided in the form of invoices, receipts, or delivery confirmation for the items in question. All other documentation for items shall be verified through the Building Permit inspection process.
2. *Installation and Maintenance of Sustainability Index Practices*. All sustainability practices approved as a part of a development shall be installed and maintained in perpetuity or as required by the applicable certification standard. Failure to do so shall be a violation of this Code and subject to the penalties and remedies prescribed in Article IX, *Enforcement and Violations*.
3. *Determination of Compliance*. The Community Development Director, in consultation with the Energy, Equity, and Environment Division, shall determine whether the sustainability practices proposed meet the requirements of this Code.
4. *Certificate of Occupancy.* Prior to issuance of a Certificate of Occupancy, the Community Development Director shall ensure all claimed sustainability practices purposed meet the requirements of this section.
5. *Mixed Use Development.* The total number of points required for a mixed-use development shall be the sum of the residential and the non-residential components.
6. *Interior/ Exterior Features*. No more than 50 percent of the required architectural or design features may be located on the building interior. At least 50 percent of the required features shall be located on the building exterior and be visible from the public right-of-way.

E. **Minimum Points Requirements for Multi-Unit Dwellings (Two-Unit Dwellings, Townhouses, Multiplexes and Apartments/Condominiums)**.

1. Compliance with the standards of this Section shall apply to multiplex and apartment/condominium developments of any size and two-unit and townhouse developments with 11 or more units, which are submitted through a Conditional Use Permit, Development Plan, or Minor Development Plan application.
2. Each development shall achieve a minimum number of points from the listing below.
   a. 3 to 10 units: 4 points total.
   b. 11 to 89 units: 6 points total, with points coming from a minimum of two components.
   c. 90 to 199 units: 8 points total, with points coming from a minimum of three components.

d. 200 or more units: 10 points total, with points coming from a minimum of four components.

Table 21-4460-1, Multi-Unit Development Sustainability Points System	
Sustainability Practice	**Points Earned**
Component 1: Location of Development	
Development in the MU-1 District	.75
Development within 2,860 feet (1/2 mile) of an existing or planned public transit stop	.75
Development on an ASTM Phase II local voluntary clean-up site	.75
Development in the habitat of a species listed as threatened or endangered by the Federal government	-1.00
Component 2: Risk Reduction	
Install a back-up generation source such as a battery storage wall or solar or geothermal unit to include established operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power, and transition back to normal operations	2.00
Elevate the ground story finished floor and all significant electrical and mechanical equipment a minimum of 3 feet above highest adjacent grade	1.00, plus 0.50 per ft. above 3 ft.
Construct an impact-resistant (hail, tree damage) roof	0.50
Install impact (hurricane or wind) resistant windows	0.50
Install operable storm shutters	0.50
Component 3: Stormwater Management	
Install a green roof on at least 50 percent of the total roof area (25 percent for renovated buildings)	4.00
Install a green roof on at least 25 percent of the total roof area	3.00
Provide rain gardens, street-side swales, soil and functional turf management or other appropriate storm water infiltration system(s) to capture and infiltrate a minimum of 25 percent of site-generated stormwater	1.00
Use pervious or grass paving systems on at least 50% of parking lot and driveway area in the development	1.00
Provide a fenced, centrally-located community garden space (which may be located as a rooftop garden) for residents and for urban gardening purposes at a ratio of 15 square feet per residential dwelling units	0.50
Provide a fenced, centrally-located community garden space (which may be located as a rooftop garden) for residents and for urban gardening purposes at a ratio of 30 square feet per residential dwelling unit	1.00
Retain criteria species: drought tolerant; native; and fruit and phytoremediation species such as Shade Honey locust	.10 for each healthy such tree preserved
Provide a percentage of community amenity and open space greater than that required in Article I, *Zoning Districts and Dimensional Standards*	0.50 per additional 5% preserved
For new tree plantings, enhance tree pits with nutrient-rich soils that are two to three inches deep and native plants to absorb and filter runoff	0.25
Component 4: Water and Energy Resilience	
Generate no less than 75% of the electricity expected to be used by the development from off-site solar, and/or geothermal sources, and/or wind energy sources or credits	2.75
Generate no less than 50% of the electricity expected to be used by the development from off-site solar, and/or geothermal sources, and/or wind energy sources or credits	1.75
Generate no less than 25% of the electricity expected to be used by the development from off-site solar, and/or geothermal sources, and/or wind energy sources or credits	0.75
Install a cool roof on at least 50 percent of the total roof area of the development	1.50
Install a cool roof on at least 25 percent of the total roof area of the development	0.75
Install a geothermal energy heating & cooling system serving all residential units and common areas	1.00

Table 21-4460-1, Multi-Unit Development Sustainability Points System	
Sustainability Practice	**Points Earned**
Install a conditioned crawlspace under each primary structure	1.00
Install living green walls on a minimum of 20 percent of the primary building's walls	1.00
Adopt an energy efficient site lighting budget (based on the International Dark Sky Association's designations for suggested foot-candles based on type of place/use) which utilizes 50% DarkSky Approved luminaires	0.50
Adopt an energy efficient site lighting plan that is certified by the International Dark Sky Association	1.00
Equip the project with at least one alternative, independent source of electricity supply so that the project is capable of fully operating if a primary source of power experiences interruption	1.00
Install a 20+ Seasonal Energy Efficiency Ratio HVAC system in each or to serve each dwelling unit	1.00
Reuse or repurpose an historic building that is listed on a national, state, or local register, or at least 75% (based on surface area) of existing historic structures	1.00
Provide an electric vehicle level 3 charging station that complies with the 2021 International Energy Conservation Code and that is available to residents and guests / Provide such a charging station within 100 feet of a public entry	1.00 / 0.25 per charging station within 100 feet of entry
Provide an electric vehicle level 2 charging station that complies with the 2021 International Energy Conservation Code and that is available to residents and guests / Provide such a charging station within 100 feet of a public entry	0.75/ 0.25 per charging station within 100 feet of entry
Install all toilets with dual activated flushing or install all low-flow Water Sense toilets	1.00
Arrange solar panels so that they provide shading over paved areas	1.00
Utilize agrivoltaic farming on 10% of the project site	2.50
Use of only Energy Star or equivalent qualified central heating and air conditioning systems and appliances throughout the structure	0.25
Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	0.75
Install a 16-19 SEER HVAC system in each or to serve each dwelling unit	0.50
Install multi-room mini-split heating and cooling systems in each dwelling unit	0.50
Install a solar or tankless water heating system in each dwelling unit	0.50
Install no fewer than 2 operable windows on no fewer than two exterior walls in each dwelling unit	0.50
Provide shade, open-grid pervious pavement, or solar-reflective paving on 50% of total area of roads, sidewalks, and parking areas in the development	0.50
Install all toilets with 1.28 gallons per flush or less	0.50
Plant deciduous trees on the southeast and southwest sides of the building to provide shade in summer and sun in winter.	0.50
Plant a combination of evergreen trees and shrubs on the site in a manner that blocks winter winds	0.50
Install a minimum of four of the smart-water conservation landscaping principles in Sec. 21-4400.J, *Water Conservation Requirement*	0.50
Use vegetation or vegetated structures to shade each dwelling's HVAC unit	0.25
Install automatic turn off mechanisms for all outdoor signage and lighting that activate between the hours of 10:00 p.m. and 7:00 a.m. except for security lighting	0.25
Install highly reflective blinds/shades in all units to reduce solar gain	0.25
Install electric, rather than natural gas, stoves and ovens in all dwelling units	0.25
Install a heat pump HVAC system in each or to serve each dwelling unit	0.25

Table 21-4460-1, Multi-Unit Development Sustainability Points System	
Sustainability Practice	**Points Earned**
Provide more bicycle parking than required in Sec. 21-4360, *Bicycle Parking*, to a maximum of 50% more than required	.10 per additional bicycle parking space

F. **Minimum Points Requirements for Nonresidential**. Each development shall achieve a minimum number of points from the listing below.

1. Total gross floor area of structures less than 20,000 square feet: 2 points total.
2. Total gross floor area of structures 20,000 to 35,000 square feet: 4 points total, with points coming from a minimum of two components.
3. Total gross floor area of structures 35,000 to 60,000 square feet: 6 points total, with points coming from a minimum of two components.
4. Total gross floor area of structures above 60,000 square feet: 8 points total, with points coming from a minimum of three components.

Table 21-4460-2, Nonresidential Sustainability Points System	
Sustainability Practice	**Points Earned**
Component 1: Location of Development	
Development in the MU-1 District	.75
Development within 2,860 feet (1/2 mile) of an existing or planned public transit stop	.75
Development within 1,430 (1/4 mile) feet of a transit stop	.75
Development in the habitat of a species listed as threatened or endangered by the Federal government	-2.00
Component 2: Stormwater Management	
Install a back-up generation source such as a battery storage wall or solar or geothermal unit to include established operating procedures for how the project will handle loss of off-site or grid power, transition to a backup source of power, and transition back to normal operations	2.00
Equip the project with at least one alternative, independent source of electricity supply so that the project is fully capable of operating if a primary source of power experiences an interruption	1.50
If the project involves a critical facility that is intended to remain operational in the event of a flood, or whose function is critical for post-flood recovery, design the facility to be protected and operable at the water levels represented by a 0.2% annual chance (500-year) flood	1.00
Elevate the ground story finished floor and all significant electrical and mechanical equipment no less than 3 feet above highest adjacent grade or to an elevation of 11 (NAVD '88)	1.00, plus 0.50 per ft. above 3 ft.
Install a generator for power generation in the event of power failure sufficient to keep critical operations functional	0.50
Component 3: Water and Energy Resilience	
Generate no less than 75% of the electricity expected to be used by the development from on- or off-site solar, and/or geothermal sources, and/or wind energy sources or credits	2.75
Generate no less than 50% of the electricity expected to be used by the development from on- or off-site solar, and/or geothermal sources, and/or wind energy sources or credits	1.75
Generate no less than 25% of the electricity expected to be used by the development from on- or off-site solar, and/or geothermal sources, and/or wind energy sources or credits	0.75
Install a cool roof on at least 50 percent of the total roof area of the development	1.50
Install a cool roof on at least 25 percent of the total roof area of the development	0.75
Install a geothermal heating and cooling system serving all parts of the project	1.00
Install a conditioned crawlspace under each primary structure	1.00
Install living green walls on a minimum of 25 percent of the primary building's walls	1.00

Table 21-4460-2, Nonresidential Sustainability Points System	
Sustainability Practice	**Points Earned**
Install 20+ SEER HVAC systems throughout the project	1.00
Re-use or repurpose an historic building that is listed on a national, state, or local register, or at least 75% (based on surface area) of existing historic structures	1.00
Provide rain gardens, street-side swales, soil and functional turf management or other appropriate storm water infiltration system(s) to capture and infiltrate a minimum of 25 percent of site-generated storm water	1.00
Use pervious or grass paving systems on at least 50% of parking lot and driveway area in the development	1.00
Arrange solar panels so that they provide shading over paved areas	1.00
Utilize agrivoltaic farming on 10% of the site	2.50
Retain criteria species: drought tolerant; native; and fruit and phytoremediation species such as Shade Honey locust	.10 for each healthy such tree preserved
Install 16-19 SEER HVAC systems throughout the project	0.50
Install mini-split heating and cooling systems throughout the project	0.50
Install solar or tank-less water heating systems throughout	0.50
Provide shade, open-grid pervious pavement, or solar-reflective paving on 50% of total area of roads, sidewalks, and parking areas in the development	0.50
Provide electric vehicle level 3 charging stations that are available to users of the project	0.50 for every two stations
Provide electric vehicle level 2 charging stations that are available to users of the project	0.25 for every two stations
Plant deciduous trees on the southeast and southwest sides of the building to provide shade in summer and sun in winter.	0.50
Plant a combination of evergreen trees and shrubs on the site in a manner that blocks winter winds	0.50
Orient buildings within 20 percent of east-west axis for maximum solar exposure	0.50
Install a minimum of four of the smart-water conservation landscaping principles in Sec. 21-4400.J, *Water Conservation Requirement*	0.50
Provide operable windows on at least 2 façades on each floor which provide flow-through ventilation	0.25
Use non-artificial vegetation or vegetated structures to shade HVAC units	0.25
Install automatic turn-off mechanisms for all outdoor signage and lighting that activate between the hours of 10:00 p.m. and 7:00 a.m. except for security lighting	0.25
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for carpools, hybrid, electric, and low energy vehicles in preferred locations near primary building entrances	0.25
Re-use or repurpose an existing non-historic building, or at least 75% (based on surface area) of existing structures	0.25
Install highly reflective blinds/shades to reduce solar gain	0.25
Provide skylights at an amount necessary to ensure natural lighting is provided to at least 25 percent of the habitable rooms in the structure	0.25
Install electric, rather than natural gas, stoves and ovens in all applicable lease spaces or buildings	0.25
Install a heat pump HVAC system in each or to serve each lease space or building	0.25

Sec. 21-4470. - Installation and Maintenance

A. **General Landscape Materials, Maintenance, and Replacement Standards**.

1. *Topsoil*. To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use on areas requiring re-vegetation and landscaping.

2. *Soil Amendments*. The soil in areas that have been compacted or disturbed during construction or other activities shall be thoroughly loosened. Organic soil amendments shall also be thoroughly incorporated into the soil at a rate of a minimum of five cubic yards per one thousand square feet of landscape area and be tilled to a depth of at least six inches.

   a. Soil amendments shall be required in Xeric landscaping areas that are cleared and set to hold plant material; and

   b. The use of glyphosates and neonicotinoids is prohibited.

3. *Plant Size and Spacing Requirements*. The caliper of deciduous trees shall be measured six inches above the base. Plant material sizes and spacing shall meet the following requirements of Table 21-4470-1, *Minimum Plant Size and Maximum Spacing Requirements*.

Table 21-4470-1, Minimum Plant Size and Spacing Requirements

Plant Type	Minimum Size	Maximum Spacing (On Center)
Shade Tree	2-inch caliper	35 feet
Evergreen	6-foot height	20 feet
Ornamental Tree	1.5-inch caliper	20 feet
Shrubs	5-gallon	--
Ornamental Grasses	1 gallon	--

4. *Grading*. Prior to the installation of the required landscaping and irrigation, all proposed landscape areas shall be graded to allow for proper site drainage.

5. *Installation*. All landscaping shall be installed according to sound horticultural practices in a manner designed to encourage quick establishment and healthy growth. All landscaping in each phase shall either be installed or the installation shall be secured with a letter of credit, escrow or performance bond for 125 percent of the value of the landscaping prior to the issuance of a certificate of occupancy for any building in such phase.

6. *Maintenance*. Trees and vegetation, irrigation systems, fences, walls and other landscape elements shall be considered as elements of the project in the same manner as parking, building materials and other site details. The applicant, landowner or successors in interest shall be jointly and severally responsible for the regular maintenance of all landscaping elements in good condition. All landscaping shall be maintained free from disease, pests, weeds and litter, and all landscape structures such as fences and walls shall be repaired and replaced periodically to maintain a structurally sound condition.

7. *Replacement*. Any landscape element that dies or is otherwise removed shall be promptly replaced based on the requirements of this LDC.

B. **Irrigation Required**.

1. *Irrigation*. All landscape areas shall include adequate, permanent, automatic irrigation of all plant material, except certified xeric landscaping that meets the requirements of Sec. 21-4400.J, *Water Conservation Requirement*, and that does not require permanent irrigation for survival once established. In such case, the landscape plan must provide for temporary irrigation to ensure the proper establishment of the xeric elements.

   a. If the landscape plan contains at least 51percent Xeric materials, the following shall apply:

i. Automatic irrigation zones shall be retrofitted to water the remaining grass adequately and irrigate the new landscape efficiently;

ii. Drip irrigation is preferred. If overhead sprays are used, high-efficiency nozzles shall be required. Hand water and semi-automatic irrigation is permissible; and

iii. Trees shall have dedicated irrigation.

2. *Over-Watering*. Automatic irrigation systems shall be designed so as not to over-water based upon the needs of the landscape being irrigated.

3. *Foundation Planting*. Drip irrigation is the only allowable irrigation method for all foundation plantings.

C. **Water-Wise Landscaping and Hydrozones**. In order to reduce the impact of drought on landscapes, and provide efficiency in the use of water, landscape design shall incorporate various water-wise elements. These are as follows:

1. *Generally*. Landscaping shall be designed based upon zones of different water requirements – referred to as "hydrozoning." The applicant shall identify low, moderate, and high hydrozones on Landscape and Irrigation Plans. Plant choice and irrigation design must reflect the hydrozone requirements of this Subsection.

2. *Total Water Budget*. The total annual water application by irrigation (water budget) shall not exceed 15 gallons/square foot/year (24 inches) as reflected by the plant species proposed to be installed on the subject property.

3. *Low Hydrozones*. Low hydrozones are classified by plantings that generally do not require more than three gallons per square foot of supplemental water per year, and plants in this zone generally need lower levels of water to thrive. Although plants in this zone may grow with minimal use of supplemental water, in times of plant establishment or drought, these low water use plants benefit from controlled, supplemental watering. Irrigation methods in this zone will typically be micro-spray or drip. Buffalo grass is a typical grass in this hydrozone.

4. *Moderate Hydrozones*. Moderate hydrozones are classified by plantings that generally require 10 gallons per square foot of supplemental water per year, and plants in this zone generally need this level of water to thrive. Irrigation methods in this zone will typically be spray heads. Tall fescue is a typical grass in this zone.

5. *High Hydrozones*. High hydrozones are classified by plantings that will generally require 18 gallons per square foot of supplemental water per year. Plants in this zone generally need this high level of water to thrive. Irrigation methods in this zone will typically be spray or rotor heads.

Sec. 21-4480. - Alternative Compliance

Purpose: Upon request by an applicant, the Director may approve an alternative Landscape Plan that may be substituted in whole or in part for a Landscape Plan meeting the standards of this Division.

A. *Procedure*. Alternative landscape plans shall be prepared and submitted in accordance with submittal requirements for Landscape Plans. Each plan shall clearly identify and discuss the modifications and alternatives proposed and the ways in which the plan will better accomplish the purposes of this Division than would a plan which complies with the standards of this Division.

B. *Approval Criteria*. To approve an alternative plan, the Director must first find that the proposed alternative plan accomplishes the purposes of this Division equally well or better than would a plan which complies with the standards of this Division.

C. *Review Considerations*. In reviewing the proposed alternative plan for purposes of determining whether it accomplishes the purposes of this Section as required above, the Director shall take into account whether the alternative preserves and incorporates existing vegetation in excess of minimum standards, protects natural areas and features, maximizes tree canopy cover, enhances neighborhood continuity and connectivity, fosters non-vehicular access, or demonstrates innovative design and use of plant materials and other landscape elements.

Division 4.5: Outdoor Display and Storage

Sec. 21-4500. - General Provisions

A. **Finish**. All fence posts and related supporting members of a fence, whether for required screening purposes or for privacy, shall be erected so that the finished sides of the fence face the adjacent property or public right-of-way.

B. **Maintenance**. Fences and walls, including supports, shall be maintained in a proper state of repair. The property owner shall repair any damage to or deterioration of a fence or wall, whether due to vandalism, weather, age, loss of mortar, or peeling paint.

C. **Detailed on Plan**. When walls or fences are used to fulfill any requirements of this Article, they shall be detailed on the landscaping plan.

D. **Location in Relation to Landscaping**. When fences or walls are placed on any nonresidential or mixed use site, the required landscaping shall be outside of the fence or wall and visible from the public right-of-way or adjacent parcel.

Sec. 21-4510. - Outdoor Display

A. **Districts Allowed**. The permanent or seasonal outdoor display of merchandise is allowed in C-2 and all non-residential districts.

B. **Standards**. Any outdoor display must be done in conjunction with the permitted; business being conducted on the premises and shall comply with the following regulations.

1. *Same Type*. The items displayed outside shall be of the same type that are lawfully displayed and sold inside the building on the premises.

2. *Location*. The display area shall be adjacent to a wall of the principal structure.

3. *Display Area*. The aggregate display area shall not exceed 50 percent of the linear frontage of the principal structure and 15 percent of the floor area of the principal structure as depicted in Figure 21-4510-1, *Outdoor Display Illustration*.

4. *Item Projection*. Items shall not project more than 20 feet from the store front, shall not encroach into a required setback, and shall provide a minimum of five feet of unimpaired sidewalk or walkway width.

5. *Public Property or Off-Street Parking*. No item shall be displayed on public property or occupy a required off-street parking, stacking, or loading space.

6. *Display Hours*. Items shall be displayed only during the hours that the business conducted inside the building on the premises is open for business.

7. *Nuisances*. No item shall be displayed in a manner that causes a safety hazard; obstructs the entrance to any building; interferes with, or impedes the flow of pedestrian or vehicle traffic; is unsightly or creates any other condition that is detrimental to the appearance of the premises or any surrounding property; or in any other manner is detrimental to the public health, safety, or welfare or causes a public nuisance.

8. *Covering*. If permanently covered, the display area shall be covered with a roof structure that is architecturally integrated into the principal structure, except that nursery areas may be covered by greenhouse roofing, screening, or another cover material that is appropriate for protecting plant stock, as depicted in Figure 21-4510-1.

9. *Other Codes*. All outdoor display shall meet the applicable building and fire code requirements.

Figure 21-4510-1, Outdoor Display Illustration

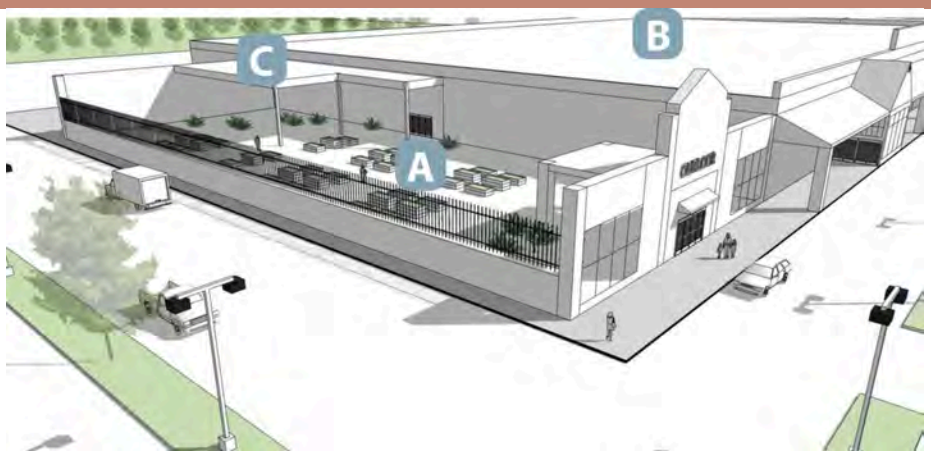


Figure Notes:
A = Display area 15 percent of floor area of principal structure | B = Principal Structure | C = Architecturally integrated covering

Sec. 21-4520. - Outdoor Storage

A. **Districts Allowed**. Permanent or seasonal outdoor storage of is allowed in the following districts:

1. I-A, Industrial Airport;
2. I-2, Medium Intensity Industrial; and
3. I-3, Heavy Intensity Industrial

B. **Exemptions**. The following types of outdoor storage are exempt from the requirements of this Section:

1. *Landscaping Materials*. Retail planting stock and landscape stone or similar landscape materials, associated with a nursery or greenhouse;
2. *Commercial Vehicles*. Commercial vehicles related to a permitted business on-site;
3. *Truck Trailers*. Truck trailers that are attached to a truck tractor and directly related to the business on-stie; and
4. *Vehicles for Sale*. Finished recreational vehicles, automobiles, portable buildings, boats, trailers, manufactured homes, and other similar vehicles or equipment sold by a permitted use on-site.

C. **Standards**. Any outdoor storage must be done in conjunction with the permitted business being conducted on the premises and shall comply with the following regulations.

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, *Principal Structures*, below.
2. *Heating Fuels.* Outdoor storage of heating fuels may be permitted in all districts, 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. *Surfacing.* Areas of outdoor storage designed or used for vehicular traffic shall be paved with recycled asphalt or other road base material in accordance with the Standards and Specifications. Other areas of outdoor storage may utilize gravel.
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 Property.* Outdoor storage in the AG district, 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 located at the rear or interior side of the primary structure and shall not be allowed at the front or street side of the structure. Required parking and landscape treatment areas shall not be used for outdoor storage. No manure shall be stored within 100 feet of any property line.

7. *Stacking and Screening Requirements.*

   a. *Height*. All outdoor storage areas shall be enclosed by a fence or wall adequate to conceal such areas from adjacent nonindustrial property and public right-of-way. Outdoor storage materials may be stacked up to eight feet or the height of the screening fence, whichever is less. Large items over eight 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.

   b. 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 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. Nonflammable materials shall have a maximum stacking limit of 50 feet or the maximum height permitted for a principal structure in the underlying 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.

8. *Fences and Gates*. Fences used for screening outdoor storage shall meet the standards in Sec. 21-4450, *Screening and Fencing*, and shall be erected in accordance with the Building Permit approved by the City. Gates must be opaque; however, a gate may be a different material than what would be allowed for the fence.

9. *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.

10. *Other Codes*. All outdoor storage shall meet the applicable building and fire code requirements.

11. *Limiting Characteristics*. 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:

    a. Size of buildings;

b. Type of material being stored;

c. Vehicle circulation patterns;

d. Loading docks;

e. Landscaping areas; and

f. Emergency vehicle access.

12. *Pre-Existing Use*.

a. *Illegal Outdoor Storage*. Any and all outdoor storage existing in the I-1 district that have not been expressly permitted through this Section, 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 LDC.

b. *Previous Conditional Use Permit Approvals*. Any I-1 zoned property that had previously obtained Conditional Use Permit approval for outdoor storage within the Rocky Mountain Industrial Park may 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 shall be required to obtain approval for outdoor storage in compliance with this Section.

Sec. 21-4530. - Refuse Containers

A. **Applicability**. The following standards apply to the enclosure and screening of refuse containers, including carts on wheels (food waste, trash, and recycling), waste oil containers, compactors, or dumpsters (trash and recycling) for all apartment/condominium, Group Living, mixed use, and nonresidential developments.

B. **Location**. Refuse containers shall be located in the side or rear yard.

C. **Foundation Surface**. Refuse containers shall be placed on a paved surface of either concrete or asphalt.

D. **Distance from Use**. A refuse container shall be located within 300 feet from all individual commercial uses that it is intended to serve. This distance shall be measured as the shortest distance from the location of the container to the structure utilizing the container.

E. **Enclosure and Screening**.

1. *Screening Required*. Refuse containers shall be screened. Required screening may be achieved by either:

a. Designating an enclosed space within a principal building or within an accessory structure such as a garage; or

b. Where refuse containers are not enclosed within a principal or accessory structure, they shall be screened on all sides (except for the gate area) by permanent and durable materials, as determined by the Community Development Director, other than chain-link or woven wire materials, taller than the containers being screened. Portions of the building may act as the screening device.

2. *Gate*. One side of the waste equipment area shall have an opaque, lockable gate.

3. Screening devices of refuse containers shall:

a. Be planted with vines;

b. Be architecturally compatible, in material and color, with the principal structure on the property; or

c. Display a mural.

4. *Covering*. Refuse containers shall be covered. The covering may be hinged, if practical, or an integral part of the container's structure.

5. *Renderings*. Final renderings of waste equipment screening shall be submitted to the Administrator for review and approval prior to installation.

Division 4.6: Outdoor Lighting

Sec. 21-4600. - General Standards

A. **Applicability**. All exterior lighting systems that are designed, constructed, erected, or otherwise placed into operation in any zoning district, except for residential zoning districts, on or after the date of adoption of this Land Development Code shall comply with the City's lighting standards. In addition, any alterations, rehabilitations, relocation, or renovation to existing lighting systems that are commenced after the date of adoption shall comply with the standards.

B. **Existing Lighting Systems.** All existing lighting systems legally installed and operative before the date of adoption shall be considered legal nonconforming systems. Nonconforming lighting may be continued, but the lighting shall not be changed to any other nonconforming lighting, structurally altered, altered in any way that increases its degree of nonconformance, or expanded or extended in scope.

C. **Overall Design.** All fixtures shall be decorative and incorporated into the overall design of the development.

D. **Photometric Studies.** In the event of a disagreement between the City and an applicant, the City may require a photometric study of the proposed lighting at the applicant's expense.

E. **Shielding.** Except as otherwise exempted in Sec. 21-4610, *Exemptions and Prohibited Lighting*, all outdoor lighting shall be constructed with full shielding as shown in Figure 21-4600-1, *No Cut-Off and Full Cut-Off Lighting Fixtures*. Where the light source from an outdoor light fixture is visible beyond the property line, shielding shall be required to reduce glare so that the light source is not visible from within any residential dwelling unit. Outdoor lighting for single-unit dwelling and two-unit dwelling residential uses shall be located and/or shielded in a manner to ensure that the intensity and direction of exterior and security lighting does not constitute a nuisance to adjacent residential dwellings.

Figure 21-4600-1, No Cut-Off and Full Cut-Off Lighting Fixtures

F. **Energy Efficient.** All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.

1. *LED Requirement.* All new outdoor lighting fixtures shall utilize Light Emitting Diode (LED) technology or a City-approved equivalent that meets or exceeds LED energy efficiency and performance standards.

2. *Color Temperature.* LED fixtures shall have a correlated color temperature (CCT) of no more than 3000 Kelvin (K) to minimize glare, reduce skyglow, and support nighttime visibility.

G. **Automatic Timers and Hours of Illumination.** Automatic timing devices shall be installed on all new outdoor light fixtures with off-hours (exterior lights turned off) between the hours of 11 p.m. and 6 a.m. However, outdoor lights may remain on during business hours of operation for security purposes (e.g., to illuminate walkways, roadways, equipment yards, and parking lots). Outdoor lights also may remain on to illuminate flags representing a country, state, or other civic entity.

H. **Level of Illumination.** During hours of darkness, the minimum and average maintained foot-candles of light shall be consistent with the provisions listed below.

1. *Parking Lots, Driveways, Trash Enclosures, and Group Mailboxes.* Parking lots, driveways, trash enclosures/areas, and group mailboxes shall be illuminated with a minimum maintained one foot-candle of light and average not to exceed four foot-candles of light.

2. *Pedestrian Walkways.* Pedestrian walkways shall be illuminated with a minimum maintained one-half foot candle of light and an average not to exceed two foot-candles of light.

3. *Nonresidential Exterior Doors.* Exterior doors of nonresidential structures shall be illuminated during the hours of darkness with a minimum maintained one foot-candle of light, measured within a five-foot radius on each side of the door at ground level.

4. *Lighting Uniformity Ratios.* Maximum lighting level uniformity (maximum to minimum) for residential parking lots shall be 15:1 and for nonresidential 10:1.

5. *Excess Lighting on Adjacent Property.* In no case shall exterior lighting add more than 0.1 foot-candle to illumination levels at any point off-site.

6. *Maximum Lighting Levels.* The maximum average maintained lighting level shall not exceed five foot-candles for parking areas and two foot-candles for pedestrian walkways, except where otherwise approved for safety or security purposes.

I. **Maximum Height.**

1. *Freestanding Outdoor Light Fixtures.* The maximum height of freestanding outdoor light fixtures for development adjacent to single-unit residential property shall be 25 feet. Otherwise, the maximum height for freestanding outdoor light fixtures shall be 30 feet.

2. *Light Poles or Tree Mounted Lights.* Light poles or tree mounted structures shall be between 12 and 14 feet high.

3. *Bollard Lights.* Bollard type light fixtures shall be between three and four feet high.

Sec. 21-4610. - Exemptions and Prohibited Lighting

A. **Exemptions.** The following types of lighting are exempt from the requirements of this Division:

1. *Previously-approved Designs*. The City's lighting standards shall not apply to lighting systems that were approved by the City prior to the adoption of this Land Development Code and are not yet constructed, as long as the approval of the lighting system occurred no more than 180 days prior to the adoption of the code. If the approval of the lighting system occurred more than 180 days before the adoption of the Land Development Code and the lighting has not yet been installed, a new lighting system that complies with the City's lighting standards must be submitted for City approval.

2. *Traffic Movement.* Lighting used to control and regulate the flow of pedestrian and motor vehicle movement on public rights-of-way.

3. *Construction Lighting.* Temporary lighting for construction, provided such lighting is discontinued daily, immediately upon completion of the construction work for the day. With Director approval, this lighting may be allowed to remain in operation after the conclusion of daily construction operations when safety is a concern.

4. *Holiday Lighting.* Lighting used as decoration for any national, state, local, or religious holiday provided that the lighting is of temporary nature and energized for no more than 90 nights per consecutive 12-month period.

5. *Federal Mandates.* Lighting required by and regulated by the Federal Aviation Administration for the purpose of air traffic control, navigation, or warning.

6. *Monuments*. Civic monuments as approved by the Director.

7. *Event Lighting.* Lighting approved by the Director as a part of an organized event permit.

8. *Public Facilities*. All City-owned or operated facilities.

B. **Prohibited Lighting.** Except as specifically authorized by the City, the following shall be prohibited:

1. *Lights Resembling Safety or Emergency Lights.* Any light that could be construed as a traffic control device except as authorized by the state, federal, or city government or any light that imitates or causes visual interference with a traffic signal or other necessary safety or emergency light.

2. *Searchlights and Rotating Beacons.* Searchlights and rotating beacons.

3. *Blinking and Flashing Lights.* Any blinking, flashing, or changing intensity lighting except as a part of a temporary holiday display.

4. *Aerials Lasers.* Aerial lasers.

5. *Excessive Lumens or Candelas.* Any light source exceeding 60,000 lumens or with an intensity in any direction of 60,000 candelas or more.

6. *Illumination of Entire Buildings.* Building illumination shall be limited to security lighting and lighting of architectural features authorized by the City in conjunction with the required development permits.

7. *Roof Mounted Lights.* Roof mounted lights except for security purposes with motion detection and full shielding, so that the glare of the light source is not visible from any public right-of-way.

Sec. 21-4620. - Location

A. **Pedestrian Lighting.**

1. *Required Lighting.* Pedestrian paths leading to primary building entries that are used by residents, employees, or the public after daylight hours shall be lighted if:

   a. They are longer than 30 feet; or

   b. They include steps or ramps.

   c. Pedestrian lighting shall also be provided along commercial and mixed use street, open space paths, special parkways or streets, and open space areas designed for gatherings or events.

2. *Placement.* Where pedestrian lights are used, they shall be placed:

   a. At least three feet away from the face of the curb;

   b. At least five feet from the point where a curb transitions into a driveway, curb cut, or alley;

   c. At least 20 feet from the extended flow line of the nearest intersection;

   d. To provide a relatively uniform level of lighting and to avoid extreme contrasts between levels of lighting; and

   e. So as to prevent glare onto adjacent properties.

3. *Types.* Pedestrian lighting shall have consistent fixtures, source colors, and illumination levels. Low, glare controlled light fixtures mounted on building or landscape walls, bollards, or low ground-mounted landscape lights are preferred. Where light poles are used, fixtures shall have LED sources unless an alternative light type is approved during the development review process. Where the light source is directly visible, the luminaries should incorporate elements to reduce glare, such as translucent, obscure, or refracting lenses; low-wattage light sources; or shielding devices. The use of solar-powered lighting is encouraged.

B. **Building, Service, and Loading Area Lighting.**

1. *Canopy Lighting.* All canopy lighting shall use recessed luminaire fixtures as defined by the Illumination Engineering Society, and shall not use highly reflective material on the underside. In addition, no lighting shall protrude downward beyond the ceiling of the canopy.

2. *Service Areas.* Service area lighting fixtures shall be designed and located so that the light source cannot be seen from adjacent streets or areas with residential uses. Wall mounted light fixtures shall use cutoff devices to contain direct lighting to the service area and shall have a concealed light source.

C. **Outdoor Sports Field/Outdoor Performance Area Lighting.**

1. *Height.* The mounting height of outdoor sports field and outdoor performance area lighting fixtures shall be reviewed and approved on a case-by-case basis by the City.

2. *Hours of Illumination.* Outdoor sports field/outdoor performances areas may continue operating the lighting system for as long as reasonably necessary to conduct all functions essential to proper care and maintenance of the facility.

D. **Architectural/Landscaping Lighting.** Outdoor light fixtures used to illuminate architectural and landscape features shall use a narrow cone of light for the purpose of confining the light to the object.

E. **Sign Lighting.** The artificial illumination of signs, both from an internal or external source, shall be designed to eliminate negative impacts on surrounding rights-of-way and properties, and shall comply with Division 4.7, *Signs*.

Division 4.7: Signs

Sec. 21-4700. - General Provisions

A. **Applicability.**

1. *Generally.* This Division governs the erection, remodeling, enlarging, moving, alteration, operation, and maintenance of all signs within all zone districts in the City.

2. *Public Signs Exempt.* Public signs that are erected or displayed by the City, County, State, school district, or recreation district (excluding special districts), shall be exempt from the provisions of this Division.

3. *Relationship to Planned Development.* To the extent the provisions of a duly approved planned development conflict with the provisions of this Division, the planned development approval shall control.

B. **Relationship to Other Regulations.**

1. Nothing contained in this Division shall be deemed a waiver or variance of the provisions of any other provisions of the LDC as applicable to signs.

2. The City recognizes other regulations pertaining to signage (i.e., State of Colorado, Department of Highways, "Rules and Regulations Pertaining to Outdoor Advertising," effective January 1, 1984, and as may be amended).

3. The content of signs related to marijuana businesses is restricted by state laws and regulations, and both the advertising and sale of marijuana are prohibited by federal law. The City has no authority to supersede state or federal marijuana laws.

4. Where any provision of this Division covers the same subject matter as other city, state, or federal regulations, the more restrictive regulation shall apply.

C. **Prohibited Signs.** The following types of signs are prohibited in all zoning districts. No exceptions shall be allowed and no variances may be approved to the limitations of this Section.

1. All signs not expressly allowed under this Division or exempt from a permit under paragraph 21-4700.G, *Exemptions from Required Sign Permits*.

2. Any moving sign, including pennants, shark fins, and streamers, other than as explicitly allowed by this Division.

3. Any sign displaying flashing or intermittent lights, or lights of varying intensity, except those portions of an electronic changeable copy sign with intermittent lights due to the change of copy, and temporary holiday displays.

4. Any sign with direct or indirect lighting that causes direct glare into or upon any lot or tract with a residential use that is adjacent to the lot or tract where the sign is located.

5. Any sign that is an imitation of, copy of, or that is likely to be confused with any official government sign.

6. Except as specifically provided otherwise in this Division, any sign that obstructs any window, door, fire escape, stairway, ladder, or openings intended to provide light, air, ventilation, ingress, or egress for any building as required by law.

7. Any sign not permanently affixed to a permanent, rigid structure, unless explicitly authorized by this Division.

8. Any portable sign or similar objects/sign, except as authorized and regulated by this Division or other ordinances of the City.

9. Any balloons, inflatable devices, or similar types of objects.

10. Searchlights.

11. Signs affixed to a fence.

12. Signs within the public right-of-way.

D. **Sign Permits.** See Division 7.4: Permits.

E. **Exemptions from Required Sign Permits.**

1. *General Exemption Requirements.* Due to their small size, limited time duration, limited aesthetic impact and/or strong community interest in identifying land uses, locations, and historic structures, the sign types listed in Paragraph G.2 below may be erected without a sign permit or building permit so long as they meet:

   a. The construction and safety standards of the City;

   b. The general sign standards contained in this Section; and

   c. The standards specific to individual sign types in Sec. 21-4710 and Sec. 21-4720.

2. *Exempt Sign Types.*

   a. *Public Signs.* Public signs that are erected or displayed by the City, county, state, school district, recreation district (excluding special districts), are exempt from all of the provisions of this Division.

   b. *Historical Signs.* No permit is required for historical commemorative plaques, memorials, or tablets that are:

      i. Associated with a building or feature for which a national, state, or city historic designation has been approved; and

      ii. Built into a building or mounted flat against the wall of a building or erected in a location designated by the City as having historical significance.

   c. *Yard signs.* Yard signs subject to the standards in Sec. 21-4720.

   d. *Address and building Identification Signs.* Signs that identify a particular parcel of land or individual building for purposes of address and building name provided that such signs:

      i. Are attached to the building identified or, where no building is involved, are placed as determined by the development review process; and

      ii. Are limited to two per building or vacant parcel.

   e. *Temporary window signs.* Temporary window signs subject to the standards in Sec. 21-4720.

   f. *Fabric signs.* Fabric signs subject to the standards in Sec. 21-4720.

   g. *Road Hazard Signs*. Signs erected in conjunction with construction to alert drivers to potential hazards or safety concerns.

   h. Interior Signs. Signs located within any structure that is not visible from adjacent properties or from the public streets.

   i. *Signs on Public Sports Fields.* Signs intended to be viewed internally from public sports fields.

   j. *Holiday Displays.* Temporary holiday decorations or light strings.

   k. *Nameplates*. Nameplates that are not more than two square feet in area, fastened directly to the building, and do not project more than six inches beyond the property line.

   l. *Utility Signs*. Signs placed by or at the direction of a public utility showing the location of underground facilities.

m. *Vehicle Signs*. Signs displayed on motor vehicles that are being operated or stored in the normal course of a business, provided that the primary purpose of such vehicles is not for the display of signs and provided that they are parked or stored in areas appropriate to their use as vehicles. In addition:

i. Signs on vehicles shall not project beyond the surface of the vehicle in a manner that creates a hazard to pedestrians, cyclists, or other vehicles.

ii. It shall be unlawful to place or store a vehicle with a sign on it in such manner as to increase the allowed sign area or number of signs either on-site or off-site for a non-residential use.

n. *Handheld Signs*. Signs carried by a person. Handheld signs shall not exceed 20 square feet in area. No person shall place, maintain, or otherwise utilize a handheld sign in a manner which obstructs or makes hazardous the free passage of pedestrians and motor vehicles on any street, sidewalk, or public-right-of way.

o. *Incidental Signs.* Incidental signs which do not exceed three square feet in area.

F. **Nonconforming Signs.** Signs that were legally established prior to the adoption or relevant amendment of this Division, but which now no longer comply with this Division as a result of subsequent regulation, are nonconforming and are allowed to remain, subject to the requirements of Division 9.2: Types of Nonconformities.

G. **Sight Triangle.** All permanent signs shall meet the City's sight triangle visibility requirements.

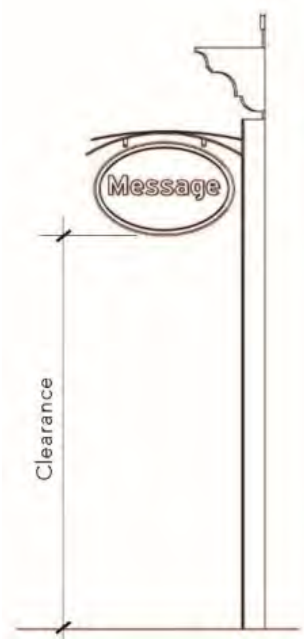
H. **Owner Consent.** No sign permit shall be approved for any permanent sign on private property without written consent of the property owner or the owner's authorized agent.

SIGN DESIGN

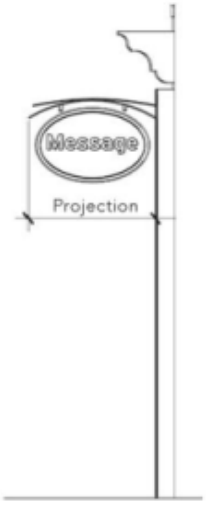
MESSAGE ON AWNING

HEIGHT OF STORE

HEIGHT OF SIGN



SIZE OF SIGN



I. **Sign Design.**

1. In general, signs shall have mutually unifying elements which may include uniformity in materials, color, size, height, letter style, sign type, shape, lighting, location on buildings, and design motif.

2. Materials and textures of signs shall be compatible with the architectural character of the site and building.

    a. Supporting sign structures of freestanding signs shall match the primary finish and colors of the associated building(s).

    b. The supporting members of a sign shall appear to be free of any extra bracing angle iron, guy wires, cables, etc. The supports shall appear to be an architectural and integral part of the building and/or sign.

3. Architectural treatments that aid in integrating the signage with the building design are encouraged, but any such treatment shall not be created to visually enlarge the size of the sign.

    a. Architectural features that are integral to the design of a building or provide an artistic accent shall be exempt from sign regulations if they do not contain a commercial message and comply with building height limits and setback requirements applicable to the property on which they are located.

    b. If more than 25 percent of any wall structure of any nonresidential building or any accessory structure to a nonresidential use is painted, finished, or surfaced in a distinctive color scheme that includes some or all of the same colors, shapes, symbols, images, patterns, or textures used on any sign identifying an owner, tenant, or user of the building, and the City determines that such wall surface serves as a sign for an owner, tenant, or user of the building, such wall area shall be counted as wall signage and shall be subject to the limitations on wall signage area in Sec. 21-4710 .

    c. Where possible, monument signs shall integrate tenant signs into a single sign structure.

    d. The electronic message area portion of a monument or wall sign shall be integrated into the design of the sign. Such electronic message portions of a sign shall not be an add-on feature but rather must be fully integrated into the sign design. The entire sign must be compatible with the site design and/or building architecture.

    e. Wayfinding and directional signage systems shall be of a unified graphical system. Such signage shall be placed in consistent locations near site entries, key points on the internal automobile and pedestrian circulation system, building entries, seating areas, and sidewalk intersections.

Sec. 21-4710. - Permanent Sign Standards

A. **Permitted Permanent Sign Types.** Permanent signs include the following types:

1. Awning signs;

2. Canopy signs (Pedestrian and Vehicular);

3. Directional signs;

4. Display signs;

5. Electronic message centers;

6. Flags and flagpoles;

7. Freestanding signs;

8. Kiosks;

9. Marquee signs;

10. Projecting signs;

11. Wall signs; and

12. Window signs.

Figure 21-4710-1, Permanent Sign Types

B. **Awning Signs.**

1. *General standards.* The following standards apply to all awning signs:

   a. These regulations do not authorize the installation of awnings with or without signs without obtaining any necessary building permits in compliance with the city's applicable building and zoning codes.

   b. The principal function of any awning with a sign must be to provide shelter for a window, a door, or an outdoor seating area.

   c. Awnings that contain signs shall be designed to be compatible with the storefront in scale, proportion, material, and color.

   d. No awnings with signs shall extend above the roof line of any building, or the first story, whichever is less.

   e. No sign mounted to an awning shall project beyond, above, or below the face of the awning.

2. *Use standards.* In addition to the general standards in subsection (1) above, awning signs are subject to the use standards in Table 21-4710-1 below.

Table 21-4710-1, Awning Signs - Use Standards

Standard	Residential Use	Commercial - Single Tenant Bldg.	Commercial - Multi-Tenant Bldg.	Industrial / Other Use
Permitted	No	Yes	Yes	No
Permit Required	N/A	Yes	Yes	N/A
Max. Number	N/A	1/awning face	1/awning face/tenant	N/A
Max. Area	N/A	50% awning area face	50% awning area face	N/A
Max. Height	N/A	15 ft. or below 2nd story, whichever is less	15 ft. or below 2nd story, whichever is less	N/A
Min. Clearance	N/A	8 ft.	8 ft.	N/A
Max. Projection	N/A	6 ft.	6 ft.	N/A
Illumination	N/A	Backlit only	Backlit only	N/A
Subject to Max. Wall Sign Allowance	Yes	Yes	Yes	N/A

Figure 21-4710-2, Awning Sign

C. **Canopy Signs.**

1. *General standards.* The following standards apply to canopy signs:

   a. These regulations do not authorize the installation of canopies with or without signs without obtaining any necessary building permits in compliance with the city's applicable building and zoning codes.

   b. Canopies that contain signs shall be designed to be compatible with the storefront in scale, proportion, material, and color.

   c. No sign mounted to a pedestrian canopy shall project beyond or below the face of the canopy. Signs mounted to the top of a pedestrian canopy shall be designed such that:

      i. They are comprised of channel letters or other three-dimensional forms;

      ii. The mounting hardware and supporting structures of the sign are concealed from view;

      iii. The sign does not extend more than two feet above the top of the canopy, or extend above the nearest roofline, whichever is less.

   d. No sign mounted to a vehicular canopy shall project beyond, above, or below the face of the canopy.

      i. Canopy signs shall be located on the canopy fascia and shall be limited to one message on each side of the canopy that is visible from a public or private street.

      ii. Canopy messages shall have a vertical dimension no greater than 75 percent of the vertical dimension of the canopy fascia.

   e. *Use standards*. In addition to the general standards in subsection (1) above, canopy signs are subject to the use standards in Table 21-4710-2 below.

Table 21-4710-2, Pedestrian Canopy Signs - Use Standards

Standard	Residential Use	Commercial - Single Tenant Bldg.	Commercial - Multi-Tenant Bldg.	Industrial / Other Use
Permitted	Multi-Unit & Mobile Home Park uses only	Yes	Yes	Yes
Permit Required	Yes	Yes	Yes	Yes
Max. Number	1 per primary entry	1 per primary entry	1 per primary entry	1 per primary entry
Max. Area	50% of area of canopy face	50% of area of canopy face	50% of area of canopy face	50% of area of canopy face

Table 21-4710-2, Pedestrian Canopy Signs - Use Standards				
Standard	Residential Use	Commercial - Single Tenant Bldg.	Commercial - Multi-Tenant Bldg.	Industrial / Other Use
Max. Height	15 ft. or below 2nd story, whichever is less	15 ft. or below 2nd story, whichever is less	15 ft. or below 2nd story, whichever is less	15 ft. or below 2nd story, whichever is less
Min. Clearance	8 ft.	8 ft.	8 ft.	8 ft.
Max. Projection	6 ft.	6 ft.	6 ft.	6 ft.
Illumination	No	Internal or external	Internal or external	Internal or external
Subject to Max. Wall Sign Allowance	Yes	Yes	Yes	Yes

2. *Use standards—Vehicular canopy signs.* In addition to the general standards in subsection (1) above, vehicular canopy signs are subject to the use standards in Table 21-4710-3 below.

Table 21-4710-3, Vehicular Canopy Signs - Use Standards				
Standard	Residential Use	Commercial - Single Tenant Bldg.	Commercial - Multi-Tenant Bldg.	Industrial / Other Use
Permitted	No	Yes	No	Yes
Permit Required	N/A	Yes	N/A	Yes
Max. Number	N/A	1 per street frontage	N/A	1 per street frontage
Max. Area	N/A	12 sq. ft.	N/A	12 sq. ft.
Illumination	No	Internally lit or halo only	N/A	Internally lit or halo only
Subject to Max. Wall Sign Allowance	N/A	Yes	N/A	Yes

Figure 21-4710-3, Canopy Signs

Pedestrian Canopy Sign

Vehicular Canopy Sign

D. **Directional Signs.**

1. *General standards.* The following standards apply to all directional signs:

   a. Directional signage systems shall be of a unified graphical system. Such signage shall be placed in consistent locations near site entries, key points on the internal automobile and pedestrian circulation system, building entries, seating areas, and sidewalk intersections.

   b. Directional signage may exceed the maximum height standards when used on a vehicular clearance structure.

2. *Use standards.* In addition to the general standards in subsection (1) above, directional signs are subject to the use standards in Table 21-4710-4.

Table 21-4710-4, Directional Signs - Use Standards		
Standard	**Residential**	**Non-Residential**
Permitted	Multi-Unit only	Yes
Permit Required	Yes	Yes
Max. Number	6 per building	6 per building
Max. Area	4 sq. ft.	4 sq. ft.
Max. Height	4 ft.	4 ft.
Illumination	No	No

Figure 21-4710-4, Directional Sign

E. **Display Signs.**

1. *General standards.* The following standards apply to display signs:

   a. Display signs may be wall-mounted or may orient to occupants in a vehicle.

   b. Wall-mounted displays signs must be placed no more than ten feet from the front entrance of the building or tenant, as applicable.

   c. Display signs oriented to occupants in a vehicle may be permitted only if a drive-thru is expressly authorized.

   d. Display signs oriented to occupants in a vehicle may include electronic message centers, subject to Sec. 21-8330. In addition, a display sign oriented to a drive-thru may be an electronic message center that contains up to 100 percent of the sign area if the display changes no more than three times in a 24-hour period.

   e. All display signs shall be appropriate in scale, proportion, material, and color to the character and architectural detail of the building and site.

2. *Use standards—Wall-Mounted Display Signs.* In addition to the general standards in subsection (1) above, wall-mounted display signs are subject to the use standards in Table 21-4710-5 below.

3. *Use standards—Vehicle-oriented Display Signs.* In addition to the general standards in subsection (1) above, vehicle-oriented display signs are subject to the use standards in Table 21-4710-6 below.

Table 21-4710-5, Wall-Mounted Display Signs - Use Standards				
Standard	**Residential Use**	**Commercial - Single Tenant Bldg.**	**Commercial - Multi-Tenant Bldg.**	**Industrial / Other Use**
Permitted	No	Yes	Yes	No
Permit Required	N/A	Yes	Yes	NA
Max. Number	N/A	1 per building	1 per tenant	N/A
Max. Area	N/A	3 sq. ft.	3 sq. ft.	N/A
Max. Height	N/A	7 ft.	7 ft.	N/A
Illumination	N/A	Internal or external	Internal or external	N/A
Subject to Max. Wall Sign Allowance	N/A	No	No	N/A

Table 21-4710-6, Vehicle-Oriented Display Signs - Use Standards				
Standard	**Residential Use**	**Commercial - Single Tenant Bldg.**	**Commercial - Multi-Tenant Bldg.**	**Industrial / Other Use**
Permitted	No	Yes	Yes	No
Permit Required	N/A	Yes	Yes	NA
Max. Number	N/A	2 per drive-thru	1 per tenant	N/A
Max. Area	N/A	1st drive-thru sign - 30 sq. ft. 2nd drive-thru sign - 16 sq. ft.	1st drive-thru sign - 30 sq. ft. 2nd drive-thru sign - 16 sq. ft.	N/A
Max. Height	N/A	7 ft.	7 ft.	N/A
Illumination	N/A	Internal or external	Internal or external	N/A
Subject to Max. Wall Sign Allowance	N/A	No	No	N/A

Figure 21-4710-5, Display Signs

Vehicle-Oriented Display Sign

Wall-Mounted Display Sign

F. **Electronic Message Centers.**

1. *General.*

a. A maximum of one monument or wall sign with electronic message copy per property or development shall be permitted. Electronic message centers are not permitted on any other sign type.

b. The electronic message area portion of the sign shall not make up more than 50 percent of the sign face. If areas of the support base that are above grade utilize permanent, dimensional letters or symbols, these areas shall be counted as signage.

c. Existing signage proposed for conversion to the use of an electronic message center shall conform to the sign standards in this subsection prior to issuance of a sign permit.

d. Non-conforming signs shall not be eligible for conversion to an electronic message center.

2. *Lighting.*

a. The electronic message center shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety, or welfare.

b. Applications for sign permits containing an electronic message center shall include the manufacturer's specifications and nit (candela per square meter) rating. The Community Development Director may place a maximum nit (candela per square meter) on the sign permit approval.

i. In no instance shall an electronic message center be approved with a maximum nit (candela per square meter) of more than 600 between sunset and sunrise as measured from the sign's face.

ii. Between sunrise and sunset, the maximum shall not exceed 5,000 nits (candelas per square meter) or three-tenths (.3) foot-candles over the ambient light, whichever is lower, as measured from the sign's face.

iii. In some instances, especially in sensitive areas (i.e., proximity to residential, parks, open space or other similar uses), the Community Development Director may place a maximum nit (candela per square meter) less than the maximums described herein on the sign permit approval.

c. Documentation shall be provided from the sign manufacturer which verifies compliance with auto dimming and brightness requirements.

d. *Transition method.* The electronic message center shall be limited to static messages, changed only through either dissolve or fade transitions, which may otherwise not have movement, or the appearance or optical illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.

e. *Transition duration.* The transition duration between messages shall not exceed one second.

f. *Message hold time.* The message hold time shall be a minimum of seven seconds.

G. **Flags and flagpoles**. Freestanding flagpoles and the flags flown upon such flagpoles shall comply with the standards set forth in this section.

1. The size of flags and the height of all flagpoles shall conform to the standards in Table 21-4710-1, *Flag and Flagpole Requirements*.

2. No flag shall, when fully unfurled, extend over the property boundary onto any adjoining property or public right-of-way;

3. No flag or flagpole shall be erected or maintained to allow a flag at rest to reach a height less than nine feet above the ground; and

4. Flagpoles must be setback 15 feet from the front property line and 5 feet from the side property line.

5. Non-residential lots may contain up to three flagpoles to fly flags.

6. A residential lot may contain no more than one flagpole to fly a flag.

7. The installation of a flagpole that is 30 feet or greater in height shall require a Building Permit. No flagpole shall require a Sign Permit to construct.

8. Flagpoles are prohibited in the rear yard.

Table 21-4710-7, Flag and Flagpole Requirements		
Building Height	**Maximum Height of Pole**	**Maximum Flag Size (in feet)**
All single-unit residential	15 ft.	3 x 5
1 story	20 ft.	3 x 5
2 stories	25. ft.	4 x 6
3-4 stories	30. ft.	5 x 8
5 stories or more	35 ft.	6 x 10
Model Home	35 ft.	6 x 10

H. **Freestanding Signs.**

1. *General standards.* The following standards apply to freestanding signs:

   a. Only freestanding monument signs are permitted. Freestanding pole signs are prohibited.

   b. Supporting structures for monument signs must be at least two-thirds the dimension of the width and thickness of the sign it supports.

   c. For properties of ten acres or more, monument signs over 8 feet in height shall be placed no less than 175 feet from all residential district boundaries or any residential development.

   d. All solar-powered monument signs are eligible for a 20% sign area bonus.

   e. For properties with frontage on either I-76 or I-270, the allowable monument sign area and height may be increased by an additional 25%.

   f. To the maximum extent feasible, a monument sign should be located in a planted landscaped area, which is of a shape, design, and size that will provide a compatible setting for the sign. The planted landscaped area shall be maintained by the property owner and can be counted as part of the landscape area.

   g. All freestanding signs shall be appropriate in scale, proportion, material, and color to the character and architectural detail of the building and site.

   h. All freestanding signs shall have a landscaped area at their base, the square footage of which is equal to the square footage of the sign face. The landscaped area shall consist of plant material from Appendix A, *Plant List*.

2. *Residential Use Standards.* In addition to the general standards in subsection (1) above, freestanding signs associated with residential uses are subject to the standards in Table 21-4710-8 below.

Table 21-4710-8, Freestanding Signs - Residential Use Standards			
Standard	**Subdivisions**	**Multi-unit**	**Mobile Home Park**
Permit Required	Yes	Yes	Yes
Max. Number	2 signs/major entrance/street frontage if used at either side of ROW; on if on median or island in center of entry street	2 signs/major entrance/street frontage if used at either side of ROW; on if on median or island in center of entry street	2 signs/major entrance/street frontage if used at either side of ROW; on if on median or island in center of entry street
Max. Area	50 SF/sign	50 SF/sign	50 SF/sign
Max. Height	6 ft.	6 ft.	6 ft.
Min. Setback	10 ft., unless part of island median; Min. 5 ft. from curb or sidewalk	10 ft., unless part of island median; Min. 5 ft. from curb or sidewalk	10 ft., unless part of island median; Min. 5 ft. from curb or sidewalk
Illumination	Internally or externally lit	Internal or external	Internal or external

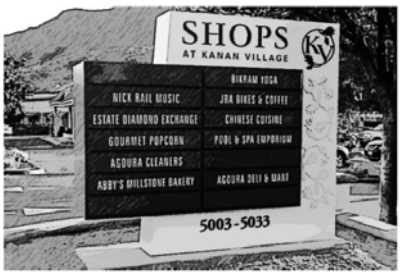
3. *Commercial and Industrial Use Standards.* In addition to the general standards in subsection (1) above, freestanding signs associated with any commercial or industrial site are subject to the standards in Table 21-4710-9 below.

Table 21-4710-9, Freestanding Signs - Commercial and Industrial Use Standards			
Standard	**< 2-Acre Site**	**2-10-Acre Site**	**>10-Acre Site**
Permitted	Yes	Yes	Yes
Permit Required	Yes	Yes	Yes
Max. Number	1	1	1 per street frontage; Max. 2; Signs to be identical in design
Max. Area	32 SF/sign	60 SF/sign	100 SF/sign
Max. Height	6 ft.	8 ft.	20 ft.
Min. Setback	10 ft.	10 ft.	25 ft.
Illumination	Internally or externally lit	Internal or external	Internal or external

4. *Institutional Use Standards.* In addition to the general standards in subsection (1) above, freestanding signs associated with institutional uses are subject to the standards in Table 21-4710-10 below.

Table 21-4710-10, Freestanding Signs - Institutional Use Standards				
Standard	**Residential Zone**	**Non-Residential Zone <2-Acre Site**	**Non-Residential Zone 2-10-Acre Site**	**Non-Residential Zone >10-Acre Site**
Permitted	Yes	Yes	Yes	Yes
Max. Number	1	1	1	1/street frontage; Max = 2; signs must be identical in design
Max. Area	50 SF	32 SF	60 SF	100 SF/street frontage
Max. Height	6 ft.	6 ft.	8 ft.	20 ft.
Min. Setback	10 ft.	10 ft.	10 ft.	25 ft.
Illumination	Internal or external	Internal or external	Internal or external	Internal or external

Figure 21-4710-6, Freestanding Signs

Residential Subdivision	Commercial Multi-Tenant	Institutional
		

I. **Kiosks.**

1. *General Standards.* The following standards apply to all kiosks:

a. These regulations do not authorize the installation of kiosks with or without signs without obtaining any necessary building permits in compliance with the city's applicable building and zoning codes.

b. Kiosks that contain signs shall be designed to be compatible with the storefront in scale, proportion, material, and color.

2. *Use Standards.* In addition to the general standards in subsection (1) above, kiosks are subject to the standards in Table 21-4710-11 below.

Table 21-4710-11, Kiosks - Use Standards

Standard	Residential	Non-Residential
Permitted	No	Yes
Permit Required	N/A	Yes
Max. Number	N/A	2/building
Max. Area	N/A	50 SF
Max. Height	N/A	10 ft.
Illumination	N/A	Internal or External
Subject to Max. Wall Signage Allowance	N/A	No

Figure 21-4710-7, Kiosk

J. **Marquee Signs.**

1. *General Standards.* The following standards apply to all marquee signs:

a. These regulations do not authorize the installation of marquees with or without signs without obtaining any necessary building permits in compliance with the city's applicable building and zoning codes.

b. Marquees that contain signs shall be designed to be compatible with the storefront in scale, proportion, material, and color.

