



**Commerce City
Land Development Code**



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ARTICLE I. GENERAL PROVISIONS

ARTICLE I. GENERAL PROVISIONS

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Sec. 21-1110. Authority

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Sec. 21-1130. Conflicts

Sec. 21-1140. Scope

Sec. 21-1150. Rules of Construction and Interpretation

Sec. 21-1160. Proscribed Acts

Sec. 21-1170. Savings Clause

Sec. 21-1100. Title

This code shall be known and may be cited as the City of Commerce City Land Development Code (hereinafter referred to as the “land development code” or “code”).

Sec. 21-1110. Authority

This land development code 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

This land development code is designed to encourage the most appropriate use of land throughout the city and to ensure a logical growth of the various physical elements of the city; to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to encourage urban environments, where appropriate; to provide adequate light and air; to improve housing standards; to conserve property values; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements; to promote economic development; to promote pleasing aesthetics and minimize negative visual impacts; to encourage diversity in land use types; and in general to promote health, safety, and the general public welfare.

Sec. 21-1130. Conflicts

Except with regard to conflicts with an approved Planned Unit Development (PUD) zone document, if the provisions of this land development code conflict with any other statute, code, local ordinance, resolution, regulation, or other applicable federal, state, or local law; or if the land development code’s provisions are internally conflicting, the more restrictive standard, limitation, or

requirement shall govern or prevail to the extent of the conflict. In the event that the terms of an approved PUD zone document conflicts with the provisions of this land development code, the terms of the PUD zone document shall control.

Sec. 21-1140. Scope

The provisions of this land development code 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 land development code. All development shall comply with the applicable terms, conditions, requirements, standards, and procedures imposed by, or pursuant to, the provisions of this land development code.

Sec. 21-1150. Rules of Construction and Interpretation

- (1) **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this land development code shall be construed according to this land development code's stated purpose and intent.
- (2) **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.
- (3) **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.
- (4) **Mandatory and Discretionary Terms.** The word "shall" and "must" are always mandatory, and the words "may" and "should" are always permissive.
- (5) **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.
- (6) **Gender.** The masculine shall include the feminine, and vice versa.
- (7) **Technical and Non-Technical Words.** Words and phrases not defined by this land development code, 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 shall be construed and understood according to such meaning.

- (8) **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the city, unless otherwise indicated.

Sec. 21-1160. Proscribed Acts

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, or in violation of this land development code, any land use or zoning ordinance lawfully enacted by the city, any condition imposed in a land use approval, 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 land development code.
- (6) Further, it shall be unlawful for any person to fail to comply with the provisions of any approval, order, or permit granted or issued pursuant to the city's authority to regulate land use.

*Paragraph (6) amended by Ord. 1785, June 2010
Section amended by Ord. 1854, April 2011*

Sec. 21-1170. Savings Clause

This land development code sets for the standards that apply generally to land development in the city. Its adoption is not intended to, nor shall it, affect the validity of any property specific ordinance or land development approval that was adopted or granted by the city prior to the effective date of this land development code.

Section added by Ord. 1785, June 2010

ARTICLE II. ADMINISTRATION

ARTICLE II. ADMINISTRATION

DIVISION 1: COMPREHENSIVE PLAN

Sec. 21-2100. Adoption and Purpose

Sec. 21-2110. Amendments

DIVISION 2: ORGANIZATIONAL STRUCTURE

Sec. 21-2200. City Council

Sec. 21-2210. Planning Commission

Sec. 21-2220. Board of Adjustment

Sec. 21-2230. Development Review Team

Sec. 21-2240. Department of Community Development

Sec. 21-2250. Building Official

Sec. 21-2260. Building Board of Appeals

Sec. 21-2270. Floodplain Administrator

Sec. 21-2280. City Engineer

DIVISION 1: COMPREHENSIVE PLAN

Sec. 21-2100. Adoption and Purpose

The city's comprehensive plan is adopted and amended by ordinance. It shall serve as a guide for city zoning, land use, and development decisions. The purpose of the comprehensive plan is to promote the health, safety, order, convenience, prosperity and general welfare of the inhabitants of the city by ensuring coordinated, adjusted, and harmonious development within the city.

Sec. 21-2110. Amendments

- (1) **Initiation.** Amendments to the comprehensive plan may be initiated by the city or by an owner whose property is the subject of a rezoning request.
- (2) **Minor Amendment.** The director may approve a minor amendment to the comprehensive plan if he finds:
 - (a) The comprehensive plan and/or any related element thereof is in need of the proposed amendment;
 - (b) The proposed amendment is compatible with the surrounding area, and the goals and policies of the comprehensive plan;
 - (c) The proposed amendment will have no significant negative impacts on transportation, services, and facilities;

- (d) The proposed amendment will have minimal effect on service provision, including adequacy or availability of facilities and services, and is compatible with existing and planned service provision;
 - (e) The proposed amendment is consistent with the city's ability to annex the property if applicable;
 - (f) The proposed amendment is consistent with the logical expansion of services;
 - (g) Strict adherence to the comprehensive plan would result in a situation neither intended nor in keeping with other key elements and policies of the comprehensive plan; and
 - (h) The proposed plan amendment will promote the public welfare and will be consistent with the goals and policies of the comprehensive plan and the elements thereof.
- (3) **Other Amendments.** All other comprehensive plan amendments shall be reviewed by the planning commission and approved by the city council. Such amendments may be recommended by the planning commission and approved by the city council when the proposed amendment:
- (a) Is consistent with the overall intent of the comprehensive plan;
 - (b) Is consistent with the purposes set forth in section 21-2100 above;
 - (c) Is necessary or desirable because of changing social values, new planning concepts, or other social or economic conditions;
 - (d) Will not have a negative effect on the immediate area;
 - (e) Will not have a negative effect on the future development of the area; and
 - (f) Will promote the public health, safety, and general welfare of the people of the city.
- (4) **Process and Procedure.**
- (a) **Application Filing.** Applications for a major amendment to the comprehensive plan shall be submitted to the director on the forms approved by the city and shall include all required fees and such materials as the director deems necessary or appropriate to carry

out the provisions of this land development code. No application shall be considered which is not complete in every detail. Incomplete applications may be returned to the applicant for completion or correction without any further action.

- (b) **Staff Review and Report.** City staff, and unless deemed unnecessary by the director, the development review team, will review the application to determine whether the proposed amendment meets the criteria listed above. A report summarizing staff's or the development review teams' recommendation will be provided to the appropriate decision maker.
- (c) **Neighborhood Meeting.** The city may require or schedule a neighborhood meeting to obtain feedback on the application, prior to referring the matter to the appropriate decision maker.
- (d) **Planning Commission's Review and Recommendation.** Except in the case of minor amendments, the planning commission shall conduct a public hearing and make its recommendation in accordance with section 10-11(b) of the charter. The criteria listed in paragraph (3) of this section shall serve as the basis for the planning commission's recommendation.
- (e) **City Council's Review and Decision.** Except in the case of minor amendments, the city council shall conduct a public hearing and render a decision in accordance with section 10-11(b) of the charter. In the case of minor amendments, the director is authorized to approve, approve with conditions, or deny the application based upon the approval criteria contained in paragraph (2) of this section.

Figure II – 1. Comprehensive Plan Amendments (Non-Minor)



Section amended by Ord. 2078, April 2016

DIVISION 2: ORGANIZATIONAL STRUCTURE

Sec. 21-2200. City Council

The city council, which is organized and constituted as set forth in chapter IV of the city charter, is the governing body of the city and has final authority in all zoning matters unless that authority is specifically delegated by ordinance.

Sec. 21-2210. Planning Commission

The planning commission is organized and constituted as set forth in chapter X of the charter. It 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 of the city council.

Sec. 21-2220. Board of Adjustment

- (1) **Organization and Powers.** The board of adjustment is organized and constituted as set forth in chapter X of the charter. It 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.
- (2) **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.
- (3) **Operations and Procedures.**
 - (a) 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 land development code. Meetings shall be held at the call of the chairperson and at such other times as the board may determine.
 - (b) 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.

Sec. 21-2230. Development Review Team

The development review team (DRT) assists in the review of development and land-use applications.

- (1) **Organization and Qualifications.** The DRT is composed of city staff and representatives of outside agencies that have an interest in or would be affected by a proposed site development or land use activity. The director shall maintain a list of current members and may revise the list at his discretion. Copies of the list are available for inspection in the office of the director.

- (2) **Procedures.**
 - (a) **Referral.** If review by the DRT is appropriate, the city will provide the application to DRT members affected by the proposal. The types of applications that normally are referred to the DRT for review are set forth in article III of this land development code.

 - (b) **Comments and Meeting.** The DRT members are asked to provide comments to the director, and a meeting of the DRT members may be scheduled. At the conclusion of this meeting, the DRT may make a recommendation for or against any application reviewed. Occasionally, the DRT may make no recommendation regarding an application.

 - (c) **Communication to Applicant.** Following the meeting, the director will provide the comments received by the DRT members and the DRT's recommendation, if any, to the applicant. Generally, these comments will be provided within 14 days of the DRT meeting.

Sec. 21-2240. Department of Community Development

The charter established a department of the city known as the department of community development, hereinafter referred to as the "department," or the community development department. The planning division is contained within this department.

- (1) **Responsibilities.** The department assists with planning for the growth, development, and redevelopment of the city. Specifically, the department creates and oversees any planning study of the city. Additionally, the department reviews site and development plans, special use permits, subdivisions, zonings, and variances. The department conducts development review as outlined in article III of this land development code, recommends action on applications to appropriate city boards and the city council, makes decisions and grants approvals and permits as authorized

by this land development code, establishes application and submittal requirements, and all other actions that are assigned by this land development code or are necessary for its proper administration.

- (2) **Director.** The director of the department shall have the authority to interpret this land development code as necessary and review and approve all land use and development applications in accordance with the provisions of this land development code.

Sec. 21-2250. Building Official

- (1) **Appointment.** The building official shall be appointed by the city manager.
- (2) **Powers and Duties.** The building official shall have the following powers and duties:
- (a) To review and approve, conditionally approve, or deny applications for building and sign permits;
 - (b) To inspect building construction to ensure that the same complies with this land development code and all building and construction codes adopted by the city; and
 - (c) To revoke building permits, issue stop work orders, determine occupancy limitations, and to otherwise enforce the ordinances and regulations of the city in regard to building construction, safety, and occupancy.

Sec. 21-2260. Building Board of Appeals

The building board of appeals is organized and constituted as set forth in the municipal code. Appeals from the building official's denial of a building or sign permit, based upon some ground other than a standard contained in this land development code, shall be heard by the building board of appeals.

Sec. 21-2270. Floodplain Administrator

- (1) **Appointment.** The floodplain administrator shall be appointed by the city manager.
- (2) **Powers and Duties.** The floodplain administrator shall have the following powers and duties:
- (a) To review, and after any consultation and input that the administrator may require of other city departments or outside

agencies, approve, conditionally approve, or deny applications for floodplain development permits.

- (b) To interpret the official floodplain map.

Sec. 21-2280. City Engineer

- (1) **Appointment.** The city engineer shall be appointed by the city manager.
- (2) **Powers and Duties.** The city engineer shall review and approve, conditionally approve, or deny applications for grading permits and temporary use permits within rights-of-way.

ARTICLE III. DEVELOPMENT REVIEW

ARTICLE III. DEVELOPMENT REVIEW

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- A. GENERAL PROVISIONS
 - Sec. 21-3100. Review Period
 - Sec. 21-3105. Director Referrals
 - Sec. 21-3110. Neighborhood Meetings
 - Sec. 21-3115. Public Hearings
 - Sec. 21-3120. Burden of Proof
 - Sec. 21-3125. Decisions
 - Sec. 21-3130. Approvals
 - Sec. 21-3135. Applications After Denial
 - Sec. 21-3140. Building Permit Acceptance
 - Sec. 21-3145. Development Agreements
- B. APPLICATIONS
 - Sec. 21-3150. Authority to File Application
 - Sec. 21-3155. Pre-Application Meeting
 - Sec. 21-3160. Forms, Materials, and Fees
 - Sec. 21-3165. Simultaneous and Combined Processing
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 - Sec. 21-3180. Required Notice
 - Sec. 21-3185. Notice Types
 - Sec. 21-3190. Notice Content
 - Sec. 21-3195. Sufficiency of Notice

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- Sec. 21-3200. Required Review
- A. ADMINISTRATIVE APPLICATIONS
 - Sec. 21-3210. Building and Sign Permits
 - Sec. 21-3211. Concept Plans
 - Sec. 21-3212. Development Plans
 - Sec. 21-3213. Floodplain Development Permits
 - Sec. 21-3214. Grading Permits
 - Sec. 21-3215. Minor Modifications
 - Sec. 21-3216. Oil and Gas Permits
 - Sec. 21-3217. Temporary Use Permits
- B. APPLICATIONS REQUIRING BOA APPROVAL
 - Sec. 21-3220. Height Exceptions
 - Sec. 21-3221. Uses-by-Permit
 - Sec. 21-3222. Variances
- C. APPLICATIONS REQUIRING CITY COUNCIL APPROVAL
 - Sec. 21-3230. Conditional Use Permits

- Sec. 21-3231. Model and Elevation Reviews
- Sec. 21-3232. Rezoning or Zone Changes
- Sec. 21-3233. Vacation of Rights-of-Way
- Sec. 21-3234. Vested Property Rights/Site Specific Development Plans
- D. SUBDIVISIONS
 - Sec. 21-3240. Sketch Plats
 - Sec. 21-3241. Final Plats
 - Sec. 21-3242. Plat Corrections and Revisions
 - Sec. 21-3243. Consolidation Plats
 - Sec. 21-3244. Lot Line and Terminology Adjustments
- E. PLANNED UNIT DEVELOPMENTS
 - Sec. 21-3250. PUD Concept Schematics
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DIVISION 3: ANNEXATIONS

- Sec. 21-3300. Discretion and Conflicts
- Sec. 21-3310. Review
- Sec. 21-3320. Pre-Annexation Agreements
- Sec. 21-3330. Other Districts
- Sec. 21-3340. Annexation Approval Criteria
- Sec. 21-3350. Zoning of Newly Annexed Land
- Sec. 21-3360. Annexed Land in the Floodplain
- Sec. 21-3370. Annexed Areas Added to Wards
- Sec. 21-3380. Right-of-Way Dedications

DIVISION 4: POST REVIEW ACTIONS

- A. MODIFICATIONS, AMENDMENTS AND REVOCATIONS
 - Sec. 21-3400. Modifications
 - Sec. 21-3405. Amendments
 - Sec. 21-3410. Revocations
- B. APPEALS
 - Sec. 21-3415. Right to Appeal
 - Sec. 21-3420. Related Developmental Approvals Stayed
 - Sec. 21-3425. Appeal Forums
 - Sec. 21-3430. Filing and Record
 - Sec. 21-3435. Standard of Review
 - Sec. 21-3440. Time of Review
 - Sec. 21-3445. Procedures on Appeal
 - Sec. 21-3450. Decisions

DIVISION 1: GENERAL PROCEDURES

A. GENERAL PROVISIONS

Sec. 21-3100. Review Period

Extensions. Any time period set forth in this land development code for the review of and/or final action on an application may be extended by the city if it determines that the projected size, complexity, anticipated impacts or other factors associated with the proposed development clearly support such extension of time.

Delay. Failure of the city to take action on an application within a time-frame established by this land development code, regardless of whether an extension was granted, shall not constitute an approval, or a recommendation for approval, of any application.

Sec. 21-3105. Director Referrals

The director may refer to the planning commission for review and to city council for a decision any application to which the director is assigned responsibility as the decision maker under the terms of this article. In such event, written notice of the referral shall be sent to the applicant and the matter shall be set for planning commission and city council consideration as soon as practical, but in no event shall the city be required to hold a special meeting nor deviate from standard policies for placing matters upon the planning commission's and city council's agendas. The city council's decision shall be based upon the relevant approval criteria.

Sec. 21-3110. Neighborhood Meetings

- (1) **Purpose.** Neighborhood meetings are intended to inform neighboring property owners of the details of a proposed development, how the developer intends to meet the standards contained in this land development code, and to receive feedback on the proposal early in the review process.
- (2) **Applicability.** The city may require a neighborhood meeting when it appears that an application may have significant neighborhood impacts, including without limitation, impacts related to: traffic; provision of public services such as safety, schools, or parks; compatibility of building design or scale; or operational compatibility such as hours of operation, noise, dust, or glare.

- (3) **Number of Meetings.** When required, there shall be at least one neighborhood meeting held. Such meeting shall be held prior to submittal of a formal application; prior to any administrative action on the application; or a minimum of 21 days prior to the first public hearing on the application. The director may require additional neighborhood meetings due to the proposed development's mix of uses, density, complexity, potential for impacts, or the need of off-site public improvements created by the development.
- (4) **Attendance Required.** If a neighborhood meeting is required, the applicant or applicant's representative shall attend and conduct the meeting.
- (5) **Scheduling and Location.** The applicant shall be responsible for scheduling the neighborhood meeting at a time when a department staff member can attend, shall coordinate the neighborhood meeting, and shall retain an independent facilitator if needed. All neighborhood meetings shall be convened at a place in the vicinity of the proposed development.

Sec. 21-3115. Public Hearings

If required, a public hearing shall be held only after notice is given in accordance with section 21-3180. A hearing may be continued if the projected size, complexity, anticipated impacts, volume of testimony or evidence to consider, lack of necessary information, or other factors associated with the proposed development clearly support such extension of time. A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this land development code, provided that the continued hearing is set for a date within 90 days of the original hearing and the date and time of such hearing is announced at the time of continuance.

Sec. 21-3120. Burden of Proof

The burden of demonstrating that the applicable approval criteria have been met shall be on the applicant.

Sec. 21-3125. Decisions

- (1) **Limitation.** The city may not recommend or approve a greater density of development, a more intensive use, a greater variance, or a more intensive zoning classification than what was indicated in the public notice; however, a lower density of development, a lesser variance, or a less intensive use may be recommended or approved.

- (2) **Conditional Approvals Permitted.** The city shall be authorized to impose any conditions on an approval that it deems necessary to carry out the general purpose and intent of this land development code or the comprehensive plan including, without limitation, requiring the applicant to submit to and pay for ongoing compliance oversight. However, any condition that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
- (3) **Written Decisions Required.** All non-administrative decisions shall be based on written findings of fact related to the relevant standards or criteria set forth in this land development code.
- (4) **Majority Vote Required.** Except as specifically provided for otherwise in this land development code, a decision on an application that is before a decision making body shall be made by a majority of the members of such body present and voting at the hearing or meeting.

Paragraph (2) amended by Ord. 1785, June 2010

Sec. 21-3130. Approvals

- (1) **Limitation.** An approval shall only authorize the development described in the approved application. Any development that occurs beyond what is described in the application is prohibited and shall be deemed a violation of this land development code and subject to the enforcement provisions set forth in article X.
- (2) **Lapse.**

An approval shall lapse if the applicant fails to take necessary action on the approval within the time-frame set forth in table III-2. Unless specifically provided otherwise, the time frames established in table III-2 may be extended by the original decision maker under the following conditions:

 - (a) An extension request is filed on the form established by the director, with all required exhibits and fees, prior to the applicable lapse-of-approval deadline; and
 - (i) This land development code does not expressly prohibit the requested extension.

- (b) If a request to extend the time frame is denied, the requesting party may appeal the denial to the person or body who would have heard an appeal of the original approval (the one being extended).

Sec. 21-3135. Applications After Denial

If an application is denied, the same or substantially similar request shall not be heard by the city for a period of one year from the date of denial unless the denial explicitly states that an earlier re-application will be considered. Notwithstanding the foregoing, an applicant may submit a revised application that adequately addresses all of the stated reasons for denial at any time. Such revised application shall be treated as a new application for purposes of review and scheduling.

Sec. 21-3140. Building Permit Acceptance

No application for a building permit for properties undergoing any required review will be accepted by the city until the review is complete unless acceptance is specifically authorized by the director.

Sec. 21-3145. Development Agreements

Where a development 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.

B. APPLICATIONS

Sec. 21-3150. Authority to File Application

Unless specifically provided otherwise, an application for review or approval under this land development code shall be filed by the owner of the property on which the development will occur or the owner's duly authorized agent. In those instances where the application need not be filed by the property owner, the property owner's express authorization for the filing shall be required.

Sec. 21-3155. Pre-Application Meeting

- (1) **Purpose.** The purpose of the pre-application meeting is to inform the applicant of development procedures, submittal requirements, standards, alternatives, and other pertinent matters before the applicant finalizes the development proposal.

- (2) **Applicability.** Unless specifically provided otherwise, pre-application meetings are voluntary and conducted at the request of an applicant.
- (3) **Scheduling.** Applicants shall be responsible for scheduling pre-application meetings with city staff when they are desired.
- (4) **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.

Sec. 21-3160. Forms, Materials, and Fees

- (1) **Forms and Filing.** Applications shall be filed with the department on forms approved by the director and shall be accompanied by all required fees and any materials deemed necessary by the director to carry out the provisions of this land development code or applicable law, including without limitation the submission of performance bonds. In some circumstances, the city manager, the board of adjustment, the planning commission, and/or the city council may require information or material in addition to that requested by the director, including technical studies and/or a payment to the city to fund the cost of a technical study. The additional information may be required at the time of application or at any time during the review and approval process. No application will be considered complete until all fees have been paid and all requested information has been provided to the city.
- (2) **Fees.** Fees shall be established by resolution of the city council. Application fees shall be non-refundable, absent an express provision to the contrary in the application form or this land development code.
- (3) **Fee Waiver.** The city may waive application fees, in whole or in part, for governmental or quasi-governmental applicants. In addition, the city may, on its own initiative or upon the written request of an applicant, waive application fees, in whole or in part, in the following situations:
 - (a) The application involves the repair or reconstruction of property destroyed or damaged in a national, state, or locally declared disaster;
 - (b) The application is for a project that provides extraordinary charitable, civic, educational, or other similar benefits to the community;

- (c) There is a prevailing public interest in waiving, modifying, or refunding the application fees; or
 - (d) In residential developments:
 - (i) The application is for housing that will help meet the city’s unmet affordable housing targets;
 - (ii) The application is for housing that will be owned by, and remain affordable for at least five years to, households earning 60 percent or less of the Adams County median family income adjusted for household size (“low income”); or
 - (iii) The applicant qualifies as low income and the application concerns property that he or she owns and that serves as his or her primary residence.
 - (iv) A request for a fee waiver must be submitted with the application. The standard fee must be paid at the time of application and will be returned to the applicant only if the city determines that a waiver is appropriate. The decision maker responsible for approving or denying the underlying application shall consider and approve or deny the request for a waiver in conjunction with the decision on the underlying application.
- (4) **Incomplete Applications.** No application shall be considered which is not complete in every detail. Incomplete applications may be returned to the applicant for completion or correction without any further action. The city shall not be responsible for the failure of a permit to be issued or an approval granted due to incomplete or defective applications.

Paragraph (2) amended by Ord. 1785; paragraph (3) added by Ord. 1785, June, 2010

Sec. 21-3165. Simultaneous and Combined Processing

- (1) **Request and Approval.** At the election of the applicant and with the concurrence of the city, applications for different types of development approvals may be processed simultaneously to expedite the review and processing time for a project. In addition, at the election of the applicant and with the concurrence of the city, an application for a use by permit may be processed in conjunction with any application that requires approval by the city council and which is submitted by the same applicant and reasonably related to the use by permit application. In such case, both applications shall be heard by the planning commission and city

council. The combination or simultaneous processing of applications shall have no effect on application fees.

- (2) **Review Period.** When two or more applications are processed simultaneously or in conjunction with one another and have different time frames for review and/or approval, the longest time frame shall apply to all applications.

Paragraphs (1) and (2) amended by Ord. 1785, June 2010

Sec. 21-3170. Inactive Applications

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 60 days of the request, or an applicant fails to attend any scheduled meeting or public hearing, the director may notify the applicant that the application is considered inactive and unless corrective action is taken within 30 days, the application shall be considered withdrawn.

Sec. 21-3175. 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. NOTICE

Sec. 21-3180. Required Notice

Notice shall be provided in accordance with the following table:

Table III-1. Notice Requirement

Application	Mail	Publication	Placard
Annexations		X	
Appeals	X	X	X
Comprehensive Plan Amendments (Non-Minor)	X	X	X
Conditional Use Permits	X	X	X
Consolidation Plats	X ²	X ²	X ²
Final Plats	X ²	X ²	X ²
Height Exceptions	X	X	X
Oil and Gas Permits	X ³	X	X
PUD Zone Documents / Zone Document Amendments	X ¹	X	X ¹
Rezoning or Zone Changes	X ¹	X	X ¹

Application	Mail	Publication	Placard
Use-by-Permits	X	X	X
Vacations – Active rights-of-way or easements only	X	X	X
Variances	X	X	X
Vested Property Rights / Site Specific Development Plans	X	X	X

¹ Placards and mailed notification shall not be required when an amendment to the official zoning map is initiated by the city and affects multiple owners.

² When a plat is initiated by the city and affects city-owned land, no notice shall be required.

³ Mailed notice shall be a minimum of 2500 feet from the affected parcel(s)

Section amended by Ord. 1891, August 2012

Sec. 21-3185. Notice Types

- (1) **Mail.** Unless modified by the director, mailed notice shall be sent to all the owners of property adjacent to or within 300 feet of the property that is the subject of the application. Notice shall be mailed at least seven days prior to the public hearing or, where no hearing is required, administrative action. When adjacent property is owned by a subdivision or condominium association, notification may be sent to the management company or board of such association and to the owners of the individual units. The city shall be responsible for mailing the notice unless it specifically delegates this responsibility to the applicant in writing. If delegated, the city may require the applicant to submit evidence to document compliance with the requirements of this section.

- (2) **Placards.** The city, or the applicant if designated by the director, shall place signs on the property which is the subject of the application at least seven 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. 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. When requested by the city, the applicant shall sign a statement affirming that the above-stated procedures were followed. Failure to comply with the required posting procedure or failure to file the posting compliance log with the city upon request may result in the public hearing being rescheduled. Any delays resulting from the rescheduling shall not prejudice the city regarding the city's

compliance with required times to act as set forth in this land development code.

- (b) Applicants shall remove all signs no later than one week after the public hearing or action.

- (3) **Publication.** Notice shall be placed in a newspaper of general circulation in the city at least six 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.

Sec. 21-3190. Notice Content

All notice required by table III-1 shall indicate the time and place of the public hearing or action, describe the property involved, the nature of the application, and indicate where additional information may be obtained.

Sec. 21-3195. Sufficiency of Notice

Failure of a person to receive mailed notice shall have no affect on any subsequent hearing or action. Similarly, minor defects in any type of notice shall not invalidate the notice or any proceedings related to the notice provided a bona fide attempt has been made to comply with applicable notice requirements. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at a public hearing regarding the adequacy of notice, a formal finding regarding whether there was substantial compliance with the notice requirements of this land development code shall be made before proceeding with the hearing.

DIVISION 2: REVIEW

Sec. 21-3200. Required Review

Applications shall be reviewed in accordance with the processes and standards set forth in this land development code. Table III-2, Development Review Table, establishes the review steps required for specific forms of site development.

Table III-2. Development Review Table

APPLICATION TYPES	REQUIRED REVIEWS					REFERENCE	LAPSE PERIOD
	Staff	DRT	PC	CC	BOA		
Administrative Applications							
Building and Sign Permits	R	R ¹			H ³	§ 21-3210	6 months
Concept Plans	R	R				§ 21-3211	n/a
Development Plans	R	R	H ¹	H ¹		§ 21-3212	2 years

APPLICATION TYPES	REQUIRED REVIEWS					REFERENCE	LAPSE PERIOD
	Staff	DRT	PC	CC	BOA		
Administrative Applications							
Floodplain Development Permits	R	R ²			H ¹	§ 21-3213	2 years
Grading Permits	R				H ¹	§21-3214	30 days
Minor Modifications	R	R ¹			H ¹	§ 21-3215	1 year
Oil and Gas Permits	R	R				§ 21-3216	§ 21-3216
Temporary Use Permits	R	R ¹			H ¹	§ 21-3217	§ 21-3217
Applications Requiring BOA Approval							
Height Exceptions	R	R			H	§ 21-3220	3 years
Uses-by-Permit	R	R			H	§ 21-3221	2 years
Variances	R	R			H	§ 21-3222	1 year
Applications Requiring Approval by City Council							
Annexations	R	R	H ¹	H		Division III-	n/a
Comprehensive Plan Amendments Minor	R	R	H ¹	H		§ 21-2110	n/a
Comprehensive Plan Amendments Non Minor	R	R	H	H		§ 21-2110	n/a
Conditional Use Permits	R	R	H	H		§ 21-3230	2 years
Model and Elevation Review	R	R ¹	R ¹	R ¹		§ 21-3231	90 days
Rezoning or Zone Changes	R	R	H	H		§ 21-3232	n/a
Vacation of Rights-of-Way	R	R	H	H		§ 21-3233	60 days
Vested Property Right/Site Specific Development Plans	R	R	H	H		§ 21-3234	3 years
Developments with Multiple Steps							
Planned Unit Development (PUD)							
Concept Schematics	R	R	H ¹			§ 21-3250	n/a
Zone Documents/Amendments	R	R	H	H		§ 21-3251	n/a
Development Permits	R	R	H ¹	H ¹		§ 21-3252	2 years
Subdivisions							
Consolidation Plats	R	R	H ²	H ²		§ 21-3243	60 days
Lot Line and Terminology Adjustments	R	R ¹	H ¹	H ¹		§ 21-3244	60 days
Plat Corrections and Revisions	R	R ¹	H ¹	H ¹		§ 21-3242	60 days
Sketch Plats	R	R				§ 21-3240	n/a
Final Plats (administrative)	R	R	H ²	H ²		§ 21-3241	60 days
Final Plats (public hearing required)	R	R	H	H		§ 21-3241	60 days

Key	
PC	Planning Commission
CC	City Council
BOA	Board of Adjustment
DRT	Development Review Team
H	Public Hearing
H ¹	Hearing upon appeal from staff decision or from director or city council request
H ²	Hearing upon appeal from staff decision or by request of director, city council, or public
H ³	Hearing on appeal of zoning related matters. Appeals related to building matters are heard by the board of building appeals.
R	Review

Key	
<i>R¹</i>	<i>Review requested by director</i>
<i>R²</i>	<i>Review requested by floodplain administrator</i>

Section amended by Ord. 1891, August 2012

Section amended by Ord. 2183, November 2018

A. ADMINISTRATIVE APPLICATIONS

Sec. 21-3210. Building and Sign Permits

- (1) **Description.** A building permit allows the permit holder to undertake construction of a project; a sign permit allows a person to install and/or display a sign.
- (2) **Requirement.** No person shall erect, construct, enlarge, alter, repair, improve, remove, convert, move, or demolish any building or structure without obtaining a building permit. No person shall erect or display a sign without obtaining a sign permit.
- (3) **Review.** The building official reviews building and sign permit applications and is authorized to approve, approve with conditions, or deny the applications based on the approval criteria outlined below.
- (4) **Approval Criteria.** Permits may be issued if:
 - (a) The proposed development is consistent with any previously approved subdivision plat, development permit, zoning, site plan, or other land use approval;
 - (b) The proposed development complies with all applicable city standards and codes, unless a minor modification or a variance has been granted;
 - (c) There is no evidence to suggest that the development violates any federal, state, or local requirements; and
 - (d) All development fees have been paid in full.
- (5) **Appeal.** The denial of a building or sign permit based upon any standard contained in this land development code may be appealed to the board of adjustment. The denial of a building or sign permit for any other reason may be appealed to the building board of appeals.
- (6) **Lapse.** If the work described in a permit is not commenced within six months, or substantially completed within two years of the date the permit was issued, the permit shall automatically lapse and be null and void.

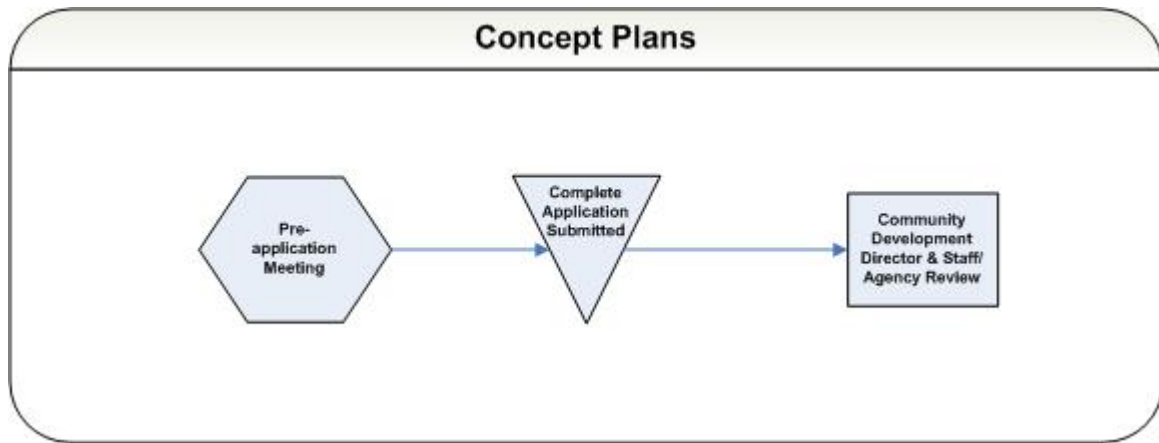
- (7) **Certificate of Occupancy.** No land or building may be changed in use, nor may any new structure, building, or land be occupied or used, unless a certificate of occupancy or completion has been issued by the city. As long as the proposed use, or the structure intended to be occupied, complies with the provisions of this land development code and all other laws and regulations of the city, a certificate of occupancy or completion shall be issued.
- (8) **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 the time specified in the building code or the residential code, as applicable, the application shall be deemed inactive and shall be considered withdrawn.

Paragraph (8) added by Ord. 1887, July 2012

Sec. 21-3211. Concept Plans

- (1) **Description.** A concept plan is a generalized land use/site plan for an area proposed to be developed within a non-PUD zone district. It is an optional step that allows early, informal evaluation of a proposed development before substantial expenses have been incurred. A concept plan provides city staff and the applicant an opportunity to determine the development's conformance with the comprehensive plan and the requirements of this land development code, and assists the applicant in the preparation of a development plan.
- (2) **Review.** The director and the DRT review concept plans. The director may provide comment letters to applicants based upon such reviews. Any comments contained in the letter are informational only and shall not represent a commitment on behalf of the city regarding the acceptability of the plan.

Figure III-1. Concept Plans

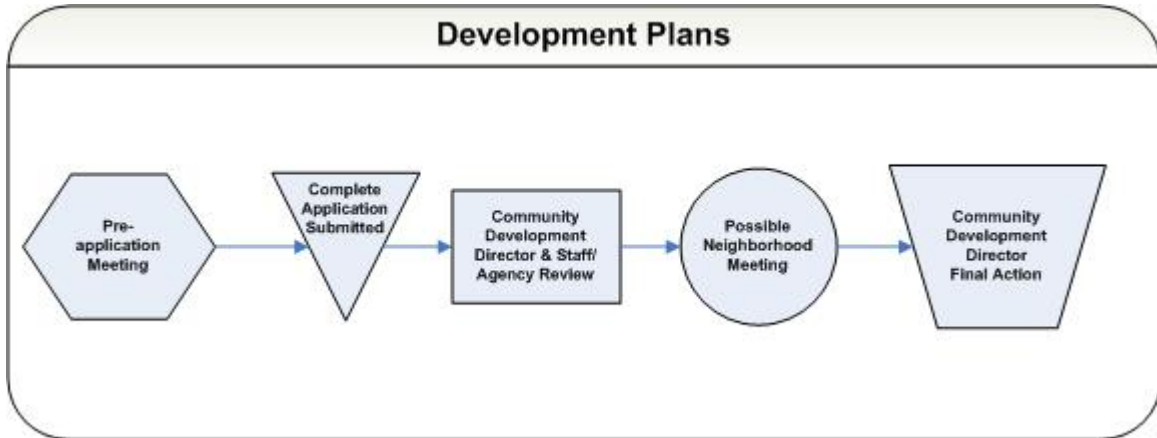


Sec. 21-3212. Development Plans

- (1) **Description.** A 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 land development code.
- (2) **Requirement.** Unless specifically allowed by the director, no building permit shall be issued, and therefore no development, excavation, site preparation, or construction activity, including tree/vegetation removal or grading, shall occur on any property until a development plan has been approved in accordance with this section.
- (3) **Exceptions:** The following development types do not require a development plan, unless specified by the director:
 - (a) Development of single-family dwelling units on individual lots;
 - (b) Development within an approved PUD zone district (PUD zone districts shall follow the PUD development permit process); 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 determined by the city.

- (4) **Review.** The director and the DRT review development plans. The director is authorized to approve, approve with conditions, or deny development plans based on the criteria below.

Figure III-2. Development Plans

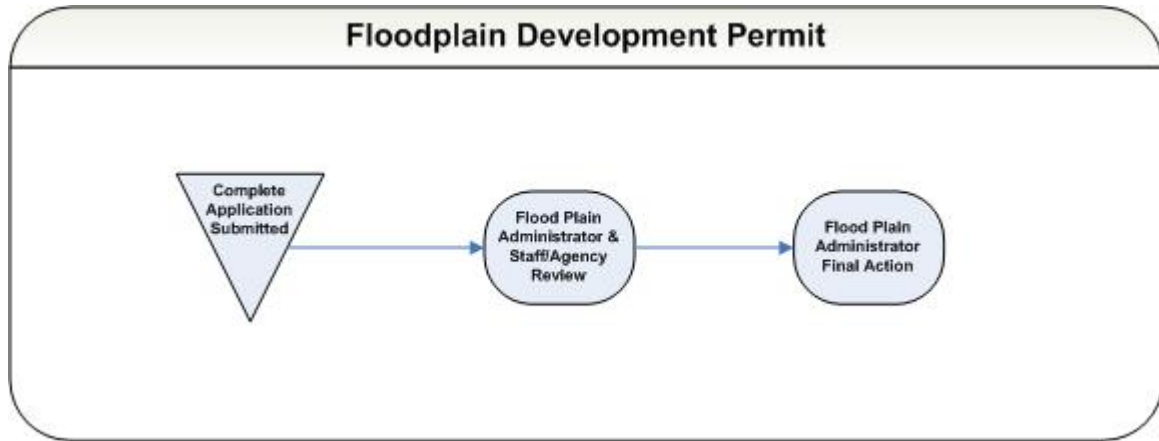


- (5) **Approval Criteria.** A development plan may be approved if it:
- (a) Complies with city standards;
 - (b) Is consistent with any previously approved subdivision plat, rezoning concept plan, or other plans or land use approvals;
 - (c) Provides adequate mitigation for any significant adverse impacts resulting from the use; and
 - (d) Creates a positive precedent for the future cumulative development of the immediate area.

Sec. 21-3213. Floodplain Development Permits

- (1) **Requirement.** No person shall commence any construction, development, or storage of materials within the floodplain overlay district unless a floodplain development permit has been obtained from the city.
- (2) **Review.** The floodplain administrator reviews applications for floodplain development permits to determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard and is authorized to approve, approve with conditions, or deny the application based on the approval criteria below.

Figure III-3. Floodplain Development Permits



- (3) **Approval Criteria.** A floodplain development permit may be approved if the floodplain administrator finds:
- (a) The applicant has obtained all necessary federal, state, and local permits.
 - (b) If alteration or relocation of any watercourse is involved, the applicant has notified all adjacent communities and the Colorado Water Conservation Board of the alteration or relocation and has submitted evidence of such notification to the Federal Emergency Management Agency. The floodplain administrator must also find that the flood-carrying capacity within the altered or relocated portion of the watercourse is not diminished.
 - (c) The danger that materials may be swept onto other lands or cause the injury to others is minimal;
 - (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and adjacent upstream and downstream property owners is minimal;
 - (e) The proposed use is compatible with existing and anticipated development as set forth in, or reasonably inferred from, the comprehensive plan;
 - (f) The safety of access to the property in times of flood for ordinary and emergency vehicles is adequate;
 - (g) The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges,

and public utilities and facilities such as sewer, gas, electrical and water systems is not excessive;

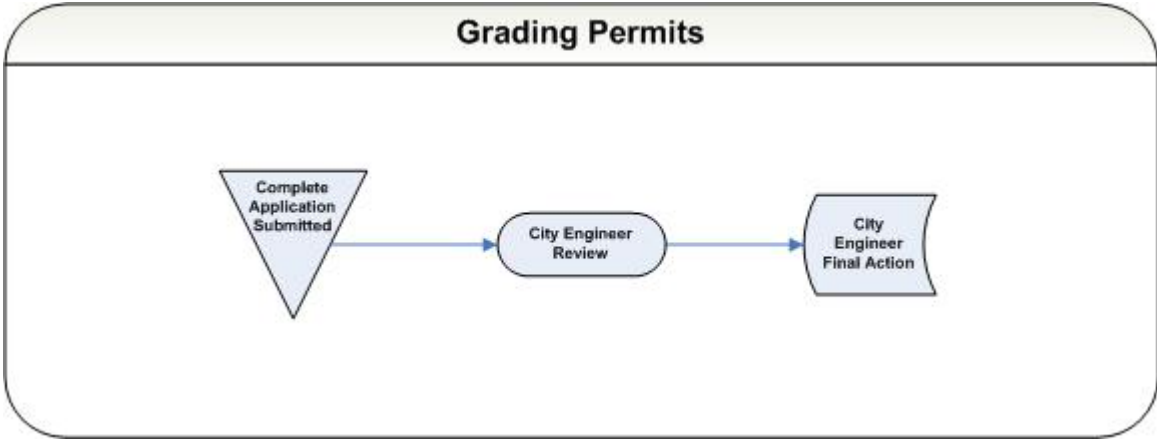
- (h) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site is minimized; and
 - (i) Alternative locations for the proposed use that are not subject to flooding or erosion damage do not exist.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

Subsection (j) to paragraph (3) added by Ord. 2158, December 2018

Sec. 21-3214. Grading Permits

- (1) **Requirement.** Except as provided in paragraph (2) 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.
- (2) **Exceptions.** A grading permit shall not be required for:
 - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources;
 - (b) Existing nursery and agricultural operations conducted as a permitted main or accessory use;
 - (c) 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.
- (3) **Review.** The city engineer reviews applications for grading permits and is authorized to approve, approve with conditions, or deny such applications based on the approval criteria below.

Figure III-4. Grading Permits



- (4) **Approval Criteria.** A grading permit may be approved if the city engineer finds that:
 - (a) The applicable state permit has been obtained;
 - (b) The grading activities and plans comply with the city’s engineering and construction standards and specifications (ECSS);

- (c) Erosion and sediment control plans have been submitted and implemented by the applicant and approved by the city engineer;
 - (d) A drainage report, if applicable, has been approved by the city engineer; and
 - (e) If required by the city engineer, the applicant has provided a re-seeding, erosion, and sediment control bond.
- (5) **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) The grading activities shall be undertaken in such a manner as to preserve and enhance the city's aesthetic character;
 - (b) 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) The grading activities shall be performed in accordance with all applicable laws, rules, and regulations pertaining to air, water, and noise pollution;
 - (d) 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) 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.
- (6) **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 non-compliance.

Sec. 21-3215. Minor Modifications

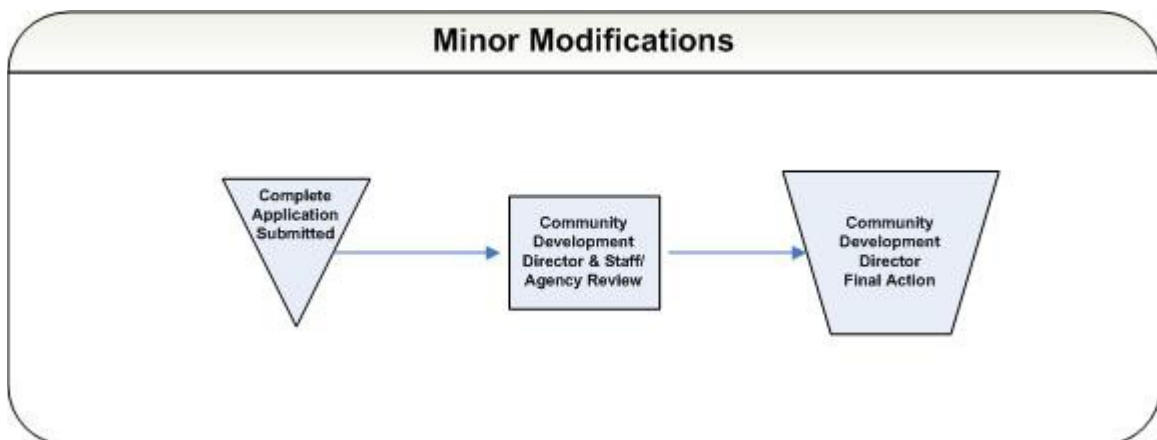
- (1) **Description.** The following deviations from the city's general standards or approved PUD zone documents are considered minor modifications:
- (a) Up to 20 percent of any minimum or maximum standard;
 - (b) An additional one foot of fence height;
 - (c) Up to 50 percent of the minimum fence setback;

- (d) A screen fence instead of an open style fence;
- (e) A reduction to the Floor Area Ratio requirement; or
- (f) Up to 50 percent of the minimum required landscaping.

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

- (2) **Prohibited Modifications.** In no circumstance shall the director approve a minor modification that is not listed specifically above, or that results in any of the following:
 - (a) An increase in permitted maximum development density or intensity;
 - (b) A change in permitted uses or mix of uses;
 - (c) An increase in building height over 10 percent; or
 - (d) A decrease in the amount of required common or dedicated open space.
- (3) **Review.** The director reviews minor modification applications and is authorized to approve, approve with conditions, or deny the applications based on the approval criteria outlined below.

Figure III-5. Minor Modifications



- (4) **Approval Criteria.** A minor modification may be approved if the director finds that:

- (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
- (b) All of the following have been met:
 - (i) The requested modification is consistent with the comprehensive plan and the stated purpose of this land development code;
 - (ii) As applicable, the requested modification is consistent with the final plan or plat;
 - (iii) The requested modification will have no significant adverse impact on the health, safety, or general welfare of surrounding property owners or the general public;
 - (iv) Any adverse impacts resulting from the modification will be mitigated to the maximum extent feasible;
 - (v) That no additional dwelling units would result from approval of such minor modification; and
 - (vi) The requested modification is either:
 - a. 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
 - b. An alternative or innovative practice that reasonably achieves the objective of the existing standard sought to be modified.
- (c) A minor modification to a Floor Area Ratio requirement may be approved if the director finds that the criteria above have been met **and** all of the following have been met:
 - (i) The reduction in Floor Area Ratio will not result in the property being used solely for outdoor storage.
 - (ii) The proposed development exceeds the city's minimum landscape standards in one of the following ways:
 - a. The buffer area for incompatible land uses found in Table VII-18 has been increased by 50%;
 - b. The living plant material coverage required in Table

VII-13 is equal to 100% of the landscape square footage area;

- c The number of trees and shrubs required by Table VII-13 has been increased by 25%; or the proposed development demonstrates an architectural design quality that exceeds the LDC's minimum architectural design standards.
 - d The overall landscape square footage area has been increased by 10% (excluding right-of-way landscaping and parking lot perimeter landscaping).
- (iii) The proposed development demonstrates an architectural design quality that exceeds the LDC's minimum architectural design standards.
- (iv) The subject property is not located within one-half mile of the following, as they are identified in the Comprehensive Plan:
- a Transit Station (excluding traditional bus stops);
 - b Redevelopment Focus Area;
 - c Employment Campus/Business Center;
 - d Regional Commercial Center; or
 - e Activity Center
- (v) If the subject property is visible from an arterial street, a state or US highway, or a limited access expressway as identified by the Transportation Plan, a masonry wall or similar high quality wall and additional landscaping has been incorporated to screen any outdoor storage from view.
- (vi) In cases where the applicant requests that the Floor Area Ratio be reduced to zero:
- a The property must be 5 acres or more in size; and
 - b The project implements the goals and objectives of the city's economic development plan.

(5) Documentation of Approval.

- (a) Pending Applications. Approved modifications shall be noted by the director on the relevant pending development application.
- (b) Approved Plans/Plats. Minor modifications 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 to the director. The director shall note the terms of the approved modification directly on the amended plan/plat and affix his signature and the date of approval. As applicable, such amended plan/plat shall be recorded.

Section amended by Ord. 1938, January 2013

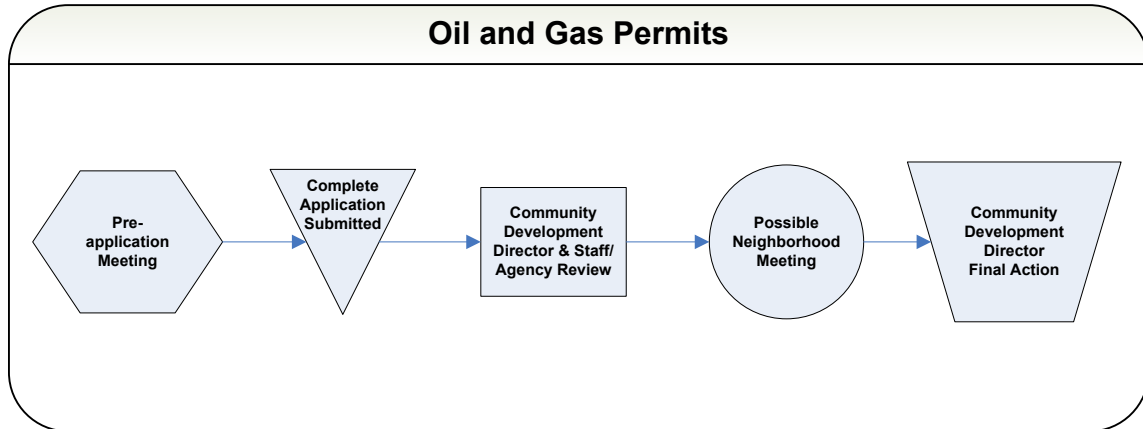
Subsection (f) added to paragraph (1) by Ord. 2158, December 2018

Sec. 21-3216. Oil and Gas Permits

- (1) **Description.** 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 land development code. 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, regulations requirements, and state and federal laws and regulations.
- (2) **Requirement.** Unless specifically allowed by the director, no building permit shall be issued, and therefore no development, excavation, site preparation, or construction activity, including tree/vegetation removal or grading, shall occur on any property until an Oil and Gas Permit has been approved in accordance with this section.
- (3) **Public Notification Process.** The City shall follow the public notification procedures outlined in Article III and all costs of property owner notification shall be borne by the Operator.
- (4) **Public Comment Procedures.** During the Public Notification process, members of the public will have the opportunity to file written comments with the City. The deadline for providing these comments shall be contained in the public notification of the process as outlined in the public notification section. The comments received can be used by the Director to inform the decision based on the relevance to the Approval Criteria and accuracy of the comments. Any written objection or request must be directly related to the proposed Oil and Gas Permit.
- (5) **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.

- (6) **Review.** The Director and the DRT review Oil and Gas Permits. The Director is authorized to approve, approve with conditions, or deny an Oil and Gas Permit based on the criteria below.

Figure III-6. Oil and Gas Permits



- (7) **Approval Criteria.** An Oil and Gas Permit may be approved by the Director if:
- (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 Operator has entered into a site-specific Extraction Agreement, approved by the Director, addressing matters of public health, welfare, and safety;
 - (c) The Operator has provided information acceptable to the City sufficient to demonstrate that it will meet the requirements for Subsurface Extraction as set forth in Section 21-5266;
 - (d) The proposed Oil and Gas Well Operation will not violate any standards or conditions for Subsurface Extraction as set forth in Section 21-5266 and any other applicable city standards or laws;
 - (e) The proposed site is within an Agricultural or Industrial zoning district, or within a PUD zoning district where Oil and Gas Wells are specifically listed as an allowed or permitted use, or, if the applicant demonstrates that no other reasonable alternative to access the oil and gas mineral interest exists, then within any other zoning district where such use is authorized by the Land Use Table (Table V-1); and
 - (f) The application, and all proposed Operations, shall comply with all applicable state, federal and local law, regulations, and standards.

The Director may rely upon the issuance of a permit by a state agency as prima facie evidence of compliance with the relevant state law, regulations, and standards, under the purview of the issuing state agency.

- (8) **General Terms of Approval.** The following General Terms and Conditions shall apply to any Oil and Gas Permit.
- (a) The term of the Oil and Gas Permit shall be coterminous with the length of any state permit issued by the COGCC allowing Operations on the Site that is the subject of the City’s permit unless the permit expires, lapses, or terminates as stated in this Section or has been revoked.
 - (b) 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.
 - (c) The Oil and Gas Permit shall expire upon abandonment and reclamation of the permitted Operation.
 - (d) The Oil and Gas Permit and existing use 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.
 - (e) The Operators shall obtain and maintain a general business license prior to commencing operations and conform to applicable provisions of the Commerce City Municipal Code related to licensing.
 - (f) 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 then in effect.
 - (g) 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 and any subsequent amendments thereto as set forth therein.
- (9) **Lapse/Permit Period.** If construction of a structure is required, an Oil and Gas Permit shall lapse unless a City building permit has been issued and construction diligently pursued within two (2) 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 approval. In addition,

an Oil and Gas Permit shall automatically lapse and have no further effect if the use is discontinued for 180-consecutive days.

(10) Permit Exceptions.

- (a) 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 issued by the COGCC that allows further or additional Operations. The right to operate any non-conforming Operations terminates if the use thereof is discontinued for six (6) months or more.
- (b) 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.

(11) Regional Operator Agreement.

- (a) The 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 with any Operator who has submitted an application for an Oil and Gas permit under this Code or an application for a permit issued under the authority of the Colorado Oil and Gas Conservation Commission regarding oil and gas operations in the city.
- (b) 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.
- (c) 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.
- (d) 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.

- (e) 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.
- (f) The Director may seek input from the City Council regarding the negotiation and terms of any Regional Operator Agreement.
- (g) 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 twenty-one (21) days. Following such period of public comment, the Director may incorporate modifications to such draft without the requirement of further public comment unless requested by the Operator, the Director, or the City Council.

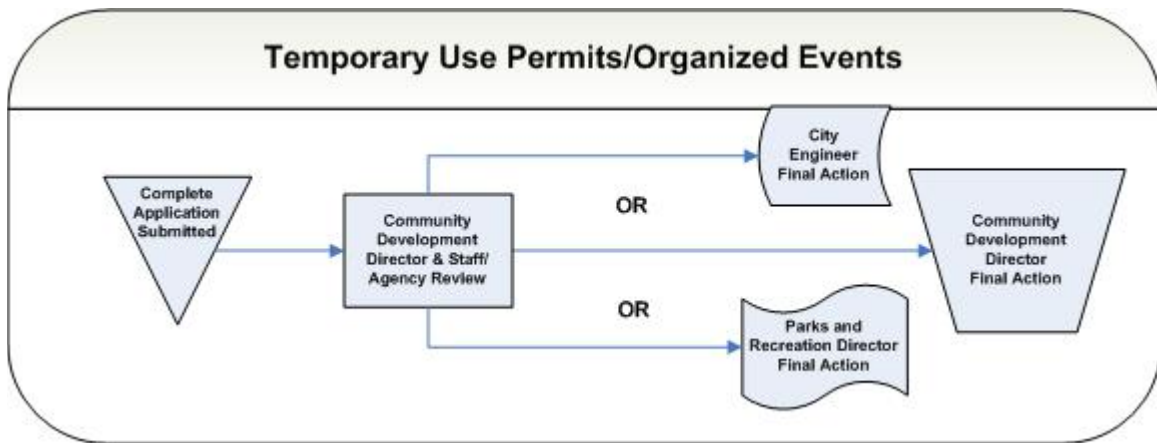
*Section added by Ord. 1891, August 2012
Section amended by Ord. 2183, November 2018*

Sec. 21-3217. Temporary Use Permits

- (1) **Description.** Temporary uses are uses of land which are short in duration, such as a mobile office or construction trailer for homebuilders, the temporary display of merchandise for sale, and organized events. table V-4 in article V establishes the temporary uses that require a temporary use permit.
- (2) **Review.** Except as described in paragraphs (a), (b), and (c), the director, and the DRT, if the director deems appropriate, will review applications for temporary use permits. The director is authorized to approve, approve with conditions, or deny the application based upon the approval criteria listed below. A decision on a temporary use permit shall be issued no later than 30 days from the date a completed application is received by the city.
 - (a) Temporary use permits for organized events that are proposed to be held in any public park shall be reviewed by the director in charge of the city's parks. The director in charge of parks is authorized to approve, approve with conditions, or deny the application based upon the approval criteria listed below.
 - (b) 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 approval criteria listed below.
 - (c) 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 parks, 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 below.

Figure III-7. Temporary Use Permits



- (3) **Approval Criteria.** A temporary use permit may be approved if:
- (a) The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan, this land development code, or any other plan, program, or ordinance adopted by the city;
 - (b) The use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, or public improvements;
 - (c) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;
 - (d) The use will be adequately served by and will not impose an undue burden on any of the improvements, facilities, and services of the city or its residents. Where any such 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 part of the application and as a condition of approval of the temporary use permit, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities, and services in sufficient time to serve the proposed use;

- (e) The director finds that, based upon their history, the applicant, owner, and users are likely to comply with the conditions of the permit and the city’s municipal and land development codes;
 - (f) No permanent alterations to the site are proposed or are reasonably expected to result from the use/event; and
 - (g) There is no evidence to suggest that the use violates any federal, state or local law, regulation, or requirement.
- (4) **Permit Period.** 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.

B. APPLICATIONS REQUIRING BOA APPROVAL

Sec. 21-3220. Height Exceptions

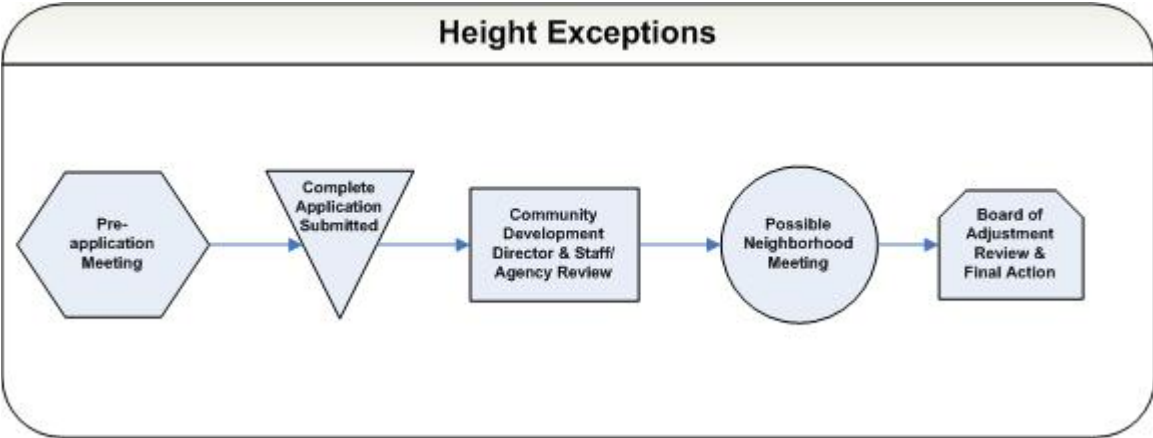
- (1) **Description.** Height Exceptions are used to address situations where the height standards of this land development code inflict practical difficulties on the primary operations on a property that arise due to state or federal regulatory changes, technological advancements, or similar circumstances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

(c) Development consistent with the intent, terms, and recommendations of an applicable comprehensive plan, or other special plan adopted by the city, when such plan specifically recommends and anticipates development of structures exceeding the maximum allowed height permitted in a zoning district, but which is developed in accordance with such approved comprehensive plan or other sub-area plan, shall not be considered a non-conforming structure due to its height only.

(3) **Review.**

- (a) The director and the DRT review height exception applications, and the director provides a report to the board of adjustment regarding an application’s acceptability in light of the approval criteria listed below.
- (b) Applications are considered by the board of adjustment at a public hearing. After the hearing, the board of adjustment is authorized to approve, approve with conditions, or deny the application based on the approval criteria listed below.

Figure III-8. Height Exceptions



- (4) **Approval Criteria.** An application for a height exception may be approved if:
- (a) The requested structure height is required in order to reasonably comply with state or federal regulatory changes or needed to overcome technological limitations; or
 - (b) All of the following criteria are met:

- (i) The structure and development, if applicable, complies with all other standards not specifically waived by the city;
 - (ii) The exception would have minimal effect upon adjacent properties with respect to solar access, visual access, and rights of privacy, light, and air;
 - (iii) The exception will not interfere with the city’s ability to provide public services to the site at the level currently enjoyed by the area, or at adequate levels per existing city policies and regulations;
 - (iv) There is no evidence to suggest that the exception would interfere with or complicate emergency services or otherwise impair public safety; and
- (c) One of the following criteria is met:
- (i) The exception provides a demonstrated benefit to the city; or
 - (ii) The architecture and character of the proposed building or structure that will exceed the height standards are compatible with existing development on surrounding or adjacent parcels.
- (5) **Lapse.** A height exception shall lapse unless a building permit is issued and construction is substantially completed within three years from the date of approval, unless another time frame is listed as an element of the approval of a related application (such as a conditional use permit). Amendments to a related development plan shall not affect the lapse period unless otherwise provided.

Paragraph (3) amended by Ord. 1887, July 2012
Paragraph (1) amended by Ord. 2068, January 2016
Section amended by Ord. 2185, December 2018

Sec. 21-3221. Uses-by-Permit

- (1) **Description.** Uses-by-permit are used to address land uses which, due to their nature, character, or other circumstances, make the predetermination of permissibility by right, or the detailing of the specific standards, regulations or conditions necessary or appropriate to such uses impractical, but which may be appropriate subject to certain conditions and requirements. A use-by-permit allows a specific use on a specific property by a specific applicant; it does not run with the land. Accordingly,

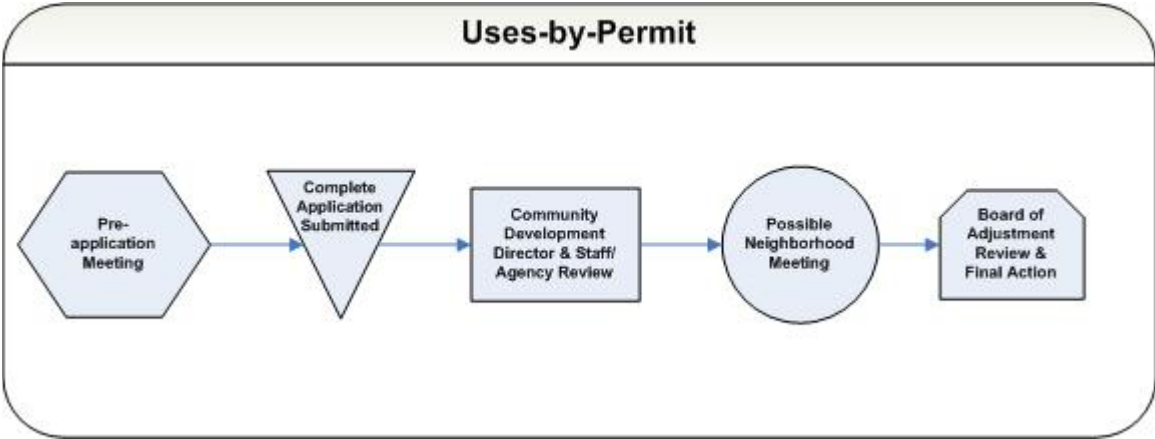
if the permit holder sells the property, a new owner must apply for and obtain a use-by-permit to lawfully operate the use.

(2) **Review.**

- (a) The director and DRT review use-by-permit applications and the director provides a report to the board of adjustment regarding the application’s acceptability in light of the approval criteria listed below.

Applications shall be considered by the board of adjustment at a public hearing. After the public hearing, the BOA is authorized to approve, approve with conditions, or deny the application, based on the approval criteria below.

Figure III-9. Uses-by-Permit



(3) **Approval Criteria.** A use-by-permit application may be approved if:

- (a) All of the following criteria are met:
 - (i) The use at the proposed location will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they 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 land development code, or any other plan, program, or ordinance adopted by the city. Such compatibility may be expressed in appearance, architectural scale and features, site design, and the control of any adverse impacts, including noise, dust, odor, lighting, traffic, safety, and impact on property values of the surrounding area;

- (ii) The characteristics of the site are suitable for the use considering size, shape, location, topography, existence of improvements and natural features; and
 - (iii) The use at the proposed location will be adequately served by and will not impose an undue burden on any of the improvements, facilities, and services of the city, special districts, or its residents. Where any such improvements, facilities, utilities or services are not available or adequate to service the use in the proposed location, the applicant shall, as a part of the application and as a condition of approval of the use-by-permit, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use; and
- (b) One of the following criteria is met:
- (i) The use is in harmony with the general purposes, goals, objectives, and standards of the comprehensive plan or any other plan or program adopted by the city; or
 - (ii) There is a proven 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 or maintain a proper mix of uses both within the city and the immediate area of the proposed use.
- (4) **Lapse/Abandonment.** If construction of a structure is required, a use-by-permit shall lapse unless a building permit has been issued 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 to operate the use, then the use-by-permit shall lapse if the use is not commenced within 180 days of the approval. In addition, a use-by-permit shall automatically lapse and have no further effect if the use is discontinued for 180-consecutive days.

Paragraph (3) amended by Ord. 1887, July 2012

Sec. 21-3222. Variances

- (1) **Description.** Variances are used to address circumstances where the bulk standards of this land development code inflict unnecessary hardship and practical difficulties on a landowner that are not shared generally by other properties in the same zone district and vicinity. Variances, other than those from floodplain regulations, are governed by the process

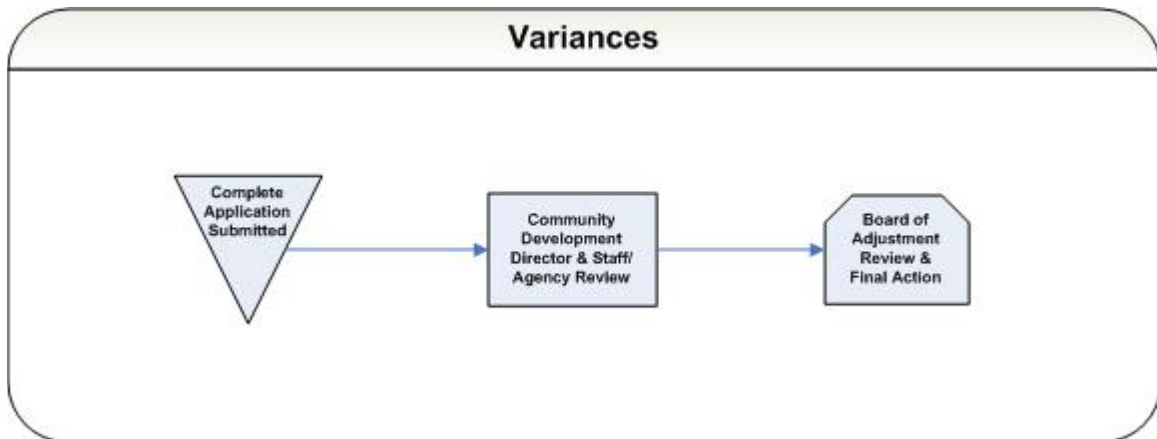
outlined in this section. Variances from the floodplain regulations shall follow the procedures and criteria set forth in section 21-3213 (Floodplain Development Permits).

- (2) **Use Variances Prohibited.** The board of adjustment shall not grant a variance to allow a use that is not permitted or that is expressly or impliedly prohibited by the terms of this land development code.

Review.

- (a) The director and DRT, if deemed appropriate, review variance applications and the director provides a report to the board of adjustment analyzing the appropriateness of approving a variance based upon the approval criteria listed below.
- (b) Applications shall be considered by the board of adjustment at a public hearing. After the hearing, the BOA is authorized to approve, approve with conditions, or deny the proposed variance based on the approval criteria listed below.

Figure III-10. Variances



- (3) **Approval Criteria.** A variance may be approved if:
- (a) All of the following criteria are met:
- (i) The physical character of the property, including dimensions, topography or other extraordinary situation or condition of the property, create a situation where the strict enforcement of the standards in this land development code will deprive the property of privileges generally enjoyed by property of the same classification in the same zoning district (hardship);

- (ii) The hardship is not self-imposed;
 - (iii) The variance will not be of substantial detriment to adjacent property; and
- (b) One of the following criteria is met:
 - (i) The variance granted 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.
- (4) **Subdivision Restrictions.** No variance shall be granted reducing 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.
- (5) **Existing Nonconformities Not Grounds for Variances.** The existence of nonconforming uses of neighboring lands, structures, or buildings in the same zoning district, or permitted or nonconforming use of lands, structures, or buildings in other zoning districts, shall not be considered grounds for the issuance of a variance.
- (6) **Lapse.** A variance shall lapse and have no further effect unless construction has been completed within one year from the date the variance is granted unless an alternative time period is specified in the variance approval.

Paragraphs (1) and (4) amended by Ord. 1887, July 2012

C. APPLICATIONS REQUIRING CITY COUNCIL APPROVAL

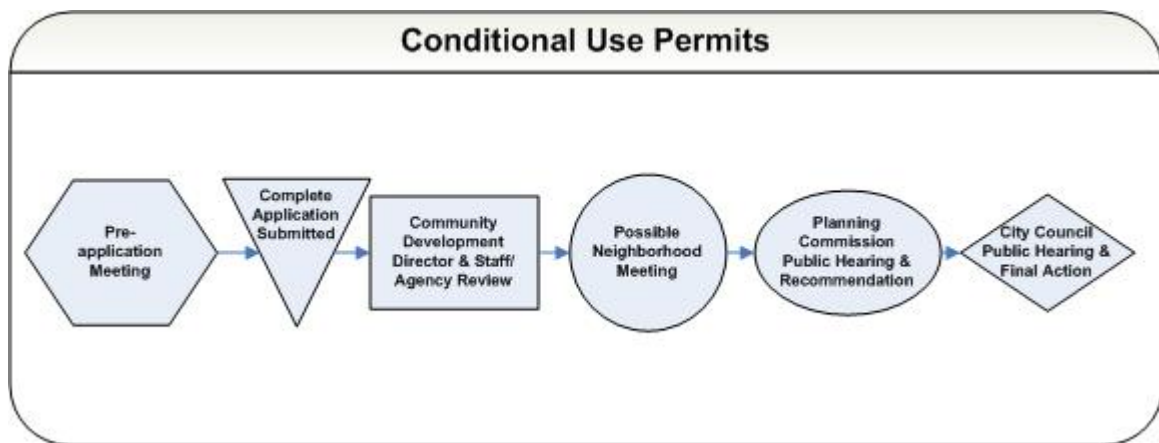
Sec. 21-3230. Conditional Use Permits

- (1) **Description.** 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.
- (2) **Review.**
 - (a) The director and the DRT review applications for conditional use permits. The director provides a report to the planning commission regarding the acceptability of the application based upon the approval criteria listed below.

Applications for conditional use permits are considered by the planning commission at a public hearing. After the close of the public hearing, the planning commission will make a recommendation to the city council that the application be approved, approved with conditions, or denied.

After receiving the recommendation of the planning commission, the city council considers the application at a public hearing. After the hearing, the city council is authorized to approve, approve with conditions, or deny the application based on the approval criteria below.

Figure III-11. Conditional Use Permits



- (3) **Approval Criteria.** A conditional use permit may be granted if:
- (a) All of the following criteria are met:
 - (i) The proposed use will not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, either as they 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 land development code, or any other plan, program or ordinance adopted by the city;
 - (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible, including but not limited to sufficient landscaping and screening to ensure harmony for adjoining uses;
 - (iii) The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, existence of improvements and natural features;

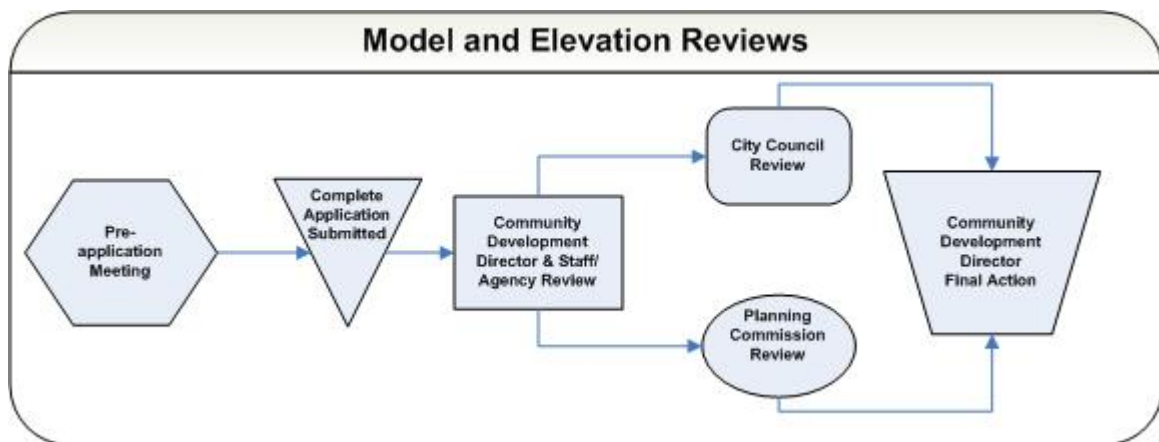
- (iv) The proposed use will be adequately served by and will not impose an undue burden on any of the existing improvements, facilities, and services of the city or its residents. Where any such improvements, facilities, utilities or services are not available or are not adequate to service the proposed use in the proposed location, the applicant shall, as a part of the application and as a condition of approval, be responsible for establishing an ability, a willingness, and a binding commitment to provide such improvements, facilities, utilities and services in sufficient time to serve the proposed use;
 - (v) The applicant has provided adequate assurances of continuing maintenance;
 - (vi) There is no evidence to suggest that the use violates any federal, state, or local requirements; and
- (b) One of the following criteria is met:
- (i) 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; or
 - (ii) The use complies with the general purposes, goals, objectives, policies, and standards of the comprehensive plan and all other plans or programs adopted by the city.
- (4) **Lapse.** If the conditional use is not commenced within the lapse period contained in table III-2 or, if after it is commenced, it is abandoned or discontinued for a period of 180 days or more, then the conditional use permit shall automatically lapse and be null and void.
- (5) **Transferability.** A conditional use permit is not attached to and does not run with the property for which it is granted. Any change in tenancy, ownership, or management shall require the issuance of a new conditional use permit or modification to an existing approved permit.
- (6) **Recording.** The city may record a conditional use permit in the Adams County Clerk and Recorder's Office. The city may require the applicant to pay for all recording fees.

Paragraph (3) amended by Ord. 1887, July 2012

Sec. 21-3231. Model and Elevation Reviews

- (1) **Requirement.** No builder shall build the same model 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 director shall have the authority to require the review of any elevation for any residential or non-residential development, regardless of the number intended to be used by the developer/builder, if the director determines that the proposed elevation does not meet the approval criteria below.
- (2) **Review.** The director and, if requested by the director, the DRT, planning commission, or city council, will review the proposed model(s) and/or elevation(s). When requested, the planning commission or city council may review the application during a study session to provide feedback. The director is authorized to approve, approve with conditions, or deny the application based upon the approval criteria listed below.

Figure III-12. Model and Elevation Reviews



- (3) **Approval Criteria.** A proposed model or elevation may be approved if it:
 - (a) Complies with all applicable city standards;
 - (b) Is consistent with any previously approved subdivision plat, rezoning concept plan, or other precedent plan or land use approval;
 - (c) Is in harmony and compatible with adjacent development in the area; and
 - (d) Creates a positive precedent for the future cumulative development of the immediate area.

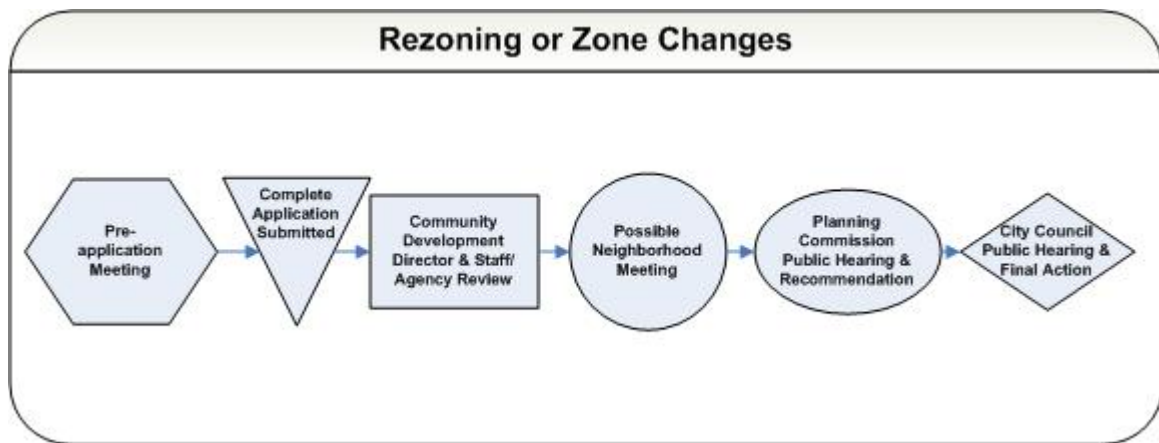
- (4) **Lapse.** Failure of an applicant to apply for a building permit and commence construction within the applicable lapse period shall automatically render the approval null and void.

Sec. 21-3232. Rezoning or Zone Changes

- (1) **Description.** A rezoning or zone change is any change in the city's official zoning map. A zone change includes zoning amendments, zoning condition review, and zoning condition amendments. For the purposes of this section, both rezoning and zone changes will be referred to collectively as "zone changes." Applications for zone changes, other than those resulting from the PUD process, which is governed by section 21-3251 below, shall be reviewed in accordance with this section. A zone change should not be used when a minor modification, variance, or conditional use can achieve the same result.
- (2) **Initiation.** A zone change may be initiated by the city or by the holder of any interest in the property that is the subject of the zone change request.
- (3) **Development Plan Required. Unless initiated by the city or determined** unnecessary by the director, every application for zone change 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.
- (4) **Review.**
- (a) The director and DRT will review applications for zone changes and the director will provide a report to the planning commission analyzing the application in light of the approval criteria listed below.
 - (b) Applications for zone changes are considered by the planning commission at a public hearing. After the public hearing, the planning commission will make a recommendation to city council based on the approval criteria below.

- (c) After receiving the recommendation of the planning commission, the city council will consider the application at a public hearing. After the hearing, the city council is authorized to approve, approve with conditions, or deny the application based on the approval criteria below.

Figure III-13. Rezoning or Zone Changes



- (5) **Approval Criteria.** An application may be approved if:
- (a) The zone change corrects a technical mistake on the part of the city in classifying a parcel within a specific zoning district; or
 - (b) The zone change meets all of the following:
 - (i) The proposed zone district and allowed uses are consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city;
 - (ii) The proposed zone district and allowed uses are compatible with proposed development, surrounding land uses and the natural environment;
 - (iii) The proposed zone district will have, or future development can provide, efficient and adequate provision of public services, including but not limited to, water, sewerage, streets, and drainage;
 - (iv) The proposed zone district will have, or future development can provide, efficient and adequate provision of public uses including but not limited to, parks, schools, and open space;

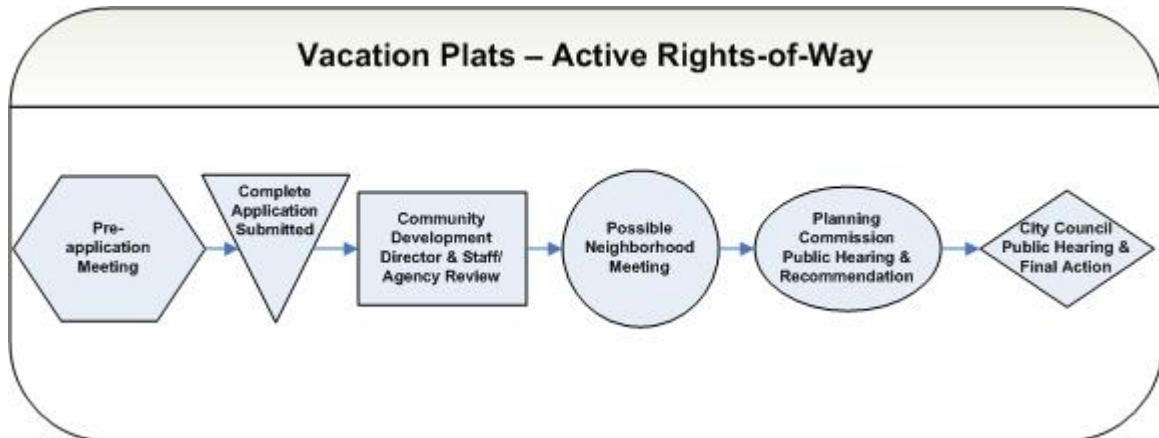
- (v) There is a community need for the zoning district in the proposed location, given need to provide or maintain a proper mix of uses both within the city and the immediate area of the proposed use; and
 - (vi) The area for which zone change is requested has changed or is changing to such a degree that it is in the public interest to allow a new use or density.
- (6) **Adoption by Ordinance.** A zone change affects the official zoning map and shall be approved in the form of an ordinance.

Sec. 21-3233. Vacation of Rights of Way

- (1) **Description.** A vacation is used to eliminate public rights-of-way or utility easements that are no longer needed for public improvements. The vacation of easements and inactive rights-of-way may be accomplished through the approval of a plat which shows the vacation or by ordinance. Active rights of way must be vacated by ordinance. This section shall apply to all requests to vacate all rights, interests, or title of the city in and to any right-of-way, access easements, or other public easements located within the corporate limits of the city.
- (2) **Review.**
- (a) Active rights-of-way and easements.
 - (i) The director and DRT review vacation applications and the director creates a report analyzing the acceptability of the application in light of the approval criteria outlined below.
 - (ii) Vacation applications are reviewed by the planning commission during a public hearing. After the hearing, the planning commission will make a recommendation to the city council based on the approval criteria below.
 - (iii) After receiving the director's report and the planning commission's recommendation, the city council will consider the application at a public hearing. After the hearing, the city council is authorized to approve, approve with conditions or deny the application. The city council may approve the vacation in whole or part (i.e., vacate only a portion of the area under consideration).
 - (b) All other vacation requests. The director reviews and has the authority to approve, approve with conditions or deny vacation

applications that do not involve active rights-of-way and easements. The director may approve the vacation in whole or in part.

Figure III-14. Vacation of Rights-of-Way



- (3) **Approval Criteria.** A vacation application may be approved if:
- (a) City-initiated vacations.
 - (i) The vacation serves the interest of the city by removing maintenance or liability risks; and
 - (ii) The property interest being vacated is no longer necessary for city operations.
 - (b) All other vacations.
 - (i) The vacation is consistent with the comprehensive plan and any other applicable city-approved plan;
 - (ii) The land to be vacated is no longer necessary for the public use and convenience;
 - (iii) The vacation will not create any landlocked properties;
 - (iv) The vacation will not render access to any parcel unreasonable or economically prohibitive;
 - (v) The vacation will not reduce the quality of public services to any parcel of land; and
 - (vi) A separate plat to replat the vacated area into a larger, usable piece of land has been submitted.

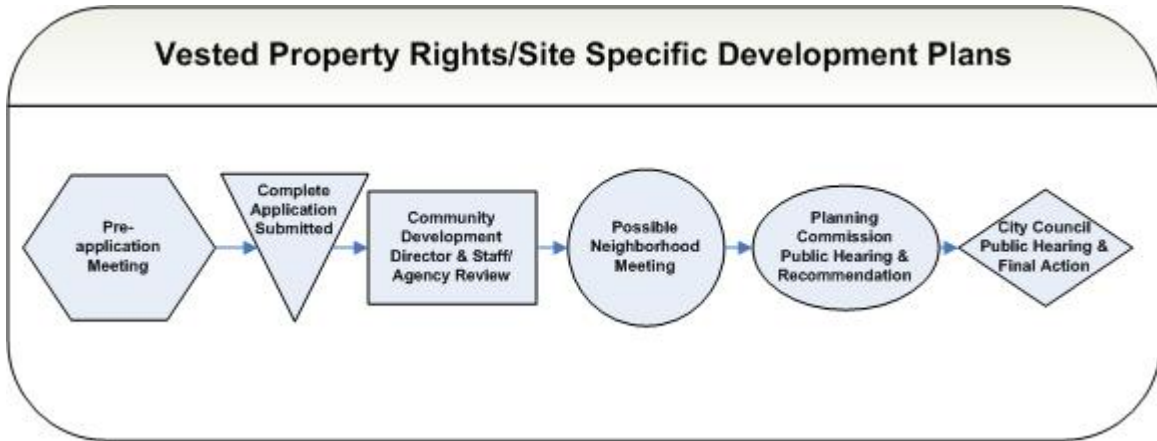
- (4) **Zoning.** Notwithstanding any provision in this section to the contrary, the zoning on any property vacated by the city shall be changed without further action as of the effective date of the vacation to that zoning of the property to which ownership of the vacated property attaches as a result of such vacation by the city.
- (5) **Title.** Title to the lands included within a street right-of-way or so much thereof as may be vacated shall vest in accordance with the provisions of state law unless specifically provided for in the vacating ordinance or plat. Title in all other lands shall vest in accordance with the document affecting the vacation.
- (6) **Recording.** The city will record all relevant vacation documents, including any vacation resolution, with the Adams County Clerk and Recorder's Office and the city may require the applicant to pay all recording costs.

Paragraphs (1), (2), (3), and (4) amended by Ord. 1785, June 2010

Sec. 21-3234. Vested Property Rights/Site Specific Development Plans

- (1) **Description.** Pursuant to state law, approval of a site specific development plan, as that term is defined in article XI of this land development code, 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.
- (2) **Review.**
 - (a) The director and DRT review site specific development applications and the director will create a report analyzing the acceptability of the application in light of the approval criteria outlined below.
 - (b) Site specific development applications are reviewed by the planning commission during a public hearing. After the hearing, the planning commission will make a recommendation to the city council based on the approval criteria below.
 - (c) After receiving the director's report and the planning commission's recommendation, the city council will consider the application at a public hearing. After the hearing, the city council is authorized to approve, approve with conditions or deny the application based upon the approval criteria below.

Figure III-15. Vested Property Rights/Site Specific Development Plans



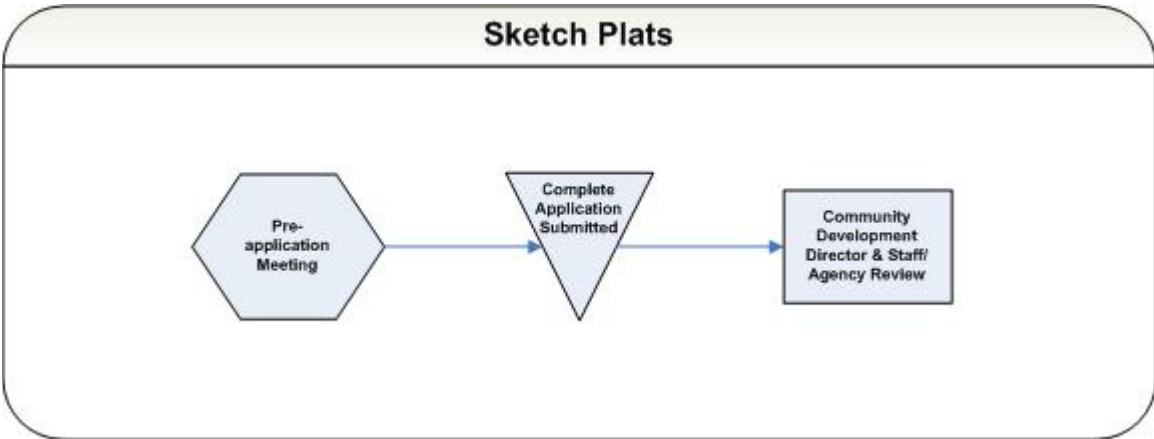
- (3) **Approval Criteria.** The approval criteria for site specific development plans shall be the same as the underlying application. For example, a PUD development permit shall be approved in accordance with section 21-3252; a final subdivision plat in accordance with section 21-3241; and a development plan in accordance with section 21-3212. In addition, however, in order to approve a site specific development plan, the city must find that the grant of vested rights is reasonable given the proposed development's benefits to the surroundings properties, surrounding community, or the city in general.
- (4) **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.
- (5) **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]."
- (6) **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.
- (7) **Other Provisions Unaffected.** Approval of a site specific development plan shall not constitute an exemption from or waiver of any other provisions of this land development code pertaining to annexation, development, and use or property.

D. SUBDIVISIONS

Sec. 21-3240. Sketch Plats

- (1) **Description.** A sketch plat is a generalized land use plan for, and layout of, an area proposed to be included within a subdivision. This is an optional step for small subdivisions, but a required step for any subdivision plat greater than 20 lots. This process provides an early, informal evaluation of a proposed subdivision before substantial expenses have been incurred. A sketch plat provides the city staff and the applicant an opportunity to determine the development’s conformance with the comprehensive plan and the requirements of this land development code and assists the applicant in the preparation of a final plat.
- (2) **Review.** The director and DRT review sketch plats, and the director may provide comment letters to applicants based upon such reviews. Any comments contained in the letter are informational only and shall not represent a commitment on behalf of the city regarding the acceptability of the plat.

Figure III-16. Sketch Plats



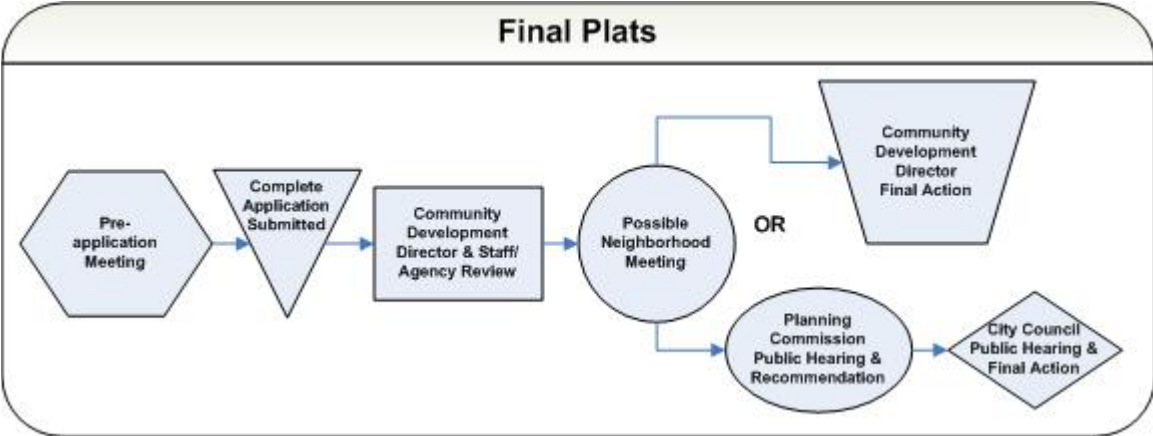
Sec. 21-3241. Final Plats

- (1) **Description.** 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.

(2) **Review.**

- (a) Except where public hearings are required pursuant to paragraph 4, the director and DRT review applications for final plats and the director is authorized to approve, approve with conditions, or deny such applications based upon the approval criteria outlined below (for purposes of this section, this process shall be referred to as an administrative approval). In the event the director denies the application, the applicant may request that the plat be reviewed through the public hearing process.
- (b) When public hearings are required by paragraph 4 or when the applicant requests a public hearing in response to the director’s denial as outlined in paragraph (a), the review process shall be as follows:
 - (i) The director and DRT will review the application and the director will provide a report to the planning commission.
 - (ii) The planning commission will hold a public hearing on the application and make a recommendation to the city council based on the approval criteria below.
 - (iii) The city council will consider the application and the planning commission’s recommendation at a public hearing and after the hearing, shall approve, approve with conditions, or deny the proposed plat, based on the approval criteria below.

Figure III-17. Final Plats



- (3) **Approval Criteria.** A final plat may be approved if the decision maker finds that:
- (a) The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;
 - (b) The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
 - (c) There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;
 - (d) 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 space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;
 - (e) The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;
 - (f) The subdivision:
 - (i) Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land development code, or any other plan, program or ordinance adopted by the city; or
 - (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible;
 - (g) Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;
 - (h) A development agreement between the city and the applicant has been executed and addresses the construction of all required public improvements; and

- (i) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.
- (4) **Public Hearings Required.** Public hearings before the planning commission and the city council shall be required if:
 - (a) The applicant or any property owner within 300 feet of the property submits a written request to the director by the date scheduled for department approval. This written objection request must be directly related to the proposed subdivision. General objections regarding existing land use, zoning, or issues unrelated to the subdivision will not be considered valid objections for purposes of this provision;
 - (b) If any public entity or utility affected by the proposed subdivision claims it is negatively impacted by the proposed subdivision and submits written request to the director by the date scheduled for department approval;
 - (c) The director determines that the final plat should be reviewed through a public hearing process; or
 - (d) The city council requests that the final plat be reviewed through a public hearing process if such request is made before the date scheduled for department approval.
- (5) **Recording.** Once approved, or in the case of a conditional approval, all conditions have been met, the final plat shall be signed by the city. The director and city engineer will sign the plat in the case of an administrative approval. The mayor and city clerk will sign when the final plat is approved by city council. The city will record the signed, final plat. The applicant may be required to pay all recording fees.
- (6) **Dedications and Restrictive Covenants.** Absent any specific language in the plat to the contrary, the execution of the final plat in accordance with paragraph (5) 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.

- (7) **Lapse.** If the approved plat is not executed by the applicant within 60 days of the date of approval of the plat, or within any longer period approved in advance in writing by the director due to unique circumstances, the plat shall be null and void and automatically lapse.
- (8) **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.

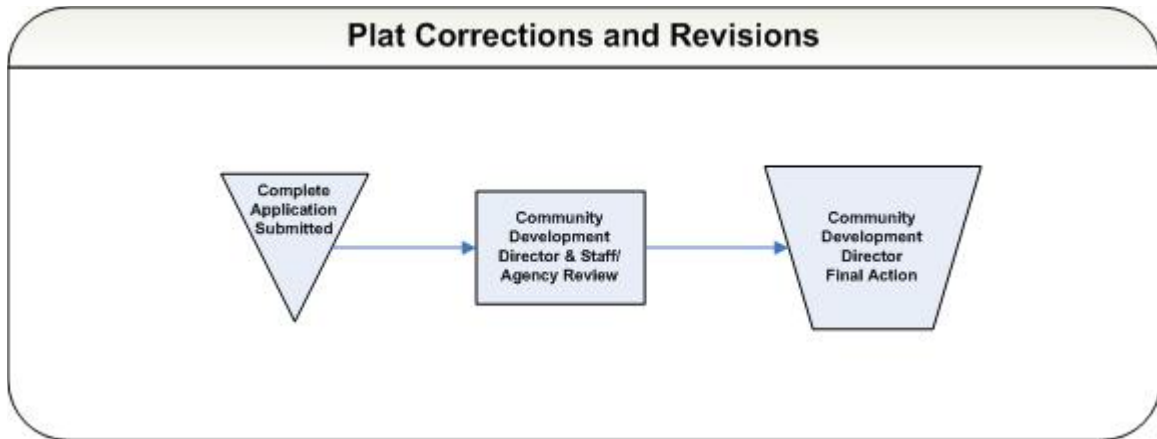
Paragraph (6) amended by Ord. 2078; April 2016

Sec. 21-3242. Plat Corrections and Revisions

- (1) **Description.** 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. 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.

- (2) **Review.** The director will review the application with the city’s engineering and attorney offices, as applicable, and is authorized to approve, approve with conditions, or deny the application based on the approval criteria below.

Figure III-18. Plat Corrections and Revisions

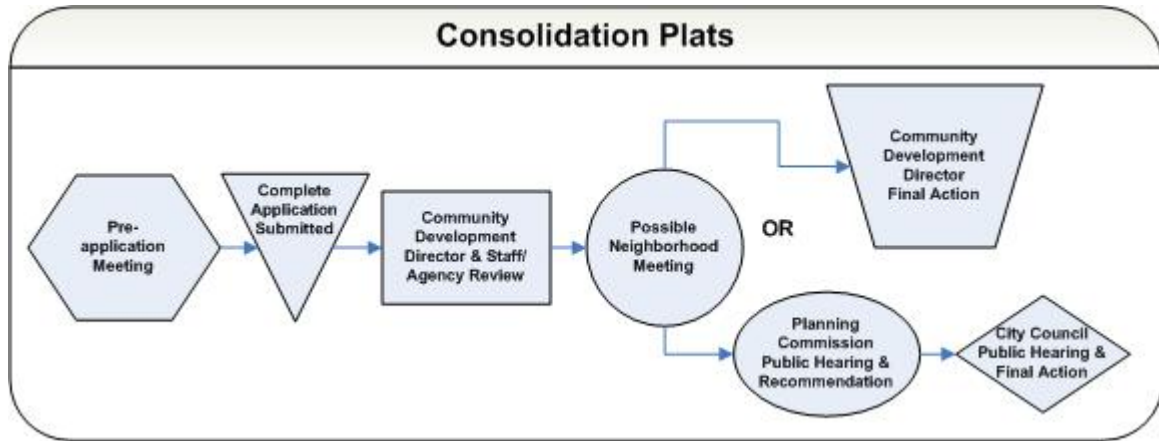


- (3) **Approval Criteria.** An application to revise or correct a plat may be approved if:
- (a) The correction or revision will not increase the number of lots or parcels or create new lots or parcels;
 - (b) The correction or revision will not affect a recorded easement (unless the easement holder 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.
- (4) **Recording.** The city will record the corrected or revised plat with the county. The city may require the applicant to pay all associated recording fees.

Sec. 21-3243. Consolidation Plats

- (1) **Description.** Consolidation plats are used to consolidate two or more lots or parcels.
- (2) **Review.**
 - (a) Except where public hearings are required pursuant to paragraph (4), the director and DRT review applications for consolidation plats and the director is authorized to approve, approve with conditions, or deny such applications based upon the approval criteria outlined below (for purposes of this section, this process shall be referred to as an administrative approval). In the event the director denies the application, the applicant may request that the plat be reviewed through the public hearing process.
 - (b) When public hearings are required by paragraph (4) or when the applicant requests a public hearing in response to the director's denial as outlined in paragraph (a), the review process shall be as follows:
 - (i) The director and DRT will review the application and the director will provide a report to the planning commission.
 - (ii) The planning commission will hold a public hearing on the application and make a recommendation to the city council based on the approval criteria below.
 - (iii) The city council will consider the application and the planning commission's recommendation at a public hearing and after the hearing, shall approve, approve with conditions, or deny the proposed plat based on the approval criteria below.

Figure III-19. Consolidation Plats



- (3) **Approval Criteria.** A consolidation plat may be approved if:
- (a) The subdivision is consistent with any approved rezoning, concept plan or PUD Zone Document;
 - (b) The subdivision is consistent with and implements the intent of the specific zoning district in which it is located;
 - (c) There is no evidence to suggest that the subdivision violates any state, federal, or local laws, regulations, or requirements;
 - (d) 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 space in the development, preserves existing trees/vegetation and riparian areas, and otherwise accomplishes the purposes and intent of this land development code;
 - (e) The subdivision complies with all applicable city standards and does not unnecessarily create lots or patterns of lots that make compliance with such standards difficult or infeasible;
 - (f) The subdivision:
 - (i) Will not result in a substantial or undue adverse effect on adjacent properties, traffic conditions, parking, public improvements, either as they presently exist or as they may in the future exist as a result of the implementation of provisions and policies of the comprehensive plan, this land

- development code, or any other plan, program or ordinance adopted by the city; or
- (ii) Any adverse effect has been or will be mitigated to the maximum extent feasible.
 - (g) Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools are available to serve the subject property, while maintaining sufficient levels of service to existing development;
 - (h) 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
 - (i) As applicable, the proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity.
- (4) **Public Hearings Required.** Public hearings before the planning commission and the city council shall be required if:
- (a) The applicant or any property owner within 300 feet of the property submits a written request to the director by the date scheduled for department approval. This written objection request must be directly related to the proposed subdivision. General objections regarding existing land use, zoning, or issues unrelated to the subdivision will not be considered valid objections for purposes of this provision;
 - (b) If any public entity or utility affected by the proposed subdivision claims it is negatively impacted by the proposed subdivision and submits written request to the director by the date scheduled for department approval;
 - (c) The director determines that the consolidation plat should be reviewed through a public hearing process; or
 - (d) The city council requests that the consolidation plat be reviewed through a public hearing process if such request is made before the date scheduled for department approval.
- (5) **Recording.** Once approved, or in the case of a conditional approval when all conditions have been met, the consolidation plat shall be signed by the city. The director and city engineer will sign the plat in the case of an administrative approval. The mayor and city clerk will sign when the

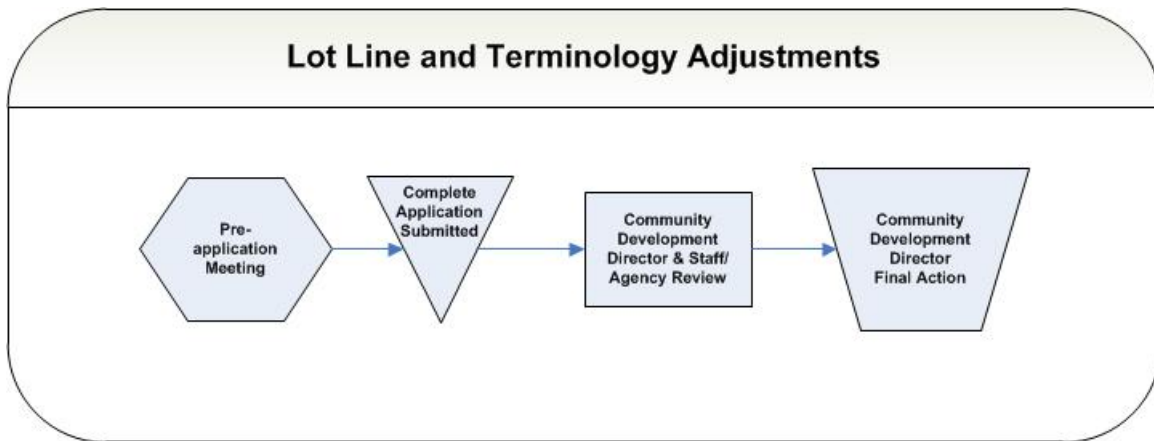
consolidation plat is approved by city council. The city will record the signed, consolidation plat. The applicant may be required to pay all recording fees.

- (6) **Dedications and Restrictive Covenants.** Execution of the consolidation plat in accordance with paragraph (5) above shall constitute the city's acceptance of any public dedication. No restrictive covenant shall appear on a plat unless approved by the city.
- (7) **Lapse.** If the approved plat is not executed by the applicant within 60 days of the date of approval, or within any longer period approved in advance in writing by the director due to unique circumstances, the plat shall automatically lapse and be null and void.

Sec. 21-3244. Lot Line and Terminology Adjustments

- (1) **Description.** The lot lines or terminology of previously recorded documents may only be adjusted in accordance with this section.
- (2) **Review.** The director and the DRT, as deemed appropriate by the director, will review applications for lot line or terminology adjustments ("adjustments"). The director is authorized to approve, approve with conditions, or deny such applications based on the criteria below

Figure III-20. Lot Line and Terminology Adjustments



- (3) **Approval Criteria.** The director may approve a lot line adjustment if:
 - (a) The adjustment does not increase the number of lots or parcels or create new lots or parcels;
 - (b) The adjustment does not affect a recorded easement without the prior approval of the easement holder;

- (c) Street locations will not be changed;
 - (d) The adjustment will not create any nonconformities, or increase the degree of nonconformity of any existing structure or use; and
 - (e) The adjustment complies with all other applicable city standards.
- (4) **Acceptance of Dedications.** When an adjustment involves a street, easement, or other public use dedication, the director's approval of the application shall constitute the city's acceptance of any such dedication.
- (5) **Recording.** The city will record each approved adjustment. The applicant may be required to pay all recording fees.
- (6) **Lapse.** If the approved plat is not executed by the applicant within 60 days of the date of approval, or within any longer period approved in advance in writing by the director due to unique circumstances, the plat shall automatically lapse and be null and void.

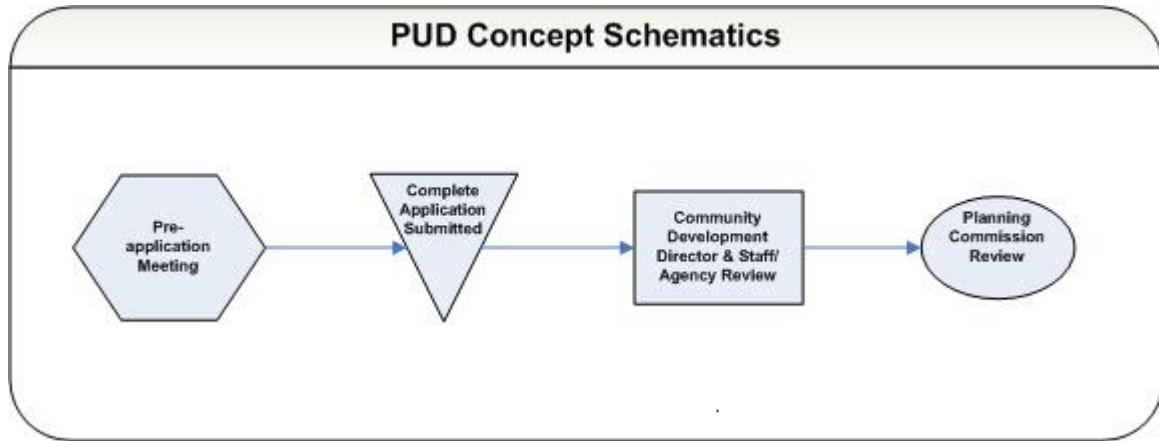
Paragraphs (1), (2), (4), and (5) amended by Ord. 2020, February 2015

E. PLANNED UNIT DEVELOPMENTS

Sec. 21-3250. PUD Concept Schematics

- (1) **Description.** A PUD concept schematic is a generalized land use/site plan for an area proposed to be included within a PUD district. It is the first step in the PUD process and it allows early, informal evaluation of a proposed PUD zoning district before substantial expenses have been incurred. The PUD Concept Schematic provides the city staff and the applicant an opportunity to determine the development's conformance with the comprehensive plan and the requirements of this land development code, and assists the applicant in the preparation of a PUD zone document. The director may waive the requirement to file a PUD concept schematic.
- (2) **Review.** The director and DRT will review the PUD concept schematic and the director may provide a comment letter to the applicant based upon such review. In addition, if requested by the director, the planning commission may review the concept schematic and provide further comment. Any comments provided to the applicant are informational only and shall not represent a commitment on behalf of the city regarding the acceptability of the schematic.

Figure III-21. PUD Concept Schematics

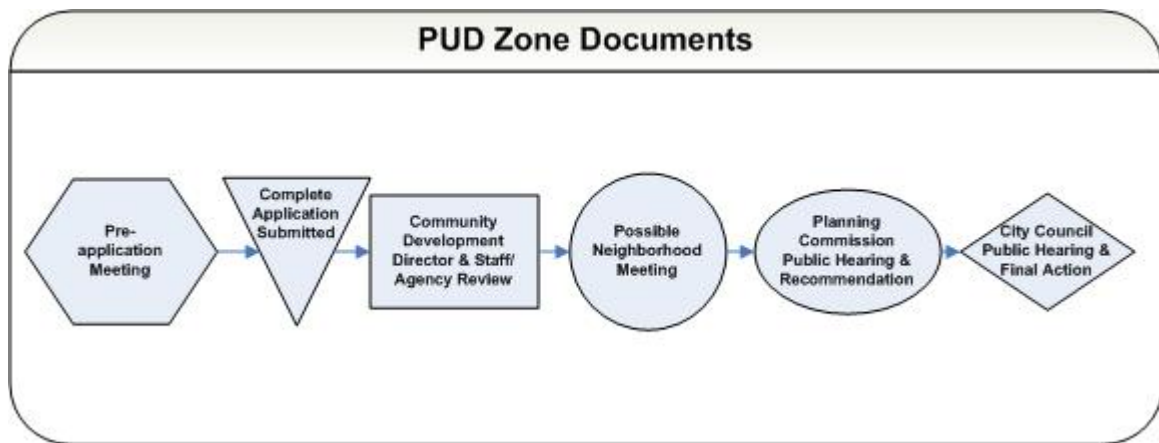


Sec. 21-3251. PUD Zone Documents

- (1) **Description.** A PUD zone document establishes entitlements for property including allowable land use and bulk 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. An applicant may submit a sketch or final (when applicable) plat or a PUD permit application for simultaneous processing with a PUD zone document.
 - (a) **Optional Design Guidelines.** While design guidelines are not required, they may be submitted for staff review and input, at the applicant's option, for a fee.
- (2) **Review.**
 - (a) The director and the DRT will review PUD zone documents and provide a report to the planning commission regarding the document's acceptability in light of the approval criteria listed below.
 - (b) The planning commission shall hold a public hearing on the application and, after the public hearing has been held, make a recommendation to the city council based on the approval criteria found below.

- (c) After receiving the recommendation of the planning commission, the city council shall consider the application at a public hearing. After such hearing, the city council shall approve, approve with conditions, or deny the proposed PUD zone document, based on the review criteria below.

Figure III-22. PUD Zone Documents



- (3) **Approval Criteria.** A PUD zone document may be approved only if:
- (a) The PUD zone document is consistent with the policies and goals of the comprehensive plan, any applicable adopted area plan, or community plan of the city, or reflects conditions that have changed since the adoption of the comprehensive plan;
 - (b) The PUD zone document is consistent with any previously reviewed PUD concept schematic;
 - (c) 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 section 21-4370 (PUD Zone 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;
 - (d) The PUD complies with all applicable city standards not otherwise modified or waived by the city;
 - (e) The PUD is integrated and connected with adjacent development through street connections, sidewalks, trails, and similar features;
 - (f) To the maximum extent feasible, the proposal mitigates any potential significant adverse impacts on adjacent properties or on the general community;
 - (g) Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development;
 - (h) As applicable, the proposed phasing plan for development of the PUD is rational in terms of available infrastructure, capacity, and financing; and
 - (i) The same development could not be accomplished through the use of other techniques, such as height exceptions, variances, or minor modifications.
- (4) **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.
- (5) **Amendment.**
- (a) Modifications to an approved PUD zone document, other than the minor modifications allowed pursuant to section 21-3215 (Minor Modifications), 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 zone changes set forth in this Code.

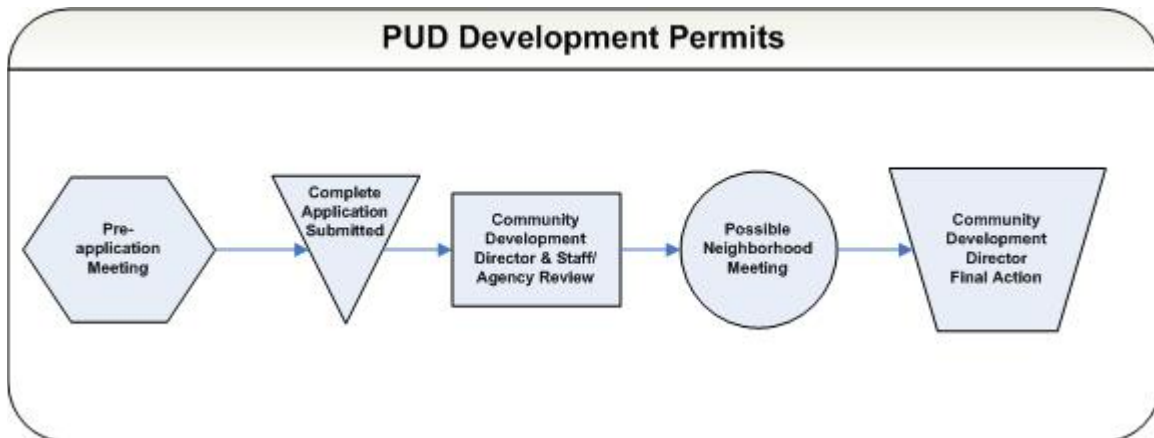
Unless restricted by the terms of a development agreement or other entitlement granting vested property rights, any property owner within the PUD district or the City may initiate an application to rezone a PUD district.

Subparagraph (1) (a) added by Ord. 2020, February 2015
Paragraph (5) amended by Ord. 2078; April 2016

Sec. 21-3252. PUD Development Permits

- (1) **Description.** A PUD development permit represents the last stage of review required prior to the issuance of building permits or other permits for improvements or land uses within a PUD zone district. The construction, modification, or alteration of any building or structure and all specific land uses within the PUD shall be governed by the PUD development permit. A PUD development permit is only issued when all details of the proposed PUD development (or a portion of that development) have been finalized and have been reviewed for consistency with the terms of the approved PUD zone document and all design and development standards in this land development code that have not been waived or modified by the terms of the approved PUD zone document.
- (2) **Review.** The director and DRT review applications for PUD development permits. The director is authorized to approve, approve with conditions, or deny the application based on the approval criteria below.