2. *Use Standards.* In addition to the general standards in subsection (1) above, marquee signs are subject to the standards in Table 21-4710-12 below.

Table 21-4710-12, Marquee Signs - Use Standards

Standard	Residential	Non-Residential
Permitted	No	Yes
Permit Required	N/A	Yes
Max. Number	N/A	1
Max. Area	N/A	32 SF/side
Max. Height	N/A	Roofline, or below 2nd story, whichever is less

Table 21-4710-12, Marquee Signs - Use Standards		
Standard	**Residential**	**Non-Residential**
Illumination	N/A	Internal, External, or Neon
Min. Clearance	N/A	8 ft.
Max. Projection	N/A	8 ft.
Subject to Max. Sign Allowance	N/A	Yes

Figure 21-4710-8, Marquee Sign

K. **Projecting Signs.**

1. *General standards.* The following standards apply to projecting signs:

   a. Projecting signs shall be placed near a building entrance or an access point to a walkway.

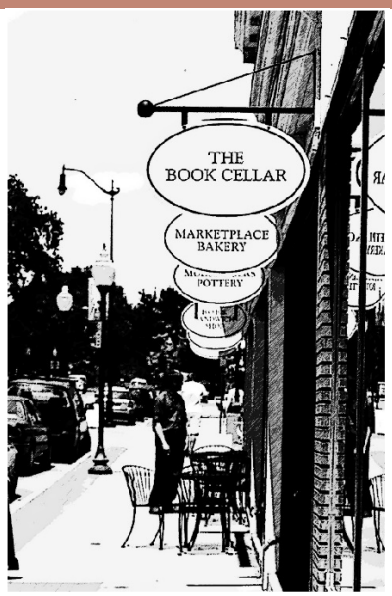
   b. Projecting signs shall be spaced a minimum of 10 feet apart on multi-tenant buildings, unless there is less than 10 feet separating tenant entrances.

   c. Projecting signs over public right-of-way shall also require a right-of-way permit.

2. *Use Standards.* In addition to the general standards in subsection (1) above, projecting signs are subject to the standards in Table 21-4710-13 below.

Table 21-4710-13, Projecting Signs - Use Standards				
Standard	**Residential**	**Commercial--Single Tenant**	**Commercial--Multi-Tenant**	**Undeveloped/Agricultural**
Permitted	No	Yes	Yes	No
Permit Required	N/A	Yes	Yes	N/A
Max. Number	N/A	1	1/Tenant	N/A
Max. Area	N/A	30 SF	30 SF	N/A
Max. Height	N/A	15 ft. or below 2nd story, whichever is less	15 ft. or below 2nd story, whichever is less	N/A
Min. Clearance	N/A	8 ft.	8 ft.	N/A
Max. Projection	N/A	5 ft	5 ft.	N/A
Illumination	N/A	No	No	N/A
Subject to Max. Wall Signage Allowance	N/A	Yes	Yes	N/A

Figure 21-4710-9, Projecting Sign



L. **Wall Signs.**

1. *General standards.* The following standards apply to all wall signs:

   a. Combinations of cabinet and channel letter wall signs are permitted, except that the cabinet portion shall not exceed 25 percent of the maximum allowable sign area.

   b. The total length of any individual wall sign shall not exceed 75 percent of the length of the frontage of the establishment, storefront, or tenant space on which the sign is placed.

   c. The total allowable square footage of wall signage for an individual use containing over 20,000 square feet of gross floor area may be divided into a primary sign and not more than two secondary signs with each secondary sign not to exceed more than 60 square feet in area.

   d. For individual uses on property that is greater than 15 acres in size and has a total building area of at least 90,000 square feet, the allowable wall sign square footage may be increased by an additional 25 percent.

   e. For multi-tenant buildings, wall signs must be located on the portion of the building in which the business being advertised is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.

   f. Wall signs may not be located on the rear of buildings that abut a residential zone district or property.

2. *Residential Use Standards.* In addition to the general standards in subsection (1) above, wall signs associated with residential uses are subject to the standards in Table 21-4710-14 below.

Table 21-4710-14, Wall Signs - Residential Use Standards

Standard	Subdivisions	Multi-unit	Mobile Home Park
Permitted	Yes	Yes	Yes
Permit Required	Yes	Yes	Yes
Max. Number	1/street frontage; located on exterior wall of community center only	1/street frontage	1/street frontage; located on exterior wall of community center or manager's office only

Table 21-4710-14, Wall Signs - Residential Use Standards			
Standard	**Subdivisions**	**Multi-unit**	**Mobile Home Park**
Max. Area	50 SF/street frontage	50 SF/street frontage	50 SF/street frontage
Max. Height	Located in signable area of wall	Located in signable area of wall	Located in signable area of wall
Illumination	Internal or external	Internal or external	Internal or external

3. *Commercial and Industrial Use Standards.* In addition to the general standards in subsection (1) above, wall signs associated with any commercial or industrial site are subject to the standards in Table 21-4710-15 below.

Table 21-4710-15, Wall Signs - Commercial/Industrial/Mixed-Use Standards		
Standard	**Single Building**	**Multi-Tenant Building**
Permitted	Yes	Yes
Permit Required	Yes	Yes
Max. Number	Interior lots: 2 max. Corner lots: 3 max.	Interior lots: 2 max. Corner lots: 3 max.
Max area: Cabinet Signs	2 SF/building/linear ft.; 100 SF max.	2 SF/building/linear ft.; 100 SF max.
Max area: Individual Letter Signs	2 SF/building/linear ft.; 200 SF max.	2 SF/building/linear ft.; 200 SF max.
Max. Height	Located in signable area of wall; 20 ft. max. for multi-story buildings	Located in signable area of wall; 20 ft. max. for multi-story budlings
Illumination	Internal or external	Internal or external

4. *Commercial and Industrial Use Standards.* In addition to the general standards in subsection (1) above, wall signs associated with institutional uses are subject to the standards in Table 21-4710-16 below.

Table 21-4710-16, Wall Signs - Institutional Use Standards		
Standard	**Single Building**	**Multi-Tenant Building**
Permitted	Yes	Yes
Permit Required	Yes	Yes
Max. Number	1/street frontage	Interior lots: 2 max. Corner lots: 3 max.
Max Area: Cabinet Signs	50 SF	1 SF/building linear frontage; 100 SF max.
Max Area: Individual Letter Signs	50 SF	2 SF/building linear frontage.; 200 SF max.
Max. Height	Located in signable area of wall; 20 ft. max. for multi-story buildings.	Located in signable area of wall; 20 ft. max. for multi-story buildings.
Illumination	Internal or external	Internal or external

Figure 21-4710-10, Wall Signs	
Cabinet	**Individual Letter**

Figure 21-4710-10, Wall Signs

M. **Window Signs.**

1. *General Standards.* The following standards apply to permanent window signs:

   a. Permanent window signs shall be located on those windows of the unit or space occupied by a business.

   b. Permanent window signs shall not be displayed above the ground floor level.

   c. Permanent window signs shall not be animated.

   d. When determining the maximum permitted number and the maximum permitted area of permanent signs, temporary window signs shall not be taken into account unless otherwise specified or regulated in this LDC. However, in no case shall a permanent, temporary, or combination of such window signs cover more than 25 percent of any individual window area.

2. *Use Standards.* In addition to the general standards in subsection (1) above, permanent window signs are also subject to the use standards in Table 21-4710-17 below.

Table 21-4710-17 Window Signs - Use Standards

Standard	Residential	Non-Residential
Permitted	No	Yes
Permit Required	N/A	Yes
Max. Number	N/A	Unlimited
Max. Area	N/A	25% of window
Max. Height	N/A	Top of ground floor window
Illumination	N/A	No

Figure 21-4710-11, Window Signs

Window Sign	Window Sign

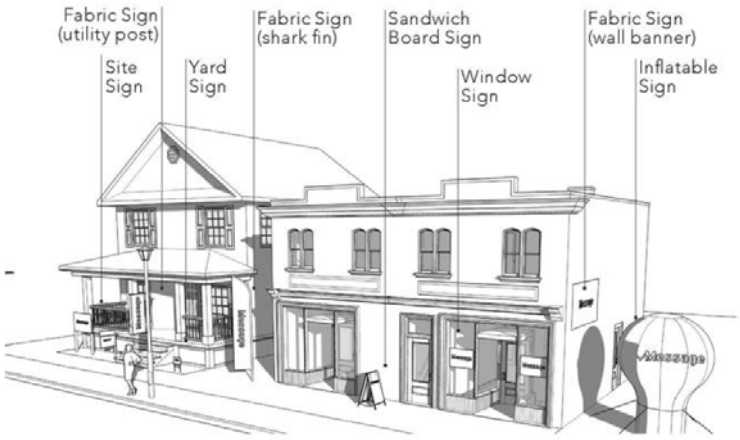
Figure 21-4710-11, Window Signs

Sec. 21-4720. - Temporary Sign Standards

A. **Permitted Temporary Sign Types.** Temporary signs include the following types:

1. Fabric signs (including Wall Banner, Shark Fin, and Utility Post signs);
2. Inflatable signs;
3. Sandwich board signs;
4. Site signs;
5. Window signs; and
6. Yard signs.

Figure 21-4720-1 Temporary Sign Types



B. **General.**

1. The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used to circumvent the regulations that apply to permanent signs or to add permanent signage to a property in addition to what is allowed by these regulations.
2. Unless otherwise stated in this division, any permit for a temporary sign shall be valid for a period of not more than 12 consecutive calendar months.
3. In general, a temporary sign shall be removed as of the date that:

a. It becomes an abandoned sign;

b. It falls into disrepair; or

c. The expiration of the number of days in the tables listed for each temporary sign type.

C. **Fabric Signs (Banners).**

1. *General Standards.* The following standards apply to all fabric signs:

a. *Wall-mounted banners shall be attached flat against a building.* Wall-mounted banners shall not disrupt the architectural composition of the building façade, overlap, or otherwise cover features of the building such as cornices, eaves, window and doorframes, columns, and other decorative elements.

b. Ground-mounted banners shall not be placed where they obscure important architectural features such as entrances, display windows, or decorative elements when viewed from the public right-of-way.

c. Shark fin fabric signs are not permitted except as a temporary site sign, subject to the following standards:

i. For residential developments:

(A) A maximum of six shark fin signs are permitted per lot.

(B) Shark fin signs are only permitted during an active initial sales/rental period.

ii. For non-residential developments:

(A) A maximum of two shark fin signs are permitted per street frontage.

(B) Shark fin signs are only permitted until the first Certificate of Occupancy is approved for the development.

iii. For all developments:

(A) A sign permit is required for any shark fin sign.

(B) All shark fin signs must be the same color and theme.

(C) The maximum height shall not exceed eight feet.

(D) The maximum sign area shall not exceed 20 square feet.

(E) The minimum setback shall be 10 feet from a public right-of-way.

(F) Shark fins may not be illuminated.

2. *Use Standards.* Fabric signs (except shark fins) are also subject to the use standards in Table 21-4720-1 below.

Table 21-4720-1 Fabric Signs - Use Standards

Standard	Residential	Commercial/Industrial--Single-Tenant	Commercial/Industrial--Multi-Tenant	Undeveloped/Agricultural
Permitted	Multi-Family uses only	Yes	Yes	Yes
Permit Required	No	Yes	Yes	Yes
Max. Number	1	2	1/tenant	2
Max. Area	40 SF	40 SF	20 SF/Tenant	40 SF

Table 21-4720-1 Fabric Signs - Use Standards				
Standard	**Residential**	**Commercial/Industrial--Single-Tenant**	**Commercial/Industrial--Multi-Tenant**	**Undeveloped/Agricultural**
Max. Height	Roof line if wall mounted; 8 ft. if ground mounted	Roof line	Roof line	
Max. Time Permitted	Up to 30 consecutive days; 60 days max. in a calendar year	Up to 30 consecutive days; 60 days max. in a calendar year	90 days/year/tenant	Up to 30 consecutive days; 60 days max. in a calendar year
Illumination	No	No	No	No
Min. Setback, if ground mounted	10 ft.	N/A	N/A	10 ft.

Figure 21-4720-2 Fabric Sign

D. **Inflatable Signs.**

1. *General Standards.* The following standards apply to all inflatable signs:

   a. Any inflatable device must be tethered or anchored to prevent dislocation, entanglement or encroachment onto adjacent properties or public streets, or undue hazard to motorists or pedestrians.

   b. Any inflatable device or balloon not tethered to a roof, shall not displayed more than 20 feet from grade level or exceed 3 feet in diameter.

   c. All inflatable devices and balloons shall be removed at the expiration of the applicable permit period.

2. *Use Standards.* Inflatable signs are subject to the use standards in Table 21-4720-2 below.

Table 21-4720-2 Inflatable Signs - Use Standards				
Standard	**Residential**	**Commercial/Industrial--Single-Tenant**	**Commercial/Industrial--Multi-Tenant**	**Undeveloped/Agricultural**
Permitted	No	Yes	Yes	Yes
Permit Required	N/A	Yes	Yes	Yes

Table 21-4720-2 Inflatable Signs - Use Standards				
Standard	Residential	Commercial/Industrial--Single-Tenant	Commercial/Industrial--Multi-Tenant	Undeveloped/Agricultural
Max. Number-Ground Tethered	N/A	1	1/tenant	1
Max. Number-Roof Tethered	N/A	1	1/building	1
Max. Area-Ground Tethered	N/A	3 ft. in diameter	3 ft. in diameter	3 ft. in diameter
Max. Area-Roof Tethered	N/A	None	None	None
Max. Height-Ground Tethered	N/A	20 ft.	20 ft.	20 ft.
Max. Height-Roof Tethered	N/A	10 ft. above highest point of roof	10 ft. above highest point of roof	10 ft. above highest point of roof
Max. Time Permitted	N/A	up to 7 consecutive days and no more than 14 days/calendar month	up to 7 consecutive days and no more than 14 days/calendar month	up to 7 consecutive days and no more than 14 days/calendar month
Illumination	No	No	No	No
Min. Setback, if ground mounted	N/A	10 ft.	10 ft.	10 ft.

Figure 21-4720-3 Inflatable Sign

E. **Sandwich Board Signs.**

1. *General Standards.* The following standards apply to all sandwich board signs:

   a. A sandwich board shall be:

i. Constructed of materials that present a finished appearance. Roughcut plywood is not allowed.

ii. Professionally painted or applied. A "yard sales" or "graffiti" look with hand-painted or paint-stenciled letters shall not be allowed.

b. A sandwich board sign shall not obstruct pedestrian or vehicular circulation. Any sandwich board sign that is deemed unsafe for pedestrians or motorists may be removed by the City.

c. A sandwich board sign shall be placed only on the property of the business displaying such sign, or on the adjacent sidewalk, and shall be removed each day at close of business.

d. A sandwich board sign shall be anchored to the ground or weighted sufficiently to prevent movement by wind.

e. A sandwich board sign shall not contain moving parts or have attached to them any balloons, streamers, pennants, or similar adornment. Attaching a sandwich board sign to a structure, pole, object, other sign, etc., by means of chains, cords, rope, wire, cable, etc., is prohibited.

f. A sandwich board sign placed in violation of this section may result in immediate removal of the sign, and the business's temporary sign permit privileges denied for the remainder of that year.

2. *Use Standards.* Sandwich board signs are subject to the use standards in Table 21-4720-2 below.

Table 21-4720-3 Sandwich Board Signs - Use Standards

Standard	Residential	Commercial/Industrial--Single-Tenant	Commercial/Industrial--Multi-Tenant	Undeveloped/Agricultural
Permitted	Multi-Unit Uses Only	Yes	Yes	No
Permit Required	Yes	Yes	1/Tenant	N/A
Max. Number	1	1	1/tenant	N/A
Max. Area	6 SF	6 SF	6 SF	N/A
Max. Height	4 ft.	4 ft.	4 ft.	N/A
Max. Time Permitted	6 mos.	6 mos.	6 mos.	N/A
Illumination	No	No	No	N/A
Min. Pedestrian Clearance	4 ft.	4 ft.	4 ft.	N/A

Figure 21-4720-4 Sandwich Board Sign

F. **Site Signs.**

1. *General Standard.* Site signs are intended for vacant land parcels or lots under construction, and are not permitted on parcels with existing or built-out residential or non-residential uses.

2. *Exception.* Site signs are prohibited on built-out residential lots except when that lot is used as a Model Home. Model Home(s) are allowed Site Signs in accordance with Table 21-4720-4, *Site Signs - Use Standards*.

Table 21-4720-4 Site Signs - Use Standards

Standard	Residential	Non-Residential	Model Home
Permitted	Yes	Yes	Yes
Permit Required	Yes	Yes	Yes
Max. Number	1/street frontage	1/street frontage	1/street frontage
Max. Area	100 SF	40 SF	30 SF
Max. Height	12 ft.	8 ft.	6 ft.
Max. Time Permitted	During active initial sales/rental period	Until the last Certificate of Occupancy is approved	Until the last home in a filing is sold
Illumination	No	No	No
Min. Setback	25 ft.	25 ft.	10 ft.

Figure 21-4720-5 Site Sign

G. **Window Signs.**

1. *General Standards.* The following standards apply to temporary window signs:

   a. Temporary window signs shall be located only in those windows of the unit or space occupied by a business.

   b. Temporary window signs shall not be displayed in windows above the ground floor level.

   c. All neon signs connected to an electrical outlet located inside a building are considered temporary window signs for this LDC.

   d. Temporary window signs shall not be animated.

   e. When determining the maximum permitted number and the maximum permitted area of permanent signs, temporary window signs shall not be taken into account unless otherwise specified or regulated in this LDC. However, in no case shall a permanent, temporary, or combination of such window signs cover more than 25 percent of any individual window area. *[Insert photo of window signs from Figure VIII-23. Window Signs or replace with Figure 21-4720-X. Window Signs].*

2. *Use Standards.* Temporary window signs are subject to the use standards in Table 21-4720-5 below.

Table 21-4720-5 Temporary Window Signs - Use Standards

Standard	Residential	Commercial/Industrial--Single-Tenant	Commercial/Industrial--Multi-Tenant	Undeveloped/Agricultural
Permitted	No	Yes	Yes	No
Permit Required	N/A	No	No	N/A
Max. Number	N/A	Unlimited	Unlimited	N/A
Max. Area	N/A	200 SF	200 SF/tenant	N/A
Max. Height	N/A	Ground floor	Ground floor	N/A
Max. Time Permitted	N/A	Unlimited.	Unlimited	N/A
Illumination	N/A	No	No	N/A
Max. Window Coverage	N/A	25%	25%	N/A

Figure 21-4720-6 Window Sign

H. **Yard Signs.**

1. *General Standard.* Yard signs shall not be erected or placed in parks, alleys, or in a street or other public right-of way or place.

2. *Use Standards.* Yard signs are subject to the use standards of Table 21-4720-6 below.

Table 21-4720-6 Yard Signs - Use Standards

Standard	Residential	Non-Residential
Permitted	Yes	Yes
Permit Required	No	No
Max. Number	Unlimited within max. area requirements	1/building
Max. Area	6 SF per sign; 24 SF total	40 SF
Max. Height	4 ft.	8 ft.
Max. Time Permitted	Unlimited	Unlimited
Illumination	No	No
Min. Setback	5 ft.	25 ft.

Figure 21-4720-7 Yard Sign

Sec. 21-4730. - Sign Illumination

A. **General.**

1. Illuminated signs shall be shielded so there is no glare in the public right-of-way and adjacent properties, and directed so light does not stray above the light source horizontally. Illumination shall be steady and even over the entire sign face. All lighting elements shall be kept in working condition.

2. No sign shall contain light strings.

B. **Illumination for Specific Sign Types**. Refer to Sec. 21-4710. - Permanent Sign Standards for details about illumination for each specific sign type.

Sec. 21-4740. - Installation, Maintenance, Alteration and Removal

A. **Sign Installation.**

1. All permanent signs and all components thereof, including sign structures and sign faces, shall be installed in compliance with the adopted building and electrical codes of the City.

   a. All permanent signs shall be installed by a City-licensed contractor.

   b. Materials for construction of signs and sign structures shall be of the quality and grade as specified for buildings in the adopted building code.

   c. All electrical work for the construction and/or operation of a sign shall be performed in accordance with the electrical code and shall be subject to inspection by the City for compliance therewith.

   d. Every electric sign shall have affixed thereon an approved Underwriters' Laboratories label, or all wiring of such sign as approved by the state electrical inspector, and all wiring connected to such sign shall comply with all provisions of the applicable regulations of the City relating to electrical installations.

   e. Signs shall be located in such a way as to maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with adopted electrical code specifications, depending on voltages concerned. However, in no case shall a sign be installed closer than 48 inches horizontally or vertically from any conductor or public utility guy wire, or as recommended by the local public utility company.

2. No sign or sign structure shall be installed that impedes pedestrian or vehicular movement, or be erected in such a location as to cause visual obstruction or interference with motor vehicle traffic or traffic-control devices, or obstruct clear vision in any direction from any street intersection or driveway.

3. No sign or sign structure shall be installed that obstructs access to or impedes operation of any fire escape, downspout, window, door, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building or structure as may be required by law. If possible, signs should not be placed in locations that obscure architectural features such as pilasters, arches, windows, cornices, etc.

4. No sign or sign structure shall be installed which is structurally unsafe.

5. Except for ornamental mountings, no visible guy wires, structural cables, or turnbuckles shall be allowed.

6. Except for flags, window signs, and temporary signs conforming to the requirements of these regulations, all signs shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

7. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, destroy, or remove any trees or shrubs located within the right-of-way, unless the work is done pursuant to written authorization of the City or unless the removal of landscaping has been provided in compliance with the other sections of this LDC.

B. **Sign Maintenance.**

1. All signs and all parts and components thereof, shall be maintained in a safe condition in compliance with all adopted building and electrical codes, and in conformance with these regulations.

    a. All signs, including sign structures and sign faces, shall be maintained in good repair at all times and shall not constitute a hazard to safety, health, or public welfare by reason of inadequate maintenance or deterioration. For the purposes of this section, good repair shall mean that there are no loose, broken, torn, or severely weathered portions of the sign structure or sign face.

    b. The owner of a sign shall be required to keep signs and supporting hardware structurally safe, clean, free of visible defects, including graffiti, and functioning properly at all times. Exposed surfaces shall be kept clean, neatly painted, and free from rust and corrosion. Defective parts shall be replaced. Repairs to signs shall be equal to or better in quality of materials and design than the original sign.

    c. All electronic message centers shall be equipped with a malfunction display and the ability to automatically shut off if a malfunction occurs. An electronic message center under repair shall be shut off.

2. All signs or any part of a sign which is broken or damaged or which is not reasonably maintained such as to present a nuisance, hazard, or potential hazard, including any required landscaping, shall be repaired or removed by the sign owner such that the sign no longer is a nuisance or endangers public health and/or safety. If the sign owner fails or refuses to repair or remove the unsafe sign as herein required, the sign shall be deemed a nuisance and the City may abate the same as provided in chapter 6 of this code, as the same may be amended.

3. The replacing or repairing of a sign or sign structure that has been damaged to an extent exceeding 50 percent of the appraised replacement cost (as determined by the Building Official) shall be considered as maintenance only when such sign conforms to all of the applicable provisions of these regulations and when the damage has been caused by an act of God or violent accident, provided however, if the sign is nonconforming under Sec. 21-8130, the sign must be brought into conformance.

4. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, destroy, or remove any trees or shrubs located within the right-of-way, unless the work is done pursuant to written authorization of the City or unless the removal of landscaping has been performed in compliance with the other sections of this LDC.

C. **Sign Alteration and Removal.**

1. Any alteration to an existing sign, other than for a change of copy or for maintenance, shall require a new sign permit pursuant to Sec. 21-7470. Alterations shall include, without limitation:

    a. Changing the size of the sign;

    b. Changing the shape of the sign;

    c. Changing the material of which the sign is constructed;

    d. Changing or adding lighting to the sign;

    e. Changing the location of the sign; or

    f. Changing the height of the sign.

2. Existing nonconforming signs may be altered in any way that does not change the materials, light source, size, height, background, shape, or location of the sign without bringing the entire sign into conformance, provided that the cost of the alteration is less than sixty percent of the sign's replacement cost, or in the case of nonconforming signs located in the floodplain, fifty percent of the replacement cost.

3. Any abandoned or illegal sign, which is not removed from the premises by the owner, user, or property owner within the time frames prescribed shall be subject to removal in accordance with the provisions and procedures detailed in this section. Any such sign shall be considered a violation of the provisions of these regulations and be subject to the penalties set forth in Article X.

a. An abandoned permanent sign shall be removed by the owner, user, or property owner within 30 days from time the purpose has passed or no longer applies.

b. An abandoned temporary sign shall be removed by the owner, user, or property owner within three days from time the purpose has passed or no longer applies.

c. When building-mounted and painted wall signs are removed, the face of the structure shall be treated to conform to surrounding building conditions. Such removal shall not leave any evidence of the sign's existence.

d. Any illegal sign shall be removed from the premises upon which it is located within 30 days from the notice of violation, and shall not remain on the premises until and unless a Sign Permit is approved.

e. In the Community Development Director's discretion, an historical sign may be permitted to remain in place when no longer in use or otherwise subject to removal under this section. If this exemption is approved, the Community Development Director may also impose conditions upon this exemption to ensure public safety.

4. Upon failure of the owner, user, or property owner to comply within the specified time requirements set out in this section, the Community Development Director is hereby authorized to cause such abandoned or illegal sign to be removed and any expense attendant thereto shall be paid by the owner, agent, or person having the beneficial use of the building, structure, or premises upon which the sign is located.

a. Such removal shall be performed by the City as permitted by law under the municipal code.

b. The City Attorney is hereby authorized, in accordance with the law, to file a notice of lien in the office of the county clerk to foreclose this lien and to sue the owner of the real estate of sign permittee, or their agents, in a civil action to recover the money due for the foregoing service, plus all its costs as hereinafter more fully described, together with reasonable attorney's fees to be fixed by the court.

c. Any such judgement shall be enforced in accordance with law. Included in the expenses recoverable by the City shall be the costs of filing the notice of lien foreclosing such lien and all litigation costs, together with all office and legal expenses incurred in connection with collection of the amount due hereunder.

d. In lieu of filing and enforcing a lien, the City may certify its costs of removal and enforcement with the county treasurer under CRS 31-20-105 & 106 for collection in the same manner as real property taxes.

e. A failure to remove any abandoned or illegal sign and subsequent failure by the Community Development Director to duly notice the owner, user, or property owner of the provisions of this section shall not be deemed to constitute a waiver of any violations of these regulations, nor to be given any special status.

f. If, through administrative neglect or inaction, an owner, user, or property owner is not notified of the requirements of this section within the time frames specified, but is later so notified, such owner, user, or property owner shall take action to either correct the abandonment or illegality or shall cause the sign to be removed within 20 days of such notification.

g. Any sign removed by the City, in accordance with this section, shall become the property of the City and may be disposed of in any manner deemed appropriate by the City.

Division 4.8: Open or Amenity Space

Sec. 21-4800. - General Provisions

A. **General**. Open or amenity space is required within each zoning district, as noted in *Article II: Zoning Districts and Development Standards* through the required open or amenity space percentages. For those zoning districts or development options that require open or amenity space, a menu of such options is provided, as shown in Sec. 21-4810, *Open or Amenity Space Standards*.

B. **Exemptions**. The following types of development are exempt from open or amenity space requirements:

1. *Infill Development.* Infill development on property that is less than one acre in area, that is not part of a larger phased development, and that meets one or more of the following criteria that delineate infill development.

   a. *Existing Development*. Where adjacent properties abutting at least 50 percent of the linear feet of the side or rear lot lines of the subject property are developed with single-family dwellings of higher density or intensity uses;

   b. *Underused Property*. Where the subject property consists of less dense or intense development than what is permitted based on the zoning district;

   c. *Environmental Constraints*. Where adjacent properties abutting at least 50 percent of the linear feet of the side or rear lot lines of the subject property are encumbered by environmentally sensitive or constrained areas such as floodplains;

   d. *Utility Easements*. Where adjacent properties abutting at least 50 percent of the linear feet of the side or rear lot lines of the subject property are utility easements that create a substantial break in development or redevelopment potential; or

   e. *Vacant or Unoccupied*. Where adjacent properties abutting at least 50 percent of the linear feet of the side or rear lot lines of the subject property consist of properties that have been vacant or unoccupied for more than one year.

2. *Single-Unit Residential Development.* Single-unit residential development on lots platted before the effective date of this LDC, where lot consolidation or subdivision is not proposed.

Sec. 21-4810. - Open or Amenity Space Standards

A. **Required Open or Amenity Space**. Where the zoning district requires open or amenity space, Table 21-4810-1, *Open or Amenity Space Types*, details the options permitted for each zoning district to fulfill the open or amenity space requirement. As shown in the Multiplier column, each open or amenity space option is accompanied by a unique "multiplier" which assigns a unique value to that option. This is meant to ensure a variety of open or amenity space selections and to work toward equal investment for each open or amenity space option selected.

B. **Design Principles.**

1. *Integrated Design.* Open spaces shall be integrated into the subdivision to bring significant open space to the maximum number of properties, as well as visibility from the public rights-of-way within the proposed development. Visual or physical access to open spaces may be limited if such limitations would materially enhance natural resource preservation and management.

2. *Character and Location.* Land reserved by the developer for open or amenity space shall be of a character and location suitable for the proposed use and shall meet the minimum requirements for each open or amenity space type allowed as defined in each district.

3. *Trails and Drainage Corridors, Waterbodies, and Watercourses*. Open space shall be designed to provide trails along drainage corridors, water bodies, and watercourses. Landscaping along drainage corridors, waterbodies,

and watercourses shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the drainage corridor or watercourse for the residents of the subdivision.

4. *Other Open Spaces.* Formal open spaces shall be designed to provide areas of enjoyment within the development. Landscaping, furniture, and other amenities for pedestrians shall be installed to enhance this effect.

C. **Special Site Considerations.**

1. *Shadow Protection.* When the subdivision abuts an area developed with or specified for taller buildings, the location of open space wherever possible shall be such that it will protect shorter structures from shadows cast by taller buildings.

2. *Unusable Land.* Steep or unstable land, and land subject to inadequate drainage shall be identified and unless acceptable provisions are made for eliminating or controlling problems that may endanger health, life, or property, such sites shall not be platted for residential occupancy. Land not usable for residential purposes may be set aside for open land uses as for parks, conservation areas or various agricultural uses.

D. **Multiplier Example.**

1. *Multiplier.* The multiplier quantifies the square footage of open or amenity space that is required based on the type of open or amenity space provided.

2. *Formula.* Total open or amenity space credit = square footage provided by developer x the multiplier determined by the open or amenity space type in Table 21-4810-1, *Open or Amenity Space Types.*

3. *Example.*

a. *Determine Open Space Requirement.*

i. If a developer is determining the required open or amenity space for a small commercial building using the Mixed Use, Commercial Development Option in the C-1 District, they shall refer to Subsec. 21-2210.2, *Development Options*, which establishes a minimum open or amenity space requirement of 10 percent.

ii. If the lot size is 20,000 square feet, the required open or amenity space is 10 percent of the lot area, or 2,000 square feet.

b. *Determine Open or Amenity Space Types.*

i. If the developer provides 2,000 square feet of enhanced parking lot landscaping, which has a multiplier of 0.4, then the enhanced parking lot landscaping counts as 800 square feet toward the open or amenity space requirement.

ii. If the developer also provides 1,000 square feet of recreation area, which has a multiplier of 1.2, then the recreation area counts as 1,200 square feet toward the open or amenity space requirement.

iii. Together, the enhanced landscaping (800 square feet of credit) and recreation area (1,200 square feet of credit) meet the total requirement of 2,000 square feet of open or amenity space.

E. **Category Diversity**. Larger developments shall require greater diversity in open or amenity space types, while smaller development shall require less diversity, according to the following.

1. Three to 10 units for residential or total gross floor area of less than 20,000 square feet for nonresidential or mixed use: Open or amenity space from one category (Site Improvements, Common Open Space, or Civic Spaces)

2. 11 to 199 units for residential or total gross floor area of 20,000 to 60,000 square feet for nonresidential or mixed use: Open or amenity space from two categories.

3. More than 199 units from residential or total gross floor area of more than 60,000 square feet for nonresidential or mixed use: Open or amenity space from all three categories.

F. **Active and Passive Recreation for Residential and Mixed Use Properties**.

1. *Properties Less than One Acre.* Open or amenity space required for properties less than one acre in size shall consist of not less than one passive feature listed in Table 21-4810-2, *Active and Passive Open Space.*

2. *Properties One Acre to Five Acres.* Open or amenity space required for properties between one acre to five acres in size shall consist of not less than one active and one passive feature listed in Table 21-4810-2, *Active and Passive Open Space*.

3. *Properties Greater than Five Acres.* Open or amenity space required for properties that are greater than 5 acres or more in size shall provide not less than two passive and two active features in Table 21-4810-2.

4. *Construction Standards.* All features shall be constructed in accordance with applicable City standards.

5. *Alternative Features.* Other features not listed below may be approved by the Director of Parks and Recreation.

Table 21-4810-1, Open or Amenity Space Types

Category	Visual Example	Multiplier	Character and Location Standards
Site Improvements [1]			
Enhanced Parking Lot Landscaping		0.4	Paragraph G.1.
Enhanced Foundation Plantings		0.4	Paragraph G.2.

TABLE NOTES:

[1] Where one of the Site Improvement options is chosen, the following standards apply: (1) The option (or combination of options in this category) may not comprise more than 25 percent of the Open and Amenity Space requirement for the development; and (2) To receive the full multiplier amount, the option selected shall exceed the minimum standards. Anything less than the requirements for the option shall receive only half of the multiplier amount.

[2] A Common Open Space option shall comprise a minimum of 50% of the required Open and Amenity Space for all Residential Zoning District development options requiring Open and Amenity Space.

Table 21-4810-1, Open or Amenity Space Types			
Category	**Visual Example**	**Multiplier**	**Character and Location Standards**
Enhanced Stormwater Management		1.2	Paragraph G.3.
Common Open Spaces [2]			
Natural Area		0.75	Areas established for the protection of natural attributes of local, regional, and statewide significance, which may be used in a sustainable manner for scientific research, education, aesthetic enjoyment, and appropriate use not detrimental to the primary purpose (other than wetlands as provided above). These areas are resource rather than user-based, but may provide some passive recreational activities such as hiking, nature study, and picnicking. Natural Areas may include riparian buffers, floodplains, or natural wetlands visible from walkways provided in and through the wetland.
Greenway		1.0	A series of connected natural areas (including areas protected by state or federal law) such as ravines, creeks, streams, woodlands, floodplains, or protected tree canopy that connect buildings or gathering spaces with trail systems, or that buffer the site from streets or neighboring areas.
Community Garden		1.0	A site operated and maintained by a homeowner's association or other private entity or the public to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for personal use, consumption, donation or off-site sale of items grown on the site. Greenhouse that meets the standards of this LDC are allowed.

TABLE NOTES:

[1] Where one of the Site Improvement options is chosen, the following standards apply: (1) The option (or combination of options in this category) may not comprise more than 25 percent of the Open and Amenity Space requirement for the development; and (2) To receive the full multiplier amount, the option selected shall exceed the minimum standards. Anything less than the requirements for the option shall receive only half of the multiplier amount.

[2] A Common Open Space option shall comprise a minimum of 50% of the required Open and Amenity Space for all Residential Zoning District development options requiring Open and Amenity Space.

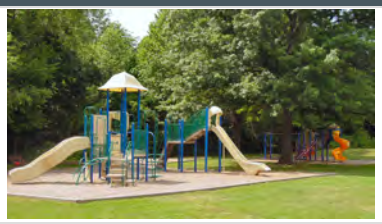
Table 21-4810-1, Open or Amenity Space Types			
Category	**Visual Example**	**Multiplier**	**Character and Location Standards**
Park		1.4	An open space area improved with playground equipment, other active open space improvements, or dog park facilities. These may be surrounded by street frontages and building frontages, but this is not required.
Civic Spaces			
Plaza		1.1	An open area with seating that is adjacent to, or part of, a building. Plazas function as gathering places and may incorporate a variety of non-permanent activities such as vendors and display stands. A plaza requires a minimum length and width of 10 feet and a minimum total area of 300 square feet.
Square		1.4	An area improved with a combination of lawn, landscaping and seating areas, and that are accessible to the public or the project's tenants or customers. A square shall be a minimum of 10,000 SF.
Courtyard		1.0	A contiguous open area, open to the public, that may be paved or landscaped and that is at least partially enclosed by the walls of an adjacent building.
Green		1.0	A common open space available for unstructured recreation, its landscaping consisting of grassy areas, trees, shrubs, and other landscaping.
Recreation Area		1.2	A hard surfaced recreation area~~s~~ such as a tennis or pickleball court.

TABLE NOTES:

[1] Where one of the Site Improvement options is chosen, the following standards apply: (1) The option (or combination of options in this category) may not comprise more than 25 percent of the Open and Amenity Space requirement for the development; and (2) To receive the full multiplier amount, the option selected shall exceed the minimum standards. Anything less than the requirements for the option shall receive only half of the multiplier amount.

[2] A Common Open Space option shall comprise a minimum of 50% of the required Open and Amenity Space for all Residential Zoning District development options requiring Open and Amenity Space.

Table 21-4810-1, Open or Amenity Space Types			
Category	**Visual Example**	**Multiplier**	**Character and Location Standards**
School Site		0.75	An open space, playground, or facility utilized by the school during school hours, but otherwise open for public use.
Community Center or Public Facility		1.8	A building and grounds used as a place of meeting, recreation, or social activity.

TABLE NOTES:

[1] Where one of the Site Improvement options is chosen, the following standards apply: (1) The option (or combination of options in this category) may not comprise more than 25 percent of the Open and Amenity Space requirement for the development; and (2) To receive the full multiplier amount, the option selected shall exceed the minimum standards. Anything less than the requirements for the option shall receive only half of the multiplier amount.

[2] A Common Open Space option shall comprise a minimum of 50% of the required Open and Amenity Space for all Residential Zoning District development options requiring Open and Amenity Space.

Table 21-4810-2, Active and Passive Open Space	
Active Features	**Passive Features**
Playgrounds	Seasonal planting areas
Basketball/Tennis/Volleyball Court	Seating, through the use of benches, tables, walls, or other similar structures
Baseball/Soccer Field	Pedestrian-scale lighting
Adult Fitness Grounds	Gazebos or other decorative shelters
Amphitheater	Public Art
Splash Pad	Water Features (stream, pond, or waterfall)
Recreational Features	Display Garden
Climbing Walls/Boulder Play Area	Barbeque grills/Picnic Tables
Community Garden	
Dog Park	
Swimming Pool	

G. **Additional Open or Amenity Space Standards.**

1. *Enhanced Parking Lot Landscaping*. Enhanced parking lot landscaping is a form of parking lot landscaping that exceeds the minimum planting requirements of Sec. 21-4410, *Site Landscaping*, by incorporating functional, aesthetic, and pedestrian-friendly elements. To qualify as Enhanced Parking Lot Landscaping, a landscape area shall meet all of the following:

   a. *Pedestrian Integration.* Includes a landscaped pedestrian walkway at least 20 feet in total width, measured building face to sidewalk, with a combination of shade trees, ornamental plantings, and pedestrian-scaled streetscape elements (e.g., lighting, benches, planters, or seat walls) that directly connect a public sidewalk to the building entrance.

   b. *Planting Requirements.*

i. Includes a minimum of one tree and 15 shrubs or ornamental grasses per 400 square feet of landscape area;

ii. At least 75% of ground plane shall be covered with living plant material at maturity (excluding mulch and pavers);

iii. Trees shall be a minimum of 3-inch caliper and provide a canopy at maturity.

c. *Design Integration.*

i. Landscaping shall be designed as a cohesive system that frames or buffers the parking area, enhances pedestrian access, and contributes to heat island mitigation;

ii. Shall not be located solely in isolated planting islands; shall be consolidated into visually and functionally integrated areas at least 200 square feet in size.

d. *Stormwater Exclusion.* May not include stormwater features that count toward the Enhanced Stormwater Management category unless designed and credited separately under that provision.

2. *Enhanced Foundation Plantings.* Enhanced Foundation Plantings is a landscape treatment installed along the foundation of a building that exceeds basic planting requirements of Sec. 21-4410, *Site Landscaping*, by incorporating a layered, well-defined arrangement of plant materials that contributes to the building's aesthetic, pedestrian experience, and environmental performance. To qualify as Enhanced Foundation Plantings, the planting area must meet all of the following:

a. *Location and Depth.*

i. Installed along a minimum of 50% of the length of the building's front façade (or primary pedestrian-facing façade);

ii. Planting beds must be a minimum of five feet in depth from the building wall.

b. *Planting Composition.*

i. Includes at least three distinct plant types (e.g., shrubs, ornamental grasses, perennials, small flowering trees);

ii. At least one shrub or ornamental plant per five linear feet of façade;

iii. Groundcover or mulch must be used between plants to provide full coverage at maturity.

3. *Enhanced Stormwater Management.* Enhanced Stormwater Management are stormwater management features that are designed to serve a dual function as usable open or amenity spaces while meeting the City's stormwater requirements. To qualify as Enhanced Stormwater Management, the feature must comply with the City's Criteria Manual and meet all of the following standards:

a. *Size and Contiguity.* Shall comprise of at least 0.5 contiguous acres;

b. *Drainage and Usability.*

i. Shall be designed to drain within 24 hours following a 10-year storm event, ensuring continued usability.

ii. Shall not be inundated or rendered unusable for its intended recreational or amenity purpose during typical rain events.

c. *Design and Aesthetics.* Constructed of natural materials with terracing, berms or contouring to naturalize and enhance the aesthetics of the features, and with maximum slopes of 3:1.

4. *Common Open Spaces.* All land reserved for dedication to the municipality shall have prior approval by the City Council and shall be noted on the Overall Development Plan: "Reserved for Open or Amenity Space."

5. *Common Open Spaces in Residential Zoning Districts.*

   a. A registered Homeowners Association, or other entity such as a public or private organization, land trust, or corporation shall own, maintain, and manage the open space designated as common area.

   b. When designated open space areas are owned by individual lot owners these areas shall be subject to easements in favor of residents of the subdivision. The easements shall provide that the lot owners shall bear the primary responsibility for maintenance of said open space areas.

   c. Designated open space in rural residential developments may be owned by individual property owners or may be designated as common areas on the plat.

   d. These common open areas shall be accessible to residents of the subdivision and shall not be fenced except for portions where fences are needed for safety or security concerns such as swimming pools and equipment storage. This requirement will be clearly indicated by a note on the plat.

   e. No structures shall be built in designated open space areas except for features typically associated with recreational and pedestrian activities such as sidewalks, trails, walkways, footbridges, gazebos, pavilions, benches, playground equipment, ball courts and fields, swimming pools, and buildings for storage of maintenance equipment. Structures such as housing units, garages, storage sheds (except as provided above), barns, and structures for keeping animals are excluded.

   f. Allowable minimum open space requirements in rural residential developments are set forth in Sec. 21-2220, *Residential District Development Standards*.

6. *School Sites.* All land reserved for dedication for public school use shall be reviewed by the Board of the respective school district or charter school. Said property shall be noted on the plat: "Reserved for school."

7. *Community Centers or Other Public Facilities.* All land reserved for dedication for a community center or other public facility use public facility use shall be reviewed by a public entity with responsibility, capacity, and jurisdiction for acceptance, development, operation, and maintenance of said facility. All land reserved for dedication to the public facility shall be noted on the plat "Reserved for public (type of facility)."

8. *Motor Courts*. Refer to Sec. 21-4210.G, *Motor Court Developments*, for specific standards related to open or amenity space.

ARTICLE V: SUBDIVISION STANDARDS

Contents:

- Division 5.1: Purpose and Applicability
  - Sec. 21-5100. - Purpose
  - Sec. 21-5110. - Applicability
- Division 5.2: Subdivision Design
  - Sec. 21-5200. - General Provisions
  - Sec. 21-5210. - Subdivision Classifications
  - Sec. 21-5220. - Subdivision Design Principles
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  - Sec. 21-5240. - Sidewalks and Trails
  - Sec. 21-5250. - Blocks and Lots
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  - Sec. 21-5270. - Utilities, Easements, and Street Lights
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  - Sec. 21-52100. - Subdivision and Street Names
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- Division 5.3: Development Improvements Dedications, Agreements, and Guarantees
  - Sec. 21-5300. - Purpose
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▷ Sec. 21-5340. - Reimbursements

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Division 5.1: Purpose and Applicability

Sec. 21-5100. - Purpose

Purpose. These regulations are designed to be administered in a manner to:

A. Establish adequate and accurate records of land subdivision;

B. Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of appropriate adjoining tracts;

C. Provide for adequate, safe, and efficient public utilities and improvements to provide for public parks, schools, and other public purposes (including, but not limited to, libraries, fire stations, and other similar public facilities);

D. Provide for light, air, and open and amenity space for the public;

E. Provide for protection from fire, flood, landslide, and other disasters;

F. Provide for efficient design of utilities, stormwater drainage facilities, streets, and sidewalks;

G. Ensure that the cost of improvements that primarily benefit the parcel proposed for development be borne by the owners/developers of the parcel, and the costs of improvements that primarily benefit the whole community be borne by the whole community;

H. Provide for the administration and regulation of resource protection areas and open or amenity areas;

I. Protect groundwater and surface water from contamination by stormwater runoff and other pollution sources;

J. Reduce potential on-street congestion impacts of new development by providing alternative travel routes, meaningful choice of alternative transportation modes, shortened journey-to-work trips, and fewer overall vehicle miles traveled; and

K. Inform each subdivider of the standards and criteria by which development proposals will be evaluated, and provide information as to the type and extent of improvements required.

Sec. 21-5110. - Applicability

A. **Generally**. This Article applies to all development that involves the subdivision or consolidation of land, or the installation of streets, sidewalks, trails, or utilities.

B. **Policy and Design Objectives for Streets, Sidewalks, and Trails**. Sec. 21-5230. - Streets and Circulation and Sec. 21-5240. - Sidewalks and Trails provide the regulations for these facilities. Additional engineering and dimensional standards are provided in the Standards and Specifications.

C. **Policy and Design Objectives for Utilities**. Sec. 21-5270. - Utilities, Easements, and Street Lights provides the regulations for these components. Specific engineering standards are provided in the Standards and Specifications.

D. **Policy and Design Objectives for Stormwater Drainage.** Sec. 21-5280. - Stormwater Management Facilities provides the regulation for stormwater drainage systems. In addition to these standards, additional standards can be found in the Standards and Specifications and the City's Criteria Manual.

Division 5.2: Subdivision Design

Sec. 21-5200. - General Provisions

A. **Restriction on Subdivisions, Exemptions, and Review**.

1. *General Restriction.* Unless exempted below, no land within the City shall be split or divided in any manner, regardless of whether into lots or parcels, except in compliance with the provisions of this LDC. It shall be unlawful for any person to sell or otherwise convey land to lay out any subdivisions, lots, tracts, or parcels or any owner of any land to establish any street, alley, park, or other property intended for public use or to offer for development purposes any land without reference to a legal, recorded plat.

2. *Exemptions*. The standards related to the subdivision of land contained in this LDC shall not apply to the following:

   a. The division of land by inheritance through an estate proceeding;

   b. The division of land by virtue of the foreclosure of a deed of trust, mortgage, or other lien;

   c. The division of land that creates an easement, right-of-way, or site for the use of governmental agencies or public utilities possessing the power of condemnation;

   d. Any division, parcel, or interest in land, that creates an interest in oil, gas, coal, gravel, minerals, or water, which is severed from the surface ownership of real property;

   e. Any division, parcel, or interest in land that creates cemetery lots;

   f. Condominium ownership with no public right-of-way dedications, drainage, or utility easements; or

   g. Any other division of land if it is determined by the City Council, after review by the Planning Commission, that the division of land is not within the purpose of these regulations and that the exemption would be in the best interests of the City.

3. *Review*. Unless exempted above, any person wishing to subdivide land must submit a plat or plats for review and approval per the provisions contained in Article VI: Review Bodies and Article VII: Review Procedures of this LDC.

4. *Construction*. Any construction or development across existing subdivision lot lines violates this Article.

B. **Unlawful Subdivisions.** A subdivision of land that was not lawful at the time of the adoption of this LDC shall not become or be made lawful solely by reason of adoption of this LDC.

C. **Floodplain Compliance Required.** All subdivisions shall conform to the requirements of the City floodplain regulations and policies, and with the Urban Storm Drainage Criteria Manual from the Mile High Flood District. In addition, all newly created subdivisions within floodplains shall comply with these additional regulations:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water located and constructed to minimize flood damage;

3. All subdivision proposals shall have adequate drainage provided by the developer to reduce exposure to flood damage;

4. All lots within the floodplain shall be noted. When deemed necessary for the health, safety, or welfare of the present and future population of the area, the City may prohibit the subdivision of any portion of the property that lies within the flood plain of any stream or drainage course; and

5. The base flood elevation data shall be provided for subdivision proposals and other proposed development that contain at least 50 lots or 5 acres, whichever is less.

D. **Construction Standards.** All development shall be conducted following all standards adopted by the City, including but not limited to:

1. The design standards and plan requirements of this Article;

2. The City's Standards and Specifications;

3. The City's Criteria Manual;

4. The Parks and Recreation Master Plans; and

5. Where applicable, the requirements and authorization of the appropriate federal, state, county, local agency or utility company.

E. **Cost and Installation of Public Improvement Standards.** When land is developed, public improvements shall be installed by the developer. Public improvements shall include, but not be limited to, landscaping in rights-of-way and common areas, roadways, storm sewers, drainage infrastructure, curbs, gutters, and sidewalks. Where it is determined by the City Engineer that the installation of public improvements is not feasible at the time of development, the developer shall enter into a Public Improvement Agreement with the City that guarantees payment to the City of the costs of constructing such public improvement. When installation is required to be completed at the time of development, no Certificate of Occupancy may be approved unless the Public Works Inspector inspects and certifies that all public improvements have been properly installed. The City Engineer may waive the requirement for a Public Improvement Agreement.

Sec. 21-5210. - Subdivision Classifications

A. **Generally**. The subdivision classification system provides for different procedures depending upon the scale and impacts of the proposed subdivision. There are two types of subdivisions for the purposes of this LDC:

1. Minor subdivisions; and

2. Major subdivisions.

B. **Applicability**. The procedures of this Article shall apply to all subdivisions or re-subdivisions that result in the portioning, dividing, combining, or altering of any lot, parcel, or tract of land, except any subdivisions that are specifically excluded by state law and Sec. 21-5200.A.

C. **Subdivision Requirement.** No building, utility connection, electrical connection, or similar permit shall be approved, for any development or land division that is required to be processed as set out in this Section until a plat has been approved and recorded with with the Adams County Clerk and Recorder.

D. **Minor Subdivision.**

1. *Generally*. A minor subdivision is a subdivision containing four or fewer lots or dwelling units.

2. *Requirements*. Minor subdivisions shall require Final Plat filing, processing, and approval in accordance with Sec. 21-7560. - Final Plat. However, the review criteria for a Preliminary Plat shall apply to the review of minor subdivision plats in addition to the review criteria for a Final Plat.

E. **Major Subdivision.**

1. *Generally*. A major subdivision is a subdivision containing five or more lots or dwelling units.

2. *Requirements*. Major subdivisions shall require Preliminary Plat and Final Plat filing, processing, and approval in accordance with Sec. 21-7510. - Preliminary Plat, and Sec. 21-7560. - Final Plat.

3. *Waiver*. An applicant may request a Waiver of any numerical design standards established in this Article per Sec. 21-7590. - Waiver.

Sec. 21-5220. - Subdivision Design Principles

A. **General**. All subdivisions shall conform to the policies for subdivision design in the Comprehensive Plan and the standards contained within this LDC and shall be designed according to "best practices" that emphasize good landform and drainage, the preservation of natural features, safe transportation facilities, and promote the goals of pedestrian and traffic connectivity with respect to the alignment of street rights-of-way, utility and drainage easements, open space, view corridors, pedestrian/bicycle paths, and other relevant design considerations.

B. **Application of Subdivision Design Principles.** These principles are to be applied to new development or redevelopment to the extent that they shall not:

1. Directly conflict with the other requirements of this LDC; and

2. Result in conditions that further reduce the density or intensity of development that is permitted on the parcel proposed for development by compliance with the other standards of this LDC.

C. **General Design Objectives.** Development shall result in harmonious, interrelated combinations of compatible buildings and uses that utilize:

1. *Buffers*. Provides appropriate space for bufferyards and transitions between land uses or obvious changes in density or intensity alongside rear lot lines as set out in Division 4.4: Landscaping, Buffering, and Screening;

2. *Connectivity*. Provides appropriate, context-sensitive pedestrian and vehicular linkages, providing access while protecting neighborhood integrity and individual property values;

3. *Access*. Minimizes interference with existing access to adjacent and nearby properties, unless new and improved access is provided by the proposed development;

4. *Environment*. Protects and preserves the environmental resources to the benefit of the subject property and abutting properties;

5. *Development Pattern.* If there is an existing, discernable development pattern in the immediate area of the development:

   a. Reinforces that pattern, particularly at the edges where the proposed development is separated from existing development;

   b. Implements a redevelopment plan for the area that anticipates a different pattern; or

   c. Creates a strategically located landmark that gives a unique and positive identify to the area in which it is located.

6. *Common Open and Amenity Space.* Maximizes the access to and benefit of common open spaces by providing for a connection to or continuation of open spaces of abutting or adjacent properties and providing for sufficient frontage and access to such open spaces; and

7. *Level of Service.* Does not reduce the level of service of public infrastructure that is provided to surrounding development.

D. **Additional Standards Relating to Oil and Gas Sites.**

1. *Plugged and Abandoned Wells.* For permitted or existing Well Sites where all permitted wells have not been plugged and abandoned in compliance with all applicable Energy and Carbon Management Commission (ECMC) standards and regulations, no new residential lots may be platted within 1,000 feet of such site.

2. *Measurement*. Measurements shall be taken from the edge of the production site, in the same manner as defined in Sec. 21-3210.G.2.

3. *Plat Requirements.* The following information shall be denoted on all Final Plats:

   a. The location of any oil and gas wells, flowlines, and gathering lines, and any associated easements;

   b. The location of all recorded surface use agreements; and

   c. The location of any plugged and abandoned oil and gas wells, flowlines, and gathering lines, including a plat designation surrounding such wells and expressly prohibiting any habitable building or structure within 50 feet.

4. *Vacation of Existing Easements*. No easement may be vacated for a previous or existing well, flowline, or gathering line, unless documentation is provided to the City demonstrating such well, flowline, or gathering

line has been vacated in compliance with all applicable ECMC regulations.

Sec. 21-5230. - Streets and Circulation

A. **Streets and Circulation**. The plan for general circulation and the development of all streets shall be prepared per the following standards:

1. *Classification*. The arrangement of arterial, collector, and local streets shall conform to the policies identified in the Transportation Master Plan.

2. *Topography*. Streets shall be related appropriately to the topography. Local streets may deviate from the Denver grid to a curvilinear, gridiron, or modified-grid system if the topography prevents a grid network. Grades of streets shall conform as quickly as possible to the original topography. Steep grades and curves shall be avoided. Refer to the Standards and Specifications.

3. *Arrangement*. All streets shall be properly integrated with the existing and proposed system of streets and dedicated rights-of-way. Additionally, all streets shall be properly related to specific traffic generators and the pattern of existing and proposed land uses.

    a. Where required by the City, rights-of-way shall be provided for extending streets to adjacent unplatted property. Land in such rights-of-way shall be dedicated to the City.

    b. Rights-of-way shall be designated along all section and quarter section lines. Section line right-of-way shall be for arterial streets; quarter-section right-of-way shall be for collector streets at their designated widths, unless topographic conditions or other circumstances justify otherwise.

    c. Where a proposed subdivision abuts an approved subdivision containing future street rights-of-way, the developer of the proposed subdivision shall construct the street and all required improvements from the proposed subdivision to the approved street in the existing subdivision. Where required, any offsite improvements needed to transition to the adjacent roadways shall be the responsibility of the developer.

    d. New streets shall be extended to the boundaries of the subdivision to provide access to adjoining property, and shall intersect with existing streets.

    e. When a subdivision borders on, or contains a railroad right-of-way or a limited access highway, the City may require a street approximately parallel to and on each side of such right-of-way, at a distance suitable for the appropriate use of the intervening land. Such distances shall also be determined with due regard for the requirements of approach grades and future grade separations.

    f. Generally, streets shall be laid out to intersect, as nearly as possible, at right angles.

    g. When deemed necessary by the City, the developer shall provide appropriate City-approved traffic calming.

    h. No more than two streets shall intersect at one point.

4. *Connectivity*. To promote connectivity to adjacent properties, every plat shall provide multiple access points, based on the number of units in the subdivision, as required by the Fire Code. Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions.

    a. Street patterns for Northern Neighborhoods may be of a radial design consisting of curvilinear streets, cul-de-sacs, and/or U-shaped streets.

    b. Street patterns for Central Neighborhoods and Neighborhood Village shall consist of an interconnected grid network.

    c. Streets in a master planned or non-residential setting or in the MHP district may consist of a mix of such designs.

5. *Public Streets.* Unless otherwise stated, all streets in a new subdivision shall become public streets and the right-of-way dedicated to the City on the subdivision plat. Upon completion of construction, the subdivider

shall warrant all construction of the streets for a period of time to be determined by the City.

6. *Half-Streets.* Dedication of half-streets shall not be approved unless approved by City Engineer or Director.

7. *Private Streets.* Private streets are generally discouraged. However, when private streets are approved as part of a subdivision, they shall meet the design standards for public streets. Applications for a private street shall be accompanied by an operation and maintenance plan that shall establish the conditions under which the street will be constructed and maintained, as well as the conditions controlling an offer of dedication, and shall stipulate:

    a. The street shall be constructed and maintained to conform to the Standards and Specifications;

    b. The owners of the abutting lots will include, with any future offer for dedication, sufficient monies, as estimated by the City, to restore the street to conformance with city standards;

    c. An offer for dedication of the street shall be made only for the street as a whole;

    d. All shrubs within a landscaped median shall have a clear zone between 3 and 7 feet for all shrubs and trees.

    e. All signage shall comply with the Manual for Uniform Traffic Control Devices (MUTCD); and

    f. The method of assessing maintenance and repair costs.

8. *Grading and Construction*. All streets shall be designed, graded, and improved per the Standards and Specifications of the City.

9. *Sidewalks, Curbs, and Gutters.* All street designs shall include concrete curb, gutter, sidewalk, and any other necessary utility infrastructure.

10. *Temporary Turnaround.* When a temporary turnaround is provided on a street that is to be extended in the future, the City shall establish the width of the turnaround and the need for temporary easements. Temporary cul-de-sacs shall have, at a minimum, the same dimensions as a permanent cul-de-sac, as established in Paragraph 12, Cul-de-Sacs, below.

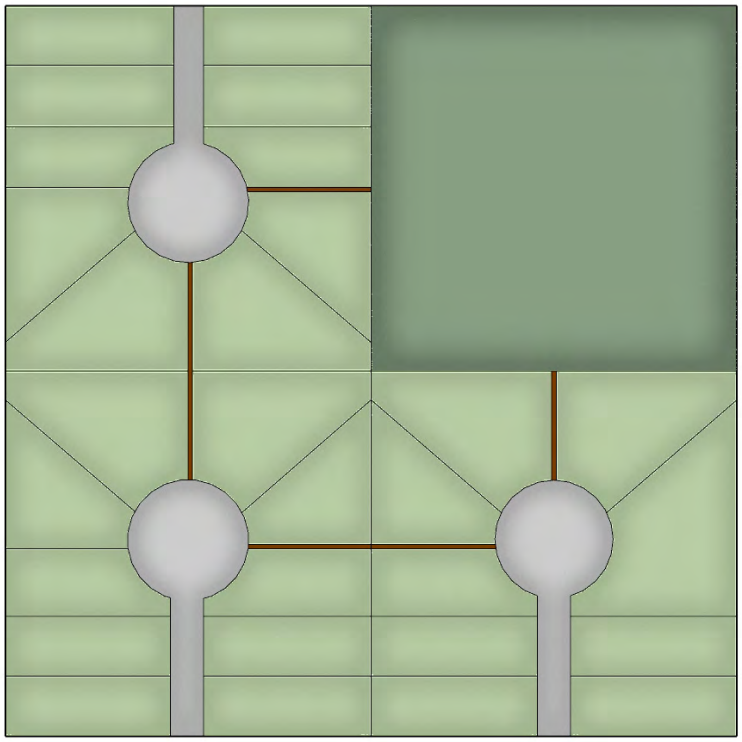
11. *Pedestrian and Bicycle Access Corridors.* Where appropriate at cul-de-sacs, or along blocks of more than 600 feet in length, pedestrian and bicycle access corridors shall be provided to minimize travel distance between subdivisions, parks, schools, primary trails, and collector or arterial streets. These access corridors shall be maintained by the homeowner's association or metro district. The City may determine that construction of a separate access corridor is unnecessary or impractical. Such decision may result from many situations, including but not limited to:

    a. The nature of abutting existing development makes construction of an access corridor impractical;

    b. The access corridor would cross a natural area with significant natural habitat and construction would be incompatible with the protection of natural values; or

    c. The access corridor would cross topography where slopes exceed 30% or where path grade would exceed 18% slope.