Figure III-23. PUD Development Permits



- (3) **Approval Criteria.** An application for a PUD development permit may be approved if it:
- (a) Complies with city standards;
 - (b) Is consistent with any previously approved PUD zone document, rezoning concept plan, or other plans or land use approvals;
 - (c) Provides adequate mitigation for any significant adverse impacts resulting from the use;
 - (d) Creates a positive precedent for the future cumulative development of the immediate area;
 - (e) Provides utilities, drainage, and other necessary facilities in accordance with the final PUD permit; and
 - (f) If the proposed PUD permit includes mixed-use areas, then:
 - (i) The elements of the PUD development plan, such as streets, structures, parking areas, pedestrian walkways, courtyards, plazas, landscaping, service areas, open spaces, bicycle movement provisions, screening, lighting, and maintenance and storage facilities are arranged and designed to further the purpose and intent of section 21-4370 (PUD Zone District);
 - (ii) Design and location of ingress and egress minimize traffic congestion on public and private streets; and
 - (iii) The residential design will provide a positive effect on the environment of the citizens who will occupy the residences.
- (4) **Lapse.** A PUD development permit shall lapse and be of no further force and effect if a building permit application for the development, or for a phase of the development identified in the approved PUD development permit, has not been submitted within the time-frame set forth in the PUD development permit or, if no time-frame was specified, within two years of the date of approval.
- (5) **Control of PUDs Following Construction.** After a PUD has been approved, the use of the land and the construction, modification, or alteration of any building or structures within the PUD shall be governed by the approved PUD development permit. Modification to an approved PUD development permit, other than minor modifications allowed pursuant

to section 21-3215 (Minor Modifications), requires the submission of a new PUD application.

- (6) **Design Guidelines.** If a PUD zone document references design guidelines for the PUD, no PUD permit shall be approved until the design guidelines are finalized and on file with the city.

Paragraph (6) added by Ord. 2020, February 2015

DIVISION 3: ANNEXATIONS

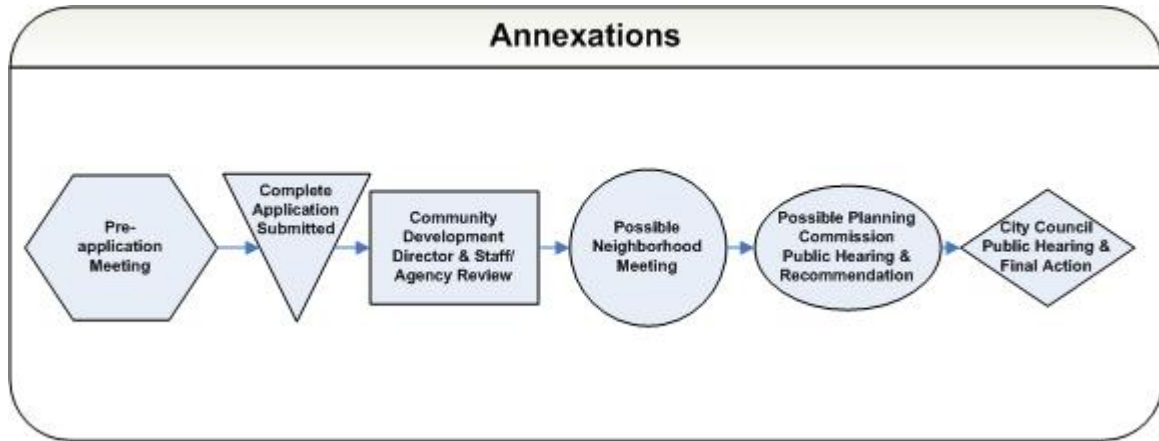
Sec. 21-3300. Discretion and Conflicts

Annexation is a discretionary, legislative act. Accordingly, the city shall never be compelled to annex, unless otherwise required by state law, even if all annexation requirements have been satisfied. The city's annexation requirements, set forth in this land development code, are intended to supplement the provisions of the state statutes and are in no way to be construed as being in conflict therewith.

Sec. 21-3310. Review

- (1) **Pre-application Meeting.** It is strongly recommended that an applicant meet with the city prior to submission of an application for annexation to identify procedures, processes, and relevant information regarding the proposed annexation.
- (2) **Director Review and Referral.**
- (a) The director, and the DRT or the planning commission as deemed appropriate by the director, shall conduct an analysis of existing land uses on the subject property to ascertain zoning and potential nonconformities. The director shall assess whether the petition for annexation substantially complies with state law and this land development code and shall prepare a draft resolution for the city council so that the city council may make a determination of compliance as required by state law.
- (b) The director shall report to the city council his assessment of whether the petition for annexation substantially complies with state law. Such report shall be provided to the city council prior to the date on which the annexation ordinance is introduced on first reading and shall include a summary of any recommendations from the DRT or the planning commission.

Figure III-24. Annexations



Sec. 21-3320. Pre-Annexation Agreements

- (1) **Pre-Annexation Agreement Required.** Except for unilateral annexations or annexations upon election, a pre-annexation agreement shall be required before an annexation is approved. The pre-annexation agreement shall identify the mutual understanding of the commitments and responsibilities of the city and the property owner(s) related to the subject property and annexation.
- (2) **Director to Coordinate Pre-Annexation Agreement Negotiations.** The director coordinates all pre-annexation agreement negotiations. The director prepares the agreement in a form approved by the city attorney and presents such to the applicant. The applicant may either sign the agreement or present an alternative agreement to the director for consideration.
- (3) **Timing and Finalization of Pre-Annexation Agreements.** If the applicant accepts the agreement as drafted by the city, the applicant shall submit the pre-annexation agreement to the director, signed and acknowledged by all property owners, at least seven days prior to the city council meeting at which the first reading of the annexation ordinance will be considered. If the applicant presents an alternative agreement to the city for consideration, the applicant shall submit the revised pre-annexation agreement to the director, signed and acknowledged by all property owners, at least 14 days prior to the city council meeting at which the first reading of the annexation ordinance will be considered. If the applicant's alternative agreement differs substantially from the city-prepared agreement, the city may delay scheduling the annexation for city council consideration in order to review the alternative agreement. Except as otherwise provided in this section, no annexation ordinance shall

proceed to first reading until a pre-annexation agreement has been signed by the property owner(s) and approved by the city.

- (4) **Pre-Annexation Agreement to be Recorded.** Upon annexation, such agreement shall be recorded to provide notice to future purchasers of said property. All recording costs shall be borne by the applicant.

Sec. 21-3330. Other Districts

It is the applicant's responsibility to apply for inclusion in or exclusion from any applicable district(s) such as special districts and improvements districts.

Sec. 21-3340. Annexation Approval Criteria

The annexation application may be approved if:

- (1) The annexation is in compliance with applicable state laws and this land development code;
- (2) The annexation is consistent with the comprehensive plan, and the best interests of the city would be served by annexation of such property;
- (3) The property is within the Municipal Service Area (MSA) of the Commerce City Growth Boundary as stated in the comprehensive plan. No property outside of the MSA or Growth Boundary shall be considered for annexation unless the city council finds that, consistent with the comprehensive plan, the best interests of the city would be served by annexation of such property and provided a land use plan for the area proposed to be annexed is submitted together with the annexation application;
- (4) The property is capable of being integrated into the city in compliance with all applicable provisions of this land development code;
- (5) At the time any development of the area proposed to be annexed is completed, there is a reasonable likelihood that capacity will exist to adequately serve residents or users of such area with all necessary utilities, municipal services and facilities; and
- (6) The annexation boundaries are configured such that the annexation will not limit the city's ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed.

Sec. 21-3350. Zoning of Newly Annexed Land

- (1) **Generally.** Zoning of newly-annexed land or land in the process of annexation shall be considered an initial zoning and should represent good planning principles and be consistent with the goals and land use designations of the comprehensive plan.
- (2) **Criteria for Zoning.** 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.
- (3) **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 land development code for such development approval along with the annexation process and the city council may consider the proposed development application, including any concept plan, development plan, and any applicable comprehensive plan amendment(s) when the annexation ordinance is considered under first reading.
- (4) **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.

Sec. 21-3360. Annexed Land in the Floodplain

Upon annexation, any portion of the area to be annexed situated within the 100-year floodplain for First Creek, Second Creek, Third Creek, Beebe Draw, Box Elder Creek, and any other floodplain designated by the city shall be dedicated to the city unless otherwise provided.

Sec. 21-3370. Annexed Areas Added to Wards

In the absence of change of ward boundaries by amendment to the municipal code, those areas annexed to the city shall become a part of the ward to which the annexed area is most contiguous.

Sec. 21-3380. Right-of-Way Dedications

Upon annexation, any portion of the annexed area that is depicted on the city's transportation plan as an arterial roadway shall be dedicated to the city, unless otherwise provided.

DIVISION 4: POST REVIEW ACTIONS

A. MODIFICATIONS, AMENDMENTS AND REVOCATIONS

Sec. 21-3400. Modifications

Minor modifications to an approved final subdivision plat, PUD Permit, or development plan may be authorized by the Director as set forth in section 21-3215 (Minor Modifications).

Sec. 21-3405. Amendments

- (1) **Description.** Any change to an approved plat, plan, or permit that does not qualify as a minor modification, including all changes in use and density, shall be considered an amendment.
- (2) **Review and Approval Criteria.** Amendments shall be treated as a new application subject to the applicable procedures and approval criteria set forth in this land development code. Except that amendments may be approved only upon a showing that they are required by changes in conditions that have occurred since the original final plat, plan, or permit was approved, by changes in development policies of the City, or by other conditions that were unforeseen at the time of the original final plan, plat, or permit approval. This showing is in addition to the regular approval criteria of the applicable application.

Sec. 21-3410. Revocations

The city may revoke any approved plat, plan, or permit if the applicant for such plat, plan, or permit fails to comply with the plat, plan, or permit as approved or with any of the conditions that were imposed by the city in conjunction with the approval. In such cases, the city will notify the applicant of the proposed revocation and the body or staff member who approved the plat, plan, or permit

or who imposed the conditions will hear and decide whether the plat, plan, or permit should be revoked.

Section amended by Ord. 2158, December 2018

B. APPEALS

Sec. 21-3415. Right to Appeal

An appeal may be filed with the city in conjunction with a final decision issued by the director, the building official, the floodplain administrator, or any other city administrator related to an application filed pursuant to this article. Such appeal must be filed by the applicant, the property owner of the subject property, or a person otherwise permitted to appeal by state law (collectively referred to as parties in interest) and shall be subject to the procedures outlined below.

Sec. 21-3420. Related Developmental Approvals Stayed

Upon the filing of an appeal, no related development approvals or permits shall be issued 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 issued for the subject property, unless a “stop work order” is issued by the city, or a restraining order is issued by a court.

Sec. 21-3425. Appeal Forums

- (1) **The Board of Adjustment.** All appeals from administrative decisions related to temporary use permits, minor modifications, grading permits, and floodplain development permits, as well as appeals from the building official’s denial of a building or sign permit if the denial is based upon a standard contained in this land development code shall be heard by the board of adjustment.
- (2) **Building Board of Appeals.** An appeal from the building official’s denial of a building or sign permit based upon some ground other than a standard contained in this land development code shall be heard by the building board of appeals.
- (3) **Planning Commission and City Council.** All appeals from the decision of the director, other than those outlined in paragraphs (1), (2), and (4), shall be reviewed by the planning commission and the city council.
- (4) **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

21-3216, shall be appealed in accordance with Rule 106 of the Colorado Rules of Civil Procedure.

Appeals shall be filed with the director no later than ten days after the date of the initial decision. Upon receipt of an appeal, the director will forward the documents constituting the record of the action to the appropriate appellate body.

Paragraphs (3) and (4) amended by Ord. 2183, November 2018

Sec. 21-3435. 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. The planning commission recommends action on the application based upon the relevant approval criteria.

Sec. 21-3440. Time of Review

- (1) **Appeals to the Board of Adjustment and the Building Board of Appeals.** Appeals will be considered within 60 days of the date the appeal is filed.
- (2) **Appeals to the Planning Commission and City Council.** The planning commission will consider an appeal within 45 days of the date the appeal is filed and will submit a recommendation to the city council. The city council will consider the application and the planning commission's recommendation within 45 days of the date it receives the planning commission's recommendation.

Sec. 21-3445. Procedures on Appeal

The appellate bodies are authorized to adopt all rules of procedure they deem appropriate for proper administration of appellate matters.

Sec. 21-3450. Decisions

- (1) The city may reverse, affirm, or modify in whole or in part the order, requirement, decision, or determination.
- (2) 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.

ARTICLE IV. ZONING DISTRICTS

ARTICLE IV. ZONING DISTRICTS

DIVISION 1: GENERAL PROVISIONS

- Sec. 21-4100. Zoning and Overlay Districts
- Sec. 21-4110. District Conversion
- Sec. 21-4120. Official Zoning Map

DIVISION 2: GENERAL DISTRICT STANDARDS

- Sec. 21-4200. Setbacks
- Sec. 21-4201. Floor Area Ratio (FAR) Applicability

DIVISION 3: SPECIFIC DISTRICT STANDARDS

- Sec. 21-4300. R-1 Single-Family Detached Residential District
- Sec. 21-4305. R-2 Single-Family Attached Residential District
- Sec. 21-4310. R-3 Multi-Family Residential District
- Sec. 21-4315. R-4 Townhouse Residential District
- Sec. 21-4320. MHP Mobile Home Park District
- Sec. 21-4325. C-1 Local Commercial District
- Sec. 21-4330. C-2 General Commercial District
- Sec. 21-4335. C-3 Regional Commercial District
- Sec. 21-4340. MU-1 Mixed-Use District
- Sec. 21-4345. I-1 Light-Intensity Industrial District
- Sec. 21-4350. I-2 Medium-Intensity Industrial District
- Sec. 21-4355. I-3 Heavy-Intensity Industrial District
- Sec. 21-4360. AG Agricultural District
- Sec. 21-4365. PUBLIC Public Zone District
- Sec. 21-4370. PUD Planned Unit Development District

DIVISION 4: OVERLAY DISTRICT STANDARDS

- Sec. 21-4400. FP Floodplain Overlay District

DIVISION 5: MISCELLANEOUS ZONE DISTRICT

- Sec. 21-4500. R-U Residential Unit District
- Sec. 21-4510. I-1S Industrial Park Storage District

DIVISION 1: GENERAL PROVISIONS

Sec. 21-4100. Zoning and Overlay Districts

- (1) **Zoning Districts Established.** The zoning districts set forth in table IV-1, below, are established so that the entire territory of the city can be classified for purposes of land use according to the predominant character of development and current or intended use in an area:

Table IV-1. Zoning Districts

SYMBOL	DISTRICT TITLE
R-1	Single-Family Detached Residential District
R-2	Single-Family Attached Residential District
R-3	Multi-Family Residential District
R-4	Townhouse Residential District
R-U	Residential Unit District
MHP	Mobile Home Park District
C-1	Local Commercial District
C-2	General Commercial District
C-3	Regional Commercial District
MU-1	Mixed Use District
I-1	Light Intensity Industrial District
I-1S	Industrial Park Storage District
I-2	Medium Intensity Industrial District
I-3	Heavy Intensity Industrial District
PUD	Planned Unit Development District
AG	Agricultural District
PUBLIC	Public District

- (2) **Overlay Districts Established.** In order to regulate the use and development of land and buildings where specific issues or concerns must be mitigated due to unusual and unique circumstances, or where alternative design concepts are desired or are necessary to mitigate specific conditions, the following overlay zone district is hereby created:

- (a) Floodplain Overlay District (FP)

Sec. 21-4110. District Conversion

All land zoned or unzoned prior to the enacting of this land development code shall be placed into zoning districts according to the following conversion table.

Table IV-2. Zoning Conversion Table

1987 Zoning District	2009 Zoning District
R-1 (Single-Family Residential District)	R-1 (Single-Family Detached Residential District)
R-2 (Two-Family Residential District)	R-2 (Single-Family Attached Residential District)
R-3 (Multiple-Family Residential District)	R-3 (Multi-Family Residential District)
R-U (Residential Unit District)	R-U (Residential Unit District)
R-LA (Residential Limited Agricultural Zone District)	AG (Agricultural District)
MHP (Mobile Home Park)	MHP (Mobile Home Park District)
C-1 (Local Retail District)	C-1 (Local Commercial District)
C-2 (General Retail District)	C-2 (General Commercial District)
C-3 (Community Business District)	C-3 (Regional Commercial District)
I-O (Office/Warehouse District)	I-1 (Light Intensity Industrial District)
I-1 (Industrial Park District)	I-1 (Light Intensity Industrial District)
I-1S (Industrial Park Storage District)	I-1S (Industrial Park Storage District)
I-2 (Light Industrial District)	I-2 (Medium Intensity Industrial District)
I-3 (Heavy Industrial District)	I-3 (Heavy Intensity Industrial District)
IPD (Industrial Performance District)	I-1 (Light Intensity Industrial District)
PUD (Planned Unit Development)	PUD (Planned Unit Development District)
AG (Agricultural District)	AG (Agricultural District)
PUBLIC (Public District)	PUBLIC (Public District)
FP (Floodplain Overlay District)	FP (Floodplain Overlay District)
Unzoned Land - Other than Railroad Rights-of-Way	AG (Agricultural District)
Unzoned Land - Railroad Rights-of-Way	I-1 (Light Intensity Industrial District)

Sec. 21-4120. Official Zoning Map

- (1) **Description.** The term “official zoning map” refers to the visual depiction of a compilation of all ordinances that are currently in effect which 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 21-4100 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 land development code.

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

- (a) 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.
- (b) In the absence of a center line, zoning district boundaries shall coincide with the legal description of property adjoining the applicable boundary.
- (c) 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 director shall interpret said map according to the reasonable intent of this land development code. Any appeal of the director's decision shall follow the process set forth in section 21-3425 (Appeals).
- (d) Where a zoning district boundary line divides a lot or parcel that has single ownership on the date this land development code 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.

Paragraph (1) amended by Ord. 1785, June 2010

DIVISION 2: GENERAL DISTRICT STANDARDS

Sec. 21-4200. Setbacks

Setbacks for all principal structures in all zoning districts shall be open and unobstructed and in accordance with the following:

- (1) **Architectural Features.** Cornices, cupolas, box and bay windows, or similar architectural features are allowed to extend outward from the principal structure up to one foot into any setback.
- (2) **Balconies.** Balconies shall meet the front, side, and rear yard setback requirements for principal structures.
- (3) **Enclosed Porches and Patio Covers.** Enclosed or covered porches or patio covers shall meet the front, side, and rear yard setback requirements for principal structures.
- (4) **Fire Escapes, Open Stairs, Chimneys.** The building official may allow fire escapes, open stairs, and chimneys to be placed within a setback so long as they do not obstruct light and ventilation.
- (5) **Accessory Setbacks.** Accessory setbacks can be found in article V of this code.

- (6) **Enclosed Porches and Patios.** Enclosed porches and patios shall meet the front, side, and rear-yard setback requirements for principal structures.

Paragraph (3) amended by Ord. 2020, February 2015.

Sec. 21-4201. Floor Area Ratio (FAR) Applicability

The Floor Area Ratio requirements shall only apply to new structures.

Section added by Ord. 1887, July 2012

DIVISION 3: SPECIFIC DISTRICT STANDARDS

Sec. 21-4300. R-1 Single-Family Detached Residential District

- (1) **Purpose and Intent.** The purpose of the single-family detached residential district (R-1 district) is to allow for single-family detached dwellings in low-density residential developments. This district may also include uses that support and are compatible with low-density residential areas.
- (2) **Standards.** It shall be unlawful for any person to build or occupy any structure within an R-1 district that deviates from the standards set forth in the following table unless that person has received a variance or minor modification in accordance with the provisions of this land development code. No more than one principal building shall be permitted on any lot located within a single-family residential zone district. In order to qualify as a single principal structure, all portions of a structure must be structurally linked to each other and not merely connected through the use of patios, breezeways, arcades, or similar devices.

Table IV-3. R-1 District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	Single-family dwellings: 1,080-square feet for a single-story dwelling and 1,600-square feet for a two-story dwelling
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	N/A
Maximum floor area ratio	N/A
Minimum lot area	7,000-square feet; 8,000-square feet per corner lot
Maximum lot area	43,560-square feet
Minimum lot frontage	60 feet per lot; 70 feet per corner lot
Minimum front yard setback	10 feet (garages to be set back 20 feet minimum)

BULK STANDARD	REQUIREMENT
Maximum front yard setback	50 feet (new dwellings only)
Minimum side yard setback (interior lot)	5 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	10 feet
Maximum side yard setback (corner lot)	50 feet
Minimum side yard setback (corner lot facing collector or arterial)	25 feet
Minimum rear yard setback	20 feet
Minimum building height	10 feet
Maximum building height	35 feet
Minimum open space	N/A
Building location	N/A
Building separation	N/A

Sec. 21-4305. R-2 Single-Family Attached Residential District

- (1) **Purpose and Intent.** The purpose of the single-family attached residential district (R-2 district) is to provide a residential district which permits single-family attached dwellings (duplexes) and single-family detached dwellings in a moderate density setting.

- (2) **Standards.** It shall be unlawful for any person to build or occupy any structure within an R-2 district that deviates from the standards set forth in the following table unless that person has received a variance or minor modification in accordance with the provisions of this land development code. No more than one principal structure shall be permitted on any lot located within an R-2 district. In order to qualify as a single principal structure, all portions of a structure must be structurally linked to each other and not merely connected through the use of patios, breezeways, arcades, or similar devices. In no event shall any multi-family dwelling be permitted to cross a lot line in an R-2 district.

Table IV-4. R-2 District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	Two-family dwellings: 2,160-square feet, with 1,080-square feet for each dwelling unit
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	N/A
Maximum floor area ratio	N/A
Minimum lot area-lot with a duplex that is not subdivided with 0 lot line.	8,000-square feet.

BULK STANDARD	REQUIREMENT
Minimum lot area-lot with a duplex that has been subdivided with 0 lot line.	4,000-square feet.
Maximum lot area	43,560-square feet
Minimum lot frontage un-subdivided lot	70 feet*
Minimum lot frontage-subdivided lot with a duplex with 0 lot line	35 feet
Minimum front yard setback	10 feet (garages to be set back 20 feet minimum)
Maximum front yard setback	50 feet (new dwellings only)
Minimum side yard setback (interior lot)	5 feet. If lot is subdivided, common wall setback, 0 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	15 feet
Maximum side yard setback (corner lot)	40 feet
Minimum side yard setback (corner lot facing collector or arterial)	25 feet
Minimum rear yard setback	20 feet
Minimum building height	10 feet.
Maximum building height	35 feet
Minimum open space	N/A
Building location	N/A
Building separation	N/A

*See Sec. 21—6220 (2)(i)

Note: Single-family detached dwellings in the R-2 District shall meet the R-1 Bulk Standards (except for lot area and lot frontage).

- (3) **Subdivisions.** If a single-family attached dwelling is subdivided, the applicant shall place the following notation on the subdivision plat: *“Approval of this plat does not assure that the structure is in compliance with the current building code.”*

Sec. 21-4310. R-3 Multi-Family Residential District

- (1) **Purpose and Intent.** The purpose of the multi-family residential district (R-3 district) is to provide a high-density residential district that allows one or more single-family attached dwellings or multi-family dwellings on a single lot. No single-family detached dwellings shall be permitted.

- (2) **Standards.** It shall be unlawful for any person to build or occupy any structure within an R-3 district that deviates from the standards set forth in the following table unless that person has received a variance or minor modification in accordance with the provisions of this land development code.

Table IV-5. R-3 District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	<ul style="list-style-type: none"> - 0 bedrooms: 400-square feet - 1 bedroom: 550-square feet - 2 bedrooms: 700-square feet - 3 bedrooms: 850-square feet - 4 bedrooms: 1,000-square feet
Minimum density	6-dwelling units per gross acre
Maximum density	24-dwelling units per gross acre
Minimum floor area ratio	N/A
Maximum floor area ratio	N/A
Minimum lot area	N/A
Maximum lot area	N/A
Minimum lot frontage	100 feet*
Minimum front yard setback	20 feet
Maximum front yard setback	N/A
Minimum side yard setback (interior lot)	20 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	30 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot) collector or arterial	30 feet
Minimum rear yard setback	20 feet
Minimum building height	15 feet
Maximum building height	50 feet
Minimum open space	15 percent of gross lot area. Open space may include common areas, recreational facilities, community gardens, or landscaped areas
Building location	N/A
Building separation	15 feet

*See Sec. 21—6220 (2)(i)

Sec. 21-4315. R-4 Townhouse Residential District

- (1) **Purpose and Intent.** The townhouse residential district (R-4 district) is to be used exclusively for structures with three or more townhouse dwelling units. It is intended that this district serve as a transition between single-family residential districts and multi-family residential or commercial districts.
- (2) **Standards.** It shall be unlawful for any person to build or occupy any structure within an R-4 district that deviates from the standards set forth in the following table unless that person has received a variance or minor modification in accordance with the provisions of this land development code.

Table IV-6. R-4 District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	1,080-square feet
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	N/A
Maximum floor area ratio	N/A
Minimum lot area	2,000-square feet
Maximum lot area	N/A
Minimum lot frontage	20 feet (Note: Lot frontage may include frontage on a private road or drive or a platted easement.)
Minimum front yard setback	10 feet (Note: Unless the lot fronts onto a private road, private drive, or access easement, any garages must be set back at least 20 feet)
Maximum front yard setback	30 feet
Minimum side yard setback (interior lot)	5 feet exterior wall; 0 feet common wall
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)	30 feet.
Minimum rear yard setback	20 feet.
Minimum building height	15 feet
Maximum building height	35 feet
Minimum open space	15 percent of gross lot area. Open space may include common areas, recreational facilities, community gardens, or landscaped areas
Building location	N/A
Building separation	N/A

Table amended by Ord. 2020, February 2015

Sec. 21-4320. MHP Mobile Home Park District

- (1) **Purpose and Intent.** The purpose of the mobile home park district (MHP district) is to provide a district for mobile homes with the necessary facilities that include mobile home spaces or lots that may, but need not be, owned by different persons.
- (2) **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.
- (3) **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.

- (4) **Standards – New Parks.**
 - (a) 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 land development code that deviates from the standards set forth in the following table unless that person has received a variance or minor modification in accordance with the provisions of this land development code.

Table IV-7. MHP District Standards for New Parks

BULK STANDARDS	REQUIREMENTS
Minimum lot size	10 acres
Minimum lot frontage	280 feet
Minimum gross floor area	1,080-square feet for a single-story dwelling
Minimum MH space area	7,000-square feet per dwelling; 8,000-square feet per dwelling on a corner space
Maximum MH space area	43,560-square feet
Minimum MH space frontage	60 feet per space; 70 feet per corner space
Minimum front yard setback	10 feet
Maximum front yard setback	30 feet
Minimum side yard setback	5 feet
Minimum side yard setback on corner MH space facing a local or private street	10 feet

BULK STANDARDS	REQUIREMENTS
Maximum side yard setback on corner MH space facing a local or private street	30 feet
Minimum side yard setback on corner MH space facing a collector or arterial street	30 feet
Minimum rear yard setback	20 feet
Minimum building height	10 feet
Maximum building height	35 feet

(5) Recreational Facilities – Mobile Home Parks.

- (a) 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 open turf.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) A recreation hall that includes a kitchen, meeting and social room, and restroom shall be provided.

(6) Standards – Existing Parks.

- (a) Replacement units within existing mobile home parks:
 - (i) A replacement mobile home unit may maintain the same setbacks of the unit which 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 shall maintain the following setbacks shown in table IV-8 (whichever are applicable) for the dimensional (length and/or width) that are not the same size as the unit that previously occupied the site at the time of adoption of Ordinance 532 (May 21, 1979). Excluding #1

above, it shall be unlawful for any person to build, occupy, or place any mobile home within an MHP district in operation as of the effective date of this land development code that deviates from the standards set forth in the following table, unless that person has received a variance or minor modification in accordance with the provisions of this land development code.

Table IV-8. MHP District Standards for Existing Parks

Setbacks for replacement mobile homes, additions, carports, covered decks, covered porches, and similar structure:	
Minimum distance from the closest point of the front door side of a mobile home or site built structure to the nearest point of the replacement mobile home, addition, carport, covered deck, covered porch, or similar structure.	12 feet
Minimum distance from the closest point of all other sides of a mobile home or site built structure to the nearest point of the replacement mobile home, addition, carport, covered deck, covered porch, or similar structure.	6 feet
Minimum distance from individual storage sheds, on the same space or an adjoining space, to the nearest point of the replacement mobile home, addition, carport, covered deck, covered porch, or similar structure.	3 feet
Minimum distance from mobile home park boundaries, to the nearest point of the replacement mobile home, addition, carport, covered deck, covered porch, or similar structure.	3 feet
Setbacks for uncovered decks and uncovered porches:	
Minimum distance from the closest point of the front door side of an adjoining mobile home or site built structure, to the nearest point of the uncovered deck or uncovered porch.	6 feet
Minimum distance from 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 feet
Minimum distance from individual storage sheds, on the same space or an adjoining space, to the nearest point of the uncovered deck or uncovered porch.	3 feet
Minimum distance from mobile home park boundaries, to the nearest point of the uncovered deck or uncovered porch.	3 feet
Setbacks for accessory structures (Including but not limited to sheds, garages, carports, etc.) from mobile homes on the same space and on adjoining spaces:	
<i>Setbacks from structures on adjoining spaces:</i>	
Minimum distance from the closest point of the front door side of a mobile home or site built structure, to the nearest point of an accessory structure.	6 feet
Minimum distance from all other sides of a mobile home or site built structure, to the nearest point of an accessory structure.	3 feet
<i>General:</i>	
Minimum distance from the nearest point of any accessory structure to the mobile home park boundary.	3 feet

- (7) **Construction Standards – New and Existing Parks and Homes.**
- (a) Every mobile home in a mobile home park shall be designed and constructed in accordance with 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 prior to 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 in accord 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 section 21-3210 of this land development code, no mobile home may be placed or moved within the city unless a building permit has been issued authorizing such placement or movement.
 - (b) Each mobile home shall be properly serviced with the necessary utilities and services to include water supply, sewage disposal, electrical and gas supply.
 - (c) Accessory structures built on the mobile home lot shall meet building codes, and a permit for such structures shall be obtained from the city.
 - (d) No mobile home shall be permanently attached to a foundation. Stabilizing devices or piers may be used and shall be installed in accordance with the manufacturer’s instructions.
 - (e) All mobile homes stands in new mobile home parks shall provide adequate support for the placement of the mobile homes.
 - (f) 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.

- (g) Any electrical, gas, or plumbing repairs; alterations; or installation of equipment, shall be performed in accordance with all applicable laws and standards.

Paragraph (7) amended by Ord. 1785, June 2010

Sec. 21-4325. C-1 Local Commercial District

- (1) **Purpose and Intent.** The purpose of the local commercial district (C-1 district) is to provide a district designed for administration and professional services, local employment and services, and a small local retail district designed for smaller retail shopping and personal service areas.
- (2) **Standards.** It shall be unlawful for any person to build, occupy, or own any structure within a C-1 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-9. C-1 District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.05
Maximum floor area ratio	0.50
Minimum lot area	8,000-square feet
Maximum lot area	80,000-square feet
Minimum lot frontage	70 feet
Maximum lot frontage	N/A
Minimum front yard setback	10 feet (garages to be set back 20 feet minimum)
Maximum front yard setback	25 feet (new structures only)
Minimum side yard setback (interior lot)	10 feet
Maximum side yard setback (interior lot)	25 feet
Minimum side yard setback (corner lot)	10 feet
Minimum side yard setback (corner lot) collector or arterial	20 feet
Minimum rear yard setback	15 feet
Minimum building height	15 feet
Maximum building height	35 feet
Minimum open space	N/A
Building location	N/A
Building separation	N/A

Table amended by Ord. 1938, January 2013
Table amended by Ord. 2020, February 2015

Sec. 21-4330. C-2 General Commercial District

- (1) **Purpose and Intent.** The purpose of the general commercial district (C-2 district) is to provide a wide variety of general retail, business, and service uses, as well as professional and business offices, but not intensive, high-traffic generating activities.
- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within a C-2 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-10. C-2 District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.05
Maximum floor area ratio	N/A
Minimum lot area	8,000-square feet
Maximum lot area	N/A
Minimum lot frontage	70 feet
Minimum front yard setback	10 feet (garages to be set back 20 feet minimum)
Maximum front yard setback	25 feet (at least 1 building on a lot)
Minimum side yard setback (interior lot)	10 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	10 feet
Minimum side yard setback (corner lot) collector or arterial	20 feet
Minimum rear yard setback	20 feet
Minimum building height	15 feet
Maximum building height	50 feet
Minimum open space	N/A
Building location	N/A
Building separation	N/A

Table amended by Ord. 1887, July 2012
Table amended by Ord. 1938, January 2013
Table amended by Ord. 2020, February 2015

Sec. 21-4335. C-3 Regional Commercial District

- (1) **Purpose and Intent.** The purpose of the regional commercial district (C-3 district) is to provide for more intensive or higher impact business

activities, as well as general retail, commercial, personal and business services, and professional offices for both the general and traveling public in an interstate and regional context.

- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within a C-3 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-11. C-3 District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.05
Maximum floor area ratio	N/A
Minimum lot area	8,000-square feet
Maximum lot area	N/A
Minimum lot frontage	70 feet (Lot frontage may include frontage on a private road or drive or a platted easement.)
Minimum front yard setback	10 feet. Unless the lot fronts onto a private road, private drive, or access easement, any garage must be set back at least 20 feet.
Maximum front yard setback	35 feet (at least 1 building on a lot)
Minimum side yard setback (interior lot)	10 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	10 feet
Minimum side yard setback (corner lot) collector or arterial	25 feet
Minimum rear yard setback	20 feet
Minimum building height	15 feet
Maximum building height	50 feet
Building location	N/A
Building separation	N/A

*Table amended by Ord. 1887, July 2012
Table amended by Ord. 1938, January 2013
Table amended by Ord. 2020, February 2015*

Sec. 21-4340. MU-1 Mixed-Use District

- (1) **Purpose and Intent.** The purpose of the mixed use district (MU-1 district) is to create an environment having urban characteristics within a relatively

small area of land through the close proximity of activities and increased social and cultural opportunities. The uses within this district are primarily commercial in nature, and the residential development is incorporated into the retail environment, such as first-floor retail and second-floor residential.

- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within an MU-1 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-12. MU-1 District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.25
Minimum floor area for residential uses, allowed on all floors but ground floor.	<ul style="list-style-type: none"> - 0 bedrooms: 400-square feet - 1 bedroom: 550-square feet - 2 bedrooms: 700-square feet - 3 bedrooms: 850-square feet - 4 bedrooms: 1,000-square feet
Maximum floor area ratio	N/A
Minimum lot area	8,000-square feet
Minimum lot frontage	60 feet
Minimum front yard setback	10 feet (garages to be set back 20 feet minimum)
Maximum front yard setback	25 feet (at least 1 building on a lot)
Minimum side yard setback (interior lot)	0 feet
Minimum side yard setback (corner lot)	10 feet
Maximum side yard setback (corner lot)	20 feet
Minimum side yard setback (corner lot) collector or arterial	20 feet
Minimum rear yard setback	20 feet
Minimum building height	15 feet
Maximum building height	50 feet
Building location	N/A
Building separation	N/A

Table amended by Ord. 1887, July 2012

Sec. 21-4345. I-1 Light-Intensity Industrial District

- (1) **Purpose and Intent.** The purpose of the light intensity industrial district (I-1 district) is to provide a general commercial and restricted industrial district designed for a variety of compatible business, warehouse, wholesale, office, and limited industrial uses.
- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within an I-1 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-13. I-1 Light-Intensity Industrial District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.05
Maximum floor area ratio	N/A
Minimum lot area	30,000-square feet
Maximum lot area	N/A
Minimum lot frontage	80 feet
Minimum front yard setback	20 feet
Maximum front yard setback	75 feet (new structures only)
Minimum side yard setback (interior lot)	5 feet on either side with a minimum of 30 feet total for both setbacks. Maintain a minimum structure separation of 25 feet between buildings across side property lines.
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	100 feet
Minimum rear yard setback	20 feet
Minimum building height	15 feet
Maximum building height	50 feet
Building location	No building shall be located less than 25 feet from the boundary of any residential zone district.

BULK STANDARD	REQUIREMENT
Building separation	N/A

Table amended by Ord. 1887, July 2012
Table amended by Ord. 1938, January 2013

Sec. 21-4350. I-2 Medium-Intensity Industrial District

- (1) **Purpose and Intent.** The purpose of the medium intensity industrial district (I-2 district) is to provide for a district in which light and medium industrial and similar uses may be operated. Medium-intensity industry consists of any industrial or manufacturing operation subject to acceptable safeguards to control potential nuisances and hazardous effects both on and off of the premises.
- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within an I-2 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-14. I-2 Medium-Intensity Industrial District Standards

BULK STANDARDS	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.05
Maximum floor area ratio	N/A
Minimum lot area	50,000-square feet
Maximum lot area	N/A
Minimum lot frontage	80 feet
Minimum front yard setback	20 feet
Maximum front yard setback	100 feet
Minimum side yard setback (interior lot)	20 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	20 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	25 feet
Minimum building height	15 feet
Maximum building height	50 feet
Minimum open space	N/A

BULK STANDARDS	REQUIREMENT
Building location	No building shall be located less than 50 feet from the boundary of any residential zone district
Building separation	N/A

Table amended by Ord. 1887, July 2012

Table amended by Ord. 1938, January 2013

Sec. 21-4355. I-3 Heavy-Intensity Industrial District

- (1) **Purpose and Intent.** The purpose of the heavy intensity industrial district (I-3 district) is to provide a district designed to accommodate normal operation of almost all industries, subject to those regulations necessary for the protection of nearby property owners in the lawful use of their respective properties.

- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within an I-3 district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-15. I-3 Heavy-Intensity Industrial District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum floor area ratio	0.05
Maximum floor area ratio	N/A
Minimum lot area	50,000-square feet
Maximum lot area	N/A
Minimum lot frontage	80 feet
Minimum front yard setback	20 feet
Maximum front yard setback	100 feet
Minimum side yard setback (interior lot)	25 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	25 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot) collector or arterial	25 feet
Maximum side yard setback (corner lot) collector or arterial	150 feet
Minimum rear yard setback	25 feet
Minimum building height	15 feet

BULK STANDARD	REQUIREMENT
Maximum building height	50 feet
Minimum open space	N/A
Building location	No building shall be located less than 50 feet from the boundary of any residential zone district
Building separation	N/A

Table amended by Ord. 1887, July 2012

Table amended by Ord. 1938, January 2013

Sec. 21-4360. AG Agricultural District

- (1) **Purpose and Intent.** The purpose of the agricultural district (AG district) is to provide areas in the city for large-lot, single-family detached dwelling uses; provide areas for limited production of agricultural crops and livestock; and to allow for land that has no future land use proposed at the time of annexation or that is in a transitional stage with regard to its ultimate development.

- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within an AG district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code. No more than one principal structure shall be permitted in any lot located within an agricultural district. In order to qualify as a single principal structure, all portions of a structure must be structurally linked to each other, and not merely connected through the use of patios, breezeways, arcades, or similar devices.

Table IV-16. AG District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	N/A
Minimum density	N/A
Maximum density	N/A
Minimum gross floor area for single-family residential uses.	Single-family detached dwellings: 1,080-square feet for a single-story dwelling and 1,600-square feet for a multi-story dwelling.
Maximum floor area ratio	N/A
Minimum lot area	43,560-square feet
Maximum lot area	N/A
Minimum lot frontage	100 feet
Maximum lot frontage	N/A
Minimum front yard setback	10 feet (garages to be setback 20 feet minimum)
Maximum front yard setback	N/A

BULK STANDARD	REQUIREMENT
Minimum side yard setback (interior lot)	10 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	30 feet
Maximum side yard setback (corner lot)	N/A
Minimum side yard setback (corner lot) collector or arterial	30 feet
Minimum rear yard setback	30 feet
Minimum building height	10 feet.
Maximum building height	35 feet
Minimum open space	50 percent of gross lot area. Open space may include corrals, riding rings, pasture area, farming area, or landscaped areas.
Building location	N/A
Building separation	N/A

Sec. 21-4365. PUBLIC Public Zone District

- (1) **Purpose and Intent.** The purpose of the public zone district (Public district) 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.
- (2) **Standards.** It shall be unlawful for any person to build, own, or occupy any structure within a public zone district that deviates from the standards set forth in the following table unless a variance or minor modification has been granted in accordance with the provisions of this land development code.

Table IV-17. 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 frontage	70 feet
Minimum front yard setback	20 feet

BULK STANDARD	REQUIREMENT
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

Sec. 21-4370. PUD Planned Unit Development District

- (1) **Purpose and Intent.** The purpose of the planned unit development district (PUD district) is to allow projects of innovative design and layout that would not otherwise be permitted under this land development code because of the strict application of zoning district or general development standards. Typically, the PUD consists of a combination of land uses that provides a higher level of standards through innovative land planning and site design concepts. The PUD district shall not be used merely as a mechanism to avoid the application of the requirements of other zone districts. The PUD district is further intended to:
- (a) Promote more economical and efficient use of land while providing a harmonious grouping of a variety of land uses;
 - (b) Promote innovative design of residential areas and allow for greater densities when additional site amenities are included in the development.
 - (c) Create physical connections between existing and proposed developments in order to achieve an integrated community with common open space, transportation, transit, and public service networks; and

- (d) 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.
- (2) **Standards.** The standards of a PUD district are set forth in its respective PUD zone document. In the event that a PUD zone document fails to address a specific standard, the standard of the most applicable zoning district or use, as determined by the director, shall apply.

DIVISION 4: OVERLAY DISTRICT STANDARDS

Sec. 21-4400. FP Floodplain Overlay District

- (1) **Description, Purpose and Intent.** This district includes all special flood hazard areas and areas removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (LOMR-F) within the jurisdiction of the city. The special flood hazard areas identified by the Federal Emergency Management Agency in the most current edition of the scientific and engineering report entitled, "The Flood Insurance Study for Adams County," with accompanying Flood Insurance Rate Maps and/or Flood Boundary-Floodway Maps (FIRM and/or FBFM) and any revisions thereto, are hereby adopted by reference and declared to be a part of this Code. These special flood hazard areas identified by the FIS and attendant mapping are the minimum area of applicability of this article and may be supplemented by studies designated and approved by the city. A copy of the Flood Insurance Study (FIS), DFIRMs, FIRMs and/or FBFMs is on file with the city and available for public inspection. The purpose of this district is to promote public health and minimize losses due to flood.
- (2) **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.
- (3) **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 section 21-3213 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.

- (a) Public or private recreational uses, such as parks and recreation fields; golf courses; hiking, biking, and horse trails; and accessory parking lots;
 - (b) Public or private utility facilities, not requiring buildings, such as transmission lines, pipelines, utility lines, roadways, railroad spurs, and bridges;
 - (c) Wildlife and nature preserve, game farm and fish hatchery uses not requiring buildings.
 - (d) Regional public facilities, including detention or retention or water quality enhancement facilities; or
 - (e) 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 which 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.
- (4) **Exclusions.** The following uses are prohibited in the floodplain overlay district:
- (a) Residential buildings and structures; and
 - (b) Commercial buildings and structures.
- (5) **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.
- (6) **General Standards.**
- (a) 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.
 - (b) All new construction or substantial improvements shall be constructed:

- (i) With materials and utility equipment resistant to flood damage;
 - (ii) Using methods and practices that minimize flood damage; and
 - (iii) With electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (c) Utilities.
- (i) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - (ii) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from the systems into flood waters; and
 - (iii) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- (7) **Structures.**
- (a) 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:
 - (i) Be flood-proofed so that below the required elevation the structure is watertight with walls substantially impermeable to the passage of water;
 - (ii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - (iii) 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.
 - (b) Critical Facilities.

- (i) 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.
 - (ii) 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.
- (8) **Floodways.**
- (a) 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.
 - (b) The following uses shall be permitted upon approval of a floodplain permit:
 - (i) Public recreation uses such as parks, golf courses; and hiking, biking, and horse trails;
 - (ii) Public/utility facilities such as transmission lines, pipelines, roadways, and bridges.
- (9) **Properties Removed From the Floodplain by Fill.** If permitted, new structures and additions to existing structures shall comply with the following:
- (a) 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.
 - (b) 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.

Paragraph (1) amended by Ord. 1785, June 2010

Paragraphs (1) and (7) amended by, and Paragraph (9) added by Ord. 1992, March 2014

Paragraph (1) amended by Ord. 2122, March 2017

DIVISION 5: MISCELLANEOUS ZONE DISTRICTS

Sec. 21-4500. R-U Residential Unit District

- (1) General Standards.
- (a) Intent. To promote innovative single-family residential design where the developer and city agree that the zone district guidelines of R-1, R-2, and PUD do not allow or encourage sufficient design flexibility to meet the needs of a proposed development.
- (b) General provisions.
- (i) Uses: The R-U zone district allows the following uses only:
- a. Single-family detached dwelling;
 - b. Group-Homes Type A;
 - c. Foster Care Homes; or
 - d. Home Occupations.
- (ii) Where lots will be created within an R-U zone, all subdivisions and development plans will be submitted in a form sufficient to satisfy the requirements of this code. When lots are intended to be created as part of a development seeking R-U zoning, subdivision review shall be carried out in conjunction with the R-U zoning process.
- (iii) Parking. All parking will conform to article VII of this code.
- (iv) Landscaping: Unless otherwise stated, all landscaping requirements shall conform to article VII of this code.

Table IV-18. R-U District Standards

BULK STANDARD	REQUIREMENT
Minimum gross floor area	1080-square feet per dwelling
Minimum density	N/A
Maximum density	8-dwelling units per acre
Minimum floor area ratio	N/A
Maximum floor area ratio	N/A
Minimum lot area	6000 square feet
Maximum lot area	5 acres for total development
Minimum lot frontage	50 feet
Minimum front yard setback	10 feet (garages to be set back 20 feet minimum)

BULK STANDARD	REQUIREMENT
Maximum front yard setback	40 feet (new dwellings only)
Minimum side yard setback (interior lot)	5 feet
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	10 feet
Maximum side yard setback (corner lot)	50 feet
Minimum side yard setback (corner lot facing collector or arterial)	25 feet
Minimum rear yard setback	10 feet
Minimum building height	15 feet
Maximum building height	35 feet
Minimum open space	25% of gross lot area
Building location	N/A
Building separation	N/A

Sec. 21-4510. I-1S Industrial Park Storage District

(1) **General Standards.**

The I-1S industrial park storage district is comprised of areas that are primarily developed for non-offensive types of industrial activity, wholesaling activity, and commercial facilities. In addition, it potentially allows for screened outdoor storage. This zone district is not compatible with adjoining residential uses.

(2) **Uses-by Right.** All uses-by-right shall be the same as those listed in the I-1 column in the use table in article V.

(3) **Exclusions.** All excluded uses shall be the same as those listed in the I-1 column in the use table in article V.

(4) **Temporary Uses.** All temporary uses shall be the same as those listed in the I-1 zone district included in the temporary use table in article V.

(5) **Uses-by-Permit and Conditional Uses.** All uses-by-permit and conditional uses shall be the same as those listed in the I-1 column in the use table in article V.

(6) **Truck and/or Truck-Trailer Sales, Repair, and/or Maintenance (including oil, lube, and/or wash).** These uses may be allowed in the I-1S district through the use-by-permit process.

(7) **Location of Zone District.** Location of district shall be as follows:

The I-1S shall be located adjacent to industrial zone districts. The I-1S district shall not be adjacent to residential or commercial zone districts, and in no case shall the I-1S zone district be closer than 150 feet from a residential or commercial zone district or areas designated residential or commercial on the master land use plan.

(8) **Accessory Uses.** All accessory uses shall conform to the requirements of this code.

(9) **Sign Regulation.** Signs shall be in conformance with article VIII of this code.

(10) **Landscaping.** All landscaping shall be in conformance with article VII of this code.

Table IV-19. I-1S Industrial Park Storage 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	30,000 square feet
Maximum lot area	N/A
Minimum lot frontage	70 feet
Minimum front yard setback	20 feet
Maximum front yard setback	75 feet (new structures only)
Minimum side yard setback (interior lot)	Side setback, minimum: <ul style="list-style-type: none"> - 25 feet one side. - None on other side, subject to approval by the fire marshal and chief building official. - Side setbacks shall be so applied and interpreted to maintain minimum structure separations across side property lines of 25 feet.
Maximum side yard setback (interior lot)	N/A
Minimum side yard setback (corner lot)	15 feet
Maximum side yard setback (corner lot)	N/A

BULK STANDARD	REQUIREMENT
Minimum side yard setback (corner lot facing collector or arterial)	20 feet
Minimum rear yard setback	0 feet
Minimum building height	15 feet
Maximum building height	50 feet
Building location	No building shall be located less than 25 feet from the boundary of any residential zone district.
Building separation	N/A

*Paragraph (6) and Table IV-19 amended by Ord. 1887, July 2012
Paragraph (6) amended by Ord. 2020, February 2015*

ARTICLE V. USES AND ACCESSORY STRUCTURES

ARTICLE V. USES AND ACCESSORY STRUCTURES

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- Sec. 21-5100. Purpose
- Sec. 21-5110. Use and Accessory Structures Restricted
- Sec. 21-5120. Performance Standards
- Sec. 21-5130. Nuisances and Hazards

DIVISION 2: PRINCIPAL USES

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- Sec. 21-5200. Land Use Table
- Sec. 21-5205. Unclassified Uses
- Sec. 21-5210. Limitation

B. SUPPLEMENTAL REGULATIONS FOR PARTICULAR USES

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- Sec. 21-5223. Bulk Grain Transfer Facilities
- Sec. 21-5224. Child Care Facilities
- Sec. 21-5225. Commercial Indoor Self-Storage Facilities
- Sec. 21-5226. Community Gardens-
- Sec. 21-5228. Doggie Day Care Facilities
- Sec. 21-5230. Drive-Thru, Drive-In, and Drive-Up Uses
- Sec. 21-5232. Educational Facilities
- Sec. 21-5234. Electric Substations and Gas Regulator Stations
- Sec. 21-5235. Fuel Sales
- Sec. 21-5236. Greenhouses/Nurseries, Including Retail Sales of Related Products
- Sec. 21-5238. Group Homes
- Sec. 21-5239. Hazardous Materials
- Sec. 21-5240. Home Occupations
- Sec. 21-5241. Impound Yard
- Sec. 21-5242. Kennels
- Sec. 21-5244. Landfill Disposal Sites
- Sec. 21-5246. Livestock and Horses
- Sec. 21-5248. Lodging Establishments
- Sec. 21-5249. Marijuana Businesses, Primary Caregivers, and Marijuana Activities
- Sec. 21-5250. Mini Storage and Warehouse
- Sec. 21-5251. Office Flex

- Sec. 21-5252. Outdoor Display
- Sec. 21-5254. Outdoor Storage
- Sec. 21-5255. Private Bus Stations
- Sec. 21-5256. Recycling Facilities/Material Resource Recovery Facilities
- Sec. 21-5258. Refuse Transfer Facility and/or Transfer Facility
- Sec. 21-5259. Residential Uses
- Sec. 21-5260. Scrap Tire Facilities
- Sec. 21-5262. Sexually Oriented Businesses
- Sec. 21-5264. Small Wind Energy Conversion System (Windmills)
- Sec. 21-5266. Subsurface Extraction
- Sec. 21-5270. Transportation Terminals and Truck Stops
- Sec. 21-5271. Truck and/or Vehicle Repair
- Sec. 21-5272. Vehicle Sales and Rentals

DIVISION 3. TEMPORARY USES AND STRUCTURES

A. GENERAL PROVISIONS

- Sec. 21-5300. Temporary Uses and Structures Table
- Sec. 21-5305. Unlisted Uses and Structures.
- Sec. 21-5310. Permit Requirements
- Sec. 21-5315. Deposit
- Sec. 21-5320. Requirements for Initiating Use
- Sec. 21-5325. Standards

B. SUPPLEMENTARY PROVISIONS

- Sec. 21-5330. Batch Plants
- Sec. 21-5335. Charitable Collection Devices
- Sec. 21-5340. Farmers' Markets
- Sec. 21-5345. Mobile Office Structures
- Sec. 21-5350. Mobile Storage Containers
- Sec. 21-5355. Natural Disaster and Emergency Recovery/Clean-Up
- Sec. 21-5360. Organized Events
- Sec. 21-5365. Outdoor Sales Event
- Sec. 21-5370. Outdoor Seasonal Sales
- Sec. 21-5375. Outdoor Seasonal Holiday Sales
- Sec. 21-5380. Real Estate Sales Offices
- Sec. 21-5385. Roadside Produce Stands

DIVISION 4: ACCESSORY USES AND ACCESSORY STRUCTURES

- Sec. 21-5400. Accessory Uses and Accessory Structures Table
- Sec. 21-5410. Unlisted Uses and Structures
- Sec. 21-5420. Standards
- Sec. 21-5430. Location of Accessory Structures
- Sec. 21-5440. Number of Accessory Structures
- Sec. 21-5450. Bulk Standards for Accessory Structures and Uses Table

DIVISION 5: NON-CONFORMING USES AND STRUCTURES

- Sec. 21-5500. General Provisions

- Sec. 21-5510. Nonconforming Structures
- Sec. 21-5520. Nonconforming Use of Land
- Sec. 21-5530. Nonconforming Use of Structures
- Sec. 21-5540. Nonconforming Lots
- Sec. 21-5550. Removal of Hazards

DIVISION 6: TELECOMMUNICATION FACILITIES

- Sec. 21-5600. Review and Approval
- Sec. 21-5601. Operating Standards
- Sec. 21-5602. Telecommunication Facility Location Requirements
- Sec. 21-5603. Monopole Standards
- Sec. 21-5604. Telecommunication Facilities on Existing Buildings or Structures
- Sec. 21-5605. Concealed Telecommunication Facilities
- Sec. 21-5606. Telecommunication Facilities Located on Existing Pole Structures
- Sec. 5607. Telecommunication Facilities Located on New Pole Structures on the Public Right-of-Way

DIVISION 1: GENERAL PROVISIONS

Sec. 21-5100. Purpose

This article outlines the uses, both temporary and permanent, that are permitted within the city. Not all uses are permitted in every zone district and therefore, any person using property within the city should refer to this article to determine whether the use is permitted on their property and the standards applicable to that use. This article also details the accessory structures that may be erected and the standards that apply to such structures.

Sec. 21-5110. Use and Accessory Structures Restricted

No land shall be used and no accessory structure shall be erected, structurally altered, relocated, or used except for in compliance with this land development code.

Sec. 21-5120. Performance Standards

Uses permitted under this land development code may be undertaken and maintained only in conformance with the following standards. 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.

- (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; and
 - (c) Uses shall not generate ground vibration that interferes with the operation of equipment and facilities of adjoining parcels.
 - (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 land development code 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 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 land development code. 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) Non-radioactive 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.

Sec. 21-5130. Nuisances and Hazards

The city may require a use or structure that has become hazardous, harmful, noxious, offensive, or that constitutes a nuisance to the surrounding neighborhood to be corrected or improved by any measure that is consistent with reasonable technological and economic practicality.

DIVISION 2: PRINCIPAL USES

A. GENERAL PROVISIONS

Sec. 21-5200. Land Use Table

The principal uses allowed in each of the city’s zoning districts are established in the Land Use Table (table V-1. An “R” indicates that the use is allowed as a use-by-right in the district. A “P” means that the use will only be allowed if a use-by-permit is obtained. A “C” means that the use will only be permitted if a conditional use permit is obtained. If the cell is blank, the use is prohibited in that district. Some uses are subject to standards, limitations and conditions which are in addition to the general development standards of this article. Where the right column in table V-1 includes a section number, the provisions in the referenced section apply to the use in addition to the other applicable sections of this land development code. However, the information contained in the right hand column of the table is included only to aid users and is not intended to be an exhaustive or complete list of all applicable regulations. NAICS code numbers are included on this table to assist the city in classifying proposed uses. They are for reference only and shall not be binding in any classification decision.

Sec. 21-5205. Unclassified Uses

- (1) **General Prohibition.** Any specific use not listed in the use table above shall be prohibited unless the city determines, consistent with the provisions of paragraph (2) of this section that the use falls into one of the listed use classifications.
- (2) **Review and Interpretation.** In the event that a proposed use is not specifically listed in the use table, an applicant may seek a written interpretation from the director that the use falls into one of the listed classifications allowed in the applicable zoning district. The director shall base this determination on the following considerations:
 - (a) Whether the proposed use is similar in terms of hours of operation, traffic impacts, environmental impacts, and the potential for adverse impacts on surrounding properties;
 - (b) 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; and
 - (c) Whether the proposed use is consistent with the purpose and intent of the particular zoning district.
- (3) **Appeal.** A determination by the director that the proposed use does not fall into a permitted use classification may be appealed pursuant to the

procedures outlined in article III of this land development code. Unless the director's decision is overturned on appeal, the proposed use shall be prohibited until this article is amended to indicate that such use is an allowed or special use permit in one or more zoning districts.

USES ALLOWED BY ZONING DISTRICT																		
R = ALLOWED BY RIGHT P = USE BY PERMIT C = CONDITIONAL USE OG = OIL & GAS PERMIT BLANK CELL = EXCLUDED																		
USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-1S	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS
AGRICULTURAL USES																		
Agriculture	Crop production, including the sale of agricultural products directly from the grower to the consumer on land that is part of the farm unit	111															R	
	Dairy products manufacturing, exclusively grown on premises	3115															R	
	Food manufacturing, miscellaneous, all other, exclusively grown on premises	3119															R	
	Food manufacturing, specialty and fruit and vegetable preserving, exclusively grown on premises	3114															R	
	Grain and oilseed milling, exclusively grown on premises	3112															R	
	Wineries, processing fruits exclusively grown on premises	31213															R	
Agricultural Services	Agricultural support businesses and services	1151												C	C	R		
	Animal production, excluding NAICS 112990	112															R	21-5246
	Animal production support services	1152														R	R	
	Cattle feedlot, stockyard, and the commercial sale of livestock	112112													C	C		
	Firewood; commercial storage and sales	454319												R	R	R		
	Fish hatchery	112511															R	
	Poultry house or pigeon coop	1123															R	
	Riding stables/ equestrian training	115210															R	
	Rodeo	711310															C	
Veterinary services (livestock)	541940															R		
Horticulture & Nurseries	Community garden		R	R	R	R	R	R	R	R	R	P		P	P	R	R	21-5226
	Greenhouse/nursery/tree production (with no outdoor storage)	11142								R				R	R	R		21-5236
	Greenhouse/nursery/tree production (with outdoor storage)	11142												R	R	R		21-5236
	Sod farm	11142															R	
COMMERCIAL USES																		
Adult Businesses	Sexually Oriented Businesses											R		R	R			21-5262
Animal Services	Animal boarding (indoor/outdoor kennels) and training											P		P	P	R		21-5242
	Doggie day care centers									P	P	P		P	P	R		21-5228
	Veterinary offices or clinics							R	R	R	R	R		R	R	R		
Antennas	Antennas for commercial/industrial use accessory to principal use									P		R		R	R			
	Antenna and support structure for amateur radio communications		P	P	P	P	P									P		21-5216
	Radio or television broadcasting offices								R	R	R	R					C	
Building Materials & Services (Retail)	All other similar uses (plumbing, electrical, lumber & building equipment-without outdoor storage)									R	R	R		R	R			
	All other similar uses (plumbing, electrical, lumber & building equipment-with outdoor storage)													R	R			21-5254
	Landscape equipment, hardscape materials (without outdoor storage)											R		R	R	R		21-5236
	Landscape equipment, hardscape materials (with outdoor storage)													R	R	R		21-5254

USES ALLOWED BY ZONING DISTRICT																		
R = ALLOWED BY RIGHT P = USE BY PERMIT C = CONDITIONAL USE OG = OIL & GAS PERMIT BLANK CELL = EXCLUDED																		
USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-1S	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS
Eating and Drinking Establishments	Bar, tavern, night club								R	R	R	R		R	R			21-5214
	Brewpub							R	R	R	R	R						21-5214
	Catering services							R	R	R	R	R		R				
	Restaurant with drive-thru/up								R	R		R						21-5230
	Restaurant without drive-thru/up							R	R	R	R	R						
	Tasting Room							R	R	R	R	R						
Financial Institutions	Bank or financial institution							C	R	R	R	R						
Food and Beverage Sales	Convenience store/grocery store (<5,000 sf)							R	R	R	R	R						
	Grocery store (>5,000 sf)								R	R	C	R						
	Liquor store								R	R	R	R						21-5214
	All other similar uses (e.g., delicatessen, retail bakery, specialty food market, coffee shop)							R	R	R	R	R						
Fuel Sales	Fuel sales with no vehicle repair								P	R		R		R				21-5235
	Fuel sales with minor vehicle repair								P	R		R		R	R			21-5235
	Fuel sales with major vehicle repair											R		R	R			21-5235
	Natural gas fuel sales									R		R		R				21-5235
	Natural gas fuel sales for trucks											R		R	R			21-5235
Funeral and Internment Services	Cemetery/pet cemetery / mausoleum															R	R	
	Crematory or mausoleum when incidental or supplemental to primary cemetery use															R	R	
	Crematory as principal use													P	R			
	Funeral home							C	R	R		R						
Office	Business or professional (including medical/dental office/clinics)							R	R	R	R	R						
	Courier services							R	R	R	R	R		R	R			
	Massage therapy office/clinics							R	R	R	R	R						
	Substance Abuse Treatment Facility, Inpatient Residential											C		C	C	C	C	21-5238
	Substance Abuse Treatment Facility, Outpatient Clinic							P	R	R		R						
Personal Services	Instructional services, studios							R	R	R	R	R		R	R			
	Temporary/day labor facilities/offices									C		C		C	C			
	Bail bonds											P		P	P			21-5220
	All other similar uses							R	R	R	R	R		R				
Recreation or Amusement Facilities, Private	Bingo establishments/social gaming outlet/performance centers								R	R	R	R						
	Bowling, billiards, movie theaters & similar uses								R	R	R	R						
	Drive-in theater								C	C								21-5230
	Health clubs								R	R	R	R						
	Outdoor recreation				P				R	R						P		
	Race track (animal or vehicle)										C	C						
Repair Services (Not Including Vehicles)	Furniture or major household appliance repair									R		R		R	R			
	All other similar uses									R	R	R		R	R			
Retail Establishments	Flea markets, indoor/outdoor									P	P	P		P				
	Machinery sales, excluding truck trailers, heavy equipment, and farm machinery									R		R						
	Pawn shop									P		P						
	Retail business store < 25,000 square feet							R	R	R	R	R						
	Retail business store > 25,000 square feet							C	R	R	C	R						
	Tattoo parlor							P	R	R	R	R						
	Thrift/consignment store							R	R	R	R	R						

USES ALLOWED BY ZONING DISTRICT																			
R = ALLOWED BY RIGHT P = USE BY PERMIT C = CONDITIONAL USE OG = OIL & GAS PERMIT BLANK CELL = EXCLUDED																			
USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-1S	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS	
Vehicle/Equipment Sales and Services	Automobile rentals									R		R		R				21-5272	
	Automobile washing facility								R	R		R		R				21-5218	
	Limited moving truck (< 30 feet)/equipment self-rental facilities									P		R		R	R			21-5272	
	Major equipment repair											R		R	R				
	Mobile home dealer/sales													R	R				
	Motor vehicle dealer/sales, new and used automobiles < 3 acres									R		R						21-5272	
	Motor vehicle dealer/sales, new and used automobiles > 3 acres										C	C						21-5272	
	Motor vehicle dealer/sales, new and used RV's, trailers, and campers)												R		R	R		21-5272	
	Tire shop										R		R		R	R			21-5271
	Towing Services with Impound Yard														R	R			21-5241
	Towing Services without Impound Yard												R		R	R			21-5241
	Vehicle repair, major (includes auto body repair, paint shops, and incidental sales of parts)												R		R	R			21-5271
	Vehicle repair, minor									P	R		R		R	R			21-5271
	Vehicle storage (inoperable vehicles)															C			
	Vehicle storage (operable vehicles only)														R	R			
Visitor Accommodations	Bed and breakfast establishments		P	P	P	P		R									R		
	Hotel or motel lodging establishments								P	R	R	R						21-5248	
	Overnight campground															P	P		
OFFICE FLEX																			
Office Flex	Office flex											R		R	R			21-5251	
INDUSTRIAL USES																			
Auction House or Yard	Auction house (inside)	453998										C	R	C	C				
	Auction house or yard (outside)	453998												C	C				
Artisan/Handcrafted Manufacturing	Artisan/handcrafted manufacturing						R	R	R	R	R	R	R	R	R		R		
Contractor Operations	Building, developing, general contracting	236										R	R	R	R				
	Construction Crane Uses														R				
	Contractor's shop and storage yard	236-238										*	*	R	R			21-5254	
	Contractor - landscaping	561730												R	R	R			
	Heavy construction equipment (new/used sales and storage)	237												R	R				
	Special trade contractors	238											R	R	R	R			
Manufacturing, Chemical	Basic chemical manufacturing	3251												C	R				
	Explosives, including ammunition and fireworks	32592													C			21-5239	
	Fertilizer manufacture, organic or nonorganic, and pesticides	32531													C	C			
	Fiberglass manufacturing	327993												R	R				
	Glue, gelatin (animal), or caulking compound manufacturing	32552													C				
	Hazardous Materials														C			21-5120 / 21-5239	
	Industrial launderers/dry cleaning plants	812332													C				
	Insecticides, fungicides, disinfectants, and related industrial and household chemical compounds (blending only)	3253													C				
	Nitrate manufacturing	32592													C				
	Paint, coating, and adhesive product manufacturing	3255													R				
	Pharmaceutical and medical product manufacturing	3254													R	R			
	Plastic product manufacturing, including extrusion of plastic	3261													R	R			
	Resin, synthetic rubber, artificial and synthetic fibers/fill manufacturing	3252													R	R			
	Rubber product manufacturing	3262													R	R			
	Soaps, cleaner and toilet preparation manufacturing	3259													R	R			
Tire manufacturing	32621													C					

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USE CLASSIFICATION	SPECIFIC USE TYPE	NAICS CODE	R-1	R-2	R-3	R-4	MHP	C-1	C-2	C-3	MU-1	I-1	I-1S	I-2	I-3	AG	PUBLIC	ADDITIONAL REGULATIONS
Manufacturing, Food	Animal food manufacturing	311119																
	Bakeries, pasta and tortilla manufacturing	3118										R	R	R	R			
	Beverage manufacturing	3121										R	R	R	R			
	Brewery											P	R	R	R			21-5214
	Bulk grain transfer													P	P			21-5223
	Dairy product manufacturing	3115											R	R	R	R		
	Distillery												P	R	R	R		21-5214
	Fruit and vegetable preserving, and specialty food manufacturing	3114											R	R	R	R		
	Grain and oilseed milling, including grain elevator	3112														R	R	
	Meat products, including slaughtering	31161														C		
	Meat products, packing & processing (no slaughtering)	311612											R	R	R	R		
	Microbrewery									P	R	R	R	R	P			21-5214
	Micro-winery								R	R	R	R	R	R				21-5214
	Rendering and meat byproduct processing	311613														C		
	Other food manufacturing	311999											R	R	R	R		
	Poultry packing & slaughtering	311615														C		
	Sugar and confectionary product manufacturing	3113														C		
Tobacco manufacturing	3122														C			
Winery									P	R	R	R	R	P			21-5214	
Manufacturing, Machinery	Aerospace product and parts manufacturing	3364												R	R			
	Commercial and service industry machinery manufacturing	3333										R	R	R	R			
	Computer and electronic product manufacturing	334										R	R	R	R			
	Electrical equipment, appliance and component manufacturing	335										R	R	R	R			
	Furniture and related product manufacturing	337										R	R	R	R			
	HVAC and commercial refrigeration equipment manufacturing	3334												R	R			
	Metalworking machinery	3335										R	R	R	R			
	Miscellaneous manufacturing	339										R	R	R	R			
	Motor vehicle and transportation manufacturing	3361													R	R		
	Power distribution and speciality transformer	335311														C		
	Relay and industrial control manufacturing	335314														C		
	Ship and boat building/repair	33661												R	R			
	Signs manufacturing	339950												R	R			
Switchgear and switchboard apparatus	335313														C			

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Manufacturing, Metal	Alumina refining and production	33131																C	
	Architectural metals manufacturing	3323													R			R	
	Boiler, tank and shipping container manufacturing	3324																R	
	Coating/engraving/heat treating processes	3328																R	
	Cutlery and handtool manufacturing	3322											R	R	R			R	
	Electrometallurgical manufacturing	33111																C	
	Electroplating, Plating, Polishing, Anodizing, and Coloring (Sandblasting)	332813													R			R	
	Fabricated metal product manufacturing	332																R	
	Ferroalloy product manufacturing	331112																	C
	Foundries	3315																	C
	Forging and stamping	3321																R	R
	Hardware manufacturing	3325											R	R	R				R
	Machinery shops; turn products; screw, nut, and bolt manufacturing	3327											R	R	R				R
	Metal and metal ores, reduction, refining, smelting, and alloying	33131 / 33141																	C
	Metal Coating, Engraving (including Galvanizing and Powdercoating)	332812																	R
	Other fabricated metal product manufacturing	33299																	R
	Primary metal manufacturing	331																	C
Spring and wire product manufacturing	3326													R				R	
Steel and iron works and rolling mills (ferrous)	33111																	C	
Steel product manufacturing	3312																	C	
Manufacturing, Non-metallic Mineral	Brick, firebrick refractories and clay products	32712																R	
	Concrete/cement batching plant (ready-mix)	3273																C	
	Concrete product manufacturing																	R	
	Construction/building, masonry/veneer/block, Fly ash storage/distribution																	P	
	Nonmetallic mineral product manufacturing	3271													R			R	
	Monument or gravestone processing and shaping, including sales	327991													R			R	
	Stucco manufacturing	327999																R	
Manufacturing, Oil and Gas	Asphalt batch plant	324121																C	
	Petroleum and coal products manufacturing	324																C	
	Petroleum product containment (including asphaltic oil)																	C	
	Refining operations including bio-diesel																	C	
	Support activities for oil and gas operations (pipelines, etc.)	213112	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Manufacturing, Textile	Apparel manufacturing	31521										R	R	R	R				
	Fabric mills	3132													R			R	
	Leather and allied product manufacturing	316																C	
	Leather and hide tanning and finishing	3161																C	
	Textile/fabric finishing/fabric coating mills	3132																C	
	Textile products mills	314													R			R	

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Manufacturing, Wood Product	Basket and hamper (wood, reed, rattan, etc.) manufacturing	32192										R	R	R	R				
	Box and crate manufacturing	32192										R	R	R	R				
	Pulp good, pressed or molded (including paper mache products)	32229												R	R				
	Veneer, plywood, and engineered wood product manufacturing	3212														C			
	Wood preservation	321114												C	C				
	Wood product manufacturing	3212- 3219											R	R	R	R			
	Wood pulp or fiber; reduction or processing	3212														R			
	Wood pulp, paper, and paperboard mills	3221														C			
Marijuana Uses	Medical marijuana center									R		R	R	R	R			21-5249	
	Medical marijuana infused product manufacturer											R	R	R	R			21-5249	
	Optional premises cultivation operation											R	R	R	R			21-5249	
	Primary caregiver											R	R	R	R			21-5249	
	Retail marijuana cultivation facility											R	R	R	R			21-5249	
	Retail marijuana product manufacturing facility												R	R	R	R		21-5249	
	Retail marijuana store									R		R	R	R	R			21-5249	
	Retail marijuana testing facility												R	R	R	R		21-5249	
Motion Picture and Video Industry	Motion picture and video industry	51211								R	P	R	R	R	R				
Outdoor Storage	Above-ground storage tanks < 48,000 gallons											R		R	R		R	21-5212	
	Above-ground storage tanks > 48,000 gallons														C		R	21-5212	
	Above-ground storage tanks of propane < 10,000 cubic feet capacity		R	R	R	R	R	R	R	R	R			R	R	R	R		
	Material piles > 8 feet in height													C	C			21-5254	
	Modular nonresidential unit (sales, rental, or service)													R	R			21-5254	
	Outdoor storage of vehicles (RVs, boats, or buses)													R				21-5254	
	Outdoor storage											*		R				21-5254	
Printing and Publishing	Printing and related support activities	3231										R	R	R	R				
	Publishing industry	511										R	R	R	R				
Railroad Services	Railroad spur													C	C				
	Rail transportation and support facilities including rail yard	482 & 4882												C	C				
Research and Development Services	Scientific R & D services	5417										R	R	R	R				
	Solar panel array, production and distribution															R			
	Testing laboratories, non-medical	54138										R	R	R	R				
	Testing of jet engines or rockets	54138													C				
	Trade and technical uses											R	R	R	R				

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Resource Extraction	Borrow pit	212319														C	C	21-5222	
	Construction sand and gravel mining	21232														C	C		
	Minerals and earths: quarrying, extracting, grinding, mining, crushing, and processing	212														C	C		
	Ore dumps and elevators	212														C	C		
	Subsurface extraction (including oil and natural gas extraction)	211-213	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG	OG		21-5266
Toxic / Hazardous Uses	The parking and storage of toxic or hazardous material															C		21-5239	
	The manufacturing, processing, use, sale, or storage of any flammable, corrosive, explosive, or toxic substance															C		21-5239	
Truck / Transportation Services	Private Bus Station with repair											P	P	R					
	Private Bus Station without repair									P		R	C	R					
	Transportation terminal	488490										C		R	R			21-5270	
	Transportation terminal where vehicles carry flammable, explosive, hazardous, or high toxic materials															C		21-5270	
	Trailer sales and service limited to use for private passenger motor vehicles									R		R	R	R	R			21-5272	
	Truck sales (non-trailer)												R	R	R	R			21-5272
	Truck stop (natural gas sales)	488490											C	C	C	C			21-5270
	Truck and/or truck trailer sales, repair, and/or maintenance (including oil, lube, and/or wash)	811111											*	*	R	R			21-5218
Warehousing & Distribution	Commercial indoor self-storage facility									R		R	R	R	R			21-5225	
	Household moving center	4842										R	R	R	R				
	Motor freight transportation terminal and shipping, excluding couriers	4841										R	R	R	R				
	Mini-storage and warehouse with outdoor storage	531130													R	R		21-5250	
	Mini-storage and warehouse without outdoor storage	531130											R	R	R	R		21-5250	
	Produce storage and warehousing	49313											R	R	R	R			
	Retail sales in conjunction with warehouse establishment												R	R	R	R			
	Warehousing and storage, general	4931											R	R	R	R			
Waste-Management and Remediation Services	Composting facilities (non-hazardous)	56221														C	C		
	Hazardous waste collection, treatment, and disposal	562211														C	C	21-5258	
	Landfill, construction/demolition	562219														C	C	21-5244	
	Landfill, solid waste	562212														C	C	21-5244	
	Radioactive waste handling	562211														C			
	Recycling facilities/material resource recovery facility	56292														C	R	21-5256	
	Scrap metal collection and transfer facility	56292														C		21-5258	
	Solid waste combusters and incinerators	56221													C	R			
	Tire collection, reduction and transfer facility (including scrap tires)	56211														C		21-5260	
	Refuse transfer facility and/or transfer facility															C		21-5258	

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Wholesale Establishments (Including Accessory Offices)	Auto crushing														C			
	Auto dismantling, storage or used parts sales (inoperable vehicles)														C			
	Building materials, garden equipment, and supply dealers	4441										R	R	R	R			
	Food Production	4244										R	R	R	R			
	Grocery and related product wholesale	4244										R	R	R	R			
	Junkyards, open or enclosed														C			
	Machinery, equipment and supplies, wholesale	4234													R	R		
	Metal and mineral (except petroleum) wholesale	4235													R	R		
	Retail sales in conjunction with wholesaling										C		R	R	R	R		
	Salvage yard	493190														C		
	Warehousing and wholesaling establishments excluding explosives and live animals												R	R	R	R		
	Wholesale establishments incidental to other principal uses												R	R	R	R		
	Wholesale houses and distributors (including warehouse clubs)	45291									R		R	R	R	R		
PUBLIC, INSTITUTIONAL & CIVIC USES																		
Airport/Heliport	Public or private airport or heliport											C		C	C	C	C	
Ambulance Service	Garage and office for ambulance service							R	R	R		R		R	R		R	
Arts and Cultural Uses	Arts and cultural uses							R	R	R	R	R		R	R		R	
Clubs and Lodges	Private lodge or club							P	R	R	R	R		R	R			
	Gun club (indoor)											R		R	R	R	R	
	Gun club (outdoor)															C	C	
Community Services	Events center < 15,000 sf								R	R		R		R	R			
	Events center > 15,000 sf											R		R	R			
Day Care Facilities, Adult or Child	Child care center		P	P	P	P	P	R	R	R	R	R				P		21-5224
	Adult day care center		P	P	P	P	P	R	R	R	R	R				P		
	Family child care home		R	R	R	R	R	R	R									21-5224
Golf Course	Golf course/driving range								C	C						P	R	
Hospitals	Hospital								C	R		R					R	
	Outpatient surgical centers								R	R		R					R	
Public Lands, Parks, and Buildings	Library				P	P		R	R	R	R	R					R	
	Public administrative office or service building							R	R	R	R	R		R	R		R	
	Public park or recreational facilities		R	R	R	R	R	R	R	R	R	R		R	R	R	R	
	Public stadium, arena, or auditorium																R	
	Police or fire station																R	
	Other public facility																R	
Religious Institutions	Church or religious institution		P	P	P	P	P	R	R	R	R	R						
Educational Facilities	Elementary and secondary education schools		P	P	P	P	P	R	R	R	P	R				P	R	21-5232
	Private business, trade, and vocation schools		P	P	P	P	P	R	R	R	P	R		R		P	P	21-5232
	Post secondary colleges and universities								C	C	C	C					R	21-5232
	Schools of special instruction		P	P	P	P	P	R	R	R	P	R				P		21-5232
Transportation Facilities	Private automobile parking lots or parking garages as a principal use									C		C		C	C			
	Parking garage									R	R	R		R	R		R	
	Public parking lot																R	
Utilities	Electric substation or gas regulator station							C	C	C		C		C	C	C	C	21-5234
	Power plant															C		
	Public utility installation		C	C	C	C	C	C	C	C	C	C		C	C	C	C	
	Public utility office								R	R	R	R					R	
	Public utility storage yard													R	R			
	Water or wastewater treatment facility														C		C	
	Wind energy conversion systems (windmills)		P	P	P	P	P	P	P	P	P	P		P	P	P	P	21-5264
Zoos, Arboretum, Botanical Gardens	Zoos, arboretum, botanical gardens									C					C	R		

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RESIDENTIAL USES																		
Group Living Facilities	Group Home - Type A		R	R	R	R	R				R	R				R		21-5238 / 21.5259
	Group Home - Type B		C	C	C	C	C					C				C		21-5238 / 21.5259
	Correctional institution or halfway house											C		C	C	C	C	21-5238 / 21.5259
Household Living	Foster care home		R	R	R	R	R				R					R		21-5259
	Mobile home						R											21-5259
	Multi-family dwelling				R	R					R							21-5259
	Single-family detached dwelling		R	R												R		21-5259
	Single-family attached dwelling			R	R													21-5259
	Boarding or rooming house				R	R						R						21-5259
	Home occupation		R	R	R	R	R					R				R		21-5240
Senior Housing	Assisted living facility				R	R		P	R	R	R							21-5259
	Nursing homes				P	P		P	R	R	P							21-5259

*In accordance with Section 21-5254

Table V-1 amended by Ord. 1785, June 2010

Table V-1 amended by Ord. 1854, April 2011

Table V-1 amended by Ord. 1887, July 2012

Table V-1 amended by Ord. 1897, July 2012

Table V-1 amended by Ord. 1891, August 2012

Table V-1 amended by Ord. 1956, June 2013

Table V-1 amended by Ord. 2020, February 2015

Table V-1 amended by Ord. 2048, June 2015

Table V-1 amended by Ord. 2068, January 2016

Table V-1 amended by Ord. 2078, April 2016

Table V-1 amended by Ord. 2189, December 2018

Table V-1 amended by Ord. 2190, December 2018

Table V-1 amended by Ord. 2191, December 2018

Table V-1 amended by Ord. 2194, December 2018

Table V-1 amended by Ord. 2203, July 2019

Sec. 21-5210. Limitation

Unless expressly authorized by the city or the terms of this land development code, no property shall be used for more than one category of use (i.e., industrial, residential, commercial, or public/institutional).

B. SUPPLEMENTAL REGULATIONS FOR PARTICULAR USES

The following sections establish special regulations for land 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.

Sec. 21-5212. Above-Ground Storage Tanks

- (1) All tanks shall meet the applicable building and fire code requirements.
- (2) No tank used for the storage of liquids shall exceed 12,000-gallons capacity unless the city has issued a conditional use permit specifically allowing the use of such tank.
- (3) No more than 48,000 gallons of capacity shall be permitted on any single property parcel without a conditional use permit. No conditional use permit allowing a property to store more than 48,000 gallons shall be granted unless the property is at least 3 acres in size and is zoned I-3.
- (4) No more than 10,000-cubic feet of capacity for the storage of flammable gases shall be permitted on any single property without a conditional use permit.
- (5) Tanks for the storage of liquid materials shall be located in side or rear yards.
- (6) 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.

Paragraph (5) amended by Ord. 1854, April 2011

Sec. 21-5214. Alcohol Sales

- (1) **Special Location Restrictions.**
 - (a) Proximity to Residential. Unless a conditional use permit is obtained, no business whose operations require both a liquor license and a Class 1 entertainment establishment license shall be operated or maintained within 2,000 feet of any residential zone

district or any legally authorized residence, whether located in or outside of the city. For purposes of this section, distance shall be measured from the nearest point of the licensed establishment to the nearest point of the residential zone district or legally authorized residence.

- (b) **Pre-Existing Use.** Any of the aforementioned establishments licensed to sell alcoholic beverages and in operation on February 2, 2004 shall be exempt from the provisions of this section. Such pre-existing uses shall be considered legal non-conforming uses and shall be governed by section 21-5520 (Non-Conforming Use).
- (2) **Micro-winery.** A micro-winery shall conduct at least two of the following four activities on-site: crushing, fermentation, bulk aging/storing, or bottling.
- (3) **Brewpub.** Not more than 30 percent of the gross floor area of a brewpub shall be used for the production of beer.
- (4) **Tasting Room.**
 - (a) **Food Sales.** The sale of food in any tasting room is prohibited. The incidental provision of food, without compensation, is allowed.
 - (b) **Room Orientation.** A tasting room shall be oriented toward the public façade. The public façade of the building shall be established by the building’s address. Within a shopping center, a tasting room shall be oriented toward the common space that provides public access to the building.

*Section amended by Ord. 1916, September 2012
Paragraphs (1) through (4) added by Ord. 2020, February 2015
Paragraph (1) amended by Ord. 2127, July 2017*

Sec. 21-5216. Amateur Radio Facilities

- (1) **Purpose and Intent.** The purpose of this section is to establish guidelines for the siting of amateur radio communications towers, antennas, and associated equipment to accommodate amateur radio operations in a way that minimizes the visual impact of such facilities through design and siting.
- (2) **Application.** Any person wishing to locate an amateur radio facility or any related apparatus within the city, shall submit an application containing:
 - (a) A to-scale site plan that shows the zoning of subject property and immediately adjacent properties within 300 feet of the proposed site, all the structures on the property, the location of the amateur

radio facility or related facility with setbacks shown, and the elevation of the amateur radio facility or related facility with maximum height illustrated;

- (b) If required by the director, a landscape plan detailing the amount and type of screening used to buffer the facilities from public view;
- (c) A report including a description of the tower, with technical reasons for its design, availability of suitable existing structures for antenna mounting, and a statement of the required height;
- (d) If required by the director, a photo simulation depicting a location from which the facility may be viewed;
- (e) Evidence of ability to obtain a bond, letter of credit, or other financial security as required by the director to insure removal of the facility;
- (f) A written narrative describing the purpose and need of the amateur radio facility; and
 - (i) Any additional information as required by the director.

(3) Operating Standards.

- (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 5 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.
 - (i) 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.
 - (ii) Antenna or support structures attached to roofs, chimneys, and other structures shall be screened to the greatest extent possible as determined by the city.
 - (iii) 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.
 - (iv) Facilities shall be located in the rear yard of property in which it is located or on the rear 1/3 of the principal structure.
 - (v) Amateur radio facilities shall not be used for commercial purposes.

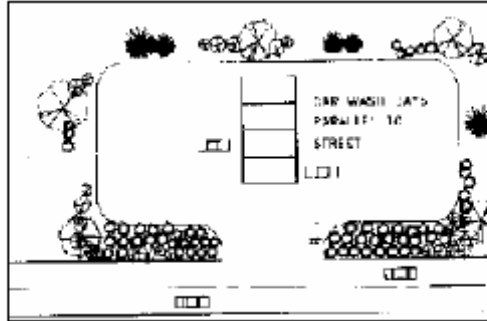
Sec. 21-5218. Automobile and Truck Wash Facilities

- (1) **General Standards.** All automobile and truck wash facilities including automotive detail facilities shall comply with the following standards:
 - (a) No wash facility shall be located within 200 feet of the intersection of two arterial streets.
 - (b) The wash facility, including all appurtenant structures, shall be set back a minimum of 20 feet from any adjacent street. The entire 20-foot setback must be landscaped to provide a buffer from adjacent streets.
 - (c) No wash facility shall be located on a corner lot.
 - (d) Drying, vacuuming, and detailing areas may not be placed closer than 25 feet from a residential property line.
 - (e) If the proposed use is adjacent to a residential use, a 20-foot landscape buffer will be required.

(2) **Open Bay Wash Facilities.** In addition to the standards contained in paragraph (1) of this section, all open bay wash facilities shall comply with the following:

- (a) Wash bays shall be sited parallel to the adjacent street as shown in figure V-1.

Figure V-1. Siting of Wash Bays



- (b) No new wash facility may be located within one-half mile of any other existing wash facility having two or more car wash bays.

(3) **Enclosed Wash Facility.** In addition to the standards contained in paragraph (1) of this section, all enclosed wash facilities shall comply with the following:

- (a) All wash bays shall have bay doors. No bay door shall face the adjacent street.
- (b) The facility shall be self-contained and no services, including without limitation drying, polishing, or vacuuming, shall be performed outdoors.

Sec. 21-5220. Bail Bond Businesses

(1) **Location.**

- (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.

(2) **Measuring Distance.** For the purpose of this section, 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.

Sec. 21-5222. Borrow Pits

The following provisions apply to borrow pits:

- (1) 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.
- (2) 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.
- (3) 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.
- (4) **Exempted Activities.** The following borrowing and hauling of earth material may be done without obtaining a conditional use permit from the city:
 - (a) 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:
 - (i) Less than 50-cubic yards of earth material, or
 - (ii) The removal of less than 10,000-square feet of vegetation.
 - (b) Minimum excavation required in connection with a building or other structure authorized by a valid building permit.
 - (c) 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.
 - (d) 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.
 - (e) Grading or excavation in accordance with plans incorporated in an approved conditional use permit.

- (f) Maintenance and cleaning of ditches, lakes, ponds, and water storage reservoirs.

Sec. 21-5223. Bulk Grain Transfer Facilities

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

- (1) Operations shall comply with all applicable rules and regulations of State of Colorado and Tri-County Health Department.
- (2) Rodent and pest control programs 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.
- (3) No storage of grain is allowed on the property, including in trucks, piles, containers, or within the conveyor system.

Section added by Ord. 2190, December 2018

Sec. 21-5224. Child Care Facilities

The following provisions apply to all child care facilities:

- (1) All child care facilities shall be licensed and operated in conformance with all applicable federal and state regulations.
- (2) An off-street vehicular loading area or driveway shall be provided for the purpose of loading and unloading children.

Section amended by Ord. 2158, December 2018

Sec. 21-5225. Commercial Indoor Self-Storage Facilities

- (1) **Zoning.** Commercial indoor self-storage facilities in accordance with these use and design standards shall be allowed by right in the C-3, I-1, I-2, and I-3 zone districts. Commercial indoor self-storage facilities must meet the following requirements and standards.
- (2) **Use Standards.** These use standards shall apply to commercial indoor self-storage facilities located in the applicable and allowed zone districts:
 - (a) Storage units shall only be used for the storage of goods and/or property.
 - (b) 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.
- (c) 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 zone in which the facility is located, and meet all applicable use and development standards.
- (d) Outdoor storage is prohibited, including outdoor storage of boats, RVs, vehicles, and storage in outdoor storage pods, shipping containers, or similar.
- (e) A night watchman, resident caretaker, or 24-hour security guard, is allowed but not required.
- (f) Hours of operation shall be limited to the hours from 6 a.m. to 10 p.m. Business activities and tenant access to storage units shall not be permitted from 10 p.m. to 6 a.m.
- (g) All facilities shall be climate controlled, whereby both temperature and humidity are regulated.
- (3) **Location Restriction.** No new commercial indoor self-storage facility shall be located within 1250 feet of any other existing commercial indoor self-storage or traditional mini-storage facility.
- (4) **Design Standards.** For commercial indoor self-storage facilities located in the C-3 zone district, the following standards shall apply in addition to the development standards generally required for all new commercial development in Article VII regarding entrances, materials, landscaping, parking, etc.:
- (a) Commercial indoor self-storage facilities are permitted only within multi-story structures designed to emulate multi-family residential or office buildings. A minimum of 20% glass or other window openings are required per façade.
 - (b) The site on which a commercial indoor self-storage facility is located shall not have frontage along an arterial street.

- (c) 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.
- (d) All fencing shall consist of wrought iron or similar types of decorative fencing materials. Chain link fences are prohibited.
- (e) 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.).

Section added by Ord. 2203, May 2019

Sec. 21-5226. Community Gardens

(1) General Standards.

- (a) All community gardens shall have on-site irrigation.
- (b) The growing and/or cultivation of marijuana, for any purpose, is prohibited.
- (c) The keeping of animals is prohibited.
- (d) No community garden shall be permitted on any property on which a single-family dwelling, either attached or detached, exists.
- (e) Off-street parking, if any, shall include a dust-free surface approved by the city engineer.
- (f) Tools and equipment must be stored in sheds. Hoop houses and greenhouses shall not be used to store tools or equipment.
- (g) All compost materials shall be kept in an enclosure that limits the negative impacts to adjacent properties.

(2) Sign Standards.

- (a) Identification signs shall be monument type and shall not exceed 20 square feet in area or 6 feet in height. Each community garden shall be limited to one identification sign per street frontage that is setback a minimum of 10 feet.
- (b) 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 6 feet in height. Entrance signs shall be setback a minimum of 10 feet.

- (c) Signage to communicate and/or distinguish specific crops or garden orientation shall be limited to 3 square feet and shall not require a permit from the Planning Division.
- (3) **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.
- (4) **Accessory Structure Standards.** Unless a different standard is specified in this section, all accessory structures must comply with the general standards of this code.
 - (a) No accessory structure shall exceed 15 feet in height.
 - (b) No more than 3 sheds shall be permitted.
 - (c) No more than a combined total of 3 hoop houses and/or green houses shall be permitted and the cumulative square footage of all such hoop houses and green houses shall not exceed ten (10) percent of the lot area.
 - (d) Hoop houses, green houses, and sheds shall be set back ten (10) feet from the front property line, five (5) feet from the side and rear property lines, and ten (10) feet from any property line adjacent to a street.
 - (e) No more than one (1) compost enclosure shall be permitted on any property that is one acre or less in size. No more than two (2) compost enclosures shall be permitted on any property that is more than one acre in size. Compost enclosures shall be set back ten (10) feet from all property lines and shall not exceed six feet in height. Compost enclosures may consist of multiple sections.
- (5) **Fences.**
 - (a) Electric and barbed wire fences are prohibited.
 - (b) To the maximum extent feasible, fences shall be compatible in appearance and placement with the fences in the area.
 - (c) Height and style:
 - (i) Along the right-of-way, fences shall be open style, as that term is used in section 21-7730, 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.
- (d) 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) Non-residential. Fences along the right-of-way shall be set back a minimum of 5 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.

Section added by Ord. 1887, July 2012

Sec. 21-5228. Doggie Day Care Facilities

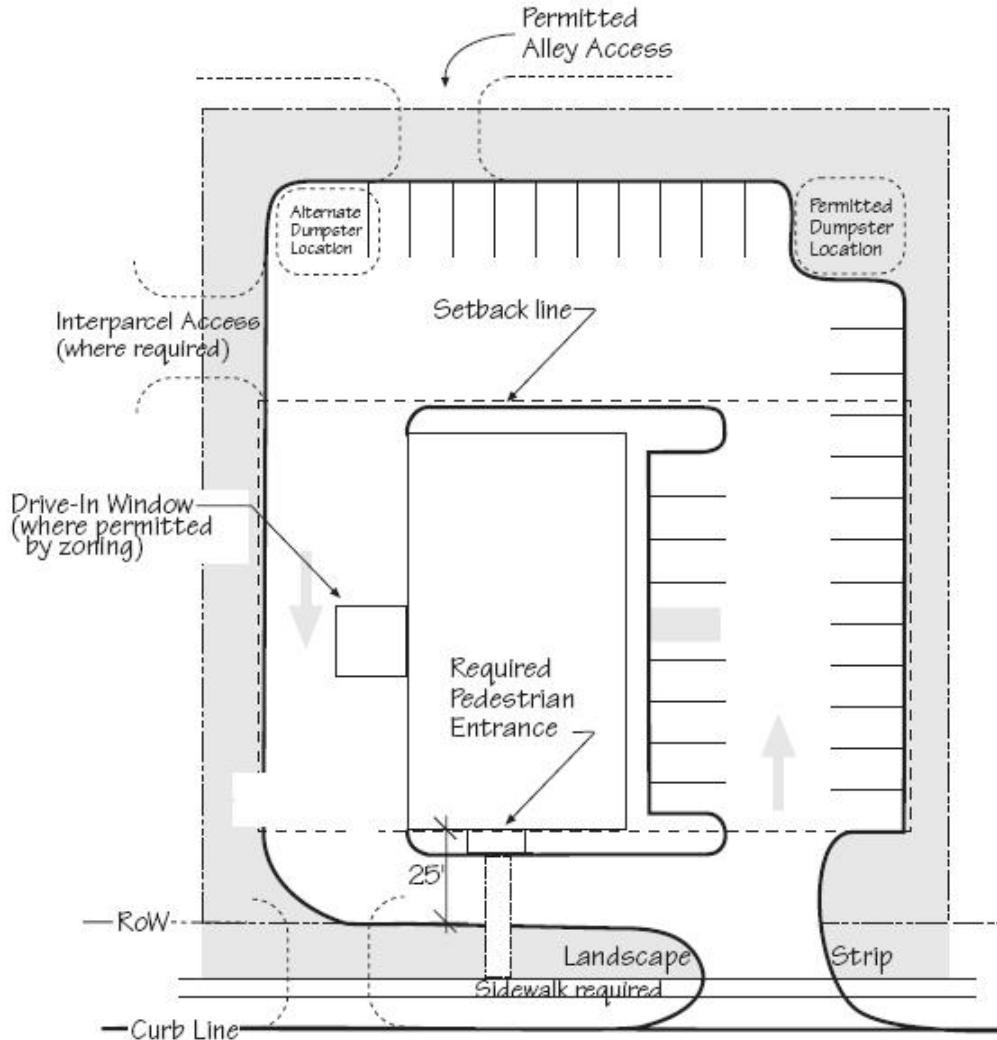
- (1) **Indoor Use.** Except any outdoor play area, all services provided by a doggie day-care facility shall be conducted within a completely enclosed, soundproof building.
- (2) **Design.** All doggie day-care facilities shall be designed and constructed in a manner that minimizes any emission of odor offensive to persons owning, occupying or patronizing properties adjacent to such facilities.
- (3) **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.
- (4) **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.

Sec. 21-5230. Drive-Thru, Drive-In, and Drive-Up Uses

- (1) **Stacking.** Sufficient stacking areas for vehicles shall be provided. Refer to section 21-7236 (Stacking Requirements).
- (2) **Aisle Width.** All aisles shall be a minimum of 12-feet wide.
- (3) **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.

Figure V-2. Preferred Site Layout for Drive-Thru, Drive-In, and Drive-Up Uses



- (4) **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.

- (5) **Alcoholic Beverages.** No alcoholic beverages may be sold at drive-up or drive-through windows.
- (6) **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.
- (7) **Access.** No drive-thru, drive-in, or drive-up aisle shall exit directly onto, or gain direct access from a public right-of-way, except when approved by the city engineer.

Sec. 21-5232. Educational Facilities

- (1) **Setback.** All structures and buildings shall be set back at least 50 feet from side lot lines and 100 feet from front property lines. If loading and parking space provided is not in front of the building, the front setback area shall be landscaped and used for no other purpose.
- (2) **Drainage and Access.** All educational facilities shall comply with the drainage and access standards of the city.

Sec. 21-5234. Electric Substations and Gas Regulator Stations

For each electric substation and gas regulator stations where transformers or piping are exposed, the following requirements apply:

- (1) **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.
- (2) **Setback Minimums:**
 - (a) Front: 30 feet.
 - (b) Side: 25 feet.
 - (c) Rear: 25 feet.

Sec. 21-5235. Fuel Sales

- (1) **General Standards.** All businesses where fuel sales occur shall comply with the following standards:

- (a) No more than two may be located within 660 feet of an arterial/arterial intersection;
- (b) Street access shall conform to the requirements imposed by the engineering division; and
- (c) 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.

(2) Pump Islands.

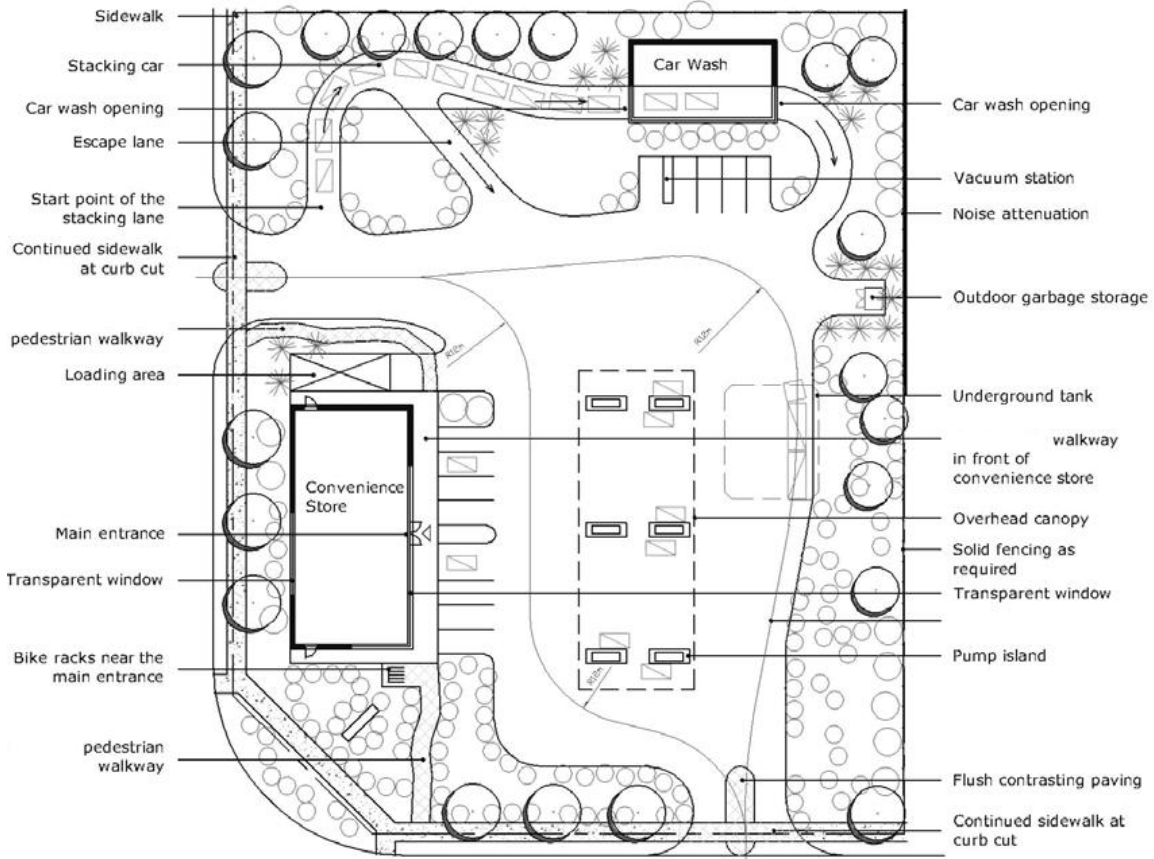
- (a) A maximum of 2 pump islands shall be permitted on a 12,000-square foot lot. One pump island may be added for each additional 2,000-square feet of lot area, provided that the total number of pump islands shall not exceed 4 per lot.
- (b) The addition of 1 pump island may be administratively approved if the director finds:
 - (i) The on-site circulation will not be negatively impacted;
 - (ii) The off-site circulation will not be negatively impacted;
 - (iii) Access to the property will not be negatively impacted;
 - (iv) Appropriate screening and/or landscaping will mitigate the visibility of the pump island; and
 - (v) The total area for fuel pumps is not increased.

(3) Building and Equipment Setbacks and Buffers.

- (a) 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.
- (b) 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 section 21-7516 (Landscaping Buffers).
- (c) 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.

- (d) 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.

Figure V-3. Preferred Convenience Store Site Layout



- (4) **Supplemental Development and Design Standards.** In addition to any other development or design standard set forth in article VII (Design Standards), the following standards shall apply:

- (a) 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.
- (b) 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.

- (c) 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.
- (5) **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:
 - (a) 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;
 - (b) The car wash bay shall be limited in size to a single vehicle;
 - (c) The car wash bay shall be located outside of the 20 foot landscape buffer required by paragraph (3)(b) of this section;
 - (d) In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in section 21-7236 (Stacking Requirements);
 - (e) Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7 a.m. and 9 p.m.

Section moved by Ord. 1854, April 2011

Paragraph (2) amended by Ord. 1887, July 2012

Sec. 21-5236. Greenhouses/Nurseries, Including Retail Sales of Related Products

- (1) **Agricultural District.** Off-site delivery of plant materials and the use and storage of all vehicles and equipment necessary for those activities are permitted.
- (2) **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.
- (3) **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.

- (4) **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.
- (5) **Outdoor Storage.** Outdoor storage shall meet all requirements for outdoor storage established for the underlying zoning district. 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.

Sec. 21-5238. Group Homes

- (1) **General Standards.** For purposes of this land development code, group homes are classified as type A and type B. Each type is defined in article XI. Both types of group homes must comply with the following:
 - (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 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) **Type B Group Homes.** In addition to the foregoing general standards, the following provisions apply to all type B group homes:
 - (a) A conditional use permit may be granted 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.

- (b) 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.
 - (c) 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.
- (3) **Reasonable Accommodations.**
- (a) 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 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 non-related 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.
 - (b) 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.

Sec. 21-5239. Hazardous Materials

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.

Section added by Ord. 2191, December 2018

Sec. 21-5240. Home Occupations

- (1) **Licensure.** A city business license shall be required for all home occupations.
- (2) **Standards.** Home occupations shall comply with the following standards:
 - (a) Home occupations shall be clearly incidental and accessory to the use of the residence as a dwelling;
 - (b) No more than eight patron visits per day shall be permitted and all visits shall occur between the hours of 7 a.m. and 7 p.m.;
 - (c) 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;
 - (d) 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
 - (e) Signs associated with home occupations shall be regulated in section 21-8300 (Sign Schedule).
- (3) **Prohibited Activities, Equipment, and Materials.** The following uses and activities are prohibited as part of any home occupation:
 - (a) Use of equipment or machinery that is not customarily incidental to domestic use (e.g., cement mixers, tractors, and paint booths);
 - (b) 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;
 - (c) 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);

- (d) Activities that cause electromagnetic (e.g., radio, television, etc.) interference to surrounding properties;
 - (e) Use or storage of chemicals or processes that are not customarily associated with domestic use; and
 - (f) Repair of motor vehicles.
- (4) **Exterior Evidence of Use Prohibited.** To ensure that dwellings for which home occupation approvals have been issued remain compatible with surrounding residential use, the following regulations shall apply:
- (a) The home occupation shall be conducted entirely within the principal dwelling;
 - (b) Incidental storage in a garage or any activities associated with the home occupation shall not displace any required parking in a currently usable garage;
 - (c) 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;
 - (d) Outdoor storage or storage in any accessory building or structure is prohibited;
 - (e) No off-site sign shall be placed as to denote the location of the home occupation;
 - (f) No home occupation shall produce quantities or types of refuse not customarily associated with a residential use;
 - (g) The entrance to the space devoted to such use shall be from within the dwelling, unless otherwise required by state law or regulation; and
 - (h) 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.
- (5) **Firearms Sales.**
- (a) No firearms, ammunition, or accessories shall be sold or offered for sale on the premises.
 - (b) The exchange of firearms shall only be conducted at gun shows.

- (c) No firearm-related services shall be conducted on the premises.
 - (d) No business shall keep more than 12 firearms for business purposes on the premises at any time.
- (6) **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.

Subparagraph (5)(c) amended by, and subparagraph (d) added by, Ord. 2020, February 2015.

Sec. 21-5241. Impound Yard

- (1) **Fence and Screening Requirements.** An impound yard must be completely enclosed by a screen style fence that is eight feet in height.
- (2) **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.
- (3) **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.
- (4) **Rows.** Vehicles stored in an impound yard must be parked neatly in rows.

Section added by Ord. 1785; June 2010

Sec. 21-5242. Kennels

- (1) **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:
 - (a) 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.

- (b) Adequate shelter from the elements shall be provided. Adequate shelter includes, but is not limited to, proper ventilation, heating, cooling, and lighting.
 - (c) Lavatory and washroom facilities sufficient for use by all kennel caretakers and employees shall be provided.
 - (d) Drainage shall be constructed to protect adjacent bodies of water from pollution.
 - (e) The premises shall be maintained so as to meet Tri-County District Health Department standards and not constitute a nuisance.
 - (f) 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.
- (2) **Licensure.** All kennels shall be licensed and operated in conformance with all applicable governmental regulations.
- (3) **Traffic.** All kennel traffic shall be diverted from residential areas to the maximum extent feasible.
- (4) **Dust.** Adequate provision shall be made to prevent dust.
- (5) **Structures, Space Requirements, and Setbacks.**
- (a) 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 1-1/2 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.
 - (b) Dog kennels shall be situated on not less than a five-acre parcel of land.
 - (c) 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:
 - (i) Small breeds and cats: 21-inches wide, 29-inches deep, and 24-inches high.

- (ii) Medium breeds: 29-inches wide, 32-inches deep, and 33-inches high.
 - (iii) Large breeds: 29-inches wide, 45-inches deep, and 33-inches high.
- (6) **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.
- (7) **Existing Kennels.** Any kennel licensed and in operation as of the date of adoption of this land development code shall be exempt from provision (5) of this section. Such pre-existing uses shall be considered legal non-conforming uses and shall be governed by section 21-5520.

Sec. 21-5244. Landfill Disposal Sites

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 facility shall each be jointly and severally responsible for complying with the following requirements:

- (1) The operator of the facility shall demonstrate the nature of materials accepted at the facility.
- (2) 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.
- (3) 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.

- (4) 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.
- (5) Only inert materials shall be placed in an inert material disposal facility.
- (6) No material shall be placed in ground water. All material shall be placed in a manner and location to not adversely affect ground water.
- (7) Financial assurance in a form acceptable to the city for closure and post-closure care is required of all disposal facilities.
- (8) 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.
- (9) The facility shall maintain all-weather access roads to those areas of active operation and as necessary to meet the fire control plan.
- (10) 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.
- (11) 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.
- (12) 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.
- (13) 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.

Sec. 21-5246. Livestock and Horses

- (1) **General Standards.**
 - (a) Allowed only on AG and Public zoned lots exceeding 12,000-square feet.
 - (b) One horse/large animal allowed for the first 12,000-square feet of net lot area (lot area without a structure upon it); one additional horse/large animal 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.

Sec. 21-5248. Lodging Establishments

- (1) **Size Requirements.** Lodging establishments located within one mile of E-470 shall contain a minimum of 150-guest lodging rooms.
- (2) **Length of Stay.** The length of stay at any lodging establishment shall not exceed 30 days within any 90-day period, except that in the case of extended stay establishments the length of stay shall not exceed 180 consecutive days.
- (3) **Kitchens Restricted.** In-room kitchen facilities shall be allowed only in extended stay or lodging “suite” establishments.

Sec. 21-5249. Marijuana Businesses, Primary Caregivers, and Marijuana Activities

- (1) **Location Restrictions.**
 - (a) General Restrictions. No marijuana business or primary caregiver shall be located within:
 - (i) 1000 feet of any educational institution or school, either public or private; excluding institutions of post-secondary education;
 - (ii) 1000 feet of any state licensed child care facility;
 - (iii) 1000 feet of any alcohol or drug rehabilitation facility;
 - (iv) 1000 feet of any group home;
 - (v) 1000 feet of any halfway house or correctional facility; or

- (vi) 1000 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 trail.
 - (b) **Restrictions Related to Residential Uses.**
 - (i) Retail marijuana stores and medical marijuana centers shall not be located within 500 feet of any property in the city that is zoned: mixed-use and has a residential entitlement; residential; or agricultural.
 - (ii) All other marijuana business and primary caregivers shall not be located within 1000 feet of any property in the city that is zoned: mixed use and has a residential entitlement; residential; or agricultural.
 - (c) **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.
- (2) **Advertising, Signage, and Design.**
- (a) **Advertising Generally.** In addition to this code, primary caregivers and all marijuana businesses, regardless of whether they are medical or retail in nature, shall comply with the provisions contained in series 1100 of the retail marijuana code.
 - (b) **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.
 - (c) **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.
- (3) **Prohibitions.** The following activities are prohibited anywhere within the city:

- (a) Storage of marijuana or marijuana-related products off the site of the licensed premises;
- (b) Marijuana membership clubs;
- (c) Marijuana businesses as home occupations;
- (d) Marijuana businesses within a mixed-use development that includes a residence; and
- (e) Marijuana vapor lounges.

Section amended by Ord. 1897, July 2012

Section amended by Ord. 1948, April 2013

Section amended by Ord. 2048, June 2015

Sec. 21-5250. Mini Storage and Warehouse

- (1) **Indoor Use.** Unless allowed by zoning, all storage shall occur within an enclosed building or buildings.
- (2) **Design Standards.**
 - (a) Architectural style shall be compatible with surrounding properties. A minimum of 4:12 pitched roofs are required.
 - (b) Doors to individual units shall be located internal to the development.
 - (c) Building exteriors shall not be corrugated metal or similar surface, but shall be of finished quality. Metal containers are prohibited.
 - (d) Colors shall complement the natural characteristics of the site, and shall not be used to attract attention to the facility. (i.e., no red roofs, orange doors, etc.)
 - (e) 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.
 - (f) 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.
- (3) **Vehicles and Outdoor Storage.** Rental trucks, trailers, and outdoor storage areas, if allowed, shall be completely screened by topographic features, landscaping, and fencing.
- (4) **Hazardous Materials.** Storage of hazardous materials shall be prohibited.

- (5) **Resident Caretaker.** A mini-storage facility shall have no less than one on-site manager/caretaker or more than one dwelling unit unless a use-by-permit has been issued by the city. Except where a use-by-permit has been issued, all mini-storage facilities shall have an on-site, resident manager/caretaker and shall provide such resident manager/caretaker with the following:
- (a) A dwelling unit which shall be incorporated into and occupy space on the premises of the mini-storage facility.
 - (b) One off-street parking space for the exclusive use of the resident manager/caretaker.
 - (c) A single landscaped private recreation area, with a minimum area of 750-square feet, shall be provided within the mini-storage facility for the exclusive use of the resident manager/caretaker.
- (6) **Hours of Operation.** Hours of public access to mini-storage units abutting one or more residential zoning districts shall be restricted to the period from 6 a.m. to 10 p.m.

Sec. 21-5251. Office Flex

Additional Regulations. Due to the heightened level of architecture and design for these uses, administrative architectural design standards will need to be approved by the Director prior to, or in conjunction with, approving any development plan.

Sec. 21-5252. Outdoor Display

Any outdoor display must be done in conjunction with the business being conducted on the premises and shall comply with the following regulations:

- (1) The items displayed outside shall be of the same type that are lawfully displayed and sold inside the building on the premises.
- (2) The aggregate display area shall not exceed 50 percent of the linear frontage of the store front.
- (3) Items shall not project more than 20 feet from the store front.
- (4) No item, or any portion thereof, shall be displayed on public property.
- (5) Items shall be displayed only during the hours that the business conducted inside the building on the premises is open for business.
- (6) 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.