Figure 21-5230-1, Pedestrian and Bicycle Connections



12. *Cul-de-Sacs.* A cul-de-sac shall only be used when the applicant demonstrates that environmental or topographical constraints, existing development patterns, or compliance with other standards in this LDC preclude street extension and through circulation. A cul-de-sac shall comply with the City's Standards and Specifications.

    a. All cul-de-sacs shall terminate with a circular turnaround that shall have a curb radius of no less than 50 feet.

    b. Landscaped cul-de-sac islands shall require approval from South Adams County Water and Sanitation District.

    c. Cul-de-sacs shall be a maximum of 500 feet in length.

    d. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

Figure 21-5230-2, Cul-de-Sac Measurement

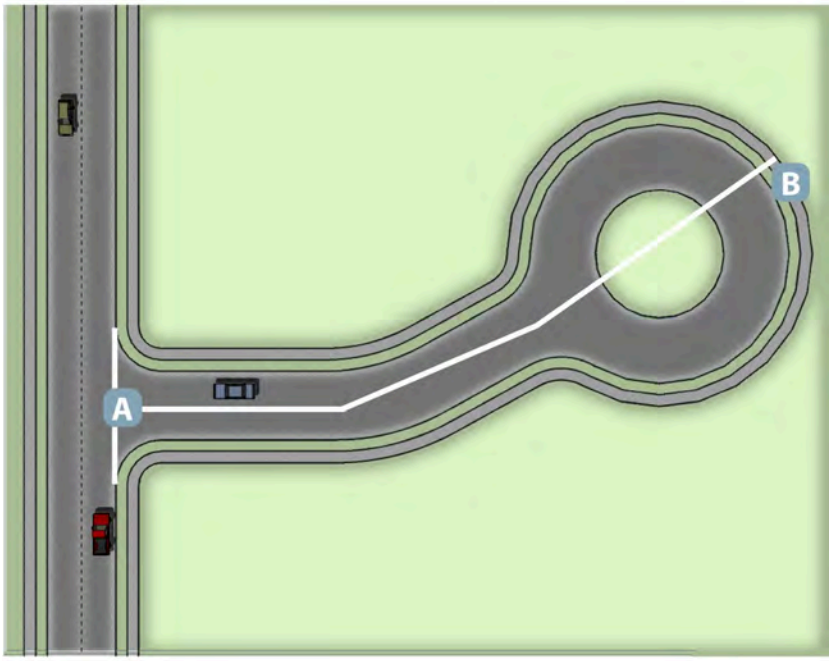


Figure Notes:
A = Near side of the intersecting street ROW | **B** = Farthest point of the cul-de-sac

13. *Access Management.* New lots created through the subdivision process that front arterial or collector streets shall provide access as detailed in Article IV: Design Standards of this LDC

B. **Alleys.**

1. *Private Ownership.* Alleys in developments approved after the effective date of this LDC shall be privately owned and maintained. Easements in such alleys shall be granted to the City and/or other service providers for installation and maintenance of utilities, refuse collection, and similar facilities and services.

2. *Design*. In residential districts, alleys shall be parallel, or approximately parallel, to the frontage of the street and shall comply with the Standards and Specifications.

3. *Utilities*. A maximum of two non-pressurized wet utilities are permitted in alleys. No pressurized utilities are permitted in an alley. In alleys that are less than 20 feet in width, sanitary sewer and water lines are the only permitted utilities.

4. *Surfacing*. Alleys shall be paved based on the Standards and Specifications of the City.

5. *Length*.

   a. No dead-end alley shall exceed 150 feet.

   b. In residential districts, no through-alley shall exceed 600 feet.

Sec. 21-5240. - Sidewalks and Trails

A. **Sidewalks**.

1. *Generally*. Sidewalks shall be provided by the developer.

2. *Location*. Sidewalks shall be provided on both sides of the street.

3. *Design and Grade.* Sidewalks shall provide a continuous circulation system and be designed to minimize conflicts among vehicles, pedestrians, and bicyclists. The design and grade of sidewalks and curb ramps shall be compliant with the Americans with Disabilities Act (ADA).

4. *Surfacing*. Sidewalks shall be surfaced with concrete according to the City's Standards and Specifications.

5. *Manholes*. Sanitary manholes and access lids to utilities are not permitted to be placed in sidewalks.

B. **Accessible Ramps**. Access ramps for disabled persons shall be installed whenever new curb or sidewalks are constructed or reconstructed in the City.

C. **Trails**.

1. *Generally*. Off-street, shared-use trails shall be developed to link major attractions and destinations throughout the City, including the neighborhoods, parks, schools, libraries, employment centers, and shopping areas.

2. *Easement*.

a. Development that abuts a linear corridor shall provide an easement for the construction of a trail by the developer.

b. The easement shall be a minimum of eight feet in width and the surface of the trail shall be a minimum of six feet in width.

c. The trail shall consist of a hard surface such as asphalt, concrete, or decomposed granite and shall be lit utilizing appropriate low and high lighting levels.

3. *Maintenance*. Maintenance responsibilities shall be established at the time of the Preliminary Plat.

Sec. 21-5250. - Blocks and Lots

A. **Lots.**

1. *Access Required.* No lot shall be created that does not abut a public street or other approved access that has been suitably improved provided a public access easement has been established, except as provided in this Section and Section 21-4210.

2. *Design*. All lots shall be platted per the following general standards:

a. The lot size, width, depth, shape, and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision, the type of development, and the use contemplated.

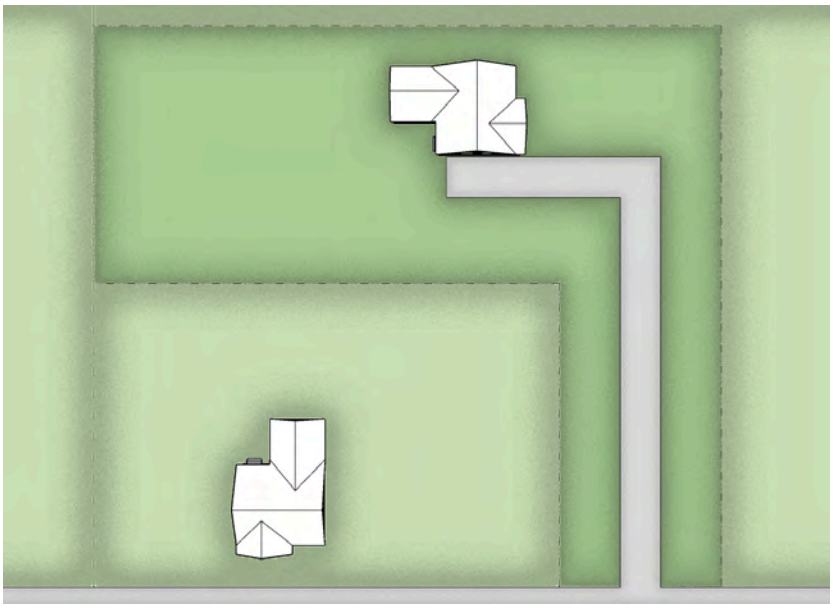
b. Lots shall be arranged and designed to provide positive drainage away from structures and into the municipal storm sewer system. Drainage shall be designed to avoid the concentration of storm drainage water from each lot to adjacent lots.

c. Side lines of lots shall be at right angles or radial to the street lines. Lot lines shall be straight when not adjacent to the street right-of-way.

d. A lot shall not be divided by a road, alley, or other lot.

e. Flag lots or private travel easements, as shown in Figure 21-5250-1 below, shall be permitted provided that the lot width is a minimum of 30 feet in width.

Figure 21-5250-1, Flag Lot and Private Travel Easement



f. The minimum lot areas and widths shall conform to the requirements of this Article II, *Zoning Districts and Development Standards*.

g. Corner lots for residential use shall contain an extra width of a minimum of five additional feet to permit appropriate building setback from an orientation to both streets.

h. Double frontage and reverse corner lots shall be avoided except where they are needed to provide for the separation of residential development from arterial streets or to overcome specific disadvantages of topography or orientation.

i. As much solar access as feasible shall be provided to each lot in every new subdivision, considering topography, development pattern, and existing vegetation. New subdivision development shall orient streets north/south to maximize solar access where practical.

j. Unless otherwise approved, residential lots that are located next to a public park, private park, or school shall front directly onto these uses or shall be connected via a public road.

B. **Blocks**. To promote efficient vehicular and pedestrian circulation along parallel and connecting streets throughout the City, land divisions and site development shall produce complete blocks bounded by a connecting network of public and/or private streets, per the following standards:

1. *Width*. Blocks planned for residential purposes shall have sufficient width to provide for two tiers of lots of appropriate depths, as shown as "B" in Figure 21-5250-2, *Block Dimensions.* Exceptions to this prescribed block width shall be permitted in blocks adjacent to railroads, state or federal highways, and waterways or as otherwise authorized. Blocks intended for commercial or industrial use shall be designed specifically for such purpose, with adequate space set aside for off-street parking and loading.

2. *Intersections*. Intersecting streets determining block lengths shall be provided at such intervals as to serve cross traffic adequately and to meet existing and future streets. Intersection spacing must meet the requirements as outlined in the City's Standards and Specifications. Block lengths and widths shall be suitable for the uses contemplated and the zoning requirements for minimum lot sizes and dimensions.

3. *Block Length*. Block length, as shown as "A" in Figure 21-5250-2, *Block Dimensions*, shall conform to the applicable standards identified in Table 21-5250-1**,** *Block Length Requirements*, based on the designated development option. Where block lengths exceed the maximum identified in the table, the development review body with final action on the application according to Sec. 21-71100, *Development Review Summary*,

may require the reservation of an easement through the block to accommodate utilities, drainage, pedestrian or bicycle connectivity, or emergency access.

Figure 21-5250-2, Block Dimensions

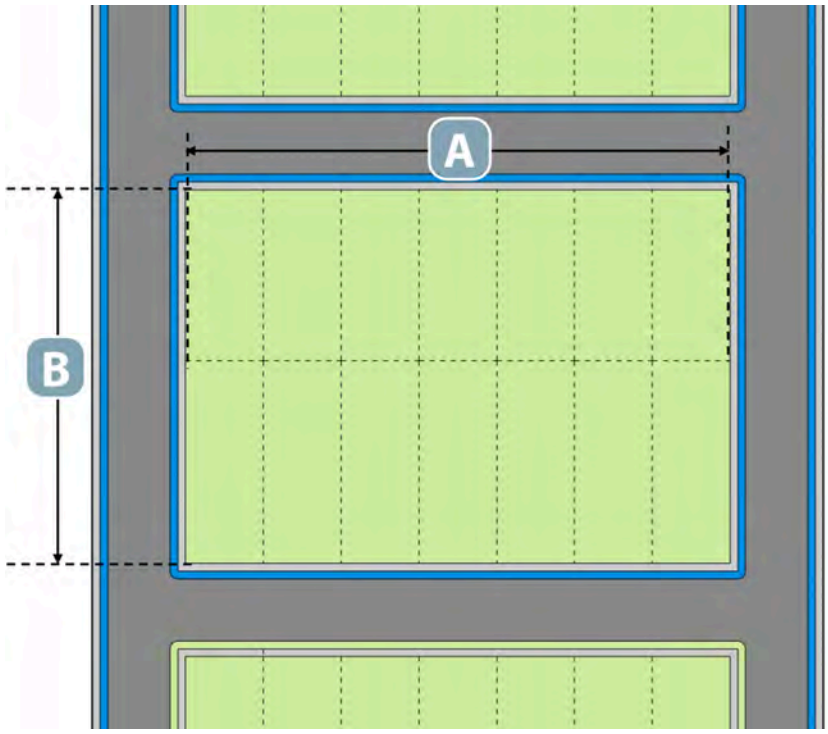


Table 21-5250-1, Block Length Requirements	
Development Options	**Longest Side of the Block (Max. Length)**
CN, NV, NN, MUC, MUN, MUR, and UBE	600'
SBE	1,320'
HM	2,640'

TABLE NOTES:
Legend
CN = Central Neighborhoods | **NV** = Neighborhood Village | **NN** = Northern Neighborhoods
MUC = Mixed Use, Commercial | **MUN** = Mixed Use, Neighborhood | **MUR** = Mixed Use, Regional
UBE = Urban, Business and Employment | **SBE** = Suburban, Business and Employment | **HM** = Heavy Manufacturing

Sec. 21-5260. - Open and Amenity Space Dedication

A. **Generally**. This Section provides requirements for open and amenity spaces required in Division 2.2, *District Standards*. Refer to Article III, *Use Standards*, and Article IV, *Design Standards*, for additional standards related to open and amenity space. The requirements of this Section shall not apply to site improvements as established in Table 21-4810-1, *Open or Amenity Space Types.*

B. **Open and Amenity Space Designation**. Open and amenity space shall be designated and delineated on the Preliminary and Final Plat, in a manner that shall:

1. Indicate the boundaries of all open or amenity space areas;

2. Designate the type(s) of open or amenity space;

3. Specify how the open or amenity space is to be owned, maintained, and operated; and

4. Include proof of a homeowners' or property owners' association that complies with Sec. 21-52110, *Homeowners' Association and Private Facilities*, land trust, or another legal entity entitled to manage and maintain the open or amenity space.

C. **Open and Amenity Space Tracts**. Land areas that are used to satisfy open and amenity space requirements shall be shown as separate tracts on plats. Such tracts shall be restricted to open and amenity space uses by plat restrictions or separately recorded covenants, conditions, and restrictions.

D. **Conservation or Open or Amenity Space Easement**.

1. Conservation easements are allowed for common open spaces as established in Table 21-4810-1, *Open or Amenity Space Types,* to protect and preserve existing site features, whether natural or man-made, such as historic sites, wetlands, stream buffers, floodplains, drainage courses, greenways, or linear linkages, or similar irreplaceable assets. The dedication of a conservation easement does not have to relate to federal, state, or local conservation listings or designated conservation sites.

2. Open or amenity space easements shall provide public access over and across private property for purposes of recreation or utilization of the amenity space.

E. **Dual Function of Easements, Drainage Facilities, or Water Features**.

1. *Partial Credit*. Twenty five percent of land that is encumbered by overhead utility lines , detention areas, ponds and drainage channel borders, or other similar characteristics shall qualify as required open or amenity space.

2. *Example*. A 20-acre open or amenity space dedication with five acres of combined detention area, pond, and easements shall count as 16.25 required acres. (15 acres + (5 acres x .25) = 16.25 acres).

3. *Additional Conditions*. Additional conditions apply to encumbered open or amenity space including:

a. Detention areas shall have:

i. Side slopes of a five-to-one ratio unless otherwise approved by the City Engineer;

ii. Gravity flow or a pumping system designed to remove all algae;

iii. A bottom with a minimum area of 50 feet x 100 feet in dimension unless otherwise approved by the City Engineer; and

iv. Field areas, if included, with a level, domed design suitable for field sports shall receive full credit towards the required open or amenity space requirements.

b. Drainage ditches and water feature borders shall have:

i. Side slopes of a five-to-one ratio unless otherwise approved by the City Engineer;

ii. Pedestrian and bicycle all-weather trails; shall receive full credit towards the required open or amenity space requirement

iii. An average minimum width of 30 feet and a minimum width of 20 feet beyond the top of bank; and

iv. Drainage ditches and lake borders with meandering, natural contour appearances.

F. **Ownership and Maintenance**. Ownership of the private parks and open and amenity space required by this LDC shall be retained by a homeowners' or property owners' association or a metro district and these owners shall be responsible for the maintenance of such properties.

Sec. 21-5270. - Utilities, Easements, and Street Lights

A. **General**. In general, utility systems shall be arranged as outlined in the City's Standards and Specifications document and in such a manner to avoid cross connections, minimize trenching, and adequately separate incompatible systems. New utility infrastructure shall be extended to the boundaries of the subdivision to provide access to adjoining property.

B. **Street Lights on Publicly Traveled Rights-of-Way.** The City may require the installation of streetlights capable of illumination of streets and pedestrian walkways to ensure the safe movement of vehicles and pedestrians at night.

C. **Cross-Access and Shared Access Easements.** The subdivider shall provide cross-access and shared access easements, as depicted in Figure 21-5270-1, *Cross-Access and Shared Access*, for multi-unit, nonresidential, and mixed use developments that front on locally maintained collector or arterial streets, subject to the following standards. Such easements may be provided at the front or at the back of a group of lots, depending on the anticipated amount of pedestrian activity for the development.

1. *Separate Ownership.* Where adjacent properties are separately owned and not part of a common plan of development, the City may encourage shared access or internal cross-access easements, or both, as the parcels are platted, substantially improved, or redeveloped. As such, the City Engineer may grant a subdivider temporary individual access if:

    a. The subdivider demonstrates that the adjacent landowner refused an offer with regard to cross-access; and

    b. The subdivider demonstrates that the proposed temporary or permanent access will not materially affect the safe and efficient flow of traffic.

2. *Common Ownership or Phased Subdivisions.* Phased subdivisions, subdivisions under the same ownership, or parcels that are consolidated for the purposes of development and comprised of more than one building shall provide cross-access and shared access easements as follows:

    a. The property proposed for development shall include cross-access easements with connections to abutting cross-access points or, if the abutting property is undeveloped or without cross-access points, stub-outs at locations on the property that allow for a connection in the future. In addition, if the abutting property is undeveloped or is without a driveway suitable for sharing, the property proposed for development shall include a shared access easement on its perimeter, in a location suitable for sharing access to the street with the abutting property in the future;

    b. The subdivider shall record a covenant to allow for future connection of shared access and cross-access stub-out easements to comparable facilities on abutting parcels when they develop or are redeveloped; and

    c. Cross-access easements shall be a minimum of 15 feet in width.

3. *Exceptions.*

    a. There are some circumstances in which providing cross-access is not feasible. These circumstances include:

        i. A lot that is part of a development and is not planned to have a driveway sells before an adjacent lot that is planned to have a driveway; or

        ii. A neighboring property owner is unwilling to cooperate with an applicant who is attempting to provide cross-access.

    b. In these circumstances, an additional driveway to provide necessary access may be considered based on a review by the City Engineer. The applicant must be able to demonstrate a reasonable effort to provide cross-access.

Figure 21-5270-1, Cross-Access and Shared Access

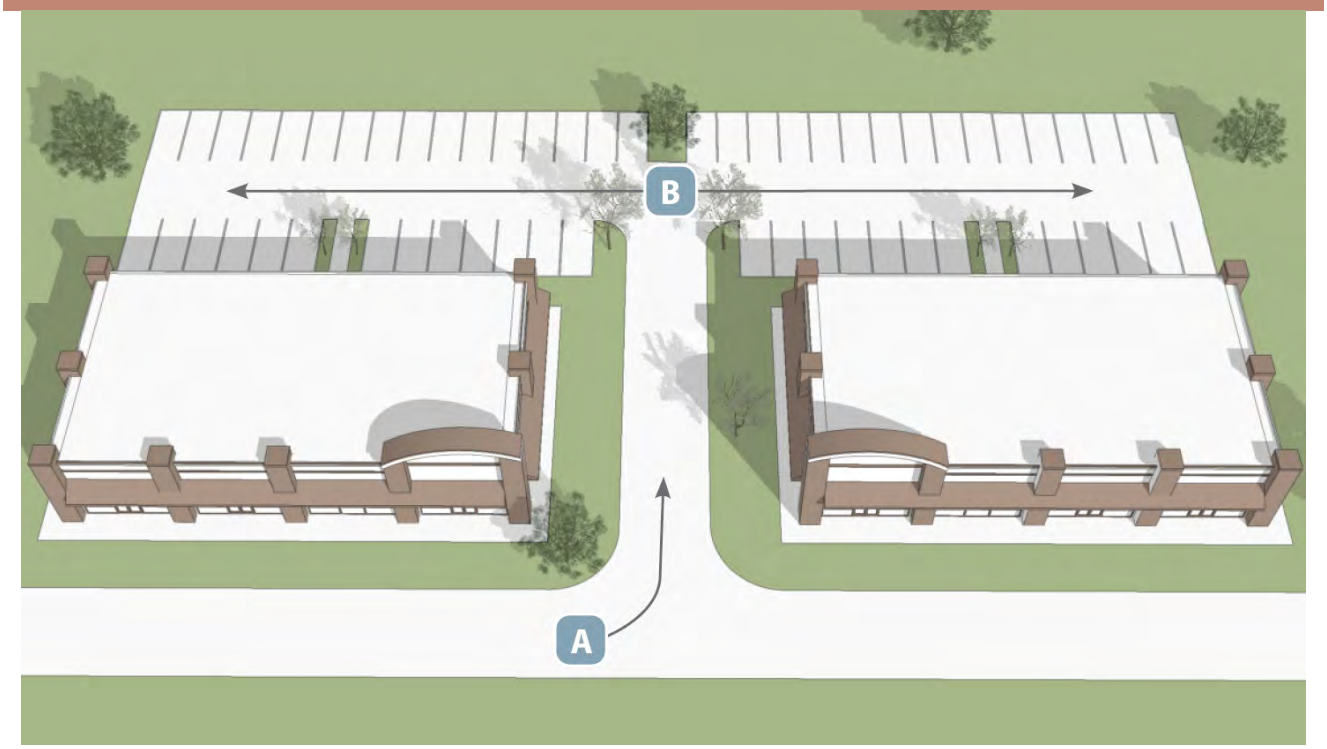


Figure Notes:
A = Joint (Shared) Access | **B** = Cross Access

D. **Underground Utilities.** All new utility lines and mains shall be installed underground per the design standards of this Subsection.

1. *Utilities to be Placed Underground*.

a. Standards. All new utility lines, including without limitation electrical, communication, cable lines, shall be placed underground in accordance with the following standards:

i. Utility lines within, bordering, or directly identifiable as needed to serve, newly developed areas shall be installed underground.

ii. Where existing utility lines are underground, all new utility lines shall also be installed underground.

iii. 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.

iv. All new service laterals shall be installed underground regardless of whether the distribution system is under or aboveground.

v. 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.

vi. 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.

vii. 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.

viii. 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.

b. Underground Utility Waivers. When requested by the utility provider, the Director may waive the requirement to place utilities underground where physical obstruction or unforeseen circumstances preclude placing utilities underground. Any waiver will require an agreement executed by the installing entity and the City setting forth the terms and conditions for those actions departing the requirements of this section. Economic hardship is not a criteria for allowing this waiver.

2. *Exceptions to Underground Requirement*. The following situations are exempted from the underground utilities requirements of this Subsection.

a. *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.

b. *Additional Street Lighting*. All services necessary for additional street lighting, where aboveground utilities are in place and in use.

c. *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.

d. *Existing Single-Unit Residential*. Increases in customer capacity for existing two-unit and single-unit dwellings 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.

e. *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.

3. *Existing Aboveground Utility Lines and Appurtenances Not Affected*. It shall not be necessary to remove or replace existing aboveground utility lines and appurtenances in operation at the time of enactment of this LDC until relocation of distribution lines is necessary in order to permit the City to construct public improvements, or the construction of new development requires a change in electrical distribution lines.

4. *Hazards and Unnecessary Interference Prohibited*. All wires, boxes, conduits, cable television wiring, coaxial lines, other property and utility lines and appurtenances of owners and operators shall be located, constructed, installed, and maintained so as not to create a danger to the public or unnecessarily interfere with traffic lines of sight, maintenance of drainage ditches and public rights-of-way, with existing egress and ingress to abutting private property, or with the usual and customary trade, traffic and travel upon the streets and public places of the City.

E. **Sanitary Sewage Facilities.**

1. *General Requirements.* All subdivisions platted after the effective date of this LDC shall install sanitary sewer facilities in the manner prescribed by the applicable water district. All plans shall be designed by the rules, regulations, and standards of the applicable water or sanitation district(s) and the county health department.

2. *Connection to a Sanitation District.* If a wastewater main is within 400 feet of the owner's property line, the owner shall be required to connect to such facilities to dispose of waste, and it shall be unlawful for any such owner or occupant to maintain an individual sewage disposal system.

F. **Water Facilities.**

1. *General Requirements*. All subdivisions platted after the effective date of this LDC shall extend or create a potable water and an irrigation water supply system capable of providing domestic water use and fire protection, according to the requirements of the applicable fire, water, and sanitation districts and the county health department.

2. *Public Mains.* Where a public water main is reasonably accessible, the subdivider shall install adequate water facilities (including fire hydrants) subject to the specifications of the applicable water and fire districts.

3. *Future Connection.* As a condition of approval for an individual well or central water system, the applicant shall be required to agree that a connection to a public water main eventually shall be provided. The applicant shall make arrangements for future public water service at the time the plat receives final approval, which may include surety.

4. Water Meters. Water meters shall be located within a public right-of-way or easement, per the sanitation district or applicable water district requirements.

Sec. 21-5280. - Stormwater Management Facilities

A. **General Requirements.**

1. A stormwater management facility shall be separate and independent of any sanitary sewer system.

2. A drainage report that meets the requirements of the City's Criteria Manual must be reviewed and approved by the City Engineer.

3. The City shall not approve any application for development that does not make adequate provisions for stormwater or floodwater runoff channels or basins.

B. **Construction and Design.**

1. Stormwater management facilities shall comply with the City's Standards and Specifications. The developer shall be responsible for conveying upstream drainage flows through the subdivision.

2. The Applicant may be required to "by-pass" off-site stormwater flows through stormwater management facilities, where feasible; or else, off-site stormwater flows shall be diverted to the right-of-way or established drainage easement, through landscaping where feasible.

3. Where public storm sewer is accessible along the frontage of the development and within 600 linear feet, measured from the property line of the subject property to the nearest point of the storm sewer, the applicant shall install connecting storm sewer facilities from on-site detention facilities.

4. All drainage ways that cross areas with existing physical features such as streams, ponds, ravines, wooded areas, or other natural features, must be approved by the City Engineer.

5. All storm drainage systems shall be designed by a registered engineer in the state of Colorado, and sized with capacity to permit ultimate development of the drainage basin, and the improvements shall be constructed to the extremities of the development where necessary to accommodate future extension.

6. The developer shall dedicate to the City all required public stormwater management facilities. If any stormwater management facilities are not located within public right-of-way, the developer shall convey permanent stormwater maintenance easements to the City for all such facilities. Where stormwater management facilities are not adjacent to the right-of-way, an access easement shall be dedicated to the City to provide access to the detention pond.

7. Private stormwater management facilities shall be located on private property and shall have necessary easement(s) to the City. Minimum easement widths shall conform to the Criteria Manual. Exceptions for facilities that are designated as public facilities.

C. **Maintenance, Records, and Inspection of Private Stormwater Management Facilities.**

1. The owner of the property on which a stormwater management facility is located shall be required to maintain such facilities following all Stormwater Control Measures (SCM) and in such a manner that the facilities do not become a danger to public health or safety. In furtherance of this requirement, the owner shall conduct inspections of all stormwater management facilities located on their property per the Operation and Maintenance Plan, required as part of the Drainage Report.

2. The owner shall make records of annual inspections, the installation of equipment, and the performance of any maintenance or repairs affecting the facility. The owner shall retain such records for three years and make these records immediately available to the City for inspection upon request.

3. The owner of the property on which a stormwater management facility is located shall allow the City access to the facility to conduct inspections for compliance with the SCM.

Sec. 21-5290. - Permanent Reference Monuments

A. **Benchmarks**. All elevations shown on plats shall be based on NAVD 1988 datum. The permanent benchmark location and description that is used to extend datum to the project shall be noted on the final plat.

B. **Property Corners.**

1. Property corners shall be set at each property corner on the boundary of the parcel or tract being subdivided.

2. Where the placement of a property corner at its proper location is impractical, it shall be permissible to set reference monuments close to that point. If such reference monument is set, its location shall be properly shown on the plat. When conditions warrant setting a monument on an offset, the location shall be selected so that the monument lies on a line of the survey or on the prolongation of such line.

3. All property corners and interior controlling corners shall be set before the filing of the final plat.

Sec. 21-52100. - Subdivision and Street Names

A. **Subdivision Name**. The proposed name of the subdivision shall not duplicate or be deceptively similar to the name of any other subdivision in the City. The City shall have final authority to designate the name of any subdivision.

B. **Street Names.**

1. Street names shall not be used that will duplicate or be confused with names of existing streets unless approved by the City.

2. All street names shall conform to the Denver Metropolitan Grid System.

3. Collector streets that provide access to residential, commercial, or industrial development may be named to accommodate the theme of the development, upon approval by the City.

Sec. 21-52110. - Homeowners' Association and Private Facilities

A. **Establishment of HOA or POA.**

1. *Minimum Elements.* A homeowners' association (HOA) or a property owners' association (POA) shall be required to maintain private facilities in a subdivision, including, but not limited to, open or amenity space, recreational amenities, private utilities, or private streets. The subdivider shall record, along with the approved Final Plat for the subdivision, deed restrictions or covenants controls and restrictions that are in a form acceptable to the City Attorney and that include, at minimum, the following:

   a. The establishment of a permanent HOA or POA;

   b. The requirement for mandatory membership for all lot or unit owners;

   c. The requirement to maintain a reserve bank account or other surety to guarantee perpetual maintenance of private facilities;

d. The right of the HOA or POA to collect dues from lot or unit owners; and

e. A perpetual obligation of the HOA or POA to fulfill the responsibilities assigned to it by this LDC at the date of plat approval.

2. *Optional Elements.* The deed restrictions may include any additional provisions that the subdivider considers desirable related to the management and maintenance of the subdivision provided that they do not undermine the required elements listed in this Subsection.

3. *Exemption*. The HOA or POA establishment requirement in this Subsection does not apply where individual water wells and/or individual on-site wastewater disposal systems are the only private facility proposed in a subdivision.

B. **Draft Deed Restrictions**. The subdivider shall submit draft deed restrictions along with the Preliminary Plat. The Community Development Director required to review and make final decisions on a Preliminary Plat shall review and make final decisions on the deed restrictions related to the compliance to the requirements of this LDC or to conditions of approval.

C. **Final Deed Restrictions**. The subdivider shall submit final deed restrictions along with the Final Plat. The final deed restrictions shall conform to the draft deed restrictions approved with the Preliminary Plat. The Community Development Director required to review and make final decisions on Final Plats shall review and make final decisions on the final deed restrictions.

D. **Private Utilities.**

1. *Generally*. Underground private utilities shall be located in dedicated easements or development tracts.

2. *Placement*. The placement and separation of utilities within a designated easement or development tract shall be as acceptable to the City Engineer.

E. **Private Streets.**

1. *Acting as Public Street*. Private streets shall be designated by plat and designed and constructed to the same requirements as a public street based on this Article and in conformance with the City's Standards and Specifications.

2. *Maintenance*. Maintenance of private streets and private street signs shall be the responsibility of a HOA, POA, or Metro District. Such association shall be legally bound together by deed restriction, contract, corporation, or other instrument that has as one of its purposes the continued care and maintenance of all commonly owned property within the development.

F. **Private Water and Wastewater Facilities.** All private water and wastewater facilities shall be designed and operated in strict compliance with applicable permits, ordinances, regulatory guidance, and regulations of the Environmental Protection Agency, Colorado Department of Public Health and Environment, and the South Adams Water and Sanitary District.

Sec. 21-52120. - Standards for Alternative Ownership Agreements

A. **Alternative Ownership Types.**

1. *Applicability.* The residential standards of this LDC with respect to development standards relate to the development of dwellings on legally platted lots that are intended to be owned in fee-simple by the landlord or residents of the dwellings. However, the standards are not intended to preclude other ownership types, such as:

a. Single ownership of all units on a single platted lot (build-to-rent communities);

b. Condominiums (in which the land is owned in common by the owners of the condominium units); or

c. Common maintenance communities (in which fee-simple ownership is limited to the land under the building, and, in some cases, a small area around it, sometimes called a patio home development).

2. *Purpose.* The alternative standards of this Section are intended to account for such alternative ownership arrangements.

B. **Tiny Home Developments, Apartment/Condominium Complexes, and Manufactured Home Parks.** Tiny home developments, apartment/condominium complexes, and manufactured home parks, which are typically designed, built, and marketed as rentals, shall comply with the standards for tiny home developments, apartment/condominium complexes, and manufactured home parks, rather than the standards of this Subsection.

C. **Compliance with Building Form Standards.**

1. *Required Compliance.* The proposed pattern of development is allowed if the applicant demonstrates that the development will comply with the required standards for the applicable building form in Subsec. 21-2200.4, *Building Forms*, and other relevant parts of this LDC, including but not limited to, public streets; sidewalks, trails, and walkways; lot and block depths, widths, and lengths; utilities; parking; landscaping, buffering and tree preservation; outdoor lighting; signs; and open and amenity spaces, as if it were conventionally platted with lots for each individual building.

2. *Virtual Lot Plan.* The applicant shall demonstrate compliance with Subsec. 21-2200.4, *Building Forms*, and other relevant parts of this LDC by submitting a Virtual Lot Plan that shows the proposed layout of the development. The layout shall show proposed buildings, internal private streets and driveways, virtual lots and virtual lot lines, and other applicable features required to be shown on a Preliminary Plat.

3. *Terminology.* Unless the context clearly indicates otherwise, wherever the term "lot" or "lot line" is used in this LDC, the term is deemed to include "virtual lot" or "virtual lot line."

D. **Maintenance and Ownership Agreement.** Any subdivision with alternative ownership arrangements with more than one single-unit detached, duplex, townhouse, rowhouse, or multiplex buildings on a single platted lot shall have a common maintenance or ownership agreement and shall be required to file all covenants and declarations governing those agreements at the time of platting.

Division 5.3: Development Improvements Dedications, Agreements, and Guarantees

Sec. 21-5300. - Purpose

[Reserved]

Sec. 21-5310. - Applicability

[Reserved]

Sec. 21-5320. - Dedications and Acceptance

[Reserved]

Sec. 21-5330. - Development Improvement Guarantees

A. **Generally**. This Section applies to any development improvements agreement required for the development of property in the City.

B. **Public Improvement Agreement.** Where a public improvement agreement is required by the City, the City Attorney shall be authorized to negotiate such agreement on behalf of the City. Once approved by the City, the City may require that the agreement be recorded in the County Clerk and Recorder's office and may further require that the developer pay the recording costs.

C. **Performance Bonds, Letters of Credit, and Performance Warranty/Guarantee.** For Right-of-Way Permits, refer to Sec. 10-1205 and Sec. 10-1206 of the Municipal Code. For Development Infrastructure Permits, refer to Sec. 21-7430, *Development Infrastructure Permit*.

Sec. 21-5340. - Reimbursements

[Reserved]

Sec. 21-5350. - Fee-in-Lieu

[Reserved]

ARTICLE VI: REVIEW BODIES

Contents:

- Division 6.1: Elected and Appointed Bodies
  - Sec. 21-6100. - City Council
  - Sec. 21-6110. - Planning Commission
  - Sec. 21-6120. - Board of Adjustment
- Division 6.2: Administrative Officials
  - Sec. 21-6200. - Community Development Director
  - Sec. 21-6210. - Building Official
  - Sec. 21-6220. - Floodplain Administrator
  - Sec. 21-6230. - City Engineer
  - Sec. 21-6240 Development Review Team

Division 6.1: Elected and Appointed Bodies

Sec. 21-6100. - City Council

A. **Generally**. The City Council is established as the legislative body for the City in Chapter IV of the City Charter.

B. **Powers and Duties**. The City Council has the authority to make final decisions on the development applications denoted in Sec. 21-71100, *Development Review Summary*.

Sec. 21-6110. - Planning Commission

A. **Generally**. The Planning Commission is organized and constituted as set forth in Chapter X of the City Charter.

B. **Powers and Duties**. The Planning Commission shall have those powers, duties, and functions that have been ascribed to it in the charter as well as those delegated to it by ordinance. The Planning Commission has the authority to make recommendations on the development applications denoted in Sec. 21-71100, *Development Review Summary*.

Sec. 21-6120. - Board of Adjustment

A. **Generally**. The Board of Adjustment is organized and constituted as set forth in Chapter X of the City Charter.

B. **Powers and Duties**. The Board of Adjustment shall have those powers, duties, and functions that have been ascribed to it in the charter as well as those delegated to it by ordinance. The Board of Adjustment has the authority to make final decisions on the development applications denoted in Sec. 21-71100, *Development Review Summary.*

C. **Operations and Procedures**.

1. The Board of Adjustment may adopt such administrative procedures, rules, and regulations as necessary or convenient to conduct its affairs in keeping with the provisions of this LDC. Meetings shall be held at the call of the Chairperson and at such other times as the Board may determine.

2. The concurring vote of at least four members of the Board of Adjustment shall be necessary to decide in favor of the applicant. Any motion to approve an application that fails to achieve four concurring votes shall be deemed a denial without further action.

D. **Limitations.** Nothing in this land development code shall be construed to empower the board of adjustment to change any term within this land development code, to grant any variance with respect to use of property, to grant any variance with respect to any standard, law, or code not contained in the land development code, or to affect changes in the comprehensive plan of the city. The powers of the board of adjustment shall be narrowly interpreted and strictly construed so that this land development code and the comprehensive plan shall be strictly enforced.

Division 6.2: Administrative Officials

Sec. 21-6200. - Community Development Director

A. **Generally.** The Community Development Director's functions and duties are set forth in Sec. 7.10, *Director of Community Development - Functions and Duties*, in the Charter.

B. **Power and Duties.**

1. *Purpose.* The Community Development Director is responsible for processing applications and subsequently making either a final decision (in case of administrative review applications) or making a recommendation to another body (in case of all other applications) as prescribed in this LDC. The Community Development Director may designate other City staff members to manage applications through the review process, to be points of contact for applicants, and to perform such other duties as may be required in this LDC.

a. *Development Review.* The Community Development Director shall have the authority to make recommendations or final decisions on the development review applications denoted in Sec. 21-71100, *Development Review Summary*.

b. *Other Powers and Duties.* In addition to those set forth above, the Community Development Director's powers and duties shall include, but not be limited to, the following:

i. Interpreting the general intent and/or specific meaning of any portion of the LDC text, position of district boundaries, district regulations, or other matters relating to the Official Zoning Map;

ii. Updating and maintaining the Official Zoning District Map;

iii. Accepting and processing all submitted applications detailed in Article VII, *Review Procedures*;

iv. Representing the City at all public hearings required by this LDC;

v. Maintaining all records and minutes related to the enforcement and procedures of this LDC;

vi. Serving as liaison between the Planning Commission and City Council; and

vii. Performing other duties as necessary and appropriate to uphold the provisions of this LDC.

Sec. 21-6210. - Building Official

A. **Generally.** The Building Official is responsible for reviewing Construction Plans, issuing Building Permits, and verifying code compliance for all construction in the City to the extent permitted by state law.

B. **Powers and Duties.**

1. *Development Review.* The Building Official shall have the authority to make recommendations or final decisions on the development applications denoted in Sec. 21-71100, *Development Review Summary Table*.

2. *Other Powers and Duties. The Building Official may:*

a. Inspect building construction to ensure that the same complies with this LDC and all building and construction codes adopted by the City; and

b. Revoke Building Permits, issue stop work orders, determine occupancy limitations, and otherwise enforce the ordinances and regulations of the City in regard to building construction, safety, and occupancy.

Sec. 21-6220. - Floodplain Administrator

A. **Generally.** The Floodplain Administrator shall be appointed by the City Manager.

B. **Powers and Duties**. The Floodplain Administrator shall have the following powers and duties:

1. *Development Review.* The Floodplain Administrator shall have the authority to make recommendations or final decisions on the development applications denoted in Sec. 21-71100, *Development Review Summary Table*.

2. *Other Powers and Duties*.

a. Maintain and hold open for public inspection all records pertaining to the provisions of Subsec. 21-2230.2D, *Floodplain Overlay District (F-P)*;

b. Review permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding;

c. Review permits for proposed development to assure that all necessary permits have been obtained from those federal, state, or local governmental agencies (including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required;

d. Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make the necessary interpretation;

e. Notify, in riverine situations, adjacent communities and the state coordinating agency prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);

f. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained;

g. When base flood elevation data has not been provided, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other sources, in order to administer the provisions of Article V;

h. When a regulatory floodway has not been designated the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the City's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the City; and

i. Under the provisions of 44 CFR Chapter 1, Section 65.12 of the National Flood Insurance Program regulations, the City may approve certain development in zones A1-30, AE, or AH on the City's FIRM which increases the water surface elevation of the base flood, provided that the City first applies for a conditional FIRM revision through FEMA.

Sec. 21-6230. - City Engineer

A. **Generally.** The City Engineer shall be appointed by the City Manager and is generally responsible for verifying that all standards and quality assurance requirements are met for public infrastructure.

B. **Powers and Duties.** The City Engineer shall have the authority to make recommendations or final decisions on the development applications denoted in Sec. 21-71100, *Development Review Summary*.

Sec. 21-6240 Development Review Team

A. **Generally.** The Development Review Team (DRT) assists in the review of development applications.

B. **Organization and Qualifications.** The DRT is composed of City staff, South Adams County Fire, and South Adams County Water and Sanitation

C. **Powers and Duties**. The Development Review Team has the authority to make recommendations on the development applications denoted in Sec. 21-71100, *Development Review Summary*.

D. **Communication to Applicant**. Following a Development Review Team meeting, the Community Development Director shall provide the Development Review Team comments and recommendation, if any, to the applicant.

ARTICLE VII: REVIEW PROCEDURES

Contents:

- Division 7.1: Common Review Procedures
  - Sec. 21-7100. - Pre-Application Meeting
  - Sec. 21-7110. – Neighborhood Meetings
  - Sec. 21-7120. - Application Fees, Submittal, and Completeness
  - Sec. 21-7130. - Staff Review and Decisions
  - Sec. 21-7140. - Common Decision Criteria
  - Sec. 21-7150. - Public Notice
  - Sec. 21-7160. - Public Hearings
  - Sec. 21-7170. - Appeals
  - Sec. 21-7180. - Expired Approvals and Extensions
  - Sec. 21-7190. - Post-Approval
  - Sec. 21-71100. - Development Review Summary
- Division 7.2: LDC and Zoning Map Amendments and Land Use Decisions
  - Sec. 21-7200. - Annexation
  - Sec. 21-7210. - Comprehensive Plan Amendment
  - Sec. 21-7220. - Zoning Map Amendment
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  - Sec. 21-7240. - Planned Unit Development Zone Document
  - Sec. 21-7250. - Conditional Use Permit
  - Sec. 21-7260. - Oil and Gas Permit
- Division 7.3: Variances and Appeals of Administrative Decisions
  - Sec. 21-7300. - Variance

- Sec. 21-7310. - Variance, Floodplain
- Sec. 21-7320. - Variance, Engineering
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- Division 7.4: Permits
  - Sec. 21-7400. - Limited Use Permit
  - Sec. 21-7410. - Grading Permit
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  - Sec. 21-7450. - Building Permit
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  - Sec. 21-7470. - Sign Permit
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- Division 7.5: Platting and Site Plan Decisions
  - Sec. 21-7500. - Conceptual Site Plan
  - Sec. 21-7510. - Preliminary Plat
  - Sec. 21-7520. - Consolidation Plat
  - Sec. 21-7530. - Overall Development Plan
  - Sec. 21-7540. - Minor Plat
  - Sec. 21-7550. - Construction Documents
  - Sec. 21-7560. - Final Plat
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  - Sec. 21-7590. - Waiver
  - Sec. 21-75100. - Vested Property Rights / Site Specific Development Plan
  - Sec. 21-75110. - Site Development Plan
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  - Sec. 21-75130. - Vacation of Rights-of-Way

- Sec. 21-75140. - Vacation of Easements
- Sec. 21-75150. - Comprehensive Sign Program
- Sec. 21-75160. - Virtual Lot Plan

Division 7.1: Common Review Procedures

Sec. 21-7100. - Pre-Application Meeting

A. **Purpose**. The purpose of the pre-application meeting is to inform the potential applicant of development procedures, submittal requirements, standards, alternatives, and other pertinent matters before the potential applicant finalizes the development proposal.

B. **Applicability**. Table 21-71100-1, *Development Review Summary*, denotes which applications require a pre-application meeting.

C. **Conceptual Site Plan.** The applicant shall submit a Conceptual Site Plan as a basis for discussion prior to the pre-application meeting. The Conceptual Site Plan shall be of sufficient detail to accurately convey the concept, character, location, parcel size, and the size and scale of the proposed development. The applicant may submit additional materials at their discretion.

D. **Non-Binding**. Any opinions expressed during pre-application meetings are informational only and do not represent a commitment on behalf of the City regarding the acceptability or approval of the development proposal. Materials submitted for review at a pre-application meeting shall not constitute an application for development for purposes of C.R.S. § 24-68-101 et. seq.

E. **Continuing Review Process**. After the pre-application meeting has occurred, development proposals that require such meeting may subsequently undergo the processes established in Sec. 21-7110, *Neighborhood Meetings*.

Sec. 21-7110. – Neighborhood Meetings

A. **Purpose**. The purpose of a neighborhood meeting is to provide the public with an opportunity to review and provide input on a potential application submittal to the potential applicant prior to application submittal.

B. **Applicability**. Table 21-71100-1, *Development Review Summary*, denotes which applications require a Neighborhood Meeting.

C. **Notification**. Prior to formally submitting an application that requires a neighborhood meeting, the potential applicant shall send written notification announcing a neighborhood meeting that the potential applicant will hold to discuss the proposed project. The letter shall be mailed no less than 14 days prior to the neighborhood meeting. The letter shall be sent to those who would be required to be notified by mail if the project were submitted as a formal application as outlined in Sec. 21-7150.

D. **Scheduling**. The potential applicant shall hold the neighborhood meeting no more than 180 days prior to the submittal of the application. At the time of submitting the application, the applicant shall provide a summary of the neighborhood meeting that includes a list of those invited, those in attendance, and a summary of the issues discussed.

E. **Attendance**. Potential applicants are required to attend a neighborhood meeting and may invite their designers, attorneys, or other representatives.

F. **Format of Meeting.** Proceedings of the meeting are at the discretion of the potential applicant; however, at minimum, the applicant shall discuss the following at a neighborhood meeting:

1. *Districts*. Requested zoning districts or Conditional Use Permits, if applicable, that will be required to accomplish the project;

2. *Land Uses*. Potential land uses currently allowed on the property compared to the requested Conditional Use Permit, if applicable;

3. *Design*. Conceptual design of the site and principal buildings; and

4. *Timeline*. Possible timeline for application submittal.

G. **Continuing Review Process**. After the neighborhood meeting has occurred, development proposals that require such meeting may subsequently undergo the processes established in Sec. 21-7120, *Application Fees, Submittal, and Completeness.*

Sec. 21-7120. - Application Fees, Submittal, and Completeness

A. **Application.** An application for every development review procedure required by this LDC shall be submitted in a format established by the Community Development Director. At the time the application is submitted, the applicant shall pay a fee in the amount established by the City's fee schedule.

B. **Fees.**

1. *Schedule of Fees, Charges, and Expenses*. The City Council shall establish a schedule of fees and charges for matters pertaining to this LDC. The schedule of fees shall be maintained by the Community Development Director.

2. *Payment in Full Required.* No permits, certificates, or approvals required by this LDC shall be approved unless or until that applicant has paid in full all required costs, charges, fees, or expenses.

3. *Refunds.* Fees for rejected, denied, expired, voided, or revoked applications are not refundable.

C. **Authorization to Initiate an Application**.

1. *Authorization*. Table 21-7120-1, *Application Authorization*, denotes those who are authorized to initiate each of the application types.

2. *Names and Signatures*. An applicant shall include the name and signature of the current property owner(s) of all properties within the boundaries of the application. Property owner(s) may be represented by an agent designated in writing by the property owner(s).

Table 21-7120-1, Application Authorization

Development Review Procedure Types	Property Owner[1]	Party Aggrieved by an Administrative Decision[2]	Mayor, City Council, City Council Member, or City Manager
Zoning Map Amendments and Land Use Decisions	♦[2]		♦
Variances and Appeals of Administrative Decisions	♦	♦[3]	
Permits	♦		
Platting and Site Plan Decisions	♦		

Table Note:

1. Including Owner's Agent.

2. Including the applicant, the property owner of the subject property, or a person otherwise permitted to appeal by state law.

3. Applications for Conditional Use Permits associated with drilling, oil, or gas operations shall be made by any mineral interest owner with the legal right to drill on the property that is the subject of the application. Mineral interest owner(s) may be represented by an agent, designated in writing by the mineral interest owner(s).

4. Appeal of Administrative Decision only.

D. **Withdrawals**. An applicant may withdraw an application at any time. Upon resubmission, the application shall be considered a new submittal subject to the provisions of this Division.

E. **Application Completeness.** Application submittals shall undergo a completeness application review before being deemed submitted to the Community Development Director.

1. *Timeline.* A determination of application completeness shall be made by the Community Development Director no more than ten business days after submittal of the application.

2. *Meaning of Completeness*. The Community Development Director will not deem an application complete unless it is accompanied by all documents required by and prepared in accordance with the requirements of this LDC. For the Director to make a determination of completeness, an application must include the following:

   a. A completed application form signed by the owner or the owner's authorized agent, as shown by affidavit or power of attorney;

   b. Every item, study, and document required by the UDC or the Development Guidebook for the application being submitted;

   c. A non-refundable application submittal fee, as specified in the fee schedule; and

   d. Any additional information, such as items that a neighborhood meeting or pre-application meeting may have necessitated, that is necessary to demonstrate compliance with all of the applicable requirements of this LDC.

3. *Incomplete Applications*.

   a. If the application is determined to be incomplete, the Community Development Director shall notify the applicant in writing within five days of completing the completeness review.

   b. The applicant shall have 45 days to provide the required materials.

   c. While awaiting the requested information, any time limitations within which the City must process the application shall be on hold.

   d. If the applicant's response time exceeds the 45-day period, then the application shall expire. To proceed, the applicant shall begin the process again with a new application.

   e. The application cannot be resubmitted as a draft; a completely new submission is required.

4. *Completeness Does Not Equate to Approval.* Determination that an application is complete does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria. The Development Guidebook contains a checklist for all application types. Completeness reviews shall rely on the LDC provisions as well as the checklists.

F. **Concurrent Submittal and Review**. Certain development projects may require multiple approvals. At the discretion of the Community Development Director, the applicant may submit combined applications that require final action by an elected or appointed body and such applications may be processed concurrently, so long as all applicable processing and public notice requirements and all required findings are satisfied.

G. **Application After Denial**. Any application that is denied by, City Council, or Board of Adjustment, must wait 12 months from the date of final disapproval, to refile a similar application. The Community Development Director shall determine whether or not to permit the filing of a successive application at a public meeting, but such action shall not require a public hearing. In order to be considered for such permission, the applicant shall demonstrate that:

1. *Substantial Change in Circumstances.* There is a substantial change in circumstances relevant to facts considered during review of the application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the application;

2. *New or Additional Information.* New or additional information is available that was not available at the time of the review that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed; or

3. *New Application.* A new application is proposed to be submitted that is materially different (e.g., proposes new use categories, or a substantial change in proposed densities and intensities) from the prior application.

H. **Continuing Review Process**. Complete applications shall subsequently undergo the processes established in Sec. 21-7130, *Staff Review and Distribution*.

Sec. 21-7130. - Staff Review and Decisions

A. Community Development Director21-7100-1, *Development Review Summary*, do one of the following:

1. *Referral*. Refer all other application types to the appropriate development review body or outside agency including, but not limited to, utilities and school districts, for review, comment, and, if denoted in Table 21-7100-1, Development Review Summary, recommendation or final decision;

2. *Review and Comment.* For administrative applications where the Community Development Director is not the final decision maker, the Community Development Director shall distribute the application to the final decision maker who shall then review and approve, conditionally approve, or deny the application; or

3. *Review and Decide.* For administrative applications where the Community Development Director is the final decision maker, the Community Development Director shall approve, conditionally approve, or deny the application.

B. **Required Revisions**.

1. *Comments.* During application review, the Community Development Director may provide comments from the Development Review Team or other review bodies to the applicant. The applicant shall revise and resubmit the application materials with requested changes in order for the application to proceed through the review process within 90 days of receiving the comments.

2. *Resubmittal.* Upon receipt of the resubmittal, the Community Development Director may refer the application to agencies again if the changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, or require the agency's technical expertise for appropriate review.

3. *Application Inactivity*. In the event that an applicant, having been notified that additional information or corrected materials are required, fails to submit such information or materials within 90 days, the application shall be deemed inactive and shall be considered withdrawn.

4. *Withdrawal of an Application*. Except for inactive applications, only the applicant or property owner may withdraw an application. After an application is withdrawn, no further action on the application shall take place. To re-initiate review, the applicant shall resubmit the application, which in all respects shall be treated as a new application for purposes of review, scheduling, and fees.

C. **Continuing Review Process**.

1. *Approved Applications.* Applications receiving approval may subsequently undergo the processes established in Sec. 21-7190, *Post-Approval*.

2. *Applications Requiring Public Meeting or Hearing.* Applications requiring a public meeting or hearing, as denoted in 21-7100-1, *Development Review Summary*, shall subsequently undergo the processes established in Sec. 21-7150, *Public Notice* and Sec. 21-7160, *Public Meetings and Hearings*.

Sec. 21-7140. - Common Decision Criteria

A. **Common Review Criteria.** In determining whether to approve, approve with conditions, or deny an application, the development review bodies making a recommendation or taking final action shall consider the basic review criteria denoted in Table 21-7140-1, *Common Review Criteria Applicability*. Additional review criteria may apply and are enumerated in the specific review procedures of this Article.

B. **Burden of Proof or Persuasion.** In all cases, the burden is on the applicant to show that an application complies with applicable review criteria.

C. **Continuing Review Process**. In order to be approved, applications that require a pre-application conference shall subsequently undergo the applicable processes established in this Division, starting with Sec. 21-7120, *Application Submittal, Fees, and Completeness*.

Table 21-7140-1 Common Review Criteria Applicability					
Common Review Criteria	LDC and Zoning Map Amendments and Land Use Decisions		Variances and Appeals of Administrative Decisions	Permits	Platting and Site Plan Decisions
	Text Amendments	All Other			
The request complies with the applicable standards of the City's Code, this LDC, and any applicable county, state, or federal requirements.		•	•	•	•
The request substantially conforms to any associated prior approval for the development, including, but not limited to, a PUD Zone Document, Conditional Use Permit, or Overall Development Plan.		•	•	•	•
The request is consistent with applicable policies of the Comprehensive Plan and applicable sub-area plans and capital improvement plans; or, if it addresses a topic that is not contained or not fully developed in the Comprehensive Plan, the request does not impair the implementation of the Comprehensive Plan.	•	•	•		•
The request promotes the purposes of this LDC as established in Sec. 21-1120, *Purpose*, and in other applicable purpose statements in this LDC.	•	•	•		•
Adequate facilities, including public or private utilities, solid waste service, roads, drainage, and other improvements are present or are planned to be provided by either the City or the applicant.		•	•	•	•
The request demonstrates compatibility with surrounding conforming and permitted land uses and structures and with the general character of the area.		•	•		
The request will not impede the normal and orderly development and improvement of surrounding property.		•	•		

Sec. 21-7150. - Public Notice

A. **Types of Public Notice.** When required, as denoted in Table 21-71100-1, *Development Review Summary*, public notice shall be provided by the following means:

1. *Mailed Notice.* When required, as denoted in Table 21-71100-1, *Development Review Summary*, mailed notice :

   a. Shall be in written form;

   b. Shall be sent to all the owners of property adjacent to or within 500 feet of the property that is the subject of the application, unless modified by the Community Development Director;

c. Shall be mailed at least 14 days prior to the public hearing or, where no hearing is required, administrative action;

d. May be sent to the management company or board of such association and to the owners of the individual units, where adjacent property is owned by a subdivision or condominium association,;

e. Shall be the responsibility of the applicant to send. The Director may require the applicant to submit evidence to document compliance with the requirements of this Section.

2. *Signs.* The applicant if designated by the Community Development Director, shall place signs on the property which is the subject of the application at least 14 days prior to the public hearing or action. The Director shall designate the number and location of the signs based upon the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors. In no event shall the number of signs posted be fewer than one.

a. The applicant shall ensure signs remain in place during the period leading up to the hearing or administrative action and shall check the posted signs each day.

b. Missing or damaged signs shall be replaced by the applicant within 48 hours of discovery or by the close of the next business day, whichever period is longer.

c. When requested by the Community Development Director, the applicant shall sign a statement affirming that the above-stated procedures were followed.

d. Failure to comply with the required posting procedure or failure to file the posting compliance log with the Director upon request may result in the public hearing being rescheduled.

e. Any delays resulting from the rescheduling shall not prejudice a development review body regarding compliance with required times to act as set forth in this LDC.

f. Applicants shall remove all signs no later than one week after the final public hearing or action.

3. *Publication.* Notice shall be posted digitally unless otherwise provided by state law at least 14 days prior to any public hearing or action by the Planning Commission or Board of Adjustment, and at least seven days prior to any public hearing or action by the City Council.

B. **Contents of Notice**.

1. *Publication and Mailed Notice.* Notices that are published and mailed shall provide, at minimum, the following information:

a. The general location of the land that is the subject of the application;

b. Its legal description or street address;

c. The nature of the application;

d. The time, date, and location of the public hearing; and

e. A statement that interested parties may appear at the public hearing and be heard with respect to the application.

2. *Signs*.

a. Signs shall provide, at minimum, the following information:

i. The type of approval that the applicant is seeking;

ii. The City's website address;

iii. The contact point for additional information; and

iv. The time, date, and location of the public hearing.

b. The number and location of signs required shall be determined by the Community Development Director.

C. **Computation of Time**. In computing the time periods for notice, the day of mailing or publication shall not be counted, but the day of the public hearing shall be counted.

D. **Constructive Notice**. Failure of a surrounding property owner to receive notice of a hearing shall not affect the validity of the notice or the final decision.

E. **Continuing Review Process**. Applications with required notice provided shall subsequently undergo the processes established in 21-7160, *Public Hearings*.

Sec. 21-7160. - Public Hearings

A. **Generally.**

1. *Hearings.* All public hearings related to applications in the LDC shall be open to the public. However, not all decisions require public hearings. Therefore, recommendations and decisions that are authorized by this LDC for non-administrative applications are classified as requiring a "public meeting" or "public hearing."

B. **Procedures Requiring Public Hearings**. Sec. 21-71100, *Development Review Summary*, denotes the development review procedures that require public hearings.

C. **Final Action.**

1. *Decision.* A decision-making body with authority to take final action on an application according to Sec. 21-71100, *Development Review Summary*, may approve, approve with conditions or modifications, or deny an application.

2. *Defeat of a Motion to Approve.* If a motion to approve an application or a motion to approve with conditions or modifications fails to carry enough votes to pass, then such a failure shall be deemed a denial of the application.

D. **Approval with Conditions.**

1. *Ability.* At a public hearing, a decision-making body may attach special conditions to any decision it is authorized to make in order to ensure that the intent of this LDC will be carried out.

2. *Requirements.* Approval of an application with conditions requires that the specific conditions and reasons for such conditions be stated in the record. Such conditions are binding upon the applicant.

E. **Continuing Review Process.** Applications decided upon at a public hearing may be subject to Sec. 21-7170, *Appeals,* Sec. 21-7180, *Expired Approvals and Extensions,* and Sec. 21-7190, *Post-Approval*.

Sec. 21-7170. - Appeals

A. **Generally.** Unless otherwise specified in this LDC, the applicant, the property owner of the subject property, or a person otherwise permitted to appeal by state law (collectively referred to as parties of interest, may appeal a decision on a development application addressed in this Article in accordance with the procedures in this Section. The appropriate appeal forum may reverse, affirm, or modify that decision, in whole or in part, and for the purposes of the appeal, has the authority of the original decision maker.

B. **Procedures.**

1. *Related Developmental Approvals Stayed.* Upon the filing of an appeal, no related development approvals or permits shall be approved for the subject property unless the official whose decision is being appealed certifies that such a stay will cause immediate peril to life or property. If such a certification is made, development approvals and permits may be approved for the subject property, unless a "stop work order" is issued by the City, or a restraining order is issued by a court.

2. *Appeal Forums.*

a. *Board of Adjustment.* Except as specified in Paragraph c, City Council, below, all appeals from decisions of the Community Development Director, Building Official, Floodplain Administrator, or City Engineer shall be heard by the Board of Adjustment.

b. *City Council.* Appeals from the decision of the Community Development Director on a Site Development Plan, Minor Site Development Plan, or Plat shall be heard by the City Council.

c. *District Court* Appeals from decisions of the Board of Adjustment or the City Council, or of the Director regarding Oil and Gas Permits under section Sec. 21-7260, *Oil and Gas Permit*, shall proceed in accordance with Rule 106 of the Colorado Rules of Civil Procedure.

3. *Timing for Filing Appeal.* Appeals shall be filed with the Community Development Director no later than ten days after the date of the initial decision. Upon receipt of an appeal, the Community Development Director will forward the documents constituting the record of the action to the appropriate review body.

4. *Time of Decision.* Appeals will be considered within 90 days of the date the appeal is filed.

5. *Notice of Decision*. Written notice of the decision normally will be sent to the appellant and all other parties who have made a written request for notification within ten days of the decision. The decision of the appellate body shall be deemed the final decision of the City on the application.

Sec. 21-7180. - Expired Approvals and Extensions

A. **Generally.** Sec. 21-71100, *Development Review Summary*, denotes the expiration period for approvals of all development review applications.

B. **Term of Approval or Permit.** The time period for approvals shall commence upon the date of approval and expire at the end of the stated time period, unless:

1. *Complete Application*. The applicant submits a complete application for the next required approval in a sequence of approvals; or

2. *Extension*. The Community Development Director grants an extension in accordance with Subsection C, *Renewal of Approvals*.

C. **Renewal of Approvals.**

1. *Generally.* Upon the written request from the applicant and property owner, the Community Development Director may extend the expiration date of any approval for a duration not to exceed one year by written request from the property owner according to the standards and procedures of this Section.

2. *Timing of Application for Extension.*

a. Written requests for extensions must be received no later than 30 days prior to the expiration of the approval.

b. Untimely requests for extensions will not be approved unless the applicant demonstrates to the satisfaction of the Community Development Director that extraordinary circumstances justify the request.

D. **Extensions for Extraordinary Circumstances.** The Community Development Director may extend the expiration date of any approved development review applications in response to extraordinary circumstances, such as flood, fire, snowstorm, or other natural or human-made disaster that makes it temporarily infeasible to commence or continue with construction. The period of such extensions shall be determined by the Community Development Director in their sole and absolute discretion.

E. **Lapse**. If an approved application is not commenced within the Expiration period contained in Table 21-71100-1, *Development Review Summary*, then the approval shall automatically lapse and be null and void.

Sec. 21-7190. - Post-Approval

A. **Modification of an Approved Application.** Modifications to approved applications may be approved at the discretion of the Community Development Director as long as the plans comply with the regulations of this LDC. Additional applications may be required by the Community Development Director if deemed necessary.

B. **Revocation of Approval.** Refer to Division 10.1, *Enforcement, Violations, and Remedies*.

C. **Approvals Run With Land.** Permits or approvals authorizing a particular land use or structure shall run with the land and transfer with the subsequent ownership of the land and structures unless an elected or appointed development review body conditions an approval to the contrary. This provision does not apply to nonconformities, which are subject to the provisions of Article IX, *Nonconformities*.

D. **Action Following Decision.** Written notice of final decisions to approve or approve with conditions, or disapprove or deny an application shall be provided to the applicant within five business days of each decision.

E. **Correction of Errors on Approved Plats.**

1. *Approved but Unrecorded Plats*. An approved but unrecorded Final Plat, Minor Plat, Consolidation plat, or Replat that the Community Development Director finds to contain an insignificant error, including, but not limited to, scriveners errors or typographical errors, or the addition, deletion, or relocation of easements, may be corrected by the applicant, upon approval by the Community Development Director.

2. Approved and Recorded Plats. Any correction of a recorded plat shall be in accordance with Sec. 21-7580., *Plat Correction*.

Sec. 21-71100. - Development Review Summary

A. **Generally.** Table 21-71100-1, *Development Review Summary*, compiles the review procedures for applications in this LDC involved in the development review process. Detailed information about general procedures and applications are further discussed in this Article. Refer to Sec. 21-7150, *Public Notice*, for details on public notice.

Table 21-71100-1, Development Review Summary

• = Meeting Required '--' = Not Applicable

P = Published Notice Required M = Mailed Notice Required
S = Signs Notice Required

CDD = Community Development Director PC = Planning Commission CC = City Council
BOA = Board of Adjustment DRT = Development Review Team

[ ] = Public Hearing Required

Application	Pre-Application & Neighborhood Meeting Required	Review Responsibilities		Public Notice[1]	Expiration[3]	Cross-Reference
		Recommendation	Final Action			
LDC AND ZONING MAP AMENDMENTS AND LAND USE DECISIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Elected and appointed development review bodies make final decisions based on general considerations of fostering and preserving the public health, safety, and general welfare. Such final decisions are characterized by the exercise of broad discretion.						
Annexation 21-7200	•	1st: CDD, DRT 2nd: [PC]	[CC]	M P S	--	--
Comprehensive Plan Amendment 21-7210	•	1st: CDD, DRT 2nd: [PC]	[CC]	M P S	--	--

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Application	Pre-Application & Neighborhood Meeting Required	Review Responsibilities		Public Notice[1]	Expiration[3]	Cross-Reference
		Recommendation	Final Action			
Zoning Map Amendment[1] 21-7220	•	1st: CDD, DRT 2nd: [PC]	[CC]	M[1] P S[1]	--	--
LDC Text Amendment[1] 21-7230	--	1st: CDD, DRT 2nd: [PC]	[CC]	P	--	--
Planned Unit Development Zone Document 21-7240	•	1st: CDD, DRT 2nd: [PC]	[CC]	M[1] P S[1]	--	--
Conditional Use Permit 21-7240	•	1st: CDD, DRT 2nd: [PC]	[CC]	M P S	180 days	Sec. 21-3210
Oil and Gas Permit 21-7260	•	1st: CDD, DRT 2nd: [PC]	[CC]	M[2] P S	3 Years; Refer to Sec. 21-7260.H	Sec. 21-3210
VARIANCES AND APPEALS OF ADMINISTRATIVE DECISIONS: Require final decisions that provide interpretation of standards or establish the way design or development will occur on specific sites in manners that either vary from the standards of this LDC or that are contested by an aggrieved party. Such final decisions are characterized by exercise of discretion.						
Variance 21-7300	--	CDD, DRT	[BOA]	M P S	180 days	--
Variance, Floodplain 21-7310	--	Floodplain Administrator		--	2 Years	Subsec. 21-2230.2D
Variance, Engineering 21-7320	--	City Engineer		--	180 days	Engineering Construction Standards & Specifications
Appeal of Administrative Decision 21-7330	--	[BOA][4]		M P S	--	--

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Application	Pre-Application & Neighborhood Meeting Required	Review Responsibilities		Public Notice[1]	Expiration[3]	Cross-Reference
		Recommendation	Final Action			
Administrative Adjustment 21-7340	--	CDD		--	1 year	--
PERMITS: Require final decisions in which City staff apply the standards in this LDC. Permits typically require objective analysis by City staff.						
Limited Use Permit 21-7400	--	CDD	CDD	--	2 years/180 days[5]	Sec. 21-3200
Grading Permit 21-7410	--	CDD	CDD	--	180 Days	--
Early Grading Permit 21-7420	--	CDD	CDD	--	180 Days	--
Development Infrastructure Permit	--	CDD, DRT	CDD	--	180 days	--
Model and Elevation Review 21-7440	--	CDD		--	90 days	--
Building Permit 21-7450	--	CDD	Building Official	--	2 years/180 days[6]	--
Floodplain Development Permit 21-7460	--	CDD	Floodplain Administrator	--	2 years/180 days[6]	Subsec. 21-2230.2D
Sign Permit 21-7470	--	CDD	Building Official	--	180 days	Division 4.7
Temporary Use Permit 21-7480	--	CDD[8]		--	1 Year	Sec. 21-3230
Zoning Construction Permit 21-7490	--	CDD		--	180 days	Sec. 21-3220
PLATTING AND SITE PLAN DECISIONS: Require final decisions related to dividing larger tracts of land into smaller lots. City staff or legislatively appointed administrative bodies make final decision based on regulations in this LDC and on technical requirements of various City departments, local and state agencies, and utilities.						
Preliminary Plat 21-7510	•	CDD, DRT, [PC]	[CC]	--	2 years	Article V

Table 21-71100-1, Development Review Summary

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[ ] = Public Hearing Required

Application	Pre-Application & Neighborhood Meeting Required	Review Responsibilities		Public Notice[1]	Expiration[3]	Cross-Reference
		Recommendation	Final Action			
Consolidation Plat 21-7520	--	CDD		--	60 days if unrecorded; None after recordation	Article V
Overall Development Plan 21-7530	•	CDD, DRT, [PC]	[CC]	M P S	2 Years	Article II, Article III, Article IV
Minor Plat 21-7540	--	CDD, DRT	CDD	--	60 days if unrecorded; None after recordation	Article V
Final Plat 21-7560	--	CDD, DRT	CDD	--	60 days if unrecorded; None after recordation	Article V
Replat 21-7570	--	CDD, DRT	CDD	--	60 days if unrecorded; None after recordation	Article V
Plat Correction 21-7580	--	CDD		--	--	--
Waiver 21-7590	--	CDD	City Engineer	--	Same as associated plat	Article V
Vested Property Rights / Site Specific Development Plan 21-75100	--	CDD, DRT, [PC]	[CC]	M P S	3 Years	--
Site Development Plan 21-75110	--	CDD, DRT	CDD	--	2 Years	--
Minor Site Development Plan 21-75120	--	CDD		--	2 Years	--
Vacation of Rights-of-Way 21-75130	--	CDD, DRT, [PC]	[CC]	M P S	60 Days	--

Table 21-71100-1, Development Review Summary

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CDD = Community Development Director PC = Planning Commission CC = City Council
BOA = Board of Adjustment DRT = Development Review Team

[ ] = Public Hearing Required

Application	Pre-Application & Neighborhood Meeting Required	Review Responsibilities		Public Notice[1]	Expiration[3]	Cross-Reference
		Recommendation	Final Action			
Vacation of Easements 21-75140	--	CDD		--	60 days	--
Comprehensive Sign Program 21-75150	--	CDD		--	--	Division 4.7

TABLE NOTES:

1. Signs and mailed notification shall not be required when the City Council or Planning Commission initiates a Zoning Map Amendment affects multiple owners.
2. Mailed notice shall be a minimum of 2,500 feet from the affected parcel(s).
3. The time period in the "Expiration" column is measured from the date of the approval. Expiration occurs if the applicant does not commence the work prior to the expiration or does not diligently pursue completion of the project or the subsequent required approval. See Sec. 21-7180, *Expired Approvals and Extensions*.
4. Refer to Subsection 21-7170.B.2, *Appeal Forums*, for a delineation of the types of applications for which the BOA serves as appellate bodies.
5. Two years if construction of a structure is required. 180 days if no structure is required.
6. Two years if not substantially completed. 180 days if the work described in the permit is not commenced.
7. Or within the time-frame set forth in the PUD Zone Document.
8. Refer to Sec. 21-7470, *Temporary Use Permit*, for specific review exceptions related to temporary uses in public parks and public streets.

Division 7.2: LDC and Zoning Map Amendments and Land Use Decisions

Sec. 21-7200. - Annexation

A. **Generally.** Annexation is a discretionary, legislative act and is the legislative process by which land outside of the City may become a part of the City and made subject to the City's jurisdiction. The City's Annexation requirements, set forth in the LDC, are intended to supplement the provisions of the state statutes and are in no way to be construed as being in conflict therewith.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Zoning Designation*. After passage on first reading of an ordinance annexing property to the City, the subject property shall be given the zoning classification:

   a. Most compatible with the City's Comprehensive Plan designation of the property;

   b. Most comparable to the County zoning classification existing on the subject property at the time of acceptance by the City of the Annexation petition for the subject property; or

   c. Most comparable to the present use(s) of the property

2. *Land Use Approvals*. In the event it is determined by the City or the applicant that development approvals for the land to be annexed should be obtained concurrently with the Annexation application and initiation of zoning, the applicant may initiate the development approval process required elsewhere in this LDC for such development approval along with the Annexation process and the City Council may consider the proposed development application, including any Conceptual Site Plan, development plan, and any applicable Comprehensive Plan amendment(s) when the Annexation ordinance is considered under first reading.

3. *Sequence of Events*. Neither an ordinance proposing zoning of land to be annexed or proposing development approvals for the land to be annexed shall be finally adopted by the City Council prior to the date of final adoption of the Annexation ordinance.

4. *No Unreasonable Burden*. No Annexation of land to the City shall create an unreasonable burden on the City. The City Council may condition the Annexation of land upon such terms and conditions as are reasonably necessary to ensure that an Annexation does not create an unreasonable burden. Such terms and conditions may include, without limitation, installation of public facilities or improvements, dedication of land for open or amenity space, payment of fees incidental to Annexation, and covenants governing future land uses.

5. *Annexation Agreement*. Owners of land petitioning the City for Annexation of their property shall enter into an Annexation agreement with the City stating any terms and conditions applicable to the subject property, prior to the first reading of the Annexation ordinance. Upon Annexation, such agreements shall be recorded with the Adam's County Clerk and Recorder's office.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *State Statutes*. The Annexation is in compliance with the Municipal Annexation Act, as amended, and the State constitution, C.R.S., §31-12-107;

2. *Consistency.* The Annexation is consistent with the City's Comprehensive Plan;

3. *Capacity.* The area being proposed for Annexation has, or will have at the time of development, the capacity to serve residents of the area with adequate utilities, facilities, and public services; and

4. *Best Interests.* The Annexation is in the best interests of the City.

D. **Effect.** An Annexation shall become effective in accordance with state statutes and the ordinance approving such Annexation. Zoning shall be established on the annexed property no later than 90 days after the effective date of the Annexation ordinance. The City Council shall annually review Annexation policies and the Comprehensive Plan to publicly update and document policy related to potential future Annexations.

Sec. 21-7210. - Comprehensive Plan Amendment

A. **Generally.** A Comprehensive Plan Amendment is any change in the City's Comprehensive Plan.

B. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Compatibility*. The characteristics of the proposed character area will be compatible with the properties in the immediate vicinity of the subject property;

2. *Impact Mitigation*. The amendment may serve to mitigate adverse impacts of the use and development of land on the natural or built environments, including, but not limited to, mobility, air quality, water quality, noise levels, stormwater management, and vegetation, or will be neutral with respect to these issues;

3. *Comprehensive Plan*. The proposed amendment supports the goals of the Comprehensive Plan; and

4. *Changing Conditions*. The amendment may serve to address a changing condition that was not anticipated by the Comprehensive Plan.

C. **Effect.** Approval of a Comprehensive Plan shall take effect upon the effective date of the resolution approving the amendment.

Sec. 21-7220. - Zoning Map Amendment

A. **Generally.** A Zoning Map Amendment is any change in the City's official Zoning Map other than those changes that the City Clerk is authorized to execute as provided in Sec. 1-2000, *Corrections*, of the Municipal Code. This section does not apply to amendments to a Planned Unit Development district.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Development Plan Required.* Unless initiated by the City Council or determined unnecessary by the Community Development Director, every application for a Zoning Map Amendment shall be accompanied by a development plan, except for the following:

   a. A request to rezone to an R-1 or R-2 zoning district; or

   b. A request to rezone to an AG district used only for residential activities and accessory agricultural uses.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Technical Error.* The Zoning Map Amendment corrects a technical error on the part of the City in classifying a parcel within a specific zoning district; or

2. *Adherence to Criteria.* The Zoning Map Amendment meets all of the following:

   a. The range of allowed uses allowed by the amendment are compatible with proposed development, surrounding land uses, and the natural environment;

   b. The proposed amendment will have, or future development can provide, efficient and adequate provision of public services and uses; and

c. There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the City and the immediate area of the proposed use.

D. **Effect.**

1. *Adoption by Ordinance.* A Zoning Map Amendment affects the Official Zoning Map or this LDC and shall be approved in the form of an ordinance passed by the City Council.

2. *Legal Description.* The ordinance shall include a legal description of the area rezoned and a map of the same;

3. *Record.* The City Clerk will maintain a record of all ordinances that change the zoning classification of real property; and

4. *Map Update.* The Community Development Director shall update the Official Zoning Map to reflect the new zoning district for the subject property.

Sec. 21-7230. - LDC Text Amendment

A. **Generally**. An LDC Text Amendment is any official change to the text of this LDC.

B. **Special Review Procedures.** All text amendments to the Land Development Code may be initiated by City Council or the Community Development Director. All proposed amendments shall be reviewed by the Planning Commission at a public hearing, after which the Commission shall forward a recommendation to City Council. Final action on any text amendment shall be taken by City Council.

C. **Effect**.

1. *No Retroactive Cure of Violations*. The amendment of the text of this LDC may transform a legally nonconforming situation into a conforming one. However, no text amendment shall be considered for the sole purpose of curing a violation of any part of this LDC.

2. *Effective Date*. Approval of an LDC Text Amendment shall take effect upon the effective date of the ordinance or resolution approving the amendment.

Sec. 21-7240. - Planned Unit Development Zone Document

A. **Generally.** A Planned Unit Development (PUD) Zone Document establishes entitlements for property including allowable land use and development and design standards. A PUD Zone Document covers all of the land area to be included in the PUD, or an identified phase of a PUD, and identifies the type and total amount of development to occur within the PUD (dwelling units and nonresidential floor area), as well as the proposed plan for pedestrian and vehicular circulation within and leading to the PUD.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Optional Design Guidelines.* The Community Development Director may require that the applicant to submit design guidelines along with the application.

2. *Approval by Ordinance***.** Because approval of a PUD Zone Document creates a new zone district in the City which requires an amendment to the City's official Zoning Map, all approvals shall be in the form of ordinances.

3. *Amendment*.

a. Modifications to an approved PUD Zone Document, other than the minor modifications allowed at the discretion of the Community Development Director, require the submission of a new PUD Zone Document amendment application, which will follow the same process as the approved PUD Zone Document.

b. Unless restricted by the terms of a development agreement or other entitlement granting vested property rights, any property owner within the PUD district or the City may initiate an amendment to a PUD Zone Document or PUD zone district.

c. A PUD district, or portions thereof, may be rezoned to another non-PUD zone district or districts in accordance with the procedures and standards for Zoning Map Amendments set forth in this LDC.

C. **Specific Decision Criteria**. In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Division 7.1, *Common Review Procedures*, and the following:

1. *Compliance*.

a. The PUD:

i. Addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes set out in Subsec. 21-2230.1, *Planned Unit Development (PUD) District*, and represents an improvement in quality over what could have been accomplished through strict applications of the otherwise applicable district or development standards. This may include but is not limited to improvements in open space; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; unique architecture or design, or increased choice of living and housing environments; or

ii. The PUD is required to avoid completely prohibiting a legal, permitted business use within the City;

b. The PUD complies with all applicable city standards not otherwise modified or waived by the City;

c. The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;

d. As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and

e. The same development could not be accomplished through regulations of the base zoning district or the use of other techniques, such as Variances, or Director-approved modifications.

Sec. 21-7250. - Conditional Use Permit

A. **Generally.** A Conditional Use Permit process allows for special consideration of certain specified uses that may or may not be compatible with an area, depending on the specifics of the particular project.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Simultaneous Processing*. The Community Development Director may take in and process an application for a Conditional Use Permit simultaneously with other required applications, such as a Zoning Map Amendment, and approval of the other applications may be a condition of approval of the Conditional Use Permit. However, each application shall be processed on its own independent merits according to the standards applicable to the application.

2. *Enlargement or Expansion.* No use or activity permitted as a Conditional Use shall be enlarged or extended by more than 10 percent over a five-year period, of the gross square footage currently devoted to the use, beyond the limits authorized in the grant of the Conditional Use Permit. All enlargements, extensions, and changes in use shall require a new application for a conditional use to reflect the change(s).

3. *Discontinuation of Use*. A Conditional Use Permit shall expire 12 months following the discontinuation of the use for which the Conditional Use Permit was approved.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision*

Criteria, and the following:

1. *Impact Mitigation*. Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to visual and noise impacts to ensure harmony for adjoining uses;

2. *Site Characteristics*. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features, and whether the site contains any nonconforming structures or uses subject to Division 9.3, *Conversion of Nonconformities*;

3. *Continuing Maintenance*. The applicant has provided adequate assurances of continuing maintenance; and

4. *Community Need*. There is a community need for the use at the proposed location, given existing and proposed uses of a similar nature in the area and of the need to provide and maintain a proper mix of uses both within the City and the immediate area of the proposed use.

D. **Effect.**

1. *Transferability.* A Conditional Use Permit is attached to and runs with the property for which it is approved. Any change in tenancy, ownership, or management shall not require the issuance of a new Conditional Use Permit or modification to an existing approved permit unless such change results in a change in use or a modification of the building or site.

2. *Authorization*. An approved CUP authorizes a use according to specific standards set out in this LDC and conditions of approval. Approval of a conditional use does not directly authorize development if other approvals are also required by this LDC. Therefore, development approved by a conditional use shall not be carried out until the applicant has secured all other development approvals required by this LDC.

Sec. 21-7260. - Oil and Gas Permit

A. **Generally.** An Oil and Gas Permit allows the permit holder to undertake construction of an oil and gas project. The review of such permit is intended to ensure compliance with this LDC. Oil and Gas Permits shall encompass, as part of its authorization, the right of the Operator, its agents, employees, subcontractors, independent contractors, or any other person to perform that work reasonably necessary to conduct the activities authorized by the Oil and Gas Permit, subject to all other applicable City permits or requirements, and applicable State and Federal laws and regulations.

B. **Requirement.** No Building Permit shall be approved, and no development, excavation, site preparation, or construction activity, including tree/vegetation removal or grading, shall occur on any property in connection with a Well Site until an Oil and Gas Permit has been approved in accordance with this Section.

C. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the specific review procedures in Subsection C through X shall apply.

D. **Initial Assessment Process and Site Eligibility Determination.**

1. *Mandatory Meeting.* Prior to the required Pre-Application Meeting, the Operator shall provide to the City sufficient written information and facts to allow the Community Development Director to make a determination as to whether or not the sites proposed by the applicant meet the criteria of this Section. Full participation and cooperation in the Initial Assessment Process and site eligibility determination, followed by the issuance of an Eligibility Letter, shall be a prerequisite to the submission of an application for an Oil and Gas Permit.

2. *Site Eligibility.* Before submitting any application for an Oil and Gas Permit, the Operator shall obtain a determination on the eligibility of all proposed locations. Locations not deemed eligible pursuant to this Section shall not be included in any application or permitted as Well Sites.

a. *Limited Exemption.* Proposed locations shall automatically be deemed eligible for the submission of an application and exempt from the requirement of an alternative location analysis if the site meets all of the following criteria:

i. Is located more than 2,000 feet from the following:

(A) Any existing residential use, platted residential use, or property zoned for residential use, not including properties zoned Agricultural over 10 acres in size;

(B) Any facility classified as a High Occupancy Building Unit, as defined by the Energy and Carbon Management Commission (ECMC);

(C) Any Park and Open Area Use Category, not including trails or City designated open space;

(D) Any Outdoor Entertainment Use Category; and

(E) Senior living or assisted living facilities;

ii. Is located more than 1,000' from the following:

(A) Public water supply wells; and

(B) Reservoirs;

iii. Is outside of FEMA 100 Year Floodplain boundary, any surface water features, and land unsuitable for development ; and

iv. Meets at least one of the following criteria;

(A) Is currently zoned I-2, or PUD with an Industrial Use Category as listed in Sec. 21-3140, *Industrial Use Categories*, on site or identifies Oil and Gas resource extraction (i.e. subsurface extraction) as an allowed use; or

(B) Has a future land use designation of Innovation, Northern Business, Fusion, or 270 Industrial. Measurements shall be taken from the edge of the proposed Production Site to the parcel boundary. The edge of the proposed Production Site shall be defined as the maximum extent of the facility during the production phase.

b. *Alternative Site Location Analysis.* If the site is not deemed eligible pursuant to the limited exception, the applicant shall prepare and submit an alternative site location analysis including, at a minimum, the following information:

i. All drilling and spacing units proposed by the applicant within the City and within one mile of the City's municipal boundaries;

ii. One or more maps identifying Disproportionately Impacted Communities, as defined by the ECMC, within one mile of all drilling and spacing units proposed by the applicant;

iii. The location of all features within one mile of all drilling and spacing units proposed by the applicant;

iv. A minimum of three potential sites that can reasonably access the mineral resources within the proposed drilling and spacing unit(s), including the following information for each site:

(A) General narrative description of each site;

(B) The applicant's basis for proposing each site;

(C) A summary of the off-site impacts that may be associated with each site;

(D) Any factors that the particular site does not meet;

(E) Proposed truck traffic routes and access roads for each site;

(F) Any executed surface agreements between the operator and any landowners within one mile of all drilling and spacing units proposed by the applicant; and

(G) Any information pertinent to the applicable review criteria that will assist the City in evaluating the sites.

v. In the event significant site constraints limit the reasonable submission of at least three sites, the applicant may propose in writing what specific circumstances prohibit other sites to be considered. The Community Development Director may waive the requirement of up to two additional sites, based on the applicant's submission.

c. *Disposition.* The Community Development Director shall provide the applicant a written assessment ("Eligibility Letter") indicating which, if any, of the proposed locations qualify as eligible sites or whether the proposed location is automatically deemed eligible. The Eligibility Letter shall not be construed as an Oil and Gas Permit or an authorization to conduct any Oil and Gas Operations.

3. *Zoning.* Notwithstanding the eligibility of a site, an application for an Oil and Gas Permit shall not be accepted if the proposed location is not currently zoned for Oil and Gas Operations unless a complete zoning application is concurrently submitted, or is currently pending, that would allow Oil and Gas Operations at the proposed location if approved.

4. *Confidentiality.* To the extent permitted by law, information submitted to the City by an applicant in support of the Initial Assessment Process and site eligibility determination may be deemed confidential by the applicant provided that the public release of such information has the potential to negatively impact the applicant's business activities, including the applicant's negotiating position with surface use owners. If the applicant designates any information as confidential, the information may not be released by the City unless required by law. The applicant shall be solely responsible for the protection of its information and shall indemnify the City for any attorneys' fees and costs, and any award thereof, incurred in the defense of the applicant's assertion of confidentiality.

5. *Site Eligibility.* Materials submitted for review as part of the Initial Assessment Process and site eligibility determination shall not constitute an application for site-specific development for purposes of C.R.S. §24-68-101, et. seq. Any opinions expressed during the Initial Assessment Process and site eligibility determination are informational only and do not represent a commitment on behalf of the City regarding the acceptability or approval of the development proposal, except the eligibility of a site for application.

E. **Extraction Agreement.** No Extraction Agreement shall be approved by the City before the closure of the public comment period on any pending, related Oil and Gas Permit application to put forward site-specific conditions necessary to protect health, safety, and general welfare. The Extraction Agreement will not be finalized until after the public comment period has closed.

F. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Division 7.1, *Common Review Procedures,* and the following:

1. *Site Eligibility Review Criteria.* The Community Development Director may determine that a site identified in the alternative site location analysis is eligible to submit an application, based on the following:

a. A proposed site's conformance with the City's adopted Comprehensive Plan, and any other applicable adopted plans;

b. The absence of any significant impacts the proposed site location may have on adjacent properties;

c. Adequate surface acreage and suitable topography for safe and efficient operations;

d. The ability to access targeted minerals with technology available at the time of development;

e. The ability to reasonably implement the protections contained in the BMP Document from the proposed location;

f. The ability to consolidate facilities with other planned drilling and spacing units proposed within the City's municipal boundaries;

g. The ability to reconfigure proposed drilling and spacing unit applications to provide more suitable surface use locations;

h. The existence of a surface use agreement between any landowner and a potential operator shall not be a factor of consideration in the City's review of an alternative location analysis; and

i. Any other relevant considerations impacting public health, welfare, safety, and the environment.

2. *Other Criteria.* An Oil and Gas Permit may be approved if all of the following criteria are met:

a. The Operator has submitted the appropriate and complete application form and submitted the required fees (except those payable upon the issuance of a permit) to the City;

b. The proposed location has been deemed eligible pursuant to Paragraph (E);

c. The proposed operation conforms with any Regional Operator Agreement and any site-specific Extraction Agreement between the operator and the City;

d. The characteristics of the site are suitable for the proposed facility considering size, shape, location, topography, existence of improvements and natural features;

e. The proposed operations and facility will not result in substantial or undue adverse impacts or effects (during any phase of operation or during any reasonably foreseeable potential operational, environmental, or meteorological condition) on public health, safety, welfare, or the environment; adjacent property; occupied structures within 2,500' of the proposed facility; the character of the neighborhood; and traffic conditions;

f. The proposed facility will be adequately served by and will not impose an undue burden on existing public and private improvements, facilities, and services of the City or its residents, either as such improvements, facilities, and services presently exist or as they may exist in the future as a result of the implementation of provisions and policies of the comprehensive plan, this LDC, or any other plan, program or ordinance adopted by the City. Where any improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a condition of approval, be required to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;

g. Any adverse impacts, effects, and burdens have been or will be mitigated to the maximum extent feasible;

h. The Operator has entered into a site-specific Extraction Agreement, approved by the Community Development Director, if required by the City to establish site-specific protections and public improvements not addressed in the BMP Document, this code, or state law or regulation but necessitated by the proposed operation to address matters of public health, welfare, safety, and the environment;

i. The proposed facility is consistent with any applicable zoning ordinance, subdivision plat, and other plans or land use approvals applicable to the site;

j. The proposed facility complies with all regulations and standards of the BMP Document adopted by the City Council, as such may be amended;

k. The proposed operation will meet the requirements for Subsurface Extraction and will not violate any other applicable City, state, or federal standards or laws.

G. **General Terms of Approval.** The following General Terms and Conditions shall apply to any Oil and Gas Permit.

1. *Regulatory Requirements.* The granting of an Oil and Gas Permit shall not relieve the Operator from complying with all applicable regulatory requirements of the City, the state of Colorado, or the United States.

2. *Site Plan.* The Oil and Gas Permit and existing Site Plan required by this Code is in addition to any permit that may be required by any other provision of this Code, or by any other governmental agency.

3. *Business License.* The Operator shall obtain and maintain a general business license from the City prior to commencing operations and conform to applicable provisions of the Commerce City Revised Municipal Code related to licensing.

4. *Building Permits.* The Operator shall obtain building permits prior to the construction of any above-ground structures to the extent required by the City building and fire codes.

5. *Compliance.* By accepting an Oil and Gas Permit, the Operator expressly stipulates and agrees to be bound by and comply with the provisions of this Code.

H. **Permit Period; Lapse; Forfeiture.**

1. *Term*. The term of the Oil and Gas Permit shall be for three years except as otherwise stated. Upon issuance of final approval from the State permitting the commencement of Operations on the Site that is the subject of the City's permit, the term of the Oil and Gas Permit shall automatically become coterminous with the ECMC approved permit approving an oil and gas location assessment (Form 2A) unless the Oil and Gas Permit otherwise expired, lapsed, revoked, forfeited, abandoned, or otherwise terminated.

2. *Expiration*. The Oil and Gas Permit shall expire upon abandonment and reclamation of the permitted Operation, unless otherwise expired, lapsed, revoked, forfeited, abandoned, or otherwise terminated.

3. *Time for Drilling and Forfeiture.*

   a. Upon issuance of an Oil and Gas Permit, and notwithstanding any other provision in this Code, the total number of wells approved in the Oil and Gas Permit must be drilled and completed within three years of permit approval. Failure to do so shall constitute the forfeiture of the authorization and right to drill any undrilled wells. Authority to drill forfeited wells can only be obtained upon the issuance of a new Oil and Gas Permit.

   b. At least six months prior to forfeiture, an Operator may seek one-time relief from forfeiture if, upon formal application to the Community Development Director, the Community Development Director finds by clear and convincing evidence that:

      i. No additional adverse health, safety, general welfare, or environmental impacts would occur; and

      ii. The surface use conditions and surrounding land uses that are either existing or planned have not changed to such a degree that current approval criteria could no longer be met. In such case, the Community Development Director's authority to grant such an extension of the drilling and completion deadline shall be limited to:

         (A) One extension; and

         (B) No longer than one year. Any other extensions to avoid forfeiture beyond the extension described above shall require the approval of City Council and shall be based on these same criteria. All application extensions shall require the written consent of the surface owner.

4. If construction of a structure is required, an Oil and Gas Permit shall lapse unless a City building permit has been approved and construction diligently pursued within two years of approval or at such alternative time specified in the approval. In the event no new structure is required for the operation, the Oil and Gas Permit shall lapse if the Operation is not commenced within 180 days of the issuance of either a state permit or City permit, whichever occurs later. In addition, an Oil and Gas Permit shall automatically lapse and have no further effect if the use is discontinued for 180-consecutive days.

I. **Permit Exceptions.**

1. Operations not in conformance with this Code as of July 7, 2012, or that are in existence and are located within territory that is thereafter annexed to the City, may continue without the issuance of an Oil and Gas Permit

until the Operation is expanded, new wells are drilled, or a permit is approved by the ECMC that allows further or additional Operations or modifications to existing Operations. The right to operate any non-conforming Operations terminates if the use thereof is discontinued for six months or more.

2. Any renovation, replacement or repair of nonconforming Oil and Gas Facilities shall be allowed without an Oil and Gas Permit, provided such work does not increase the degree of nonconformity. The replacement or addition of individual conforming tanks, treaters, or separators shall not require the remaining equipment or systems at an Oil and Gas Facility to conform to the development standards in this Section.

J. **Best Management Practices Document.**

1. The City Council may adopt additional standards, protections, and specifications through a series of Best Management Practices ("“BMP Document"”), adopted by the City Council by ordinance, that shall apply to all Oil and Gas Operations within the City. All Oil and Gas Permit holders shall at all times comply with the BMP Document, applicable at the time of permit approval.

2. The Community Development Director shall be responsible for the administration and enforcement of the BMP Document. The BMP Document shall be enforceable in the same manner as the provisions of this code.

3. On an annual basis, or as may be otherwise necessary from time to time, and in response to, without limitation, new federal and state laws and regulations, scientific studies, or emerging technologies or changes in industry standards or practices, the Community Development Director shall recommend modifications to the BMP Document to be reviewed by City Council and amended in a manner consistent with the City Charter for the adoption of ordinances and shall be effective as provided by the City Charter.

K. **Regional Operator Agreement.**

1. The Community Development Director may negotiate and execute, consistent with the provisions of the Commerce City Charter and the Commerce City Revised Municipal Code, a Regional Operator Agreement to establish terms and conditions for the protection of the public health, safety, and welfare and the environment with any Operator who has submitted an application for an Oil and Gas permit under this Code or an application for a permit approved under the authority of the ECMC regarding oil and gas operations in the city.

2. A Regional Operator Agreement may include, among other things, best management practices applicable to all current and proposed Operations of the Operator within the City.

3. A Regional Operator Agreement shall not waive or exempt the Operator from any applicable law, regulation, or standard, including any requirement of the Commerce City Revised Municipal Code, unless such variance is specifically authorized by law, regulation, or standard in question.

4. No Regional Operator Agreement shall grant or be deemed to grant vested rights to any Operator or authorize any activity regulated by the City except pursuant to applicable permitting requirements.

5. A Regional Operator Agreement shall be in addition to, and shall not replace, the requirement of a site-specific Extraction Agreement required for each Oil and Gas Permit.

6. The Community Development Director may seek input from the City Council regarding the negotiation and terms of any Regional Operator Agreement.

7. No Regional Operator Agreement may be finalized and executed before the draft agreement has been made available to the public for inspection and written comment for a period of no less than 21 days. Following such period of public comment, the Community Development Director may incorporate modifications to such draft without the requirement of further public comment unless requested by the Operator, the Community Development Director, or the City Council.

L. **Assignment of Permits.** An Oil and Gas Permit may be assigned to another Operator only with the written consent of the Community Development Director. The Community Development Director may consent to an assignment of a permit only if:

1. The new Operator can and will comply with all requirements, terms and conditions of the Code, the Oil and Gas Permit and any Regional Operator Agreement and all applicable state, local and federal laws, rules and regulations;

2. The new Operator demonstrates adequate insurance and posts financial assurances required of the previous Operator;

3. The new Operator will remedy any on-site noncompliance with any applicable local or state regulations and permits, as a condition of the assignment;

4. The Oil and Gas Permit was approved more than 90 days before the assignment. If an Operator files a petition for assignment, the Community Development Director shall prepare a report for the City Council that demonstrates the proposed transfer's compliance with the decision criteria in Paragraph (H).

M. **Application Requirements**. An application for an Oil and Gas Permit shall include the following:

1. City application form and applicable, non-refundable application fee and all other applicable fees, excluding those payable at the time of permit issuance, unless not otherwise due at the time of application;

2. An Eligibility Letter from the City confirming the site proposed in the application is a qualified as eligible;

3. Information sufficient to determine compliance with the BMP Document;

4. A legal description of the property to be used for the Operation;

5. Evidence of legal authority to use the proposed location for the proposed Operations;

6. List of all permits or approvals obtained or to be obtained from local, state, or federal agencies, including any exceptions or variances that are required;

7. Operator and applicant name(s), telephone number(s), address(es), and if possible, email address(es); if the Operator is a corporation, the state of incorporation, and if the Operator is a partnership, the names and addresses of the general partners;

8. Name of representative with supervisory authority over the proposed Operation and a twenty-four-hour phone number;

9. Location and description of all improvements, including water wells, and habitable structures, all utility easements and rights-of-way of record, and all existing irrigation and drainage ditches within 1500' of the proposed Operation;

10. Owner and address of each parcel of property within 2500' of the proposed Operation;

11. The location of existing sensitive wildlife habitats, natural areas, or open space within 1500' of the well site or Production Site, if any;

12. A Site Plan for the proposed Operation showing the location of all improvements and drilling equipment, including, but not limited to, the location of the proposed well(s) and other facilities, tanks, pipelines, compressors, separators, and storage tanks, including the number of the potential maximum number of wells to be drilled and associated drilling equipment;

13. A Water Plan describing the water sources to be used for the Operations and the proposed method of delivery;

14. A specific plan to satisfy insurance and financial assurance requirements under this Section;

15. A notarized statement, under oath, signed by the Operator, or designated representative, that the information submitted with the application is, to the best knowledge and belief of the Operator or designated representative, true and correct;

16. A Schedule of Operations showing estimated project schedule that may vary for all phases, including "construction phase" (including pipeline construction), "drilling phase," "completion phase" (detailing activity-

based components including flowback), and "production phase" (including estimated timelines for interim reclamation and landscaping);

17. An Electrification Plan identifying all sources of electricity that will be brought to or used at the Well Site during all phases, including drilling, completion and production;

18. A Noise Management Plan to manage noise at or below the levels indicated in the BMP Document. The plan must include a baseline noise study as well as noise modeling of equipment proposed for the site for drilling and completions;

19. A Traffic Control Plan showing public and private roads that traverse or provide access to the proposed operation and a plan showing the estimated number of vehicle trips per day for each type of vehicle, proposed haul routes to and from the site, and measures to mitigate adverse impacts to traffic patterns and safety caused by the proposed operation. The traffic control plan shall provide this information for each phase of Operations;

20. A Traffic Impact Study, prepared by a vendor selected by Operator from a City-approved list of vendors, which shall clearly identify and distinguish impacts to City roads and bridges related to Facility construction, Operations and ongoing new traffic generation. Traffic impact studies shall be prepared in accordance with City standards and requirements. The study shall include a traffic mitigation plan addressing transportation impacts that will typically include, but not be limited to, a plan for traffic control, the receipt of all necessary permits, ongoing roadway maintenance and improving or reconstructing City roads;

21. An Air Quality Mitigation Plan showing a modeling assessment of cumulative air quality impacts and a plan and schedule to maintain air quality, including a plan to minimize VOC emissions in compliance with the BMP Document;

22. A Dust Mitigation Plan to control dust and minimize visible dust emissions from roadways or from Operations;

23. An Emergency Response Plan as detailed in the BMP Document. In preparation of the Emergency Response Plan, Operator shall engage with emergency responders and prepare a plan that includes, without limitation, documentation of the communications and coordination with the City and nearby schools related to evacuation of the nearby schools and all persons residing within a one-half (1/2) mile radius from the edge of disturbance. The Emergency Response Plan must detail all criteria for persons to be notified in the event of an emergency and training for first responders;

24. A Will-Serve Letter from the applicable fire district(s), stating that the Operator has agreed to provide adequate emergency response equipment, any necessary training, or fee-in-lieu satisfactory to the district, to adequately respond to potential events that may result from Operations;

25. A Resource Mobilization/Cache Plan to ensure emergency responders have available the equipment necessary to respond to any emergency identified in the emergency response plan, which shall provide that the equipment be stationed in locations as to be readily available for any emergency for any oil and gas facility covered by the plan;

26. A Waste Management Plan that identifies the projected waste from the site and plans for disposal of such waste;

27. A Hazardous Materials Management Plan that identifies all hazardous materials that will be brought on site, how they will be transported and used, and measures to prevent any release of those materials;

28. A Temporary Sanitary Facilities Plan describing the sanitary facilities that will be provided for persons present at the Well Site;

29. A Water Quality Monitoring Plan describing water quality monitoring practices as required by the BMP Document;

30. A Spill Prevention, Control, and Countermeasure Plan describing spill prevention and mitigation practices as required by the BMP Document;

31. A Stormwater Pollution Prevention and Erosion Control Plan to minimize impacts to surface waters from erosion, sediment, and other sources of non-point pollution. The stormwater control plan required by ECMC Rule 1002(f) may be provided to establish compliance with this provision;

32. A Wetlands Protection Plan, if any part of a proposed Operation abuts or is adjacent to or may affect or impact a wetland, demonstrating that the Operations shall not cause degradation to wetlands within the City;

33. A Visual Mitigation Plan demonstrating how the proposed Operation will blend into the surrounding landscape, including consideration of fencing materials, berming, and use of existing vegetation, and natural contours to the maximum extent practicable. The Visual Mitigation Plan shall require photographic simulations of the Oil and Gas Well Site that include proposed mitigation measures;

34. A Landscaping Plan to supplement the Visual Mitigation Plan with the use of drought tolerant species that are native and less desirable to wildlife and suitable for the climate and soil conditions of the area. An irrigation plan may be required where buffering is accomplished with vegetation. Depending on access to water, the Landscaping Plan may be staged to accommodate surface development;

35. An Interim Reclamation Plan, including a written description of the species, character and density of existing vegetation on the Well Site, a summary of the potential impacts to vegetation as a result of the proposed Operations, and proposed replanting and mitigation to address these impacts. The plan shall be consistent with the BMP Document. The plan shall include any ECMC-required interim reclamation procedures and shall include the means by which vegetation will be watered and maintained;

36. An Existing Vegetation Analysis of the existing vegetation at the Well Site to establish a baseline for re-vegetation upon abandonment of the Facility or upon final reclamation of the Well Site;

37. A Weed Control Plan to comply with City requirements for the control of noxious and other weeds. Well Sites shall be considered developed property for the purposes of the control of weeds;

38. A Lighting Plan consistent with the requirements of this code and the BMP Document if there is to be lighting onsite during Operations;

39. A Site Security Plan for each Well Site, including a requirement to review the plan annually and when requested by the City and to update the plan as needed or required by the City;

40. A Risk Management Plan consistent with the BMP Document;

41. A Wildlife Mitigation Plan for surface Operations that will be located within 1/2 mile of a sensitive wildlife habitat or open space; and

42. Any other information that the City deems necessary for consideration of an Oil and Gas Permit application, which information may be requested after an application is submitted.

Division 7.3: Variances and Appeals of Administrative Decisions

Sec. 21-7300. - Variance

A. **Generally.** Variances are used to afford a property owner relief from the strict application of provisions of this LDC when unnecessary hardship or practical difficulty exists. Variances, other than those from floodplain regulations, are governed by the process outlined in this Section. Variances from the floodplain regulations shall follow the procedures and criteria set forth in Sec. 21-7310, *Variance, Floodplain*. Refer to Sec. 21-7590, *Waiver*,

B. **Prohibitions and Exceptions.**

1. *Use Variance*. Variances are prohibited that would allow a land use that is not permitted or that is expressly or impliedly prohibited by the terms of this LDC.

2. *Sign Type Variance*. Variances are prohibited that would all a sign type that is not permitted or that is expressly or impliedly prohibited by the terms of this LDC.

3. *Subdivision Restrictions*. Variances are prohibited that would reduce the size of lots contained in an existing or proposed subdivision if it will result in an increase in the number of lots beyond the number permitted for the total subdivision pursuant to applicable zoning district regulations.

4. *Existing Nonconformities Not Grounds for Variances*. The existence of nonconformities on neighboring lands, structures, or buildings in the same zoning district or in other adjacent zoning districts, shall not be considered grounds for the issuance of a Variance.

5. *Variances to Other Laws or Regulations*. Variances to state or federal laws or to regulations outside of this LDC are not subject to this Section and are prohibited.

6. *Parking Credits and Reductions*. Adjustments to the number of parking spaces required are not subject to this Section and may only be authorized in accordance with Sec. 21-4320, *Parking Reductions and Credits*.

7. *Subdivision Standards*. Relief from the requirements of Article V, *Subdivision Standards*, is not subject to this Section and may only be authorized in accordance with Sec. 21-7590, *Waiver*.

C. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

D. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the Board of Adjustment shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *All Variances.* All of the following criteria are met:

   a. The physical character of the property, including dimensions, topography or other extraordinary situation or condition of the property or use, create a situation where the strict application of the standards in this LDC will deprive the property owner of privileges generally enjoyed by owners of properties of the same classification in the same zoning district;

   b. The hardship is not self-imposed;

   c. The Variance will not be of substantial detriment to adjacent property; and

   d. One of the following criteria is met:

      i. The Variance approved is the minimum needed for the reasonable use of the land, building, or structure; or

      ii. The character of the district will not be changed by the granting of the Variance;

      iii. The requested Variance is required in order to reasonably comply with state or federal regulatory changes or needed to overcome technological limitations; or

      iv. The Variance provides a demonstrated benefit to the City.

E. **Effect**.

1. *Particular Variation*. Issuance of a Variance shall authorize only the particular variation that is approved in the Variance request.

2. *Other Approvals*. Approval of a Variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this LDC or any other applicable provisions are met.

Sec. 21-7310. - Variance, Floodplain

A. **Generally.** A Floodplain Variance provides limited relief from the requirements of Subsec. 21-2230.2D, *Floodplain Overlay District (F-P)*, where strict application of a particular requirement would create an exceptional hardship by preventing the use and development of land in a manner that is otherwise allowed under this LDC.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Eligibility to Submit Application.*

   a. *Functionally Dependent Use*. The Floodplain Administrator may issue a Floodplain Variance for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use, provided that:

      i. The specific decision criteria outlined in Sec. 21-7320, *Variance, Engineering* are met;

      ii. The request aligns with the floodplain management Variance criteria set forth in Title 44 Code of Federal Regulations (CFR) Part 60, Criteria for Land Management and Use, Subpart A – Requirements for Floodplain Management Regulations, Section 60.6 (44 CFR §60.6);

      iii. The request aligns with the floodplain management Variance criteria set forth in Floodplain Management Bulletin Variances and the National Flood Insurance Program (FEMA P-993); and

      iv. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

   b. *Repair or Rehabilitation of Historic Structure*. The Floodplain Administrator may issue a Floodplain Variance for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation:

      i. Will not preclude the structure's continued designation as a historic structure; and

      ii. The Variance is the minimum necessary to preserve the historic character and design of the structure.

   c. *Within Designated Floodways*. Variances shall not be approved within any designated floodway if any increase in flood levels during the base flood discharge would result.

   d. *Lot Size*. Variances may be approved for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the Base Flood Level (BFE). As the lot size increases beyond one-half acre, the technical justifications required for issuing the Floodplain Variance increase.

   e. *Historic Structures Exempt*. Variances may be approved for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, or the Colorado State Register of Historic Properties without regard to the procedures set forth in the remainder of this Section.

2. *Filing of All Variance Actions.* All final actions related to Floodplain Variances shall be filed with the Floodplain Administrator. The permanent record of such actions shall include minutes, transcripts, technical reports, notification to applicants, and all data considered by the Floodplain Administrator. Any action to approve a Floodplain Variance shall be reported to the Federal Emergency Management Administration.

3. *Notice to Applicant.*

   a. The applicant shall be notified in writing by the Floodplain Administrator that:

      i. The approval of a Floodplain Variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance; and

      ii. Construction below the base flood elevation increases risks to life and property.

   b. Such notification shall be maintained with the permanent record of all Variance actions as required above.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision*

Criteria, and the Variance request aligns with floodplain management Variance criteria as set forth in 44 CFR §60.6 and guidance document FEMA P-993.

D. **Effect.** The issuance of a Floodplain Variance shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration, or moving of any building or structure, but shall authorize the preparation, filing, and processing of an application for any permits or approvals which may be required by the City, including, but not limited to, a Floodplain Development Permit, Building Permit, Certificate of Occupancy, and Plats.

Sec. 21-7320. - Variance, Engineering

A. **Generally**. The City recognizes that in certain limited instances, it may be exceptionally difficult to both conform to the City's Engineering Construction Standards and Specifications and maintain the special character and environmental values of Commerce City. In such situations, an Engineering Variance may be sought. Variances will be considered on a case-by-case basis. An Engineering Variance provides limited relief from the requirements from the City's Engineering Construction Standards and Specifications.

B. **Specific Review Procedures**. In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Eligibility to Submit Application*.

   a. The Variance applicant is unable to comply with the underlying standard or submittal requirements;

   b. The Variance addresses a unique condition not experienced by other property owners of the same classification in the same zoning district;

   c. The Variance sought represents the least deviation from the Engineering Construction Standards and Specifications or submittal requirements that will afford relief;

   d. The Variance sought does not increase costs of maintenance and repair of public infrastructure or other public facilities;

   e. The Variance sought meets the intent of the Engineering Construction Standards and Specifications;

   f. The Variance sought does not cause property damage to adjacent properties;

   g. The Variance sought ensures access and safe traffic flow will not be compromised; and

   h. The Variance sought does not cause undue adverse impact to public safety, health, welfare and the environment.

2. *Filing of All Variance Actions*. The applicant shall provide the following:

   a. Variance requests shall be submitted to the City Engineer or Community Development Director in writing and shall be accompanied by the Variance application fee.

   b. Failure to submit payment of the applicable fee shall cause the Variance application to be summarily denied.

   c. Details identifying the standard or submittal requirement from which the applicant seeks a Variance, including a description of conditions and constraints that prevent the applicant from meeting the requirements of the Engineering Construction Standards and Specifications. The application must provide specific reference to applicable sections of the Engineering Construction Standards and Specifications relevant to the proposed Variance request.

   d. Alternate criteria or standards that are proposed to comply with the intent of existing criteria. Additionally, the applicant must provide documentation, including necessary calculations, analyses, and other relevant information supporting the alternate criteria.

e. The supporting documentation, calculations, and analyses must be signed and stamped by an engineer licensed in the State of Colorado.

f. Describe potential mitigation measures and the extent to which they reduce project impact. Mitigation measures must address each impact with reasonable assurance that the impact will be reduced in the short term, long term and cumulatively.

g. A complete description of the cumulative impacts of the proposed Variance and similar potential Variances for similar properties in the City. The applicant must provide a description of potential adverse impacts of the proposed Variance on City infrastructure and other neighboring properties.

h. Any other information that would support the validity of the Variance.

i. Additional information that may be required by the City Engineer upon request.

3. *Notice to Applicant*.

a. The City Engineer at their discretion may utilize a third party (or third party) to provide expertise or input when reviewing a Variance application. In such situations, the Variance applicant shall be subject to Special Application Review Services fees as set forth in the currently adopted Directory of City Fees and Charges.

b. Upon receiving a complete application for a Variance, the City Engineer will review the application and provide a disposition either requesting additional information, approving, denying, or approving with modifications or conditions. If a Variance application is denied, the applicant shall be prohibited from submitting a Variance request seeking the same or significantly similar relief, absent a showing of significantly changed circumstances.

c. Such notification shall be maintained with the permanent record of all Variance actions as required.

C. **Specific Decision Criteria**. In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*.

D. **Effect**.

1. *Particular Variation*. Issuance of an Engineering Variance shall authorize only the particular variation that is approved in the Variance request.

2. *Other Approvals*. Approval of an Engineering Variance does not guarantee that the development shall receive subsequent approval for other development review applications unless the relevant and applicable portions of this LDC or any other applicable provisions are met.

Sec. 21-7330. - Appeal of Administrative Decision

A. **Generally.**

1. *Purpose.* An Appeal of an Administrative Decision provides a vehicle for an aggrieved party to appeal any final decision of the Community Development Director, Building Official, City Engineer, or Floodplain Administrator. Recommendations to a decision-making authority are not subject to appeal.

2. *Appeal Forum*. Refer to Sec. 21-7170, *Appeals*, for a listing of appeal forums. This Section 21-7320, *Appeal of Administrative Decision*, establishes the process for an Appeal before the Board of Adjustment.

3. *Burden of Proof and Persuasion.* The appellate body shall presume the appealed final decision to be valid. The appellant shall have the burden of demonstrating that the decision being appealed was in error. The standard of proof shall be by a preponderance of the evidence.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Notice of Appeal.* In the appeal application, the applicant shall set out all grounds for the appeal.

2. *Deadline to Hear Appeal*. The appellate body shall hear the appeal within 90 days of the date the appeal is filed.

3. *Burden of Proof.* An appeal shall be subject to the presumptions, burdens, and standards as are set forth in Paragraph A.3, *Burden of Proof and Persuasion*, above.

4. *Standard of Review.* Except for appeals filed under Rule 106 of the Colorado Rules of Civil Procedure, the appellate body shall review the application de novo. The board of adjustment and the city council shall approve, approve with conditions or deny the application based upon the relevant approval criteria.

C. **Specific Decision Considerations.** In determining whether to affirm, partially affirm, or reverse the Appeal, in whole or in part, the appellate body shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Generally.* The appellate body shall have all of the powers of the administrative official from whom the appeal is taken. The appeal shall specifically indicate which common or specific decision criteria are the basis for the appeal.

2. *All Decisions.* An Appeal of an Administrative Decision may be reversed or affirmed, in whole or in part, or modified based on findings by the appellate body as to whether:

   a. The Administrative Decision was correct considering the evidence presented; and

   b. The decision reflects the requirements contained in this LDC or other applicable local regulations.

3. *Floodplain Decisions.* In considering an appeal of a decision regarding the standards of Subsec. 21-2230.2D, *Floodplain Overlay District (F-P)*, the appellate body shall consider all pertinent technical data contained in the flood insurance study, other relevant storm drainage studies and the standards specified in this LDC with the following:

   a. Potential danger from debris being conveyed to other properties and causing damage or injury to others;

   b. Potential hazard to life and property due to increased flooding or erosion;

   c. Potential risk of damage to the proposed development, its contents, and to the owners/occupants of the affected property;

   d. Anticipated contribution of the proposed use to the community;

   e. Necessity for the use to be placed in the location proposed, specifically in a floodplain;

   f. Feasibility of placing the proposed use in alternate locations;

   g. Compatibility of the proposed use with existing and proposed development in the general area;

   h. Relationship of the proposed use to the Comprehensive Plan and/or floodplain management programs;

   i. Routine and emergency access to the property under flooding conditions;

   j. Expected conditions created by flooding on the property including, for example, elevation, velocity, duration, and erosion potential; and

   k. Costs to the government of providing relief during and after a flood event including, for example, repair or replacement of utilities, streets, or bridges.

D. **Effect.**

1. *Stay of Proceedings.* An appeal of any order, requirement, decision, or determination shall stay all proceedings unless the administrative official whose decision is being appealed certifies that a stay would cause imminent peril to life or property.

2. *Final Decision.* A decision of the appellate body is final. An aggrieved person may appeal a decision of the appellate body to a court of competent jurisdiction.

3. *No Variance.* A decision on an Appeal of Administrative Decision cannot have the effect of granting a Variance.

Sec. 21-7340. - Administrative Adjustment

A. **Generally.**

1. *Changes of Modifications*. An Administrative Adjustment allows small changes or modifications to certain standards of a proposed development.

2. *Percentage*. The Community Development Director may approve an Administrative Adjustment to any numeric standard in this LDC up to a maximum of 20 percent when there are practical difficulties in applying the development standards for a project that otherwise complies with the standards of this LDC.

3. *Community Development Director Variance Reference*. Requested adjustments beyond the permitted modifications below, shall be submitted and reviewed as a Variance in accordance with Sec. 21-7300, *Variance*.

4. *Permitted Modifications*. The following deviations from this LDC or approved PUD Zone Documents are considered an Administrative Adjustment:

   a. *Up to 20 Percent.* Up to 20 percent of any minimum or maximum standard;

   b. *Fence Height.* An additional one foot of fence height;

   c. *Fence Setback.* Up to 50 percent of the minimum fence setback;

   d. *Screen Fence.* A screen fence instead of an open style fence;

   e. *Floor Area Ratio.* A reduction to the Floor Area Ratio requirement;

   f. *Increase in Building Height*. An increase in building height by 10 percent or less;

   g. *Sign Number and Location*. The Community Development Director may approve an Administrative Adjustment for the maximum number of wall signs allowed or the approved wall areas for purposes of sign location, provided the maximum sign area for all wall signs shall not exceed the total area for all wall signs allowed for a single-use or multiple-use building development, as applicable; or

   h. *Historical and Architecturally Unique Signs*. The Community Development Director may approve an Administrative Adjustment for signs which have specific and historical value or which have specific and unique architectural features.

   i. *Landscaping.* Refer to Sec. 21-4480, *Alternative Compliance.*

   j. *Prohibited Modifications*. In no circumstance shall the Community Development Director approve an Administrative Adjustment that is not listed specifically in Paragraph 1, *Permitted Modifications*, above, or that results in any of the following:

      i. *Increased Density.* An increase in permitted maximum development density or intensity;

      ii. *Change in Use.* A change in permitted uses or mix of uses; or

   k. *Decrease in Open or Amenity Space.* A decrease in the amount of required open or amenity space.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Pending Applications*. Approved modifications shall be noted by the Community Development Director on the relevant pending development application.

2. *Lapse Upon Redevelopment*. Administrative Adjustments shall automatically lapse upon redevelopment of the property with no right of assignment unless the scope of redevelopment is limited and the Community Development Director agrees that the plan can remain in effect.

3. *Approved Plans/Plats*. Administrative Adjustments to any approved Development Plan, final PUD Development Permit, or Final Plat shall be noted on a revised plan/plat, which shall be plainly marked as amended and submitted by the applicant. The Community Development Director shall note the terms of the approved modification directly on the amended plan/plat and affix their signature and the date of approval. As applicable, such amended plan/plat shall be recorded.

4. *Conditions on Approval.* The Community Development Director may impose any conditions deemed reasonably necessary to ensure continued compliance with the common or specific decision criteria applicable to an Administrative Adjustment.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Generally - Mandatory Criteria*. The Community Development Director shall make affirmative findings for all of the following criteria prior to approval of an Administrative Adjustment.

   a. *Maximum Percentage*. The requested adjustment does not exceed 20 percent of the permitted modifications outlined in A.4, above;

   b. *Hardship*. The hardship, if any, under which the adjustment is sought, was not created by the owner or occupant of the subject property, nor was it suffered as a result of a violation of this LDC or any other applicable code of the City; and

   c. *Minimum Necessary*. The adjustment shall be the minimum necessary to grant relief from a demonstrated hardship.

2. *Generally - Optional Criteria*. The Community Development Director may consider the following criteria prior to making a final decision on an Administrative Adjustment.

   a. The modification is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the Federal Fair Housing Amendments Act or the Americans with Disabilities Act; or

   b. The requested modification is either:

      i. Of a technical nature and is required to compensate for some practical difficulty or unusual aspect of the site or the proposed development that is not shared by landowners in general; or

      ii. An alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.

D. **Effect**. Approval of an Administrative Adjustment shall authorize only the particular deviations from this LDC or the PUD Zone Document.

Division 7.4: Permits

Sec. 21-7400. - Limited Use Permit

A. **Generally.** Limited Use Permits are used to address land uses which are permitted within a district, but, due to their nature, character, or other circumstances, are subject to specific standards, without requiring a public hearing.

B. **Specific Decision Criteria.** development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Limited Use Standards*. The proposed limited use complies with the applicable use-specific standards detailed in Sec. 21-3200, *Limited Use Standards* and

2. *Impact Mitigation*. Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to visual and noise impacts to ensure harmony for adjoining uses.

C. **Effect**.

1. *Transferability.* A Limited Use Permit is attached to and runs with the property for which it is approved. Any change in tenancy, ownership, or management shall not require the issuance of a new Limited Use Permit or modification to an existing approved permit unless such change results in a change in use or a modification of the building or site.

2. *Authorization*. A Limited Use Permit authorizes the limited use that was the subject of the application to be established according to specific standards set out in Sec. 21-3200, *Limited Use Standards*. Approval of a Limited Use Permit does not directly authorize development if other approvals are also required by this LDC.

Sec. 21-7410. - Grading Permit

A. **Generally.** Except as provided in Paragraph (B) of this Section, no person shall modify the elevation or grade of any property by depositing or removing any materials without first obtaining a Grading Permit in accordance with this Section or an Early Grading Permit in accordance with Sec. 21-7420. Grading permits are intended only for those land disturbance activities that do not require the acceptance of public infrastructure that the City will ultimately maintain.

B. **Exceptions.** A Grading Permit shall not be required for:

1. *Emergency Activity.* Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;

2. *Existing Nursery and Agricultural Operations.* Existing nursery and agricultural operations conducted as a permitted main or accessory use; or

3. *Commercial Open Pit Mining Operations.* Stockpiling and handling of earth material associated with commercial open pit mining operations licensed under the authority of the Colorado Division of Minerals and Geology.

C. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. **Conditions for Approval.** By accepting a Grading Permit, the applicant agrees to comply with the following requirements, in addition to any others which may be imposed by the City:

a. *Preservation and Enhancement.* The grading activities shall be undertaken in such a manner as to preserve and enhance the City's aesthetic character;

b. *Re-vegetation*. At least 70 percent of the land must be re-vegetated within 12 months of the date of completion of grading or clearing activities;

c. *Compliance.* The grading activities shall be performed in accordance with all applicable laws, rules, and regulations pertaining to air, water, and noise pollution;

d. *Scheduling.* The owner shall schedule construction activities to minimize the total amount of soil exposed, including stockpiles, at any given time in order to reduce the period of accelerated soil erosion; and

e. *Land Disturbance.* The area of land disturbance must not be exposed for more than 60 consecutive days without temporary or permanent stabilization, unless the City Engineer approves a time extension.

2. **Stop Work Orders.** If the site is not in compliance with the approved erosion and sediment control plan or the City's requirements for erosion and sediment control, the City shall have the authority to issue a stop work order within 24 hours of notification to the owner or developer of noncompliance.

D. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *State Permit.* The applicant has obtained applicable state permits;

2. *Compliance*. The grading activities and plans comply with the City's Standards and Specifications;

3. *Approved Plans.* The applicant has submitted erosion and sediment control plans which have been implemented by the applicant and approved by the City Engineer;

4. *Drainage Report.* A drainage report, if applicable, has been approved by the City Engineer; and

5. *Sediment Control Bond.* If required by the City Engineer, the applicant has provided a re-seeding, erosion, and sediment control bond.

E. **Effect.** An approved Grading Permit allows the permittee to undertake the grading activities shown on the approved Grading Plan.

Sec. 21-7420. - Early Grading Permit

A. **Generally.** If an applicant for development desires to proceed with overall grading of the property prior to final approval of the applicable Site Development Plan or Plat, and/or prior to final Construction Document approval, an applicant may apply for an optional Early Grading Permit. An Early Grading Permit allows for clearing, grubbing and grading only. No infrastructure or building construction is allowed with an Early Grading Permit. A final Grading Permit will be required prior to infrastructure or building construction.

B. **Requirement**. Early Grading Permits are optional and not required.

C. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Conditions for Approval*. By accepting an Early Grading Permit, the applicant agrees to comply with the following requirements, in addition to any others that may be imposed by the City:

a. The developer/owner understands that in the case of early grading all grading is done at their own risk. The issuance of this permit is no guarantee that the final Site Development Plan will be approved. Before issuing an Early Grading Permit under this Section, the applicant, developer, and property owner must execute an assumption of risk letter and a release of all rights and claims of any type whatsoever, including any claim of vested rights, against the City relating to the Early Grading Permit, and any related approval, and indemnifying the City from any related claim for damages, and in a form acceptable to the City Attorney. An executed waiver and consent form by which the applicant, developer, and property owner acknowledges and agrees to the above is required.

b. Approval of an Early Grading Permit shall not create a vested right or interest.

c. An Early Grading Permit does not constitute approval of roadway design, construction documents, foundation plans, or building site pad grading. At no time will impervious areas or utilities be installed at the site as part of the Early Grading Permit.

d. The grading activities shall be performed in accordance with all applicable laws, rules, and regulations pertaining to air, water, and noise pollution;

e. The owner shall schedule construction activities to minimize the total amount of soil exposed, including stockpiles, at any given time in order to reduce the period of accelerated soil erosion; and

f. The area of land disturbance must not be exposed for more than 60 consecutive days without temporary or permanent stabilization.