Sec. 21-5254. Outdoor Storage

- (1) **Business Related.** All outdoor storage shall be incidental and directly related to the primary business being conducted on that property. Outdoor storage shall not be the primary use of any property and the leasing of space for outdoor storage is prohibited unless the outdoor storage is an accessory use to a business operated by a tenant who leases any building located on such property for the operation of the tenant's business or as permitted in paragraph (4) below.
- (2) **Heating Fuels.** Outdoor storage of heating fuels may be permitted in all zones, provided such storage is directly connected to heating devices for the purpose of providing fuel for heating the building of which such heating device is a part.
- (3) **Surfacing.** Outdoor storage shall be paved with recycled asphalt or other road base material in accordance with the ECSS (Engineering Construction Standards & Specifications).
- (4) **Principal Structures.** No outdoor storage shall occur on a lot that does not contain a building, unless said outdoor storage is used by an adjacent property owner or lessee and is directly related to such adjacent property owner's or lessee's business.
- (5) **Agriculturally Zoned Lots.** Outdoor storage, compliant with these regulations, shall be permitted only when the stored items relate directly to the principal agricultural use. Determination of which items are directly related to the principal use shall be made by the director.
- (6) **Location.** Outdoor storage shall be limited to the rear and side yards of the property. Required parking and landscape treatment areas can never be used for outdoor storage. No manure shall be stored within 100 feet of any property line.
- (7) **Stacking and Screening Requirements.** All outdoor storage areas shall be enclosed by a fence or wall adequate to conceal such areas from adjacent non-industrial property and public right-of-way. Outdoor storage can be stacked to eight feet or the height of the screening fence, whichever is less. Large items over 8 feet in height such as truck trailers or concrete pipes shall be placed in a single layer and not stacked. Additional screening mitigation may be required depending on the topography and visibility of the site:

- (a) Exceptions.
 - (i) Material piles such as construction aggregate and landscape materials may exceed the eight-foot maximum stacking limit in the I-2 and I-3 zone districts upon approval of a Conditional Use Permit. Flammable materials shall have a maximum allowed stacking limit of 25 feet in accordance with adopted fire codes. Non-flammable materials shall have a maximum stacking limit of 50 feet or the maximum height permitted for a principal structure in the underlying zone district, whichever is less.
 - (ii) The storage of bundled lumber, pallets, shipping containers, or construction crane sections may exceed the eight-foot maximum stacking limit in the I-3 zone district only. These specific items may be stacked to a height of 20 feet, or higher than 20 feet upon approval of a Conditional Use Permit, if done in accordance with adopted fire codes. Any items stacked higher than the fence must be placed in such a manner that the items cannot fall and land on or outside of the fence.
- (b) Fences and Gates. Fences used for screening outdoor storage shall meet the standards in Article VII Division 7 Part C (Fence and Wall Standards) of this land development code and shall be erected in accordance with the building permit issued by the city. Gates must be opaque; however, a gate may be a different material than what would be allowed for the fence.
- (8) **Site Plans.** Site plans for outdoor storage shall be provided to the city, when required, and shall depict the following:
 - (a) Exact location of proposed outdoor storage area;
 - (b) Dimensions and locations of aisles and circulation paths in the outdoor storage area for general and emergency access;
 - (c) Square feet of proposed outdoor storage area;
 - (d) Location of the fence, including pedestrian and vehicular gates;
 - (e) Height and type of fence proposed, including an elevation of the fence;
 - (f) Description of the material proposed to be stored;
 - (g) Height of the material and/or proposed stacking height of the material proposed to be stored; and

- (h) Description of the proposed surface on which material will be stored, and of the circulation and emergency access aisles.
- (9) **Outdoor Storage in the I-1 Zoning District.** In addition to the foregoing paragraphs, the following special provisions apply to outdoor storage in I-1 districts:
 - (a) Limited availability. No outdoor storage shall be permitted unless the property is located in the following areas:
 - (i) Rocky Mountain Industrial Park. The area located within the following boundaries: Bordered on the south by East 56th Avenue, on the east by Monaco Street, on the west by Holly Street, and on the north by a line constituting an extension of East 59th Avenue.
 - (ii) Stapleton Industrial Park. The area located within the following boundaries: Bordered on the south by East 48th Avenue, on the east by Quebec Street, on the west by Ivy Street, and the north by Sand Creek.
 - (b) The board of adjustment may not consider variances or exceptions to the location requirements stated above.
 - (c) Review Criteria. Outdoor storage in the areas described in paragraph 9(a) may be permitted only if the director finds:
 - (i) Outdoor storage at the proposed location shall not result in a substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they presently exist or as they may in the future be developed;
 - (ii) The characteristics of the site are suitable for outdoor storage as a use-by-permit considering the size, shape, location, topography, and existence of improvements and natural features; and
 - (iii) Sufficient landscaping and screening will be utilized to insure harmony with adjacent uses and public rights-of-way.
 - (d) The area of outdoor storage shall be limited based upon the characteristics of the site. Those relevant limiting characteristics include, but are not limited to the following:
 - (i) Size of buildings;

- (ii) Type of material being stored;
 - (iii) Vehicle circulation patterns;
 - (iv) Loading docks;
 - (v) Landscaping areas; and
 - (vi) Emergency vehicle access.
- (e) Pre-Existing Use.
- (i) Any and all outdoor storage existing in the I-1 and I-1S zoning districts which have not been expressly permitted through this section or by a use-by-permit, whether or not said outdoor storage existed prior to the passage of this section is hereby declared to be illegal and in violation of this land development code.
 - (ii) Previous conditional use approvals. Any I-1 zoned property that had previously obtained conditional use approval for outdoor storage within the Rocky Mountain Industrial Park shall continue to operate legally under that conditional use permit until such time as the business is sold, transferred, or ceases to operate. Any new owner, tenant, or lessee will be required to obtain approval for outdoor storage in compliance with this section.

Paragraphs (4) and (7) amended by Ord. 1785, June 2010

Paragraphs (1); (9)(c); (9)(e) subparagraphs (i) and (ii) amended by Ord. 2020, February 2015

Section amended by Ord. 2194, December 2018

Sec. 21-5255. Private Bus Stations

(1) General Standards.

- (a) Private bus stations shall provide an indoor waiting area for passengers.
- (b) All passengers shall be required to wait indoors.
- (c) All ticket purchasing must be conducted indoors.

- (2) **Repair and Maintenance Facilities.** Private bus stations may include facilities to perform equipment repair and/or maintenance. These facilities shall not exceed 15% of the total square footage of the principal building on the property and shall conform in all respects with section 21-5271 of this land development code.

Section added by Ord. 2020, February 2015

Sec. 21-5256. Recycling Facilities/Material Resource Recovery Facilities

- (1) **Small Recycling Collection Areas.** Small recycling collection areas located within multifamily developments, commercial, or industrial zoning districts shall comply with the following standards. The facility shall be no larger than 300-square feet and shall occupy no more than 5 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.
- (a) 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.
 - (b) The facility shall accept only glass, aluminum, plastic containers, papers, and similar items.
 - (c) The facility shall use no power-driven processing equipment, except for reverse-vending machines.
 - (d) 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.
 - (e) All recyclable materials shall be stored in the unit and shall not be left outside of the unit when unattended.
 - (f) The facility shall be maintained in a clean and sanitary manner, free of litter and any other undesirable materials.
 - (g) With the exception of multi-family 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.
 - (h) 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.

- (i) The facility shall be placed on asphalt or concrete and shall not impact any landscaping or landscaped areas.
 - (j) The facility shall be completely screened by an opaque fence or wall.
- (2) **Large Recycling Collection Area.** 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:
- (a) The facility shall not be adjacent to a parcel zoned or planned for residential use on the comprehensive plan.
 - (b) Structure setbacks shall comply with the standards of the zoning district in which the facility is located.
 - (c) 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 section 21-5254.
 - (d) 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.
 - (e) 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.
 - (f) All containers provided for after-hours donation of recyclable materials shall be at least 100 feet from any residential use or zone district.
 - (g) 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.

- (h) Light processing facilities are limited to bailing, briquetting, crushing, compacting, grinding, shredding, and sorting of source-separated recyclable materials and repairing of reusable materials.
 - (i) The site shall be secured from unauthorized entry and removal of materials when attendants are not present.
 - (j) Hazardous materials, dead animals, or yard waste shall not be considered recyclable material, except as otherwise provided in the municipal code.
- (3) **Material Resource Recovery Facility (MRRF).** The following additional provisions shall apply to any business classified as a material resource recovery facility by the city.
- (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 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 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.

Sec. 21-5258. Refuse Transfer Facility and/or Transfer Facility

The following standards shall apply to all refuse transfer facilities:

- (1) The premises shall be kept in an orderly condition.

- (2) All garbage, trash, rubbish or debris shall be concealed from view from the public right-of-way
- (3) Signs shall be posted to identify the ingress and egress to the refuse or transfer facility.
- (4) All applicable rules and regulations of the state department of health and the tri-county district health department will be complied with.
- (5) 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.
- (6) All fires shall immediately be reported to the fire department.
- (7) All transportation vehicles used for refuse collection and disposal shall be covered to prevent litter.
- (8) Two free community disposal days shall be provided to city residents annually.
- (9) Unrestricted access shall be provided to all inspection authorities.
- (10) Landscaping materials shall be installed and maintained. Landscaping plans shall be subject to approval by the city.
- (11) 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.
- (12) 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.
- (13) 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.
- (14) Any resource recovery, incineration or recycling shall be prohibited without first obtaining a conditional use permit from the city council.

Section amended by Ord. 1887; July 2012

Sec. 21-5259. Residential Uses

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.

Section added by Ord. 2078; April 2016

Sec. 21-5260. Scrap Tire Facilities

The following shall apply to all scrap tire facilities:

- (1) 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 ordinance. Scrap tire recycling facilities also shall need a conditional use permit pursuant to this land development code.
- (2) 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.
- (3) Financial assurance in a form acceptable to the city for closure and post-closure care is required of all scrap tire facilities.
- (4) 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.
- (5) The facility shall maintain all-weather access roads to those areas of active operation and as necessary to meet the fire control plan.
- (6) The operator shall be responsible for any litter problems on the property or in the adjacent right-of-way.
- (7) 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.
- (8) 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.
- (9) The operator shall maintain a working telephone at the facility.
- (10) The operator of a scrap tire facility shall have a written vector control plan that shall be submitted to the city.
- (11) 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.

- (12) 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.
- (13) The minimum standards to be allowed for tire pile storage will be as follows:
 - (a) 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.
 - (b) A minimum of 50 feet shall be maintained between piles of whole, shredded, or baled tires to allow access for fire fighting equipment.
 - (c) A minimum distance of 50 feet of clear area is to be maintained from all property lines.
- (14) 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.
- (15) During all stages of operation, the facility shall have on site an attendant who is responsible for site activities.
- (16) Only scrap tires shall be placed in a scrap tire facility.

Sec. 21-5262. Sexually Oriented Businesses

- (1) **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.

- (2) **Location.** No sexually oriented business shall be located within 1,000 feet of the following:
- (a) The exterior boundary of any public zone district;
 - (b) The exterior boundary of any residential zone district;
 - (c) The exterior boundary of any existing or occupied mobile home;
 - (d) The exterior boundary of any lot on which there is located a single-family or multifamily residence, whether located within or outside of the city;
 - (e) Any church or religious institution;
 - (f) Any educational institution or school, either public or private;
 - (g) Any licensed child care facility;
 - (h) Any public community center, park, fairground, or recreation center, or any publicly owned or maintained building open for use to the general public; or
 - (i) Any other adult entertainment use whether such other adult entertainment use is located within or outside of the city.
- (3) **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.
- (4) **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.
- (5) **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.
- (6) **Priority of Use.** No sexually oriented business shall be found in violation of paragraph 2 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 issued licenses as may be required by this land development code, or by any other applicable statute or ordinance of the city.

Sec. 21-5264. Small Wind Energy Conversion System (Windmills)

It is the intent of this section 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.

- (1) **Application Requirements.** In addition to the regular requirements of a standard building permit application, the following must be submitted with the use-by-permit application:

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.

- (2) 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.

- (3) **Design Standards.**

(a) **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.

(b) **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.

(c) **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.

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

- (4) **Electrical Power Limitation.** The electrical power output of the small wind energy conversion system shall not exceed 100 kilowatts or 1-1/2 times the kilowatt needs of the residence or business, whichever is less.
- (5) **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.
- (6) **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.

Sec. 21-5266. Subsurface Extraction

- (1) **Purpose.** This Section is enacted pursuant to the land use authority and the police powers of the City and following the procedures described within, in order to protect and promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future residents of the City. It is recognized that under state law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners or lessees of subsurface mineral interests have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests, subject to compliance with the provisions of this Section and any other applicable statutory and regulatory requirements. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a respectful manner and to have adverse land use impacts upon their property associated with the development of the mineral estate minimized and mitigated through compliance with this Section and by mutual accommodation of the surface and mineral owners.

(2) Applicability.

- (a) Subject to the provisions of this Section, no Oil or Gas Well Operations (“Operations”) shall be initiated in any manner within the city prior to issuance of an Oil and Gas Permit.
- (b) All Operations are subject to the requirements of this Section. In the event that the provisions of this Section conflict with any other provisions of the Code, this Section shall supersede as applied to Operations.

(3) Application Requirements.

- (a) Application Requirements. An application for an Oil and Gas Permit shall include the following information:
 - (i) 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;
 - (ii) An accurate legal description of the lease property to be used for the Operation;
 - (iii) Map showing proposed transportation routes and roads for equipment, chemicals, water, Oil and Gas, and waste products used or produced by the Operation;
 - (iv) Proposed well name;
 - (v) Surface owner name(s), telephone number(s), address(es), and if possible, email address(es) of the leased property;
 - (vi) Operator/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;
 - (vii) Name, telephone number, address, and if possible, email address of the individual designated to receive notice;
 - (viii) Name of representative with supervisory authority over the proposed Operation and a twenty-four-hour phone number;
 - (ix) Location and description of all improvements, including water wells, and habitable structures within one thousand five hundred feet (1500’) of the proposed Operation;

- (x) Owner and address of each parcel of property within two thousand five hundred feet (2500') of the proposed Operation;
- (xi) The location of existing wildlife, nature areas, or open space within one thousand five hundred feet (1500') of the well site or production site, if any;
- (xii) 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;
- (xiii) For private access roads connecting Operations with a public street or state highway, the Operator shall provide written documentation as part of the permit application demonstrating that it has the legal right to use such road(s) for the purpose of accessing the Oil and Gas Facilities.
- (xiv) A description of public utilities required during drilling and operation;
- (xv) A description of the water source(s) to be used during drilling;
- (xvi) A description of how waste products will be managed for the Operation;
- (xvii) A description of storm water pollution prevention plan and erosion control plan pursuant to the city's standards;
- (xviii) A copy of the hazardous materials management plan. In addition to the hazardous materials management plan, all material safety data sheets (MSDSs) for all hazardous materials that will be located, stored, transported, and/or temporarily used in conjunction to the Operation shall be provided to the city and fire district;
- (xix) A copy of the emergency response plan as required by the city;
- (xx) A copy of an emergency evacuation plan shall be provided, detailing all persons to be notified in the event of an evacuation, including without limitation, all persons residing

within one-half (1/2) mile of the edge of construction or surface disturbance;

- (xxi) Evidence of insurance and security requirements under this section;
- (xxii) A copy of the noise management plan, for any equipment used in the drilling, completion, or production of an Oil and Gas Well;
- (xxiii) 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;
- (xxiv) Copies of all information submitted to the COGCC to include but not limited to:
 - a. The proposed location of Production and Oil and Gas Facilities in the event production is established.
 - b. The layout of the Oil and Gas Facilities, including, without limitation, the position of the drilling equipment and related facilities and structures, if applicable.
 - c. The following information within a radius of 1500 feet of the proposed well:
 - 1) *Existing surface improvements;*
 - 2) *Existing utility easements and other rights-of-way of record; and*
 - 3) *Existing irrigation or drainage ditches.*
- (xxv) A plan for weed control at the Oil and Gas Facilities and addressing the requirements set forth in subsection 5(g)(ii);
- (xxvi) A sanitary facilities plan that complies with city and COGCC regulations;
- (xxvii) A lighting plan;
- (xxviii) A revegetation plan and information addressing the requirements set forth in subsection 5(g)(ii);
- (xxix) A wildlife mitigation plan, if applicable, addressing the requirements set forth in subsection 5(g)(iii);

- (xxx) A traffic impact study addressing the requirements set forth in subsection 7(a);
 - (xxxi) An alternative location analysis for any proposed site not within an Agricultural or Industrial zone district or PUD zone district where Oil and Gas Wells are specifically listed as an allowed or permitted use, to demonstrate the absence of any other reasonable alternative to access oil and gas mineral interests, consistent with Sec. 21-3216(7)(e).
 - (xxxii) A list of all permits or approvals obtained or yet to be obtained from local, state, or federal agencies, other than the COGCC
 - (xxxiii) A public improvement agreement (if applicable); and
 - (xxxiv) Any other information that the city deems necessary for consideration of an Oil and Gas Permit application.
- (b) Third Party Technical Review. The City may require a third-party consultant to participate on behalf of the City in pre-application meetings, to review any submittals or applications to the City, 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.
- (4) **General Standards.** All Operators and their agents, employees, licensees, and contractors shall:
- (a) Comply with all local, state, and federal laws and regulations;
 - (b) Comply with FAA Regulations relative to building height and locations; and
 - (c) Comply with the Extraction Agreement executed with the City.
- (5) **Site Development.**
- (a) Visual Mitigation Plan Required. Applications for Oil and Gas Permits may be required to include a visual impact analysis when the Operation will be located adjacent to or in the vicinity of current or future residential and/or commercial land uses, as determined by the Director. When required, the Visual Mitigation Plan shall include photographic simulations of the Oil and Gas Well Site that include proposed impact mitigation measures as indicated below. The Director will determine if the proposed Oil and Gas Well Site requires a photographic simulation based upon topography, existing vegetative and/or structural screening and the linear

- distance from the proposed Operations to residential and/or commercial land use(s).
- (b) Visual Mitigation Methods. One or more of the following visual mitigation methods may be required on a site-specific basis: Use of low-profile tanks, facility painting, vegetative or structural screening, land berming and landscaping.
- (i) Where the painting of an Oil and Gas Facility or any structural screening (i.e., fence or wall) is required as a method of visual impact mitigation, such Oil and Gas Facility and screening shall be painted a uniform, non-contrasting, non-reflective color. The Oil and Gas Facility or structural screening paint color shall be matched to the land, not the sky, and shall be slightly darker than the adjacent landscape.
- (ii) Any exposed concrete shall be colored to match the soil color.
- (iii) To the maximum extent feasible, the Operator shall use structures of minimal size to satisfy present and future functional requirements.
- (iv) At all times, the Operator shall minimize the removal of existing vegetation.
- (c) Fencing. Above-ground Operations shall be fenced and gated with eight-foot (8') high, wrought iron fencing, Ameristar Impasse, Stronghold fencing, or approved equivalent. The fencing color shall be black unless the Director approves an alternative fencing color.
- (d) Landscaping.
- (i) 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. Proper irrigation of plant materials shall be provided by the Operator, except that automatic irrigation systems are not required if no direct water connection is available within 500 feet.
- (ii) The City may require landscaping to mitigate visual impacts, and one or more of the following landscape criteria may be required. The specific requirements for landscape screening and buffering shall be determined by the Director and may include, but not be limited to:

- a. Earthen berm located around the perimeter of the fence and planted with turf grass or ground cover generally recognized by landscape architects and horticulturalists for local area use for the purpose of general screening;
 - b. Installation of ground cover, trees and shrubs for screening and aesthetic purposes; and
 - c. Designing the Oil and Gas Facility to utilize natural screens where possible.
- (e) Lighting. To the maximum extent practical, exterior lighting shall be directed away from residential and other sensitive 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.
- (f) Signs and Markers. The Operator shall mark each and every Oil and Gas Well in a conspicuous place, from the time of initial drilling until final abandonment, as follows:
 - (i) General Sign Requirements. No sign required under this Section shall be installed at a height exceeding six (6) feet. Operators shall maintain signs in a legible condition and shall replace damaged or vandalized signs within sixty (60) days. New or successor Operators shall update signs within sixty (60) days after change of Operator approval is received from the COGCC.
 - (ii) Drilling and Recompletion Operations. The Operator shall provide directional signs, no less than three (3) and no more than six (6) square feet in size, during all drilling and recompletion Operations. Such signs shall be at locations sufficient to advise emergency crews where drilling or recompletion is taking place. At a minimum, such sign locations shall include the first point of intersection of a public road and the rig access road and thereafter at each intersection of the rig access route, except where the route to the well is clearly obvious to uninformed third parties. Signs not necessary to meet other obligations under these rules shall be removed as soon as practical after the Operation is complete.
 - (iii) Permanent Designations.

- a. Oil and Gas Wells. Within sixty (60) days after the completion of an Oil and Gas Well, a permanent sign shall be located at both the wellhead and surface equipment (if not at the wellhead), which shall identify the Oil and Gas Well, the name and contact information of the Operator and the legal location, including the quarter section.

- b. Tank Batteries and Other Surface Equipment. Within sixty (60) days after the installation of a tank battery, a permanent sign shall be located at the tank battery. At the option of the Operator, or at the request of the City, the sign may be placed at the intersection of the lease access road with a public road nearest the tank battery, if the tank battery is readily apparent from such location. Such sign, which shall be no less than three (3) square feet and no more than six (6) square feet, shall provide: the name of the Operator; a phone number at which the Operator may be reached at all times; a phone number for local emergency services; the lease name or Oil and Gas Well name(s) associated with the tank battery; the public road used to access the site; and the legal location, including the quarter section. In lieu of providing the legal location on the permanent sign, it may be stenciled on a tank in characters visible from one-hundred (100) feet away.

- c. Tanks and Containers.
 - 1) *All tanks with a capacity of ten (10) barrels or greater shall be labeled or posted with the following information:*
 - a) Name of Operator;
 - b) Operator's emergency contact telephone number;
 - c) Tank capacity;
 - d) Tank contents; and
 - e) National Fire Protection Association (NFPA) Label.

 - 2) *Containers that are used to store, treat or otherwise handle a hazardous material and*

required to be marked, placarded or labeled in accordance with the U.S. Department of Transportation's Hazardous Materials Regulations, shall retain the markings, placards and labels on the container until the container is sufficiently cleaned of residue and purged of vapors to remove any potential hazards.

- (g) Environmental.
 - (i) Floodplain. Operations in hazard areas, including floodplains and man-made (e.g., airport and landfill) conditions shall not be developed for Oil and Gas Facilities and Operations until hazards have been identified and avoided or removed, or until the Operator can show that the impact of the hazard(s) can be mitigated to the satisfaction of the City. A Floodplain Permit is required for Operations in the Floodplain.
 - (ii) Vegetation.
 - a. Existing Vegetation Analysis. Applications for an Oil and Gas Permit shall include an analysis of the existing vegetation at the Oil and Gas Well Site to establish a baseline for re-vegetation upon abandonment of the Oil and Gas Facility or upon final reclamation of the Oil and Gas Site. The analysis shall include a written description of the species, character and density of existing vegetation at the Oil and Gas Site and a summary of the potential impacts to vegetation as a result of the proposed Operation.
 - b. Re-Vegetation. Applications for an Oil and Gas Permit shall include a copy of any COGCC accepted interim and final reclamation procedures and there shall be consultation with City staff regarding site specific re-vegetation plan recommendations.
 - c. Weed Control Plan. Applications for Oil and Gas Permits shall include a copy of a weed control plan that complies with all City requirements for weeds and vegetation under the City's Municipal Code. Oil and Gas Well Sites shall be considered developed property for the purposes of this Section.
 - (iii) Wildlife Mitigation Plan.

- a. General. When Operations will be located within or adjacent to a wildlife or natural area, the Operator shall consult with the Colorado Division of 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 Division of 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, in the opinion of the Colorado Division of Wildlife, or other relevant federal authority, threaten endangered species.
- (iv) 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, free and clear of noxious weeds, litter and debris.
 - b. Disposal of any water, except as provided herein, or any equipment, litter, sewage, waste, trash, chemicals or debris shall be at an approved disposal site.
- (v) Sanitary Regulations. The Operator shall provide proper health and sanitation facilities for its employees and subcontractors.
 - a. The Operator shall fully comply with all applicable rules and regulations of the county and state health departments or other similar body.
 - b. 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.
 - c. 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. Toilets shall not be permitted in any water reservoir area and shall not be permitted where they may pollute a water supply.

- (vi) **Drainage and Stormwater Management.**
 - a. **Drainage.** Operations shall comply with all applicable City drainage requirements and standards.
 - b. **Stormwater Management.** Any application for an Oil and Gas Permit shall include a description of the manner in which stormwater will be managed in accordance with City regulations. Operations, including the construction and use of access roads, well sites, pipelines and storage areas for equipment and materials, shall meet all stormwater management, erosion control and pollution prevention requirements of the Colorado Department of Public Health and Environment and the City.

(6) Nuisances.

- (a) **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 and 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.
- (b) **Noise Impacts.** Operations shall be conducted in such a manner that noise does not constitute a nuisance or hazard to public health, safety, welfare and 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.
 - (i) At a minimum, sound emission levels shall not exceed COGCC standards.
 - (ii) Operators may be required to provide for additional noise mitigation based on the following site specific characteristics:
 - a. Nature and proximity of adjacent development (design, location, use);

- b. Prevailing weather patterns, including wind directions;
 - c. Type and intensity of the noise emitted; and
 - d. Vegetative cover on or adjacent to the site or topography.
- (iii) Based on the foregoing, one or more of the following additional noise abatement measures may be required:
- a. Acoustically insulated housing or covers enclosing any motor or engine;
 - b. Screening of the Oil and Gas Well Site or specific noise-emitting equipment by a wall or landscaping;
 - c. Solid wall of acoustically insulating material surrounding all or part of the Operation;
 - d. A noise management plan specifying the hours of maximum noise and the type, frequency and level of noise emitted;
 - e. Use of electric-powered motors and pumping systems; and
 - f. Construction of buildings or other enclosures where Operations create noise and visual impacts that cannot otherwise be mitigated due to proximity, density or intensity of adjacent land use.

(7) Traffic.

- (a) Traffic Impact Study. The City may require applicants for an Oil and Gas Permit to include a traffic impact study, prepared by a vendor pre-approved by the City, which shall clearly identify and distinguish impacts to City roads and bridges related to Oil and Gas Facility construction, Operations and ongoing new traffic generation. Traffic impact studies shall be prepared in accordance with City standards and requirements or other guidelines as identified by the City Engineer. The study shall include a traffic mitigation plan addressing transportation impacts including, but not limited to, a plan for traffic control, the receipt of all necessary permits, ongoing roadway maintenance and improving or reconstructing City roads, including providing financial assurance.
 - (i) The Operator shall prepare a traffic control plan for each phase of Operations where City roads will be used for

transportation of materials in support of facility construction or Operations.

- (ii) In the event public road improvements are necessary to accommodate an Operation, and before work will be permitted within any City right-of-way, the Operator shall draft engineered drawings to be prepared by a Colorado licensed civil engineer, in conformance with City standards, for review and approval by the City. Financial assurances shall be required when any Operation requires the construction or reconstruction of public or private roads.

- (b) **Maintenance.** In the event Operations or other 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 such as graveling, shouldering, and/or paving as determined in the Traffic Impact Study.

- (c) **Oil and Gas Well Site Access.** Access to any property from a City street requires a City-issued access permit. Access 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 and design standards.

- (d) **Private Access Roads.** All private roads used to access or conduct Operations shall be graded for appropriate drainage and surfaced and maintained to provide adequate access for the Operator’s vehicles and emergency vehicles. The Operator shall comply with City standards regarding vehicle tracking and dust mitigation.

- (e) **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.

- (f) **Access Roads.**
 - (i) **Tank Battery Access Roads.** Access roads to tank batteries shall be, at a minimum, a graded gravel roadway at least twenty feet (20’) wide with a minimum unobstructed overhead clearance of thirteen feet six inches (13’ 6”) and a minimum thickness to be approved by the City Engineer.

 - (ii) **Wellhead Access Roads.** Access roads to wellheads shall be, at a minimum, a graded gravel roadway at least twenty

feet (20') wide with a minimum unobstructed overhead clearance of thirteen feet six inches (13' 6"), and a minimum thickness to be approved by the City Engineer.

- (iii) **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.
 - (iv) **Indemnification.** No public improvements, such as curbs, gutters, pavement or sewer lines, 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.
 - (g) **Haul Routes.** Operators shall only use roadways for haul routes that are identified on a City-approved traffic control plan.
 - (h) **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.
- (8) **Prohibition.** The following facilities are prohibited within the City:
- (a) Injection wells for disposal of oil and gas exploration and production wastes;
 - (b) Disposal pits;
 - (c) Commercial disposal facilities;
 - (d) Centralized Exploration and Production waste management facility;
 - (e) Subsurface disposal facility; and
 - (f) Temporary housing at an Oil and Gas Facility, including trailers used as temporary housing, recreational vehicles, etc.
- (9) **Abandonment and Plugging.**
- (a) The Operator shall comply with all COGCC rules in relation to abandonment and plugging.
 - (b) Operators of wells that are to be abandoned shall notify the applicable Fire District (the "Fire District") not less than two (2) hours prior to commencing plugging operations.

- (c) Operators shall notify the City if the flow and gathering lines have been or will be abandoned.
 - (d) Operators shall provide copies of all COGCC plugging and abandonment reports to the City at the same time such are filed with the COGCC.
 - (e) 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 issued by the City. The initial Oil and Gas Permit may allow any twinning, sidetracking, deepening, recompleting or reworking of an Oil and Gas Well and relocation of accessory equipment or gathering and transmission lines so long as all applicable City and State regulations are met.
- (10) **Fees.** This subsection shall apply in addition to any other applicable fees. All fees shall be paid prior to the commencement of Operations.
- (a) **Impact Fees.** The Operator shall pay a fee sufficient to pay for all impacts of the proposed Operations to improvements and property owned or operated by the City or used by the general public including, but not limited to: repair and maintenance of roads, bridges, and other transportation infrastructure; and improvements made or to be made by the City to accommodate the Operations and to protect public health, safety and welfare.
 - (b) Unless previously established by an adopted impact fee after completion of an impact fee study, the City shall establish a mechanism to assess payment of Impact Fees, within a reasonable time following receipt of an Oil and Gas Permit application.
 - (c) **Professional Fees and Costs.** The Operator shall pay the reasonable expenses paid or to be paid by the City for professional fees and costs incurred from third party consultants, independent experts or other consultants reasonably incurred to process and analyze Oil and Gas Permit applications, and including those incurred pursuant to section (3)(b). The Director may require the Operator to deposit funds with the City prior to the execution of such professional services and based on a reasonable estimate provided to the Director from the independent expert or consultant until a final cost is determined. Professional Fees shall be paid from the Operator's deposited funds. Operator's funds not expended but previously deposited shall be refunded to the Operator at the conclusion of the review.
- (11) **Financial Assurances.**

- (a) Insurance.
 - (i) Commercial General Liability Insurance. The Operator shall procure and maintain throughout the lifetime of the Operation a policy of comprehensive general liability insurance, or a self-insurance program approved by the Colorado Insurance Commission, insuring the Operator, and naming the City as an additional insured, against any liability for personal injury, bodily injury or death arising out of the Operations with coverage of at least one million dollars (\$1,000,000) per occurrence
 - (ii) Comprehensive Automobile Liability Insurance. The Operator shall procure and keep in force during throughout the lifetime of the Operation a policy of comprehensive automobile liability insurance insuring the Operator, and naming the City as an additional insured, against any liability for personal injury, bodily injury or death arising out of the use of motor vehicles and covering operations on or off the Site of all motor vehicles controlled by the Operator or its subcontractors that are used in connection with the Operations, whether the motor vehicles are owned, non-owned or hired, with a combined single limit of at least one million dollars (\$1,000,000).
 - (iii) Unless the Operator is self-insured, insurance required by this Section shall be with companies qualified to do business in the State of Colorado and may provide for deductible amounts as the Operator deems reasonable, but in no event greater than Ten Thousand dollars (\$10,000.00). The Operator is responsible for payment of any deductible. No such policies shall be subject to cancellation or reduction in coverage limits or other modification except after thirty (30) days prior written notice to the City. The Operator shall identify whether the type of coverage is “occurrence” or “claims made.” If the type of coverage is “claims made,” which at renewal the Operator changes to “occurrence,” the Operator shall carry a twelve (12) month tail. The Operator shall not do or permit to be done anything that shall invalidate the policies.
 - (iv) No “Pollution Exclusion.”
 - a. The insurance required by this Section shall cover any and all damages, claims or suits arising out of the actual, alleged or threatened discharge, dispersal, seepage, migration, release or escape of pollutants,

and shall not exclude from coverage any liability or expense arising out of or related to any form of pollution, whether intentional or otherwise.

- b. In the event the Operator is unable to procure a policy of comprehensive general liability insurance in compliance with the provisions of this subsection, the Operator shall secure and maintain either a rider or a separate policy insuring against liability for pollution related damages, claims or suits, as described in this subsection, with at least One Million dollars (\$1,000,000) each occurrence, subject to approval by the City, which approval shall not be unreasonably withheld.
- (v) Mutual Benefit. The insurance policies described in herein shall be for the mutual and joint benefit and protection of the Operator and the City. All insurance policies required herein shall provide that the City, although named as an additional insured, shall nevertheless be entitled to recovery under said policies for any loss occasioned to the City or its officers, employees or agents by reason of negligence of the Operator or its officers, employees, agents, subcontractors or business invitees. Such policies shall be written as primary policies not contributing to and not in excess of coverage the City may carry.
- (vi) Evidence of Coverage. Prior to issuance of an Oil and Gas Permit, the Operator shall furnish to the City certificates of insurance policies evidencing insurance coverage required herein. The Operator shall, upon request by the City and not less than thirty (30) days prior to the expiration of any such insurance coverage, provide the City with a certificate of insurance evidencing either new or continuing coverage in accordance with the requirements of this Section.
- (b) Performance Security. To ensure compliance with mitigation and other requirements set forth in this Section and specific conditions of approval for the Operations, the Operator may be required to provide reasonable performance security to the City through a minor improvement security agreement as outlined in this Code in an amount to be determined by the City and in a form acceptable to the City. Conditions of approval covered by this performance security shall consist of mitigation measures addressing specific impacts affecting the general public and any damage to public infrastructure

- (c) Cost Reimbursement Agreement. The Operator shall reimburse the City and/or the Fire District for any emergency response costs incurred by the City and/or the Fire District in connection with the Operations.
- (12) **Inspection by the City.**
- (a) Right to Enter. In addition to the rights identified in the City’s Municipal Code, the City shall have the authority to discontinue the application process, revoke approved permits or to obtain an order from a court of competent jurisdiction to obtain entry, in the event entry is denied.
 - (b) Operator Contact. The Operator shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed City inspection under this Section or in case of emergency. All Operations may be inspected by the City at any time to ensure compliance with the requirements of the Oil and Gas Permit, provided that at least one-hour prior notice is given to the contact person at the telephone number supplied by the Operator. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. By accepting an Oil and Gas Permit, the Operator grants consent to such inspections. The cost of any such inspection shall be borne by the Operator, provided such inspections and fees are not in conflict with COGCC inspections and rules. The City’s inspectors will be properly trained or certified to conduct inspections in a safe manner or be escorted by such a person.
- (13) **Variances and Minor Modifications.** No variances or minor modifications are permitted concerning Oil and Gas Permits. All requests for non-compliance shall be addressed via the processes identified by the Code.
- (14) **Enforcement and Penalties.**

- (a) Failure to Obtain Permits. Any Operator that fails to obtain an Oil and Gas Permit, or that fails to comply with requirements of this Section, the Oil and Gas Permit, or the 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.

- (b) Suspension of Oil and Gas Permit. In the event the City determines that the Operator has violated any term or condition of this Code, the Oil and Gas Permit or the 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. In such event, the Operator shall cease all Operations as soon as possible to do so in a safe manner upon written notification by the Director of the violation or identification of the material change(s). The City will not order cessation of any activities subject to the sole jurisdiction of the Colorado Oil & Gas Conservation Commission.

- (c) Revocation of Oil and Gas Permit. Following notice and hearing, the Planning Commission or City Council may revoke an Oil and Gas Permit if the Operator has violated any term or condition of this Code, the Oil and Gas Permit or the 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.
 - (i) Not less than thirty (30) days prior to the revocation hearing, the City shall provide written notice to the Operator identifying the violation and/or the material changes and the time and date of the hearing.

 - (ii) Public notice of the revocation hearings shall follow the standard notice procedures of the Planning Commission and City Council.

 - (iii) If, following the hearings, the Planning Commission or City Council determines by a preponderance of evidence that one or more violations exist, the City may:
 - a. Revoke the Oil and Gas Permit;

 - b. Suspend the Oil and Gas Permit pending correction of the violation(s) by a date certain; or

- c. Defer action on the Oil and Gas Permit pending correction of the violation(s) by a date certain.

- (d) **Assignment of Permits.** An Oil and Gas Permit may be assigned to another Operator only with the written consent of the City and upon a showing that the new Operator can and will comply with all requirements, terms and conditions of this Code, the Oil and Gas Permit and the Extraction Agreement and all applicable state, local and federal laws, rules and regulations. Such new Operator shall execute a written consent to assignment of the Extraction Agreement on a form approved by the City.

- (e) **Judicial Review.** Any action seeking judicial review of a final decision of the City shall be initiated in the District Court for Adams County, Colorado, pursuant to Rule 106 of the Colorado Rules of Civil Procedure.

- (f) **Governing Law and Venue, and Recovery of Costs.** This Code, the Oil and Gas Permit and the Extraction Agreement shall be governed by the laws of the State of Colorado. Venue for state court actions shall be in Adams County, Colorado, and for federal actions shall be in United States District Court for the District of Colorado, in Denver, Colorado. In the event the City brings any action against the Operator to enforce any provision of this Code, the Oil and Gas Permit or the Extraction Agreement and the City prevails in such action, the Operator shall pay all reasonable court costs and attorney fees incurred by the City.

- (15) **No Permit Approval Pending Enforcement Action.** No Oil and Gas Permit or application therefore shall be processed or approved on behalf of an Operator or property owner for a Site that is subject to an ongoing enforcement action.

- (16) **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 on City property. This section shall not operate to relieve any party from the obligation to obtain a Right-of-Way Permit.

Section amended by Ord. 1891, August 2012

Section 21-5266 amended by Ord. 2183, November 2018

Section 21-5268, entitled Telecommunications Facilities, repealed by Ord. 2068, January 2016.

Sec. 21-5270. Transportation Terminals and Truck Stops

- (1) 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, non-profit, 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.
- (2) 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 land development code shall be considered a legal conforming use only under the following provisions and exceptions:
- (a) Use of the property as a transportation terminal or truck stop was a use by right before the effective date of this code; and
 - (b) The property was in use as a transportation terminal or truck stop on the effective date of this code.
 - (c) 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.

Paragraph (1) amended by Ord. 1854, April 2011

Sec. 21-5271. Truck and/or Vehicle Repair

- (1) **General Standards:** All truck and/or vehicle repair uses shall comply with the following standards:
- (a) Street access shall conform to the requirements imposed by the engineering division; and
 - (b) 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.
- (2) **Equipment, Activity, and Materials.**
- (a) 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.

- (b) 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.
- (c) Inoperable Vehicles Prohibited. The storing or keeping of inoperable vehicles on the property is strictly prohibited
- (3) **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.
- (4) **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:
 - (a) 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;
 - (b) The car wash bay shall be limited in size to a single vehicle;
 - (c) The car wash bay shall be located outside of the 20-foot landscape buffer required by paragraph (3)(b) of this section;
 - (d) In addition to any other off-street parking requirements or vehicles stacking requirements, the car wash shall have its own stacking requirements, found in section 21-7236 (Stacking Requirements);
 - (e) Where the use abuts a residential zoning district, the hours of operation for the car wash shall be limited to between 7 a.m. and 9 p.m.

Section moved by Ord. 1854, April 2011
Paragraph (2)(c) added by Ord. 2020, February 2015

Sec. 21-5272. Vehicle Sales and Rentals

All sales and rentals related to motorized vehicles shall comply with the provisions of this section.

- (1) Display of vehicles shall be on hot-mix asphalt or concrete and shall not impact existing landscaped areas or encroach into required landscape buffers.
- (2) No merchandise shall be placed for sale or display within any public rights-of-way, or landscaped areas.

- (3) Outdoor displays that pose a safety hazard to the general public shall be prohibited.
- (4) Outdoor displays of merchandise shall be located in areas that are accessible to and safe for pedestrian access.
- (5) 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.
- (6) Outdoor speakers and sound amplification systems shall not be permitted.
- (7) There shall be no use of elevated platforms for the display of vehicles.

DIVISION 3. TEMPORARY USES AND STRUCTURES

A. GENERAL PROVISIONS

Sec. 21-5300. Temporary Uses and Structures Table

The Summary of Allowed Temporary Uses and Structures Table (table V-2 below) sets forth the temporary uses and structures allowed in the various zoning districts of the city, an indication of whether those uses and structures require a permit, and provides a reference to some of the regulations that apply.

Table V-2 - Summary of Allowed Temporary Uses and Structures

Temporary Use or Structure	Temporary Use Permit Required (See Section 21-3216)	Zoning District Allowed	Maximum Allowable Time Frame	Specific Regulations
Auctions	Yes	AG, I-1, I-2, I-3	7 days	
Batch plants	Yes	I-1, I-2, I-3, AG, Public	6 months	Sec. 21-5330
Car Wash (e.g., fundraiser)	Yes	All	3 days	
Charitable collection devices	Yes	C-2, C-3, I-1, I-2, I-3	60 days	Sec. 21-5335
Construction Trailer	Yes	All	Duration of Construction	
Farmers' Market	Yes	AG, C-2, C-3, I-1, I-2, I-3, Public	Per Section 21-5340	Sec. 21-5340
Food vendor carts	No	Municipal Code	Municipal Code	Municipal Code
Mobile office structures	Yes	All	6 months	Sec. 21-5345
Mobile	Yes	C-1, C-2, C-3, I-1, I-	30 days	Sec. 21-5350

**Article V – Uses and Accessory Structures
Sec. 21-5300. Temporary Uses and Structures Table**

Temporary Use or Structure	Temporary Use Permit Required (See Section 21-3216)	Zoning District Allowed	Maximum Allowable Time Frame	Specific Regulations
storage/containers		2, I-3, AG, R-1, R-2, R-3, Public		
Natural disaster and emergency recovery/clean-up	No	All	Duration of recovery/clean-up	Sec. 21-5355
Outdoor short-term sales (e.g., tent or parking lot sales, sidewalk sales, hail/windshield repair, or similar uses)	Yes	C-1, C-2, C-3, I-1, I-2, I-3, MU-1, PUD	14 days	Sec. 21-5365
Outdoor seasonal holiday sales	Yes	All	Per Section 21-5370	Sec. 21-5370
Outdoor seasonal sales	Yes	C-1, C-2, C-3, I-1, I-2, I-3, MU-1	6 months	Sec. 21-5375
Outdoor vending machines, newspaper racks, and other machines	No	All	N/A	
Real estate sales or leasing office	Yes	All	1 year	Sec. 21-5380
Roadside Produce Stand	Yes	C-2, C-3, AG	3 months	Sec. 21-5385
Organized event (e.g., carnival/circus, fair, car show/sale, bazaar/flea market or similar events)	Yes	All	14 days	Sec. 21-5360
Temporary use not falling into above categories and occurring wholly within an enclosed building	Yes	All	Based on City review	Based on City review. See Section 21-3216 for procedures

Sec. 21-5305. Unlisted Uses and Structures

Uses or structures not listed in table V-2 are prohibited.

Sec. 21-5310. Permit Requirements

No permit for a temporary use or structure shall be issued unless the applicant demonstrates:

- (1) The use will 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 article VIII for parking requirements; and
- (2) All required fire lanes have been approved by the applicable fire district.

Sec. 21-5315. Deposit

A deposit in the form of a cashier's check may be required by the city to offset any costs incurred by the city in conjunction with a temporary use or temporary structure including, without limitation, sign removal, code enforcement, and clean-up. If required, the deposit, which may not exceed \$2,000, shall be paid prior to any permit being issued. The city shall return any unused portion.

Sec. 21-5320. Requirements for Initiating Use

No temporary use shall be conducted or temporary structure erected and/or used except after:

- (1) A site plan containing sufficient information to show compliance with standards and requirements of this land development code is submitted to and approved by the city;
- (2) All permits required by applicable building, electrical, fire, plumbing, and mechanical codes are obtained; and
- (3) All licenses required for the operation of the temporary use are obtained.

Sec. 21-5325. Standards

- (1) No temporary use shall violate any applicable conditions of approval that apply to the principal use and zoning for the site.
- (2) A temporary use shall comply with all other standards and requirements of the zone 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) 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) 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, non-rusted 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) 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.
 - (6) Only temporary signs erected in accordance with article VIII shall be permitted and such signs shall be removed at the conclusion of the use.
 - (7) 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.
 - (8) 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.
 - (9) Except for temporary structures removed in compliance with paragraph 8 of this section, all set-up, clean-up, dismantling, and removal of the temporary use must be conducted during the permit period.

B. SUPPLEMENTARY PROVISIONS

Sec. 21-5330. Batch Plants

- (1) **Definition.** The term batch plant refers to cement, concrete, and asphalt mixing areas conducted at construction sites.
- (2) **Standards.** In addition to the standards contained in section 21-5325, the following special provisions apply to all batch plants:

- (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.
- (3) **Permit Period.** A temporary use permit for a batch plant shall be valid for six months. This period may be extended for one additional six-month period, for good cause shown, upon approval of a written request, submitted to the director 30 days prior to the expiration of the permit.

Sec. 21-5335. Charitable Collection Devices

- (1) **Definition.** The term “charitable collection device” means roll-off containers, semi-trailers, non-permanent drop-off containers, or similar devices used for the collection of donated items.
- (2) **Permit Period.** A temporary use permit for charitable collection devices shall be valid for 60 days. This period may be extended for one additional 30-day period upon approval of a written request submitted to the director 7 days prior to the expiration of the permit. In no event, however, shall an extension be granted which would allow the temporary structure to remain on the site for more than 90 days.

Paragraph (1) amended by Ord. 1887, July 2012

Sec. 21-5340. Farmers’ Markets

- (1) **Definition.** The term “farmers’ market” means the seasonal offering for sale of fresh agricultural products directly to the consumer in an open-air market.
- (2) **Standards.** In addition to the standards contained in section 21-5325 above, the following special provisions apply to all farmers’ markets:
 - (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) **Permit Period.** A temporary use permit for a farmers' market shall be valid from May 15 to October 31 (the summer season) and shall entitle the permit holder to conduct the market in either of the following manners, as specified in the permit:
 - (a) Weekly. The market may be conducted not more than one day per week per permitted site; or
 - (b) Monthly. The market may be held for 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.
 - (c) The director may extend the summer season based on seasonal conditions.

Sec. 21-5345. Mobile Office Structures

- (1) **Defined.** The term “mobile office structure” means 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.
- (2) **Restricted Use.** A mobile office structure may be placed on property for the following limited purposes:
 - (a) Expansion space for an existing permitted principal use;
 - (b) Temporary offices for construction and security personnel during the construction of a development;
 - (c) 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 director may approve a written request for an extension of an additional 90 days for good cause shown.
 - (d) Temporary quarters for general office uses including, but not limited to, hiring and membership solicitation.
- (3) **Standards.** In addition to the standards listed in section 21-5325 the following special provisions apply to all temporary mobile structures:

- (a) Parking spaces shall be provided on the lot in a number sufficient to meet the requirements set forth for the use in article VII (Parking).
 - (b) A mobile office structure shall not be used as any type of dwelling.
 - (c) All mobile office structures shall have at least ten feet on all sides for clearance.
 - (d) Temporary chain-link fencing up to six-feet high may be approved for a period of time not to exceed six months.
 - (e) The number of temporary buildings shall be limited to one per application, in addition to those already allowed by this section.
 - (f) Except as permitted in paragraph 2(c) of this section, no mobile office structure shall be placed on any property prior to the issuance of a building permit for a permanent facility.
 - (g) If more than three mobile office structures are required, the applicant may request the board of adjustment to issue a use-by-permit to allow for additional temporary offices.
- (4) **Permit Period.** A temporary use permit for a mobile office structure shall be valid for six months or until a certificate of occupancy is issued, whichever occurs first. The 6-month period may be extended for one additional 6-month period, for good cause shown, upon approval of a written request, submitted to the director 30 days prior to the expiration of the permit.

Paragraph (2)(a),(b),(c),(d); and paragraph (3)(f) amended by Ord. 2020, February 2015

Sec. 21-5350. Mobile Storage Containers

- (1) **Definition.** The term “temporary mobile storage container” means a sealed, contained mini-mobile storage used for the purpose of temporary storage of goods and materials, excluding roll-off trash collection containers.
- (2) **Standards.** In addition to the standards contained in section 21-5325, storage containers shall generally be located in on-site parking areas or spaces.
- (3) **Permit Period.**
 - (a) **Non-Residential Properties.** A temporary use permit for a mobile storage container issued in conjunction with an approved building permit for a permanent structure (e.g., remodel of structure requires temporary storage of contents) shall be valid for 30 days. This period may be extended for 1 additional 30-day period, upon

approval of a written request, submitted to the director 15 days prior to the expiration of the permit. The permit may be extended only upon a finding that there will be no substantial adverse impact on surrounding property, public facilities and services, or the community at-large. Mobile storage containers sited beyond this time frame shall be classified as outdoor storage.

- (b) **Residential Properties.** A temporary use permit for a mobile storage container issued in conjunction with an approved building permit for a permanent structure (e.g., remodel of structure requires temporary storage of contents) or for estate settlement shall be valid for 30 days. No renewals will be allowed.

Sec. 21-5355. Natural Disaster and Emergency Recovery/Clean-Up

Occasionally, local, state, and federal emergencies require the implementation of temporary uses and structures. When determined by the government, temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the recovery/clean-up effort. No temporary use permit or other review shall be required.

Sec. 21-5360. Organized Events

- (1) **Definition.** The term “organized event” means 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:
 - (a) Damage to public or private property, beyond normal wear and tear;
 - (b) Injury to persons;
 - (c) Public or private disturbances or nuisances;
 - (d) Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 - (e) Significant additional police, fire, trash removal, maintenance, or other public services demands; or
 - (f) Other significant adverse effects upon the public health, safety, or welfare.
- (2) **Exclusions.** 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-family residential development.

- (3) **Standards.** Given the variety of circumstances which fall into this permit category, the 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.
- (4) **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.
- (5) **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 p.m.
- (6) **Permit Period.** A temporary use permit for an event may be approved for a period of up to 14 days at the discretion of the director. This period may be extended for 1 additional 14-day period for good cause shown, upon approval of a written request submitted to the director 7 days prior to the expiration of the permit. The permit may be extended only upon a finding that there will be no substantial adverse impacts on surrounding property, public facilities and services, or the community at-large.
- (7) **Notification to Nearby Property Owners.** Any person who intends to hold an event that meets three or more of the criteria listed in this paragraph shall make a reasonable attempt to notify every person who owns property within 660 feet of the proposed event. Notification shall be provided in a manner that is satisfactory to the city.
 - (a) The event will occur on more than one calendar day;
 - (b) Any part of the event will occur after 8 p.m. or before 8 a.m.;
 - (c) Attendance at the event is reasonably anticipated to exceed 200 people;

- (d) Alcoholic beverages will be served during the event;
- (e) Live or amplified sound will occur during the event.

Paragraph (7) added by Ord. 1854, April 2011

Sec. 21-5365. Outdoor Sales Event

- (1) **Definition.** The term outdoor sales event means 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.
- (2) **Standards.** In addition to the standards contained in section 21-5325, the following special provisions shall apply to all outdoor sales events:
 - (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 article VII (Parking).
 - (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, art work/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 issued to the same applicant for the same property in any calendar year.
- (3) **Permit Period.**

A temporary use permit for an outdoor sales event shall be valid for the period of time determined by the director. In no event, however, shall the permit period exceed 14 days.

Sec. 21-5370. Outdoor Seasonal Sales

- (1) **Definition.** The term “outdoor seasonal sales” refers to 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.
- (2) **Permit Period.**
 - (a) Plant and garden centers. A temporary use permit for a plant and garden center shall be valid for a period of six months. No extensions shall be permitted.
 - (b) Other outdoor seasonal sales. The permit period for all other outdoor seasonal sales shall be determined by the director based on community need. In no event however, shall such uses be permitted for more than six months and no extensions shall be permitted.

Sec. 21-5375. Outdoor Seasonal Holiday Sales

- (1) **Definition.** The term “outdoor holiday seasonal sale” means the use of a site for Christmas tree lots, pumpkin patches, and other similar holiday uses.
- (2) **Standards.** In addition to the standards contained in section 21-5325, the following special provisions shall apply to all outdoor holiday season sales:
 - (a) 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.
 - (b) The display or sale of goods, products, or services shall not occur within 100 feet of a residential lot.
 - (c) Off-street parking shall be adequate to accommodate the proposed sale of goods in conformance with article VII (Parking).
 - (d) The hours of operation of the outdoor holiday seasonal sales shall be between 7:30 a.m. and 10 p.m., or the same as the hours of operation of the principal use, whichever is more restrictive.
 - (e) The parking of trailers for office or watchman purposes must be approved in writing by the Tri-County Health Department.

(3) **Permit Period.**

- (a) Christmas tree lots. A temporary use permit for a Christmas tree lot shall be valid for the period from November 15 to January 4, including set-up and tear-down. No extensions shall be permitted.
- (b) Pumpkin sales. A temporary use permit for pumpkin sales shall be valid for the period from September 15 to November 5, including set-up and tear-down. No extensions shall be permitted.
- (c) Other outdoor holiday seasonal sales. The permit period for all other outdoor holiday seasonal sales shall be determined by the director based on community need. In no event, however, shall such uses be permitted for more than 60 days, and no extensions shall be permitted.

Sec. 21-5380. Real Estate Sales Offices

- (1) **Definition.** The term “temporary real estate sales office” means the use of an office or model home for the purpose of selling or leasing new homes incidental to a new development.
- (2) **Standards.** In addition to the standards contained in section 21-5325, the following special provisions shall apply to all temporary real estate sales offices:
 - (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 article VII. An accessible paved parking area for visitors shall be provided if the 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) 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.
- (3) **Permit Period.** A temporary use permit for a temporary real estate sales office shall be valid for a period of up to 12 months. This period may be extended for additional 12-month periods, for good cause shown, upon approval of a written request, submitted to the director 30 days prior to the expiration of the permit.

Sec. 21-5385. Roadside Produce Stands

- (1) **Definition.** The term “roadside produce stand” means the use of property for the purpose of selling seasonal goods which were raised upon the premises.
- (2) **Standards.** In addition to the standards contained in section 21-5325, the following special provisions apply to all roadside produce stands:
 - (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 a.m. and 7 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.
- (3) **Permit Period.** A temporary use permit for a roadside produce stand shall be valid for a period of three months. This period may be extended for one additional 3-month period, for good cause shown, upon approval of a written request, submitted to the director 30 days prior to the expiration of the permit. In no event however, shall the temporary continue on the site for more than six months.

DIVISION 4: ACCESSORY USES AND ACCESSORY STRUCTURES

Sec. 21-5400. Accessory Uses and Accessory Structures Table

The Accessory Uses and Accessory Structures Table (table V-3 below) establishes the districts in which a particular use or structure may be allowed as accessory to the principal use or structure. An “R” indicates the accessory use or structure is allowed in the district as a use-by-right. A “P” means the accessory use or structure is allowed as a use-by-permit. Finally, a blank cell means that the accessory use or structure is prohibited in that district.

Table V-3 - Accessory Uses and Accessory Structures Table

	Use/Structure:	R-1	R-2	R-3	R-4	MHP	MU-1	C-1	C-2	C-3	I-1	I-2	I-3	AG	PUBLIC
Car Storage	Detached Garage	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Attached Garage	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Attached Carport	R	R	R		R		R	R	R	R	R	R	R	R
	Accessory Parking Structures			R	R	R	R	R	R	R	R	R	R	R	R
Sheds	Storage Sheds	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Playhouses, Pethouses, Etc.	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Landscape Enhancements	Uncovered: Porches, Decks, Flatwork, Patios, Etc., Less Than 30 Inches Above-Grade	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Covered: Porches, Decks, Gazebos, Shade Structure, Patios, or Uncovered if 30 Inches or More Above-Grade	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Decorative Windmills, Arbors, and Other Unenclosed Decorative Accessory Structures	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Flagpoles	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Recreational	Swimming Pools (Above and Below Ground), Pool Houses, Pool Equipment Rooms, Hot Tubs, and Hot Tub Houses	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Hard Surfaced Outdoor Recreation Courts	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Picnic Shelters	R	R	R	R	R	R	R	R	R	R	R	R	R	R
	Public or Private Recreation Structures, Including Restrooms, Picnic Shelters, Band Shells, Amphitheatres, Etc.			R	R		R	P	P	P	P				R
AG & Animal	Greenhouses	R	R	P	P	P	P	R	R	R	R	R	R	R	R
	Barns and Corrals													R	P
	Horses and Livestock													R	P
	Dog Run	R	R	R	R	R	R	R	R	R	R	R	R	R	R
Living Quarters	Night Watchman's Quarters									P	P	P	P	P	P
	Night Watchman's Quarters, Religious Institutions	R	R	R	R	R	R	R	R	R	R				

	Use/Structure:	R-1	R-2	R-3	R-4	MHP	MU-1	C-1	C-2	C-3	I-1	I-2	I-3	AG	PUBLIC
Miscellaneous	Guard House										R	R	R		R
	Single-Bay Car Wash Accessory to a Primary Use								R	R	R	R	R		R
	Satellite Dishes	R	R	R	R	R	R	R	R	R	R	R	R	R	R

Table V-3 amended by Ord. 1854, April 2011

Table V-3 amended by Ord. 1887, July 2012

Sec. 21-5410. Unlisted Uses and Structures

In the event that a proposed use or structure is not specifically listed in table V-3, the director may determine that such use or structure is allowable and may impose any restriction deemed reasonably necessary to ensure that the intent and purpose of this land development code are not negatively impacted.

Sec. 21-5420. Standards

- (1) **Incidental to Principal Use.** The accessory use or structure shall be clearly incidental and customarily found in connection with the principal use. No accessory use or structure is permitted on a lot or parcel without a principal use or structure.
- (2) **Commercial Use Restricted.** No accessory structure on a residentially zoned property shall be used for any commercial purpose.
- (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 principal use.
- (4) **Unity of Ownership.** There shall be unity of ownership and unity of user between the principal use and accessory use.
- (5) **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 principal use or activity has been obtained.
- (6) **Nonconforming Use.** No new accessory structures shall be permitted on a lot with a legal non-conforming use.
- (7) **Accessory Living Space Restricted.** Except as expressly allowed, no accessory structure shall be used to provide any type of living area normally associated with a dwelling unit, including without limitation, spaces devoted to sleeping, permanent dining or cooking areas, and greater than a half bathroom.

- (8) **Motor Vehicles and Trailers.** 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) The sale of goods or merchandise at a city-approved or sponsored event;
 - (b) The use of a motor vehicle, trailer, or shipping or storage container in connection with an approved recycling operation;
 - (c) The use of a trailer or shipping or storage container in conjunction with construction authorized by a valid building, grading, or construction permit; or
 - (d) 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.
- (9) **Mobile Homes and Recreational Vehicles.** No mobile home or recreational vehicle (RV) shall be used for accessory uses.
- (10) **Sight Distance.** No accessory structure or use shall be located within a sight-distance triangle.

Paragraph (7) amended by Ord. 1854, April 2011

Paragraph (7) amended by Ord. 1887, July 2012

Sec. 21-5430. Location of Accessory Structures

- (1) **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.
- (2) **Easements Not Belonging to the City.** The applicant and property owner shall be responsible for any accessory structures placed within an easement.

Section amended by Ord. 1887, July 2012

Sec. 21-5440. Number of Accessory Structures

Except when 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 granted by the board of adjustment. Trash enclosures, flagpoles, satellite dishes, clotheslines, and driveways shall not count toward the maximum number of accessory structures permitted by this section. Except as specifically provided otherwise below, all other detached accessory structures listed in table V-6 shall count towards the maximum number of accessory structures permitted by this section.

- (1) **Principal Single-Family Detached or Single-Family Attached (Duplex) Use.** No more than three accessory structures shall be permitted on a single lot.
- (2) **Principal Multi-Family Use.** For multi-family residential housing other than townhouses, no more than three accessory structures shall be permitted on a single lot. For townhouse developments where outdoor space for each unit has been legally subdivided, no more than two accessory structures shall be permitted on a single lot. For townhouse developments where outdoor space for each unit has not been subdivided into separate legal lots, each unit shall be permitted to place one shed on its individual outdoor space. Attached and detached garages and attached carports shall not count towards this maximum.
- (3) **Principal Commercial Use.** No more than two accessory structures shall be permitted on a single lot. Within that limitation, not more than one shed and/or one detached garage shall be placed on a single lot.
- (4) **Principal Industrial Use.** No more than three accessory structures shall be permitted on a single lot.
- (5) **Principal Agricultural Use.** No more than five accessory structures shall be permitted on a single lot.
- (6) **Public Zone District.** There is no maximum number of accessory structures allowed in any lot zoned Public.
- (7) **All Other Principal Uses.** No more than one accessory structure shall be permitted on a single lot.

Introductory paragraph and paragraphs (1), (2) and (3) amended by Ord. 2020, February 2015

Sec. 21-5450. Bulk Standards for Accessory Structures and Uses Table

All accessory structures and uses shall be subject to the specific regulations set forth in the Bulk Standards for Accessory Structures and Uses table (table V-4).

Such specific regulations shall be in addition to the regulations that apply to principal uses and structures in each district. In cases of any conflict between the standards of table V-4 and other requirements of this land development code, the standards contained in table V-4 shall control.

Table V-4. Summary Table of Bulk Standards and Additional Regulations for Accessory Structures

STRUCTURE	LOCATIONAL REGULATIONS	SIZE, HEIGHT RESTRICTIONS	ADDITIONAL REGULATIONS
<p>DETACHED GARAGES</p>	<p>Residential Districts:</p> <ul style="list-style-type: none"> • Front and side on street setback – can be no farther forward than the front facade (or side facade if side on street), but in no case closer than 20 feet from the right-of-way. • 5-foot side setback • 5-foot rear setback <p>All Other Zone Districts: Required principal structure setbacks shall apply.</p>	<p>Residential Districts</p> <ul style="list-style-type: none"> • If the first floor area of the home is less than 864-sq.ft., then in no case can the garage exceed 864-sq.ft. 	<p>Allowed only for storage of vehicles used in conjunction with the principal use.</p> <p>Any garage serviced by a right-of-way shall be provided access by a driveway consisting of concrete, asphalt, or similar hard-surface material; or other materials approved by the city engineer.</p> <p>The color, style and type of materials used in the construction of the exterior portion of the garage must match those of the principal structure. The use of prefabricated metal structures or pole barns, or the use of corrugated metal, fiberglass, or similar panels is not allowed. For a garage to match the principal structure, the following criteria shall apply:</p>
<p>ATTACHED GARAGES</p>	<p>Residential Districts:</p> <ul style="list-style-type: none"> • Front and side on street setback – can be no farther forward than the front facade (or side facade if side on street), but in no case closer than 20 feet from the right-of-way. • 5-foot side setback • 5-foot rear setback <p>All Other Zone Districts: Required principal structure setbacks shall apply.</p>	<ul style="list-style-type: none"> • If the first floor area of the home is greater than 864-sq.ft., the maximum garage size may exceed 864-sq.ft., up to 15% of the lot area, but in no case can the garage square footage exceed the first floor area of the home. • 15-foot maximum height <p>All Other Zone Districts: No size limitation.</p>	<ul style="list-style-type: none"> • 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 garage may be allowed to have a pitched roof if city staff determines that it is aesthetically harmonious with the principal structure. • <u>Attached Garage:</u> All sides shall be a color and material that is the same or similar to the principal structure. Where the principal structure is all or partially of brick, stone, or stucco those exterior portions of the attached garage facing a public right-of-way shall be covered with brick, stone, or stucco in no less than the same proportion as the principal structure and shall wrap the brick, stone, or stucco a minimum of 3 feet on side elevations. • <u>Detached Garage:</u> All sides shall be a color and material that is the same or similar to the principal structure. Where the principal structure is all or partially of brick, stone, or stucco those exterior portions of the detached garage (regardless of

STRUCTURE	LOCATIONAL REGULATIONS	SIZE, HEIGHT RESTRICTIONS	ADDITIONAL REGULATIONS
ATTACHED GARAGES			<p>front, side, or rear) that face a public right-of-way and are not obstructed from view by items such as the primary structure, accessory structures, or fencing shall be covered with a base that is a minimum of 3 feet of brick, stone, or stucco that is the same or similar to the principal structure and shall provide a masonry wrap.</p> <ul style="list-style-type: none"> Any proposed trim style and color shall be the same or similar to the trim on the principal structures.
ATTACHED CARPORTS	<p>Front: Can be no farther forward than the front façade, but in no case closer than 20 feet from the right-of-way.</p> <p>Side on Street: If side loaded, can be no closer to the street than the side façade, but in no case closer than 20 feet from the right-of-way. If front loaded, principal structure setbacks for side on street shall apply.</p> <p>5-foot side setback.</p> <p>5-foot rear setback.</p>	<p>Single-Family Detached & Attached Residential:</p> <ul style="list-style-type: none"> 400-sq.ft. maximum size. 15-foot maximum height. <p>All other Land Uses: Carports are not allowed.</p>	<p>Detached carports are prohibited.</p> <p>Allowed only for storage of vehicles used in conjunction with the principal use.</p> <p>Any carport serviced by a right-of-way shall be provided access by a driveway consisting of concrete, asphalt, or similar hard-surface material.</p> <p>The color, style and type of materials used in the construction of the exterior portion of the carport must match those of the principal structure. The use of prefabricated metal structures or pole barns, or the use of corrugated metal, fiberglass, or similar panels is not allowed. For a carport to match the principal structure, the following criteria shall apply:</p> <ul style="list-style-type: none"> 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 carport may be allowed to have a pitched roof if approved by the director. Any painted surface shall be the same color as the principal structure or trim. The supports are not required to match the principal structure. If the carport has a solid side, garage architectural requirements shall apply.

STRUCTURE	LOCATIONAL REGULATIONS	SIZE, HEIGHT RESTRICTIONS	ADDITIONAL REGULATIONS
<p>ACCESSORY PARKING STRUCTURE</p>	<p>Front: Prohibited.</p> <p>Side on Street: May be located no closer to the street than the front façade of the nearest primary structure, but in no case closer than 20 feet from the right of way.</p> <p>5-foot side setback.</p> <p>5-foot rear setback.</p>	<p>Residential Areas: 15-foot maximum height.</p> <p>Non-residential Areas: 25-foot maximum height</p>	<p>Allowed only for the storage of operable vehicles used in conjunction with the principal use.</p> <p>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.</p> <p>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. The use of prefabricated metal structures, corrugated metal, fiberglass, or similar panels is not allowed. For an accessory parking structure to match the principal structure, the follow criteria shall apply:</p> <ul style="list-style-type: none"> • 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 Director. • Any painted surface shall be the same, similar, or complementary color as the principal structure. • Any enclosed sides of the accessory parking structure shall meet the architectural requirements for a garage. <p>Nothing in this section shall supersede any garage requirements for any underlying zone district.</p> <p>Accessory parking structures may be used in addition to and not in place of any garage requirement.</p> <p>Accessory parking structures shall only be used to cover permanent and approved parking spaces.</p> <p>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.</p>
<p>STORAGE SHEDS</p>	<p>5-foot side setback.</p> <p>5-foot rear setback.</p>	<p>200-sq.ft., total of all storage, in residential districts (except townhouses).</p>	<p>All sheds shall be constructed of finished materials suitable for exterior use.</p>

STRUCTURE	LOCATIONAL REGULATIONS	SIZE, HEIGHT RESTRICTIONS	ADDITIONAL REGULATIONS
	<p>Prohibited in a front yard and side on street yard.</p> <p>Townhouses without legally subdivided outdoor space must meet the above requirements and also be set back at least 2 feet from the side and rear boundaries of their allocated outdoor space.</p>	<p>Townhouses: maximum shed size shall be 120 sq. ft.</p> <p>200-sq.ft., total of all storage, in commercial districts.</p> <p>15-foot maximum height, except in an industrial district where height cannot exceed that of the existing principal structure.</p>	<p>Metal containers and portable-on-demand storage containers are prohibited on property zoned or used for residential or commercial purposes.</p> <p>Storage sheds in commercial districts must incorporate the enclosed trash dumpster area as part of the shed. The color, style, and materials must match the principal commercial structure.</p>
<p>UNCOVERED: DECKS, FLATWORK, PATIOS</p>	<p>Two-foot setback on side or rear property line.</p> <p>A 0-foot setback on side and rear property lines may be approved if a proper drainage mitigation plan has been approved by the city engineer</p>	<p>Less than 30 inches above grade.</p>	<p>Decks, poured concrete, and asphalt require a building permit. If required by ADA, the structure may encroach into the setback.</p> <p>Ramps, steps, and landings (not to exceed 4 feet x 4 feet) that provide access from the sidewalk to the first floor building entries shall be excluded from these setback requirements.</p>
<p>COVERED: PORCHES, DECKS, TERRACES, AND PATIOS ATTACHED TO PRINCIPAL STRUCTURE, OR UNCOVERED IF IT IS EQUAL TO OR GREATER THAN 30 INCHES IN HEIGHT ABOVE GRADE</p>	<p>For front setback, see individual zone district regulations. If not specified, then front setback shall be the same as the principal structure.</p> <p>5-foot side setback.</p> <p>10-foot rear setback.</p>	<p>Height of covering cannot exceed roofline of a single-story home. 15-foot maximum height for homes greater than single-story.</p> <p>Decks with structural support from the ground may not exceed the height of the second story floor plate. (Garden level is not counted as first floor.)</p>	<p>Ramps, steps, and landings (not to exceed 4 feet x 4 feet) that provide access from the sidewalk to the first floor building entries shall be excluded from these setback requirements.</p> <p>The color, style and type of materials used in the construction of the exterior portion of the covered porch or patio shall be similar or complimentary to those of the principal structure. The use of prefabricated metal structures or pole barns, fiberglass, or similar panels is not allowed.</p> <p>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 covered porch may be allowed to have a pitched roof if city staff determines that it is aesthetically harmonious with the principal structure.</p>
<p>FLAGPOLES</p>	<p>Poles attached to residential structures are exempt from these regulations.</p> <p>Residential Districts: Pole must be setback from all property lines equal to height of the pole.</p>	<p>Pole Height: Refer to 21-8205</p>	<p>Flag Size: Refer to 21-8205</p>

STRUCTURE	LOCATIONAL REGULATIONS	SIZE, HEIGHT RESTRICTIONS	ADDITIONAL REGULATIONS
	Commercial and Industrial: <ul style="list-style-type: none"> • 0-foot front setback • Setback from all other property lines equal to height of pole 		
SWIMMING POOLS (ABOVE AND BELOW GROUND), POOL HOUSES, POOL EQUIPMENT ROOMS, HOT TUBS AND HOT TUB HOUSES	Not permitted in a front yard.		Fencing around structure may be required. Consult building code for specific details.
OUTDOOR RECREATIONAL COURTS (BASKETBALL, TENNIS)	3 feet from all property lines.	Fencing immediately around a court may not exceed 12 feet in height.	See lighting regulations for additional regulations. Court area must be paved.
GREENHOUSES	5-foot side setback. 5-foot rear setback. Not permitted in a front yard.	Cannot exceed 200-sq.ft. for residential. No maximum for non-residential. Cannot exceed 15 feet in height.	
BARNS AND STABLES	60-foot front setback. 25-foot side setback. 25-foot rear setback		Materials must be of a commercial quality. Fiberglass and plywood are prohibited.
HORSE AND LIVESTOCK PENS	60-foot front setback. 25-foot side setback. 25-foot rear setback. 50 feet from any existing residentially used structure on adjacent property.		Fencing regulations for underlying zone district shall apply.

STRUCTURE	LOCATIONAL REGULATIONS	SIZE, HEIGHT RESTRICTIONS	ADDITIONAL REGULATIONS
NIGHT WATCHMAN'S QUARTERS - ALL	Must comply with R-1 standards for setbacks.	Must comply with R-1 standards for setbacks.	<p>Only one residential caretaker unit shall be permitted per property.</p> <p>Shall be used only to house the caretaker of the principal use, plus immediate family.</p> <p>Mobile homes, RVs, and buses shall not be used as living quarters.</p>
SHADE STRUCTURES	<p>For front setback, see individual zone district regulations. If not specified, then front setback shall be the same as the principal structure.</p> <p>5-foot side setback.</p> <p>10-foot rear setback.</p>	<p>15-foot maximum height</p> <p>Detached Shade Structures:</p> <ul style="list-style-type: none"> • 200-sq. ft. maximum in residential zone districts. • 500-sq. ft. maximum in commercial and industrial zone districts. <p><i>Shade structures attached to other accessory structures:</i> If a shade structure is attached to another accessory structure (shed, garage, etc.), the total square footage of the shade structure shall not exceed 200-square feet.</p>	<p>Same as garages. Shade structures shall be similar in color, style, and material as accessory structure to which it is attached. Fabric shade material shall be prohibited for a permanent structure.</p> <p>No parking is allowed under a detached shade structure or a shade structure attached to an accessory structure.</p>
GUESTHOUSE/CARRIAGE HOUSE	See zone district or PUD Zone Document where allowed.		
SATELLITE DISHES	Must be in rear yard and screened if over one meter (39 inches) in diameter and visible from any right-of-way or park, trail, or open space.		
CLOTHESLINES AND CLOTHESLINE POLES	Allowed in side and rear yard only.		
DRIVEWAYS	Two feet from side property line, unless shared driveway condition exists.		
DUMPSTERS, TRASH CONTAINERS	Permitted in side and rear yards only.		

Table amended by Ord. 1887, July 2012
Table amended by Ord. 2020, February 2015
Table amended by Ord. 2158, December 2018

DIVISION 5: NON-CONFORMING USES AND STRUCTURES

Sec. 21-5500. General Provisions

- (1) A nonconformity existing at the time of the adoption of this land development code, or created by the adoption of this land development code, may continue in the same manner as it existed on the effective date of this land development code, except as otherwise provided herein.
- (2) The owner of property shall bear the burden of establishing the existence of any claimed legal nonconformity.
- (3) 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 land development code.
- (4) Repairs and normal maintenance required to keep any nonconformity in a safe condition shall be permitted.
- (5) No use that is accessory to a principal nonconforming use shall continue after the principal nonconforming use ceases to exist.
- (6) No existing use or structure shall be deemed nonconforming solely because of the lack of off-street parking required by this land development code.

Sec. 21-5510. Nonconforming Structures

- (1) **Alterations and Expansions.** Except as noted below, a nonconforming structure shall not be altered or expanded unless such alteration or expansion complies with the provisions of this land development code. Expansions of the structure that comply with the applicable dimensional standards shall be permitted and shall not require a variance.

This prohibition shall not apply to any lot zoned R-3 as of January 1, 2015 that contains a maximum of one single-family detached dwelling provided that no other nonconformity exists on the property.

- (a) **General Standards.** A nonconforming structure shall not be altered or expanded unless such alteration or expansion complies with the provisions of this land development code. Expansions of the structure that comply with the applicable dimensional standards shall be permitted and shall not require a variance.

- (b) Structures Located in the Floodplain. In addition to the general standards, if a nonconforming structure located within the floodplain undergoes any alteration, expansion, or addition the value of which equals or exceeds 50 percent of the structure's replacement value, the entire structure must be brought into compliance with the requirements of this land development code.
- (2) **Restoration.**
- (a) Structures Located Outside the Floodplain. A nonconforming structure that is destroyed or damaged to the extent of more than 60 percent of its replacement value shall not be restored except in compliance with the requirements of this land development code. All such restoration work shall be commenced within 180 days, in accordance with the building permit issued by the city and all applicable city codes.
 - (b) Structures Located in 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 land development code. All such restoration work shall be commenced within 180 days, in accordance with the building permit issued by the city and all applicable city codes.
- (3) **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.
- (4) **Reversion Prohibited.** If a nonconforming structure becomes conforming, it shall not be changed back to a nonconforming structure.

*Paragraphs (1) and (2) amended by Ord. 1992, March 2014
Paragraph (1) amended by Ord. 2020, February 2015*

Sec. 21-5520. Nonconforming Use of Land

- (1) **Expansion.** A nonconforming use of land shall not be enlarged, expanded, extended, increased nor moved to occupy an area of land which was not occupied before the adoption of this land development code.
- (2) **Abandonment.** If a nonconforming use is discontinued for a period of 180 days or more, any future use of the land shall conform to the standards of the district in which it is located.
- (3) **Additional Uses.** No additional conforming uses are allowed until all nonconforming uses are removed or terminated.

Sec. 21-5530. Nonconforming Use of Structures

- (1) **Expansion.** A nonconforming use of a structure 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 land development code.
- (2) **Accessory Uses and Structures Restricted.** No additional accessory use, building, or structure shall be established on the site of a nonconforming use.
- (3) **Change in Use.** A nonconforming use may be changed to a different nonconforming use only if the board of adjustment determines that the new use will result in a lesser degree of nonconformity than the current use and approves the change. After any such change, the use may not revert to the original nonconforming use nor may it be changed to any other use except in compliance with the terms of this section.
- (4) **Abandonment.** If a nonconforming use is discontinued for a period of 180 days or more, any future use of the structure shall conform to the standards of the district in which it is located.
- (5) **Restoration.** If a conforming structure containing a nonconforming use is damaged to the extent of more than 60 percent of its replacement value, all future use of the rebuilt or restored structure shall be a conforming use.
- (6) **Alteration and Repair.** If a structure containing a nonconforming use is repaired or altered at a cost that exceeds 60 percent of its value, all future use of the structure shall be a conforming use.

Sec. 21-5540. Nonconforming Lots

- (1) **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 all bulk standards of that district are met. 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, or width, or frontage, provided however, that the requirements of the zoning district for minimum setback dimensions shall be met unless a variance to said requirements has been granted by the board of adjustment.
- (2) **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.

Sec. 21-5550. 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 6: TELECOMMUNICATION FACILITIES

Sec. 21-5600. Review and Approval

All telecommunications facilities shall be reviewed and approved 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 are 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 code.

Sec. 21-5601. Operating Standards

All telecommunication facilities shall comply with the standards outlined in this section.

- (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 land development code.
- (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.

Sec. 21-5602. Telecommunication Facility Location Requirements

Telecommunication facilities shall be allowed as detailed in Table V-5, entitled Use Schedule for Telecommunication Facilities. An “R” indicates that the facility is allowed with an administrative approval by the director. A “P” indicates that the facility is allowed as a use-by-permit. If the cell is blank, the facility is prohibited. Vacant properties shall default to the future land use shown in the comprehensive plan and mixed use properties shall default to the predominant land use (multi-family or commercial).

Table V-5 – Use Schedule for Telecommunication Facilities

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

* Excludes 6409(a) facilities

Table V-5 amended by Ord. 2186, December 2018

Sec. 21-5603. 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 zone 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 zoned districts shall not exceed 70 feet in height. Those in commercial zone districts shall not exceed 50 feet in height. The height of monopoles in all other zone districts shall be governed by the building height standards set forth in this code for the applicable zone 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-family residential purposes. In the event that the height of a monopole exceeds 100 feet through a variance granted in compliance with this land development code, 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 industrial zoned property and is visible from any public right-of-way, public or private open space, or

non-industrial 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.

Sec. 21-5604. 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; the remaining landscaping should be an approximate 50% mix of evergreen and deciduous species to promote year-round visual interest.

Sec. 21-5605. Concealed Telecommunication Facilities

Concealed telecommunications facilities that meet the following standards may be placed as such in accordance with Table V-5 and shall not be required to comply with the standards contained in sections 21-5603 and 21-5604.

- (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-family 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.

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

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

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

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

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

Division 6 added by Ord. 2068, January 2016

Section amended by Ord. 2186, December 2018

Sec. 21-5607. 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. 21-5606 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 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 section 21-7720 (Utilities to be Placed Underground).
- (3) **Height.** The height of the new pole structure shall not be more than ten (10) feet higher (as measured at the base of the pole from the ground to the top of the pole) than any existing utility or traffic signal pole structure within 500 feet of the new pole structure. Additionally, no such new pole structure shall exceed the building height standards set forth in this code for the applicable zone district. Where a height exception is sought in accordance with Sec. 21-3220, it shall conform with all such height exception requirements and be no greater than ten (10) feet higher than the applicable zone district including those being attached to an existing pole structure.
- (4) **Other Approvals.** The siting and construction of the new pole structure shall comply with all other applicable City requirements, including but not limited to, compliance with city standards for distances and the granting of a right-of-way permit.
- (5) **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.

Section added by Ord. 2186, December 2018

ARTICLE VI. SUBDIVISION STANDARDS, PUBLIC IMPROVEMENTS, AND DESIGN REQUIREMENTS

ARTICLE VI. SUBDIVISION STANDARDS, PUBLIC IMPROVEMENTS, AND DESIGN REQUIREMENTS

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- Sec. 21-6100. Restriction on Subdivisions, Exemptions, and Review
- Sec. 21-6110. Unlawful Subdivisions
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DIVISION 1: GENERAL PROVISIONS

Sec. 21-6100. 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 land development code. It shall be unlawful for any person to sell or otherwise convey land for the purpose of laying out any subdivisions, suburban lots, building 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 land development code 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 which 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, which 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 which 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 in accordance with the provisions contained in article III of this land development code.
- (4) **Construction.** Any construction or development across existing subdivision lot lines is in violation of this article.

Sec. 21-6110. Unlawful Subdivisions

A subdivision of land that was not lawful at the time of the adoption of this land development code shall not become or be made lawful solely by reason of adoption of this land development code.

Sec. 21-6120. Floodplain Compliance Required

All subdivisions shall conform to the requirements of the city floodplain regulations and policies. 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.

Sec. 21-6130. Construction Standards

All development shall be conducted in accordance with all standards adopted by the city, including but not limited to the design standards and plan requirements of these subdivision regulations; the city’s engineering construction standards and specifications; the storm drainage criteria manual; the parks and recreation master plans; and, where applicable, the requirements and authorization of the appropriate federal, state, county, local agency or utility company.

Section amended by Ord. 1854, April 2011

DIVISION 2: SUBDIVISION DESIGN

Sec. 21-6200. Overriding Subdivision Design Principal

All subdivisions shall conform to the policies for subdivision design in the comprehensive plan and the standards contained within this land development code 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 right-of-ways, utility and drainage easements, open space, view corridors, pedestrian/bicycle paths, and other relevant design considerations.

Sec. 21-6210. Subdivision and Street Names

- (1) **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.
- (2) **Street Names.** Street names shall not be used that will duplicate or be confused with names of existing streets unless approved by the city. All street names shall conform to the Denver Metropolitan Grid System. 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. 21-6220. Lots

- (1) **Access Required.** No lot shall be created which does not abut a public street or other approved access which has been suitably improved, except as hereinafter provided.
- (2) **Design.** All lots shall be platted in accordance with 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 so as to avoid 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 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 shall not be permitted.
 - (f) The minimum lot areas and widths shall conform to the requirements of this land development code.
 - (g) Lots that front upon a cul-de-sac or curved street having a radius of 200 feet or less shall be measured at the building setback line along an arc parallel to the right-of-way of such cul-de-sac or curved street. Such lots shall also be laid out so that their lot frontage, as measured on the arc of such right-of-way line, is not less than 50 percent of the required lot as measured at the building setback line.
 - (h) The maximum depth of all lots shall not exceed three times the width of the lot.
 - (i) 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.
 - (j) Double frontage and reverse corner lots should 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.

- (k) 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.
- (l) 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.

Sec. 21-6230. Blocks

In order 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, in accordance with the following standards:

- (1) **Width.** Blocks planned for residential purposes shall have sufficient width to provide for two tiers of lots of appropriate depths. 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 set forth in the engineering construction standards and specifications. Block lengths and widths shall be suitable for the uses contemplated and the zoning requirements pertaining to minimum lot sizes and dimensions.
- (3) **Length.** In residential districts, blocks shall not exceed 600 feet, unless previous adjacent layout or topographical conditions justify a variation from this requirement. If blocks are longer than 600 feet, the city may require the reservation of an easement through the block to accommodate utilities, drainage facilities, pedestrian or bicycle traffic, or emergency access.

Sec. 21-6240. Streets and Circulation

The plan for general circulation and the development of all streets shall be prepared in accordance with the following standards:

- (1) **Classification.** The arrangement of arterial, collector, and local streets shall conform to the major thoroughfare system and policies identified in the comprehensive 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.
- (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 to 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.
 - (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) Where a residential subdivision borders a railroad right-of-way, a limited access highway, or a major arterial, a landscaped buffer area of not less than 30 feet 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.

- (g) Generally, streets shall be laid out to intersect, as nearly as possible, at right angles. Where topography or other conditions justify a variation from the right angle intersection, the city may authorize a variation with a maximum of 10 degrees.
 - (h) When deemed necessary by the city, the developer shall provide appropriate city approved traffic calming.
 - (i) No more than two streets shall intersect at one point.
- (4) **Connectivity.** In order to promote connectivity to adjacent properties, every plat shall provide multiple access points, to the maximum extent feasible. Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions.
- (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.
- (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 unless otherwise approved in writing by the city engineer. Applications for a private street shall be accompanied by a development agreement which 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 city's engineering construction 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 signage shall comply with the manual for uniform traffic control devices (MUTCD); and
 - (e) The method of assessing maintenance and repair costs.

- (8) **Grading and Construction.** All streets required herein shall be designed, graded, and improved in accordance with the engineering construction standards and specifications of the city.
- (9) **Sidewalks, Curbs, and Gutters.** All street designs shall include concrete curb, gutter, and sidewalk.
- (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.
- (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 developer or home owner’s association. The city may determine that construction of a separate access corridor is unnecessary or impractical. Such decision may result from a number of 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 protection of natural values; or
 - (c) The access corridor would cross topography where slopes exceed 30% or where path grade would exceed 18% slope.
- (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 land development code preclude street extension and through circulation.
 - (a) All cul-de-sacs shall terminate with a circular turnaround which shall have a curb radius of no less than 50 feet.
 - (b) 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.
- (13) **Access Management.** New lots created through the subdivision process that front arterial or collector streets shall provide access as detailed in article VII of this land development code.

Sec. 21-6250. Alleys

- (1) **Private Ownership.** Alleys in developments approved after the effective date of this land development code 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 should be parallel, or approximately parallel, to the frontage of the street. Alleys in residential districts shall provide a minimum of 16 feet of right-of-way when no utilities are located within them, and 34 feet when utilities are located within them.
- (3) **Surfacing.** Alleys shall be paved in accordance with city engineering construction standards and specifications.
- (4) **Length.**
 - (a) No dead-end alley shall exceed 150 feet.
 - (b) In residential districts, no through-alley shall exceed 600 feet.

Sec. 21-6260. Sidewalks and Ramps

Sidewalks shall be provided by the developer. Access ramps for disabled persons shall be installed whenever new curb or sidewalks are constructed or reconstructed in the city.

Sec. 21-6270. Private Parks and Open Space

- (1) **General Requirements.** At least three percent of all usable land in residential developments shall be set aside as private parks or open space for the use and enjoyment of the inhabitants of such development. For purposes of this section, “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. Private parks shall comply with the design standards contained in article VII of this land development code.
- (2) **Ownership and Maintenance.** Ownership of the private parks and open space required by this section shall be retained by a property owners association or a metro district and these owners shall be responsible for the maintenance of such properties.

Section added by Ord. 1785, June 2010

DIVISION 3: REQUIRED PUBLIC IMPROVEMENTS

Sec. 21-6300. Cost and Installation of Public Improvements

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, 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 development agreement with the city which 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 issued unless the city engineer inspects and certifies that all public improvements have been properly installed.

Sec. 21-6310. Sanitary Sewage Facilities

- (1) **General Requirements.** All subdivisions platted after the adoption date of this land development code shall install sanitary sewer facilities in the manner prescribed by the applicable water district. All plans shall be designed in accordance with the rules and regulations and standards of the applicable water or sanitation district(s) and the county health department.
- (2) **Connection to a Sanitation District.**
 - (a) If connection to facilities run by a sanitation district is reasonably accessible to the property being subdivided, the owner thereof shall be required to connect to such facilities for the purpose of disposing of waste, and it shall be unlawful for any such owner or occupant to maintain an individual sewage disposal system.
 - (b) If connection to facilities run by a sanitation district is not reasonably accessible, but will become available within a reasonable time, the applicant may choose one of the following alternatives, subject to approval by the city:
 - (i) Central sewerage system with the maintenance cost to be assessed against each property benefited. Where future plans provide for the applicable sanitation district to install the sewer lines, the laterals and mains of the development shall be in conformance with the specifications of such district and shall be ready for connection to the proposed sewer mains of the district.
 - (ii) Individual disposal systems, provided the applicant shall install sanitary sewer lines, laterals and mains from the

street curb to a point in the subdivision boundary where a future connection with the system of the applicable sanitation district shall be made. Sewer lines shall be laid from the building to the street line and a connection shall be available in the structure to connect from the individual disposal system to the applicable sanitation district system when it becomes available. The sewer systems shall be capped until ready for use and shall conform to all existing plans for installations of the sanitation district and shall be ready for connection to the sewer main.

- (c) Where sanitation district facilities are not reasonably accessible, and will not become available within a reasonable period of time, the applicant may not develop the property except for low-density residential (R-1 or AG) areas that are provided with individual disposal systems, subject to approval of the applicable water and sanitation district(s) and county health department.
- (3) **Individual Disposal Systems.** Where individual disposal systems are proposed, minimum lot areas shall conform to the requirements of this land development code and all applicable tests as required by the county health department shall be performed. The individual disposal system, including the size of the septic tanks and size of the tile fields or other secondary treatment device, shall be approved by county health department prior to final approval of the plat by the city.

Sec. 21-6320. Water Facilities

- (1) **General Requirements.** All subdivisions platted after the adoption date of this land development code shall extend or create a potable 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) **Individual Wells, Central Water Systems.** At the discretion of the applicable water district and with approval by the city, individual wells may be used or a central water system provided in such a manner that an adequate supply of potable water will be available to every lot in the subdivision. Water samples shall be submitted to the county health department and the appropriate agency for the state as deemed necessary by such entities to ensure a potable water supply.

- (4) **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.

Sec. 21-6330. Stormwater Management Facilities

(1) **General Requirements.**

- (a) A stormwater management facility shall be separate and independent of any sanitary sewer system.
- (b) A drainage report that meets the requirements of the city's storm drainage design and technical criteria manual must be reviewed and approved by the city engineer.
- (c) The city shall not approve any application for development which does not make adequate provisions for stormwater or floodwater runoff channels or basins.

(2) **Construction and Design.**

- (a) Stormwater management facilities shall comply with the engineering construction standards and specifications.
- (b) The applicant may be required to divert any spring or surface water which may exist either previous to or as a result of the construction of the subdivision.
- (c) Where public storm sewer is accessible, the applicant shall install connecting storm sewer facilities from on-site detention facilities.
- (d) All drainage ways which cross areas with existing physical features such as streams, ponds, ravines, wooded areas, or other natural features, must be approved by the city engineer.
- (e) All storm drainage systems shall be designed by a registered engineer 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.
- (f) 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.

- (3) **Maintenance, Records, and Inspection of Private Stormwater Management Facilities.**
- (a) The owner of the property on which a stormwater management facility is located shall be required to maintain such facilities in accordance with all BMPs 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 an annual inspection of all stormwater management facilities located on his or her property
 - (b) 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 a period of three years and make these records immediately available to the city for inspection upon request.
 - (c) 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 BMPs.

Paragraphs (1), (2), and (3) amended by Ord. 1785, June 2010

Sec. 21-6340. 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.

Sec. 21-6350. Underground Utilities

All new utility lines and mains shall be installed underground in accordance with the design standards of section 21-7720 (Placing Utilities Underground).

Sec. 21-6360. Benchmarks and Property Corners

- (1) **Benchmarks.** All elevations shown on plats shall be based on NAVD 1988 datum. The permanent bench mark location and description that is used to extend datum to the project shall be noted on the final plat.
- (2) **Property Corners.**
 - (a) Property corners shall be set at each property corner on the boundary of the parcel or tract being subdivided.
 - (b) 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.

- (c) All property corner and interior controlling corners shall be set prior to the filing of the final plat.

ARTICLE VII. DEVELOPMENT AND DESIGN STANDARDS

ARTICLE VII. DEVELOPMENT AND DESIGN STANDARDS

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DIVISION 1: LAND AND HABITAT DESIGNATED AS OPEN SPACE

Sec. 21-7100. Land Unsuitable for Development

The following areas are considered unsuitable for development. In appropriate circumstances, the City may require such lands to be preserved as open space.

- (1) Unique and/or fragile areas, including wetlands;
- (2) Areas within the 100-year floodplain;
- (3) Steep slopes in excess of 25 percent, as measured over a 20 foot horizontal interval, and other unstable ground;
- (4) Buffer zones at least a 75 feet wide along all US Geological Survey (USGS) perennial and intermittent streams;
- (5) Habitats for or populations of endangered or threatened wildlife, as identified on federal or state lists;
- (6) Historically significant structures and sites, as listed on federal, state, city, or county lists of historic places;
- (7) Archaeological sites, cemeteries, and burial grounds; and
- (8) Any land that, in the opinion of the city, 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.

Sec. 21-7110. Protected Land and Habitat

The following shall be preserved to the maximum extent feasible, as determined by the city:

- (1) Existing healthy, native forests of at least one contiguous acre;
- (2) Individual, existing healthy trees greater than eight inches caliper;
- (3) 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
- (4) Agricultural lands that are identified in the comprehensive plan.

DIVISION 2: TRAFFIC MANAGEMENT

A. VEHICULAR ACCESS

Sec. 21-7200. Applicability

All development within the city shall provide vehicular access as detailed in this division.

Sec. 21-7201. Approval of Access Required

No development may be approved until the applicant has established that all vehicular access has been approved by the appropriate agency. All accesses shall be constructed as approved.

(1) Agency Approval.

- (a) **City Streets.** Access to city streets shall be approved or denied by the city engineer, based on city standards and, where applicable, any pertinent access management agreements between the Colorado Department of Transportation (CDOT) and the city.
- (b) **State Highways.** Access to all state highways shall be approved or denied by CDOT and the city, based upon CDOT's adopted standards.

(2) Conditions of Approval. Any approving agency may require the closing, consolidation, or relocation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways and cross access routes), development of a frontage or rear street, installation of traffic control devices, and/or other mitigation measures as a condition of approving a proposed access, to ensure the safe and efficient operation of the street and highway system.

(3) Traffic Impact Analysis. The city may require the submission of a transportation impact analysis conducted in accordance with the Engineering Construction Standards and Specification (ECSS). This analysis, the cost of which shall be borne by the applicant, shall clearly illustrate the on- and off-site traffic impacts that will be created by the proposed development, and shall also indicate how these impacts will be mitigated.

Sec. 21-7202. 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 land development code.

- (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.

Sec. 21-7203. New Lots Fronting Arterial and Collector Streets

New lots created through the subdivision process that front arterial or collector streets shall provide access as indicated below:

- (1) **Residential Lots.** The developer shall provide alley access to individual lots fronting onto arterial or collector streets unless, due to physical or topographical constraints, the city engineer determines that an alley is impractical. If an alley is impractical, the city may permit double frontage lots or allow the subdivision to be separated from the arterial streets by a service or frontage road. The frontage road shall be separated from the arterial street by at least 30 feet and planted with landscaping material suitable for a sound barrier. In no event shall an alley servicing residential lots be permitted to access an arterial street.
- (2) **Non-Residential Lots.** All non residential lots shall provide other access alternatives to the individual lots that abut the arterial or collector street. An alley may be developed wherever practical. Double frontage lots of adequate depth to accommodate the permitted nonresidential use may be permitted. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. The creation of double frontage lots does not relieve the property owner from their responsibilities to maintain the sidewalk and tree lawn on the non-access side.

Sec. 21-7204. Numbers and Spacing

The number and spacing of all accesses shall be determined by the city engineer based upon the ECSS. The city engineer may deviate from the ECSS as reasonably necessary to protect the function, safety, and operation of the street or nearby intersections/interchanges for all users.

Sec. 21-7205. Driveways

- (1) **Width.** The width of driveway openings (or curb cuts) shall be:
 - (a) Single-Family Residential.
 - (i) Non-shared driveways. For buildings with two or less garage spaces, no curb cut shall be less than 12 feet wide or more than 20 feet wide. For buildings with more than two garage spaces, no curb cut shall be less than 12 feet wide or more than 30 feet wide. Although wider driveways may be necessary to accommodate approved paved recreational vehicle pads, curb cuts shall not be wider than the standards provided herein.

- (ii) Shared driveways. No curb cut shall be less than 20 nor more than 24 feet in width.

 - (b) Multi-Family Developments. No curb cut nor driveway shall be less than 24-feet wide. No curb cut shall be more than 36-feet wide unless the city engineer determines that a wider curb cut is required based on the number of trips generated or the need for turning lanes. The exact width of the curb cut shall be determined by the city engineer.

 - (c) Other Uses. Access widths for all other uses shall be based on 12 feet of width for every travel lane.
- (2) **Total Coverage.** Except as may be necessary to comply with (1) above, driveways and other impervious surfaces shall not comprise more than the percentage of the front yard specified in the table below. Parking may be provided in the rear or side yards, and access may be provided through alleys where the front yard is insufficient to accommodate a driveway.

Table VII–1. Front Yard Side-on-Street Maximum Paving

Use	Maximum Percent of Front Yard (Paving)
Single-Family Detached	50
Single-Family Attached	50
Multi-Family	60
Commercial	N/A
Industrial	N/A
Public/Institutional	N/A

- (3) **Materials.** In order to reduce run-off and increase stormwater travel times, alternative materials for driveway surfaces, such as pervious pavers, are permitted in any residential zoning district.

- (4) **Driveway Aprons.** Driveway aprons shall be installed between the street and private drive. Driveway apron design and location shall conform to the ECSS and the Americans with Disability Act (ADA) standards for sidewalks and walkways. Driveway aprons serving industrial uses and heavy commercial uses may be as wide as 50 feet.

- (5) **Visibility.** Driveways shall be designed and located to provide a vehicle in the driveway with an unobstructed view of the roadway in compliance with the ECSS.

- (6) **Loading Area Design.** The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall include the anticipated storage length for entering and exiting vehicles, in order to prevent vehicles from backing into the flow of traffic on the public

street or causing unsafe conflicts with on-site circulation. In addition, all loading areas shall comply with section 21-7243 (Loading Requirements).

(7) Shared Driveway- Additional Standards and Recommendations.

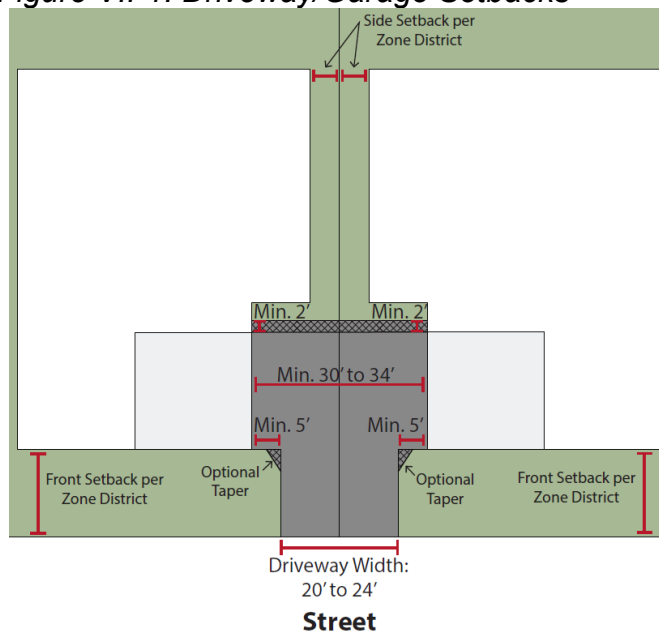
- (a) A concept and/or site plan depicting how the driveway will sit on the affected properties shall be submitted in conjunction with the building permit. The plan must demonstrate compliance with the setback requirements outlined in this section.
- (b) Based on the width of the driveway at the intersection of the right of way, the setback between garage doors for the adjacent properties shall be:

Table VII–2. Setback Between Garage Doors for Adjacent Properties (based on driveway width)

Driveway Width	Setback Between Garage Doors (minimum door-to-door)	Garage Setback from Driveway Aisle (minimum)
20 feet	30 feet	5 feet
22 feet	32 feet	5 feet
24 feet	34 feet	5 feet

- (c) The driveway shall extend a minimum of 2 feet beyond the garage door along the rear of the driveway.
- (d) A taper for the driveway is recommended and may be beneficial.

Figure VII-1. Driveway/Garage Setbacks



- (8) **Exceptions.** Exceptions to the requirements of this section may be approved by the city engineer on a case-by-case basis.

*Section amended by Ord. 2073, January 2016
Section amended by Ord. 2158, December 2018*

Sec. 21-7206. Fire and Emergency Access

All developments shall contain adequate access for fire protection and other emergency service vehicles.

- (1) **Maneuverability.** Public and private streets, alleys, parking lots, and other vehicular access roads that may be needed for fire and emergency service access shall be constructed to ensure emergency vehicle maneuverability as follows:
- (a) Arterial and collector streets shall contain at least 20 feet of unobstructed width;
 - (b) Local streets, both public and private, shall contain at least 16 feet of unobstructed width;
 - (c) Driveways, private streets, aisles, turn-around areas, and ramps shall have a minimum vertical clearance of 13 feet 6 inches for their entire length and width;
 - (d) Streets, parking lots, alleys, or other vehicular access to buildings that are 3 stories or greater, as measured from any side of the building, shall include at least 20 feet of unobstructed width; and
 - (e) Cul-de-sacs and alternative turnarounds. Cul-de-sacs shall have a minimum turn around of 100 feet in diameter. The minimum turning radius for fire access shall be 25 feet inside and 50 feet outside.
- (2) **Other Standards.** All projects shall provide fire access in accordance with the standards of the applicable fire district.

Sec. 21-7207. Sight-Distance Areas

Sight distance areas are established to ensure that obstructions do not infringe on the sight lines needed by motorists, pedestrians, bicyclists, and other approaching potential conflict points at intersections. These sight-distance areas are regulated under the ECSS.

B. TRAFFIC CALMING AND TRANSIT FACILITIES

Sec. 21-7220. Traffic Calming

The city may require traffic calming devices along collectors and local streets, where the city reasonably believes that traffic speeds could become excessive or where extra precautions are needed. Traffic mitigation devices required by the city may include, but are not limited to, the following:

- (1) Neighborhood signs and landscaping on an island.
- (2) Roundabouts at intersections.
- (3) Raised crosswalks.
- (4) Neckdowns at intersections.
- (5) Turn prohibitors/neckdowns.
- (6) Raised intersections.
- (7) Speed tables.
- (8) Chicanes.
- (9) Cross pans.
- (10) Painted crosswalks and intersections (including mid-block crossings).

Sec. 21-7221. Transit Facility Standards

- (1) Development that is located along a potential or planned transit route, as reflected in local or regional transit plans, should include a transit center or transit stop, unless the city determines that adequate transit facilities already exist. All transit facilities must comply with the standards outlined in this section.
 - (a) Facilities shall include, at a minimum, sidewalk connections, concrete waiting areas, and a bench.
 - (b) Transit centers and some transit stops, as determined by the city, shall have bus pullouts.
 - (c) Shelters shall be provided at stops where numerous users are likely to wait.
 - (d) Sidewalks shall be provided from the building(s) to the transit facility with minimal crosswalks and deviations. Crosswalk

pavement markings and curb cuts shall be constructed where sidewalks cross parking lots and streets.

- (2) Plans for the transit facility shall be shown on the development plan and will be considered an important element during the review process. Transit facilities shall be constructed at the same time as development construction or, if the city determines such construction is impractical at that time, funds for the construction of the transit facilities shall be placed in escrow.

C. PARKING AND LOADING REQUIREMENTS

Sec. 21-7230. Applicability

- (1) **New Uses.** These parking and loading requirements shall apply to all new uses and structures.
- (2) **Existing Uses.**
 - (a) **Change in Use.**
 - (iii) In general, when a use that exists on the effective date of this land development code is changed, the person changing the use shall provide the parking required for the new use.
 - (iv) **Exception.** When a new use does not require more parking than the existing use, the new use may be established, even if such establishment will result in a deficiency in the required number of parking spaces, provided that the deficiency is no greater than the deficiency associated with the existing use.
 - (b) **Change in Intensity.** When the intensity of any use is increased through the addition of dwelling units, gross floor area, seating capacity, additional employees, or other units of measurement related to required parking spaces, the person responsible for increasing the intensity of the use shall provide the parking required for the intensity of the use.
- (3) **Nonconforming Parking Locations and Designs.** Parking spaces that were legally in use on the effective date of this land development code but which do not satisfy the locational or design requirements contained herein, may continue to be used until such time the use associated with the nonconforming parking space(s) is changed in such a manner as would trigger compliance under paragraph (2) of this section.

Sec. 21-7231. Plans Required

All development applications or proposed changes in use shall include a site plan at an appropriate scale that clearly shows proposed site improvements relating to parking as required by this article. All plans shall show the location, arrangement, and dimensions of off-street parking area(s), parking spaces, parking lanes, aisles/driveways, loading areas, points of ingress and egress, walls, landscaping, and barriers. Sidewalks, pedestrian ways, bicycle facilities and their access also shall be shown. The access or driveway locations, width and spacing, as well as sight lines and distances, the arrangement of spaces, stall dimensions, surfacing, striping, and lighting, shall be shown and in full compliance with adopted city standards.

Sec. 21-7232. General Provisions

- (1) **Parking and Loading Spaces to be Permanent.** Required parking and loading spaces/aisles shall be permanently available.
- (2) **Signs and Striping.** All parking areas except those designed to serve single-family 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 so as to be clearly visible. The city engineer shall regulate the placement of all signs and striping within 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 so as to be 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 city building code and any other applicable city code or regulation.
- (7) **Lighting.** Lighting shall comply with division 7 (Lighting Standards).
- (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 5 (Landscaping) for landscaping requirements in parking areas including landscaped islands,

access drives, pedestrian refuge areas, and the beginning and ends of parking aisles.

- (10) **Tandem Parking Spaces.** Tandem parking spaces are permitted for single-family and multi-family residences.
- (11) **Front Yard Parking.** Parking any vehicle in the front yard of a single-family 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) **Handicapped Accessible Parking.** A portion of the total number of required parking spaces shall be specifically designated, located, and reserved for use by persons with disabilities. The owner/applicant shall ensure that all handicapped accessible parking is in compliance with the American with Disabilities Act (ADA).
- (13) **Garage and Carport Conversion.** Conversion of a garage or carport for a single-family residence shall be prohibited unless an equivalent space is provided in compliance with the requirements of table VII-3 (Parking Standards).
- (14) **Location of Required Parking.**
 - (a) Residential Uses. Except as specifically provided otherwise, all required off-street parking spaces shall be located on the same lot as the principal use.
 - (b) Non-Residential Uses. Parking shall be located on the same lot as the uses served, unless otherwise provided for within this land development code.
 - (c) The location of required 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 areas may be phased along with proposed phased development shown on the development plan as 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 reseeded with a grass mix, acceptable to the city, until said area is fully developed into a parking surface. The area shall be reseeded at the same time as the initial phase of development.

Sec. 21-7233. Off-Street Parking Requirements

- (1) **Minimum Parking.** The following table VII-3 establishes the minimum number of off-street parking spaces required for each listed use.

- (2) **Maximum Parking.** With the exception of single-family residential uses, parking shall not exceed 150 percent of the amount of parking prescribed by table VII-3.

Paragraph (2) amended by Ord. 1854, April 2011

Table VII-3. Off-Street Parking Requirements

USE CLASSIFICATION	SPECIFIC USE TYPE	MINIMUM OFF-STREET PARKING
AGRICULTURAL USES		
Agriculture	Fish hatchery	1 space / employee
	Poultry house or pigeon coop	1 space / employee
	Roadside stand	1 space / 300 s.f., minimum of 3 spaces
	Rodeo	1 space / 4 seats or 1 / 50 s.f. if no permanent seats
	Stable, riding ring, dairying, or stock raising	1 space / 1,500 s.f.
	Stockyard, feedlot, and the commercial sale of livestock	1 space / employee
Agricultural Services	Agricultural support businesses and services	1 space / 400 s.f.
Horticulture & Nurseries	Greenhouse/Nursery	1 space / 300 s.f. of enclosed area plus outdoor seasonal sales requirement
COMMERCIAL USES		
Adult Businesses	Adult entertainment	1 space / 100 s.f.
Animal Services	Animal Boarding (kennels) and training	1 space / employee + 1 space / 400 s.f. including runs
	Veterinary offices or clinics	1 space / 200 s.f.
	Doggie day care centers	1 space / employee + 1 space / 400 s.f. including runs
Building Materials & Services (Retail)	Landscape equipment, hardscape materials	1 space / 300 s.f. of enclosed area plus outdoor seasonal sales requirement
	All others (plumbing, electrical, lumber & building equipment)	1 space / 300 s.f. of enclosed area plus outdoor seasonal sales requirement
Eating and Drinking Establishments	Bar, tavern, night club	1 space / 100 s.f.
	Catering Services	1 space / 300 s.f.
	Restaurant	1 space / 100 s.f.
Financial Institutions	Bank or financial institution	1 space / 300 s.f.
Food and Beverage Sales	Convenience store (<5,000 s.f.)	1 space / 300 s.f.
	Grocery store (>5,000 s.f.)	1 space / 300 s.f.
	Liquor Store	1 space / 200 s.f.
	All others (e.g., delicatessen, retail bakery, specialty food market, coffee shop)	1 space / 200 s.f.
Funeral and Internment Services	Cemetery/Pet Cemetery	1 / 200 s.f.
	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 + 1 / employee + 1 / vehicle used in operation
	Funeral home	1 space / employee
Office	Business or professional offices	1 space / 300 s.f.
	Courier services	1 space / 300 s.f.
	Medical and dental offices and clinics	1 space / 300 s.f.
Outdoor Sales	Short Term Sales Event	1 space / 500 s.f. of open sales and display area, minimum of 3 spaces
	Holiday Sales	1 space / 500 s.f. of open sales and display area, minimum of 3 spaces
	Seasonal Sales	1 space / 500 s.f. of open sales and display area, minimum of 3 spaces
Personal Services	Instructional services, studios	1 space / 300 s.f.
	All others	1 space / 300 s.f.
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 each 5 seats
	Fitness/Recreation Centers	1 space / 250 s.f.
	Movie theaters	1 space / 3 seats
	Outdoor recreation	1 space / 600 s.f. outdoor recreation area
	Drive-in theater	1 space / stall + 6 additional spaces
	Race track (animal or vehicle)	1 space / 3 seats + 1 space / employee
Retail Establishments	Pawn shop	1 space / 300 s.f.
	Retail business store	1 space / 300 s.f.
	Flea markets, indoor and outdoor	1.5 spaces / booth/stall or 1 space / 150 s.f. sales area, whichever is greater
	Thrift store	1 space / 300 s.f.