2. *Stop Work Orders*. If the site is not in compliance with the approved Erosion and Sediment Control Plan, the City's requirements for erosion and sediment control, or the above conditions, the City shall have the authority to issue a stop work order within 24 hours of notification to the owner or developer of non-compliance.

3. *Final Subdivision Review Required*. No application for an Early Grading Permit for properties undergoing any required review will be accepted by the City until the Final Subdivision review is complete unless acceptance is specifically authorized by the Community Development and Public Works Directors.

D. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. A Stormwater Management Plan, inclusive of an Erosion and Sediment Control Plan has been submitted and complies with the City's engineering and construction standards and specifications (ECSS) and storm drainage design and technical criteria manual;

2. The subject property is not part of any active public hearing application (Zoning, Conditional Use Permit, Variance, etc.);

3. A preliminary drainage report, if applicable, has been approved by the City Engineer;

4. The subject property is not located in any floodplain;

5. A grading surety, in a form acceptable to the City Attorney has been provided to and accepted by the City in accordance with the City's laws and regulations;

6. The developer has not requested and the project does not require any Waivers, alternative standards/requirements, or Variances related to grading requirements in conjunction with the Final Subdivision application;

7. The developer has acquired any applicable State stormwater permit; and

8. To the maximum extent feasible the applicant shall adhere to Sec. 21-7110. - Protected Land and Habitat.

E. **Effect.** An approved Early Grading Permit allows the permittee to undertake the grading activities shown on the approved Early Grading Plan.

Sec. 21-7430. - Development Infrastructure Permit

A. **Generally.**

1. *Purpose*. An approved Development Infrastructure Permit (DIP) allows for construction of infrastructure elements such as roadways, curb and gutter, sidewalk, regional drainage facilities, and storm sewer that requires formal acceptance by the City as part of a development agreement, or subdivision infrastructure agreement, or public improvement agreement. A DIP also defines the process by which the City accepts the infrastructure. Examples of projects requiring a DIP include subdivisions requiring both private and public roadways (including turn lanes, acceleration, and deceleration lanes), frontage improvements to existing public roadways, building of regional drainage facilities, etc.

2. *Required Prior to Construction*. Except as provided in Paragraph B, *Exceptions*, no person shall initiate construction of future public infrastructure without first obtaining a DIP.

B. **Exceptions.** A DIP shall not be required for any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

C. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Conditions for Approval*. By accepting a DIP, the applicant agrees to comply with the following requirements, in addition to any others which may be imposed by the City:

    a. *Preservation and Enhancement*. The construction activities shall be undertaken in such a manner as to preserve and enhance the City's aesthetic character;

    b. *Re-vegetation*. At least 70 percent of the land must be re-vegetated within 12 months of the date of completion of grading or clearing activities;

    c. *Compliance*. The grading activities shall be performed in accordance with all applicable laws, rules, and regulations pertaining to air, water, and noise pollution;

    d. *Scheduling*. The owner shall schedule construction activities to minimize the total amount of soil exposed, including stockpiles, at any given time in order to reduce the period of accelerated soil erosion; and

    e. *Land Disturbance*. The area of land disturbance must not be exposed for more than 60 consecutive days without temporary or permanent stabilization, unless the City Engineer approves a time extension.

2. *Stop Work Orders*. If the site is not in compliance with the approved erosion and sediment control plan or the City's requirements for erosion and sediment control, the City shall have the authority to issue a stop work order within 24 hours of notification to the owner or developer of noncompliance.

D. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Infrastructure Bond*. If required by the Agreement, the developer shall provide a surety for the improvements in accordance to the agreement;

2. *State Permit*. The applicant has obtained the applicable state permit;

3. *Compliance*. The grading activities and plans comply with the City's Engineering Construction Standards and Specifications (ECSS);

4. *Approved Plans*. The applicant has submitted erosion and sediment control plans which have been implemented by the applicant and approved by the City Engineer;

5. *Drainage Report*. A drainage report, if applicable, has been approved by the Community Development Director; and

6. *Sediment Control Bond*. If required by the City Engineer, the applicant shall provide a re-seeding, erosion, and sediment control bond.

E. **Performance Bonds, Letters of Credit, and Performance Warranty/Guarantee.** Prior to commencing construction of any of the Infrastructure Improvements to the City, an irrevocable letter of credit or a performance surety bond payable to the City equal to one hundred fifteen percent (115%) of the estimated cost of the infrastructure improvements shall be provided in conjunction with the development agreement. A bond or letter of credit shall be valid until Initial Acceptance of the Infrastructure Improvements.

F. **Effect.** An approved DIP allows the permittee to construct public infrastructure as shown on the approved Construction Documents.

Sec. 21-7440. - Model and Elevation Review

A. **Generally.** No builder shall build the same remodel or the same elevation within a model on multiple lots unless the City has approved such model or elevation in accordance with the provisions of this Section. In addition, the Community Development Director shall have the authority to require the review of any elevation for any residential or nonresidential development, regardless of the number intended to be used by the developer/builder, if the Community Development Director determines that the proposed elevation does not meet the decision criteria in Paragraph (C).

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the Community Development Director shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and that the request creates a positive precedent for the future cumulative development of the immediate area.

D. **Effect**. Approval of Model and Elevation Review is necessary prior to the applicant pursuing a Building Permit.

Sec. 21-7450. - Building Permit

A. **Generally.** A Building Permit allows the permit holder to undertake construction of a project. No person shall erect, construct, enlarge, alter, repair, improve, remove, convert, move, or demolish any building or structure without obtaining a Building Permit.

B. **Specific Decision Criteria**. In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, Common Decision Criteria, and that a surety has been secured for a foundation-only permit or extension request securing the full cost of removal and remediation of the property in the event further required approvals are not approved.

C. **Foundation-Only Permits and Foundation-Only Permit Extension Requests**.

1. *Eligibility*. When the relevant approval criteria have been met, the building official is authorized to issue a Building Permit for construction of the foundation, in whole or in part, of a building or structure (" Foundation-Only Permit"), with accompanying construction documents sufficient to allow the building official to determine compliance with relevant codes, criteria, standards and specifications, only where:

   a. The foundation is not for a single-unit detached or single-unit attached structure or building; and

   b. A Grading Permit or Early Grading Permit has been obtained from Public Works; and

   c. The building or structure, or group of the same, is commercial or multifamily residential and will equal or exceed 250,000 square feet of total building square footage; or

   d. The building or structure, or group of the same, is within an urban renewal area; or

   e. The building or structure will be multi-family residential with affordable housing available for persons at 80 percent area median income (AMI) or below.

2. *Approval Criteria*. The building official may approve, deny, or approve with conditions, a foundation-only permit according to the approval criteria above.

3. *Effect of Concurrently Pending Applications*. Consideration of a foundation-only permit may proceed where a complete and pending application for a plat, development plan, or PUD development permit application is in the review process. No foundation-only permit shall issue, however, where the proposed use of the building or structure is not a use-by-right pursuant to existing zoning.

4. *Liability*. The applicant, developer, and property owner shall proceed under any foundation-only permit or foundation-only permit extension request(s) (as described below) approved pursuant to this subsection at their own risk and without assurance or representation that a Building Permit for the entire building or structure, Site Development Plan will be approved or a plat will be approved. Before issuing a foundation-only permit or foundation-only permit extension request under this subsection, the applicant, developer, and property owner must execute an assumption of risk and a release of allrights and claims of any type whatsoever, including any claim of vested rights, against the City relating to the foundation-only permit or foundation-only permit extension request, and any related approval, and indemnifying the City from any related claim for damages, and in a form acceptable to the City.

5. *Foundation-Only Permit Extension Request above Foundations*. Where a foundation-only permit has been approved, the building official shall approve, deny, or approve with conditions, the foundation-only permit

extension request in writing to allow the applicant to continue with vertical construction above the foundation under the following conditions:

a. A Building Permit application, including a complete set of construction documents, has been submitted for the entire building;

b. After the first-round review of the construction documents by the building official, no deficiencies or code violations have been identified in the proposed elements to be constructed and included in the foundation-only permit extension request;

c. All special inspection reports, if applicable, have been approved with no outstanding code violations; and

d. A written foundation-only permit extension request is made directly to the Building Official.

D. **Effect**. Building Permits authorize only the arrangement and construction set forth in such applications and plans. The use, arrangement, or construction differing from that authorized is a violation of this LDC.

E. **Certificate of Occupancy.** No land or building may be changed in use, nor may any new structure, building, or land be occupied or used, unless a Certificate of Occupancy or Completion has been approved by the City. As long as the proposed use, or the structure intended to be occupied, complies with the provisions of this LDC and all other laws and regulations of the City, a Certificate of Occupancy or Completion shall be approved.

Sec. 21-7460. - Floodplain Development Permit

A. **Generally.** No person shall commence any construction, development, or storage of materials within the Floodplain Overlay District (F-P) district unless a Floodplain Development Permit has been obtained from the City. If a project receives federal funds, it must meet federal requirements.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Conditional Approval*. The Floodplain Administrator shall be authorized to impose conditions necessary to ensure compliance with this code including, without limitation, the following:

a. *Modifications.* Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters;

b. *Limitations.* Limitations on periods of use and operations;

c. *Impositions.* Imposition of operational controls, sureties, and deed restrictions;

d. *Location and Placement.* 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.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Watercourse Alteration or Relocation*. If alteration or relocation of any watercourse is involved, the applicant has notified all adjacent communities and the Mile High Flood District of the alteration or relocation and has submitted evidence of such notification to the City. Additional notification to the Federal Emergency Management Agency of any alteration or relocation of a Mapped Flooding Source identified on a Flood Insurance Rate Map must be made through their MT-2 program. The Floodplain Administrator must also find that the flood-carrying capacity within the altered or relocated portion of the watercourse is not diminished.

2. *Minimized Danger.* The danger that materials may be swept onto other lands or cause the injury to others is minimal;

3. *Minimized Flood Damage.* 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;

4. *Compatibility.* The proposed use is compatible with existing and anticipated development as set forth in, or reasonably inferred from, the Comprehensive Plan;

5. *Safe Access.* The safety of access to the property in times of flood for ordinary and emergency vehicles is adequate;

6. *Minimized Costs.* 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;

7. *Minimized Effects.* 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

8. *No Alternative Locations.* Alternative locations for the proposed use that are not subject to flooding or erosion damage do not exist; and

9. *Minimized Disturbance.* 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.

D. **Effect**. Issuance of a Floodplain Development Permit authorizes the applicant to proceed with development of the site as proposed in the approved application. It does not directly authorize development if other approvals are required by this LDC.

Sec. 21-7470. - Sign Permit

A. **Generally.** Except as provided in this Section, no person shall erect, move, re-erect, construct, alter, enlarge, or permit the erection of any sign without first obtaining a Sign Permit under this Section. A separate Sign Permit shall be required for each sign.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Construction and Maintenance*. Other than signs erected on single-unit residential property, no person other than a contractor licensed with the City shall obtain a Sign Permit or install any sign for which a permit is required under this LDC.

2. *Building Permit-When Required*. In addition to the required Sign Permit, a Building Permit may be required for signs incorporating structural elements or attached to buildings as governed by the City's adopted construction codes. Electrical Permits are also required for signs that are illuminated or other signs with electrical components.

3. *Inspection*. In addition to any required Building Permit inspection, the City may inspect sign construction and installation, at its option, at any time to confirm compliance with the LDC.

4. *Exceptions.* Signs may be removed for maintenance and replaced on the same support, without obtaining a new permit.

5. *Current Violations.* No Sign Permit shall be approved for the benefit of any property where any sign is currently displayed in violation of this LDC, except to replace the illegal sign with a legal sign.

6. *Deviations Prohibited.* It shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of a Sign Permit without prior approval of the City.

7. *Signs in Right-of-Way.* Signs may only be placed in or over a public right-of-way with the approval of the City via a revocable permit upon the prior approval of the City Engineer in addition to a Sign Permit. Any sign located within a public right-of-way shall not be located over any existing or future utilities and may be removed by the City if necessary for reconstruction, repair or maintenance of a street, sidewalk, the utilities therein, or to protect the health, safety, and welfare of the citizens of the City. The City shall have no liability for replacement or repair of any such sign when removed.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. The sign does not substantially impede the flow of surface water;

2. The sign is compliant with any other applicable requirements of the Municipal Code; and

3. The sign conforms to the standards set out in Division 4.7, *Signs*.

D. **Effect**. An approved Sign Permit authorizes a sign to the extent and specific details included in the approved application. Approval of a Sign Permit does not directly authorize other approvals that may also be required by this LDC or the City's Code of Ordinances.

Sec. 21-7480. - Temporary Use Permit

A. **Generally.** Temporary uses are uses of land which are short in duration, as described in Sec. 21-3230 that require a Temporary Use Permit.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Review Exceptions.*

a. *Park Events.* Temporary Use Permits for organized events that are proposed to be held in any public park shall be reviewed by the Director of Public Works. The Director of Public Works is authorized to approve, approve with conditions, or deny the application based upon the decision criteria listed in Paragraph C, *Specific Decision Criteria*, below.

b. *Public Street Events.* Temporary Use Permits for organized events that are proposed to be held in whole or in part within any public street shall be reviewed by the City Engineer. The City Engineer is authorized to approve, approve with conditions, or deny the application based upon the decision criteria listed in Paragraph C, below.

c. *Public Park and Street Events.* Temporary Use Permits for organized events that are proposed to occur within both a public park and a street shall be reviewed by the City Engineer or the Director of Public Works, depending on the primary locale of the event. Such person is authorized to approve, approve with conditions, or deny the application based upon the approval criteria listed in Paragraph C, below.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *No Permanent Alterations*. No permanent alterations to the site are proposed or are reasonably expected to result from the use/event; and

2. *Other Regulations*. There is no evidence to suggest that the use violates any federal, state or local law, regulation, or requirement.

D. **Effect.**

1. *Use*. Approval of a Temporary Use Permit authorizes the temporary activities on the property that is subject to the permit.

2. *Dates*. The dates a temporary use may be operated are specified on the permit. It shall be unlawful for any person to operate a temporary use, or to allow a temporary use to be operated on a property, outside the dates and times provided on the Temporary Use Permit. If the permit has no specified date, then the time frames established in Table 21-3230-1, *Permitted Temporary Uses, Frequencies, and Duration in Residential Zoning Districts*, and Table 21-3230-2, *Permitted Temporary Uses, Frequencies, and Duration in Nonresidential and Mixed Use Districts*, shall control.

Sec. 21-7490. - Zoning Construction Permit

A. **Generally**. The purpose of a Zoning Construction Permit is to ensure that structures are placed in compliance with this LDC where such structures do not require a Building Permit.

B. **Specific Review Procedures**.

1. *Common Review Procedures*. The procedures outlined in Division 7.1, *Common Review Procedures*, shall apply.

2. *Timing*. The applicable review body may issue a Zoning Construction Permit in conjunction with a Building Permit or a Business License.

C. **Specific Decision Criteria**. To approve the request, the applicable review bodies shall consider all appropriate common review criteria as denoted in Table 21-7140-1, *Common Review Criteria Applicability*.

D. **Effect**. Issuing a Zoning Construction Permit allows construction of the subject structure.

Sec. 21-74100. - Zoning Use Permit

A. **Generally**. The purpose of a Zoning Use Permit is to provide the applicant information about an existing use including compliance of signs, parking, landscaping, accessory structures that do not require a building permit, and other site elements and any nonconforming status.

B. **Effect**. Issuing a Zoning Use Permit informs the property owner as to the compliance of existing uses and site elements with this LDC.

Division 7.5: Platting and Site Plan Decisions

Sec. 21-7500. - Conceptual Site Plan

A. **Generally.** A Conceptual Site Plan is a generalized land use/site plan for an area proposed to be developed within a non-PUD zone district and is submitted at the time of a Pre-Application Conference.

B. **Submittal Requirement.** A Conceptual Site Plan is a submittal that allows early, informal evaluation of a proposed development before substantial expenses have been incurred. A Conceptual Site Plan provides City staff and the applicant an opportunity to determine the development's conformance with the Comprehensive Plan and the requirements of this LDC, and assists the applicant in the preparation of a development plan.

C. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. The Community Development Director shall provide comments to applicants after the Pre-Application Conference. Any comments contained in the letter are informational only and shall not represent approval regarding the acceptability of the plan.

D. **Specific Decision Criteria.** When providing comments to the applicant on the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. The general layout of the property proposed for development conceptually conforms with the objectives of the Comprehensive Plan and with this LDC.

Sec. 21-7510. - Preliminary Plat

A. **Generally.** A Preliminary Plat provides sufficient information to evaluate and review the general design of a proposed subdivision to ensure compliance with critical requirements of this LDC prior to submittal of a Final Plat. A Preliminary Plat is an optional step for a Consolidation Plat, Minor Plat, or Replat, but a required step for a Final Plat.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Construction Documents*. If a revised Preliminary Plat is needed, it shall be approved before the applicant submits a modification to the Construction Documents for the subdivision.

2. *Exclusions.* A Preliminary Plat is not required for a Multi-Unit, Apartment/Condominium, Mixed Use, or a Commercial development that has an approved Overall Development Plan or a Site Development Plan.

C. **Specific Decision Criteria.**

1. In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

a. *Water Supply*. The subdivider has provided evidence that provision has been made for a water supply that is sufficient in terms of quantity, quality, and dependability for the type of subdivision proposed;

b. *Sewage System*. The subdivider has provided evidence that provision has been made for a public sewage system and, if other methods of sewage disposal are proposed, adequate evidence that such system shall comply with State and local laws and regulations;

c. *Natural Resources*. The subdivider has provided evidence to show that all areas of the proposed subdivision, which may involve soil or topographical conditions presenting hazards or requiring special precautions, as well as the protection of natural resources and unique landforms, have been identified and the proposed uses of these areas are compatible with such conditions;

d. *Open or Amenity Space*. The subdivision meets the amount of open or amenity space in the development and preserves existing trees, vegetation, and riparian areas;

e. *Drainage*. The subdivider has provided adequate drainage improvements;

f. *Zoning District Purpose*. The subdivision is consistent with and implements the purpose of the specific zoning district in which it is located; and

g. *Public Services*. Necessary services, including fire and police protection, recreation, utilities,, and transportation systems are available to serve the proposed subdivision.

2. *Required Approval*. If the review body with final action authority finds that a Preliminary Plat complies with all applicable decision criteria, then it is required to approve the Plat.

D. **Effect**.

1. *Authorization*. Approval of a Preliminary Plat authorizes the applicant to proceed with the submission of Construction Documents and Final Plat for review and approval.

2. *No Public Dedication or Acceptance*. Approval of the Preliminary Plat shall not constitute any real property grant or dedication or the acceptance of any public improvements.

Sec. 21-7520. - Consolidation Plat

A. **Generally.** Consolidation Plats are used to consolidate two or more lots or parcels.

B. S**pecific Review Procedures**. In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Recording*. Once approved, or in the case of a conditional approval when all conditions have been met, the Community Development Director and the City Engineer shall sign the Consolidation Plat. The Community Development Director will record the signed Consolidation Plat with the Adams County Clerk and Recorder's Office. The applicant may be required to pay all recording fees.

2. *Dedications and Restrictive Covenants*. Execution of the Consolidation Plat in accordance with Paragraph B.1, *Recording*, above shall constitute the City's acceptance of any public ;dedication. No restrictive covenant shall appear on a plat unless approved by the City.

D. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*.

1. *Zoning District Purpose*. The subdivision is consistent with and implements the purpose of the specific zoning district in which it is located;

2. *Layout*. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open or amenity space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this LDC;

3. *Public Improvement Agreement*. A development agreement between the City and the applicant has been executed and addresses the construction of all required public improvements shown on the Consolidation Plat documents; and

4. *Phasing Plan*. As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

5. *Required Approval*. If the review body with final action authority finds that a Consolidation Plat complies with all applicable decision criteria, then it is required to approve the Plat.

D. **Effect**.

1. *Further Subdivision*. Any further subdivision of a consolidated lot shall be done in accordance with Sec. 21-7570, *Replat*.

2. *Authorization*. Approval of a Consolidation Plat authorizes the Community Development Director to record the Consolidation Plat.

Sec. 21-7530. - Overall Development Plan

A. **Generally.** An Overall Development Plan provides a site layout for all large-scale developments of 10 or more acres. Review of the Overall Development Plan shall occur prior to any other development activity for the project taking place. All properties within a single site must be contiguous and immediately adjacent to one another or be the subject of additional development plans and filing fees.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Binding Characteristics*. Approval of the Overall Development Plan establishes:

a. *Context, Transitioning, and Buffering*. The context of the proposed development relative to adjoining and adjacent development and the proposal for transitioning and buffering such uses;

b. *General Uses, Scale, and Compatibility*. The locations and types of residential and nonresidential land uses, their scale and design relationships, and methods to ensure compatibility between the various uses and adjacent properties;

c. *Density*. Minimum and maximum gross densities, block sizes, lot patterns, and heights of residential uses;

d. *Parking and Circulation*. The proposed parking and circulation plans;

e. *Transportation*. The patterns, functional classifications, and cross-sections of streets within and adjacent to the development, along with the network of pedestrian, bicycle, and public transit improvements;

f. *Amenity and Open Space*. General locations, means of continuity and connectivity, and the extent of amenity and open space to be dedicated for public or private purposes;

g. *Environmental Features*. Areas of environmental sensitivity to be protected and preserved, including floodplains and riparian areas, wetlands and water bodies, steep slopes, forested areas, and other such areas; and

h. *Phases*. Phases of development.

2. *Amendments*.

a. *Classification*. Amendments to a previously approved Overall Development Plan shall be classified as a minor or major modifications. The Community Development Director may approve minor modifications at their discretion. The Community Development Director shall provide a written response indicating whether or not the revised Overall Development Plan has been classified as a minor modification or major amendment.

i. *Minor Modifications*. In addition to the amendments listed in Subsection 21-7480.C, *Specific Review Criteria*, Minor Modifications to an Overall Development Plan include the following:

(A) Changes to the timing or phasing of the proposed development provided the use and overall geographic land area remains the same;

(B) A reduction or increase by no more than 10 percent in the number of dwelling units provided the use and overall geographic land area remains substantially the same;

(C) A decrease in overall residential density;

(D) Updating of ownership or consultant information;

(E) A decrease in the overall land area, provided the initial design is maintained; and

(F) Overall Development Plan or subdivision plat name change.

ii. *Major Amendments*. All other modifications shall be classified as major amendment and shall be processed in the same manner as a new Overall Development Plan submittal.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Criteria for all Overall Development Plans*. In addition to the review criteria below that are specific to cluster subdivisions and developments in the Mixed Use District, all Overall Development Plans demonstrate adherence to the following criteria:

a. *Phasing*. The development is phased in a manner that assures an adequate mixture of residential and nonresidential land uses and allows for transition from the early phases to completion, relating to the intensity of uses and parking.

b. *Amenities*. Open and amenity space areas, landscape areas, and other public amenities are provided throughout the development to provide a quality of place.

c. *Site Layout*. The subject property is laid out in an efficient manner relative to the natural and built environments and designed to achieve the aims of a compact, highly walkable environment.

2. *Northern Neighborhoods Development Option*. The Overall Development Plan for a subdivision in the Northern Neighborhoods Development Option demonstrates adherence to the following criteria:

a. *Resource Integration*. Natural resources and environmental features are focal points and connected to parking and activity areas by sidewalks, trails, and greenways.

b. *Undeveloped Space*. Together with the developed areas, the undeveloped spaces devoted to natural resource preservation, open and amenity spaces, buffering of uses, and for passive and active recreational use are continuous throughout the development and, where appropriate, may double as stormwater best management practices.

3. *Mixed Use District*. The Overall Development Plan for the MU-1 zoning district demonstrates adherence to the following criteria:

a. *Walkable Layout*. The development is organized with block lengths that facilitate walkability or include provision for pedestrian accessways that shorten the walking distance between residential, commercial, and public and institutional uses.

b. *Building/Street Relationship*. Buildings are designed to relate directly to streets and located to create a sense of enclosure and a street environment rich with street-level businesses, amenities, and access to activity areas.

c. *Context-Sensitive Streets*. Streets are laid out in a hierarchy with mixed use and neighborhood connectors that is responsive to adjacent land uses and tie into the existing street system to provide for continuity, pedestrian safety, and good access.

d. *Parking*. Parking is provided on-street to the maximum practicable extent and within parking lots or garages that are placed on the interior of blocks accessed from the side or rear of buildings or alleyways.

e. *Connectivity*. A pedestrian and bicycle system provides connections to peripheral sidewalks and trails and creates both on- and off-street linkages tying together residential and nonresidential areas, together with civic spaces, schools, transit stops/stations, and parks.

f. *Livability*. Residential, nonresidential, and public and civic uses relate to one another to promote convenience and walkability. Areas designated as residential may include a broad range of residential unit types and related accessory uses.

D. **Effect**. Upon approval, all subsequent Preliminary Plats, Development Plans, and other related submittals shall clearly demonstrate consistency and conformance with the approved Overall Development Plan.

Sec. 21-7540. - Minor Plat

A. **Generally**. A Minor Plat provides for the subdivision of four or fewer lots fronting on an existing or planned public; or private street with no need to dedicate a new public right-of-way or extend public utilities.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Recording*. Once approved, or in the case of a conditional approval when all conditions have been met, the Community Development Director and the City Engineer shall sign the Minor Plat. The city Community Development Director will record the signed, Minor Plat with the Adams County Clerk and Recorder's Office. The applicant may be required to pay all recording fees.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny a Minor Plat, the development review bodies shall consider the applicable common decision criteria in Division 7.1, *Common Review Procedures*, and the following:

1. *Number of Lots.* The Minor Plat is proposed for the creation of four or fewer lots.

2. *Existing Street.* Each lot in the Minor Plat has frontage on an existing public street without the need for the creation or extension of a new public street.

3. *Existing Utilities*. Existing public utilities of adequate capacity serve the entirety of the subject property in the Minor Plat without the need for an extension.

4. *Required Approval*. If the review body with final action authority finds that a Minor Plat complies with all applicable decision criteria, then it is required to approve the Plat.

D. **Effect.** Approval of a Minor Plat authorizes the Community Development Director to record the Minor Plat.

Sec. 21-7550. - Construction Documents

A. **Generally.**

1. *Purpose*. Construction Documents provide for review of the detailed engineering drawings for all improvements required to serve a proposed development.

2. *Scope*. Construction Documents and specifications shall be submitted to the City Engineer for all existing and proposed streets, sidewalks, drainage, and utility improvements, and any other public improvements that are required or proposed to be constructed, reconstructed, improved, or modified to serve a proposed development.

B. **Specific Review Procedures.**

1. *Review and Responsibility.* The applicant's engineer of record is responsible for the completeness, accuracy, and conformance with City requirements of all Construction Documents. City review is limited to facts as presented on submitted documents. The City has no project engineering responsibility.

2. *Timing*. The applicant shall submit Construction Documents after Preliminary Plat or Development Plan approval.

3. *Field Corrections.* The City Engineer may require corrections to actual conditions in the field that the City Engineer finds to be contrary to or omitted from submitted Construction Documents.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria* and compliance of the request with the City's Engineering Construction Standards and Specifications.

D. **Effect.** Approval of Construction Documents authorizes the applicant to proceed with a grading permit. However, no work shall commence on the installation of the proposed infrastructure improvements as shown on the Construction Documents until approved by the City Engineer.

Sec. 21-7560. - Final Plat

A. **Generally.** A Final Plat provides a permanent and accurate record of the exact size and location of the lots, blocks, streets, drainage areas, easements, and other parcels of land within a subdivision. When filed with the County Clerk and Recorder, a Final Plat, becomes the legal instrument whereby the location and boundaries of separate land parcels within the subdivision are identified.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Recording*. Once approved, or in the case of a conditional approval when all conditions have been met, the Community Development Director and the City Engineer shall sign the Final Plat. The Community Development Director will record the signed Final Plat with the Adams County Clerk and Recorder's Office. The applicant may be required to pay all recording fees.

2. *Public Improvements*. Public improvements associated with the Final Plat shall be covered under the public improvement agreement. The subdivider shall submit an improvement guarantee as specified in Sec. 21-5330, *Development Improvement Guarantees*.

3. *Dedications and Restrictive Covenants*. Absent any specific language in the plat to the contrary, the execution of the Final Plat in accordance with Paragraph (1) above shall constitute conveyance to the City of fee title to all public; dedications of land depicted in the plat. No restrictive covenant shall appear on a plat unless approved by the City.

4. *Multiple Filings*. If the applicant plans to develop a property in stages, the property may be divided into separate Final Plats or filings. Each Final Plat for a filing requires a separate application and review.

5. *Preliminary Plat Renewal*.

    a. *Two-Year Period*. Where the subdivider submits a Final Plat for only a portion of an approved Preliminary Plat, the subdivider may submit a subsequent Final Plat of the remaining area, or a portion of the remaining area, at any time within two years of the date of Preliminary Plat approval.

    b. *Renewal and Expiration*. If a Final Plat of the remaining area has not been submitted within the two-year time period, the portion of the Preliminary Plat for which no Final Plat has been submitted shall be deemed null and void. However, if at least one phase of the Preliminary Plat has received Final Plat approval, its public improvements have been completed, and it has been recorded with the County Clerk and Recorder, an extension to the two-year time limit shall be automatically approved for all phases.

6. *Required Approval*. If the review body with final action authority finds that a Final Plat complies with all applicable decision criteria, then it is required to approve the Plat.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*.

1. *Zoning District Purpose.* The subdivision is consistent with and implements the purpose of the specific zoning district in which it is located;

2. *Layout.* The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open or amenity space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;

3. *Public Improvement Agreement.* A development agreement or public improvement agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and

4. *Phasing Plan.* As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.

5. *Consistency with Preliminary Plat.* The Final Plat must be substantially consistent with the approved Preliminary Plat. Substantial consistency shall include conformity with the number and general configuration of lots, street layout, access points, drainage facilities, utility and service connections, and open space or amenity areas. Minor changes may be allowed to accommodate technical requirements or engineering constraints, provided that the overall layout and design of the Preliminary Plat are preserved and meet the substantial consistency criteria outlined below.

    a. *Determination.* A determination on substantial consistency shall include the following standards:

i. *Number of Lots.* The total number of lots may decrease, but must not exceed the number shown on the approved Preliminary Plat;

ii. *Access Points.* The total number of access points to external public streets shall be the same as shown on the Preliminary Plat. The general alignment of access points shall be similar, but may be adjusted no more than 50 feet from the alignment shown on the Preliminary Plan, as may be needed for engineering or design modifications;

iii. *Open Space and Amenity Areas.* The total acreage of open and amenity space areas may increase, but must not be reduced or significantly relocated from what is shown in the preliminary plat; and

iv. *Approval Conditions.* The Final Plat must be consistent with the intent of City Council's approval and any conditions of approval.

b. *Major Amendment.* Any Final Plat that is not deemed substantially consistent with an approved Preliminary Plat shall constitute a major amendment to the Preliminary Plat and require review by the Development Review Team and Community Development Director, and a public hearing by Planning Commission and City Council.

D. **Effect**.

1. *No Acceptance of Public Improvements*. Approval of the Final Plat shall not constitute the acceptance of any public improvements unless, and until, the City Engineer specifically agrees to such acceptance. Acceptance of public improvements is a result of the completion of the Development Infrastructure Permit process and occurs after construction and inspection of said public infrastructure.

2. *Authorization*. Approval of a Final Plat authorizes the Community Development Director to record the Final Plat.

Sec. 21-7570. - Replat

A. **Generally.** A Replat is necessary for any change in a recorded Final Plat or Minor Plat if such change affects one of the following:

1. Street layout;

2. Area reserved for public use; or

3. Any lot line.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Recording*. Once approved, or in the case of a conditional approval when all conditions have been met, the Community Development Director and the City Engineer shall sign the Replat. The Community Development Director will record the signed Replat with the Adams County Clerk and Recorder's Office. The applicant may be required to pay all recording fees.

2. *Public Improvements*. Prior to recordation, public improvements associated with the Final Plat or Replat shall be covered under the public improvement agreement. The subdivider shall submit an improvement guarantee as specified in Sec. 21-5330, *Development Improvement Guarantees*.

3. *Dedications and Restrictive Covenants*. Absent any specific language in the Replat to the contrary, the execution of the Replat in accordance with Paragraph (1) above shall constitute conveyance to the City of fee title to all public dedications of land depicted in the Replat. No restrictive covenant shall appear on a Replat unless approved by the City.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common*

Decision Criteria, and the specific decision criteria for Final Plats established in Subsection 21-7560.C.

D. **Effect**.

1. *No Acceptance of Public Improvements*. Approval of the Replat shall not constitute the acceptance of any public improvements unless, and until, the City Engineer specifically agrees to such acceptance. Acceptance of public improvements is a result of the completion of the Development Infrastructure Permit process and occurs after construction and inspection of said public infrastructure.

2. *Authorization*. Approval of a Replat authorizes the Community Development Director to record the Replat.

Sec. 21-7580. - Plat Correction

A. **Generally.**

1. *Corrections.* Occasionally errors are discovered on a recorded Plat or minor revisions are necessary which do not affect the character of the subdivision. This Section establishes reasonable standards and procedures to correct such errors or allow minor revisions in order to protect the interests of affected property owners.

2. *Minors Errors and Revisions.* Minor errors and revisions include but are not limited to the following:

   a. Typographical and spelling errors or transpositions;

   b. Incorrect seals;

   c. Incorrect dates;

   d. Monumentation incorrectly noted, drawn, or missing;

   e. Incorrect or missing bearings and/or dimensions on the drawing;

   f. Missing or incorrectly displayed arrows or symbols;

   g. Street name changes or corrections;

   h. Revisions to utility easements upon approval of all affected utility companies;

   i. Additions to or deletions from the legal description or dedicatory language that are not typographical in nature; and

   j. Incorrect certificates or signatures.

3. *Replat Reference*. Changes to a recorded Plat that are not listed in Paragraph 2, *Minor Errors and Revisions*, above, are required to undergo the Replat process established in Sec. 21-7570.

4. *Recording*. Once approved, or in the case of a conditional approval when all conditions have been met, the Community Development Director shall sign the corrected or revised Plat. The Community Development Director will record the corrected or revised Plat with the with the Adams County Clerk and Recorder's Office. The applicant may be required to pay all recording fees.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Recording*. Once approved, or in the case of a conditional approval when all conditions have been met, the Community Development Director shall sign the Plat Correction. The Community Development Director will record the corrected or revised Plat with the County. The applicant may be required to pay all recording fees.

2. *Acceptance of Dedications*. When a Plat Correction involves a street, easement, or other public use dedication, the Community Development Director's approval of the application shall constitute the City's acceptance of any such dedication.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria,* and the following**.**

1. *Application*. An application to revise or correct a Plat may be approved if:

   a. The correction or revision will not increase the number of lots or parcels or create new lots or parcels;

   b. The correction or revision will not affect a recorded easement (unless the easement holder has approved the proposed correction or revision);

   c. Street locations will not be changed;

   d. The correction or revision will not create any nonconformities, or increase the degree of nonconformity of any existing structure or use; and

   e. The correction or revision will not result in a violation of any applicable city standard.

D. **Effect.** Approval of a Plat Correction authorizes the Community Development Director to record the Plat Correction.

Sec. 21-7590. - Waiver

A. **Generally.** The purpose of a Waiver is to allow relief from the standards in Article V, *Subdivision Standards*, which may be considered concurrently with a Preliminary or Final Plat, Minor Plat, or Replat, to address unforeseen circumstances or other difficulties in developing a property under the specific provisions of this LDC.

B. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Reason for Waiver*. The reason for the Waiver is based on a minimum of one of the following:

   a. The particular physical surroundings, shape, or topographical conditions of the subject property;

   b. Achieving alternative compliance with the standard requested to be waived in a manner not contemplated in this LDC;

   c. The effect of the development will not prevent orderly subdivision of other land in the vicinity; and

   d. The development will not cause the City to be required to provide City services at a level above that required in other subdivisions.

2. *Minimum Necessary*. The Waiver requested is the minimum necessary that will make possible platting of the subject property.

3. *Strict Application*. Strict application of the standard requested to be waived renders platting of the subject property unfeasible.

C. **Effect**. Approval of a Waiver enables the applicant to proceed in securing all other required approvals and permits. An approved Waiver provides no assurance of subsequent approvals of other Waiver requests.

Sec. 21-75100. - Vested Property Rights / Site Specific Development Plan

A. **Generally.** Pursuant to state law, approval of a Site Specific Development Plan creates a vested property right. The effective date of the approval of the Site Specific Development Plan, the duration of the vested property right, and the effect such vested property right has relative to future ordinances adopted by the City are governed by state law.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Vested Property Right Notice*. Upon approval of a Site Specific Development Plan, the City shall publish notice of such approval in compliance with state law.

2. *Plat or Plan Language Required*. Each Site Specific Development Plan shall contain the following language: "Approval of this plan or plat creates a vested property right with all privileges and subject to all conditions provided by state statute. The effective date is [insert date]."

3. *Waiver*. A landowner may waive a vested property right by separate agreement, which shall be recorded in Adams County. Unless otherwise agreed to by the City, any landowner requesting annexation to the City shall waive, in writing, any pre-existing Vested Property Rights as a condition of such annexation.

4. *Other Provisions Unaffected*. Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of this LDC pertaining to annexation, development, and use of property.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Underlying Application*. The Specific Decision Criteria for Site Specific Development Plans shall be the same as the underlying application. For example, a Final Plat shall be approved in accordance with Sec. 21-7560 and a Site Development Plan in accordance with Sec. 21-75110.

2. *Benefits*. The grant of vested rights is reasonable given the proposed development's benefits to the surroundings properties, surrounding community, or the City in general.

D. **Effect**. An approved Site Specific Development Plan allows the property owner to develop the subject property, as proposed in the approved Plan, under the regulations of this LDC that were in effect at the time of approval of the Plan, unless the property owner consents, hazards are discovered, or the property owner receives just compensation.

Sec. 21-75110. - Site Development Plan

A. **Generally.** A Site Development Plan provides the final details for site design, including landscaping, architecture, civil engineering, and public improvements. The review of such Plan is intended to ensure compliance with this LDC.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Exceptions.* The following development types do not require a Development Plan,

   a. Development of single-unit dwelling units on individual lots;

   b. Single-Unit Residential Developments that have received approval for a Preliminary Plat; and

   c. The following civic and institutional uses:

      i. Forest or range land;

      ii. Government lands, parks, and buildings; and

      iii. Minor public utilities, as established in Table 21-3120-10, *Utilities Use Category*.

2. *Subsequent Approvals*. Unless specifically allowed by the Community Development Director, no Building Permit shall be approved, and therefore no development, excavation, site preparation, or construction activity, including tree/vegetation removal or grading work, shall occur on any property until a Site Development Plan has been approved in accordance with this Section.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria, and the following:*

1. *Circulation, Accessibility, and Compatibility*. The design of the project provides for vehicle and pedestrian accessibility and circulation within, out of, and into the development and appropriate compatibility and buffering between the development, surrounding land uses (existing or planned), and the natural environment.

2. *Hazards and Nuisances*. The proposed development protects public health and safety against natural and man-made hazards and nuisances which include, but are not limited to, traffic noise, water pollution, and flooding.

3. *Scale*. The scale of the proposed use(s) is appropriate in relation to one another and those on adjacent properties.

4. *Adequate Level of Service*. An adequate level of service exists for existing or proposed utilities, drainage and other public facilities.

5. *Nuisances and Adverse Impact*. Sufficient protection measures for adjacent properties are in place against noise, glare, unsightliness, adverse impact, or other objectionable features.

6. *Future Development*. The design creates a positive precedent for the future cumulative development of the immediate area.

7. *Positive Effect*. For residential and mixed use developments, the design will provide a positive effect on the environment of the citizens who will occupy the residences.

Sec. 21-75120. - Minor Site Development Plan

A. **Generally.**

1. *Purpose*. A Minor Site Development Plan provides for administrative approval for modest additions or changes to a site. The review of such Plan is intended to ensure compliance with this LDC.

2. *Eligibility*. The following modifications are subject to Minor Site Development Plan Review:

   a. Changes to required landscaping where such changes result in continued compliance with this LDC;

   b. Site modifications including but not limited to the addition or removal of parking spaces, the addition of a drive-through, site circulation, modifications related to outdoor storage;

   c. Building additions of 20 percent of the gross floor area of the existing building or 5,000 square feet of gross floor area, whichever is less;

   d. Building additions of three units or less; or

   e. Other similar changes as acceptable to the Community Development Director.

3. *Site Development Plan*. Changes to a site that are not listed in Paragraph A.2, *Eligibility*, above, shall be processed in accordance with Sec. 21-75110, Site *Development Plan*.

B. **Specific Review Procedures**. In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Circulation, Accessibility, and Compatibility*. The design of the project provides for vehicle and pedestrian accessibility and circulation within, out of, and into the development and appropriate compatibility and buffering between the development, surrounding land uses (existing or planned), and the natural environment; and

2. *Hazards and Nuisances*. The proposed development protects public health and safety against natural and man-made hazards and nuisances which include, but are not limited to, traffic noise, water pollution, and flooding.

3. *Scale*. The scale of the proposed use(s) is appropriate in relation to one another and those on adjacent properties.

4. *Adequate Level of Service*. An adequate level of service exists for existing or proposed utilities, drainage and other public facilities.

5. *Nuisances and Adverse Impact*. Sufficient protection measures for adjacent properties are in place against noise, glare, unsightliness, adverse impact, or other objectionable features.

6. *Future Development*. The design creates a positive precedent for the future cumulative development of the immediate area.

7. *Positive Effect*. For residential and mixed use developments, the design will provide a positive effect on the environment of the citizens who will occupy the residences.

D. **Effect**. Approval of a Minor Site Development Plan authorizes the applicant to proceed with development of the site as proposed in the Plan. It does not directly authorize development if other approvals are required by this LDC.

E. **Subsequent Approvals.**

1. *Requirement.* Unless specifically allowed by the Community Development Director, no Building Permit shall be approved, and therefore no development, excavation, site preparation, or construction activity, including tree/vegetation removal or grading work, shall occur on any property until a Minor Site Development Plan has been approved in accordance with this Section.

Sec. 21-75130. - Vacation of Rights-of-Way

A. **Generally.** A Vacation of Rights-of-Way is used to eliminate public rights-of-way or access easements that are no longer needed for public improvements. The Vacation may be accomplished through the approval of a Plat, approved by City Council, that 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 or access easement.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *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.

2. *Title*. Title to the lands included within a vacated street right-of-way or access easement 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.

3. *Recording*. The Community Development Director will record all relevant vacation documents, including any vacation resolution, with the Adams County Clerk and Recorder's Office. The applicant may be required to pay all recording fees.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, *and the following:*

1. *Interest of the City*. The Vacation serves the interest of the City by removing maintenance or liability risks and the property interest being vacated is no longer necessary for city operations; or

2. *Protective Easement*. Utilities are protected by an easement if deemed necessary by the utility owner.

3. *No Longer Necessary*. The land to be vacated is no longer necessary for the public use and convenience.

4. *No Landlocked Properties*. The Vacation will not create any landlocked properties.

5. *No Prohibitive Access*. The Vacation will not render access to any parcel unreasonable or economically prohibitive.

6. *No Reduction of Public Services*. The Vacation will not reduce the quality of public services to any parcel of land; and

7. *Plat Submittal*. A separate Plat to incorporate the vacated area into a larger, usable piece of land has been submitted.

D. **Effect**. An approved Vacation of Right-of-Way operates to divest all public or private rights to the streets, alleys, or access easement described in the Vacation, other than those of the property owner. The property owner may subsequently develop the property in accordance with this LDC.

Sec. 21-75140. - Vacation of Easements

A. **Generally.** A Vacation of Easements is used to eliminate easements, other than access easements, that are no longer deemed necessary by the easement owner. The Vacation of Easements may be accomplished through the approval of a Plat or separate document. This Section shall apply to all requests to vacate all rights, interests, or title of the City in and to any easements, other than access easements, located within the corporate limits of the City. Refer to Sec. 21-75130, *Vacation of Rights-of-Way*, for the process to vacate an access easement.

B. **Specific Review Procedures.** In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

1. *Title*. Title to the lands included within a vacated easement shall vest in accordance with the provisions of state law.

2. *Recording*. The Community Development Director will record all relevant vacation documents, including any vacation resolution, with the Adams County Clerk and Recorder's Office. The applicant may be required to pay all recording fees.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, *and the following:*

1. *Interest of the City*. The Vacation serves the interest of the City by removing maintenance or liability risks and the property interest being vacated is no longer necessary for city operations; or

2. *Protective Easement*. Utilities are protected by an easement if deemed necessary by the utility owner.

3. *No Longer Necessary*. The land to be vacated is no longer necessary for the public use and convenience.

4. *No Prohibitive Access*. The Vacation will not render access to any parcel unreasonable or economically prohibitive.

5. *No Reduction of Public Services*. The Vacation will not reduce the quality of public services to any parcel of land; and

D. **Effect**. An approved Vacation of Easements operates to divest all public rights to easements described in the Vacation, other than those of the property owner. The property owner may subsequently develop the property in accordance with this LDC.

Sec. 21-75150. - Comprehensive Sign Program

A. **Generally.** Comprehensive Sign Programs are intended to create a unique set of sign standards that deviate from Division 4.7, *Signs*, of the LDC for a specific development. A permit for all signs within the proposed program shall be applied for and processed pursuant to Sec. 21-7480, *Sign Permit*.

B. **Specific Review Procedures**. In addition to the Common Review Procedures established in Division 7.1, the following specific review procedures shall apply.

C. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Architectural and Visual Compatibility.* The development displays architectural harmony and unity of signs. Sign type, color, scheme, size, shape, and illumination within the center are coordinated and compatible with the site's architectural character;

2. *Informational Signage.* Within each development, information signage and way-finding systems bear of a unified graphical system. They are placed in consistent locations near site entries, key points on the internal automobile and pedestrian circulation system, building entries, seating areas, and sidewalk intersections;

3. *Illumination.* Illumination is shielded so there is no glare in the public right-of-way and adjacent properties and directed so light does not stray above the light source horizontally. Illumination is steady and even over the entire sign face. All lighting elements are in compliance with Division 4.6, *Outdoor Lighting;*

4. *Materials.* Materials and textures of signs are compatible with the architectural character of the site and building. Supporting sign structures of monument signs match the primary finish and colors of the associated building(s);

5. *Placement.* Wall signs do not overlap or cover features of the building such as cornices, eaves, window and doorframes, columns, and other decorative elements; and

6. *Views.* Freestanding signs are placed where they do not obscure important architectural features such as entrances, display windows, or decorative elements when viewed from the public right-of-way.

D. **Effect**. After approval of a Comprehensive Sign Program, no permanent sign shall be erected, placed, painted, or maintained until the issuance of a Sign Permit in accordance with Sec. 21-7480 and except in accordance with such Plan.

Sec. 21-75160. - Virtual Lot Plan

A. **Generally.** A Virtual Lot Plan provides sufficient information to evaluate and review a site that is developed with an alternative form of ownership, as described in Sec. 21-52120, *Standards for Alternative Ownership Agreements*. The Virtual Lot Plan ensures that the development is designed and developed to public standards and in character with fee-simple ownership development in the same zoning district.

B. **Specific Decision Criteria.** In determining whether to approve, approve with conditions, or deny the request, the development review bodies shall consider the applicable common decision criteria in Sec. 21-7140, *Common Decision Criteria*, and the following:

1. *Zoning District Purpose*. The development is consistent with and implements the purpose of the specific zoning district in which it is located;

2. *Platted Lot*. The development is located on a platted lot; and

3. *Public Services*. Necessary services, including fire and police protection, recreation, utilities, open or amenity space, and transportation systems are available to serve the proposed development.

ARTICLE VIII: DEVELOPMENT FEES

Contents:

- Division 8.1: Development Fee Provisions
  - Sec. 21-8100. - General Provisions
  - Sec. 21-8110. - Types of Development Fees

Division 8.1: Development Fee Provisions

Sec. 21-8100. - General Provisions

A. **Purpose**. The development of land results in new and increased demands on City facilities and services, including but not limited to, schools, roads, water, parks, fire and emergency services providers, and recreation facilities. The costs of providing such additional services and facilities should be borne by those who create the new or additional need. Accordingly, new development shall contribute toward meeting the increased public service needs as provided in this Article. These required contributions, whether in the form of fees, dedicated land, or other contributions are generally referred to in this Article as development fees.

B. **Methods of Satisfaction.** All development fees required pursuant to this Article shall be satisfied through the dedication of land, the payment of a fee, or a combination thereof, as determined by the City, except as allowed for fire and emergency services fees collected by a fire and emergency services provider. No landowner shall be required to provide a site-specific dedication or improvement to satisfy the same need for capital facilities.

C. **Development Fee Accounts**. Separate accounts shall be established for each fee imposed under the provisions of this Article. The interest earned in each account shall be considered funds of that account and shall be used solely for the purposes authorized for such funds as provided herein.

D. **General Land Dedication Requirement.**

1. *Title*. All lands required to be dedicated under this Article shall be dedicated to the City without restriction and free and clear of any and all liens, restrictions, and covenants, regardless of whether the City or another entity will be the ultimate user under the proposed use.

2. *Preservation*. All lands to be dedicated to the City under this Article shall be preserved and protected during the development process. The developer shall not disturb the topsoil or vegetation on the land during the development process nor use the land as a construction staging or stockpiling area. If the topsoil or vegetation is damaged or disturbed, the developer shall pay the cost of restoring such vegetation or topsoil to its original condition. All construction debris and other foreign matter shall be removed from the site prior to dedication.

3. *Environmental Assessment.* The City may require an environmental assessment of any real property offered to the City, through dedication or other conveyance, for park, open space, trails, rights-of-way, or other public purposes. All such environmental assessments shall be prepared by a qualified professional approved by the City, at the expense of the applicant, and shall address all issues and potential impacts relevant to the subject lands and/or the proposed future use. The City shall not approve a dedication unless the applicant provides remediation of all known hazardous substances or significant risks shown by the environmental assessment. The applicant shall file with the City proof of remediation of hazardous substances or significant risks to a satisfactory level and in compliance with standards established by federal, state, or local government. In addition to an environmental assessment, or in lieu thereof, the City may require the applicant to provide indemnification and/or warranties for the environmental condition of any real property dedicated or otherwise conveyed to the City.

E. **Appeals**. Appeals pertaining to the calculation of any development fee required by this Article may be made to the City Manager.

Sec. 21-8110. - Types of Development Fees

A. **School Fees.**

1. *Applicability.* The school fee shall apply to all new residential development located within the City, except:

a. Real property that is listed as exempt from real property taxation by the Adams County Clerk and Recorder's Office, except as used for residential purposes.

b. Developments that qualify as housing for older persons pursuant to the Federal Fair Housing Act. In the event that a development intended for housing for older persons fails to qualify, or after having qualified, relinquishes or loses its qualification, the development shall be required to pay the school fee at the time the development is finally determined to be nonqualifying.

c. Nursing homes and similar residential accommodations that primarily provide care and supervision to disabled persons or other persons who are generally confined to the facility for medical, physical, or mental reasons.

2. *Calculations*.

a. *Student Population per Dwelling.* For purposes of calculating the school land needs associated with any new development, the student population per dwelling unit type shall be deemed to be as shown in Table 21-8110-1, *Student Population per Dwelling Unit*.

Table 21-8110-1, *Student Population per Dwelling Unit*		
Single-Unit Dwelling	.775	Students per household
Two-Unit Dwelling	.364	Students per household
Townhouse/Condo	.303	Students per household
Apartment/Condominium	.195	Students per household
Mobile Home	.512	Students per household

b. *Student Population Per Development.* The student population per development is determined by adding together the student population for each type of dwelling unit located within the development. For example, if a proposed development had five single-unit dwelling, two townhouses, and ten Apartments/Condominiums, the calculation would be as follows: 5 × .775 (for the single-unit dwelling) + 2 × .303 (for the townhouses) + 10 × .195 (for the Apartments/Condominiums) for a total student population of 6.431.

c. *School Land Requirement Formula.* The land, in acreage, required for dedication shall be determined by multiplying the student population per development by the land area required per student, currently .02 acres. Using the example above, the school land requirement for a development with five single-unit dwelling, two townhouses, and ten Apartments/Condominiums, is 6.431 (the number of students in the development) multiplied by .02 (the land area required per student), or .12862 acres.

3. *Method of Satisfaction.* At the time of City review of a PUD concept schematic or a sketch plat, whichever occurs earlier, the school district(s) affected by the proposed development should indicate its preference for a land dedication or fee-in-lieu payment. If no PUD concept schematic or sketch plat is submitted, the school districts should indicate its preference after reviewing the PUD zone document or the plat application.

a. *Dedication of Land.* If it is determined that land dedication is appropriate, the developer shall designate on the final plat the land that will be dedicated for future school use. The City shall determine the acceptability of such land. In making such determination, the City may consider the school district's opinion regarding the acceptability of the land in addition to the following:

i. Whether the size, location, and shape of site are appropriate for a school site;

ii. Whether the City has received an assurance that utilities will be extended by the developer or other entity to property boundaries of site and that site development will include adjacent street(s), curb, gutter, sidewalks, and street lighting. The extension of utilities and site development shall be done in conjunction with development of the adjacent properties. However, if development of the adjacent properties has not been done and the school district is ready to build a school on the site, the extensions of utilities and site development will be completed by school district and reimbursed by the developer in accordance with a reimbursement agreement or recovery agreement at the time such adjacent property is developed;

iii. Whether there exists no more than a three percent slope of land for the school building site;

iv. Whether the opportunity exists for shared uses with other community facilities;

v. Whether there is direct access to a collector or local street for a K-8, elementary school, and middle school or direct access to an arterial or collector streets for a high school; and

vi. Whether the site is otherwise appropriate for development as a school.

b. *Fee-in-Lieu.* If the City determines that a proposed land dedication is inappropriate, impractical, or otherwise not in accordance with the City's parks and recreation master plans or the school district's long-range facilities master plan, then the payment of a fee-in-lieu of dedication shall be required. The fee will be calculated by multiplying the amount of land required to be dedicated pursuant to the formula set forth in paragraph (2) above, less any land that has been accepted by the City in partial satisfaction of the school impact fee, by the average market value of land per acre. The City shall use the value provided by the school district which shall be based upon the average market value of residential land according to the Adams County Assessor's Office.

c. If the developer objects to the average market value determination, the developer may request that the City obtain an appraisal of the property by a qualified real estate appraiser mutually agreed upon by the City and the developer, which appraisal will be considered by the City in determining the fair market value. All costs required to obtain such appraisal shall be borne by the developer and the results of the appraisal shall be binding on the parties.

4. *Collection*.

a. Fees-in-lieu shall be paid to the City at the time of final subdivision plat approval or issuance of a new residential Building Permit, whichever occurs first, or as detailed in a development agreement between the City and developer. Monies which are collected by the City shall be kept in an account as set forth in Sec. 21-8100.C, *Development Fee Accounts*. The school districts within the City shall be eligible to obtain the monies collected within their district, less a two percent administrative fee, in accordance with paragraph (5) below.

b. Land reserved for school sites shall be dedicated to the City and held in ownership by the City until such time as the school district determines to build a school or that a school is not needed or feasible on the site. If the school district determines that there is not a need for a school on the site, then that land may be sold by the City. The owner of the land at the time of subdivision, or assigns, shall have the right of first refusal to purchase the site at the cost of the original fee-in-lieu plus reasonable yearly interest earnings. The proceeds of the sale, minus reasonable costs incurred by the City in the ownership and sale of the site, shall be paid to the appropriate school district. The City and appropriate school district shall review any land that is held by the City for a period of ten years to determine its need and viability as a school site. If it is determined that the land should not be sold, subsequent reviews shall be conducted thereafter at five-year intervals to determine need and viability.

5. *Transfers to School Districts*. Prior to transferring land or money collected pursuant to this Article to the school district, the school district shall adopt a resolution that establishes the need for the school site to the satisfaction of the City. In making such determination, the City may consider the following:

a. Whether the school district has formally adopted a plan that designates a location for the site of a future school;

b. Whether the proposed location is in conformance with the City's comprehensive plan;

c. If money is requested, whether the school district has a contract for the purchase of the school site; and

d. Whether the school district has a site plan with a fully executed development agreement, which includes acreage, fees, and water resources related to the site in addition to other items typically addressed by way of a development agreement.

B. **Public Parks and Recreation Fee.**

1. *Applicability*. The public parks and recreation fee shall apply to residential development on each newly subdivided lot in the City and any existing subdivided lot that is being redeveloped with a new use that increases the residential use intensity or density associated with the property. This includes the entirety of any mixed use development with any permitted residential use or residential development.

2. *Fee Schedule*.

    a. The fee schedule shall be established annually by City Council resolution and shall be based on a public safety impact fee study and adjustments for inflation.

    b. Fee amounts shall be displayed on the City Website.

3. *Methods of Satisfaction*. The City will determine whether a land dedication or a fee is required based upon all relevant factors associated with the development and in accordance with the City's parks and recreation master plans.

    a. *Dedication of Land*.

        i. All land dedicated to the City must possess suitable access and shall be of a location, size, shape, and topography suitable for development into active recreational areas without significant earthmoving, unless otherwise approved by the City. The City shall have the option to accept as part of the dedication requirement major floodplains, narrow strips to provide trail connections from one major recreational or park area to another, or other undevelopable area suitable for open space.

        ii. The applicant shall dedicate to the City land for recreation purposes in locations designated in the parks and recreation master plan or otherwise where the dedications are approved by the City Manager.

        iii. The dedicated area shall be shown and marked on the plat "Dedicated for Public Use."

    b. *Fee-in-Lieu*. Where the development is small and there are no planned parks, trails, or open space per the park and recreation master plan, the City shall require a cash contribution in lieu of the land dedication.

    c. *Combination of Land and Fee*. A combination of land dedication and fee-in-lieu may be accepted provided the total value of the land dedication and parks fee is equivalent to the value of the fee schedule.

4. *Credits*.

    a. If, at the time of annexation of the land on which a development is proposed, the developer or a predecessor in interest dedicated lands to the City for public purposes, the land dedication requirements of this section shall be reduced by the number of acres dedicated at the time of annexation.

    b. If the applicant constructs or agrees to construct portions of public parks, trails, and recreation facilities, the cost of those improvements may be deducted from the fee amount, as approved by the City.

5. *Public Trails*.

    a. *Dedication and Construction*. The City may require an easement over, or the dedication of land lying within the boundaries of, a development to provide for public trails which are referenced in or depicted on the City's parks and recreation master plans.

    b. *Credit Towards Park and Recreation Fee*.

        i. Land dedications accepted by the City for trails referenced in or depicted on the City's parks and recreation master plans may be credited against the park and recreation fee requirements of the development.

        ii. Land dedications accepted by the City for trails not referenced or depicted on the City's parks and recreation master plans may, in the City's discretion, be credited, in whole or in part, against the park and recreation fee requirements of the development.

iii. No credit shall be given for any sidewalks or trails within street rights-of-way or on land within the development required to be dedicated for purposes other than park or trail use.

6. *Collection*. Park and recreation fees or dedications shall be paid or made to the City at the time of final subdivision plat approval or issuance of a new building permit, whichever occurs first, or as detailed in an annexation agreement or development agreement between the City and developer.

C. **Road Impact Fees.**

1. *Applicability*.

a. This Subsection shall apply to all lands within the incorporated jurisdiction of Commerce City as amended by future annexations and generally described herein as the Northern Range and Core City areas. The Northern Range is defined as areas of the City located north of Rocky Mountain National Arsenal Wildlife Refuge boundary and City and County of Denver boundary, south of Brighton boundary, east of the South Platte River, and west of Watkins Road. The Core City is defined as areas of the City located north of the City and County of Denver boundary, south of 80th Avenue, east of South Platte River, and west of Rocky Mountain National Arsenal Wildlife Refuge boundary.

b. All lands in the Northern Range and the Core City that are to be developed or undergoing a change in use shall be subject to the provisions of this Section unless explicitly exempted otherwise in this Section.

2. *Exemptions*. The following are exempt from this Subsection:

a. Development that will not generate additional vehicular trips as demonstrated by the applicant to the City's satisfaction.

b. Alteration or expansion of an existing building where no additional units are created and where no additional vehicular trips will be generated over those produced by the existing use as demonstrated by the applicant to the City's satisfaction.

c. Construction of accessory buildings or structures which will not generate additional vehicular trips over those produced by the principal building or use of the land as demonstrated by the applicant to the City's satisfaction.

d. Replacement of a wholly or partially destroyed building or structure with a new building or structure of the same size and use provided that no additional vehicular trips will be generated over those produced by the original land use as demonstrated by the applicant to the City's satisfaction.

3. *Fee Schedule*.

a. The fee schedule shall be established annually by City Council resolution and shall be based on the Road Impact Fee Study and adjustments for inflation.

b. Fee amounts shall be displayed on the City Website.

4. *Independent Fee Calculation Study*.

a. The road impact fee may be computed by the use of an independent fee calculation study upon submittal of an application by the applicant or, in the event that the particular development is not listed on the fee schedule or the nature, timing, or location of the proposed development makes it likely to generate impacts costing substantially more to mitigate than the amount of the fee that would be generated by the use of the fee schedule, election of the City. The party requesting the study shall be responsible for the costs associated with the study. In addition, if the developer applies for the independent fee calculation study, the developer shall be required to pay an application fee as set by City Council.

b. The independent fee calculation study shall use the following formula in Table 21-8110-2, *Impact Fee Calculation Study Formula*, to calculate the fee required.