USE CLASSIFICATION	SPECIFIC USE TYPE	MINIMUM OFF-STREET PARKING
Telecommunications Facilities and Satellite Dish Antennas	Radio or television broadcasting facilities	1 space / 300 s.f.
Vehicle/Equipment Sales and Services	Car Wash	2 spaces / bay or stall
	Fueling Plaza	1 space / 200 s.f. of building area
	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)	3 spaces for each bay
	Major vehicle/equipment repair (includes auto body repair, paint shops, and incidental sales of parts)	3 spaces for each bay
	Motor vehicle and equipment rentals	1 space / 400 s.f.
	Motor vehicle and equipment sales (outside display area)	1 space for each 2 employees + 2 spaces for each 300 s.f. of sales/office, repair, or maintenance space
	Motor vehicle and equipment sales showroom (interior display)	1 space for each 2 employees + 2 spaces for each 300 s.f. of sales/office, repair, or maintenance space
Visitor Accommodations	Bed and breakfast establishments	In addition to the residential requirement, 1 for each rented room
	Hotel or motel	1 space / rooming unit + 1 space / 100 s.f. of restaurant or bar + 1 space / 200 s.f. of meeting room floor area + 10 spaces for visitor parking
	Overnight campground	1 space / camping unit
INDUSTRIAL USES		
Auction House or Yard	Auction House (interior space)	1 space / 200 s.f.
	Auction Yard (outdoor space)	1 space / 500 s.f.
General Industrial	Industrial Shell Building (User to be determined)	1 space / 500 s.f.
	Firewood; commercial storage and sales	1 space / 400 s.f.
	Mill or Foundry	2 spaces for each 3 employees
	Junkyard, scrap yard, or salvage yard	1 space / 2,500 s.f. with minimum of 3 spaces
	Outdoor Storage Yards	1 space / 2,500 s.f. with minimum of 3 spaces
	Lumber and building supply yards	1 space / 200 s.f.
	Railroad yard together with buildings, structures, and facilities related thereto	2 spaces for each 3 employees
	Refinery/Oil and Gas Production	2 spaces for each 3 employees
	Slaughterhouse, packinghouse, meat processing, or fat rendering	1 space / 1,000 s.f.
	Testing laboratory	1 space / 500 s.f.
	Production, manufacturing, processing, storage, shipping, and handling of goods	1 space / 1,000 s.f.
	Light Industrial and Manufacturing (I-1 and I-2 Uses)	1 space / 500 s.f. of warehouse + 1 space / 300 s.f. for office
	Intense Industrial Manufacturing and Processing (I-3 Uses)	1 space / 1000 s.f. of warehouse + 1 space / 300 s.f. for office
Research and development	1 space / 500 s.f.	
Truck/ Transportation Services	Transportation terminal	1 space / 250 s.f. of indoor space
	Transportation terminal where vehicles carry flammable, explosive, hazardous, or high toxic materials	1 space / 250 s.f. of indoor space
	Truck stop	1 space / 200 s.f. of building area
	Trailer sales and service limited to use for private passenger motor vehicles	1 space / 500 s.f. including service bays, wash tunnels, and retail areas
	Truck trailer sales, repair, and maintenance (including oil, lube, and wash)	1 space / 500 s.f. including service bays, wash tunnels, and retail areas
Vehicles	Vehicle or automobile wrecking or salvage yard (includes outdoor storage or inoperable vehicles)	1 space / 1,000 s.f. of floor area, minimum of 4 spaces
	Vehicle towing services	1 space / 1,000 s.f. of floor area, minimum of 4 spaces

USE CLASSIFICATION	SPECIFIC USE TYPE	MINIMUM OFF-STREET PARKING
Wholesaling, Warehousing & Distribution	Mini-storage	1 space / 50 storage bays, minimum of 3 spaces + 2 spaces for office/residential use
	Retail sales accessory to warehouse and/or wholesaling establishment	1 space / 500 s.f.
	Office space accessory to warehouse and/or wholesaling establishment	1 space / 300 s.f.
	Warehousing (up to 10,000 s.f.)	1 space / 1000 s.f.; minimum of 3 spaces
	Warehousing 10,001 to 50,000 s.f.)	1 space / 2000 s.f.
	Warehousing (over 50,000 s.f.)	1 space / 5000 s.f.
	Industrial Office	1 space / 300 s.f.
	Wholesale establishments incidental to other principal uses	1 space / 800 s.f.
Waste-Related Uses	Landfill operation	1 space / employee
PUBLIC, INSTITUTIONAL & CIVIC USES		
Airport/Heliport	Public or Private Airport or heliport	1 space / employee + spaces required to satisfy projected peak parking needs
	Facilities providing aviation transport and services including aircraft repair, sales, and similar services	1 space / 500 s.f. of maintenance floor area + 1 space / 200 s.f. office area
Ambulance Service	Garage and office for Ambulance Service	1 space / ambulance + 1 / employee
Clubs and Lodges	Private lodge or club	1 space / 3 persons based on maximum anticipated capacity
	Gun club	1 space / platform + 1 space / employee
Community Services	Events Center	1 space / 4 seats or 1 / 50 s.f. if no permanent seats
Day Care Facilities, Adult or Child	Child care 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	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 / 3 seats in the principal assembly area
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
Household Living	Foster care home	Same as residential dwelling type
	Mobile home	2 spaces / dwelling unit
	Multi-family dwelling	1.5 spaces / 1 BD units + 1.75 spaces / 2 BD units + 2 spaces / 3 BD or more units + 15% of total required spaces for visitor parking
	Single-family detached dwelling	2 spaces / dwelling unit
	Single-family attached dwelling	2 spaces / dwelling unit
	Boarding or rooming house	2 spaces / dwelling unit
	Dwelling in conjunction with and supplementary to the principal use Home occupation	2 spaces / dwelling unit
Senior Housing	Assisted Living Facility	1 space / 2 units + 1 space / employee
	Nursing homes	1 space / 3 beds + 1 space / employee
<i>Table amended by Ord. 1854, April 2011</i>		
<i>Table amended by Ord. 2078, April 2016</i>		

Sec. 21-7234. Bicycle Parking Requirements

- (1) **Spaces Required.** Unless otherwise specified during the development review process, bicycle parking shall be provided as detailed in following table. For any use not contained in the following table, except those uses specifically exempted from this section in paragraph 2, a minimum of two bicycle parking spaces per use shall be required.

Table VII-4. Bicycle Requirements

USE	REQUIREMENTS
Multi-family dwellings with 4 units or more	One covered space per unit. Covered bicycle parking spaces may be located within a garage, storage shed, basement, utility room, or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
Retirement home or assisted living facility	Two spaces or one space for every ten employees, whichever is greater.
Retail sales and service	One space for every 20 motor vehicle spaces, with a minimum of two spaces.
Multiple uses	For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every ten motor vehicle parking spaces is required.
Restaurants, cafes, and bars	One space for every 20 motor vehicle spaces, with a minimum of two spaces.
Professional office	One space for every 20 motor vehicle spaces, with a minimum of two spaces.
Medical or dental office, clinic, or hospital	One space for every 20 motor vehicle spaces, with a minimum of two spaces.
Stadium, arena, theater, or similar use	One space for every 20 seats.
Public or private recreational facility, library, or other activity center	One space for every 20 motor vehicle spaces, with a minimum of two spaces.
Industrial uses	One space for every 20 motor vehicle spaces, with a minimum of two spaces.
Religious institutions	One space for every 20 motor vehicle spaces, with a minimum of two spaces.

USE	REQUIREMENTS
Public or private school	One space for every 25 students. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
College, university, or trade school	One space for every ten motor vehicle spaces. Fifty percent of the bicycle parking spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
Parking lots	One space for every 20 motor vehicle spaces, with a minimum of two spaces.

- (2) **Exceptions.** This section shall not apply to the following uses: single-family residential, home occupations, street vendors or temporary sales operations, auto service stations (not including convenience stores), automotive and truck repair and service, mortuaries, motels, mini-storage facilities, car wash facilities, and any other development with fewer than 10 vehicle parking spaces.

Sec. 21-7235. Loading Requirements

In all zone districts, every building that has a gross floor area of 10,000-square feet that is erected or structurally altered and is or will be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, shall provide and maintain on the same lot with such building off-street loading spaces in accordance with the following:

Table VII–5. Off-Street Loading Space Requirements

Type of Land Use	Total Gross Floor Area	Loading Spaces Required
Manufacturing, Warehousing, Research and Development, Institutional, and Service Uses	10,000 to 30,000 sq. ft.	One
	30,001 + sq. ft.	One for each additional 20,000 sq. ft., plus additional as required by director
Offices Uses	10,000 to 70,000 sq. ft.	One
	70,001 + sq. ft.	One for each additional 35,000 sq. ft., plus additional as required by director
Commercial and Other Allowed Uses	10,000 to 70,000 sq. ft.	One
	70,001 + sq. ft.	One for each additional 30,000 sq. ft., plus additional as required by director
Multiple-Family Dwellings	20,001 + sq. ft.	One for each building

Sec. 21-7236. Stacking Requirements

Drive-thru/drive-in facilities shall provide stacking spaces as follows:

Table VII–6. Stacking Requirements

TYPE OF OPERATION	MINIMUM STACKING SPACES	MEASURED FROM
Financial services with drive-up tellers	5 per aisle	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

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. If a particular use that requires stacking is not included in the above table, 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.

Sec. 21-7237. Computing Parking and Loading Requirements

- (1) **Fractions.** All partial space requirements for the total number of parking spaces required shall be rounded down to the next lowest whole number of usable parking spaces.
- (2) **Multiple Uses.** Lots containing more than one use shall provide parking and loading in an amount equal to the total of the requirements for all uses.
- (3) **Fixed and Non-Fixed Seating.** Where fixed seating is provided in the form of benches, pews, or bleachers, a seat shall be defined as 24 inches

of continuous bench space for the purpose of calculating the number of required parking spaces.

- (4) **Floor Area.** Unless otherwise noted, all square footage based parking and loading standards shall be computed on the basis of gross floor area.
- (5) **Employees.** For the purpose of computing parking requirements based on the number of employees, calculations shall be for the largest number of persons working on any single shift, including owners and managers.
- (6) **Company-Owned Vehicles.** The number of parking spaces required by the city does not include spaces needed for the parking of company-owned vehicles. Parking spaces to accommodate company-owned vehicles shall be in excess of the requirements for a particular land use.
- (7) **Garages and Carports.** Space within a carport or garage may be used to satisfy residential off-street parking requirements.
- (8) **Shopping Cart Storage.** Required shopping cart storage areas shall not be used to satisfy off-street parking requirements.
- (9) **Electric Vehicle (EV) Charging Stations.** Parking spaces that are dedicated for use as electric vehicle charging stations shall not count toward the maximum parking space requirement.
- (10) **Unknown or Speculative Uses.** Where new buildings are proposed but the owner or developer does not wish to designate the type of use that will occupy the building, the most intensive use possible, recognizing the use limitations of the zoning on the property, shall determine the parking requirements.
- (11) **Unlisted Uses.** Upon receiving a development application for a use not specifically listed in this subsection, the director may apply the parking requirements specified for the listed use that is deemed most similar to the use proposed in the application or require a parking study, the costs of which shall be borne by the applicant.

Paragraph (9) added by Ord. 2078; April 2016

Paragraph (9) amended by Ord. 2158, December 2018

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

Adjustments to parking requirements may be made by the director as provided in this section. The applicant must apply for the minor modification in accordance with the procedure outlined in section 21-3215 (Minor Modifications) and may be required to submit a parking study prepared by a qualified traffic engineer to

justify the requested adjustment(s). The cost of such parking study shall be borne by the applicant.

(1) **Shared Parking Program.** Where two or more non-residential uses are separate and distinct but share a common or interconnected parking facility, the director may reduce the number of required parking spaces by up to 25 percent if the following criteria are satisfied.

- (a) 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);
- (b) 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
- (c) A reciprocal parking and access easement agreement, that shall run with the life of the development, is recorded with the county assessor

(2) **Incentive Programs.**

(a) Programs:

- (i) Office buildings. The director may reduce the amount of required parking spaces up to 20 percent when an office building contains more than 20,000-square feet of floor area.
- (ii) Mixed Use Parking Reduction. The director may reduce the amount of required parking spaces up to 25 percent when the development is part of a project that includes, as part of the development plan, both residential and non-residential uses
- (iii) Core Centers. The director may reduce the amount of required parking spaces up to 50 percent for development that occurs within any area identified as an activity center in the comprehensive plan or within a quarter mile of a multi-model transportation station;

(b) Approval Criteria. The director may approve the reduction of required parking spaces as provided in paragraph 2(a) 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 achieves a minimization of 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) Incentive programs may not be combined. If a reduction has been granted based upon one incentive program, the development shall not receive a reduction based upon any other incentive program.
- (3) **Hardship Reductions.** The director may reduce or waive up to 20 percent of the parking requirements, or a minimum of 1 space, for a new development, change in use, or expansion of structure, when the following approval criteria are met:
- (a) With the exception of housing for the elderly or disabled, the structure housing the use was designed and intended for nonresidential use; and
 - (b) The owner or developer substantiates that the provision of additional parking would entail severe hardship; and
 - (c) Expected automobile ownership or use patterns of employees, tenants, or other users varies from what is typical in the community or typical for the use; or
 - (d) The nature of operational aspects of the use warrants unique parking arrangements; or
 - (e) Sufficient evidence is provided demonstrating how the unique circumstances of the proposed use(s) do not generate the traffic and/or parking demand met by normal code.
- (4) **Increases in Parking.** The 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.

Section amended by Ord. 1854; April 2011
Section amended by Ord. 2078; April 2016

Paragraph (3) amended by Ord. 2207, May 2019

Sec. 21-7239. Parking Requirement Variances

Any adjustment to the parking requirements imposed by this land development code that are above and beyond the administrative adjustments allowed under section 21-3215 shall require a variance by the board of adjustment in compliance with the standards set forth in this section and section 21-3222 (Variances).

- (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, including car pooling, ridesharing, etc., 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 section 21-3222 (Variances), 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.

Sec. 21-7240. 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, including

shopping cart storage corrals 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 land development code, shall not be used as living or sleeping quarters by any person.

In addition to the foregoing, areas within multi-family 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 used by a person domiciled on such lot and used to drive to and from work.

Paragraph (2) amended by Ord. 2020, February 2015

Sec. 21-7241. 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, 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. 21-7242. Parking Area Design Standards

- (1) **Space and Aisle Dimensions.** Space and aisle dimensions shall be provided in accordance with this section. Except for parallel parking spaces, width shall be measured from the centerline of one stripe to the centerline of the other stripe.

- (a) **Automobiles.** The following table establishes the minimum parking space and aisle dimensions required for automobile parking:

Table VII–7. Minimum Parking Space/Aisle Dimension Requirements – Automobiles

Parking Angle (Degrees)	Stall Width (Feet)	Stall Length (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	19	14	24
40	9	19	14	24
45	9	19	14	24
50	9	19	14	24
60	9	19	18	24
70	9	19	19	24
80	9	19	24	24
90	9	19	24	24

- (b) **Tractor-Trailers.** For uses that cater to the parking of semi-tractor trailers, designated off-street parking spaces shall be required for each such vehicle on any parcel. 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 following parking area dimensions will apply:

Table VII–8. Minimum Off-Street Parking Space Requirements – Tractor-Trailers

Parking space width	12 feet
Parking space length	60 feet
Height clearance	14 feet
Aisle width	50 feet

- (c) **Additional Requirements.** In addition to the dimensions above, the city may require special design provisions based upon the overall site layout and parking area design. No backing maneuvers shall be allowed in the public right-of-way.
- (d) **Freeway Oriented Uses.** Uses that are intended to serve the motoring public (e.g., lodging facilities, service stations, truck stops, mini-marts, restaurants, and similar freeway-oriented uses) and are located within 500 feet of a freeway right-of-way or 500 feet from the right-of-way of a road intersecting the freeway shall provide designated spaces for the parking of commercial trucks with trailers, large recreational vehicles, and vehicles pulling trailers.
 - (i) **Pull-through parking and circulation.** Pull-through parking that allows vehicles to exit parking spaces in a forward direction shall be provided in accordance with the following table. On-premises circulation shall provide for exiting of the site to the public right-of-way in a forward direction.

Table VII–9. 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.

- (ii) **Modification of requirements.** The director shall have the authority to modify these requirements for uses and locations that do not require the parking of large vehicles and vehicles pulling trailers.
 - (iii) **These spaces shall be clearly marked for recreational vehicles, large vehicles, or vehicles with trailers only.**
 - (iv) **A minimum clearing height of 14 feet shall be provided.**
- (2) **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:

- (a) Each off-street parking space shall open directly onto an aisle or driveway that is not a public street or a public alley.
- (b) 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.
- (c) Aisles, sidewalks, and driveways shall not be used for parking vehicles.
- (d) Parking spaces shall be designed to permit entry and exit without moving any other vehicle.
- (e) 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-family and duplex uses.
- (f) No parking space shall be located so as to block access by emergency vehicles.
- (g) One-way dead end parking lots shall be prohibited except where appropriate turnaround areas are provided.
- (h) Parking lots setback.
 - (i) Location. Parking lots shall be set back from the sidewalk and the side and rear-yard lot lines to allow room for screening, street trees, separated walks, and bicycle ways, signs, and other amenities. Parking lot setbacks shall be measured from the back of the required sidewalk of the roadway as follows:

Table VII–10. Parking Lot Location – Back of Required Sidewalk/Bike Path

Location of Parking Lot From Back of Required Sidewalk or Bike Path	Minimum Depth (Feet)
Along arterials	20
Along collectors	15
Along an interior lot line and local street	10

- (ii) Commercial parking. In a single-building commercial center adjacent to a collector or local street, no parking shall be permitted between the building and the street. In a multiple-building commercial center adjacent to a collector or local street, no parking shall be permitted between the building

nearest the street and the street. In a single-building commercial center adjacent to an arterial, one double row of parking shall be permitted between the building and the street. In multiple-building commercial centers adjacent to an arterial, off-street parking is allowed in the front, side, and rear. Whenever possible, concentrated areas of parking in commercial centers shall be beside or behind the buildings.

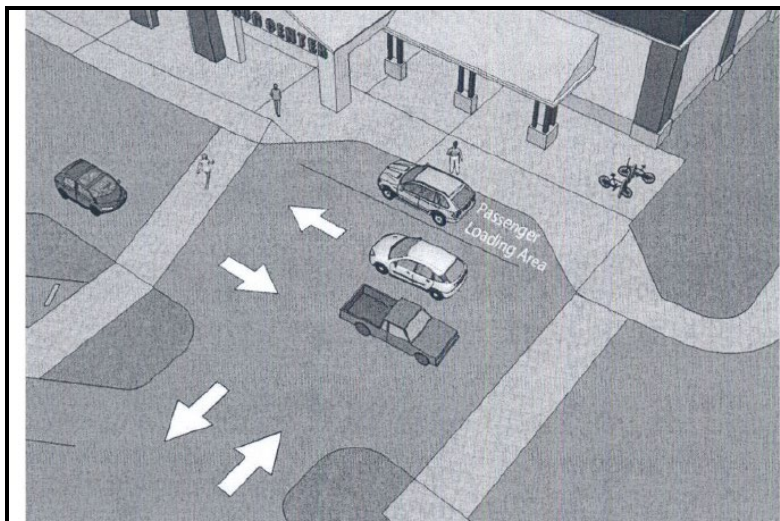
- (iii) A landing or sidewalk shall be provided at each facility entrance, which permits ingress and egress of the building in a safe and convenient fashion. Ingress and egress of a building directly from a parking space or driveway or aisle shall not be permitted.
 - (iv) Curb returns may not extend beyond the prolongation of the property line.
 - (v) The city may require the installation of traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.
- (3) **Surfacing.** All required off-street parking, driveways, turnarounds, and access drives of parking areas shall be surfaced with hot-mix asphalt, concrete, or other surface material approved by the city engineer so as to provide a durable and dust free surface, and shall be so graded and drained as to dispose of all stormwater accumulation within the area. Durable non-paving material (e.g., grass-crete, eco-stone) or porous pavement is encouraged to reduce stormwater runoff, protect water quality, and protect air quality. Gravel shall not be allowed. Paving thickness shall be in compliance with the ECSS. At a minimum, outdoor storage areas shall be paved with recycled asphalt or other road base.
- (4) **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 storm drainage design and technical criteria manual.
- (5) **Curbs.** All open off-street parking areas, drives, and storage lots, except parking lots and garages accessory to a single family detached or attached dwelling, shall provide a six-inch concrete curb around the entire perimeter. Alternative barrier designs may be approved by the city.

Sec. 21-7243. Loading Area Design and Use Standards

All required loading areas must comply with the following 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 areas, and 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) No off-street truck loading space or maneuvering area shall be located within 25 feet of the right-of-way of a public street or within 10 feet of 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 or unloading and maneuvering. Maneuvering areas shall be designed to permit vehicle access to a loading space in a single movement.

Figure VII–2. Passenger Loading Area



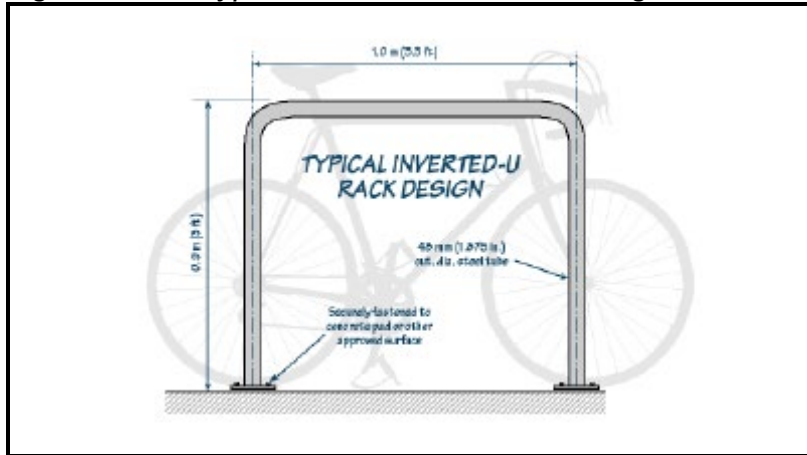
- (b) The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the city engineer may require installation of physical barriers or other means of separating loading areas from parking areas and pedestrian traffic.
- (c) No loading space shall be located so as to block access by emergency vehicles.
- (d) Screening: All off-street loading areas shall be screened in accordance with the landscape and buffer standards found in division 5 (Landscaping).
- (e) For commercial, civic, or institutional uses, passenger loading areas may be allowed on private lots outside of the normal circulation flow of traffic.

Sec. 21-7244. Bicycle Parking Design Standards

Required bicycle parking shall comply with the following standards:

- (1) Bicycle parking facilities shall be anchored to prevent easy removal.
- (2) The location of bicycle parking facilities shall be at least as convenient to the main entrance of the primary use as the most convenient automobile parking.
- (3) Bicycle parking facilities shall be located in a manner that does not impede pedestrian or vehicular circulation.
- (4) Bicycle rack design shall be of an inverted “U” design or other approved design by the city.

Figure VII–3. Typical Inverted “U” Rack Design



- (5) The ground surface surrounding and underneath the bicycle parking facility shall be surfaced in a manner to prevent mud and dust.
- (6) Each bicycle parking space shall be equipped with no less than two points of contact for a standard bicycle frame.
- (7) The bicycle parking facility shall be coated in a material that will not damage the bicycle's painted surfaces.
- (8) Fixed objects that are intended to serve as bicycle parking facilities, but due to design or other issues are not easily identified as bicycle parking facilities, shall be labeled as available for bicycles.
- (9) Trees, fences, light poles, branches, or other outdoor furnishings shall not be used as designated bicycle parking facilities.

DIVISION 3: PEDESTRIAN ACCESS AND CIRCULATION

Sec. 21-7300. Single-Family Home Construction

Prior to receiving a certificate of occupancy for new single-family 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.

Sec. 21-7310. General Design Standards

All developments, except single-family dwellings, shall provide pedestrian access and circulation in accordance with the standards set forth in this section.

- (1) **Required Connections.** Pedestrian ways shall connect:
 - (a) All primary building entrances within the development to one another;
 - (i) 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.
 - (ii) 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.
 - (b) All parking areas, storage areas, recreational facilities, common areas (as applicable), and adjacent development to the building's entrances and exits;
 - (c) All future phases of development, adjacent trails, public parks and open space areas whenever possible; and
 - (d) Connect or stub to adjacent streets and private property, in accordance with all city engineering standards.
- (2) **Convenient.** 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) **Safe.** Pedestrian ways shall be kept free of hazards and should be lighted in conformance with division 7 (Lighting).
- (4) **Accessible.** 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 in accordance with the city's parks and recreation master plans.

Sec. 21-7320. Walkway Standards

- (1) **Detached Sidewalks.**
 - (a) Local Streets. Detached sidewalks along local streets shall be a minimum of 4.5-feet wide, and tree lawns shall be a minimum of 5.5-feet wide.
 - (b) Collector Streets. Detached sidewalks along collector streets shall be a minimum of five feet in width, and tree lawns shall be a minimum of six feet wide.
 - (c) Arterial Streets. Detached sidewalks along arterial streets shall be a minimum of either 6 or 12 feet in width, depending upon the side of the street upon which they are located. Tree lawns shall be a minimum of 5.5 feet in width. The width of the sidewalk along collector and arterial streets may be increased due to the volume of sidewalk use.
- (2) **Attached Sidewalks.** Attached sidewalks are disfavored and shall only be permitted under the following conditions:
 - (a) Residential Areas. Attached sidewalks shall be permitted when severe limitations, such as inadequate setbacks leading to safety hazards or topographic constraints such as steep slopes, make detached sidewalks impossible.
 - (b) Entries to High-Use Sites. Attached sidewalks may be permitted at major entries or congregation areas in commercial, school, religious institutions, recreation centers, or similar high-use sites. In those cases, the sidewalks shall be a minimum of six feet in width along local streets; a minimum of eight feet in width along collectors; and a minimum of ten feet in width along arterials.
 - (c) Bridges. Attached sidewalks may be permitted across bridges.
- (3) **Sidewalks at Intersections.** Sidewalks may be constructed adjacent to the curb at intersections and must meet the federal requirements for handicap accessibility and ramps.
- (4) **Walkways in Parking Lots.** There shall be internal pedestrian walkways 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 ways:
 - (a) Six-inch vertical curb;
 - (b) Trellis;

- (c) Special railing;
 - (d) Bollards;
 - (e) Special paving;
 - (f) Low seat wall or other architectural features;
 - (g) Pedestrian-scale lighting.
- (5) **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.
- (6) **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 5 (Landscaping). No walkway/building separation is required for commercial, industrial, public, or institutional uses.
- (7) **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.
- (8) **Exceptions.** The city 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 section prohibit the walkway connection.

**DIVISION 4: PRIVATE PARKS, OPEN SPACE, AND TRAIL DESIGN
STANDARDS**

A. PRIVATE PARKS AND OPEN SPACE

Sec. 21-7400. Design Criteria

All private parks and open space lands required by the city shall meet the following standards:

- (1) **Connected.** To the maximum extent feasible, private parks and open space shall be organized to create integrated systems that connect with each other and with the following types of lands located within or adjacent to the development:
 - (a) Public parks lands;
 - (b) Dedicated school sites;
 - (c) Other dedicated open spaces;
 - (d) Portions of a regional trail and open space system;
 - (e) Neighborhood shopping and activity centers; and
 - (f) Adjacent employment centers.
- (2) **Compact and Contiguous.** Private parks and open space land shall be compact and contiguous unless the land is a continuation of a planned or existing greenbelt, trail, or other linear open space, or unless specific topographic features require a different configuration. In addition, it shall be designed to be a centralized location within the development.
- (3) **Accessible.** Private parks and open space shall be reasonably accessible to all of the residents of the development and to the general public at large. The city may restrict access if access would degrade, destroy, or adversely interfere with sensitive environmental or natural areas, cultural resources, or active agricultural operations.
- (4) **Fences on Perimeter.** Only open-style fences with a maximum height of 42 inches and uniform throughout the development shall be allowed on the perimeter of private parks and open space.

Sec. 21-7401. Required Features

Private parks and open space lands, other than open space lands preserved as natural features or areas, shall include trees, planting beds, courtyards,

recreation or play areas. In addition, properties less than one acre in size shall provide not less than one active and one passive feature listed in the following table. Properties that are one acre or more in size shall provide not less than two passive and two active features. All features shall be constructed in accordance with applicable city standards. Other features not listed below may be approved by the director of parks and recreation.

Table VII–11. Active/Passive Features for Parks

ACTIVE FEATURES	PASSIVE FEATURES
Playgrounds	Seasonal planting areas
Basketball / Tennis Court	Seating, through the use of benches, tables, walls, or other similar structures
Volleyball Court	Pedestrian-scale lighting
Adult Fitness Grounds	Gazebos or other decorative shelters
Public Art	Public Art
Water Features	Water Features
Recreational Features	

Sec. 21-7402. Maintenance

- (1) The owner(s) of the property shall be responsible for maintenance of private parks and open space lands and the features and facilities located thereon, unless the city has agreed, in writing, to assume maintenance responsibilities.
- (2) A homeowner’s association may be established for the purpose of providing the required maintenance. Homeowner’s association agreements (including articles of incorporation, by-laws, and covenants) shall guarantee continuing maintenance of the applicable private park and/or open space.

B. NEIGHBORHOOD FEATURES

Sec. 21-7410. Applicability

Neighborhood features lend a sense of place to a new community, thereby encouraging people to connect with their physical surroundings and interact with their neighbors. As a result, neighborhood features shall be required as a part of the platting process, with all residential developments containing 100 acres or 250-dwelling units, which ever is smaller, or as a part of the PUD Permit. Neighborhood features can be credited toward the required private open space requirement.

Sec. 21-7411. Neighborhood Features

The following list contains land uses and facilities that constitute neighborhood features. At its discretion, the city may accept as a neighborhood feature a land use or facility that is not listed below, provided such alternative serves the same focal point purpose and intent of the features listed below.

- (1) A developed park, provided such park contains a range of improvements such as multiple-use turf areas, parking areas, restrooms, playgrounds, walking paths, plazas, pavilions, picnic tables, benches, or other similar features for various age groups to enjoy, and is accessible to the public through connections to planned and existing trails adjacent to the development.
- (2) Outdoor amphitheaters or other assembly areas.
- (3) A private recreation facility, swimming pool, or community center.
- (4) Public revegetated, habitable, mature open space, greenbelts, or nature center.
- (5) A historic home, school, or farm used as a community center, museum, or education facility.
- (6) A pond, lake, or other sizable water feature.
- (7) Dog park.

Sec. 21-7412. Location and Access

Neighborhood features shall be located in an area and in such a manner as to be reasonably accessible to all of the residents of the development and to the general public at large, if allowed by the homeowners' association.

C. TRAILS

Sec. 21-7420. General Trail Standards

- (1) **Alignment.** Trails shall be aligned so as to preserve significant vegetation and topographic features to the maximum extent feasible.
- (2) **Use and Maintenance.** Trails dedicated as public rights-of-way shall be subject to all use and maintenance restrictions as deemed appropriate.
- (3) **Structure Setback.** All structures shall be setback a minimum of five feet from all trails and all trail property lines or easements.
- (4) **Materials.** Trails shall be constructed of materials approved by the city.

Sec. 21-7421. Regional Trails

Any person developing lands that have a trail alignment designated on the city's Prairieways Action Plan (trail plan) may be required by the City to construct the trail in compliance with the general standards set forth in this division, in addition to the standards contained in this section. Furthermore, the person developing the land shall dedicate the trail as a public right-of-way, or at the option of the city, grant an easement to the public for access over the trail.

- (1) **Accessible.** All regional trails shall be accessible to all pedestrians in conformance with the ADA.
- (2) **Location.** Such trails shall be in the alignment shown on the trail plan, unless an alternate alignment is deemed acceptable and approved by the city through the development review process.
- (3) **Width.** Regional trails shall have a minimum public right-of-way or public access easement width of 20 feet and a minimum constructed trail width of 12 feet, unless an alternate width is deemed acceptable and approved by the city through the development review process.
- (4) **Standard and Schedule.** Regional trails shall be constructed as depicted on the trail plan and as a part of the land development process, unless an alternate construction standard and construction phasing schedule is deemed acceptable and approved by the city through the development review process.

Sec. 21-7422. Connector Trails

- (1) **Required Trails.**
 - (a) Any person developing land that is adjacent to an existing or planned regional trail may be required to dedicate, at the option of the city, either public right-of-way or grant a public easement for the construction of at least one connector trail for the purpose of providing connections to the regional trail from areas within the development. The exact number of required connector trails shall be determined by the city as part of the development review process.
 - (b) Applicants shall also provide pedestrian connections for pedestrians and bicycles at or near mid-block where the block length exceeds the maximum block length required by article VI.
 - (c) Pedestrian connections shall also be provided where cul-de-sacs or dead-end streets are permitted, to connect the ends of the streets together to other streets and/or to other developments.

- (2) **Width.** Connector trails shall have a minimum right-of-way width of ten feet and a minimum constructed width of six feet.

DIVISION 5: LANDSCAPING

A. GENERAL PROVISIONS

Sec. 21-7500. Applicability

These landscaping standards shall apply to all new development within the municipal boundaries of the city and natural area buffer zones. For purposes of this section, new development refers to the development of any lot, including the construction on any previously developed properties of building additions, additional structures, additional parking facilities or lots, vehicle drive areas or any other impervious surface.

Sec. 21-7501. Landscape Upgrade

- (1) Lawfully established landscaping conditions on developed sites which existed prior to the adoption of this land development code may be continued until such time as a change in gross floor area is requested, or when a change of use is proposed. Upon such increase or change, the existing landscaping shall be upgraded as provided in the Landscaping Upgrade table below if such landscaping does not already meet the requirements herein. For the purposes of this section, a change of use shall be deemed to occur when any of the following occurs as a result of changes proposed to an existing use or structure:
- (a) A new review process is required under the provisions of this land development code;
 - (b) There is an alteration or change in square footage in the structure and/or use;
 - (c) There is an alteration or change to the parking area requirements that results in expansion, excavation and/or resurfacing of the parking area; or
 - (d) There is a substantial change proposed in drainage, circulation, landscaping, noise, or lighting at the site.

Table VII–12. Landscape Upgrades

LANDSCAPE UPGRADE TABLE	
Building Addition (Gross Floor Area- GFA)*	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
<i>*For the purposes of this table, outdoor display shall be treated as GFA.</i>	

- (2) The amount of landscaping necessary to satisfy the percentage of upgrade shall be calculated by first determining the total amount of landscaping required under the full provisions of this land development code. The upgrade percentage shall then be applied to the total to determine the extent of the required upgrade.
- (3) The landscaping upgrades required in the table above shall be accomplished in the following order of priority unless otherwise determined by the city:
 - (a) Landscaping around the perimeter of the site adjacent to public rights-of-way.
 - (b) Landscaping in required buffer areas.
 - (c) Landscaping within the parking areas; then
 - (d) 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.

Sec. 21-7502. 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 landscape requirements established for lots adjoining streets.

Sec. 21-7503. 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, PUD permit, use-by-permit, variance, height exception, and zoning or rezoning.

Sec. 21-7504. 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 city.

Sec. 21-7505. Guidelines for Approval

The following guiding principles shall be made a part of any landscape plan submitted to the city:

- (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) Meets or exceeds the standards of this land development code and the requirements contained in the city’s approved plant list and landscaping specifications document.

B. REQUIREMENTS AND STANDARDS

Sec. 21-7510. Landscape Areas

- (1) **Definition.** Landscape areas shall include all areas on a site that are not covered by buildings, structures, paving or impervious surface, except outdoor space that is located in an agricultural zone district and maintained in active agricultural use or single-family residential properties. For single-family residential properties, the landscape area is limited to the front yard and any side yard on 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 should be planted with irrigated turf grass. Non-irrigated, shortgrass prairie grasses or other adapted grasses that have been certified as Xeriscape landscaping, may be established in remote, low-use, low-visibility 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 landscape uses 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 2 percent.
 - (d) Drainage Zones. 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 should be landscaped using a “naturalized” palette of materials that 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 land development code.

(3) Elements Required in Residential Landscape Areas. Residential developments shall install landscaping elements as follows:

Table VII–13. Residential Development Landscape Requirements

Development Type	Landscape Area	Trees	Shrubs	Material	Turf	Mulch	Tree-Lawn	Additional Requirements
Single-Family Detached 8,000 sq. ft. lot size or less *	Front and side yard	Minimum of 1 tree.	Minimum of 6 shrubs: 50% must be deciduous.	Landscape area must contain 75% live plants	Max of 50% of landscape area	One type required	Yes-spaced 40 feet apart along all property street frontages	Turf not required by City, but some HOAs may require.
Single-Family Detached greater than 8,000 sq. ft. lot.*	Front and side yard	Minimum of 2 trees	Minimum of 12 shrubs: 50% must be deciduous.	Landscape area must contain 75% live plants	Max of 50% of landscape area	One type required	Yes-spaced 40 feet apart along all property street frontages	Turf not required by City, but some HOAs may require.
Single-Family Attached (Duplex)*	Front and side yard	Minimum of 1 deciduous tree and 1 evergreen tree per unit.	Minimum of 6 shrubs per unit; 50% must be deciduous.	Landscape area must contain 75% live plants	Max of 50% of landscape area	One type required	Yes-spaced 40 feet apart along all property street frontages	Turf not required by City, but some HOAs may require.
Multi-Family (three or more units attached) up to 5 acres	Entire area	Minimum of 1 deciduous tree and 1 evergreen tree per two units.	Minimum of 6 shrubs per two units; 50% must be deciduous.	Landscape area must contain 75% live plants	Max of 50% of landscape area	Two types required	Yes-spaced 40 feet apart along all property street frontages	Minimum Open Space Requirement. See section 21-4310.
Multi-Family (three or more units attached) greater than 5 acres	Entire area	Minimum of 1 deciduous tree and 1 evergreen tree per two units.	Minimum of 6 shrubs per two units; 50% must be deciduous.	Landscape area must contain 75% live plants	Max of 50% of landscape area	Two types required	Yes-spaced 40 feet apart along all property street frontages	Minimum Open Space Requirement. See section 4310.

*If lot is on a corner, double the required number of trees and shrubs.

**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 in addition to any other zone district requirements found in section 21-4320 (Mobile Home Park District). A mobile home park shall provide a permanent and maintained landscaped area at least 25 feet in width around those portions of the park perimeter (exterior property lines)

that border public rights-of-way. A six-foot solid wall or opaque fence may be provided in the said landscaped area. The wall or fence shall be setback a distance not less than 25 feet from the exterior property lines that border public rights-of-way. The area between the wall or fence and the exterior property lines shall be landscaped with a mixture of evergreen and deciduous plantings. The mobile home park perimeters that do not border rights-of-way shall meet residential buffer zone requirements as provided in the Landscape Regulations. Additional landscaping may be required based on the specific layout of the park. Each mobile home lot 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 Non-residential Landscape Areas. Non-residential developments shall install landscaping elements as follows:

Table VII–14. Non-Residential Development Landscape Requirements

Development Type	Landscape Area	Trees	Shrubs	Material	Turf	Mulch	Tree-Lawn	Additional Requirements
Commercial or Industrial up to 40,000-sq. ft. lot area	Entire yard	1 for every 600-sq. ft. of landscape area	1 for every 300-sq. ft. of landscape area	Landscape area must contain 75% live plants	Max of 50% of landscape area	Two types required	*Yes-spaced 40 feet apart along all property street frontages	20-foot depth of landscaping from ROW required for industrial uses
Commercial or Industrial greater than 40,000-sq. ft. lot area to 5 acres	Entire yard	1 for every 600-sq. ft. of landscape area	1 for every 300-sq. ft. of landscape area	Landscape area must contain 75% live plants	Max of 50% of landscape area	Two types required	*Yes-spaced 40 feet apart along all property street frontages	20-foot depth of landscaping from ROW required for industrial uses
Commercial or Industrial greater than 5 acres	Entire yard	1 for every 1200-sq. ft. of landscape area	1 for every 300-sq. ft. of landscape area	Landscape area must contain 75% live plants	Max of 50% of landscape area	Two types required	*Yes-spaced 40 feet apart along all property street frontages	20-foot depth of landscaping from ROW required for industrial uses
Public/institutional land uses on any size lot	Entire yard	2 for every 600 sq. ft. of landscape area	2 for every 300 sq. ft. of landscape area	Landscape area must contain 75% live plants	Max of 50% of landscape area	Two types required	*Yes-spaced 40 feet apart along all property street frontages	

Development Type	Landscape Area	Trees	Shrubs	Material	Turf	Mulch	Tree-Lawn	Additional Requirements
Mixed use	Entire yard	2 for every 600-sq. ft. of landscape area	2 for every 300-sq. ft. of landscape area	Landscape area must contain 75% live plants	Max of 50% of landscape area	Two types required	*Yes-spaced 40 feet apart along all property street frontages	Urban hardscape substitutions allowed

- (6) **Elements Required in Mixed Use Developments.** All developments 1 acre or greater in size shall be required to dedicate 15 percent of the lot to landscaping including, without limitation, landscape buffers, seating areas, natural walking paths separate from sidewalks, and so on.
- (7) **Optimal Landscape Concepts and Approval.** In reviewing the required landscape plan, the city shall have the authority to approve the optimum placement and interrelationship of required landscape plan elements such as trees, vegetation, turf, irrigation, screening, buffering and fencing, based on the following criteria:
- (a) Protecting existing trees, natural areas and features;
 - (b) Enhancing visual continuity within and between neighborhoods;
 - (c) Providing tree canopy cover;
 - (d) Creating visual interest year round;
 - (e) Complementing the architecture of a development;
 - (f) Providing screening of areas of low visual interest or visually intrusive site elements;
 - (g) Establishing an urban context within mixed-use developments;
 - (h) Providing privacy to residents and users;
 - (i) Conserving water;
 - (j) Avoiding reliance on excessive maintenance;
 - (k) Promoting compatibility and buffering between and among dissimilar land uses; and
 - (l) Utilizing curb breaks to capture runoff water as shown below:

Figure VII-3. Examples of Curb Breaks for Stormwater Runoff



Sec. 21-7511. Water Conservation Requirement

All landscaping plans shall be designed to incorporate water conservation materials and techniques. Xeriscape landscaping is encouraged but 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:

- (1) Grouping plants with similar water requirements together on the same irrigation zones;
- (2) Limiting high-irrigation turf and plantings to appropriate high-use areas with high visibility and functional needs;
- (3) Use of low-water demanding plants and turf where practicable;
- (4) Use of efficient irrigation systems;
- (5) Incorporation of soil improvements;
- (6) Use of mulches; and

- (7) Provision of regular and attentive maintenance.

Sec. 21-7512. Irrigation Required

All landscape areas shall include adequate, permanent, automatic irrigation of all plant material, except certified xeric landscaping 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.

Sec. 21-7513. 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.
- (3) **Plant Materials.** Plant materials should be selected from the city’s approved plant list and landscaping specifications. Prohibited species referenced in these specifications are not allowed in the city.
- (4) **Plant Quality.** 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.
- (5) **Plant Size.** The caliper of deciduous trees shall be measured six inches above the base. Plant material sizes shall meet the following requirements of table VII-15:

Table VII-15. Minimum Plant Size Requirements

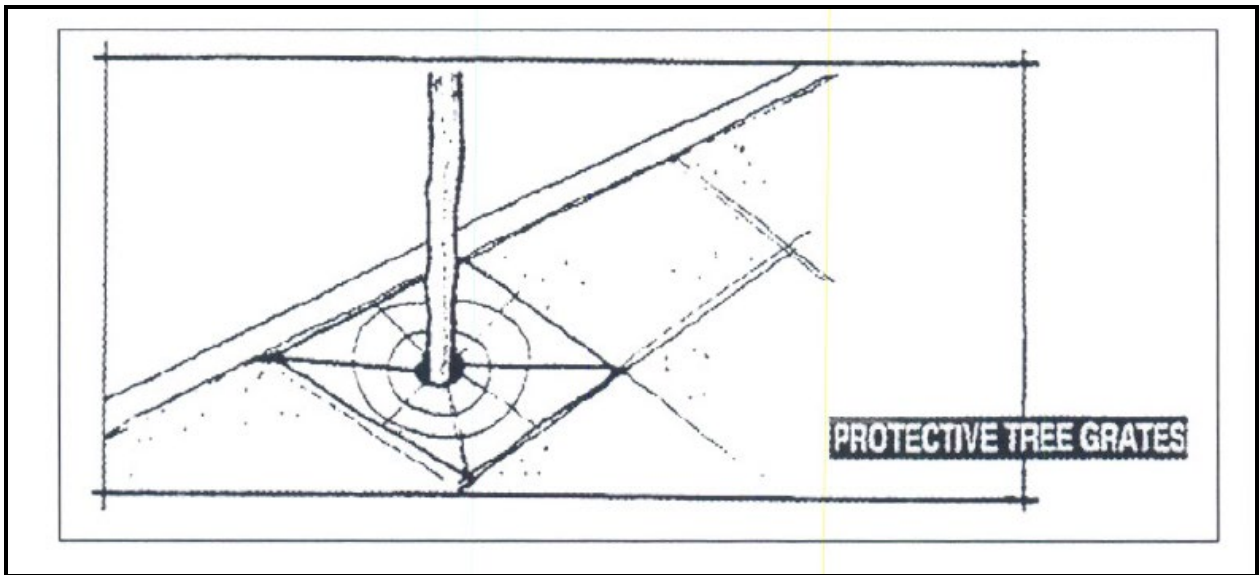
Plant Material Size	
<i>Plant Type</i>	<i>Minimum Size</i>
Shade Tree	2-inch caliper
Evergreen	6-foot height
Ornamental Tree	1.5-inch caliper
Shrubs	5 gallon
Ornamental Grasses	1 gallon

- (6) **Grading.** Prior to the installation of the required landscaping and irrigation, all proposed landscape areas shall be graded to allow for proper site drainage.
- (7) **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.
- (8) **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.
- (9) **Replacement.** Any landscape element that dies or is otherwise removed shall be promptly replaced based on the requirements of this land development code.

Sec. 21-7514. Tree Standards

- (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. 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.
- (3) **Tree Grates.** Where trees are planted in paved areas, such as patios, pedestrian plazas, or sidewalks, a protective tree grate shall be provided.

Figure VII-4. Protective Tree Grate Example



(4) **Significant Trees.** Existing significant trees (greater than eight inches in caliper) shall be preserved to the maximum extent feasible and may help satisfy the landscaping requirements set forth above. Such trees shall be considered "protected" trees within the meaning of this section, subject to the exceptions contained in subsection (c) 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.** 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 following minimum size requirements:

Table VII-16. Replacement Tree Minimum Size Requirements

Replacement Tree Minimum Size Requirements	
Canopy Shade Tree	1:1 caliper replacement of any removed canopy 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 should be followed to the maximum extent feasible 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 1/2 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 6 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 the chart below.

Table VII-17. 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 (4):
- (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.

Sec. 21-7515. Prohibited Practices and Elements

- (1) **Monoculture.** The extensive use of a single species of trees or shrubs shall be limited as outlined in the table below to minimize the potential for disease or pests to strike a particular species resulting in significant same-species loss:

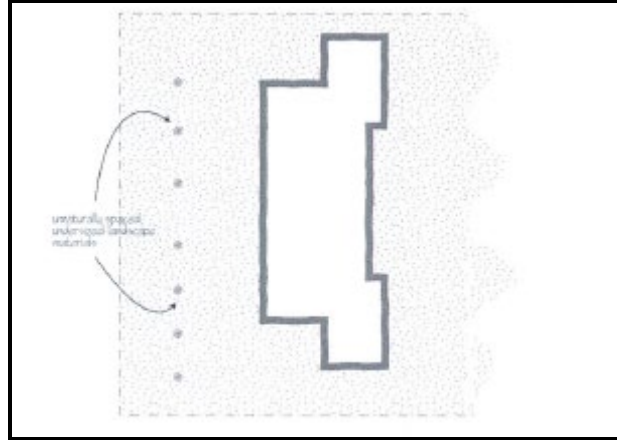
Table VII-18. Monoculture Restrictions

Number of Tree Plantings	Maximum Use of Same Species
10-19	50%
20-39	33%
40-59	25%
Over 60	15%

- (2) **Native Grass Applied as Seed.** Primary landscape areas, including detention or retention ponds when incorporated into the landscape design, shall not utilize a dry-land seed mix as landscape coverage. The use of native grasses from seed is hereby restricted to implementation as set forth in the approved landscape plant list.

- (3) **Undesirable Design.** The use of undersized landscape materials or landscape in an unnatural spaced design is highly discouraged, unless specifically addressed in this land development code.

Figure VII-5. Example of Unnaturally Spaced Landscape Design



- (4) **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.

Paragraph (2) amended by Ord. 1887, July 2012

Sec. 21-7516. Buffering Between Incompatible Uses and Activities

- (1) **Buffer Zones.** Buffer zones are required on properties in the MHP, R-3, R-4, C-1, C-2, C-3, MU-1, I-1, I-2, and I-3 districts when they adjoin properties in certain zoning districts as set forth in the table below. The second table specifies the requirements for each buffer zone type listed in the first table.

Table VII-19. Buffer Requirements by Zoning District or Use

Zoning District of Proposed Use	Adjacent Zoning District or Land Use: AG, R-1, R-2	Adjacent Zoning District or Land Use: MHP, R-3, R-4	Adjacent Zoning District or Land Use: C-1, C-2, C-3, MU-1, I-1	Adjacent Zoning District or Land Use: I-2, I-3
MHP, R-3, R-4	Type A	Type A	Type A	Type C
C-1, C-2, C-3, MU-1, I-1	Type B	Type A	N/A	Type B
I-2, I-3	Type C	Type C	Type B	N/A

Feature	Buffer Zone “A”	Buffer Zone “B”	Buffer Zone “C”
Width in feet of buffer zone	10	15	20
Required trees – every 100 feet	3	5	8
Required shrubs – every 100 feet	5	8	10

- (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 agricultural districts are considered for buffer requirements, the future land use designation in the Comprehensive Plan shall be used to determine buffer requirements, unless otherwise specified herein.
- (c) Trees and shrubs planted as part of the buffer requirement cannot be used to meet any other landscaping requirement in this land development code.
- (d) The existence of access ways or driveways within a buffer zone will not reduce the minimum requirements for trees and shrubs.
- (e) Evergreen trees are required for buffer zone Types B and C, while either deciduous or evergreen trees may be used in buffer zone Type A.
- (f) All areas of the buffer zones outside of trees, shrubs, and/or flowerbeds shall be covered with a city-approved mulch.
- (g) The buffer zone requirements of this section apply whether or not the property in the adjacent zoning district as set forth in the first table is developed.
- (h) For reasons of conflicting uses, unfavorable topography, or other unique or extraordinary circumstances, the director may increase or decrease landscape plantings in any required buffer zone if any increase or decrease is found to be necessary to reasonably achieve the intent of this section.

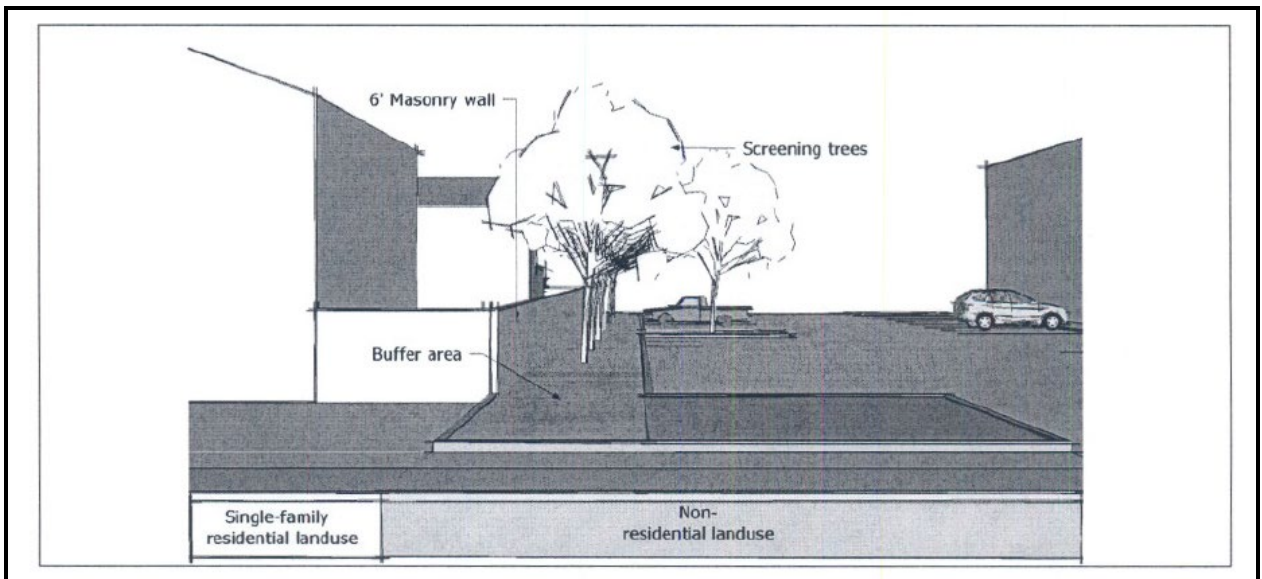
(2) **Types of Buffering.**

- (a) In situations where the city 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, canopy 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;
 - (v) Landform shaping: Utilizing berming or other grade changes to alter views, subdue sound, change the sense of proximity and channel pedestrian movement.
- (b) Buffers may be interrupted for necessary pedestrian access, and in some cases for vehicular movement.

Figure VII-6. Buffering Between Uses



Sec. 21-7517. Screening

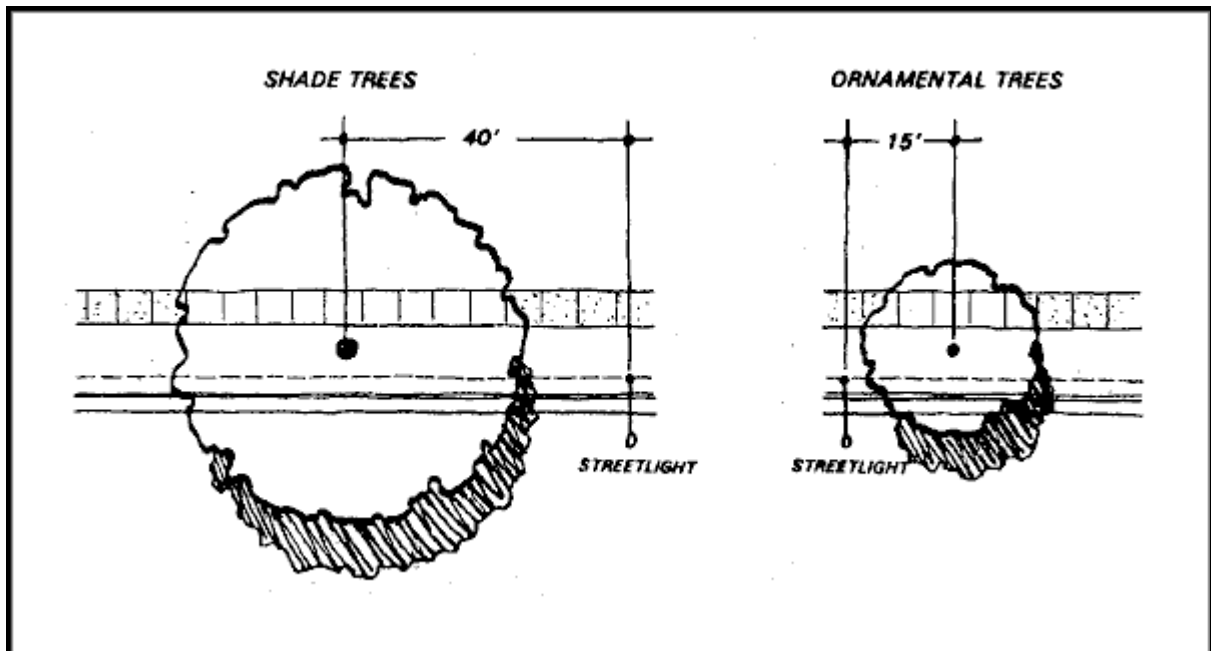
- (1) **Screening Areas of Low Visual Interest.** Areas of low visual interest or visually intrusive site elements (such as trash collection, open storage, service areas, drive-aisles, drive-up/drive-through lanes, and utility equipment) shall be screened from off-site view. Such screening shall be established on all sides of such elements except where an opening is required for access.
- (2) **Methods.** Required screening shall be provided in the form of new or existing plantings, walls, fences, screen panels, topographic changes, buildings, horizontal separation, or a combination of these techniques.

Sec. 21-7518. Utilities

Landscape and utility plans shall be coordinated. This section sets forth minimum dimension requirements for the most common tree/utility separations. Exceptions to these requirements may be approved by the 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 between shade trees and streetlights. Fifteen feet between ornamental trees and streetlights (see figure VII-7.)

Figure VII-7. Tree/Streetlight Separations



- (2) Ten feet between trees and water or sewer mains.
- (3) Six feet between trees and water or sewer service lines.
- (4) Four feet 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.

Sec. 21-7519. Visual Clearance or Sight-Distance Triangle

Except as specifically provided below, a visual clearance triangle free of any structures or landscape elements over 24 inches in height, shall be maintained at street intersections and driveways in conformance with the standards contained in the ECSS.

- (1) Fences shall not exceed 42 inches in height and shall be of an open design.
- (2) Deciduous trees may be permitted to encroach into the clearance triangle provided that the lowest branch of any such tree shall be at least six feet from grade.
- (3) Street trees shall be placed a minimum of eight feet from the corners of alleys and driveways and ten feet from intersections.

Sec. 21-7520. Revegetation Required

When the development causes any disturbance within any natural area buffer zone, the developer shall restore the land to its original condition, or as close thereto as possible, as determined by the city.