Table 21-8110-2, *Impact Fee Calculation Study Formula*
FEE = VMT × NET COST/VMT
VMT = TRIPS × % NEW × LENGTH ÷ 2
NET COST/VMT = COST/VMT - CREDIT/VMT
TABLE NOTES: Where: VMT — Vehicle-miles of travel placed by the development on the major road system during the PM peak hour TRIPS — Peak hour trip ends during PM peak of adjacent street traffic, from ITE Trip Generation Manual or other acceptable method approved by C3 % NEW — Percent of trips that are primary trips, as opposed to pass-by or diverted-link trips LENGTH — Average length of a trip on major road system (as outlined in Figure 8 of the 2021 Road Impact Fee Report) ÷ 2 — Avoids double-counting trips for origin and destination COST/VMT — Average cost to create a new vehicle-mile of capacity (VMC) based on planned arterial improvements CREDIT/VMT — Revenue credit per VMT, based on estimated state/federal funding for City arterial improvements in service area over 20 years divided by total existing arterial VMT

c. *Calculations*. The fee calculations shall be based on data, information, or assumptions contained in this Section or independent sources, provided that:

i. The independent source is an accepted standard source of transportation engineering or planning data or information; or the independent source is a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering; and

ii. The percent of new trips factor and average trip length used in the independent fee calculation study, if different from those contained in the Road Impact Fee Study for the same land use type, shall be based on actual surveys conducted in Commerce City.

d. *Approval*. If the independent fee calculation study satisfies the requirements of this Section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed traffic-generating development. The adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy the requirements of this Section, the fee applied shall be that fee established by City Council for the traffic-generating development.

5. *Payment*. Road impact fees shall be paid to the City at the time of issuance of a Building Permit for the development. The fee shall be computed separately for each Building Permit.

6. *Reimbursement*.

a. Any person subject to the road impact fee may apply for reimbursement up to but not exceeding the full obligation for impact fees due pursuant to the provisions of this Section, for any contribution, payment, or construction accepted and received by the City for any non-site-related road capital improvements on the major road system that are identified in the Road Impact Fee Study.

b. No reimbursements shall be provided for land dedication or for site-related improvements or for improvements to the major road system not specifically identified in the Road Impact Fee Study.

c. Reimbursement shall be in an amount equal to the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made to the City. Reimbursements shall be transferable in the same development but shall not be transferable for reimbursement for impact fees required to be paid for other public facilities

7. *Road Districts*. Impact fee funds shall be spent for building and improving roads within the benefit district in which the development that caused the road impact fee is located. Together, the road benefit districts cover all incorporated areas of the City. Each district is generally described below and further depicted in the Benefit Districts Map on the City website:

a. Northern Range Benefit District 1 is the area of the Northern Range west of Highway 2 and north of 80th Avenue.

b. Northern Range Benefit District 2 is the area of the Northern Range between Highway 2 and the boundary generally defined by Piccadilly Road.

c. Northern Range Benefit District 3 is the area of the Northern Range east of the boundary generally defined by Piccadilly Road.

d. Core City Benefit District is the area of the City located north of City and County of Denver boundary, south of 80th Avenue, east of South Platte River, and west of Rocky Mountain National Arsenal Wildlife Refuge boundary.

D. **Drainage Fees.**

1. *Applicability*. All construction requiring issuance of a Building Permit in the basin areas described in this Subsection shall pay a drainage fee in accordance with the provisions of this Subsection unless specifically exempted below:

a. First Creek Drainage Basin;

b. Second Creek Drainage Basin;

c. Third Creek Drainage Basin;

d. Henderson Creek Drainage Basin; and

e. Irondale Gulch Drainage Basin.

2. *Exemptions*. Drainage fees shall not be assessed against land dedicated for school sites, City parks and City owned open space, flood plain areas, the Tower Road Landfill (F.K.A. BFI Landfill) area and such other construction as may be determined by the City to not contribute to the need for the regional drainage improvements provided for in this Article.

3. *Fee Schedule*.

a. The fee schedule shall be established annually by City Council resolution and shall be based on the Drainage Impact Fee Study and adjustments for inflation.

b. Fee amounts shall be displayed on the City Website.

4. *Fee Adjustment for Commercial Districts*. The applicable drainage impact fee shall be half of the calculated fee required by this Subsection for new nonresidential developments in the R-3, C-1 and C-2 districts. The remainder of the costs shall be borne by the City.

5. *Payment*. Drainage fees shall be paid to the City at the time of issuance of a building permit for the development or grading permit for roadway development. The fee may be computed separately for each building and grading permit.

6. *Reimbursement*. Credits toward or from payment of the Regional Drainage Improvement Fee shall be given to developers who construct and pay for regional drainage improvements for which the Regional Drainage Improvement Fees are otherwise required by this Section provided that such regional drainage improvements are first authorized by the City, constructed in accordance with plans approved by the City and after construction, are accepted by the City.

E. **Fire and Emergency Services Fees.**

1. *Applicability*. A fire and emergency services fee shall be assessed on new structures requiring a Certificate of Occupancy within the jurisdictional boundaries of either South Adams County Fire Protection District or Greater Brighton Fire Protection District, as amended from time to time, in the City except:

a. When the new structure replaces an existing structure on the site and does not result in an increase in the density or intensity of use on the property;

b. For low-income housing dwelling units, provided such dwelling units are intended to be occupied or owned, as evidenced by income-qualified deed restrictions for units for sale or income qualifications existing for a period of at least 10 years for units for rent, by individuals or families whose income is: for low-income housing, 60 percent or less of area median income;

c. For structures within any urban renewal area in existence at the time of the application for a Building Permit;

2. *Schedule*. Fire and emergency services fees shall be imposed according to the following schedule for development within the boundaries of a fire and emergency services provider listed in Table 21-8110-3, *Emergency Services Fee*, below:

Table 21-8110-3, *Emergency Services Fee*

Nonresidential (Industrial/Warehouse)	Nonresidential (Commercial/Retail)	Single-Unit Residential	Multi-Unit Residential
$0.06 per square foot	$0.46 per square foot	$688	$250

3. For mixed commercial and industrial development, the predominant use shall determine the applicable fee.

a. *Method of Satisfaction.* Fire and emergency services fees payable under this section may be paid as a fee or a contribution of land or capital facilities having a value not to exceed the amount of the fee, or any combination of such fee or contribution, with the agreement of the landowner or developer and the applicable fire and emergency services provider.

b. *Collection*. Fire and emergency services fees shall be payable at the time of issuance of Building Permit and shall be collected by the applicable fire and emergency services provider. The fee may be computed separately for each Building Permit. Confirmation of satisfaction of the fee obligations under this section from the applicable fire and emergency services provider shall be a condition to the issuance of a Building Permit.

c. *Intergovernmental Agreement.* The details of collection and remittance of fire and emergency services fee, and other matters concerning such fees not inconsistent with this ordinance, shall be established in an intergovernmental agreement between the City and the applicable fire and emergency services provider. No fire and emergency services fee shall be payable for a new structure within the jurisdictional boundaries of a fire and emergency services provider if, when the Building Permit would be approved but for satisfaction of the fire and emergency services fee, the intergovernmental agreement between the City and that fire and emergency services provider has not been enacted or has been terminated.

d. *Limitation*. No fire and emergency services fee shall be imposed on an individual landowner to fund expenditures for a capital facility used to provide fire, rescue, and emergency services if the landowner is already required to pay an impact fee or other similar development charge for another capital facility used to provide a similar fire, rescue, and emergency service or if the landowner has voluntarily contributed money for such a capital facility.

F. **Oil and Gas Impact Fee.**

1. *Applicability*. An Oil and Gas Impact Fee, as required by this Code, shall be assessed on oil and gas Well Sites requiring an Oil and Gas Permit within the jurisdictional boundaries of the City of Commerce City, as may be amended from time to time. The Oil and Gas Impact Fee is limited to defray the projected impacts caused by oil and gas traffic to certain of the City's capital facilities, specifically, the road system inclusive of roadways and bridges.

2. *Schedule*. The Oil and Gas Impact Fee is comprised of two parts. Part one is the fee per pad and part two is the fee per well. The per-pad fee is a fixed amount applicable to all Well Sites. The per-well fee is based on the

maximum number of wells that may be drilled at the Well Site according to an approved Oil and Gas Permit. The Oil and Gas Development Impact Fee shall be imposed according to Table 21-8110-4, *Oil and Gas Impact Fee*, below:

Table 21-8110-4, Oil and Gas Impact Fee			
Per Pad Fee			
$996			
Completed Pipelines Servicing Pad (presence indicated by "X")			Impact Fee
Fresh Water Pipeline	Produced Water Pipeline	Product Pipeline	Total
--	--	--	$21,172
X	--	--	$20,260
--	--	X	$13,853
--	X	--	$13,217
X	--	X	$12,703
X	X	--	$12,067
--	X	X	$3,295
X	X	X	$2,145

3. *Method of Satisfaction.* The Oil and Gas Development Impact Fee shall be payable directly to the City. No alternative means exists to satisfy this obligation except as set forth herein.

4. *Collection*. The Oil and Gas Development Impact Fee shall be paid to the City following approval of an Oil and Gas Permit but as a condition precedent to the actual issuance of said permit.

5. *Limitation*. Where the applicant for an Oil and Gas Permit is also required to pay the Road Impact Fee pursuant to School Fees, above, then only to the extent the Road Impact Fee defrays the impacts to the same capital facilities as those addressed by this section as determined by the Community Development Director, may the Applicant be excused only from the duplicative portion of the Road Impact Fee.

6. *Alternative Fee to Oil and Gas Impact Fee*. An Applicant for an Oil and Gas Permit may file an objection to the Oil and Gas Impact Fee only at the time of application submission. Concurrent with the filing of the objection, the Applicant must submit an alternative impact fee analysis. If the alternative impact fee analysis, at the discretion of the Community Development Director, establishes by clear and convincing evidence that:

   a. It is more reasonable than the study underlying this section;

   b. It is no less rigorous than that used to establish the fees set forth herein;

   c. The fees established herein will substantially impact the viability of the applicant's development;

   d. The fee established herein will have a disproportionate impact on the applicant's development in relation to other applicants; and

   e. The alternative fee analysis study meets all state and city statutory requirements for impact fees, then the Community Development Director may adopt the alternative fee set forth by the applicant which will apply only to the application at issue.

G. **Public Safety Fees**.

3. *Applicability*. The public safety fee shall apply to all new development located within the City and shall be collected prior to building permit issuance.

4. *Fee Schedule*.

   d. The fee schedule shall be established annually by City Council resolution and shall be based on a public safety impact fee study and adjustments for inflation.

e. Fee amounts shall be displayed on the City Website.

5. *Credits and/or Reimbursements*. Credits and/or reimbursements toward or from payment of the public safety impact fee shall be given to developers who construct and/or pay for public safety improvements for which the public safety improvement fees are otherwise required by this section provided that such improvements:

a. Are first authorized by the City;

b. Are constructed in accordance with plans approved by the City; and

c. After construction, are accepted by the City.

H. **General Government Fees**.

1. *Applicability*. The general government fee shall apply to all new development located within the City and shall be collected prior to building permit issuance.

2. *Fee Schedule*.

a. The fee schedule shall be established annually by City Council resolution and shall be based on a general government impact fee study and adjustments for inflation.

b. Fee amounts shall be displayed on the City Website.

3. *Credits and/or Reimbursements*. Credits and/or reimbursements toward or from payment of the general government impact fee shall be given to developers who construct and/or pay for general government improvements for which the general government improvement fees are otherwise required by this section provided that such improvements:

a. Are first authorized by the City;

b. Are constructed in accordance with plans approved by the City; and

c. After construction, are accepted by the City.

I. **Public Works Fees**.

1. *Applicability*. The public works fee shall apply to all new development located within the City and shall be collected prior to building permit issuance.

2. *Fee Schedule*.

a. The fee schedule shall be established annually by City Council resolution and shall be based on a public works impact fee study and adjustments for inflation.

b. Fee amounts shall be displayed on the City Website.

c. Credits and/or Reimbursements. Credits and/or reimbursements toward or from payment of the public works impact fee shall be given to developers who construct and/or pay for public works improvements for which the public works improvement fees are otherwise required by this section provided that such improvements:

i. Are first authorized by the City;

ii. Are constructed in accordance with plans approved by the City; and

iii. After construction, are accepted by the City.

ARTICLE IX: NONCONFORMITIES

Contents:

- Division 9.1: General Provisions
- Division 9.2: Types of Nonconformities
- Division 9.3: Conversion of Nonconforming Uses

Division 9.1: General Provisions

A. **General Provisions.** A nonconforming use, structure, lot, or site element existing at the time of the adoption of this LDC, or created by the adoption of this LDC, may continue in the same manner as it existed on the effective date of this LDC, except as otherwise provided in this Division.

1. *Burden*. The owner of the property shall bear the burden of establishing the existence of any claimed legal nonconformity.

2. *Tenancy, Ownership, or Management*. Changes of tenancy, ownership, or management of an existing nonconformity shall be permitted, and in such cases the nonconformity shall continue to be subject to the standards of this LDC.

3. *Repairs and Maintenance*. Repairs and normal maintenance required to keep any nonconformity in a safe condition shall be permitted.

4. *Accessory Uses and Structures*. No use or structure that is accessory to a principal nonconforming use or structure shall continue after the principal nonconforming use or structure ceases to exist.

5. *Off-Street Parking*. No existing use or structure shall be deemed nonconforming solely because of the lack of off-street parking required by this LDC.

B. **Removal of Hazards.** Any nonconforming structure or use that is deemed by the Building Official to be a detriment to the public health, safety, or general welfare shall be ordered to be removed or discontinued within such time period as the building official may deem reasonable. Upon a failure to comply with the building official's order, the City may take such steps as are necessary to remove such structure, or discontinue such use, and assess the cost thereof against the property owner

Division 9.2: Types of Nonconformities

A. **Nonconforming Structures.**

1. *Alterations and Expansions.* Except as noted in this Division, a nonconforming structure shall not be altered or expanded unless such alteration or expansion complies with the provisions of this LDC. Expansions of the structure that comply with the applicable dimensional standards shall be permitted and shall not require a Variance.

2. *Exception.* The prohibition of alterations to or expansion of a nonconforming structure shall not apply to any lot zoned R-3 or MU-1 as of the effective date of this LDC that contains a maximum of one single-unit dwelling, provided that no other nonconformity exists on the property.

3. *Restoration.*

   a. *Structures Outside the Floodplain.* A nonconforming structure that is destroyed or damaged to the extent of more than 50 percent of its replacement value shall not be restored except in compliance with the requirements of this LDC. All such restoration work shall begin within 180 days of the issuance of a Building Permit and shall comply with all applicable City codes.

   b. *Structures Located Within the Floodplain.* A nonconforming structure within the floodplain that is destroyed or damaged to the extent of more than 50 percent of its replacement value shall not be restored except in compliance with the requirements of this LDC. All such restoration work shall be commenced within 180 days of the issuance by the City of a Building Permit and shall comply with all applicable City codes.

4. *Relocation.* No person shall move a nonconforming structure to another parcel unless the structure and its location on the new parcel comply with the requirements of the zoning district in which it is relocated.

5. *Reversion Prohibited.* If a nonconforming structure becomes conforming, it shall not be changed back to a nonconforming structure.

B. **Nonconforming Uses.**

1. *Expansion.* A nonconforming use shall not be enlarged, expanded, extended, increased, or moved to occupy an area of the structure that was not occupied before the adoption of this LDC.

2. *Accessory Uses and Structures Restricted.* No additional accessory use, building, or structure shall be established on the site of a nonconforming use.

3. *Abandonment.* If a nonconforming use is discontinued for 180 days or more, any future use of the structure shall conform to the standards of the district in which it is located.

4. *Restoration.* If a conforming structure containing a nonconforming use is damaged to the extent of more than 50 percent of its replacement value, all future use of the rebuilt or restored structure shall be a conforming use.

5. *Alteration and Repair.* If a structure containing a nonconforming use is repaired or altered at a cost that exceeds 50 percent of its value, all future use of the structure shall be a conforming use.

C. **Nonconforming Lots.**

1. *Enlargements Allowed.* Structures located on nonconforming lots may be enlarged, expanded, or extended, provided that such action does not increase nonconformities with applicable setbacks, or cause a new area of nonconformity.

2. *Adjoining Lots in Common Ownership.* Where any nonconforming adjoining lots were held in common ownership before the adoption of this LDC, they shall not be sold, consolidated, or transferred to eliminate the common ownership unless such a sale, consolidation, or transfer results in a conforming lot or lots, where possible, or if not possible, another nonconforming lot but to a lesser extent than the first lot.

3. *Adjoining Lots Not in Common Ownership.* Structures may be permitted on a nonconforming lot provided the lot does not have continuous frontage with other lots under the same ownership. This provision shall apply even though such lot fails to meet the requirements of the zoning district in which it is located for area, width, or frontage, provided however, that the requirements of the zoning district for minimum setback dimensions shall be met unless a Variance to those requirements has been approved by the Board of Adjustment.

4. *Use and Construction.* A nonconforming lot may be used for any purpose permitted in the zoning district in which it is located, as long as the bulk standards of that district are met.

5. *Generally*. This subsection applies to nonconforming lots, which are lots or land parcels that were legally created but which no longer comply with the minimum area or width standards of the underlying zoning district that have been officially recorded.

D. **Nonconforming Site Elements.** Any nonconforming site element, such as landscaping, fences, walls, signs, parking and loading areas, or other similar site elements that the Community Development Director may designate that were legally established before the adoption or relevant amendment of this LDC but which now no longer comply with this Division as a result of subsequent regulation, are nonconforming and are permitted to remain, subject to the requirements below.

1. *Generally.* Any nonconforming site elements may continue to exist per the requirements of this Division.

2. *Increased Nonconformity Not Allowed.* No action shall be taken that increases the degree or extent of the nonconforming site element. Any enlargement, extension, or structural alteration of the nonconforming site element shall conform to all requirements of this LDC.

3. *Maintenance and Repair.* Normal maintenance and incidental repair to a nonconforming site element may be performed. However, no repairs or reconstruction are permitted that would create any new nonconformity or

increase the degree of the previously existing nonconformity. Resealing, resurfacing, or re-striping of an existing parking lot is considered normal maintenance and incidental repair.

4. *Change of Regulations.* A nonconforming site element created by a change in regulations may continue to exist, and structures with those nonconforming features may be reconstructed if they are demolished or destroyed.

5. *Required Conformance.* Unless otherwise stated elsewhere in the LDC, all nonconforming site elements must be brought into conformance when there is construction of a new principal building.

Division 9.3: Conversion of Nonconforming Uses

A. **Purpose**. Certain nonconformities may be integral parts of the City's character and function without negatively impacting its surroundings. In these instances, the classification "nonconformity" and resulting restriction on investment may be contrary to what the community desires. As such, a nonconforming use may be classified as minor and may be made conforming pursuant to this Division in order to remove the potential barriers that may be associated with the nonconforming designation in terms of an owner's ability to improve properties. There is no "major" or "minor" distinction for nonconforming structures or signs. The modification of a nonconforming structure may require a Variance in accordance with Sec. 21-7300 and Division 9.2 (A).

B. **Criteria for Approval.**

1. *Procedure*. An owner of a minor nonconforming use may apply for a Conditional Use Permit per Sec. 21-7250, *Conditional Use Permit*, that, upon approval, has the effect of:

   a. *Designate Conformity*. Designating the use as conforming; or

   b. *Establishment or Expansion*. Allows re-establishment of a minor nonconforming use beyond the limits established in this LDC.

2. *Exclusions*. This procedure only applies to minor nonconforming uses as described in Section C, *Determination of Major and Minor Nonconforming Uses*, below, and does not apply to any other type of nonconformity.

C. **Determination of Major and Minor Nonconforming Uses**. Nonconforming uses are classified as major or minor. The Community Development Director shall make the determination of whether a nonconforming use is "major" by considering:

1. *Nuisances*. Generates nuisances;

2. *Adjacent Properties*. Is incompatible with adjacent properties;

3. *Comprehensive Plan*. Is incompatible with the Comprehensive Plan;

4. *Crime*. Generates substantiated criminal complaints; and

5. *Health and Safety*. Poses a risk to public health and safety.

D. **Decision Criteria for Minor Nonconforming Conditional Use Permits**. In determining whether to approve, approve with conditions, or deny a Conditional Use Permit under this Division, the review bodies listed in Table 21-71100-1, *Development Review Summary*, shall consider the common and specific decision criteria in Sec. 21-7250, *Conditional Use Permit*, and whether any one or more of the following that applies to the request.

1. *Disincentive for Maintenance*. The use has been maintained in good condition and its classification as a nonconformity would be a disincentive for such maintenance.

2. *Previous Complaints*.

   a. There is no history of substantiated criminal or code enforcement complaints about the use; or

   b. The conditions of the approved Conditional Use Permit will eliminate the sources of the complaints.

3. *Nuisances*. Construction or property management practices eliminate nuisances such as noise, glare, waste materials, unreasonably congested on-street parking, or similar conflicts.

4. *Patrons and Employment*. Nearby residents regularly patronize or are employed at the subject property.

5. *Minor Nonconformity*. The use, as conducted and managed, is considered a minor nonconformity and has been integrated into the neighborhood's function.

E. **Conditions**. The review body taking final action may impose conditions relative to the establishment or expansion of bufferyards, landscape areas, or other lot improvements or other limitations necessary to ensure that nuisances or potential nuisances will be eliminated.

ARTICLE X: ENFORCEMENT AND VIOLATIONS

Division 10.1: Enforcement, Violations, and Remedies

A. **Authority.** The City Manager is authorized to enforce the provisions of this LDC.

B. **Complaints.** Any person may file a complaint alleging a violation of this LDC. Such complaints, stating fully the causes and basis thereof, may be made verbally or in writing. All written complaints are open to inspection under the state's open records law.

C. **Right of Entry to Inspect.**

1. *Right of Entry Generally.* When necessary to make an inspection to enforce any provisions of this LDC land development code, or when the City has reason to believe there exists in any building or upon any land any condition that constitutes a violation of this LDC land development code, an authorized city employee or agent may present proper credentials and request entry.

2. *Notice.* If entry is refused or if the owner cannot be located after reasonable effort, the City shall give the owner or, if the owner cannot be located, leave at the building or premises, a written notice of the City's intent to inspect the property. The notice shall set forth the time, not sooner than 24 hours after the notice of intent to inspect is given or left, at which the City will return for inspection. The notice shall state that the owner has the right to refuse entry and that in the event such entry is refused, an inspection may be made only upon issuance of a search warrant by a municipal judge of the city, or by a judge of any other court having jurisdiction.

3. *Search Warrants.* Upon application by the City and a showing of probable cause, the judge shall issue a search warrant entitling the City agent to enter the building or the premises and authorizing the use of reasonable force, if necessary, to gain entry. To establish probable cause, the City agent shall not be required to demonstrate specific knowledge of the violation at issue but must show some factual or practical circumstances that would cause an ordinary prudent person to believe a violation exists.

4. *Emergencies.* When an emergency exists concerning the enforcement of any of the provisions of this LDC, land development code, a city agent may enter any building or upon any premises within the City, using such reasonable force as may be necessary. An emergency includes any situation of imminent danger of loss of, or injury or damage to, life, limb, property, or threat to public safety. It is unlawful for any owner of the building or premises to deny entry to a city agent or to resist reasonable force used by such agent acting under this Division.

5. *Additional Considerations.* The City may use building and development permits, certificates of occupancy, stop work orders, civil or criminal actions, and abatement in its effort to obtain compliance with the provisions of this LDC land development code. These enforcement alternatives, and the remedies available under each, shall be cumulative., They are intended to be in addition to any other remedy provided by law, and may be exercised in any order. In addition, when the City has sufficient evidence that a person is violating any provision of this

land development code, LDC, the City may apply to any court of competent jurisdiction to temporarily or permanently enjoin the continuance of the violation. In any such enjoinment action, the City shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law.

D. **Permit Denial.** The City may deny an application for a permit, certificate, or other form of development authorization on the basis that the requirements for the issuance of such permit, certificate, or authorization have not been satisfied. Further, the City may deny such applications due to the existence of a land use violation that is related to the permit, certificate, or authorization being sought; or the City may grant such authorization subject to the condition that the violation be corrected. This provision shall apply whether or not the applicant is responsible for the violation.

E. **Permit Revocation.**

1. *Just Cause.* After notice and hearing, the City may revoke any permit, certificate, or other development authorization or approval upon finding that just cause exists for the revocation. Just cause shall be deemed to exist in the following circumstances, which are offered by way of example and not limitation:

   a. There has been a material departure from the approved plans, specifications or conditions of approval;

   b. The permit holder has failed to comply with any condition of approval;

   c. The permit, certificate, or development authorization or approval was obtained by fraud or misrepresentation;

   d. The permit, certificate, or development authorization or approval was approved in error;

   e. The approved use or structure fails or ceases to comply with applicable standards, conditions, or criteria for issuance of an approval; or

   f. The operation of the use or structure constitutes a nuisance or poses a real or potential threat to the health, safety, or welfare of the public.

2. *Notice to Intent to Revoke*. Written notice of the City's intent to revoke may be served by personally delivering a copy of the notice to the applicant or the person for whom the permit was approved, if different, or by posting the notice in a conspicuous location at the place of the violation. Such notice shall set forth the grounds for the proposed revocation and a date and time for hearing.

3. *Effect of Revocation*. It shall be unlawful for any person to conduct any activity in reliance upon any permit, certificate, or authorization after the written notice of revocation of such permit, certificate, or authorization has been served per this Division.

F. **Stop Work Order.** If the use of property or the construction of any structure is contrary to the provisions of this LDC or any permit approved under this LDC, the City Manager may order that the use of the property or the construction of the structure be stopped. A stop work order shall be effective when written notice is served upon any person engaged in using the property or in doing or causing the construction work to be done, or by posting written notice in a conspicuous place on the property when no person can be served in the aforesaid manner. in person. Failure of the City to issue a stop work order shall in no event not be deemed to legalize, authorize, or excuse the violation.

G. **Penalties and Other Remedies.** If any person violates, disobeys, or fails or neglects to comply with the requirements of this LDC or any land use or zoning ordinance adopted by the City, the City may, in addition to employing the enforcement methods enumerated in this Article, impose the penalties provided in Chapter 1, *General*, of the Municipal Code or take any action authorized by the Municipal Code, the Charter, or state or federal law to prevent, enjoin, abate or remove such violation, failure or omission and, in addition, shall be entitled to recover any costs and charges incurred in undertaking such action.

ARTICLE XI: WORD USAGE

Division 11.1: Rules of Construction, Measurements, and Allowances

Sec. 21-11100. - Rules of Construction

A. **Meaning and Intent**. All provisions, terms, phrases, and expressions contained in this LDC shall be construed according to this LDC's stated purpose and intent.

B. **Text Controls**. In case of any difference of meaning or implication between the text of this Land Development Code and any heading, drawing, table, or figure, the text shall control. In case of any conflict between a table and a figure, the table shall control. Figures and graphics are included for illustrative purposes only.

C. **Lists and Examples**. Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples; not to be exhaustive lists of all possibilities.

D. **Mandatory and Discretionary Terms**. The word "shall" and "must" are always mandatory, and the words "may" and "should" are always permissive.

E. **Delegation of Authority**. Where a provision assigns a specific officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing such officer or employee to delegate that responsibility to subordinates, unless the terms of the provision specify otherwise.

F. **Gender**. The masculine shall include the feminine, and vice versa.

G. **Technical and Non-Technical Words**. Words and phrases not defined by this LDC, or the Municipal Code, shall have their common, ordinary, and accepted meanings, except that technical words and phrases that have a peculiar meaning in law, planning, design, and engineering practice shall be construed and understood according to such meaning.

H. **Public Officials and Agencies**. All public officials, bodies, and agencies to which references are made are those of the City, unless otherwise indicated.

I. **Most Recent Version**. All references to other local, county, state, or federal regulations in this LDC refer to the most current version and citation for those regulations unless expressly indicated otherwise. If the referenced regulations have been repealed and not replaced by other regulations, requirements for compliance are no longer in effect.

J. **Tense and Number**. Words in the present tense include the future and vice-versa. Words in the singular number include the plural number and vice-versa.

K. **City**. The word "the City" means the City of Commerce City, Colorado.

L. **Conjunctions**.

1. *And*. The word "and" shall be construed to include all connected items in a series or set of conditions or provisions.

2. *Or*. The word "or" shall be construed to include one or more of the items in a series or set of conditions or provisions, unless the context clearly indicates otherwise.

M. **Lists**. The use of terms such as "including," "such as," or similar language is intended to provide examples, not to be exhaustive lists of all possibilities, unless the context clearly indicates otherwise.

N. **Rounding**.

1. *Generally*. Except as stated in Paragraph 2, *Exceptions to Rounding*, below, if any regulatory formula in this LDC results in a non-whole number of an indivisible object or feature (for example, a bufferyard requiring 6.33 trees), then the non-whole number shall be rounded down or up to the nearest whole number based on conventional rounding rules where a decimal between .1 and .49 is rounded down to the nearest whole number and a decimal from .50 to .99 is rounded up.

2. *Exceptions to Rounding*. Non-whole numbers related to required parking spaces or density shall always be rounded down. For example, whether a building requires 10.4 spaces or 10.8 parking spaces, the number of spaces shall always be rounded down to 10.

O. **Days**. All references to "days" are deemed calendar days unless expressly indicated otherwise. The time in which an act shall be completed is computed by excluding the first day and including the last day. In computing working days, if applicable, Saturdays, Sundays, or holidays observed by the City are excluded. A day concludes at the close of business for the Planning Division, and any materials received after that time will be deemed to have been received the following day.

Sec. 21-11110. - Measurements

A. **Purpose**. The purpose of this Section is to provide uniform measures for the interpretation and enforcement of this LDC, the method of measurement and illustrations for the developmental standards in this LDC are detailed in Table 21-11110-1, Measurements. Standards related to each type of measurement in this Section are established in:

1. *Article II, Zoning Districts and Development Standards;*

2. *Article III, Use Standards;*

3. *Article IV, Development Standards;* and

4. Article V, *Subdivision Standards*.

Table 21-11110-1, Measurements

Measurement	Methodology	Illustration
Building Coverage	The area of a lot occupied by the footprint of the principal and all accessory buildings, expressed as a ratio of the building footprint ("A") to lot area ("B").	

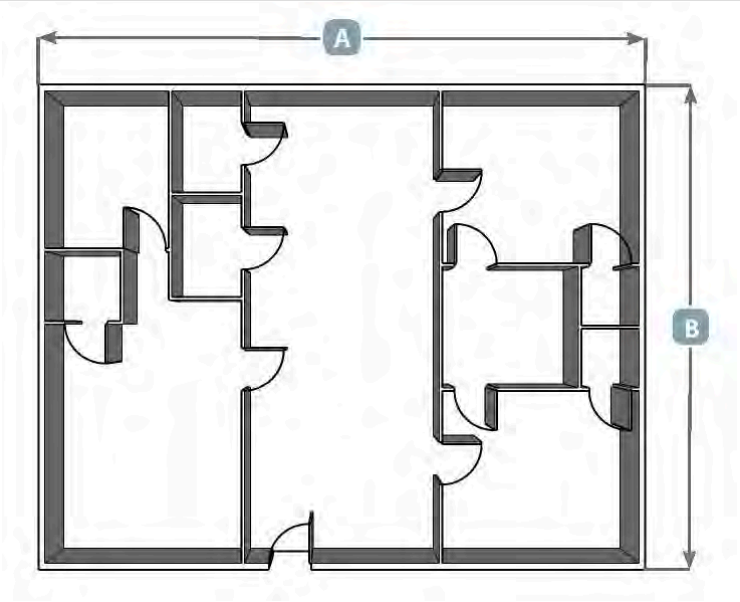
Table 21-11110-1, Measurements		
Measurement	**Methodology**	**Illustration**
Distance Between Uses and Buildings	*Uses:* The horizontal distance between properties occupied by the subject use, measured along the shortest line that can be drawn between property lines. *Buildings:* The horizontal distance between buildings, measured along the shortest line that can be drawn between the exterior walls.	
Gross Floor Area	The total area of all the floors of a building, including basements, intermediately floored tiers, mezzanines, etc., as measured from the exterior surfaces of the outside walls of the building, computed by the multiplication of the exterior dimensions of the building ("A") and ("B").	

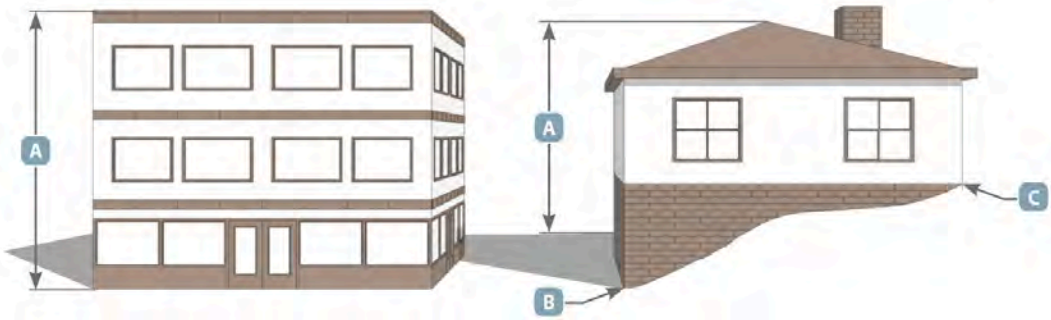
Table 21-11110-1, Measurements		
Measurement	**Methodology**	**Illustration**
Height	*Buildings:* The vertical distance from the grade level of that portion of a parcel covered by the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, or to the mid-point between the ridge and the eves of a gable, hip, or gambrel roof ("A"). Asymmetrical or dynamic roof forms shall be measured from the grade level to the highest point of the building, as measured with a flat roof.	
	Buildings on Sloped Lots: The height shall be measured as the vertical distance from the average ground level to the topmost point of the roof ("A"). The average ground level shall be determined by adding the lowest ("B") and highest ("C") points at the building wall and dividing by two.	
	Walls or Fences: The vertical distance between the ground immediately adjacent to the fence and the highest point of the fence ("A").	
Lot Area	The total horizontal area included within lot lines, computed by the multiplication of the width of the lot ("A") by its depth ("B").	

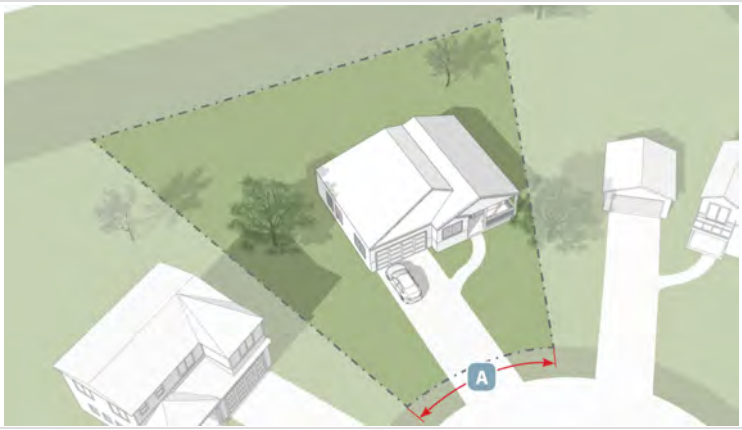
Table 21-11110-1, Measurements		
Measurement	**Methodology**	**Illustration**
Lot Coverage	The amount of impervious cover on a lot, including buildings, pavement, and rooftops, ("A" through "C") that prevents the infiltration of water into the soil.	
Lot Width	*Interior Parcels:* For an interior parcel, the horizontal distance ("A") between the side lot lines, measured at the front lot line. (See **Lot Area** diagram above.)	
	Cul-De-Sac Parcels: For a cul-de-sac parcel, the lot width is measured at the front lot line along an arc ("A") parallel to the right-of-way of such cul-de-sac.	

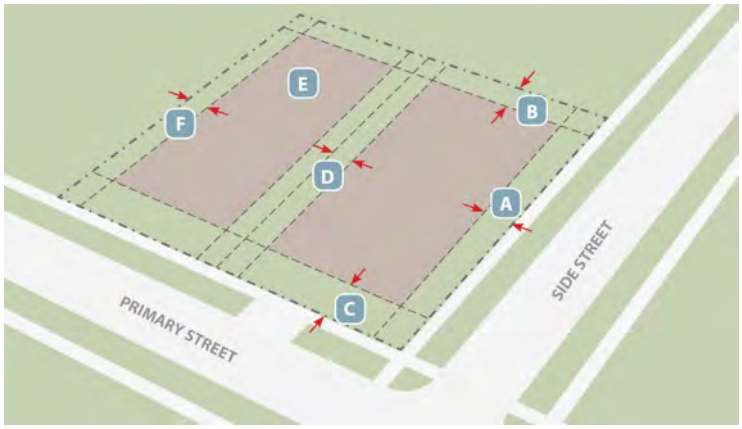
Table 21-11110-1, Measurements		
Measurement	**Methodology**	**Illustration**
Setback	The horizontal distance of a required private open area at grade between the outer wall of a building or structure (E) and the adjoining property lines, or, in the case of an abutting private street, the back-of-curb, unoccupied and unobstructed by any portion of a structure from the ground upward. The front (C) and side (F) setback lines span the entire width of the property. The interior side (D), corner side (A), and side street setback lines extend from the required front (C) setback line to the required rear (B) setback line.	

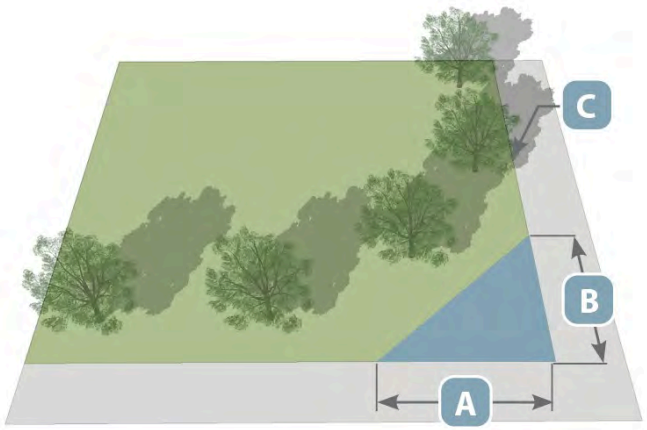
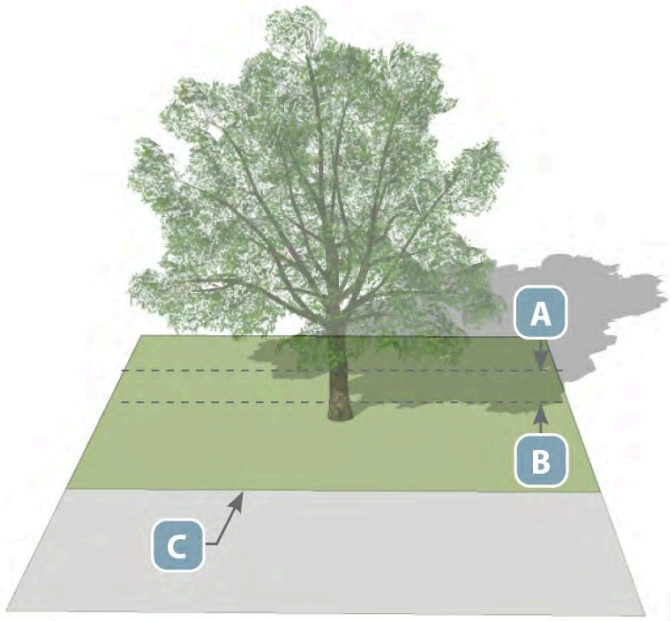
Table 21-11110-1, Measurements		
Measurement	**Methodology**	**Illustration**
	A triangular area that includes that portion of public right-of-way and any private property within a triangle formed by a diagonal line extending through points on the two lot lines 25 feet from the street corner intersection of the lot lines.	
Visibility Triangle (or Sight Triangle)	On a corner lot, the area that includes the two feet and eight feet above the center line grades of the intersecting streets, bounded by the intersection street lines and a line joining points along said street lines 20 feet from the point of their intersection. The vertical dimensions of this triangle are two feet to six and one-half feet above finished grade.	

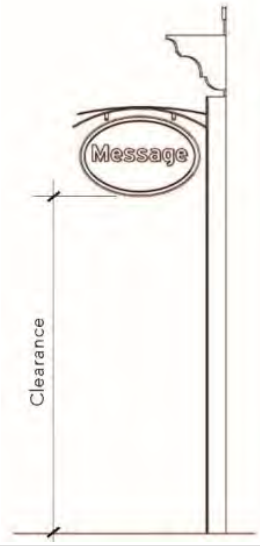
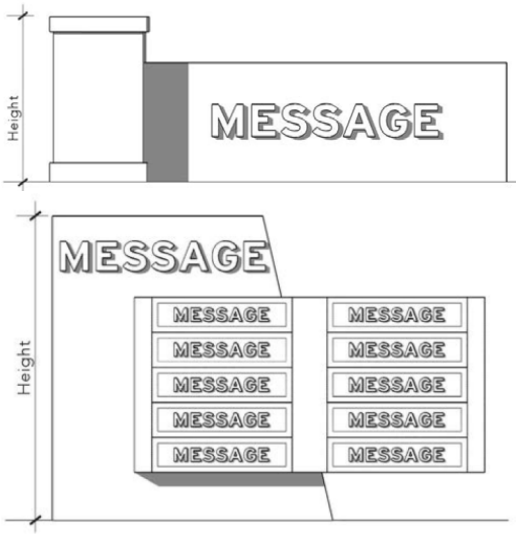
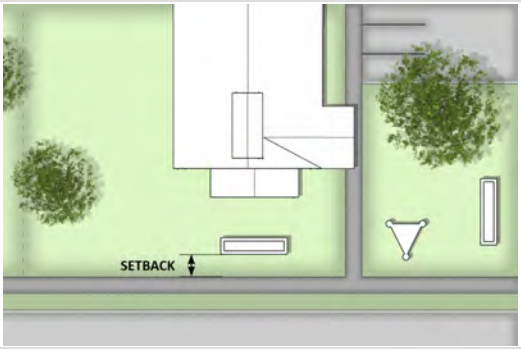
Table 21-11110-1, Measurements		
Measurement	**Methodology**	**Illustration**
Sign Area	*Can, Cabinet, or Frame Sign*: The area of any sign contained within a can, cabinet, or frame shall be determined by calculating the total area of the sign including the can, cabinet, or frame.	
	Individual Letter Sign: The area of any sign displaying individual letters on a background (façade, wall, divisional wall, awning, or canopy) shall be measured by encompassing all the letters in a rectangle or square.	
	Awning and Canopy Sign Measurement: The allowed signage of an awning and canopy sign shall be as a percentage of the area of the sign message compared to the background area of the awning or canopy.	
Sign Clearance	The shortest distance between the bottom of a sign and the grade below.	

Table 21-11110-1, Measurements		
Measurement	**Methodology**	**Illustration**
Sign Height	The distance between the topmost portion of the sign structure and the ground elevation at the base of the sign.	
Sign Setback	The distance from a property line or public right-of-way to the nearest portion of a sign structure.	

B. **Additional Sign Measurement Standards**.

1. *Bracing Not Included.* The structure or bracing of a sign shall not be included in calculating the sign area unless such structure or bracing is made part of the message or face of the sign.

2. *Multiple Sign Faces.* As depicted in Figure 21-11110-1, *Multiple Sign Faces*, all sides of a sign that are visible from any one vantage point shall be measured in determining the area of a sign, except that only one side of a sign shall be measured if the two sides are back-to-back or separated by an angle of 60 degrees or less. If the two sides are unequal in size, the larger side shall be measured. A back-to-back sign shall have parallel faces, separated by four feet or less.

3. *Illumination.* Neon bands or other outdoor building illumination, that do not identify or convey information, shall not be included in calculating the sign area.

4. *Architectural Treatments.* Architectural treatments that aid in integrating the signage with the building or surrounding architectural design are encouraged, but any such treatment shall not be created for the purpose of visually enlarging the size of the sign.

5. *Distinctive Surfacing.* If more than 25 percent of any wall structure of any nonresidential building or any accessory structure to a nonresidential use is painted, finished, or surfaced in a distinctive color scheme that includes some or all of the same colors, shapes, symbols, images, patterns, or textures used on any sign identifying an owner, tenant, or user of the building, and the City determines that such wall or roof surfaces serve as a sign for an owner, tenant, or user of the building, such wall or roof area shall be counted as wall signage and shall be subject to the limitations on wall signage area in Sec. 21-4710, *Permanent Sign Standards*.

Figure 21-11110-1, Multiple Sign Faces

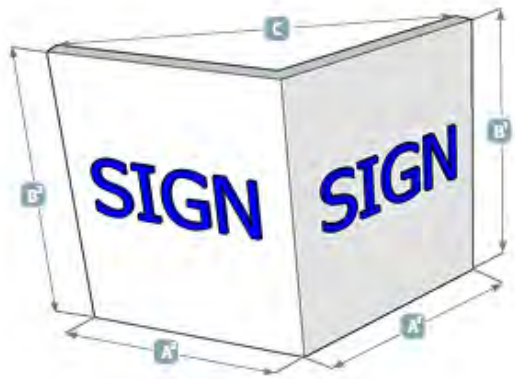
Sign Faces Separated by 60 Degrees or Less (Measured as a Single Sign Face)	Sign Faces Separated by More than 60 Degrees (Measured as Two Sign Faces)
	

Figure Notes:
A = Sign Width | B = Sign Height | C = Sign Face Angle

C. **Determination of Lot Lines**

1. *Determination of a Front Lot Line.* When a lot has multiple lot lines abutting a street right-of-way, the following standards shall apply to determine the front lot line.

   a. *General Rule.* The side that abuts the narrowest dimension of the lot or the highest classification street, whichever aligns more closely with the prevailing development pattern of the area, to promote consistent frontage.

   b. *Rule for Double Frontage Lots.* The side that provides primary access. If the side from which primary access is taken is unclear, then it is the side of the lot that abuts the highest classification street.

Sec. 21-11120. - Allowances

A. **Generally**. The provisions of this Section set forth special cases that warrant flexibility in the developmental standards in this LDC.

B. **Building Coverage.** The square footage of structures that house permitted agricultural uses, as established in Table 21-3150-1, *Agriculture Use Category,* does not count toward the maximum building coverage limitation.

C. **Height.**

1. *General*. Chimneys, cornices without windows, cupolas, domes not used for human occupancy, elevator penthouses, monuments, parapet walls, skylights, spires, steeples, theater scenery lofts, towers, ventilators, publicly-owned water tanks, and similar structures and necessary mechanical appurtenances covering not more than 25 percent of the roof area of the structure, may exceed the maximum permitted height in the district in which the site is located. In no case may the exclusions exceed 150 percent of the height of the principal building without approval of a Variance in accordance with Sec. 21-7300.

2. *Limited Height Restrictions.* Sports lighting facilities owned by or under the control of a governmental entity and utility poles and towers owned by a public utility and used for the transmission and distribution of electricity may be erected to any height in any zoning district, unless prohibited by airport height hazard zoning regulations.

D. **Front Setback**. Every part of a required front setback shall be open and unobstructed of structures from ground level of the graded lot to the sky, except as follows:

1. Bay windows projecting not more than three feet, and not within five feet of a lot line;

2. Chimneys projecting not more than three feet, and not within five feet of a lot line;

3. Steps four feet or less above grade, which are necessary for access to a permitted building or for access to a lot from a street or public way;

4. Awnings and canopies attached to a principal building and projecting not more than three feet, and located at least eight feet above adjoining walkways and driveways;

5. Open entrances, stoops, and porches, when not covered, may project not more than 10 feet from a principal building, but not more than 18 inches above grade;

6. Access ramps; and

7. Landscaping, fountains, sculptures, lighting fixtures, flagpoles and mailboxes, which are situated and constructed in compliance with all other provisions, provided it does not obstruct the view of traffic.

E. **Corner and Side Setbacks**.

1. *Reductions For Construction.* On platted lots that are 50 feet or less in width, the minimum corner setback may be reduced to not less than five feet, so that the width of the lot available for construction of the principal building is at least 30 feet.

2. *Exceptions.* Every part of a required side setback shall be open and unobstructed of structures from ground level of the graded lot to the sky, except as follows:

   a. Central air conditioning units, heat pumps and solar collecting equipment, extending not more than 10 feet from the principal structure;

   b. Balconies and chimneys not projecting more than three feet;

   c. Off-street parking spaces and loading areas;

   d. Open entrances, stoops, and porches, when not covered, may project not more than 10 feet from a principal building, but not more than 18 inches above grade;

   e. Awnings and canopies attached to a principal building and projecting not more than three feet from the side of the building, and located at least eight feet above adjoining walkways and driveways;

   f. Landscaping, fountains, sculptures, lighting fixtures, flagpoles and mailboxes, which are situated and constructed in compliance with all other ordinances, provided it does not obstruct the view of traffic; and

   g. The projections of roof eaves, not to exceed 30 inches, provided such projection shall be no closer than three feet to any side lot line.

F. **Lot Averaging**. Lot averaging is a design technique that allows flexibility by virtue of an average lot area per phase for a subdivision. The average lot area established in Article II, *Zoning Districts and Dimensional Standards,* may be averaged for each zoning district. In order to utilize lot averaging, all lots in the proposed subdivision shall meet the following criteria:

1. *Equal to or Greater*. The average lot area and average lot width of the proposed subdivision phase shall be equal to or greater than the average lot area required for the subdivision's zoning district in Table 21-2230-1, *Development Standards by Zoning District*.

2. *Greater than 90 Percent*. No lot shall have a lot area that is less than 90 percent of the lot area specified in Table 21-2230-1 (see Figure 21-11120-2, *Lot Averaging*).

Figure 21-11120-2, Lot Averaging

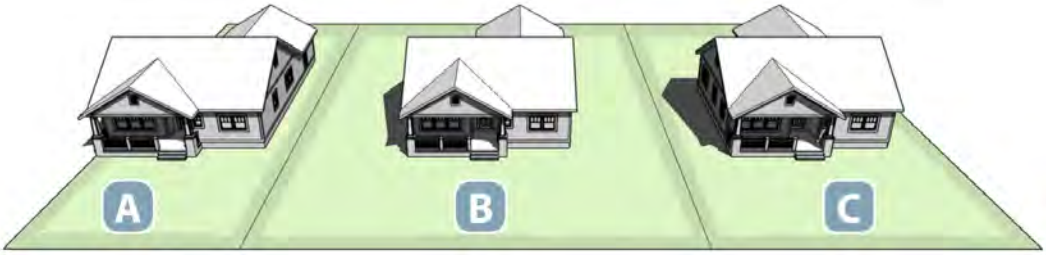


FIGURE NOTES:
A = Smaller Lot | B = Larger Lot | C = Average Lot

G. **Setback Averaging**. The front setback required for all districts in Division 2.2, *District Standards*, may be reduced subject to the following standards.

1. If 50 percent or more of the lots on the same side of the block (not counting the applicant's lot) are developed with buildings that are set back at distances that are less than the required front setback, the front setback of the applicant's lot may be reduced to the average front setback of all of the developed lots on the same side of the block (See Figure 21-11120-2, Setback Averaging).

2. If the applicant's lot takes vehicular access from the front, the driveway shall be a minimum of 20 feet long, measured from the property line to a building wall or garage door.

Figure 21-11120-2, Setback Averaging

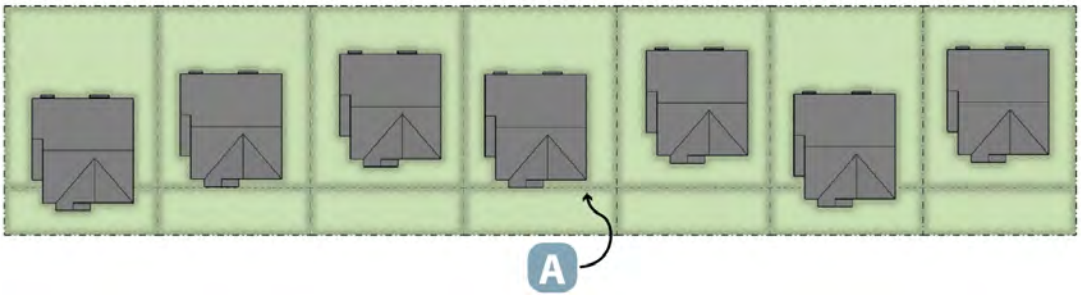


FIGURE NOTES:
A = Average Setback Line

Division 11.2: Definitions

Sec. 21-11200. - Definitions.

A

Above-Ground Storage Tank shall mean one or more devices, including any connected piping, designed to contain an accumulation of petroleum, of which the volume, including the volume of underground pipes, is 90 percent or more above the surface of the grade.

Access Easement shall mean an interest in land which allows one or more persons to travel across another person's land.

Accessory Building or Structure shall mean a subordinate structure located on the same lot with the principal building, occupied by or devoted to an accessory use. Accessory structures include, but are not limited to, storage sheds, garages, covered porches, large satellite dishes, and telecommunication antennas.

Accessory Dwelling Unit (ADU) shall mean a self-contained living unit located on the same parcel as a principal dwelling unit. Three types of ADUs exist - Attached, Contained, and Detached.

Accessory Parking Structure shall mean a permanent one-story structure that is open on one or more sides and is used for the temporary parking or storage of operable vehicles in conjunction with the primary use of the property.

Accessory Use shall mean a use, located on the same lot, naturally and normally incidental to, subordinate to, and devoted exclusively to the principal use of the premises.

Accounting Services shall mean services commonly and historically performed by accountants, including recording or summarizing financial transactions, bookkeeping, analyzing or verifying financial information, reporting financial results, financial planning or providing attest services, compilation services, tax services, or consulting services.

Across the Street shall mean lots that overlap each other when the side lot lines are extended across the street to the opposite lot. The same housing model used at the end of one block shall not be repeated on the first lot of the neighboring block.

Active Rights-of-Way shall mean rights-of-way currently being utilized or improved.

Acupuncture Clinic shall mean a facility where the public receives acupuncture treatment, which is a form of alternative medicine, and a component of traditional Chinese medicine (TCM)) in which thin needles are inserted into the body to cure disease or relieve pain.

Addition shall mean any activity that expands the enclosed footprint or increases the square footage of an existing structure.

Adjacent shall mean to physically touch or border upon, or to share a common property line or border. Adjacent shall include properties or uses that are separated by a street, sidewalk, or other publicly-dedicated right-of-way, canal, or railroad right-of-way.

Administrative Appeal shall mean an appeal alleging an error in a final order, requirement, decision, or determination made by the director in the administration or enforcement of this LDC.

Administrative Decisions or Applications are applications reviewed and approved administratively by the Community Development Director, Building Official, Floodplain Administrator, City Engineer, or the Development Review Team without the need for a public hearing.

Adult shall mean a person 18 years of age or older.

Adult Day Care Center shall mean a facility, whether non-profit or for-profit, that provides care, protection, and supervision for 6 or more adults on a regular basis away from their primary residence for less than 24 hours per day.

Adverse Impact shall mean a negative consequence affecting the physical, social, or economic environment resulting from an action or project.

Age-Restricted Retail shall mean a commercial establishment with more than 50 percent of its gross floor area or its receipts devoted to the sale of tobacco products, vapor products, alternative nicotine products, or marijuana or THC-infused food or drinks.

Agricultural and Animal Production Support, Sales, and Service shall mean an establishment engaged in the retail or wholesale sale from the premises of feed, grain, fertilizers, pesticides and similar goods and the sale and services of farm equipment.

Agriculture or Farm shall mean the use of land for agricultural purposes, including farming, dairying, floriculture, horticulture, pasturage, viticulture, grazing, animal and poultry husbandry, and the necessary accessory uses for packing, treating, storing, and shipping of farm products.

Agrivoltaic Farming shall mean the dual use of land for solar energy production and agriculture.

Airport shall mean any area of land or water designed and set aside for the landing and take-off of aircraft and utilized, or to be utilized, in the interest of the public for such purposes.

Alley shall mean a service roadway that provides a means of access abutting properties and that is not intended for general traffic circulation.

Alter or Alteration shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Amphitheater shall mean a semi-enclosed structure designed for the enactment of the performing arts or other entertainment uses that include entertainment related facilities and uses.

Amusement Park shall mean an outdoor entertainment facility that includes such activities as amusement rides (e.g., roller coasters), batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, and water slides. Amusement parks may also include indoor or outdoor areas with games, food service, and incidental retail uses (e.g., souvenir shops) that are subordinate to the principal outdoor entertainment uses.

Annexation shall mean the incorporation of a land area into the City with a resulting change in the City boundaries.

Antenna shall mean any structure or device used to retransmit or receive electromagnetic waves for the provision of services including, but not limited to, cellular, paging, personal communication services, and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave and satellite dishes, and omnidirectional antennas, such as whips. Except where the context clearly indicates otherwise, this term shall not include broadcast antennas, antennas designed for amateur radio use, or satellite dishes designed for residential or household purposes.

Antenna, Dish shall mean dish (parabolic or cylindrical) antennas used for microwave and satellite transmission and reception for commercial purposes. This definition shall not apply to wireless cable satellite dish antennas or dish antennas less than one meter in diameter or measured diagonally.

Antenna, Panel shall mean an array of antennas, rectangular in shape, used to transmit and receive telecommunication signals.

Antenna, Whip shall mean a single antenna that is cylindrical in shape and omnidirectional.

Applicant shall mean any person or entity who has or plans to submit an application of a permit approved pursuant to this LDC. If the applicant is not a natural person the term shall include all persons who are members, managers, officers, directors, or other natural persons who hold the authority within the entity to authorize the application for a permit approved pursuant to this LDC.

Appraisal Service shall mean a business that performs a complete and detailed analysis of a property to determine its market value and provides clients with an appraisal review.

Approved Plant List and Landscaping Specifications Document shall mean that document containing certain information and requirements pertaining to landscaping in the City.

Appurtenances shall mean transformers, switching boxes, gas regulator stations, terminal boxes, meter cabinets, pedestals, ducts, substations, system amplifiers, power supplies, optical nodes, pump stations, valves and valve housings, and other devices necessary to the function of underground electric, communications, cable television wiring, coaxial, fiber optic, water, sewer, natural gas, other utility lines, and street lighting circuits.

Architectural Appendage shall mean appendages such as fireplaces, roof overhangs, balconies, cornices, and bay or box windows that are attached to principal or accessory structures.

Area of Shallow Flooding shall mean a designated AO, AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of State Interest shall mean an area within which a county or municipality can designate, as enabled by C.R.S. § 24-65.1-101, certain activities and establish certain standards for the regulation thereof. Said activities may be regulated by permit and include natural hazard areas, key facilities (e.g., airports, highway interchanges, etc.), and mineral resource areas.

Arterial Street shall mean a public right-of-way used to carry high traffic volume typically for travel between areas within and outside the City. A right-of-way typically is 120 feet to 150 feet in width.

Artificial Turf shall mean a partial or entirely synthetic material designed and manufactured to simulate living turf grass as provided in the City's Approved Plant List and Landscaping Specifications.

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.

Asphalt Mixing Plant shall mean an industrial establishment or plant where gravel or sand are combined with a mixture or bitumens to create a substance for paving, roofing, and waterproofing.

Assembly, Meeting, Event, or Exhibition Hall shall mean an establishment where people assemble for civic, educational, religious, philosophical, or cultural purposes.

Assisted Living Facility shall mean a state-licensed group living facility regulated as a personal care boarding home, as defined in C.R.S § 25-27-101. Such facilities do not offer diagnosed medical or psychological treatment under professional medical supervision, but may offer (1) physical therapy; (2) occasional medical or nursing care to address non-chronic and non-recurring conditions such as colds, flu, or household injuries; and (3) assistance with routine living activities not aimed at recovery from a specific diagnosed condition.

Attached ADU shall mean an ADU that shares no less than eight feet of at least one common wall with the principal dwelling unit and is not fully contained within the existing space of the principal dwelling unit.

Axe-Throwing Lounge shall mean an indoor space designed to allow people to throw axes or hatchets at wooden targets.

Auction shall mean a place where objects of art, furniture, or other goods are offered for sale to persons who bid on an object in competition with each other. For an auction to be classified as an indoor auction, all auction activities shall occur within an enclosed building, including storage and processing of items to be auctioned.

Auditorium or Stadium shall mean an open, partially enclosed, or fully enclosed facility used or intended to be used primarily for spectator sports, entertainment events, expositions and other public gatherings. Typical uses include convention and exhibition halls, sports arenas, and amphitheaters.

Automobile Sales and Rental shall mean a specific type of vehicle and equipment use or an establishment arranged, designed, or used for the display, sale, leasing, or rental of any new or used motor vehicle in operable condition.

Awning shall mean a shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. An awning is distinguished from a marquee in that a marquee is covered with rigid material. An awning is distinguished from a canopy in that an awning is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

B

Bail Bond Office shall mean a business whose primary purpose is to act as a surety to secure the presence of an accused person at a court proceeding in a criminal manner.

Bakery, Retail shall mean a structure, room, or place used for making, preparing, or baking, bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni, spaghetti, or tortillas to be sold on-premises at retail and consumed on or off premises.

Bakery, Wholesale shall mean a structure, room, or place used for making, preparing, or baking, bread, biscuits, pastry, cakes, doughnuts, crullers, noodles, macaroni, spaghetti, or tortillas to be sold on or off-premises at wholesale and consumed off premises.

Bank, Credit Union, or Financial Institution shall mean any state-chartered class of business that provides financial services and the transmission of funds, such as commercial banks, credit unions, and real estate lending institutions. This use may or may not include drive-through facilities and services.

Banner shall mean a sign made of fabric or other non-rigid material with no enclosing framework.

Bar, Tavern, or Lounge shall mean an eating and drinking establishment providing or dispensing, by the drink for on-site consumption, fermented malt beverages, and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches and light snacks is secondary (also known as a tavern). A bar/tavern may include provision of live entertainment and/or dancing; however, a bar/tavern shall not include any adult business use.

Base Flood shall mean a flood having a one percent chance of being equaled or exceeded in any given year (also known as the 100-year flood).

Basement shall mean an area below the first floor, having part, but no more than 1/2 of its height above-grade, and with a floor to ceiling height of not less than seven feet. This term shall not include garden level.

Batch Plant shall mean cement, concrete, and asphalt mixing areas conducted at construction sites.

Bed and Breakfast shall mean an owner-occupied single-unit dwelling where up to a maximum of five rooms may be rented for overnight lodging. The five lodging rooms may be in addition to bedrooms used by the residents.

Berm shall mean in the context of landscaping or buffering requirements, a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible land uses.

Best Management Practices (BMPs) shall mean physical, structural or managerial practices that, when used individually or in combination, prevent or reduce pollution or stormwater runoff. As they relate to Oil and Gas Operations, BMPs are technologies and practices listed in the City's adopted Best Management Practices for Oil and Gas Facilities, also known as the BMP Document. BMPs are designed to prevent or reduce impacts caused by Oil and Gas Operations to air, water, soil, or biological resources, and to minimize adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

Bingo Hall shall mean a facility used exclusively or primarily for conducting bingo and other similar games that are open to the public.

Blank Wall shall mean a wall without windows, doors, articulation, or other detail added to provide visual interest.

Block shall mean a tract of land bounded by streets, or by a combination of streets and railroad rights-of-way, shorelines, or boundary lines of municipalities.

Block Length shall mean the linear distance measured along a block face between two intersecting streets or other block boundary.

Blood or Plasma Center shall mean a facility for the donation or sale by individual donors of blood, blood plasma, and other blood products.

Blue Roof shall mean a roof of a building that is designed intentionally to detain stormwater that is then allowed to evaporate, to be gradually released over time into the storm sewer system, or used on-site.

Boarding, Lodging, or Rooming House shall mean a group living facility where meals, lodging, or both, are provided for compensation for five or more persons, but not more than eight persons, not including members of the owner's or proprietor's immediate family who might be residing in the same building. The word compensation shall include compensation in money, services, or anything of value. A boarding, lodging, or rooming house shall not include more than one person required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended.

Boiler Works shall mean a facility that houses and operates one or more closed vessels which are used to heat liquid usually water or to generate vapor or steam or any of such combination under pressure for external use by combustion of fossil fuels.

Borrow Pit shall mean any place or premises where dirt, soil, sand, gravel, or other material is removed below the grade of surrounding land, for any purpose other than that necessary and incidental to site grading or building construction.

Bowling Alley shall mean an establishment containing long narrow tracks used in bowling and similar games.

Boundary Line shall mean every separation, natural or artificial, which marks the confines or line of division of two contiguous parcels of land.

Brewery shall mean an establishment where malt liquors are manufactured and production exceeds 60,000 barrels of malt liquor per year, but shall not mean a "brewpub" or "microbrewery."

Brewpub shall mean an establishment that, as an accessory use to on-site food sales, produces no more than 5,000 barrels of handcrafted beer per year for on-site consumption. Such accessory use may occupy up to 30% of the gross floor area of the establishment.

Buffering shall mean methods such as extra deep lots, increased setbacks, landscaping, fencing, or berming to separate properties or uses that may have potential adverse impacts upon one another.

Build-to-Rent Development shall mean a professionally managed residential community comprised of multiple single-unit detached, duplex, townhouse, rowhouse, or multiplex buildings that are collectively located on a single platted lot and are presented for rent only.

Building shall mean any structure used or intended for supporting or sheltering any use or occupancy including persons, animals, chattels or property of any kind, and not including advertising sign boards or fences.

Building Elevation shall mean a projection of a building plane, including the roof, wall, and all architectural appendages.

Building form shall mean considered to be the style of the home, including ranch, tri-level or two-story structures.

Building Height. See section 21-11140.

Building mass shall mean the 3-dimensional size or outline of the structure that encloses its volume. This is determined by the height, width, and depth of the structure.

Building Official shall mean the official designated by the City as the official responsible for accepting, reviewing, approving, or rejecting plans and applications for building and occupancy permits, and for the interpretation and

enforcement of codes and regulations related to such applications and permits.

Building Permit shall mean a written permit issued by the City that allows the permit holder to undertake construction of a project.

Building, Principal shall mean the building(s) housing the principal (primary or most important) uses permitted on the property upon which it is located.

Building Separation shall mean the horizontal distance from one building to another building located on the same or adjacent building site or lot, excluding architectural appendages.

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.

Bulk Storage of Explosive or Hazardous Materials shall mean a use engaged in storage or a manufacturing process that utilizes flammable, explosive, or hazardous materials.

Bulk Storage of Non-Hazardous Freight or Goods shall mean a use engaged in storing and securing goods such as household items, retail goods, and non-hazardous and non-flammable liquids or materials. Includes cold storage of goods requiring refrigeration.

Bus Equipment Maintenance, Repair, and Storage shall mean a structure used for the parking, storage, fueling, repair, maintenance, and washing of buses.

Bus Terminal shall mean a facility that serves as a point of arrival or departure for passengers of commercial busses, including any ticket sales areas, reception areas, bus parking and/or refueling areas, and accessory retail sales. Bus Passenger Terminals shall not include the storage, cleaning, or repair of busses.

Business Association shall mean a membership organization that works on behalf of and supports the business interests of its members.

C

Campground shall mean a facility that may be designed for temporary (usually one night) use by travel trailers, recreation vehicles, or tents. A campground with short-term accommodations shall limit the stay of guests to seven days and shall supply toilet and bathing facilities for the guests as essential characteristics.

Campground (Without Short-Term Accommodations) shall have the same meaning as a campground except that overnight lodging is not permitted.

Canopy shall mean a roof-like shelter projecting from a building wall and supported by posts or other devices beyond the building wall, typically constructed of non-rigid materials on a supporting framework. A canopy is distinguished from an awning in that an awning is cantilevered and supported by the building wall, whereas a canopy is supported away from the building wall.

Carnival or Circus shall mean a temporary amusement center, bazaar, or fair, either involving use of special purpose equipment or conducted by professional operators, or both, and where activities include such things as rides, exhibitions, food services, sales, or small-scale games.

Carport shall mean a one-story structure that is attached to a dwelling unit and entirely open on one or more sides that is used by the legal occupant of the dwelling unit for parking or storing operable vehicles.

Car Wash shall mean an establishment engaged in cleaning or detailing motor vehicles, whether self-service or automated.

Car Wash Fundraiser shall mean an event where cars are washed for free in exchange for a charitable donation.

Catering Service/Facility shall mean an establishment providing the processing, assembly and packaging of food into servings typically designed for consumption off-premises. These facilities may include commercial or on-site kitchens and may be used in an accessory manner for teaching, instructing, or other related indoor activities that utilize the onsite catering service

Cemetery, Mausoleum, Columbarium, or Memorial Park shall mean land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. A cemetery may include a funeral home, mortuary, or a columbarium, but shall not include a crematory.

Centerline shall mean a line painted or marked upon a roadway for the purpose of separating opposing traffic or, where not painted or marked, an imaginary line an equal distance between the opposite curb lines or lateral lines of a roadway.

Centralized Exploration and Production (E&P) Waste Management Facility shall mean a facility, other than a commercial disposal facility regulated by the Colorado Department of Public Health and Environment, that is either used exclusively by one owner or operator or is jointly used by more than one operator under an operating agreement for collection, treatment, temporary storage, and/or disposal produced water, drilling fluids, completion fluids, and any other E&P wastes as defined by the ECMC Rules. This definition includes oil-field naturally occurring radioactive materials (NORM) related storage, decontamination, treatment, or disposal. This definition excludes a facility that is permitted in accordance with ECMC Rules.

Certificate of Occupancy shall mean a certificate issued by the City after final inspection, when it is found that the building, structure, and/or development complies with all requirements and all provisions of the applicable city building code and approved plans.

Chain Link Fence shall mean a fence composed of wire mesh, typically forming woven squares approximately two inches in width.

Charitable Collection Device shall mean a roll-off container, semi-trailer, nonpermanent drop-off container, or similar device used for the collection of donated items.

Charter shall mean the City's home rule charter.

Child shall mean a person less than 18 years of age.

Child Care Center shall mean a facility, by whatever name known, which is maintained for the whole or part of a day for the care of 7 or more children under the age of 18 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.

Child Care Facility shall mean child care centers and day care homes, as defined herein.

Chiropractor shall mean a practitioner of the system of integrative medicine based on the diagnosis and manipulative treatment of misalignments of the joints who is licensed by the State of Colorado.

Church. See Religious Institution.

Clean Water Act shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251, et seq.) and any subsequent amendments thereto.

Clearing shall mean any activity that removes vegetative surface cover.

Clock Tower shall mean a free-standing structure displaying the time on one or more sides of the structure.

Club or Lodge shall mean a voluntary association of persons organized for cultural, recreational, fraternal, civic, charitable, or similar purposes but not including an organization engaged primarily in a service or activity customarily conducted as a business.

Cluster shall mean multiple dwelling units on one lot.

Coke Oven shall mean an oven for the conversion of coal into coke by heating the coal in the absence of air so as to distill the volatile ingredients.

Collections Service or Agency shall mean any person or company hired to collect or attempt to collect debts due or asserted to be due to another person.

Collector Street shall mean a street which has the primary function of providing for the distribution of traffic within neighborhoods and which carries through traffic and provides access to abutting property. A collector street is also a through street.

Column/Pillar shall mean an architectural support of definite proportions, usually cylindrical in shape, with shaft, capital, and sometimes a base. May be free-standing or attached to a wall or fence.

Co-location shall mean the placement of two or more commercial mobile radio service facilities by different cellular service providers on the same monopole or existing building or other structure of the same parcel of property.

Colorado Discharge Permit System (CDPS) shall mean a permit issued by the state of Colorado that authorizes the discharge of pollutants to water of the state or United States, whether the permit is applicable on an individual, group, or

general area-wide basis.

Combustible Liquid shall mean any liquid having a flash point at or above 140° F., and below 200° F., and shall be known as Class III liquids.

Commercial, Drive-Through shall mean establishments providing retail sales, prepared food or beverage service, or personal services, where the facility or a portion of the facility is designed to allow customers to receive goods, services, or complete transactions while remaining in a motor vehicle. Typical uses include fast-food and quick-service restaurants, coffee shops, beverage stands, ice cream shops, dry cleaning pick-up stations, pharmacies, photo processing, and other similar establishments with drive-through or pick-up windows.

Commercial Disposal Well Facility shall mean a facility whose primary objective is disposal of Class II waste from a third party for financial profit.

Commercial Mobile Radio Service Facility or CMRS shall mean a low-power, micro-cell, microwave, or repeater transmission facility, including, but not limited to, freestanding towers, panels, or whip antennas, and accessory buildings and equipment, which are capable of protecting and enabling the operation of the telecommunication facility to receive, switch, or transmit wireless telecommunications.

Commercial Mobile Radio Service Facility, Building Wall shall mean a commercial mobile radio service facility that is supported entirely on the wall of a legally existing building or structure, as defined, which may include a cabinet or structure accessory to a commercial mobile radio service facility, which may be on the ground.

Commercial Mobile Radio Service Facility, Free-standing shall mean a commercial mobile radio service facility that consists of a stand-alone support structure, antennas, and accessory equipment.

Commercial Mobile Radio Service Facility, Roof Mounted shall mean a facility that is supported entirely on the roof of a legally existing building or structure, as defined, which may include a cabinet or structure accessory to a commercial mobile radio service facility, which may be located on the ground or on the roof.

Commercial Use shall mean an activity involving the sale of goods or services carried out for profit, including office, retail, service business, and other similar development.

Commodity shall mean goods, wares and merchandise of any kind, movables, and articles of trade or commerce. Commodity shall also mean things that are bought and sold.

Communication Long Distance Trunk (Feeder) Line shall mean a low-voltage wiring, cable conduit, coaxial conduit, or fiber optic line carrying voice communications and/or data and shall be classified by definition as a distribution line.

Community Center shall mean a public building used as a place of meeting, recreation, or social activity and not operated for profit. A community center may be operated by a public or private entity.

Community Garden shall mean a use in which land is managed by a public or nonprofit organization or group of individuals used to grow plants and harvest food or ornamental crops for donation or for use by those cultivating the land. Community gardens may be organized by the operating agency or group into individual areas for cultivation by one or more persons or may be farmed collectively by members of the group and may include common areas maintained and used by group members.

Compatible or Compatibility shall mean that the characteristics of different uses, activities, or designs allowing them to be located near or adjacent to each other in harmony. Some elements affecting compatibility include height, scale, mass, and bulk of structures. Other characteristics include pedestrian or vehicular traffic, circulation, access and parking impacts. Other important characteristics that affect compatibility are color and texture of exterior finishes, landscaping, lighting, noise, odor, building materials, and building architecture. Compatibility does not mean the same as. Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

Completions shall mean, as it relates to Oil and Gas Operations, an oil well shall be considered completed when the first new oil is produced through well head equipment into lease tanks from the ultimate producing interval after the production string has been run. A Gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging and abandonment are complied with as set out in the ECMC rules. Any well not previously defined as an Oil or Gas Well, shall be considered completed 90 days after reaching total depth. If approved by the ECMC Director, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

Composting shall mean a process by which compost is manufactured through the controlled aerobic, biological decomposition of biodegradable materials. Compost is defined as recycled organic material.

Comprehensive Plan shall mean the master plan for the City, as adopted and amended by the City Council, to provide long-range development policies for the City.

Comprehensive Plan Amendment, Minor shall mean minor text changes and corrections that do not impact the substantive portions of the Land Use Plan's mixture or balance and involve properties that are less than 8 acres in size. Any change mandated by initiatives or state law shall utilize the minor amendment process.

Compressed Gas shall mean any mixture of material having in the container either an absolute pressure exceeding 40 pounds per square inch at 70° F., or an absolute pressure exceeding 104 pounds per square inch at 130° F., or any liquid flammable material having a vapor pressure as defined in the City's fire code exceeding 40 pounds per square inch at 100° F.

Computer Service shall mean a business that provides diagnostic, troubleshooting, maintenance, and repair services for personal computers and IT systems.

Concealed Lighting shall mean an artificial light source intended to illuminate the face of a sign, which may be internally lighted or which is shielded from public view and surrounding properties from which the sign is visible.

Concrete Batching Plant shall mean an industrial establishment or plant where a material made from sand, pebbles, and/or crushed stone is held together by a mass of cement or mortar.

Conditional Use shall mean a use not otherwise provided for, but which may be permitted upon showing that such use fits with the City's comprehensive plan, is essential or desirable to the community, and will not have a significant adverse impact on surrounding uses or on the community at-large. Conditional uses are authorized by the City Council after review by the Planning Commission.

Condominium shall mean a building, or group of buildings, in which dwelling units, offices, or floor area are designated for separate ownership, and the remainder of the structure, land area, and facilities are commonly owned by all the unit owners on a proportional, undivided basis.

Construction Office or Trailer shall mean a mobile trailer or any temporary structure used by a construction contractor as its office or headquarters during construction of a development or structure.

Contained ADU shall mean an ADU that is fully contained within the existing space of the principal dwelling unit.

Contractor's Shop shall mean an establishment that provides a trade service including, but not limited to, plumbing, carpentry, glass/glazing, welding, sheet metal, electrical, and roofing services.

Convenience Store shall mean a general retail store that sells goods and services and that may include the sale of ready-to-eat food products (not generally intended for on-premises consumption), gasoline, groceries, sundries, and 3.2 beer.

Correctional Facility shall mean a federal, state, county, municipal, or privately owned facility that houses individuals confined for violations of law. Examples include prisons, jails, work release facilities, and juvenile detention centers.

Courier Service shall mean an establishment primarily engaged in the delivery of individually addressed letters, parcels, and packages that generally weigh less than 100 pounds.

Construction Documents shall mean any document in support of a grading permit or development infrastructure permit including but not limited to construction plans, survey, stormwater management plan, erosion and sediment control plan, traffic report (or compliance letter), drainage report (or compliance letter), or geotechnical report.

Consumer and Mercantile Credit Reporting Service, also known as a credit bureau or consumer reporting agency, shall mean a company that compiles and sells consumer credit ratings and reports to consumers and businesses.

Convention Center shall mean a facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

Country Club shall mean an area containing recreational facilities such as a golf course, swimming pool, dining room, bar, tennis court, and clubhouse that is available to members.

Court Development means a residential development type characterized by a cluster of four to thirteen detached or attached residential buildings organized around a central, shared open or amenity space. Court developments emphasize pedestrian orientation, internal community interaction, and efficient site design. Buildings are oriented with front entrances facing the shared open space, while off-street parking is accommodated in rear alleys or shared areas to preserve the quality and accessibility of the central space.

Crematory shall mean a service establishment containing properly installed, certified apparatus intended for, or used for, the act of cremation.

Criteria Manual shall mean the Storm Drainage Design and Technical Criteria Manual.

Critical Facility shall mean a structure or related infrastructure, but not the land on which it is situated, as specified in Rule 6 of the State of Colorado, Department of Natural Resources, Colorado Water Conservation Board document entitled "Rules and Regulations for Regulatory Floodplains in Colorado," dated November 17, 2010 and as may be amended from time to time, that if flooded may result in significant hazards to public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood. Generally, critical facilities are those that shelter essential services, hazardous materials, and at-risk populations. If it is unclear whether or not a facility falls within the context of Rule 6, the Floodplain Administrator shall have the sole authority to make such determination.

Critical Root Zone shall mean the ground area around a tree trunk determined by a radius of one foot for each one inch of trunk diameter at breast height.

Crosswalk shall mean that portion of a roadway included within the prolongation or connection of the lateral lines of sidewalks at intersections or any portion of a roadway distinctly indicated for pedestrian crossing by lines or other marking on the surface.

C.R.S. shall mean the Colorado Revised Statutes, as may be amended from time to time.

Cul-de-sac shall mean a street having one end open to traffic and being terminated at the other end by a vehicular turnaround.

Cumulative Impacts shall mean the effects of an action that are added to or interact with other effects in a particular place and within a particular time. Cumulative impacts takes into account all disturbances since cumulative impacts result in the compounding of the effects of all actions over time. The cumulative impacts of an action can be viewed as the total effects on a resource, ecosystem, or human community of that action and all other activities affecting that resource.

Curb Cut shall mean a street curb depression intended to provide vehicular ingress and egress to a property.

D

Dance Hall or Club shall mean an establishment open to the public for entertainment, particularly dancing, which may also serve food or beverages (alcoholic and non-alcoholic) as an accessory use.

Data Center means a facility used primarily for the storage, management, processing, and dissemination of data. Data centers typically house computer servers and related equipment, and may include support areas such as network operation centers, cooling and ventilation systems, backup power supplies, and security systems. Data centers do not typically include office uses beyond what is necessary for administration and facility support, and do not generally provide direct customer service or retail functions.

Day Labor Facility shall mean any facility at which job seekers wait on site to be hired by the day or by short-term job by third parties. Job seekers generally must be present to obtain work, are often immediately transported to a job site, and typically return to the facility for payment. Related support services may be offered to job seekers while they wait on site.

Dead-End Street shall mean a street having no exit or turn-around within a right-of-way.

Decision-Making Body shall refer generally to the body or person with final approval authority for the application or permit in question.

Department shall mean the department of the City charged with the responsibility of interpreting and applying this LDC.

Designated Agent shall mean the designated representative of any oil and gas well operator.

Detached ADU shall mean an ADU that does not share a common wall with the principal dwelling unit and is not a contained ADU.

Detective Service shall mean a business that employs private detectives and investigators to search for information about legal, financial, and personal matters.

Developer shall mean any person who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, or sale of a subdivision or development.

Development shall mean any manmade change to improved or unimproved real estate including, but not limited to the construction, reconstruction, conversion, or enlargement of any structure; any change in use or platting of a property,

building or structure; and any mining, dredging, filling, grading, paving, excavation, or drilling operation or storage of equipment or materials.

Development Agreement shall mean any contract(s) between a developer and the City in connection with any development approval, including without limitation rezoning, subdivision, or PUD approval. Development Agreements may include provisions clarifying the phasing of construction, the timing, location, and financing of infrastructure, reimbursement for oversized infrastructure, assurances that adequate public facilities (including roads, water, sewer, fire protection, and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public.

Development Plan shall mean a plan, together with written materials, showing the character and layout of the lot or lots including the exact location, square footage, and dimensions of buildings, yards, courts, parking, fences, common open space and other features; the use of each building and area; the architectural elevations of buildings indicating height, materials, and color; detailed landscape plan; streets, curb cuts, and alleys; utilities, drainage, and other easements.

Development Review Body shall mean elected and appointed bodies and administrative officials who review and make recommendations on land use applications.

Development Review Team (DRT) shall mean representatives from the City and other officials, consultants, or agencies that review and make recommendations on land use applications.

Director shall mean the head of the department which is charged with the responsibility of interpreting and applying the terms of this LDC.

Distillery shall mean a facility that manufactures alcoholic beverages by the distillation of fermented agricultural products, and including but not limited to whiskey, rum, brandy, and gin, including all dilutions and mixtures thereof.

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.

Distribution Line shall mean the communications, cable television wiring, coaxial, fiber optic, water, sewer, natural gas or other utility line connections, excepting electrical systems, between the provider's generation facility and the service lateral.

Dog Park shall mean a recreational feature primarily intended for the exercise of pets.

Dog Track shall mean an establishment where live dogs are raced or live broadcasts of dog races are televised. Typically, bets are placed and paid out within the establishment.

Doggie Day Care Center shall mean an establishment in which one or more persons regularly provide supervised care during daytime hours for periods of less than 24 hours a day for one or more dogs which they do not own.

Drilling and Spacing Unit shall mean the section(s) of land encompassing a particular area for the subsurface extraction of oil and gas resources that may be targeted by one or more oil and gas wells, as approved by ECMC order or statute.

Drainage Way shall mean any channel that conveys surface water runoff throughout the site.

Drive-Up Facility (also known as *Drive-In* or *Drive-Through Facilities*) shall mean an establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway shall mean a paved or unpaved area used for the ingress and/or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Driveway, Shared shall mean a single driveway serving two or more adjoining lots or uses.

DRT. See Development Review Team.

Drug, Alcohol, or Psychiatric Treatment Facility, Outpatient shall mean any building, structure, or space whose principal or primary function is the reception and outpatient treatment of psychiatric disorders, chemical dependency, or dependency for adults or their minor children. Such treatment may include the distribution of synthetic narcotics or any other method attempts to control, suppress, and/or eliminate a person’s mental or physical dependence on any illegal or harmful substance.

Dry Cleaning Plant shall mean an industrial establishment for the purpose of cleaning garments and fabrics with any of a variety of non-aqueous agents.

Dwelling shall mean any building or portion thereof which is used exclusively for residential occupancy of one or more persons, but not including lodging establishments, clubs, hospitals, recreational vehicles, trailers, or other structures designed or used primarily for temporary occupancy. In no event shall any campground or vehicle be considered a dwelling for purposes of this LDC.

Dwelling, Accessory shall mean a second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision within the accessory dwelling for cooking, eating, sanitation, and sleeping.

Dwelling, Duplex Side-by-Side shall mean a residential building on a single lot containing two separate dwelling units within a single structure that are next to one another and separated by a fire-rated wall.

Dwelling, Duplex Stacked shall mean a residential building on a single lot containing two separate dwelling units within a single structure that are arranged vertically, one on top of the other. Each unit has its own separate entrance.

Dwelling, Multi-Unit shall mean a residential building containing three or more separate dwelling units within a single structure.

Dwelling, Single-Unit shall mean a residential building designed for and occupied by one household, containing a single dwelling unit within a detached structure located on its own lot.

Dwelling, Two-Story shall mean a home with two levels where the first floor is no lower than five feet below grade for not more than 50 percent of the perimeter of the home and the second level covers a minimum of 50 percent of the first floor.

Dwelling Unit shall mean one or more rooms connected together but structurally divided from all other rooms in the same structure and constituting a separate, independent housekeeping unit for permanent residential occupancy. Dwelling units comply with the Building Code and with Sec. 5-302, *Standards*, of the Commerce City Municipal Code.

E

Easement shall mean an interest in land owned by another person, consisting in the right to use or control the land, or an area above or below it, for a specific limited purpose.

Eaves shall mean the projecting lower edges of a roof overhanging the wall of a building.

Education and Scientific Research Office shall mean an office that employs professionals and support staff who undertake studies, testing, development, or experimentation. This use does not include the manufacture or sale of products.

Electrical Substation shall mean a portion of the electricity distribution system where voltage is transformed from high voltage to low voltage or from low voltage to high voltage.

Electrical Distribution Line shall mean an electrical line generally having a rated voltage of less than 26 kilovolts used to distribute electricity from the substation to the service lateral.

Electrical Generation Plant shall mean a facility where electrical power is generated for distribution.

Electrical Transmission Line shall mean an electrical transmission line generally having a rated voltage of 26 kilovolts or greater and used to distribute electricity to utility provider substations.

Elevation shall mean a fully dimensioned drawing of the front, rear, and sides of a building showing features such as windows, doors, and relationship of grade to floor level.

Eligibility Letter as it relates to Oil and Gas, shall mean a determination made by the Community Development Director as to whether a planned Oil and Gas Location meets the review criteria defined in 21-5266(5)(b)(iii), and is thus eligible to submit an Oil and Gas Permit for review by the City.

Emergency Medical Center shall mean a hospital room or area staffed and equipped for the reception and treatment of persons requiring immediate medical care.

Emergency Services, Police Station or Fire Station shall mean 1) a building or part of a building used by the police department for administrative offices and detention facilities and may include sleeping quarters, courtrooms, and such other rooms or spaces as may be required and/or 2) a building or part of a building used by the fire department for administrative offices and to store fire trucks, ambulances, and firefighting apparatus and may include sleeping quarters, kitchens, and other rooms and spaces as may be required.

Employment Service shall mean a staffing agency that recruits employees for businesses that are seeking to fill certain positions.

ECMC shall mean the Energy and Carbon Management Commission.

Engineering Service shall mean an office that employs professionals engaged in applying physical laws and principles of engineering in the design, development, and utilization of machines, materials, instruments, structures, processes, and systems.

Enhanced Foundation Plantings means a landscape treatment installed along the foundation of a building that exceeds basic planting requirements of Sec. 21-4410, *Site Landscaping*, by incorporating a layered, well-defined arrangement of plant materials that contributes to the building's aesthetic, pedestrian experience, and environmental performance.

Enhanced Parking Lot Landscaping means a form of parking lot landscaping that exceeds the minimum planting requirements of Sec. 21-4410, *Site Landscaping*, by incorporating functional, aesthetic, and pedestrian-friendly elements.

Enhanced Stormwater Management means stormwater management features that are designed to serve a dual function as usable open or amenity spaces while meeting the City's stormwater requirements.

Erosion and Sediment Control Plan shall mean a set of plans prepared by or under the direction of a licensed professional engineer indicating the specific measures and sequencing to be used to control sediment and erosion on a development site during and after construction.

Erosion Control shall mean any measure that prevents soil from wearing away.

Establishment shall mean a place of business, industry, retail, or professional office with its furnishings and staff.

Events Center shall mean a publicly or privately owned building devoted to assembly of people for social, professional, or recreational activities such as meetings, weddings, or conferences.

Existing Building or Improvement shall mean a building or improvement that exists or is under construction at the time the underlying property is initially zoned or rezoned.

Exploration and Production Waste (E&P Waste) shall mean those wastes associated with operations to locate or remove oil, gas or its byproducts from the ground or to remove impurities from such substances and which are uniquely associated with and intrinsic to oil and gas exploration, development, or production operations. For natural gas, primary field operations include those production-related activities at or near the well head and at the gas plant (regardless of whether or not the gas plant is at or near the wellhead) but prior to transport of the natural gas from the gas plant to market. In addition, uniquely associated wastes derived from the production stream along the gas plant feeder pipelines are considered E&P wastes, even if a change of custody in the natural gas has occurred between the wellhead and the gas plant. In addition, wastes uniquely associated with the operations to recover natural gas from underground storage fields are considered to be E&P Wastes.

Explosives shall mean:

(a) Substances determined to be Class A and Class B explosives as classified by the U.S. Department of Transportation;

(b) Nitrocarbonitrate substances (blasting agent) as classified by the U.S. Department of Transportation;

(c) Any material designated as an explosive by the state fire marshal; or

(d) Certain Class C explosives as designated by the U.S. Department of Transportation.

Express Freight Transportation shall mean a service provider is responsible for transporting goods from the point of origin to the destination within a short time period.

Extraction Agreement shall mean the agreement between the Operator and the City that is required by this Code.

F

Façade shall mean the exterior walls of a building.

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 years and unrelated to the care provider. For the purposes of this LDC, operation of a family child care home is considered to be an accessory use to a principal residential use.

Farmers' Market shall mean the seasonal offering for sale of fresh agricultural products directly to the consumer at an open-air market.

FCC shall mean the Federal Communications Commission.

Feed Milling shall mean a facility in which livestock feeds are prepared.

Feedlot shall mean a lot, pen enclosure, or building where cattle or other livestock are fed for warm-up or fattening purposes and that is secured by gates to prevent the livestock from movement to adjoining areas outside of the feedlot.

Fence shall mean a free standing structure resting on or partially buried in the ground and rising above ground level used for confinement, screening, or partition purposes.

Final Plat shall mean a map and supporting materials of certain described land prepared in accordance with subdivision regulations as an instrument for recording real estate interests with the county clerk and recorder.

Financial Advisor shall mean an office that employs professionals who provide expertise for clients' decisions around money matters, personal finances, and investments.

Financial Institution shall mean establishments like banks and credit unions that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This includes those institutions engaged in the on-site circulation of cash and check-cashing facilities, but shall not include bail bond brokers. This classification also includes automated teller machines (ATM) located within a fully enclosed space or building, or along an exterior building wall intended to serve walk-up customers only.

Firewood Sales and Storage shall mean a commercial establishment or area for the purpose of firewood sales, splitting, and storage.

Flag shall mean any fabric containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity.

Flammable Liquid shall mean any liquid having a flash point below 140° F., and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F. The provisions in this LDC shall also be applied to high flash point liquids that otherwise would be outside of its scope when they are so heated. Flammable liquid shall be divided into two classes of liquids as follows:

(a) Class I liquids shall include those having flash points below 100° F., and may be subdivided as follows:

  (i) Class I A: Flash points below 73° F., and having a boiling point below 100° F.;

  (ii) Class I B: Flash points below 73° F., and having a boiling point at or above 100° F.; or

  (iii) Class I C: Flash points at or above 73° F., and below 140° F.

(b) Class II: Flash points at or above 100° F. When artificially heated to temperatures equal to or higher than their flash points, Class II shall be subject to the applicable requirements for Class I.

Flammable Material shall mean any material that will readily ignite from common sources of heat or material that will ignite at a temperature of 600° F. or less.

Flammable Solid shall mean a solid substance other than one classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from the manufacturing or processing.

Flatwork shall mean a concrete place where a flat surface is created, such as a driveway, sidewalk, or as a slab, whether under a structure, such as a garage, house, or covered porch, or not covered at all.

Flea Market shall mean an occasional or periodic market held in an open area or structure where groups of individual sellers offer goods for sale to the public.

Flood or Flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters; or

(b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) shall mean the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the City.

Flood Insurance Study shall mean the official report provided by the Federal Emergency Management Agency. The report contains flood profiles, water surface elevation of the base flood, as well as the Flood Boundary-Floodway Map.

Floodplain or Flood-Prone Area shall mean any land area susceptible to being inundated by water from any source (see Flooding).

Floodplain Administrator shall mean the local administrative official who is responsible for administering and implementing the City's Flood Overlay District.

Floodplain Management shall mean the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain Management Regulations shall mean zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power that provide standards for the purpose of flood damage prevention and reduction.

Floodplain Overlay District (F-P) shall mean all special flood hazard areas as defined by a Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM), FEMA Letter of Map Amendments (LOMA), FEMA Letter of Map Revisions (LOMR), Flood Boundary-Floodway Maps (FBFM), or Mile High Flood District (MHFD) Flood Hazard Area Delineation (FHAD) studies approved by the city and within the city boundaries, and are hereby adopted by reference and declared to be a part of this Code. These special flood hazard areas identified by the above are the minimum area of applicability of this article and may be supplemented by studies designated and approved by the city. These special flood hazard areas identified by FIRM, FBFM, LOMA, LOMR, FIS, FHAD, and attendant mapping are the minimum area of applicability of this article and may be supplemented by best available data designated and approved by the City.

Floodplain Permit shall mean a permit issued by the City to allow any change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located on property within a designated floodplain.

Flood Proofing shall mean any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, and structures and their contents.

Flood Profile shall mean a graph or longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood Protection Elevation shall mean an elevation 1 foot above the elevation of flood profile of the 100-year flood under existing channel and floodplain conditions.

Floodway (Regulatory Floodway) shall mean the channel of a river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe shall mean the area of the floodplain that lies outside of the floodway and could be completely obstructed without increasing the water surface elevation of the 100-year flood more than 1 foot at any point.

Flowlines shall mean, as it relates to Oil and Gas Operations, those segments of pipe from the wellhead downstream through the production facilities ending at: in the case of gas lines, the gas metering equipment; or in the case of oil lines the oil loading point or LACT unit; or in the case of water lines, the water loading point, the point of discharge to a pit, the injection wellhead, or the permitted surface water discharge point.

Footcandle shall mean a unit of measurement referring to an illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one-square foot.

Footprint shall mean the total area that is covered by a building's perimeter at ground level.

Foster Care Home shall mean a facility, as defined by C.R.S. § 26-6-102(4.3), as amended, that is properly licensed by the state of Colorado, Adams County, or any of its designees as a foster care home. The age of a child placed in a foster care home may not exceed 18 years, or in the case of a child placed in foster care by court order prior to his or her 18th birthday, 21 years.

Freight Hauling Service shall mean a business that transports goods, products, or raw materials from one place to another using trucks, ships, rail, vans, and similar methods. Such businesses typically provide logistical services for customers which involves the management and oversight of the movement of goods, products, or raw materials between transportation modes or at transfer sites.

Frontage shall mean the side(s) of a lot adjacent to a street.

Frontage Road shall mean a roadway located between a controlled access street or highway and adjacent property and that provides access to the street or highway. For purposes of these regulations, all frontage roads shall bear the classification of collector streets. All regulations pertaining to collector streets shall apply to frontage roads. Under these regulations, frontage roads are not considered to be a part of the cross-section or right-of-way of major arterial streets or expressways.

Fuel Sales shall mean a place where vehicular fuel, stored only in underground tanks, is offered for sale to the public or where charging stations are made available for the charging of vehicles outside of a parking area that provides charging stations as an amenity. Fuel Sales may also include a convenience store as an accessory use.

Functional Turf shall mean turf that is located in a recreational use area or other space that is regularly used for civic, community, or recreational purposes, which may include playgrounds; sports fields; picnic grounds; amphitheaters; portions of parks; and the playing areas of golf courses, such as driving ranges, chipping and putting greens, tee boxes, greens, fairways, and roughs. It also includes turf that is designated to be part of a water quality treatment solution that is not irrigated and does have herbicides applied.

Functionally Dependent Use shall mean a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water.

G

Gallery shall mean an establishment that displays and may sell art, but that does not derive more than 50 percent of its income from the display and sale of objects of art.

Garage shall mean a building or the portion of a building designed and intended for the parking or temporary storage of motorized vehicles.

Gas Generation Plant shall mean a plant at which natural gas is added to a gas turbine, along with air, which combusts and expands through the turbine causing a generator to spin a magnet, making electricity.

Gas Regulation Station shall mean a facility that includes multiple regulators that reduce gas pressure to the operating pressure appropriate for a downstream section of the gas delivery system.

Gas Storage Well shall mean any well drilled for the injection, withdrawal, production, observation, or monitoring of natural gas stored in underground formations. The fact that any such well is used incidentally for the production of native gas or the enhanced recovery of native hydrocarbons shall not affect its status as a gas storage well.

Gathering Line shall mean a pipeline and equipment described below that transports gas from a production facility (ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter) to a natural gas processing plant or transmission line or main. The term "gathering line" includes valves, metering equipment, communication equipment cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines, or main lines.

Golf Course or Golf Driving Range shall mean an outdoor area designed for playing the game of golf and improved with tees, greens, fairways, and hazards. A Golf Driving Range means an outdoor area equipped with distance markers, clubs, balls, and tees for practicing long distance golf drives.

Government Administration Office shall mean a facility focused on the provision of a public service that is public in nature and serves a wide range of needs and patrons. This definition includes but is not limited to, city hall, a court house, a driver's license facility, or a Social Security Administration office.

Grade (adjacent ground elevation) shall mean the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or when the property line is more than five feet from the building, between the building and a line five feet from the building.

GFA shall mean Gross Floor Area.

Grading shall mean excavation or fill of earth material, or any combination thereof, or any land disturbance.

Grading Permit shall mean a permit issued by the City for grading.

Green Completion shall mean those practices intended to reduce emissions from oil and gas production or completion operations, and from condensate vapors during cleanout and flowback operations prior to the well being placed on production and thereafter on any recompletions or reentries.

Greenhouse shall mean a structure whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants.

Groceries shall mean food products for home preparation and consumption, prepared food for on- or off-site consumption, and retail personal and household items, among many others.

Groundcover shall mean low-growing perennial and/or evergreen plants, other than turf-grass, which grow and spread in such a manner as to provide continuous plant coverage. Such plants are typically shorter than 18 inches, and may include herbs, ivies, ornamental grasses, perennials, spreading evergreens, succulents, vines, and wildflowers. Annuals, mulches, and stone are not considered groundcovers, nor are tree canopies.

Groundwater shall mean, as it relates to Oil and Gas Operations, subsurface waters in a zone of saturation.

Group Home shall mean a residence operated as a single use, licensed or operated by a governmental entity, where authorized supervisory personnel are present on the premises for the purpose of providing physical assistance and/or other supportive services to individuals needing special care or rehabilitation.

Group Home, Type A shall mean a group home serving no more than eight handicapped individuals. Type A group homes shall include, but are not limited to:

(a) *Group Home for Developmentally Disabled Persons* shall mean a state-licensed group home exclusively for the care of person with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Disabilities Services, and the Colorado Department of Public Health and Environment;

(b) *Group Home for Elderly Persons* shall mean a group home of persons 60 years of age or older who do not require medical attention associated with a residential health care facility. Group Homes for Elderly Persons shall be either: (1) licensed as a personal care boarding home or alternative care facility by the Colorado Department of Public Health and Environment; or (2) certified as an adult foster care facility by the Adams County Department of Social Services; or

(c) *Group Home for Mentally Ill Persons* shall mean a state-licensed group home exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Group Home, Type B shall mean a group home whose residents are not handicapped or protected under federal or state fair housing legislation. In addition, a Type B group home includes a Type A group home which houses more than eight residents, subject to the provision for reasonable accommodation set forth in section 21-5238.

Group Living Use Category shall mean the residential occupancy of a structure by a group of people that does not meet the definition of Household Living. Tenancy is usually arranged on a monthly or longer basis. Generally, Group Living structures have a common eating area for residents, and the residents may receive care or training. Caregivers may or may not reside on site.

Guard House shall mean a structure, located on a private road or on private property for the purpose of manually or electronically regulating and monitoring pedestrian and/or vehicular traffic into a development or neighborhood and promoting security within the development or neighborhood; provided however, a guardhouse shall include only those structures that are not designed or used for sleeping or living purposes.

Guest House shall mean an accessory dwelling attached or unattached to a principal dwelling, used to house guests of the occupants of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling.

Gun Club shall mean an establishment designed to provide target practice in the use of firearms under controlled conditions whether or not the use is conducted within an entirely enclosed soundproof building or outside of a building so that the public health and safety are protected. These establishments may also include the accessory sale of firearms, the sale of ammunition, the sale of associated equipment or supplies, and the sale of food to the patrons of the establishment.

Gymnastics, Dance Studio, or Martial Arts Facility shall mean any establishment primarily operated for the purpose of teaching gymnastics, dance, or a form or forms of self-defense, such as judo or karate.

H

Half-Street shall mean a proposed street with half the required right-of-way width for its functional classification, located on the bounding edge of a parcel proposed for development. The phrase "half street" does not include right-of-way dedication or infrastructure construction related to the improvement of existing streets.

Halfway House shall mean a building used as a detention or receiving facility for persons who are on probation or parole, or who are placed in the facility by reason of court order resulting from an offense committed or allegedly committed by the person.

Hazardous Materials shall mean those chemicals or substances, which are physical or health hazards as defined and classified in the fire and building codes adopted by the City. Hazardous materials categories include explosives and blasting agents, compressed gases, flammable and combustible liquids, flammable solids, organic peroxides, oxidizers, pyrophoric materials, unstable materials, water-reactive solids and liquids, cryogenic fluids, highly toxic and toxic materials, radioactive materials, corrosives, carcinogens, irritants, sensitizers and other health hazards.

Hazardous Waste Disposal Site shall mean such site for disposal of hazardous waste as defined by the C.R.S. § 25-15-200.3.

Health Club or Physical Fitness Services shall mean any person, firm, corporation, partnership, unincorporated association, or other business enterprise offering instruction, training or assistance or the facilities for the preservation, maintenance, encouragement or development of physical fitness or well being.

Heavy Industrial shall mean a commercial use engaged in the manufacturing, assembly, or processing of chemicals, metals, and animal products, the activities of which are likely to have characteristics that discourage adjacency to residential uses.

Highest Adjacent Grade shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic Structure shall mean any structure that is:

(a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

(d) Individually listed on a local inventory or historic places in communities with historic preservation programs that have been certified either:

    (i) By an approved state program as determined by the Secretary of the Interior; or

    (ii) Directly by the Secretary of the Interior in states without approved programs.

Home Occupation shall mean a business, profession, occupation, or trade that is conducted for gain as an accessory use within a dwelling unit by a resident of the dwelling.

Hoop House shall mean an unheated greenhouse, most commonly constructed with arches of plastic or metal.

Hospital shall mean any building or portion thereof used for the accommodation and medical care of sick, injured or infirm persons including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities and staff offices.

Hotel or Motel shall mean a building, a portion of a building, or a group of buildings used to provide sleeping accommodations for transients on a daily or weekly basis, whether such establishments are designated as a hotel, inn, hostel, motel, motor inn, motor lodge, or otherwise.

Household Living Use Category shall mean a residential use category characterized by the occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-containing dwelling units, including kitchens. A household consists of one or more individuals who live together in a dwelling unit, jointly occupying and

using the entire space while sharing responsibilities and activities such as meals, chores, rent, or other expenses. Household composition is self-determined and not subject to third-party approval. A household excludes any use that meets the definition of a Group Living Use. Primary and accessory uses included in this use category can be found in Division 3.1, *Use Categories*.

I

Identical Facade means a building façade that is substantially similar in design, appearance, and composition to another façade on the same or a nearby building. An identical façade typically includes repetition of the same architectural style, building mass, form, roof type, window and door placement, garage configuration, porch design, and exterior building materials, with minimal or no variation.

A façade shall be considered nonidentical if it incorporates meaningful variation in at least three of the following architectural features:

- Building mass
- Building form
- Roof type
- Windows and doors
- Garages
- Porches
- Exterior building materials

Identical or Nearly Identical Floor Plan shall mean that the layout, size, and function of the rooms are essentially the same.

Identical Street Elevation Design shall mean little or no variation in the articulation of the façade, height or width, or the façade, placement of the primary entrances, porches, number, and placement of windows, and other major architectural features. It does not mean similar colors, materials, or small details.

Illegal Use shall mean any use, whether of a building or other structure, or of a tract of land, in which a violation of any provision of this LDC has been committed or shall exist.

Impervious Surfaces shall mean those portions of a lot or parcel that are covered by principal and accessory buildings or structures, and by surfaces that prevent the passage or absorption of stormwater, such as paving and driveways.

Impound Yard shall mean use of any property for the temporary outdoor storage of towed vehicles by a towing service operator that are to be claimed by the titleholder or their age.

Improvements shall mean streets, curbs, gutters, drainage facilities, sidewalks, pedestrian walks, water mains, sanitary and storm sewers, underground gas lines, underground and overhead utility lines, telecommunication lines and facilities, street trees, ornamental street lights, and such other items as may be designated by the City.

Incinerator, Solid Waste shall mean a specific type of waste/salvage use in which an engineered apparatus is used to burn waste substances and in which all the combustion factors, temperature, retention time, turbulence and combustion air, can be controlled.

Industrial Activity shall mean an activity subject to Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).

Infill or Redevelopment shall mean an area of platted or unplatted land that, together with all adjacent vacant land in private ownership, includes no more than 20 acres of land, and where the land along at least 75 percent of the boundaries of the proposed development (ignoring intervening streets) has been developed.

Inert Material Disposal Site shall mean any placement in an excavation or on top of the ground of dirt, gravel, rock, asphalt, slag, brick, concrete, cinders and any other type of noncombustible materials in accordance with the regulations set forth in this LDC except for any such placement of materials approved by the department of community development for use in conjunction with a change in elevation for development of the site. Inert Material is defined in C.R.S. § 25-15-101(14).

Injection Well shall mean any Class II wells used for the exclusive purpose of injecting fluids or gas from the surface for enhanced oil recovery or the disposal of E&P Wastes.

Inoperable Vehicle shall mean a vehicle which is not awaiting disposition instructions as a result of a collision and: does not display current license plates from any state registered to the vehicle; is visibly damage, wrecked, dismantled, in serious disrepair, deteriorating (rusting/rotting), or missing major components; or is being salvaged, parted out, prepared for crushing, shredding or scraping. Notwithstanding the foregoing, neither special interest vehicles nor vehicles undergoing reasonably active restoration shall be considered an inoperable vehicle.

Invasive Species means plants that are not native to the state and that:

- are introduced into the state accidentally or intentionally;
- have no natural competitors or predators in the state because the state is outside of their competitors' or predators' range; and
- have harmful effects on the state's environment or economy or both.

J

Junk shall mean any discarded or scrap lumber, metals, materials, furniture, fixtures, appliances, motor vehicle parts or tires; wrecked, abandoned, demolished, dismantled or non-operable machinery and trailers; goods that are so worn or deteriorated as to make them unusable in their existing condition for the purpose intended when first made or assembled; and goods that are extracted, disassembled or removed in parts and left in a condition not capable of use for the purpose intended when first made or assembled.

Junk Yard shall mean a building, structure or parcel of land or portion thereof, used for the collecting, dismantling, storage, salvaging, demolition or sale of junk as defined in this LDC.

K

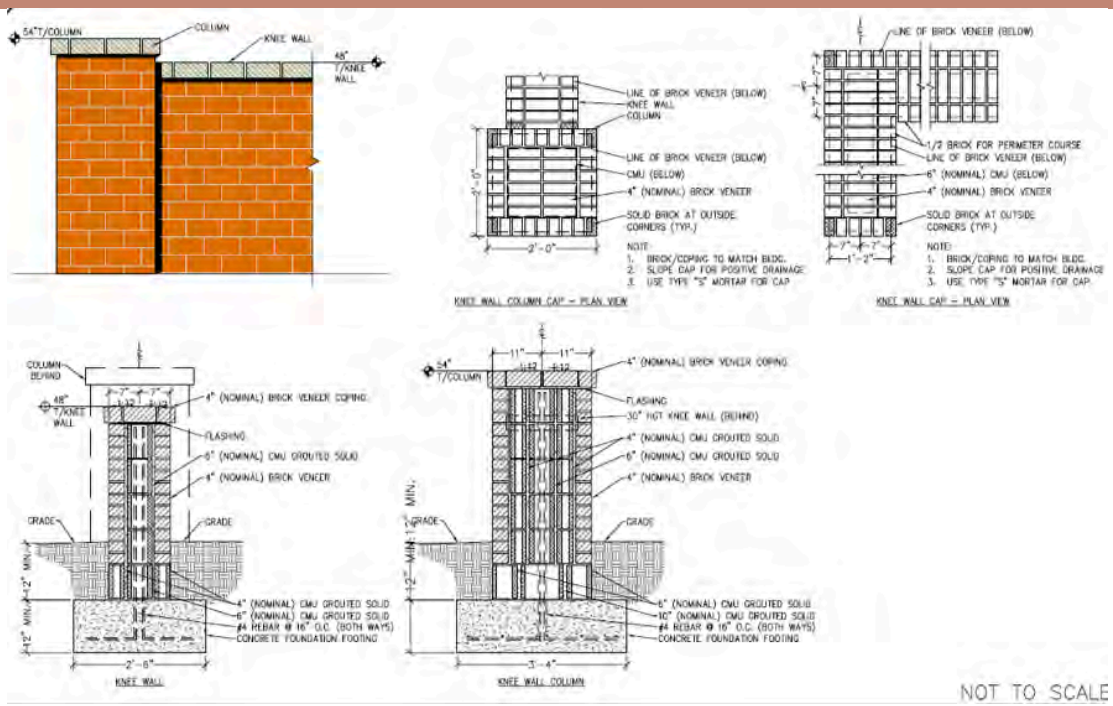
Kennel shall mean any establishment or parcel of property upon which a person engages in the business of boarding, housing, breeding, training, trading, buying or selling dogs, cats, or any other domesticated animal. The term kennel shall not include pet stores, doggie day care centers, or any boarding facility operated by a veterinarian as part of a veterinary practice.

Kindergarten shall mean any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether such facility is called a kindergarten, nursery school, preschool, or is called by any other name. The term shall not include any facility licensed as a foster family home under the provisions of this LDC.

Kiosk shall mean a freestanding structure upon which temporary information and/or posters, notices and announcements are posted.

Knee Wall shall mean a masonry wall that is in 20-foot segments, is three to four feet in height, and has columns that are three and one-half to four and one-half feet in height and that separate each segment.

Knee Wall Example



L

Land Unsuitable for Development shall mean the following areas

- Unique and/or fragile areas, including wetlands;
- Areas within the 100-year floodplain;
- Steep slopes in excess of 25 percent, as measured over a 20-foot horizontal interval, and other unstable ground;
- Buffer zones at least 75 feet wide along all US Geological Survey (USGS) perennial and intermittent streams;
- Habitats for or populations of endangered or threatened wildlife, as identified on federal or state lists;
- Historically significant structures and sites, as listed on federal, state, city, or county lists of historic places;
- Archaeological sites, cemeteries, and burial grounds; and
- Any land that, in the opinion of the Community Development Director, consists of areas with adverse topography, adverse soils, subsidence of the earth surface, high water table, periodic flooding, lack of water, or other natural or man made hazards to life.

Landfill shall mean a disposal site or facility employing an engineered method of disposing of solid waste, including demolition and construction debris. For purposes of this code, the term landfill shall also apply to any solid waste disposal site and facility or any type of hazardous waste disposal site and facility.

Landfill, Construction/Demolition or Solid Waste shall mean a disposal site for metal, plastic, glass, concrete, asphalt, brick, wood, dirt, and limited amounts of paper products if such paper is an integral part of materials uses for construction purposes.

Landscaping shall mean aesthetic improvements using natural and manmade materials. Landscaping areas may also include, by way of example but not by way of limitation, the following: Basketball courts, pools, tennis courts, playgrounds or similar recreational areas or uses.

Landscaping Materials shall mean, but not be limited to trees, shrubs, vines and plants of all descriptions (excluding weeds and other unkempt vegetation) and other materials and treatments such as stone, mulches, and other non-living landscape materials.

Letter of Map Revision Based on Fill (LOMR-F) shall mean FEMA's modification of the Special Flood Hazard Area (SFHA) shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

Lift Station shall mean a part of a wastewater collection system in which a wet well collects sewage flows from gravity lines (lines that move sewage in a downward direction using the force of gravity) and is then pumped (through a pressurized "force main") to a higher elevation so that it can be released into another gravity line and ultimately flow to a wastewater treatment plant. See also Wastewater Treatment Plant.

Light Manufacturing and Assembly shall mean product assembling or mixing, where previously processed components or manufactured parts produced off-site are fitted together into a complete machine or blended together to form a non-combustible and non-explosive product.

Light Trade and Technical Uses shall mean the fabrication, assembly, packaging, or repair, rental, or servicing of any commodity, the sale of which is permitted within the subject zoning district.

Linear Corridor shall mean habitat patches that are longer than they are wide and that connect isolated habitats with each other and thus allow movement and dispersal between of species habitats.

Liquor Store shall mean a state-licensed, retail establishment selling packaged alcoholic liquors (including beer, wine, and spirituous liquors) for consumption off-site. Liquor store does not include restaurants, taverns, or bars.

Limited Equipment Rentals shall mean the rental of equipment primarily intended for individual use and minor residential gardening and construction projects. This use category does not include the rental, storage, or maintenance of large construction equipment. Such vehicles are restricted to the broader use category of vehicle/equipment sales and rentals.

Live-Work shall mean buildings, or spaces within buildings, that are used principally for residential purposes where a commercial use may occupy up to, but not exceeding, 49 percent of the net living area. One full-time equivalent, non-resident employee may work for the commercial business.

Livestock shall mean animals commonly regarded as farm animals, including but not limited to, cattle, horses, goats, llamas, ostriches, and sheep, but excluding pet animals such as rabbits, poultry, and domestic fowl.

Living Plant Material Coverage shall mean the covering of raw ground or bare dirt with living landscape materials at a growth size of 2/3 maturity, such as shrubs, groundcovers, perennials, vines and all plants of all descriptions (excluding weeds or other unkempt vegetation).

Local Government Designee (LGD) shall mean the office or person designated to receive, on behalf of the local government, copies of all documents required to be filed with the local government designee pursuant to these rules.

Local Street shall mean a street which has the primary function of providing access to abutting property and which does not normally carry through traffic.

Lodging Establishment shall mean an establishment, building, or premises with more than 20 sleeping rooms where lodging is offered for compensation.

Lodging, Extended Stay shall mean a lodging establishment offering suites with living, kitchen, and sleeping areas.

Lot shall mean a unit of subdivided land occupied or designed to be occupied by a primary use or building or a group of such buildings and accessory buildings. Unless the context clearly indicates otherwise, use of the term "lot" in this LDC includes the term "virtual lot."

Lot, Corner shall mean a lot abutting upon two or more streets at their intersection or upon two parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed 135 degrees.

Lot, Double Frontage shall mean a lot that runs through a block from street to street and which has two non-intersecting sides abutting on two or more public streets. The required setbacks from each street shall comply with the zoning requirements of the respective district.

Lot, Flag shall mean a lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow private right-of-way or driveway, also known as a flagpole.

Lot Width. Sec. 21-11110, *Measurements*.

Lot, Interior shall mean a lot which is not a corner lot and has only one street frontage.

Lot Line. See Property Line.

Lot Line Adjustment shall mean a change in lot or parcel boundaries that does not create additional lots or parcels.

Lot Pin shall mean a solid steel pin established to provide for the accurate location of platted property lines.

Lot of Record shall mean a lot that is part of an approved plat, the map of which has been recorded in the office of the Adams County Clerk and Recorder.

Lot, Reversed Corner shall mean a corner lot the side street of which is substantially a continuation of the front lot line of the first lot to its rear.

Lowest Floor shall mean the floor of the lowest enclosed area (including basement) in a structure. An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood insurance Program regulations.

M

Machinery shall mean an assemblage of parts that transmit forces, motion, and energy one to another in a predetermined manner. This term shall also include a mechanically, or electronically operated device for performing a task.

Maintenance shall mean the routine recurring work required to keep a building, equipment, or commodity in such a condition that it may be continuously utilized at its original or designed capacity and efficiency for its intended purpose.

Mansard Roof shall mean a roof with at least two slopes on any side with the tower slope steeper than the upper one(s). The deck line is the top edge of the lower slope.

Manufacturing shall mean the process, assembly, fabrication, production, construction or other preparation of a raw material product or component part of a product to make, create or process towards or into a finished product. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Good are generally not displayed or sold on site, but if so, they are a subordinate part of sales.

Mapped Flooding Source shall mean either the profile baseline or mapped hydrographic feature identified on an effective FEMA Flood Insurance Rate Map.

Marijuana Business shall mean any medical marijuana business and any retail marijuana business.

Marijuana Membership Club shall mean an organization and its premises operating on a membership basis for the promotion of interests of the members including the smoking or other consumption of medical or retail marijuana or marijuana products.

Marijuana Store shall have the meaning ascribed to it in state law.

Marquee shall mean a shelter projecting from and supported by the exterior wall of a building constructed of rigid materials on a supporting framework. A marquee is distinguished from an awning in that an awning is covered with non-rigid material. A marquee is distinguished from a canopy in that a marquee is cantilevered, whereas a canopy is supported by posts or other devices beyond the building wall.

Massage Therapy Facility shall mean a facility that is operated for the purpose of providing massages. This does not include any type of adult business.

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.

Material Resource Recovery Facility (MRRF) shall mean a facility used to collect, sort, and consolidate recyclable materials including computers, paper, paperboard, glass, plastic, and aluminum, for use as raw material to produce new items at other locations, including interim facilities. This activity may include incidental storage, office, and maintenance facilities.

Maximum Extent Feasible shall mean that no feasible and prudent alternative exists, and that all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining maximum extent feasible.

Mean Sea Level shall mean for purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Median shall mean that portion of a divided street or highway separating the traveled ways for traffic in opposite directions.

Medical or Dental Clinic or Office shall mean a building or portion of a building containing the offices and associated facilities of one or more practitioners providing medical or dental services for outpatients only, with or without shared or common spaces and equipment.

Medical Marijuana Business shall have the meaning to it ascribed by state law.

Medical Marijuana Product Manufacturer shall have the meaning ascribed to it by state law.

Microbrewery shall mean an establishment where malt liquors are manufactured and packaged on or off premises, manufacturing more than 5,000 but less than 60,000 barrels of malt liquor on its licensed premises each calendar year.

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.

Micro-winery shall mean a business that manufactures 5,000 to 10,000 cases of vinous liquors per year.

Mineral Estate Owner shall mean the owner or lessee of minerals located under a surface estate that are subject to an application for development.

Mining shall mean the development or extraction of a mineral from its natural occurrences on affected land. The term includes, but is not limited to: open mining and surface operation and the disposal of refuse from underground and in-situ mining. The term includes the following operations on affected lands: transportation concentration; milling; evaporation; and other processing. The term does not include: the exploration and extraction of natural petroleum in a liquid or gaseous state by means of wells or pipe or the extraction of geothermal resources.

Mini-Storage and Warehouse shall mean an establishment primarily offering individualized enclosed storage spaces for rent or lease to the general public, including self-storage and mini-storage facilities. This term excludes establishments where the primary use is outdoor vehicle storage.

Minor Accessory Structure shall mean a detached accessory structure that is less than or equal to 120 square feet in area and less than or equal to 8 feet in height. If it exceeds either threshold of size or height it defers to the appropriate table.

Mixed Use, Horizontal shall mean a development that contains both commercial and residential uses that share common features, that may include, but is not limited to, parking, access, building design features, or common open or amenity space.

Mixed Use, Vertical shall mean a building that contains both commercial and residential uses with permitted nonresidential uses on the first floor and permitted residential uses on the upper floors.

Mixed Use Development shall mean a single building containing residential and non-residential uses comprised of commercial/retail or industrial.

Mixed Use Planning Area shall mean a land use designation within a Planned Unit Development that must contain two or more uses including commercial, industrial, and residential. Any mixed use planning area shall require the lesser use to comprise at least 25 percent of the total planning area.

Mobile Home shall mean any wheeled vehicle, exceeding 8 feet in width or 32 feet in length, including towing gear and bumpers, with or without motor power, built on a permanent chassis designed for residential occupancy, and containing complete electrical, plumbing, and sanitary facilities designed for installation in a permanent or semi-permanent manner without a permanent foundation that is capable of being drawn over public highways by a motor vehicle. Modular homes shall not be considered mobile homes. For the purpose of interpretation of this LDC, mobile home shall not include travel trailers, camping trailers, truck campers, and motor homes, as licensed and/or defined by the state of Colorado when used or designed to be used as a dwelling as provided in this definition.

Mobile Home Park shall mean a parcel of land which has been planned and approved for the placement of more than one mobile home, occupied for dwelling, sleeping, or storage purposes for transient and/or non-transient use and sometimes termed a trailer court, trailer camp, or trailer park.

Mobile Home Zoning District shall mean land within the corporate limits of the City that has been zoned for the use and operation of mobile homes and mobile home parks.

Mobile Office Structure shall mean a factory-fabricated, transportable building that is designed to arrive at a site ready for occupancy, except for minor unpacking, anchoring, and connection to utilities, and designed for removal to and installation at other sites.

Mobile Storage Container shall mean a sealed, contained mini-mobile storage used for the purpose of temporary storage of goods and materials, excluding roll-off trash collection containers.

Model Home shall mean a dwelling representative of other dwellings offered for sale or lease, or to be built in an area of residential development within the City. A model home is used for the sole purpose of selling similar units within the same development and used for this purpose only until all developments are sold.

Monopole Tower shall mean a structure designed and constructed to support antenna or antennas for the purpose of providing telecommunications services and which consists solely of a stand-alone ground mounted support pole, pipe, or other solid structure. A monopole tower shall not include any tower supported or attached to guy or support wires. A monopole tower is not a lattice tower.

Motor Court shall mean a shared private accessway that provides individual driveway access to single-unit dwellings or duplexes from a public street and that does not connect to another public street.

Motor Freight shall mean truck-transported commercial, manufacturing, governmental, or residential goods to their destination, be it a retail outlet or to an individual customer.

Movie or Other Theater shall mean a facility charging admission to the general public for the privilege of observing a live, televised, or motion picture performance indoors.

MS4 shall mean the municipal separate storm sewer system.

Mulch shall mean non-living matter, such as bark chips, chipped wood products, pole shavings, stone and any approved like-materials customarily used in landscape for the purpose of retaining soil-moisture, retarding weed growth, and stabilizing soils.

Multi-Well Site shall mean, as it relates to Oil and Gas Operations, a common well pad from which multiple wells may be drilled to various bottomhole locations.

Museum shall mean a profit or non-profit, commercial or non-commercial establishment operated as a repository for a collection of nature, scientific, or literary curiosities, objects of interest, or works of art, not including the regular sale or distribution of the objects collected.

MUTCD shall mean the Manual of Uniform Traffic Control Devices.

N

NAICS shall mean the North American Industry Classification System as published by the U.S. Census Bureau.

Native Seed shall mean any live landscaping, including dryland grasses and vegetation, but not including weeds capable of growing in the local environment without supplementary watering once established.

Natural Medicine shall have the meaning ascribed to it in Title 12, Article 170 of Colorado Revised Statutes.

Natural Medicine Cultivation Facility shall have the meaning ascribed to it in Title 44, Article 50 of Colorado Revised Statutes.

Natural Medicine Healing Center shall have the meaning ascribed to in Title 44, Article 50 of Colorado Revised Statutes.

Natural Medicine Manufacturer shall have the meaning ascribed to it in Title 44, Article 50 of Colorado Revised Statutes.

Natural Medicine Testing Facility shall have the meaning ascribed to in Title 44, Article 50 of Colorado Revised Statutes.

Nature Preserve shall mean an outdoor facility that preserves or protects a critical environmental feature or other natural feature and that may or may not be open to the public.

Non-Combustible shall mean a building construction material which, in the form in which it is used, is either one of the following:

Non-combustible does not apply to surface finish materials. Material required to be non-combustible for reduced clearances to flues, heating appliances, or other sources of high temperature shall refer to material conforming to paragraph (a) above. No material shall be classified as non-combustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture, or other atmospheric conditions.

Nonconformity shall mean any use, sign, structure, building, or lot that was legally established prior to the effective date of this LDC or any subsequent amendment, but that fails by reason of such adoption, revision, or amendment, to conform to all the current requirements of this LDC.

Non-Stormwater Discharge shall mean any discharge to the storm drain system that is not composed entirely of stormwater.

Nursery shall mean a retail establishment selling plants and garden supplies in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only. Stock in trade shall be comprised primarily of live plant material, with hardscape materials such as railroad ties, boulders, landscape gravel, and crushed rock limited to a relatively small percentage of sales.

Nursing Home shall mean a state-licensed group living facility regulated as a skilled nursing facility, as defined in C.R.S. § 26-4-103(11).

Nursing or Medical School shall mean a tertiary educational institution or professional school that teaches medicine or nursing, and awards a professional degree for physicians or nurses.

O

O.C. shall mean on center, which means the distance between the midpoints of two objects such as trees, light poles, signs, etc.

Obstruction shall mean any development, stockpile, refuse or matter in, along, across or projecting into any floodplain which might impede, retard or change the direction of a flow of water, either by itself or by catching or collecting debris carried by such floodwater.

Off-Street Loading shall mean a site or portion of a site that is not located in a dedicated public right-of-way devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-Street Parking shall mean an area, other than a street or alley, designed or used primarily for the temporary parking of vehicles.

Office shall mean establishments providing executive, management, administrative, or professional services, including medical or dental services, but not involving the sale of merchandise, except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, doctor, dentist, out-patient medical laboratories, architecture, design, engineering, accounting, and similar offices.

Office Flex shall mean a type of development designed to be versatile, which may be used in combination with office (corporate headquarters), research and development, quasi-retail sales, wholesale operations, and including but not limited to craft manufacturing, warehouse, and distribution uses.

Oil and Gas shall mean oil or gas, or both oil and gas.

Oil and Gas Facility shall mean equipment, buildings, structures, or improvements associated with or required for the operation of a well site, pipeline, or compressor facility. Facilities include, but are not limited to, well sites, production facilities, production sites, treatment facilities, access roads, well pads, tank batteries, pits, and flowlines.

Oil and Gas Location shall mean a definable area where an operator has disturbed or intends to disturb the land surface in order to locate and Oil and Gas Facility.

Oil and Gas Permit shall mean any permit issued by the City that allows an Operator to conduct Oil and Gas Well operations

Oil and Gas Well shall mean a hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.

Oil and Gas Operation shall mean exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting; drilling; deepening, completion recompletion, reworking, or abandonment of an oil and gas well or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage and treatment of oil and gas; any construction, site preparation, or reclamation activities associated with such operations; and any Oil and Gas well facility, Oil and Gas well site or location, production site or other facility, site or location upon or within which any of the foregoing are conducted, operated, installed, constructed, generated treated or located.

One-Hundred-Year Flood. See Base Flood.

Operator shall mean, as it relates to Oil and Gas Operations, any person who exercises the right to control the conduct of oil and gas operations or applies for an Oil and Gas Permit.

Open Space or Amenity Space shall mean any parcel or area of land or water set aside, dedicated, or reserved for public or private use and enjoyment including recreational, scenic, environmental, social, or civic purposes. Open or amenity space includes the types of space established in Division 4.8, *Open or Amenity Space*.

Optional Premises Cultivation Operation shall have the meaning ascribed to it by state law.

Ore Dump or Elevator shall mean a depository of barren rock from a mine and ore that was rejected as too poor to ship to a mill.

Organized Event shall mean any organized activity, specifically including, but not limited to, a circus, carnival, fair, flea market, special celebration, or other temporary activity not identified above which reasonably may be expected to attract more than 50 persons at any one time, or which otherwise may reasonably be expected to increase the risk of:

- Damage to public or private property, beyond normal wear and tear;
- Injury to persons;
- Public or private disturbances or nuisances;
- Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
- Significant additional police, fire, trash removal, maintenance, or other public services demands; or
- Other significant adverse effects upon the public health, safety, or welfare.

The term Organized Event shall not include any activity sponsored in whole or in part by the City or another political subdivision of the State of Colorado or any organized activities conducted at public sites or public facilities typically intended and used for such activities. Examples of such exempt activities include, but are not necessarily limited to:

- Sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities;
- Park shelter rental, wedding services conducted at reception halls or similar facilities;
- Funeral services conducted at funeral homes or cemeteries; or
- Religious services, wedding services, and funeral services conducted at places of worship.

Furthermore, the term Organized Event shall not include activities occurring within or upon the grounds of a private residence, or upon the common areas of multi-unit residential development.

Ornamental Grass shall mean those types of grasses that grow in clumps and do not spread to form a continuous mat, as do turf-grasses. Bunch grasses and other, taller, more decorative types, may be considered ornamental grasses when grown as accents, in conjunction with other plants, in larger bed-plantings.

Ornamental Tree shall mean a tree, typically 15- to 20-feet tall at maturity, which is planted for its decorative value, perhaps in screening applications rather than for shading purposes. Ornamental trees are usually deciduous, but may include shortgrowing conifers such as upright junipers, pinion- and bristle-cone pines.

Outdoor Display shall mean the unenclosed display or sale of finished products actively available for sale. This definition includes, but is not limited to, lawn equipment, storage sheds, plants, propane tanks, ice machines, and similar items. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which are considered outdoor storage.

Outdoor Sales Event shall mean the outdoor sale of goods for a short-term event and includes tent and parking lot sales, hail damage repair, sidewalk sales, and similar uses, but specifically excludes residential garage or yard sales, roadside stands, flea markets, and farmers' markets.

Outdoor Seasonal Sale shall mean the use of a site for Christmas tree lots, pumpkin patches, and other similar holiday uses.

Outdoor Seasonal Sale shall mean tent and parking lot sales consisting of trees, shrubs, plants, and other seasonal garden supplies. In addition, lawn equipment, bicycles, and other similar playground equipment shall be regulated under this section. This section shall not apply to residential garage or yard sales, roadside stands, flea markets, or farmers' markets.

Outdoor Storage shall mean the placement of materials, stock, supplies, shipping containers, mobile storage containers, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that are not kept in a structure having at least four walls and a roof, for a continuous period of 24 hours or more. Outdoor storage shall not include:

(a) Items for the general public such as new and used cars, recreational vehicles, boats, landscape stock or related materials, or rental automobiles where such items are permitted for sale in the district in which they are located;

(b) Outdoor parking of motor vehicles regularly used in connection with the operation of an establishment or parked for less than 48 hours for maintenance;

(c) The storage of wrecked or inoperable vehicles.

Overlay Zoning District shall mean a zoning district superimposed over the underlying zoning district which places further restrictions upon land uses. Developments within the overlay zoning district shall conform to the requirements of both zones.

Owner shall mean any person with fee title to the parcel of land or with a contract to obtain fee title to the parcel of land.

Owner's Agent shall mean the person designated by the owner to be the agent.

P

Parapet shall mean an extension of the main walls of a building above the roof level, often used to shield or screen roof top mechanical equipment and vents.

Parcel shall mean a plot of land of any size that may or may not be subdivided or improved.

Park shall mean a public-owned parcel of land, with or without improvements, set apart for the recreation of the public.

Park, Private shall mean land within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowner's association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate. Private parks may include trail areas, gardens, scenic areas, buffer areas, pools, tennis courts, playgrounds, and clubhouses.

Parking Area shall mean a site or portion of a site devoted to the parking of motor vehicles including parking spaces, aisles, access drives, and landscaped areas.

Parking Garage shall mean a permanent structure that is enclosed on all four sides and consists of one or more levels and is primarily dedicated to providing temporary parking or storage of operable vehicles to the general public, regardless of whether or not there is a fee.

Parking Lot shall mean an area used for the purpose of temporary, daily, or overnight storage of vehicles, which is not located in a dedicated public right-of-way, a travel lane, a service drive, or any easement for public ingress or egress.

Parking, Head-In shall mean a parking space that is perpendicular to or at a minimum of a one-degree angle from the abutting public street, access easement, or drive aisle. Such spaces are designed and established so that the front of the vehicle faces into the narrower dimension of the parking space and the rear license plate is visible from and facing into the public street, access easement, or drive aisle.

Parking, Shared shall mean joint use of a parking lot or area for more than one principal use.

Pawn Shop shall mean a retail sales establishment where a pawnbroker regularly engages in or solicits business.

Perimeter Control shall mean a barrier that prevents sediment from leaving a site by filtering sediment-laden runoff or diverting it to a sediment trap or basin.

Permitted Use shall mean a use allowed in a zoning district either as a Use-by-Right, a Use-by Permit, or as a Conditional Use.

Philanthropic Institution shall mean an entity whose mission is to provide monetary, technical assistance, or other items of value for religious, charitable, scientific, literary, or educational purposes.

Pit shall mean, as it relates to Oil and Gas Operations, a subsurface earthen excavation (lined or unlined), or open top tank, used for oil or gas exploration or production purposes for retaining or storing substances associated with the

drilling or operation of oil and gas wells. Pits may include drilling pits, production pits, reserve pits and special purpose pits as defined in ECMC Rules.

Plane shall mean any vertical surface, or the projection to a vertical plane of an inclined or curved surface, or wall of a structure that when viewed in elevation, incorporates no overhangs, off-sets, projections, decks, ramadas, loggias, or similar architectural features that would produce shadow patterns or otherwise serve to visually blend the structure into its natural background. If a window or door projects or recedes a minimum of 12 inches, either may be considered as providing visual relief.

Planned Unit Development (PUD) shall mean a zone district designation for a tract of land controlled by one or more landowners, which is developed under a plan for either residential, commercial/retail, industrial, public, agricultural, open space or recreational uses, or a combination thereof.

Planning Area shall mean a land use designation within a Planned Unit Development that outlines future land uses.

Plat shall mean a map that defines the subdivision of land and commonly shows lots, blocks, streets, and other features relevant to the development of the property.

Playground shall mean a public area that includes playground equipment for use by children, benches and picnic tables, and informal play areas. A playground may be located within a park.

Plaza shall mean an open space that may be improved and landscaped, usually surrounded by streets or buildings.

Plugging and Abandonment shall mean, as it relates to Oil and Gas Operations, the cementing of a well, the removal of its associated production facilities, the removal or abandonment in-place of its flowline, and the remediation and reclamation of the well site.

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.

Pole Construction shall mean a type of construction for a building that is typically used for the storage of equipment, materials, product, livestock, or crops and is usually constructed of wooden or metal support poles and beams which serve as the primary support for the roof and walls.

Pollutant shall mean and include, but not limited to, paints, varnishes, solvents; oil and other automotive, non-hazardous liquid, solid wastes, and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects; floatables; pesticides, herbicides and fertilizers; hazardous substances or wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from construction of a building or structure; and noxious or offensive matter of any kind.

Pool Hall shall mean a facility wherein the principal use or activity is billiards, pool, or snooker, regardless of the number of billiard, pool or snooker tables.

Porch shall mean a covered or uncovered entrance with vertical supporting members on a foundation, not including walls.

Post Office shall mean a facility designated or licensed by the federal government to sell U.S. postage stamps and U.S. postal products and accept mail and packages for delivery.

Premises shall mean any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Primary Caregiver shall have the same meaning as that ascribed to it in C.R.S. § 25-1.5-106(2)(d.5).

Primary or Principal Entrance shall mean the place of ingress and egress used most frequently by the public.

Primary Residence shall mean the dwelling unit in which a person resides for nine or more months of the calendar year. Under this definition, a person has only one primary residence at a time.

Primary Use shall mean a use of property or a building that is the predominant or general use. This term shall also mean the use that would regularly encompass, at a minimum, 75 percent of the floor space of a building.

Principal Use shall mean a use of property or a building that is the predominant or general use. This term shall also mean the use that would regularly encompass, at a minimum, 75 percent of the floor space of a building.

Private Bus Station shall mean any premise used for the loading and unloading of passengers on non-governmental motor driven buses. The premise may also include ticket purchasing facilities or the storage or parking of buses.

Private Road shall mean every road or driveway not owned by the City.

Processing shall mean subjecting to some special treatment, to prepare for the market, to convert into marketable form, to make usable, marketable, or the like.

Production shall mean the making of goods available for human wants.

Production Site shall mean, as it relates to Oil and Gas Operations, the surface area immediately surrounding proposed or existing production equipment, or other accessory equipment necessary for oil and gas production activities, including the fenced, walled, or enclosed area of the facility during the production phase, exclusive of transmission and gathering pipelines. Production Site is synonymous with the ECMC's definition of "working pad surface".

Property Line or Lot Line shall mean the legally described boundary line that indicates the limits of a parcel, tract, lot, or block for the purpose of delineating ownership and setback requirements. Unless the context clearly indicates otherwise, use of the term "lot line" in this LDC includes the term "virtual lot line."

Property Line or Lot Line, Corner means a side lot line that abuts a public street.

Property Line or Lot Line, Front means a lot line separating a lot from a street right-of-way.

Property Line or Lot Line, Rear means a lot line that is opposite and most distant from the front lot line, but which does not abut a public street. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

Property Line or Lot Line, Side means a lot line other than a front or rear lot line, but which does not abut a public street.

Property (or Home) Owners' Association shall mean a private, non-profit corporation or property owners for the purpose of owning, operating, and maintaining various common properties and facilities (except that as this definition relates to a condominium project, the property owners' association does not own the common property/facilities, it operates and maintains them on behalf of the condominium owners).

Protected Land and Habitat shall mean areas that shall be preserved to the maximum extent feasible:

- Existing healthy, native forests of at least one contiguous acre;
- Individual, existing healthy trees greater than eight inches caliper;
- Other significant natural features and scenic view sheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads; and
- Agricultural lands that are identified in the Comprehensive Plan.

Public shall mean for the benefit of, or devoted to, the people as a whole or the community at large.

Public Building shall mean any building held, used, or controlled exclusively for public purposes by any governmental entity, without reference to the ownership of the building or of the realty upon which it is situated.

Public Hearing shall mean a meeting that is noticed in accordance with the terms of this LDC and at which the public is given an opportunity to speak.

Public Improvements shall mean rights-of-way, easements, access rights, and physical improvements that are accepted by the City in writing and that become the responsibility of the City for ownership, maintenance, and repair. Unless otherwise provided by this LDC, public improvements include by are not limited to the following: curb and gutter, asphalt pavement, concrete pavement, streets of all types, alleys, survey monuments, pavement striping, sidewalks, pedestrian/bike paths and trails, landscaping, traffic signals, street lights, highways, greenways, medians, bridges, acceleration and deceleration lanes, culverts, storm drainage facilities including necessary structures, channels, and all other improvements, which upon acceptance by the City, are intended to be for the use of and enjoyment of the public.

Public Notice shall mean the advertisement in a newspaper, posting of the property, and/or the mailing of written notice.

Public Sewer and Water Facilities shall mean those sewer and water facilities of a municipality or special district authorized by Title 32 of the Colorado Revised Statutes.

Public Utility shall mean improvements, which include gas lines, water mains, sanitary storm sewerage, electrical cables and lines, telephone cables and lines, telecommunication facilities and lines, or other facilities of a similar nature.

Public Water Supply Well shall mean a well or system of wells that provide water via piping or other constructed conveyances for human consumption to at least 15 service connections or serves an average of at least 25 people for at

least 60 days each year.

PUD. see Planned Unit Development.

PUD Concept Schematic shall mean a generalized land use or site plan for an area proposed to be included within a PUD district.

PUD Permit shall mean the permit which contains a detailed plan for either all or a portion of a planned unit development which authorizes the applicant to apply for a building permit.

PUD Zone Document shall mean the PUD land use application which establishes entitlements for property including allowable land use and bulk standards.

Pump Island shall mean a narrow, slightly raised pad of concrete or similar material, which serves as a base for gasoline pumps at a service station.

Q

Quarry shall mean a place where rock, ore, stone, sand, and similar materials are excavated for sale or for off-site use.

R

Race Track (Animal) shall mean a public or private racing facility, that is used for the racing of animals with competition against the clock or other animals.

Race Track (Vehicle) shall mean a public or private racing facility, paved or unpaved, and that is used by vehicles, including but not limited to bicycles, automobiles, motorcycles, or any other motorized vehicles with competition against the clock or other vehicles.

Railroad Right-of-Way shall mean a strip of land with tracks and auxiliary facilities for track operation, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

Railroad Terminal shall mean a facility used for the transfer of passengers and freight to other modes of transportation.

Railroad Yard shall mean an area used for storage by an establishment engaged in rail services.

Real Estate Agents, Brokers, and Management shall mean an office that employs licensed professionals who represent buyers, sellers, property owners, and lessees in real estate transactions. It includes any administrative support staff or managers also employed at the location.

Real Estate Office (Temporary) shall mean the use of an office or model home for the purpose of selling or leasing new homes incidental to a new development.

Reclamation shall mean, as it relates to Oil and Gas Operations, the process of returning or restoring the surface of disturbed land as nearly as practicable to its condition prior to the commencement of oil and gas operations or as required by Operator's approved interim and final reclamation plans.

Recreation or Amusement, Private shall mean any use or development providing amusement, pleasure, or sport, which is not operated or owned by a governmental entity and is operated or carried on primarily for financial gain.

Recreation or Amusement, Public shall mean any use or development providing amusement, pleasure, or sport, which is owned or operated by a governmental entity.

Recreational Trail shall mean a thoroughfare or track across land or snow or along water, used for recreational purposes such as bicycling, cross-country skiing, hiking, equestrian activities, jogging, or similar leisure activities.

Recreational Vehicle shall mean a vehicle that is:

(a) Built on a single chassis;

(b) Four hundred-square feet or less when measured at the largest horizontal projections;

(c) Designed to be self-propelled or permanently towable by a light duty truck; and

(d) Not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recycling shall mean the action or process of converting waste into reusable material.

Recycling Collection Facility means a bin or other weather-tight container enclosed with a door or lid for the acceptance by donation, redemption, or purchase of recyclable material for transshipment to a recycling center, or an industrial processing facility.

- A small recycling collection facility does not occupy a permanent building and does not contain the processing activities of a large recycling facility.
- A large recycling collection facility may occupy a permanent structure, may also accept used motor oil in accordance with applicable health and safety regulations, and may include such power-driven light processing including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material.

Refuse Transfer Facility shall mean any facility that accepts garbage, trash, rubbish, debris and other types of discarded or waste materials for the purposes of collection, temporary storage, or transfer to other locations for disposal.

Religious Institution shall mean structures or places in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational and recreational activities), operated, maintained, and controlled under the direction of a religious group. Accessory uses include school facilities, parking, caretaker's housing, pastor's housing, and group living facilities such as convents. Examples include churches, temples, synagogues, and mosques.

Rental Services shall mean a retail establishment that rents to the general public merchandise, such as furniture, appliances, and similar goods that are housed inside a building.

Repair shall mean the non-routine process of restoring by replacing a part or putting together what is torn or broken. This term shall also mean the non-routine process of restoring to a sound and serviceable state through correction of a specific failure or unserviceable condition.

Repair and Normal Maintenance shall mean with regard to a nonconforming structure or portion or a structure containing a nonconforming use, work done during any 1-year period on ordinary repairs, or on repair and replacement of nonbearing walls, fixtures, wiring or plumbing to an extent not exceeding 10 percent of the current replacement cost of the nonconforming structure, or portion of structure, and provided that the cubic content existing when it became nonconforming is not increased.

Replacement Mobile Home shall mean a mobile home unit entering any mobile home park within the City; and any mobile home that is moved to another space within the mobile home park.

Research, Development, Testing Laboratories shall mean research, development, and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products. Such uses shall not violate any odor, dust, smoke, gas, noise, radiation, vibration, or similar pollution standards as specified herein.

Residential, Multi-Unit Dwelling shall mean a dwelling or dwellings, or portion thereof, designed for or occupied by three or more families living independently of each other. Multi-family dwelling includes townhouse dwellings, and apartment/condominium buildings in which the individual dwelling units are typically located one over the other.

Residential, Single-Unit shall refer to single-family attached / duplex and single-family detached dwellings, collectively.

Residential, Two-Unit Dwelling / Duplex shall mean a dwelling containing two attached dwelling units, located side-by-side and totally separated from each other by an unpierced wall extending from ground to roof designed exclusively for occupancy by two families living independently of each other.

Residential, Single-Unit Dwelling shall mean a detached (free-standing and surrounded on all sides by open areas or yards) dwelling designed exclusively for occupancy by one family.

Resort shall mean a set of buildings and uses that shall include overnight accommodations, restaurants, and indoor and outdoor entertainment.

Restaurant, Conventional shall mean an eating/drinking establishment where the principal business is the sale of food and beverages in a ready-to-consume state where beer, wine, spirits, and other liquors may be produced on the premises as an accessory use. A conventional restaurant may have a drive-through and pick-up window for orders that are phoned in or ordered online; however, customers shall not place orders on-site and outdoor menu boards are not located on-site. A restaurant with a drive-through or pick-up window for orders placed on-site is considered a fast food restaurant.

Restaurant, Drive-Through shall mean an eating/drinking establishment that provides a drive-through and pick-up facility for placing and receiving orders and may be either: (1) a free-standing operation; or (2) a non-free-standing

operation incorporated into a building within which one or more other compatible and complimentary uses exist, and whose principal business is typically the sale of pre-prepared or rapidly prepared food to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes two or more of the following characteristics:

(a) The elimination, in whole or in part, of table service, thus requiring customers to place orders at a counter where the orders are filled;

(b) The food is usually served in edible containers or in paper, plastic, or other disposable containers;

(c) The facilities for on premises consumption of food are insufficient for the volume of food sold by the restaurant; or

Retail Establishment shall mean establishments that sell, lease, or rent consumer, home, and business goods, but excluding merchandise/retail uses classified or defined more specifically in this LDC (e.g., convenience stores and restaurants). Typical uses include department stores, furniture stores, clothing stores, and establishments providing the following products or services: antiques, art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, hardware, home improvements, household products, jewelry, pet food, pharmaceuticals, printed material, sporting goods, stationary, and videos; and new automotive parts and accessories (excluding service and installation).

Retail Marijuana Cultivation Facility shall have the meaning ascribed to it by state law.

Retail Marijuana Product Manufacturer shall have the meaning ascribed to it by state law.

Retail Marijuana Store shall have the meaning ascribed to it by state law.

Retail Marijuana Testing Facility shall have the meaning ascribed to it by state law.

Retaining Wall shall mean a structure designed to resist the lateral displacement of soil or other materials in order to protect property and/or prevent erosion.

Right-of-Way shall mean land devoted to or over which people and goods have the right to pass or travel (e.g., roads, streets, pedestrian walkways, bicycle paths and alleys).

Road Impact Fee Study shall mean a study prepared for and on behalf of the City to determine road impacts generated by new development.

Roadside Produce Stand shall mean the use of property for the purpose of selling seasonal goods which were raised upon the premises.

Roadside Stand shall mean a temporary structure used primarily to sell products produced on the property.

Roadway shall mean that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, including the shoulder.

Rock Climbing Wall shall mean a feature at a sports center or in a gymnasium fitted with attachments to simulate a rock face for climbing practice.

Rodeo Grounds shall mean an arena where rodeos and other equestrian sports take place.

S

SACWSD shall mean the South Adams County Water and Sewer District.

Salvage Yard shall mean a building, structure, parcel of land, or portion thereof, where two or more motor vehicles not in running condition, or parts thereof, are stored in the open and are not being restored to operation; or any land, building, or structure used for wrecking or storing of such motor vehicles or farm machinery, or parts thereof, stored in the open and not being restored to operating condition.

School, Commercial shall mean a structure or group of structures where instruction is given to pupils in arts, religion, crafts, philosophy, or trades, and is operated as a commercial enterprise.

School shall mean a public or private educational establishment for children between kindergarten and 12th grade.

Scrap Yard shall mean an establishment where materials are collected in bulk quantities for use as raw material to produce new items at other locations, or dismantled for wholesale use or direct sale to the public. This classification excludes collection of household recyclable materials and vehicle salvage.

Scrap Tire Facility shall mean a tire that is no longer used for its original purpose.

Screening shall mean a method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms, or densely planted vegetation.

Sediment Control shall mean BMPs that prevent eroded sediment from leaving the site.

Seismic Operations shall mean, as it relates to Oil and Gas Operations, all activities associated with acquisition of seismic data including but not limited to surveying, shothole drilling, recording, shothole plugging and reclamation.

Self-Service Storage shall mean a nonresidential building, portion of building, or group of buildings with defined storage space or units rented to and accessible to the public for the storage of household and personal property. These facilities shall have all units contained within that building(s) and all units having an access door from an interior hallway. For purposes of this code, commercial indoor self-storage facility shall not mean the same use as mini-storage and warehouse.

Semi-Trailers. See Trailer

Senior Center shall mean a building or part of a building used as a place of meeting, recreation, or social activity for persons 55 or older that is operated as a nonprofit.

Sensitive Edge shall mean the space where a higher density or intensity zoning district or building type abuts a lower density or intensity district or building type. For example, the sensitive edge provisions would apply to a building in the C-2 District where it abuts the CC District or where a Live-Work Building abuts a Multi-Unit Dwelling.

Service Lateral shall mean the electrical, communications, cable television wiring, coaxial, or fiber optic or other utility line connections between the provider's distribution system and system termination at the point of consumer use.

Service Station shall mean any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; minor towing, servicing, and repair of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories. Body and fender work, transmission work, engine overhaul work, or heavy truck or vehicle repair are excluded from this use. If a use that fits this definition also includes the sale of ready-to-eat food products (not intended for on-premises consumption), groceries and sundries, or 3.2 beer, such use shall be classified as a convenience store as provided above.

Sexually-Oriented Business shall mean a business or establishment that offers its patrons services or entertainment characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical uses. These uses include, but are not limited to, an adult bookstore, adult video store, and adult motion picture theater.

Shade Structure shall mean gazebos, arbors, or pergolas that are not attached to a principal structure but may be attached to an accessory structure. Shade structure shall not include carports.

Shade Tree shall mean a tree, over 15- to 20-feet tall at maturity, that is deciduous and planted for its wider canopy, higher bottom-branch scaffold and shading value, and does not include conifers or evergreens of any kind.

Shelter, Emergency shall mean an immediate and temporary place for individuals and families without a home to stay that provides support services and short-term stabilization.

Short-Term Rental shall mean the provision of lodging services within a single-unit detached or duplex dwelling unit, for compensation, to a person or persons for periods of less than 30 days, but excludes Bed and Breakfast Establishments and other Overnight Accommodations uses. Short-term rental does not include rental of a dwelling unit for meetings such as luncheons, banquets, parties, weddings, fundraisers, or other similar gatherings for direct or indirect compensation.

Shrub shall mean a long-lived deciduous, evergreen, or coniferous woody plant, typically multi-stemmed and having a mature height of between 3 and 15 feet and does not include perennials.

Sidewalk shall mean that portion of a public right-of-way adjacent to lateral property lines intended for the use of pedestrians.

Sight Triangle shall mean a triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign shall mean any advertising device, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure, or produced by painting on or posting or placing any painted, lettered, pictured, figured or colored material on any building, structure or surface.

Sign, A-Frame or Sandwich Board shall mean a non-wheeled movable advertising or business ground side constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top, with each angular face held at an appropriate distance by a supporting member. These signs shall not be secured or attached to the ground or surface upon which it is located.

Sign, Awning shall mean a sign painted or printed on and attached flat against the surface of an awning.

Sign, Cabinet shall mean a sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a box or cabinet that houses the lighting source and equipment.

Cabinet Sign Example

Sign, Canopy shall mean either:

- In the case of a pedestrian canopy sign, a sign painted or printed on and attached flat against the surface of an canopy; or
- In the case of a vehicular canopy sign, a sign affixed to a fuel sales canopy.

Sign, Channel Letter shall mean a sign with three-dimensional individually-cut graphics, letters, numbers, or symbols that are each internally lit or are in front of the light source, creating a "halo" effect.

Channel Letter Sign Examples

Sign, Display shall mean either:

- In the case of wall-mounted display signs, a sign that displays information; or
- In the case of vehicular-oriented display signs, a sign erected in conjunction with a use that incorporates a drive-thru or drive in generally used to provide service or product options and pricing for customers in a vehicle.

Sign, Electronic Message Center shall mean a sign with a fixed or changing display/message composed of a series of lights that may be changed through electronic means. These signs contain text and/or numbers only. No images, pictures, or videos are allowed.

Sign Face shall mean the surface of a sign upon, against, or through which the advertising message is displayed or illustrated, excluding the necessary supports or uprights on which such sign is placed.

Sign, Freestanding shall mean any single- or double-faced sign affixed to a free standing supporting pole, or poles, or structure, imbedded in, and extending upward from the ground.

Sign, Identification shall mean a sign indicating the name of an allowed use, the name or address of a building, or the name of the management thereof.

Sign, Ideological shall mean a sign which does not propose a commercial transaction but, instead, involves only the expression of ideas or beliefs.

Sign, Illuminated shall mean a sign designed to give forth any artificial light or reflect such light from an artificial source.

Sign, Directional shall mean an on-premise sign, which gives direction, instructions, or facility information and does not contain the name or logo of an establishment or contain any advertising copy, e.g. parking, exit, or entrance signs.

Sign, Low-Profile shall mean any single- or double-faced sign affixed to the ground, of which all the structural supporting members must be concealed.

Sign, Off-Premise shall mean a sign advertising goods or services not provided on the property upon which the sign is located.

Sign, Projecting shall mean a sign attached to and extending more than 12 inches beyond the exterior wall of a building or structure so that the sign face is generally perpendicular to the exterior wall.

Sign, Temporary shall mean any sign intended and used for temporary public notification and/or promotion of activities which generally include, but are not limited to: open houses, public benefits, grand openings, special sales/promotions, development projects (project signs), and similar activities of a temporary nature.

Sign, Wall shall mean a sign that is either painted on or affixed in some way to an exterior wall of a building or structure and that projects not more than 12 inches from the wall and presents only one sign face.

Sign, Window shall mean a sign that is painted on, affixed to, or designed to be visible through a window, excluding displays of merchandise.

Site Plan shall mean the proposed layout of a lot showing all elements of the site development as well as utility and drainage lines, and existing and proposed buildings, structures, trees, and vegetation.

Site Specific Development Plan shall mean any of the following applications, if designated by the applicant as a site specific development plan for the establishment of vested property rights according to C.R.S. § 24-68-103, when approved by the City. The site-specific development plan shall describe with reasonable certainty the type and intensity of use proposed for a specific parcel or parcels of property. Site specific development plans include the following:

Skating Rink shall mean an indoor or outdoor expanse of ice artificially made for ice skating, or a floor used for roller skating.

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.

Social Service Organization - Facility shall mean a building in which support and assistance are provided to particular groups of people, which commonly include vulnerable populations.

Social Service Organization - Office shall mean a building or portion of a building in which the managerial and administrative functions of a Social Service Organization - Facility take place.

Solar Energy Collection System shall mean any mechanical device or structure used to collect, transfer, and/or store solar radiant energy generally including, but not limited to, the following: solar collectors, Trombe walls, greenhouses, or other devices, but not including south-facing windows in which solar radiant energy does not reach an acceptable storage medium.

Solar Panel Array shall mean a solar energy system that is mounted on a rack or pole that rests or is attached to the ground or that is mounted on a rack that is fastened to or ballasted on a structure roof. A large Solar Panel Array is defined as 850 square feet or more in area. A small Solar Panel Array is defined as 850 square feet or less in area.

Solid Waste shall mean any garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, air pollution control facility, or other discarded material; including solid, liquid, semisolid, or contained gaseous material resulting from industrial operations, commercial operations, or community activities. Solid waste does not include any solid or dissolved materials in domestic sewage, or agricultural wastes, or solid or dissolved materials in irrigation return flows, or industrial discharges which are point sources subject to permits under the provisions of the Colorado Water Quality Control Act, Title 25, Article 8, C.R.S. or materials handled at facilities licensed pursuant to the provisions on Radiation Control Act in Title 25, Article 11, C.R.S. Solid Waste does not include: (1) materials handles at facilities licensed pursuant to the provisions on radiation control in Article 11 of Title 25, C.R.S.; (2) excluded scrap metal that is being recycled; or (3) shredded circuit boards that are being recycled.

Solid Waste Disposal shall mean the storage, treatment, utilization, processing, or final disposal of solid wastes.

Solid Waste Disposal Site shall mean the location at which the deposit and final treatment of solid wastes occur.

Soup Kitchen shall mean a public or charitable institution that, as an integral part of the normal activities of the institution, maintains an established operation to provide food to persons in need on a regular basis.

Special Flood Hazard Area shall mean that area designated on the flood insurance rate map as subject to a one percent or greater chance of flooding in any given year.

Stabilization shall mean the use of practices that prevent exposed soil from eroding.

Standard Zoning Districts shall mean the following zoning districts, and shall be collectively referred to as standard zoning districts.

Standards and Specifications shall mean the Engineering Construction Standards and Specifications of the City.

Stone shall mean any rock material that may fall under further sub-classification such as river rock, cobble, flagstone, boulders, and others contained in the Approved Plant List and Landscaping Specifications document. Any stone material used in landscape applications must be of at least 3/4-inch diameter or cross-section. Squeegee and road-base are not acceptable materials within the definition of stone.

Stockyard shall mean a site for services involving the temporary keeping of livestock for slaughter, market, or shipping.

Storm Drainage System shall mean facilities by which stormwater is collected or conveyed including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, or other drainage structures.

Stormwater shall mean any runoff consisting entirely of water from any form of natural precipitation. See also Storm Drainage System.

Stormwater Management Plan (SWMP) shall mean a document that describes the best management practices and activities to be implemented by a person or business to identify sources of discharges to stormwater, stormwater conveyance systems and/or receiving waters to the maximum extent practicable.

Street shall mean a dedicated public or non-dedicated private thoroughfare that affords the principal means of access to abutting property.

Street, Private shall mean a local street that is not dedicated or accepted for public use or maintenance which provides vehicular and pedestrian access to more than one property, business, or dwelling unit.

Street, Public shall mean a street owned and maintained by a unit of government within an officially dedicated and accepted right-of-way to provide vehicular and pedestrian access.

Structure shall mean that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

Subdivision shall mean the division by plat of a lot, tract, or parcel of land. The term shall also include and refer to any division of land subdivided or platted prior to the effective date of this LDC.

Substance Abuse Treatment Facility, Inpatient Residential shall mean structures and land used for the treatment of alcohol or other drug abuse where one or more patients are provided with care, meals, and lodging.

Substance Abuse Treatment Facility, Outpatient Clinic shall mean structures and land used for the treatment of alcohol or other drug abuse where neither meals nor lodging is provided.

Substantial Improvement shall mean any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

Substation shall mean any facility designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity at 115 kilovolts or more, and any addition thereto increasing the existing design capacity.

Subsurface Disposal Facility shall mean a facility or system for disposing of water or other oil field wastes into a subsurface reservoir or reservoirs.

Subsurface Extraction shall mean the process of removing resources from deep underground, using tunnels and shafts to reach deposits.

Summer Season shall mean May 15 to October 31. The Community Development Director may extend the summer season based on seasonal conditions.

Surety shall mean any form of security including cash deposit, surety bond, property, or instrument of credit in an amount and form satisfactory to the Community Development Director.

Surface Owner shall mean any person owning all or part of the surface of land upon which oil and gas operations are conducted, as shown by the tax records of the county in which the tract of land is situated, or any person with such rights under a recorded contract to purchase.

Surface Use Agreement shall mean an agreement or contract between an Operator and the owner of real property addressing property interests or property use in relation to a specific location for a Well, Multi-Well Site, Production Facility, pipeline or any other Oil and Gas Facility.

Survey Monument shall mean metal pin monuments located in the ground at all points on streets, alleys, or boundary lines where there is a change in direction or curvature.

Swimming Pool (Public and Private) shall mean a water-filled enclosure or splash pad constructed for swimming or wading, swimming, or water-oriented recreation. A public swimming pool is constructed for use by the general public for swimming or wading, swimming, or water-oriented recreation, including those operated as a business and those constructed and maintained by the City. A private swimming pools is constructed for use by the residents and guests of a single household, a multi-family development, a subdivision, the members and guests of a club, or the patrons of a hotel or motel.

T

Tank shall mean, as it relates to Oil and Gas Operations, a stationary vessel that is used to contain fluids, constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

Tank Battery shall mean an area where one or more tanks have been placed for the purpose of storing and managing produced fluids received from wells for oil and gas purposes or resulting from the treatment of produced fluids. Included also would be associated fluid processing equipment such as separators and heater treaters.

Tasting Room shall mean an area devoted to the sampling, and sales thereof, of wine or beer produced on or off premises.

Telecommunication Facility shall mean any facility established for the purpose of providing wireless transmission of voice, data, images or other information including but not limited to cellular telephone service, personal communication service, and paging service for any reason other than communicating with employees of that particular business. A telecommunication facility can consist of one or more antennas and telecommunication accessory equipment.

Telecommunication Facility, Accessory Equipment shall mean equipment, including buildings and cabinets, used to protect and enable operation of radio switching equipment, back-up power and other devices, but not including antennas that are necessary for the operation of a telecommunication facility.

Telecommunication Facility, Concealed shall mean any monopole or building mounted telecommunications facility that blends into the surrounding environment in a visually unobtrusive manner through disguise as a non-telecommunications structure or architectural feature.

Telephone Exchange shall mean a building that is used exclusively for the transmission and exchange of telephone signals.

Television or Radio Transmission Tower shall mean a structure set up for the purpose of transmitting and receiving radio and television signals.

Temporary shall mean a period of time under one year, unless otherwise specified in this LDC.

Temporary Use shall mean a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Tennis or Pickleball Facility shall mean an indoor establishment where the general public may come to play tennis, racquetball, and similar sports.

Thrift Store shall mean a store that derives the majority of its sales from donated previously used merchandise such as clothing, furniture, appliances, household goods, sporting goods, recreational equipment, or other merchandise not considered to be antique.

Tire Store shall mean a business where the principal use is the sale or installation of new, used, or retread tires or tubes. Any land or structures with a primary or principal use of tire collection, reduction, or transfer shall not be considered a tire store.

Tower shall mean any structure that is designed and considered primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower, Lattice shall mean a tower or structure designed and constructed primarily to support antenna or antennas and comprised of interconnected poles, pipes, bars, beams, strips, wires or cross-members. A lattice tower shall include any type or form of tower that incorporates guy or supporting wires. A lattice tower is not a monopole tower.

Towing Service shall mean the business of transporting, towing, or recovering with a wrecker, tow truck, rollback or car carrier any vehicle not owned by the operator of the wrecker, tow truck, rollback or car carrier for which the operator directly or indirectly receives compensation or other personal gain.

Tractor Trailer shall mean the vehicle formed by combining a trailer and a truck-tractor.

Tract shall mean a unit of subdivided land not occupied or designed to be occupied by a primary building, such as open space or drainage.

Trail shall mean a publicly or privately owned or maintained path system open to the public, intended for non-motorized transportation such as walking, jogging, or biking, including trailheads. Trailheads may include parking lots, drinking fountains, restrooms, picnic shelters, and related signage and monumentation.

Trailer (including semi-trailers) shall mean a non-motorized vehicle that is pulled by a motorized vehicle for the purpose of transporting equipment, commodities, or for similar purposes.

Trampoline Park shall mean any place of business that operates for the purpose of offering the recreational use of a trampoline court for a fee.

Transfer Facility shall mean a facility or site at which the exchange or deposit of material is made for ultimate transfer and disposal elsewhere.

Transit Oriented Development (TOD) shall mean developments within a half mile radius of a transit station. TODS are planning and design strategies that allow increased density by reducing automobile use, encouraging transit ridership and encourages a walkable community.

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.

Travel Agency and Ticket Sales shall mean an agency that makes the necessary arrangements for travelers, especially the booking of airline tickets and hotel rooms.

Treatment Facility shall mean, as it relates to Oil and Gas Operations, any plant, equipment or other works used for the purposes of treating, separating or stabilizing any substance produced from a well.

Tree Canopy shall mean the horizontal extension of a tree's branches in all directions from its trunk.

Tree Lawn shall mean a landscaped strip of land located between the curb line, or lateral line of the roadway, and the front edge of a sidewalk.

Tree Pit shall mean the initial hole where a tree is planted that is designed so that roots may leave the tree pit to obtain water and nutrients.

Truck shall mean a motorized vehicle of greater than one-ton carrying capacity with two or more axles, including tractor-trailer combinations and buses; or any vehicle equipped with a body designed to carry property over the public highways and generally and commonly used for such transport of cargo rather than passengers. This term shall also include truck-tractors, trailers, semi-trailers when used in combination, but excludes two-axle, four-tired vehicles that may be classified as a truck for registration purposes, but which have operating characteristics similar to those of a passenger car.

Truck Repair shall mean the process or operation of repairing trucks, including major work on engines or transmissions.

Truck Stop shall mean any property on which a business involving the maintenance, servicing, storage or repair of commercial vehicles of greater than 15,000 gross vehicle weight (GVW) is conducted, including the dispensing of motor fuel or other petroleum products directly into motor vehicles; and the sale of accessories or equipment for such commercial vehicles. A truck stop may also include overnight accommodations and restaurant facilities.

Truck, Trailer Sales and Service shall mean an establishment or area for the purpose of trailer and truck sales, service, and repair.

Truck-Tractors shall mean a motorized vehicle with two or more axles that is used to pull a trailer for purposes of carrying property over the public highways and generally and commonly used for such transport of cargo rather than passengers. Truck-tractors may be operated in combination with, or separate from, a trailer.

Turf-Grass shall mean continuous plant coverage consisting of nonnative grasses or grasses that have not been hybridized for arid conditions which, when regularly mowed, form a dense growth of leaf blades and roots.

U

Underlying Zone District shall mean a base zone district that is affected by an overlay district.

University or College shall mean a community college, college, university, seminary, language school, business school, and comparable advanced or continuing education facilities.

Unstable Materials shall mean materials, other than explosives, which in the pure state or as commercially-produced will vigorously polymerize, decompose, condense, or become self-reactive and undergo other violent chemical changes, including explosion, when exposed to heat, friction or shock, or in the absence of an inhibitor or in the presence of contaminants or in contact with non-compatible materials.

Upper Story Residential shall mean a dwelling unit located on the second floor or higher of a building with nonresidential uses located on the ground or street level.

Urgent Care shall mean an establishment that provides unscheduled, ambulatory walk-in care outside of a hospital emergency room.

Usable Land shall mean all land in the subdivision (including private streets and oil and gas sites) except floodplains, public right-of-way dedications, commercial sites, industrial sites, public school sites, public library sites, police station sites, fire station sites, and public parks, trails, and recreation facilities.

Use shall mean any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Use Variance shall mean a variance authorizing the property to be used for a purpose prohibited by this LDC, as distinguished from a variance in lot area, yard size, building height, or other dimensional bulk requirements. Use variances are prohibited.

Utilities shall mean a category of uses containing major or minor infrastructure that serves a site, a development, or the City at large. Major Utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include public or private infrastructure serving a limited area with no on-site personnel.

Major Utilities consist of public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity, possibly having on-site personnel, and include:

Electrical substation; Electric generation plant; Solar panel array (large scale); Telecommunication tower; Water or wastewater treatment plant; and Other uses that the Administrator interprets to be functionally similar to a use in this use type.

Minor Utilities consist of public or private infrastructure serving a limited area with no on-site personnel and include:

Collocated telecommunication antenna; Public or municipally owned utilities; Solar panel array (small scale); Stormwater retention or detention facility; Telephone exchange; and other uses that the Administrator interprets to be functionally similar to a use in this use type.

Utility Lines shall mean all electrical, communication, cable television wiring, coaxial, fiber optic, water, sewer, natural gas, or other such physical system connections.

V

Vacation shall mean the termination of or termination of interest in an easement, right-of-way, or public dedication of land.

Variance shall mean a deviation from specific standards contained in this LDC.

Vehicle/Equipment Sales and Rentals shall mean repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boards, including the sale, installation, and servicing of related equipment and parts. This use includes auto repair shops, body and fender shops, wheel and brake shops, and tire sales and installation. This use excludes junk yards, vehicle dismantling or salvage, and tire retreading or recapping.

Vehicle Servicing, Major shall mean the complete repair of automobiles, motorcycles, and light trucks that may include body repair, fender work, or engine repair. In no case shall major vehicle repair include repair of heavy equipment or trucks.

Vehicle Servicing, Minor shall mean the limited repair of automobiles, motorcycles, and light trucks that may include tune-ups, brakes, mufflers, automobile glass replacement, and other minor repair customarily done in service stations, but in no case shall minor vehicle repair include auto/truck body and fender work or repair of heavy equipment or trucks.

Vehicle Storage shall mean the storage of parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses, and recreational vehicles. Vehicle storage includes only the storage of operable vehicles.

Vertical Growing Structure shall mean a permanent structure used to encourage the vertical growing of plants. Traditional examples include arbors and trellis.

Vested Property Rights shall mean the right to undertake and complete the development and use of property under the terms and conditions of a site specific development plan.

Veterinarian Clinic or Office shall mean an establishment that provides medical treatment and care to animals, and which may include temporary or overnight boarding of animals that are recuperating from treatment.

Virtual Lot means a potential lot created by virtual lot lines demarcated on a Virtual Lot Plan to demonstrate conformance with this LDC, without the act of legal subdivision.

Virtual Lot Line means potential lot lines shown on a Virtual Lot Plan to demonstrate conformance with this LDC. Virtual lot lines do not require an act of legal subdivision.

W

Waste shall mean a material, substance, or byproduct eliminated or discarded as no longer useful or required after the completion of a process.

Wastewater Treatment Plant shall mean a facility, or group of facilities, used for the treatment of industrial or domestic wastewater for sewer systems and for the reduction and handling of solids and gases removed from such wastes; and facilities used for the storage and distribution of potable and gray water to customers. Includes sewage treatment plants.

Watchman's Quarters, Night shall mean a dwelling unit located on the same premises as a principal use, which unit is occupied or intended for occupancy by a caretaker employee or owner of said establishment.

Water Bodies shall mean reservoirs, lakes, perennial or seasonally flowing rivers, streams, creeks, springs, irrigation ditches, aquifers, and wetlands.

Water Purification Plant shall mean that portion of a public water system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health

standards.

Water Supply System shall mean the City's reservoirs, canals, ditches, flumes, laterals, pipes, pipelines, and other surface facilities and systems constructed or installed for the collection, impoundment, storage, transportation, or distribution of drinking water. It includes water pump stations, water purification plants, water storage, and all other components used by the City in the collection, treatment, and distribution of drinking water.

Watercourse shall mean any body of water, including but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the City or Mile High Flood District.

Water Surface Elevation shall mean the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Waterway shall mean a channel that directs surface runoff to a watercourse or to the public storm drain. See also Water Supply System.

Weed shall mean any herbaceous plant which, due to height, smell, appearance, or injurious nature, has a blighting influence.

Welding or Machine Shop shall mean a workshop where machines, machine parts, or other metal products are fabricated. Typical uses include machine shops, welding shops, and sheet metal shops.

Well shall mean, as it relates to Oil and Gas Operations, an Oil or Gas well for purposes of exploration and production.

Well Site shall mean, as it relates to Oil and Gas Operations, a definable area where an Operator has disturbed or intends to disturb the land surface in order to locate an Oil and Gas well facility, and includes a Production Site.

Wetlands shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Establishments shall mean a use engaged in enclosed wholesale of manufactured products, supplies, and equipment, including accessory offices and showrooms. Products may be picked up on-site or delivered to the customer. Other accessory uses may include product repair, parking, minor fabrication services, and repackaging of goods.

Wind Turbine, Small shall mean any mechanism, including blades, rotors, or other moving surfaces, designed for the purpose of converting wind energy into mechanical or electrical power. For purposes of this LDC, also included are towers, tower bases, guy wires, and any other structures necessary for installation of a small wind energy conversion system.

Wool Scouring shall mean the process of preparing and washing a batch of raw sheep's wool to remove impurities such as grease, dirt, and suint.

Working Pad shall mean the portions of an Oil and Gas Location that has an improved surface upon which Oil and Gas Operations take place.

Winery shall mean an establishment that manufactures vinous liquors which may include a restaurant or samples venue that sells the winery's products, including retail sales.

Wireless Communication Tower shall mean a self-supporting monopole structure constructed from grade which supports any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications, including cellular/PCS towers and microwave communication facilities.

X

Xeriscape shall mean water conservation through creative landscape design that reduces water consumption, landscape maintenance and the use of fertilizers and pesticides. Principles associated with xeriscaping include appropriate planning and design, soil improvements, efficient irrigation, practical turf areas, appropriate plant selection, use of mulches and maintenance.

Y

Yard shall mean a space on the same lot or lots with a principal building, open, unoccupied and unobstructed by buildings or structures from the ground to the sky

Yard, Front shall mean a yard extending across the full width of a lot and between the front lot line and the nearest wall of any principal building on the lot.

Yard, Rear shall mean a yard extending across the full width of a lot and between the rear lot line and nearest wall of any principal building on the lot.

Yard, Side shall mean a yard extending between the front yard and the rear yard and between a side lot line and the nearest main wall of any principal building on the lot.

Yard Sale shall mean an infrequent sale of used goods and material occurring on a residential yard or in a residential garage. This term shall also include that which is known as a garage sale or estate sale.

Youth Center shall mean a public building used as a place of meeting, recreation, or social activity for persons 18 years old or younger that is operated as a nonprofit.

Z

Zoning District shall mean an area or areas within the limits of the City for which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.

#

6409(a) Facility shall mean any telecommunication facility associated with an eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station pursuant to section 6409(a) of the Spectrum Act, as that section is interpreted, applied, or revised in accordance with federal law.

APPENDICES

Any appendix in this LDC is administratively amendable and shall not require the same process required for an LDC Text Amendment established in Sec. 21-7230.

APPENDIX A PLANT LIST

A. **Generally**. The Community Development Director may approve plant species not listed in this Appendix on a case-by-case basis, except for species that are explicitly prohibited.

B. **Trees.**

1. *Types.* Table A-1 lists approved shade, ornamental, and evergreen tree species including the botanical name, common name, and varieties.

2. *Right-of-Way, Xeriscape, and Fire Resistance.* Table A-1 denotes if the tree is approved to be located in the ROW (R), if the tree is eligible for Xeriscape credit (X), and if the tree is fire resistant (FR).

3. *Hydrozone*. The Hydrozone column denotes the tree's hydrozone placement of High (H), Moderate (M), or Low (L).

4. *Invasive and Exotic Species*. Any plant species classified as invasive or exotic by the state of Colorado shall be prohibited.

Table A-1, Approved Tree List

Botanical Names	Common Name	Cultivars / Varieties	ROW (R) / Xeriscape (X) / Fire Resistant (F)	Hydrozone
Shade Trees				
Acer Buergeranum	Trident Maple		R	M
Acer Campestre	Hedge Maple		R	M

Table A-1, Approved Tree List				
Botanical Names	**Common Name**	**Cultivars / Varieties**	**ROW (R) / Xeriscape (X) / Fire Resistant (F)**	**Hydrozone**
Acer Glabrum	Rocky Mountain Maple		F	
Acer Grandidentatum	Bigtooth Maple	Rocky Mountain Glow	R/X	L
Acer Miyabei	Miyabe Maple			
Acer Nigrum	Black Maple			
Acer Platanoides	Norway Maple	Globe (Globosum), Schwedler, Emerald Queen, Jade Glen	R	M
Acer Pseudoplatanus	Sycamore Maple			
Acer Rubrum	Red Maple	Red Sunset Sun Valley	R	M
Acer Saccharinum	Silver Maple Sugar Maple	Green Mountain, Legacy	R	M
Acer Tataricum	Tartarian Maple	Hot Wings, Rugged Charm	R/X	L
Acer triflorum	Three-flowered Maple			
Acer truncatum	Shangtung Maple			
Aesculus Arguta	Texas Horse Chestnut		R/X	L
Aesculus flava	Yellow Buckeye			
Aesculus glabra	Ohio Buckeye			
Aesculus hippocastanum	Horse Chestnut			
Aesculus x carnea	Red Horse Chestnut			
Alnus cordata	Italian Alder			
Alnus glutiosa	Black Alder			
Alnus Tenuifolia	Thinleaf/ Mountain Alder		F	M
Amelanchier arborea	Downy Serviceberry			
Amelanchier canadensis	Shadblow Serviceberry		X/F	
Amelanchier x grandiflora	Apple Serviceberry			
Carpinus betulus	European Hornbeam			
Carpinus caroliniana	American Hornbeam			
Carya Glabra	Pignut Hickory		R	M
Carya Ovata	Shagbark Hickory		R	M
Catalpa Speciosa	Northern CatalpaWestern Catalpa		R/X	M
Celtis Laevigata	Celtis Laevigata	All Seasons	R/X	L
Celtis Occidentalis	Common Hackberry		R/X	L
Celtis reticulata	Netleaf Hackberry			
Cercidiphyllum japonicum	Katsura Tree			
Cercis canadensis	Eastern Redbud			
Cornus mas	Cornelian Cherry			
Corylus Columa	Turkish Hazel			

Table A-1, Approved Tree List				
Botanical Names	**Common Name**	**Cultivars / Varieties**	**ROW (R) / Xeriscape (X) / Fire Resistant (F)**	**Hydrozone**
Crataegus ambigua	Russian Hawthorn			
Crataegus crus-galli inermis	Thornless Cockspur Hawthorn			
Crataegus laevigata	English Hawthorn			
Crataegus x mordensis	Snowbird Hawthorn			
Eucommia ulmoides	Hardy Rubber Tree			
Fraxinus Pennsylvanica Lanceolata	Green Ash	Marshall Seedless, Summit, Patmore	R/X	L
Ginkgo biloba	Ginko	Autum Gold, Magyar, Princeton Sentry, Shangri-la		
Gleditsia Triancanthos Inermi	Thornless Honeylocust	Imperial, Moraine, Northern Acclaim, Shademaster, Skyline, Sunburst, Trueshade	R/X/F	L
Gymnocladus Dioicus	Kentucky Coffeetree	Espresso	R/X	L
Liquidambar Styraciflua	Sweetgum		R	M
Liriodendron Tulipifera	Tulip Tree			
Platanus Occidentalis	American SycamoreSycamore		R	M
Populus Acuminata	Lanceleaf Cottonwood		R	M
Prunus Serotina	Black Cherry			
Quercus Alba	White Oak		R	M
Quercus Bicolor	Swamp White Oak			
Quercus Borealis	Northern Red Oak		R	M
Quercus Gambelii	Gambel Oak		R/X	L
Quercus Imbricaria	Shingle Oak			
Quercus Macrocarpa	Bur Oak		R/X	L
Quercus Palustris	Pin Oak			
Quercus Robur	English Oak		R/X	ML
Quercus Shumardii	Shumard Oak			
Robinia Pseudoacacia	Black locust			
Tilia Americana	American Linden, Lincoln Liden	American Sentry, Continental Appeal (more narrow), Lincoln	R	M
Tilia x Euchlora	Caucasian Lime			
Ulmus Americana	American Elm			
Ornamental Trees				
Acer Ginnala	Amur Maple			M
Acer Glabrum	Rocky Mountain Maple		R/FR	M
Aesculus Glabra	Ohio Buckeye		R/X	L
Catalpa Ovata	Chinese Catalpa			M
Cercis Canadensis	Eastern Redbud		R	M

Table A-1, Approved Tree List				
Botanical Names	**Common Name**	**Cultivars / Varieties**	**ROW (R) / Xeriscape (X) / Fire Resistant (F)**	**Hydrozone**
Crataegus Species	Hawthorn	Washington, Downy, Cockspur	F	M
Koelreutaria Paniculata	Golden Rain Tree		R/X	L
Malus Species	Crabapple (varieties resistant to fire)	Dolga, Royalty, Radiant, Etc.	F	M
Populus Tremuloides	Aspen			M
Prunus Newport	Newport Plum		R	M
Prunus Virginiana Melanocarpa	Canada Red Cherry		R	M
Sorbus Aucuparia	European Mountain Ash		R	M
Tilia Cordata	Littleleaf Linden	Greenspire, Glen Leven	R	M
Tilia Cordata	Shamrock Liden	Baileyi, Ronald	R	M
Tilia Cordata	Chancellor Liden	Chancole	R	M
Tilia Cordata	Corinthian Liden	Corzam	R	M
Tilia Cordata	Summer Sprite Liden	Halka	R	M
Evergreen Trees				
Abies Concolor	White Fir			M
Juniperus Scopulorum	Rocky Mountain Juniper		X	L
Juniperus Virginiana	Eastern Red Cedar		X	L
Magnolia x soulangiana	Saucer Magnolia			H
Picea Pungens Glauca	Colorado Blue Spruce			M
Pinus Aristata	Bristlecone Pine		X	L
Pinus Cembroides Edulis	Pinyon Pine		X	L
Pinus Nigra	Austrian Pine		R	M
Pinus Ponderosa	Ponderosa Pine		R/X	L
Pinus Sylvestris	Scotch Pine			M

C. **Shrubs.**

1. *Types.* Table A-2 lists approved shade, ornamental, and evergreen tree species including the botanical name and common name.

2. *Size.* The size of the shrub is denoted in the third column of Table A-2 where T = Tall, M = Medium, and S = Short.

3. *Xeriscape.* Table A-2 denotes if the shrub is eligible for Xeriscape credit in this LDC.

Table A-2, Approved Shrub List				
Botanical Names	**Common Name**	**Size**	**Xeriscape / Fire Resistant**	**Hydrozone**
Deciduous Shrubs				
Arnelanchier	Serviceberry	T	/FR	L
Berberis Thunbergia	Japanese Barberry	M, S	X	L
Caragana Arborescens	Siberian Peashrub	T	X	L
Caryopteris Clandonensis	Bluemist Spirea	S	X	L
Cercocarpus Montanus	Mountain Mahogany	M	X	L
Chrysothamnus sp.	Rabbitbursh	M	X	L
Cornus Stolonifera	Red & Yellowtwig Dogwood	T		M
Cornus Alba	Variegated Dogwood	M		M
Cotoneaster Acutifolia	Peking Cotoneaster	M		M
Cotoneaster Divaricata	Spreading Cotoneaster	S	X	L
Euonymus Alatus	Burning Bush	M		M
Ligustrum Vulgare	Common Privet	M		M
Lonicera Compacta Nana	Dwarf Honeysuckle	S		M
Lonicera Zabeli	Zabel's Honeysuckle	T		M
Physocarpus sp.	Ninebark	M, T		M
Potentilla sp.	Potentilla (Cinquefoil)	S	X	L
Prunus Americana	American Plum	T	X	L
Prunus Besseyi	Sand Cherry	M	X	L
Prunus Cistena	Cistena Plum	M		M
Rhamnus sp.	Buckthorn	T		M
Rhus sp.	Sumac	M, T	X	L
Ribes Alpinum	Alpine Currant	S	X	L
Ribes Aureum	Golden Currant	M	X	L
Rosa Foetida	Shrub Rose	M	X	L
Salix sp.	Willow	M, T		M
Salvia Yangii	Russian Sage	S, M		M
Sambucus sp.	Elder	T		M
Shepherdia Argentea	Silver Buffaloberry	T	X	L
Spirea sp.	Spirea	S, M		M
Symphocarpus sp.	Snow & Coralberry	S	X	L
Syringa sp.	Lilac	T	X	L
Viburnum sp.	Viburnum	T		M
Evergreen Shrubs				
Arctostaphylos patula	Manzanita, Bearberry	S, M	X	L
Artemisia cana	Silver Sagebrush	S		M
Juniperus Chinensis	Pfitzer & Gold Tip Juniper	M, T	X	L
Juniperus Horizontalis	Spreading Junipers	S	X	L

Table Legend:
LW = indicates a low water requiring species
VLW = indicates a very low water requiring species
S = indicates a small shrub (less than four feet in height)
M = indicates a medium sized shrub (four to seven feet in height)
T = indicates a tall shrub (over seven feet in height)
FR = Fire resistant species

Table A-2, Approved Shrub List				
Botanical Names	**Common Name**	**Size**	**Xeriscape / Fire Resistant**	**Hydrozone**
Juniperus Sabina	Tammy, Buffalo & Broadmoor Juniper	M	X	L
Mahonia Aquifolium	Oregon Grape	S, M		M
Pinus Mugo	Mugho Pine	M	X	L
Pyracantha sp.	Pyracantha	M, T		M
Yucca sp.	Yucca	S	X	L

Table Legend:
LW = indicates a low water requiring species
VLW = indicates a very low water requiring species
S = indicates a small shrub (less than four feet in height)
M = indicates a medium sized shrub (four to seven feet in height)
T = indicates a tall shrub (over seven feet in height)
FR = Fire resistant species

D. **Groundcover.**

1. *Types.* Table A-3 lists groundcover species including the botanical name and common name.

2. *Xeriscape.* Table A-3 denotes if the groundcover is eligible for Xeriscape credit in this LDC.

Table A-3, Approved Ground Cover List				
Botanical Names	**Common Name**	**Xeriscape**	**Notes**	**Hydrozone**
Arctostaphylos Uva-Ursi	Kinnikinnick		Evergreen	L
Ajuga Reptans	Ajuga		Evergreen	
Antennaria Rosea	Pussytoes	X		L
Artemesia	Silvermound	X		
Cerastium Tomentosum	Snow-In-Summer	X	Evergreen	
Convallaria Majalis	Lily of the Valley		Shaded Areas	
Dianthus Deltoides	Maiden Pink			
Delosperma Nubigenum	Hardy Iceplant	X		L
Euonymus Fortunei	Wintercreeper		Evergreen	
Mahonia Repens	Creeping Grapeholly	X	Evergreen	L
Phlox Sublata	Creeping Phlox			L
Polygonum Affine	Himalayan Border Jewel	X		
Sedum Species	Sedum (Stonecrop)	X	Evergreen	
Thymus Pseudolanuginosus	Wooly Thyme	X		
Vinca Minor	Periwinkle		Evergreen, Shaded Areas	

Table Legend:
LW= indicates a low water requiring species
VLW = indicates a very low water requiring species