C. SPECIAL LANDSCAPE TREATMENT AREAS

Sec. 21-7530. Detention/Retention Areas

The landscaping of detention and retention ponds shall be in accordance with the following standards:

- (1) Detention/retention areas shall be permitted within buffer zones provided they do not hamper the intent of a buffer to provide screening or jeopardize plant material survival.
- (2) One deciduous or evergreen tree and 10 shrubs are required per 50 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.

- (3) The edge and landforms of the pond shall be sculpted to filter and soften views of the pond.
- (4) The pond shall be landscaped to replicate a natural environment with trees and shrubs, in a wide variety, clustered around the basin.
- (5) 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) 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.
- (7) Wood and synthetic mulches are prohibited from all detention and retention areas.

Sec. 21-7531. Landscaping on Slopes

- (1) Slope banks 5 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) Slope banks five feet or greater in vertical height with slopes greater than or equal to 3:1 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) Slope banks in excess of 8 feet in vertical height with slopes greater or equal to 2:1 shall also provide one 5-gallon or larger tree per each 1000-square feet of slope area in addition to the requirements of this section.
- (4) 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.

Sec. 21-7532. Urban Hardscapes

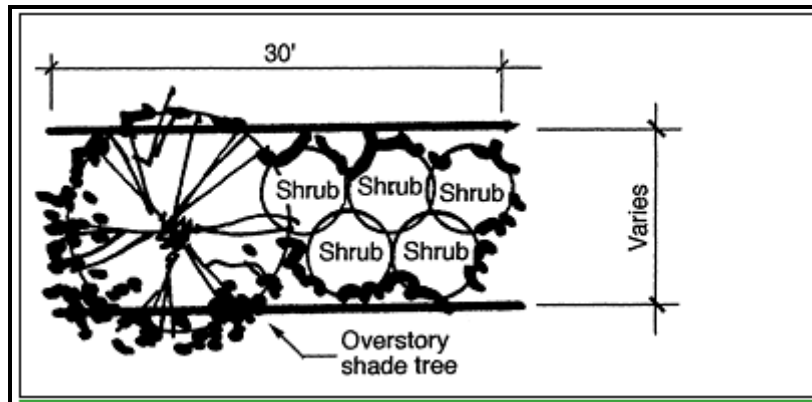
In certain situations and contexts, a more urban landscape may be proposed to meet the intent of this land development code. For developments that strive to achieve an urban context through the use of setbacks, site planning, architecture, etc. the following alternative landscape treatments exist: trees in tree grates, flower pots or hanging baskets, movable planters, sculptures, canopies, trellises, brick pavers, tile walkways, murals, or water features are identified as acceptable landscape (hardscape) features and recognized as acceptable substitutes to existing landscaping standards.

D. PARKING LOT LANDSCAPE STANDARDS

Sec. 21-7540. Perimeter Landscaping

- (1) Except for single-family residential development, the perimeter of parking areas shall be landscaped with at least 1 tree and 5 shrubs for every 30-linear feet along a street, right-of-way, or abutting another property. Additionally, unless a wider landscape buffer is required by Table VII-19, Buffer Requirements by Zoning District or Use, where a parking area abuts a parking area on an adjoining property or a collector street, a landscape buffer at least 10-feet deep is required; where a parking area abuts a local street, a landscape buffer at least 5-feet deep is required; and where a parking area abuts an arterial street, a landscape buffer at least 15-feet deep is required. Perimeter parking area landscaping may be included with other buffer requirements, as applicable.

Figure VII-8. Landscaping Requirements - Perimeter Parking Areas



- (2) Trees may be spaced irregularly in informal groupings or be uniformly spaced, as consistent with larger overall planting patterns and organization.

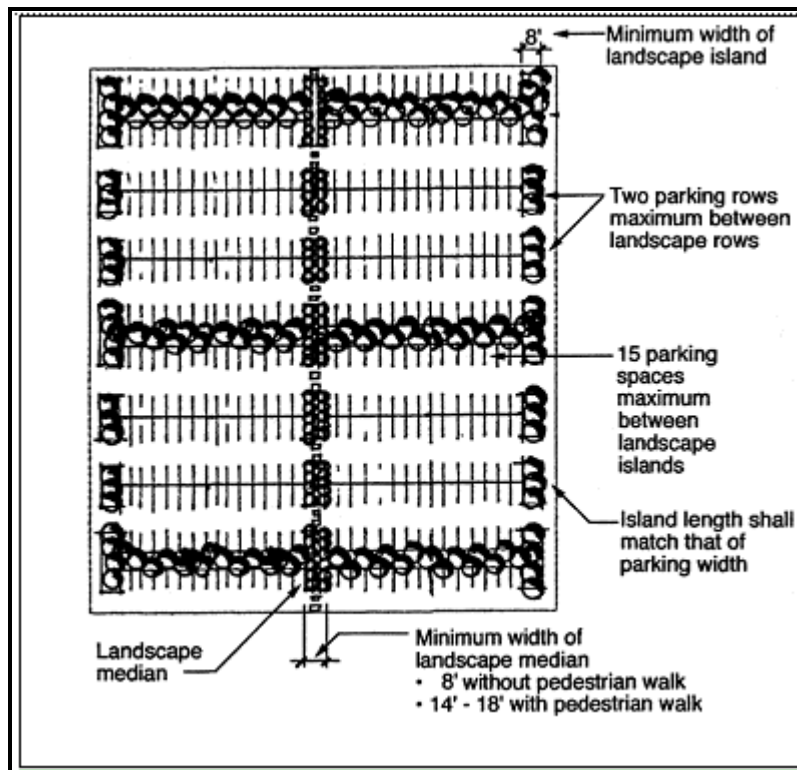
Paragraph (1) amended by Ord. 1785, June 2010

Sec. 21-7541. Interior Landscaping

Parking lots that have interior rows of parking spaces shall comply with the provisions of this section.

(1) Landscaping Requirements.

Figure VII-9. Landscaping Requirements – Parking Lots with Interior Parking Rows

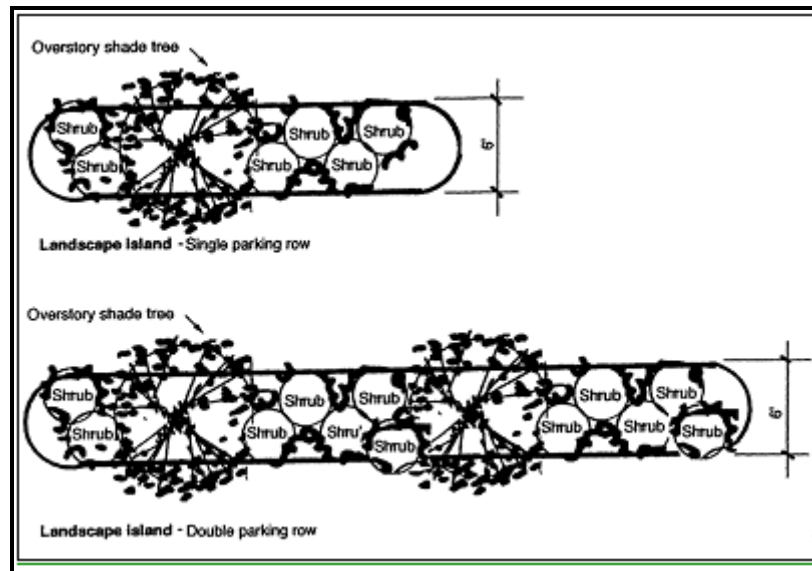


- (a) Visibility. To avoid landscape material blocking driver sight distance at driveway-street intersections, no plant material greater than 24 inches in height shall be located within 15 feet of a curb cut.
- (b) Maximized Area of Shading. Landscaped islands shall be evenly distributed to the maximum extent feasible.
- (c) Landscaped Islands. In addition to any pedestrian refuge areas, each landscaped island shall include 1 or more canopy shade trees, be of length greater than 8 feet in its smallest dimension,

include at least 80-square feet of ground area per tree to allow for root aeration, and have vertical concrete curbs. In addition:

- (i) Landscape islands shall have at least one tree per single parking row and two trees per double parking row. Shade trees shall comprise at least 75 percent of the trees within the landscape islands.
- (ii) Landscape islands shall contain either mulch with at least six shrubs per single parking row and twelve shrubs per double parking row, or an alternative design consisting of shrubs, flowers, or other live plant material.
- (iii) There shall be no more than 15 continuous parking spaces between landscape islands.

Figure VII-10. Requirements for Landscape Islands

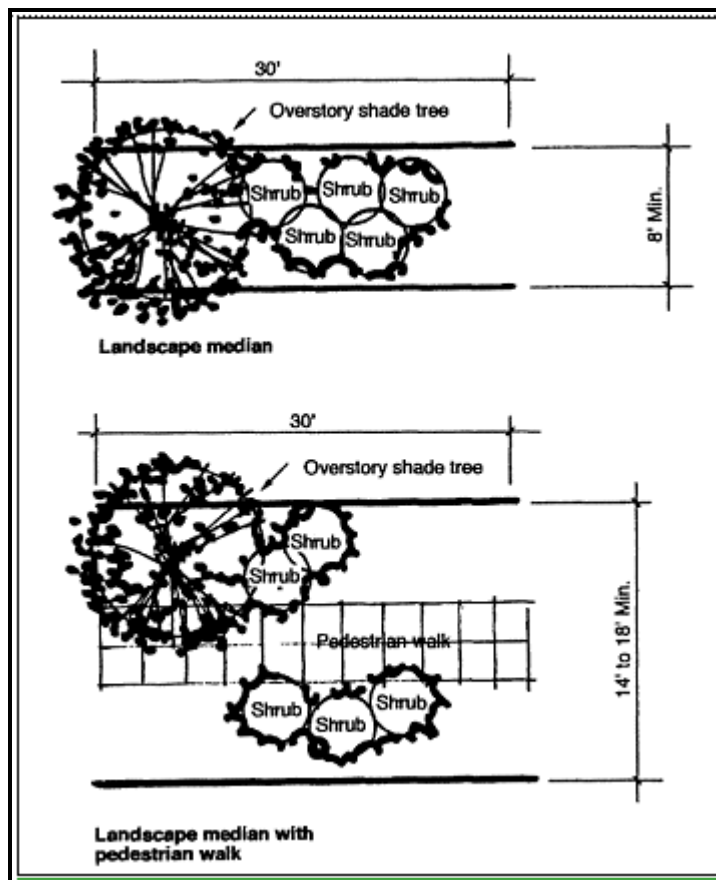


- (d) Landscape Medians. Interior rows of parking spaces in parking areas shall be divided by landscape medians parallel to the parking rows, so that there are no more than six consecutive rows of parking spaces not adjacent to a landscape median. See figure VII-9. Additionally:
 - (i) Landscape medians shall have minimum dimensions of 8 feet without a pedestrian walk, or 14 to 18 feet, depending on the design, with a pedestrian walk by the length of the row of parking spaces.
 - (ii) Landscape medians shall have at least one overstory/shade tree and 5 shrubs for every 30-linear feet along the length of

the median. Overstory/shade trees shall comprise at least 75 percent of the trees within the landscape medians.

- (iii) Landscape medians shall contain mulch or irrigated grass.
- (iv) A minimum of one concrete pedestrian walk, six to eight feet wide, depending on the location and design and determined by the city, shall be provided along the length of the landscape median closest to the building entrance. The walk shall connect to perimeter pedestrian walks, whenever possible, and include raised or striped crosswalks.

Figure VII-11. Requirements for Interior Landscape Medians

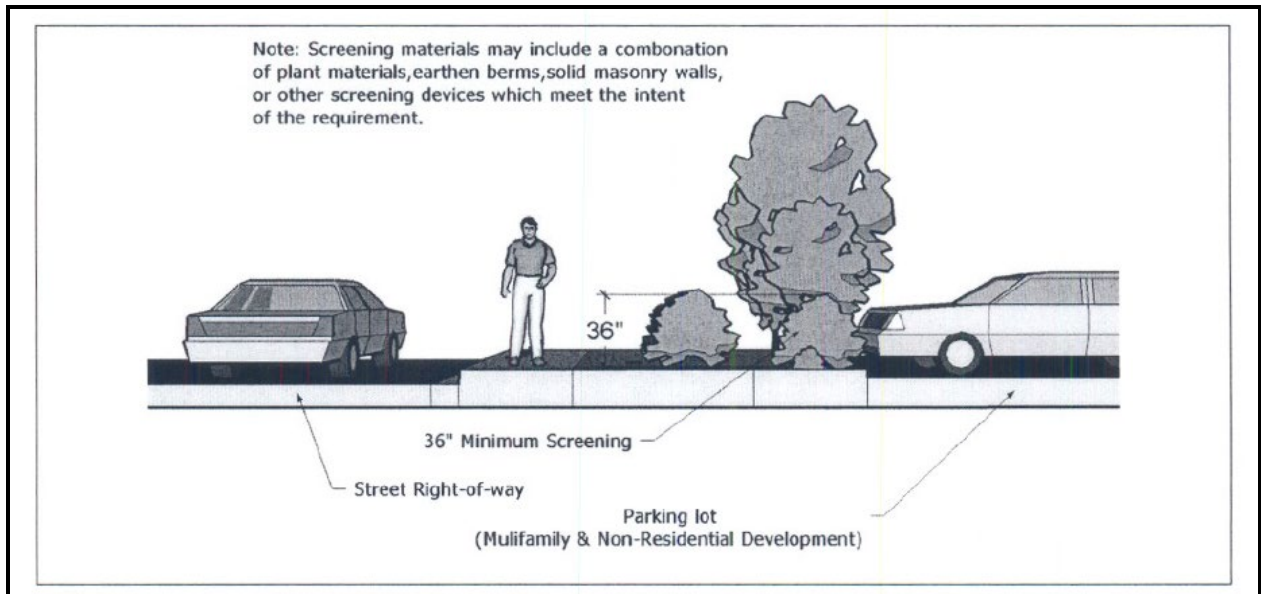


- (2) **Walkways and Driveways.** Connecting walkways through parking lots shall have 1 canopy shade tree per 30-lineal feet of such walkway planted in landscape areas within 5 feet of such walkway. Driveways through or to parking lots shall have 1 canopy shade tree per 30-lineal feet of and along each side of such driveway, in landscape areas within 5 feet of such driveway.
- (3) **Parking Bays.** Parking bays shall extend no more than 15 parking spaces without an intervening tree, landscape island, or landscape peninsula.

Sec. 21-7542. Parking Lot Screening

Parking lots with six or more spaces shall be screened from abutting uses and from the street. Screening from residential uses shall consist of a fence or wall 3 feet in height in combination with plant material and of sufficient opacity to block at least 75 percent of light from vehicle headlights. Screening from the street and all nonresidential uses shall consist of a wall, fence, planter, earthen berm, plant material, or a combination of such elements, each of which shall have a minimum height of 36 inches. Such screening shall extend a minimum of 70 percent of the length of the street frontage of the parking lot and also 70 percent of the length of any boundary of the parking lot that abuts any nonresidential use. Openings in the required screening shall be permitted for such features as access ways or drainage ways. Plant material used for the required screening shall achieve required opacity in its winter seasonal condition within three years of construction of the vehicular use area to be screened.

Figure VII-12. Parking Lot Screening



E. RIGHT-OF-WAY LANDSCAPING

Sec. 21-7550. Requirements for Landscaping in or Near Rights-of-Way

- (1) Tree lawns shall be maintained by the owner of the property adjacent to the tree lawn.
- (2) Wherever the sidewalk is separated from the street by a tree lawn, canopy shade trees shall be planted at 30- to 40-foot intervals (spacing) in the center of all such tree-lawn areas.

- (3) In cases where the sidewalk meanders, grouping or clustering of trees may be allowed provided that the total number of trees are achieved.
- (4) Wherever the sidewalk is attached to the street, canopy shade trees shall be established in an area ranging from 3 to 7 feet behind the sidewalk at 30- to 40-foot spacing.
- (5) 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) Ornamental trees shall be planted in substitution of the canopy shade trees where overhead lines and fixtures prevent normal growth and maturity.
- (7) The tree lawn planting design shall consist of turf grass and automatic irrigation system. Xeriscape design principles may be incorporated whenever appropriate in accordance with the requirements identified in the Planting Standards. Tree lawn planting designs in industrial areas may propose planting designs other than turf grass.
- (8) Trees must be planted in the center of the planting strip measured from the front of the sidewalk and back of the curb.
- (9) 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 a curb and a detached sidewalk is less than five feet.
- (10) Larger maturing trees should be placed 40 feet apart and smaller maturing trees may be placed 30 feet apart. The director 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.
- (11) No tree shall be planted closer than eight feet from any driveway or alley nor shall a tree be planted 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.

Sec. 21-7551. Northern Range Streetscapes

The city has adopted corridor plans that provide design standards and guidelines for specified streetscapes within the city. These corridor plans shall be used in conjunction with this land development code. In the event of a conflict or inconsistency between these documents, the city shall determine which document controls. The corridor plans include:

- (1) East 96th Avenue
- (2) East 104th Avenue
- (3) East 120th Avenue
- (4) Highway 2
- (5) High Plains Parkway
- (6) Tower Road

Sec. 21-7552. Right-of-Way that also is a State or Federal Highway

This section is intended to provide as close to the full arterial landscaping requirement as allowed or recommended by the Colorado Department of Transportation (CDOT).

- (1) 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) 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) 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 irrigated turf 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) 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.

F. VARIATIONS FROM STANDARDS

Sec. 21-7560. Alternative Compliance

Upon request by an applicant, the city may approve an alternative landscape plan that may be substituted in whole or in part for a landscape plan meeting the standards of this article.

- (1) **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 article than would a plan which complies with the standards of this article.
- (2) **Approval Criteria.** To approve an alternative plan, the decision maker 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.
- (3) **Review Considerations.** In reviewing the proposed alternative plan for purposes of determining whether it accomplishes the purposes of this Section as required above, the decision maker 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.

Sec. 21-7561. Variances

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

Section amended by Ord. 2158, December 2018

DIVISION 6: ARCHITECTURAL AND DESIGN GUIDELINES AND STANDARDS

A. GENERAL GUIDELINES AND STANDARDS

Sec. 21-7600. Guidelines for Development

All new principal buildings should strive to meet the following goals.

- (1) **Environmentally Friendly.** The city encourages sustainable development and green building practices to help balance growth with protection of our region’s valuable natural resources. Green building, or sustainable building, is defined by the city as design, construction, and operation practices that significantly 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;
 - (g) Providing enhanced indoor environmental quality for occupants.
- (2) **Low Impact.** Low-impact development (LID) is an approach to land development that focuses on how stormwater runoff enters a site, is stored on-site, and leaves a site. Land development that incorporates LID practices minimizes impervious surface, protects and enhances native vegetation and soils, and manages stormwater at its source. The city encourages LID and can provide a number of tools to make it easier to use an LID approach.
- (3) **Outdoor Dining.** Colorado’s mild climate allows individuals to enjoy outdoor areas throughout the year. To maximize the opportunities to enjoy the climate, owners of eating establishments are encouraged to provide outdoor dining areas for their patrons.
- (4) **Solar.** The city encourages all developments to create site designs that are oriented to provide the maximum advantage of sunlight.

- (5) **Crime Prevention.** New development site planning is encouraged to integrate 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.** Space within the development and along the edges should be well defined and delineated 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 should 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.** Wherever possible, primary structures for residential use are strongly encouraged to incorporate elements of “universal design,” 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.

Sec. 21-7601. General Standards

All new principal buildings shall meet the following standards, unless more specific building standards are set forth elsewhere in this land development code.

- (1) **Visual Interest.** All buildings shall 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.** All buildings shall 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 should be subdued in color and not reflective. Bright colors shall be used sparingly and limited to accenting a building, and shall not be used to act as signs or create sign buildings. 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 should 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.

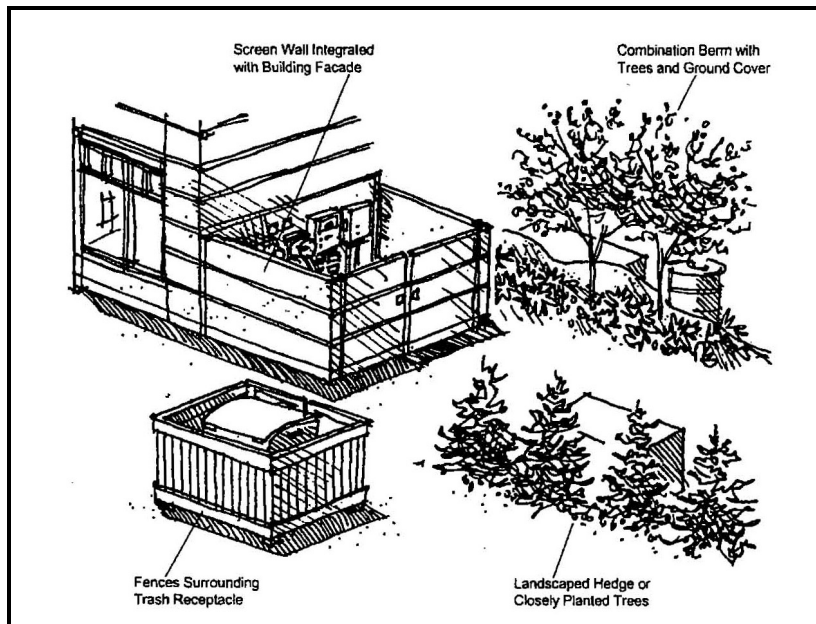
- (8) **Mass.** Buildings should be similar to or complementary in mass and height to neighboring buildings, including side and rear elevations. This ensures continuity of scale, especially pedestrian scale, throughout the development.
- (9) **Roof Materials.** Roofs constructed of clay or concrete tiles, slate, Masonite, or heavy-duty hail-resistant dimensional composition are preferred. Roofs of single-family detached, single-family attached, and multi-family buildings may be constructed of conventional 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.

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

- (1) **Loading Docks.** Loading docks and other service functions shall be incorporated into the overall design theme of the building and the landscape so that the architectural design is continuous and uninterrupted by equipment. These areas shall be located and screened so that the visual and acoustical impacts of these functions are fully contained and out of view from adjacent properties and public streets. Loading docks should not be placed adjacent to residential areas or visible from the public right-of-way.

- (2) **Mechanical Equipment.** For all primary structures except single-family residential uses, rooftop, wall mounted and ground mounted mechanical equipment and appurtenances shall be screened from all sides. Screening enclosures shall use at least one of the predominant materials used in the facades of the primary structure and one of the predominant colors used in the primary structure. All air conditioning compressors shall be completely screened. All rooftop and wall vents and flues that extend above the top of the nearest parapet shall be painted to match the roof. Multi-family residential air-conditioner units shall be screened to the maximum extent feasible. Any rooftop equipment generating off-site noise also shall be baffled or otherwise attenuated to direct unavoidable noise upward.
- (3) **Trash Receptacles.** For all primary structures except single-family residential uses, all trash receptacles shall be enclosed with a screening wall or fence that is a minimum of six feet in height on all sides and designed with a gate facing away from streets or adjacent land uses. All screening materials shall be well maintained at all times.
- (4) **Miscellaneous Utility Equipment.** Utility meters, electric transformers, and similar equipment shall be placed in locations that are not exposed to view from the street, or they should be fully, opaquely screened or painted to match surrounding building surfaces.

Figure VII-13. Mechanical Equipment Screening Examples



Paragraph (2) amended by Ord. 2158, December 2018

Sec. 21-7603. 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-family residential property shall meet the following criteria and requirements:

- (1) **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.
- (2) **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.
- (3) **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.

B. STANDARDS FOR SINGLE-FAMILY DEVELOPMENT

Sec. 21-7610. Purpose

The purpose of this section is to ensure that the physical appearance and functional characteristics of proposed single-family residential buildings in a development provide an attractive, safe, compatible, and long-lasting design, and that their design qualities encourage and strengthen the sense of community and neighborhood pride.

Sec. 21-7611. Factory-Built Homes

No factory-built home may be altered before being placed on a permanent foundation and all factory-built homes must be certified pursuant to the National Manufactured Housing and Construction and Safety Standards Act of 1974, as amended. No variance is permitted.

Sec. 21-7612. Building Materials

- (1) **Permitted Materials.** Materials that either resemble or are the natural materials of brick, stone, slate, stucco, wood, or textured block are permitted. Alternative materials may be used with the approval of the director where the use of alternative materials promotes design innovation.
- (2) **Exterior Changes.** Exterior material changes should occur at changes in the plane of the building, not at the outside corners.
- (3) **Materials for Additions.** Any addition to an existing residential building shall utilize the same color, style, and materials as the original structure.

C. UNDER EIGHT-ACRE RESIDENTIAL DEVELOPMENT GUIDELINES AND STANDARDS

Sec. 21-7620. Purpose and Applicability

The purpose of this section is to provide for a uniform set of standards for the review of single-family detached and attached dwellings proposed for construction on developments of less than eight acres in the city. These standards are designed to assure that new single-family dwellings are planned and developed with the scale and character of the surrounding neighborhood and provide for some aesthetic variation. The regulations contained herein are designed to protect and promote the public health, welfare, and safety of the citizens.

Sec. 21-7621. General Requirements

All single-family dwellings shall conform to all applicable requirements of this land development code, as well as applicable requirements of the zone district and city adopted building code requirements in effect at the time of issuance of each building permit for such dwelling.

Sec. 21-7622. Development Standards

The following standards apply to single-family dwellings built in developments which are less than eight acres in size. The standards contained in paragraphs (1) through (4) may be waived or varied by the board of adjustments; the standards contained in paragraphs (5) through (11) shall strictly apply and cannot be waived or varied by the board of adjustment.

- (1) **Placement.** Each new dwelling shall be placed on a subdivision lot, and shall meet the minimum lot, setback, landscape/open space, and parking requirements of the underlying zone district.

- (2) **Materials.** The exterior materials of a proposed new single-family dwelling unit(s) shall have a minimum of 50 percent gross masonry including stone, as defined by the building code, on the front side of the exterior of the structure and a minimum of 50 percent masonry on the front and street side of the exterior of structures when located on corner lots. The side exterior of the structure not facing a street shall have a minimum of a 3-foot masonry wrap. Exterior masonry materials shall exclude EIFS and concrete block structures.
- (3) **Garages.** All development shall include a garage, either attached or detached, as part of the new construction or placement.
- (a) The garage shall be constructed prior to the issuance of a certificate of occupancy or certificate of completion.
 - (b) The garage shall be no less than 400-square feet in floor area per residence and shall conform to Article V Division 4 (Accessory Uses and Accessory Structures) of this land development code and all building code requirements as adopted by the city.
 - (c) Upon request by a builder, the director may approve a development plan that provides less than 400-square feet of garage floor area per residence, if all of the following criteria are satisfied:
 - (i) The builder is a non-profit, 501(c)(3) corporation.
 - (ii) The development includes at least 200-square feet of enclosed garage space per residence.
 - (iii) The development plan provides at least 360-square feet of paved, off-street, on-site parking for each residence.
 - (iv) The development plan includes a storage shed of at least 100-square feet for each residence. Storage sheds may be placed in the rear-yard only.
 - (v) Applicant demonstrates that at least 50 percent of the existing single-family homes on the block (measured from public street to public street, including both sides of the street) have less than a standard, enclosed two-vehicle garage.

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

- (d) For any single-family detached residential structure with a non-shared side-loaded garage that is accessed from a public street, the minimum garage door setback shall be 15 feet measured from the garage door face to the side lot line.
- (4) **Offset.** All single-family attached dwelling structures shall have a minimum of a two-foot offset between dwelling units.
- (5) **Floor Area.** The minimum floor area of new single-family detached dwellings shall be 1080-square feet (not including basement) for single-story buildings and 1600-square feet (not including basement) for two-story buildings. Single-family attached dwellings shall be a minimum of 2160-square feet for both dwellings combined.
- (6) **Siding.** Exterior siding of all dwellings shall be made of non-reflective materials and may include: brick, stone, or other masonry materials defined by the city's adopted building code (excluding concrete block); wood; stucco; or other exterior material allowed by the city's adopted building code or approved by the director of the department of community development. Siding may include a combination of the materials listed in this paragraph.
- (7) **Roofing.** All single-family dwellings shall have a pitched roof with a minimum 4-inch vertical rise for each 12 inches of horizontal run and have a minimum 16-inch eave and rake on each side, unless the structure embodies architectural styles of a historical or unique contemporary nature. For example, a Santa Fe style has a flat roof without any overhang. The roof shall be covered with a non-reflective material and must conform to local snow load requirements.
- (8) **Construction.** All single-family dwellings shall be placed on a permanent poured footing with a foundation wall that is constructed on the perimeter of the dwelling or a slab-on-grade foundation that complies with the city's building code and shall be constructed so that the finished floor elevations of the residential structure are compatible with the elevations of adjacent dwelling units meaning that new development shall locate living areas and front doors at grade level within 30 inches.
- (9) **Utility Connections.** All dwellings must be approved for permanent connection to all required utilities. All utility meters not sited underground shall be enclosed in a meter housing affixed to the exterior of the structure.
- (10) **Inspections.** Prior to move in, all dwellings transported to the site shall be certified by a licensed professional engineer, or professional inspection agency approved by the city building official, as being structurally sound and meeting the construction, health, and safety standards imposed by all

building codes adopted by the city. If factory built, the applicant shall submit certification by the appropriate certifying agency.

- (11) **Building Front.** At a minimum, each single-family dwelling shall have on the front side of the structure 1 door entrance into the living area of the structure and 2 windows, with a total of at least 20-square feet facing the public right-of-way. When located on a corner lot, the single-family dwelling shall face the street frontage most dominated by residentially used structures, or as designated by the director.

Paragraph (3) amended by Ord. 1810, June 2010

Paragraph (3) amended by Ord. 2073, January 2016

Paragraph (3) amended by Ord. 2158, December 2018

D. RESIDENTIAL DEVELOPMENT GUIDELINES AND STANDARDS FOR DEVELOPMENTS THAT ARE EIGHT-ACRES OR MORE IN SIZE

Sec. 21-7630. Purpose and Applicability

The following standards are intended to promote variety and visual interest in the residential and planned unit development zone districts predominately characterized by mass-production residential building development.

All residential development of eight or more acres shall comply with the standards contained in this division. These standards are common to a broad range of uses and densities. They shall apply to single-family, multi-family, and mixed-use projects within the city unless specifically excepted.

Sec. 21-7631. Housing Composition

- (1) **Mixed Housing Required.** 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 below.

Table VII-20. Mixed Housing Requirements

Development Filing Size	Minimum Number of Housing Types	Minimum Number of Housing Series	Minimum Number of Single-Family Housing Models
8-20 acres	1	1	3
21-40 acres	1	1	6
41-160 acres	1	2	6
161-320 acres	2	2	6

(2) **Table Elements.**

(a) Housing types: single-family attached; stacked triplexes and quadplexes; manor homes; townhouses and condos; apartments; live-work units; and single-family detached dwellings.

(b) Housing series variations:

(i) Single-family attached, townhouses, condos, and live-work units:

a. *Front loaded*

b. *Alley loaded*

(ii) Stacked tri- and quadplexes:

a. *Three dwelling units per building*

b. *Four dwelling units per building*

(iii) Manor homes and apartments - variations of at least 30 percent in building length or footprint

(iv) Single-family detached homes

a. *Front loaded*

b. *Alley loaded*

c. *Lot size under 6,000-square feet*

d. *Lot size 6,000- to under 12,000-square feet*

e. *Lot size 12,000- to under 40,000-square feet*

f. *Lot size 40,000-square feet or more*

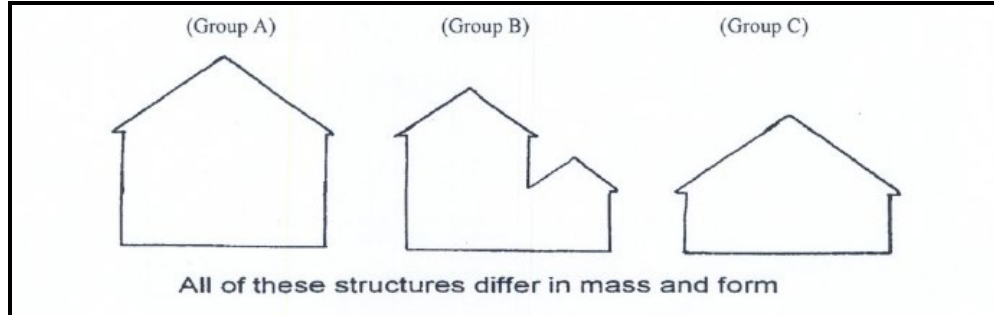
(3) **Housing Models.**

(a) Each housing model shall provide and exhibit at least three features that clearly and obviously distinguish them from other housing models. These features can include any of the following:

(i) 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,

- (ii) Building form. Building form is considered to be the style of the home, including ranch, tri-level or two-story structures.

Figure VII-14. Changes in Building Form



- (iii) 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.
 - (iv) 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.
 - (v) Materials. The use of different materials on the front façade elevation (brick vs. stone).
 - (vi) 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).
 - (vii) Porches. Variation in the location, width, and proportion of front porches.
- (b) Other distinct and substantial architectural design variations approved by the director. 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 this section.

Figure VII-15. Unfavorable Housing Styles

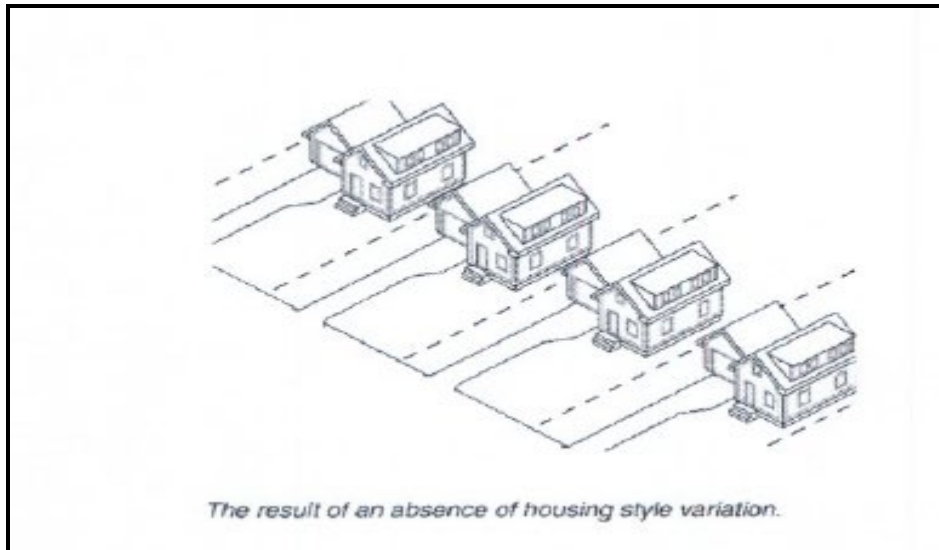
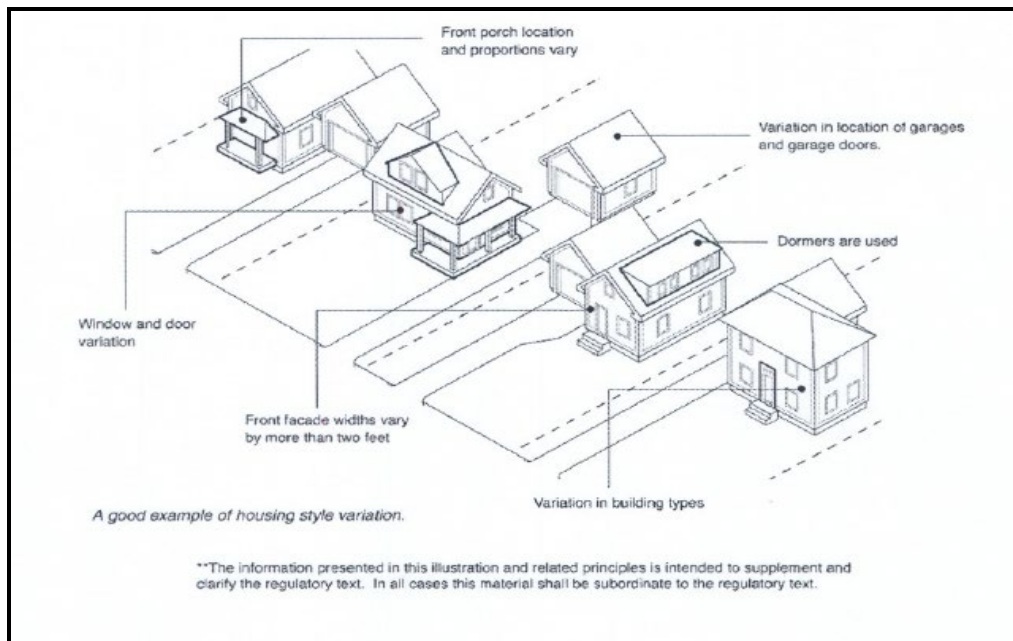


Figure VII-16. Favorable Housing Style Variations



- (c) Housing model locations.
 - (i) 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. "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.

- (ii) Identical or nearly identical floor plans mean that the layout, size, and function of the rooms are essentially the same. Identical or nearly identical street elevation design means 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.
- (4) **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.

Paragraph (1) and Table VII-20 amended by Ord. 1887, July 2012

Sec. 21-7632. Building Orientation

- (1) **Doorways.** Each residence shall have at least one primary pedestrian access (doorway) into the dwelling located on the elevation of the dwelling facing the front lot line of the property, and clearly visible from the street or public area adjacent to the front lot line. On corner lots, the primary doorway may be located facing any adjacent street. An exception shall be made for alley-loaded single-family detached units that do not have street frontage but do front onto a park or park-like common open area. In such case where the dwelling unit does not have street frontage, one primary doorway shall be oriented toward a pedestrian walk in the park that connects to a street.
- (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.

Sec. 21-7633. Architectural Detail

- (1) **Roof Overhang.** No roof overhang or soffit shall be less than 12 inches, as measured from the finished side of the siding or premium material of the structure to the inside of the fascia board, unless the structure embodies architectural styles of an historical nature. For example, a Santa Fe style which has a flat roof without any overhang, or a Tudor-style which has a roof pitch of 10-vertical inch rise over a 12-horizontal inch run (10/12) or greater. Requests for such an exemption shall be presented to the city prior to the issuance of a building permit, and documentation may be required.

- (2) **Housing Facades - General.** The appearance of housing units shall be diverse, yet also exhibit design continuity.
- (a) Each of the facades of a house shall have a minimum of two differentiated planes to relieve flat, monotonous facades.
 - (i) Differentiation may include incorporation of a feature such as a bay window, entry, porch, overhang, or chimney.
 - (ii) All differentiation shall be a minimum of 12 inches.
- (3) **Housing Facades Facing Public Areas.** Each side or rear facade of a single-family dwelling which faces a street, park, open space or golf course shall include at least two of the following:
- (a) A change in the vertical or horizontal wall plane within 20 feet above grade;
 - (b) A change in the color or material of the wall;
 - (c) An increased masonry return;
 - (d) A bay window, porch or balcony;
 - (e) Structured transition from public to private areas using built elements such as arbors, low walls, trellis work, and/or similar elements integrated with plantings;
 - (f) Detailing the wall with reveals, belt courses, cornices, projections or other devices; or
 - (g) Shuttered windows or glazed doors to overlook the street, park, open space or golf course.

Sec. 21-7634. Garages

- (1) **Preferred Design.** At least 50 percent of the dwellings within a subdivision must be flush or recessed behind the front facade of the dwelling, be attached and be accessed from the side or rear, or be detached and recessed from the dwelling and placed in the side or rear yard. The front facade includes the enclosed living portion of the house. They shall be located according to one or more of the following:
- (a) Attached and recessed from the front facade of the building by a minimum of three feet, with access from the front;

- (b) Attached and in the side or rear yard, with access by either an alley or a driveway from the side. The garage shall be a minimum of three feet behind the front facade;
 - (c) Detached with front, side, or rear access. The garage shall be a minimum of three feet behind the front facade;
 - (d) Attached and flush with the front facade, provided that a covered porch extends at least six feet forward from the front facade of the house and is a minimum of 10 feet in width; or
 - (e) Flush with the front facade and side-loaded with a driveway to the front.
- (2) **Limited Design.** No more than 50 percent of the dwelling units within a subdivision, shall have garage door openings provided in any of the following ways:
- (a) Extending from the front facade of the living unit not more than 10 feet, but with an architectural design element such as a bay/box window; covered porch at least six feet in depth across the front facade of the living unit; or a defined outdoor space (such as a patio or courtyard surrounded by a masonry wall or fence no more than 42 inches in height) that is designed to include the entire front yard space between the front facade of the living unit and the front facade of the garage, developed to extend outward to be at least flush with the garage door opening;
 - (b) Extending from the front facade not more than 10 feet, but with living space directly above the garage. Such living space shall cover a minimum 50 percent of that portion of the garage in front of the front facade of the living unit;
 - (c) Extending from the front facade not more than 10 feet, but with a complimentary adjoining living space or porch covering five feet of the 10-foot extension, limited to one-car garage door openings; or
 - (d) Extending from the front facade the width of the garage with the garage door on the side of the garage with side yard or front yard access. All models containing split car garage designs will be categorized in this option.
- (3) **Garage Doors Perpendicular to the Street.**
- (a) Garages that are adjacent to the street but that have side-facing garage doors (perpendicular to the street) shall have architectural details, masonry, and/or windows that mimic the features of the

living portion of the dwelling on the side of the garage facing the street.

- (b) For all single-family detached residential structures with a non-shared side-loaded garage that is accessed from a public street, the minimum garage door setback shall be 15 feet measured from the garage door face to the side lot line
- (4) **Front Façade of Buildings.**
- (a) Garage door openings for homes on lots of 50 feet to 70 feet in width shall not comprise more than 50 percent of the front-yard building facade. Three or more car garages may comprise up to 60 percent of the front-yard building façade.
 - (b) Garage door openings for homes on lots of more than 70 feet in width shall not comprise more than 50 percent of the front-yard building facade.
 - (c) Garage door openings for homes on lots of less than 50 feet in width shall be handled on a case-by-case basis when elevations and site plans are reviewed. Architectural treatments shall be used to soften the effects of the garage door openings.
- (5) **Multi-Car Garages.** The third or fourth car garage door opening shall be recessed a minimum of 3 feet from the 2-car garage door opening façade or shall not have the same orientation as the first 2 garage doors.

Section (3) amended by Ord. 2073, January 2016

Sec. 21-7635. Alternative Compliance

An applicant wishing to propose a site specific plan or model that does not strictly comply with the standards for this division, but which the applicant believes the intent of the standards are met, may seek to use alternative compliance under this section.

- (1) **Pre-application Meeting and Application.** The applicant shall request and attend a pre-application conference prior to submitting the site plan and elevations for the building permit, to determine the preliminary response from the city. If the preliminary response is favorable, an application may be submitted. The application shall include the site plan and elevation, and sufficient explanation and justification, in both written and graphic form, for the alternative compliance requested.
- (2) The director may approve the application if:

- (a) The proposed alternative achieves the goals and policies of the city’s comprehensive plan to the same or better degree than the subject standard;
 - (b) The proposed design substantially meets the intent of this section to line streets with active living spaces; creates an attractive appearance along the streetscape; reduces the dominance of automobiles, parking, and garages; and provides variety and visual interest to the exterior design of residential buildings; and
 - (c) One of the following criteria are met:
 - (i) The proposed alternative results in benefits to the community that are equivalent to, or better than, compliance with the subject design standard; or
 - (ii) The configuration of the lot, or other existing physical conditions of the lot, make the application of these standards impractical.
- (3) **No Precedence.** Alternative compliance shall apply only to the specific site, lot, or model elevation for which it is requested and shall not establish a precedent for assured approval of other requests.

Sec. 21-7636. Design Criteria – New PUD Residential Development

In the PUD zone document for new PUD residential development, the following preferred design criteria shall be considered by the applicant:

- (1) Mix of building types within each development to include apartment buildings, townhomes, single-family detached, single-family attached, and accessory dwelling uses oriented toward the street.
- (2) Mix of residential housing prices to permit a mix of income levels within the same development.
- (3) Mix of densities within each development accommodating a variety of lot sizes within the same development.
- (4) Residential building setbacks.
 - (a) Front setbacks from arterial streets. The minimum front setback for multi-family buildings from any arterial street right-of-way or transportation easement shall be 30 feet.
 - (b) Front setbacks from non-arterial streets. The minimum front setback for multi-family buildings from any collector, commercial or local street-right-of-way or transportation easement shall be 10 feet.

The minimum front setback for single-family detached and single-family attached units shall be 10 feet for any portion of the building including porches, architectural features, and any outdoor spaces such as patios from any collector, commercial or local street right-of-way, or transportation easement. The front setbacks for garages shall be 20 feet measured from the right-of-way, with a maximum 30-foot setback for the living area of the building from the right-of-way for all but large-lot, single-family buildings. Accessory buildings are not allowed in front setbacks.

- (c) Side and rear setbacks from arterial streets. For all residential buildings, the minimum side and rear setbacks from any arterial street right-of-way or transportation easement shall be 25 feet. Side and rear setbacks for accessory buildings shall be 15 feet.
- (d) Side and rear yard setbacks from non-arterial streets and property lines. The minimum side and rear setbacks for single-family detached buildings shall be 5 feet for a side yard and 20 feet for a rear yard from any collector, commercial, or local street right-of-way, transportation easement, or other property lines. The minimum side and rear setbacks for single-family attached and multi-family buildings shall be 20 feet from any collector, commercial or local street right-of-way, transportation easement or property line. Side and rear setbacks for accessory buildings shall be 5 feet from any collector, commercial or local street right-of-way, transportation easement or property line.

E. MULTI-FAMILY DEVELOPMENT GUIDELINES AND STANDARDS

In addition to the standards set forth in this article, the following guidelines and standards are applicable to multi-family development.

Sec. 21-7640. Applicability

All new construction multi-family residential dwelling developments, as well as any addition to existing multi-family residential buildings, shall be governed by the multi-family development guidelines and standards.

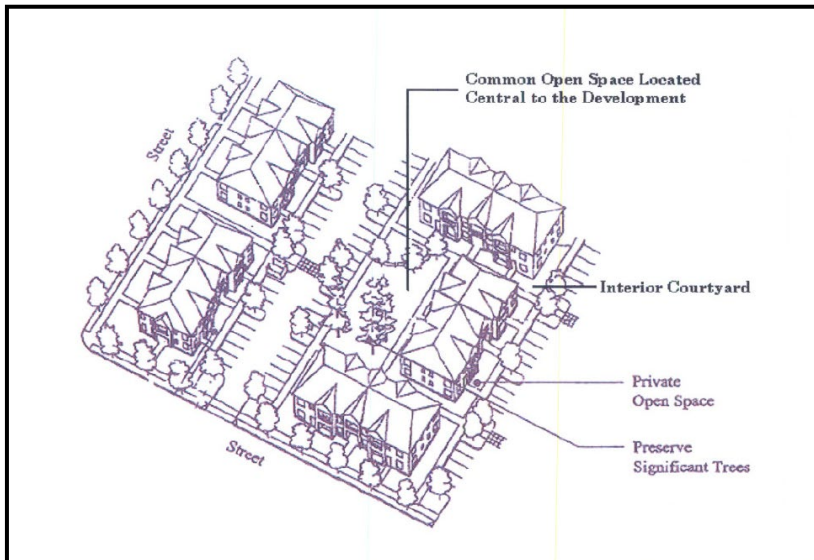
Section amended by Ord. 2020, February 2015

Sec. 21-7641. Building Orientation

- (1) **Adjacent to Public Streets.** Every front façade with a primary entrance to a dwelling unit(s) shall face the adjacent public street to the maximum extent possible. Every building containing three or more dwelling units shall have at least one building entry or doorway facing each adjacent public street.

- (2) **Interior Property Lines.** Along interior property lines, multi-family structures should be oriented in a more perpendicular direction to adjacent lower-density residential uses or zoning districts, or adjacent commercial or industrial uses or zoning districts. When parallel orientation is necessary, building setback from the adjacent use or district boundary should be increased by at least 50 percent.
- (3) **Observation onto Public Areas.** Primary structures should be located and designed so that residents can easily observe the common open spaces, circulation paths and access points into the development.
- (4) **Courtyards.** A multi-family building may be oriented to a common use courtyard. When an inner courtyard is proposed, the courtyard providing access to double-row dwelling groups should be a minimum of a 1:1 ratio with the building height or a minimum of 20 feet in width, if the building is lower than 20 feet in height.

Figure VII-17. Multi-Family Housing Typical Site Layout



Paragraph (1) amended by Ord. 2020, February 2015

Sec. 21-7642. Parking Location and Layout

In addition to the general parking design standards set forth in section 21-7633 above, the following guidelines and standards exist:

- (1) **Garage and Parking Guidelines.**
 - (a) **Number of Garages.** At least 50 percent of required off-street parking should be provided in garages (which may be underground), rather than surface lots. Assisted living facilities and nursing homes are exempt from this guideline.

- (b) **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.
 - (c) **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) **Garage and Parking Standards.** For attached garages, the door openings shall be:
- (a) Recessed behind the front facade of the building;
 - (b) Flush with the building, or protruding but with a second floor that covers most of the garage; or
 - (c) Alley loaded.

Sec. 21-7643. Building Height, Massing, and Form

- (1) **Context.** New building design shall respect the context of adjacent residential and non-residential neighborhoods, including the height, scale, mass, form and character of surrounding development.
- (2) **Mass and Form.**
 - (a) Building design should incorporate visually heavier and more massive elements at the building base, and lighter elements above the base.
 - (b) All buildings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes.
 - (c) The façades of town homes shall be articulated to differentiate individual units.

Figure VII-18. Building Form Example of Multi-Family Development



(3) **Architectural Detail.**

- (a) All sides of a multi-family building shall display a similar level of quality and architectural interest.
- (b) All facades of a multi-family residential building shall have a minimum of two differentiated planes to relieve flat, monotonous facades. Facades that exceed 65 feet in length shall have a minimum of three differentiated planes. All differentiation shall be a minimum of 12 inches.
- (c) In addition to the differentiation required by paragraph (3)(b), every façade facing a public right-of-way shall include two (2) of the following features:
 - (i) A pedestrian entry;
 - (ii) A change in vertical or horizontal wall plane not otherwise required by this section;
 - (iii) A change in color or material of the wall;
 - (iv) A bay window or balcony;
 - (v) Detailing the wall with reveals, belt courses, cornices, projections, or other devices;
 - (vi) Shuttered windows;
 - (vii) Changes in parapet height.

(4) **Entrances.**

- (a) Pedestrian entry to the site from the fronting street should be emphasized through landscaping, special paving, gateways, arbors, and/or other similar features.
- (b) Long, linear, and/or hidden stairways or corridors should be avoided.
- (c) Covered entrances should be provided as protection from bad weather and as a transition from indoor to outdoor.

Paragraph (3) amended by Ord. 2020, February 2015

F. COMMERCIAL, PUBLIC/INSTITUTIONAL, AND MIXED USE DEVELOPMENT GUIDELINES AND STANDARDS

Sec. 21-7650. Purpose and Applicability

Purpose. These standards are intended to promote the design of an environment that is built to a human scale, to encourage attractive street fronts that accommodate pedestrians in a safe and pleasant manner, and to allow for vehicular movement. These standards are designed to promote a concentrated development pattern that encourages pedestrian use and provides a community environment not dominated by vehicles. Two or more story commercial uses are encouraged and can be used for a wide variety of uses including commercial, office, or residential.

All new commercial, public/institutional, and mixed-use development applications shall comply with the applicable standards contained herein. In addition, any new additions to existing commercial, public, institutional or mixed uses shall comply with these standards.

Sec. 21-7651. General Layout

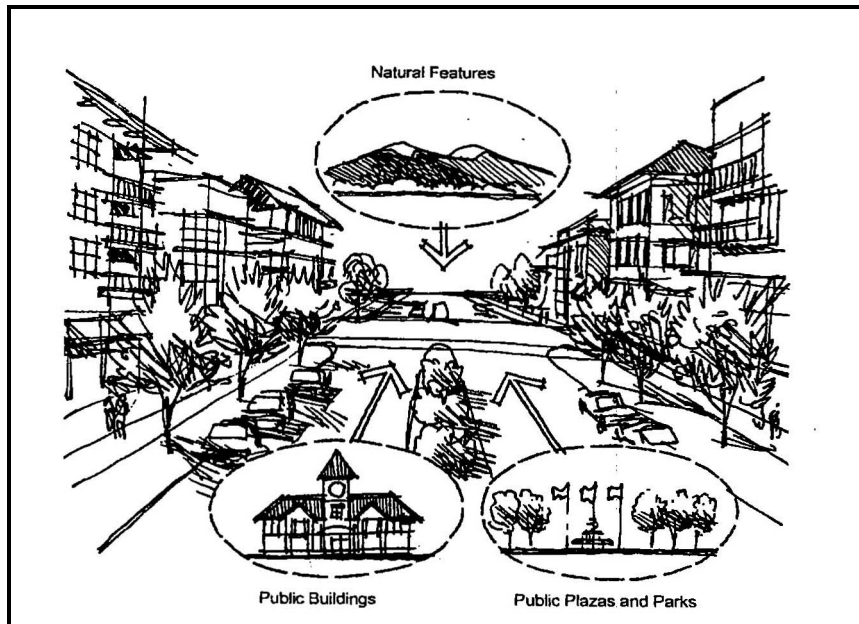
- (1) New construction should be built parallel to lot lines to reflect the traditional orientation of non-residential structures. To the maximum extent feasible, structures shall not be oriented at an angle to lot lines. Multi-lot or multi-building developments shall be designed as unified projects with a sense of place.
- (2) New land divisions shall have a block length consistent with the block length standards established in article VI.

Sec. 21-7652. Circulation

- (1) The number of external entrances shall be consistent with existing or anticipated design of external streets.

- (2) 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 within parking areas shall be defined by curbs and landscaped islands.
- (4) Streets should create view corridors that frame public plaza areas, public buildings, parks, and natural features.

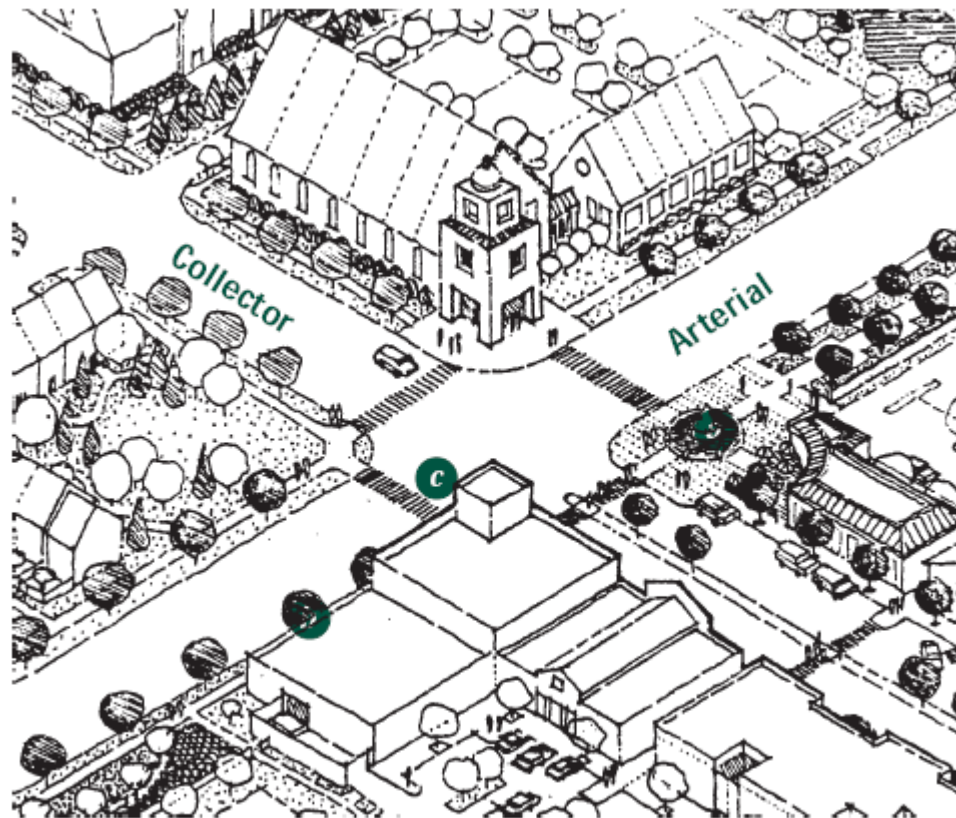
Figure VII-19. Creation of View Corridors



Sec. 21-7653. Gateways and Prominent Intersections

- (1) **Corner Buildings.** Buildings located at the corner of gateways or prominent intersections should 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.

Figure VII-20. Examples of Prominent Features and Corner Buildings at Prominent Intersections

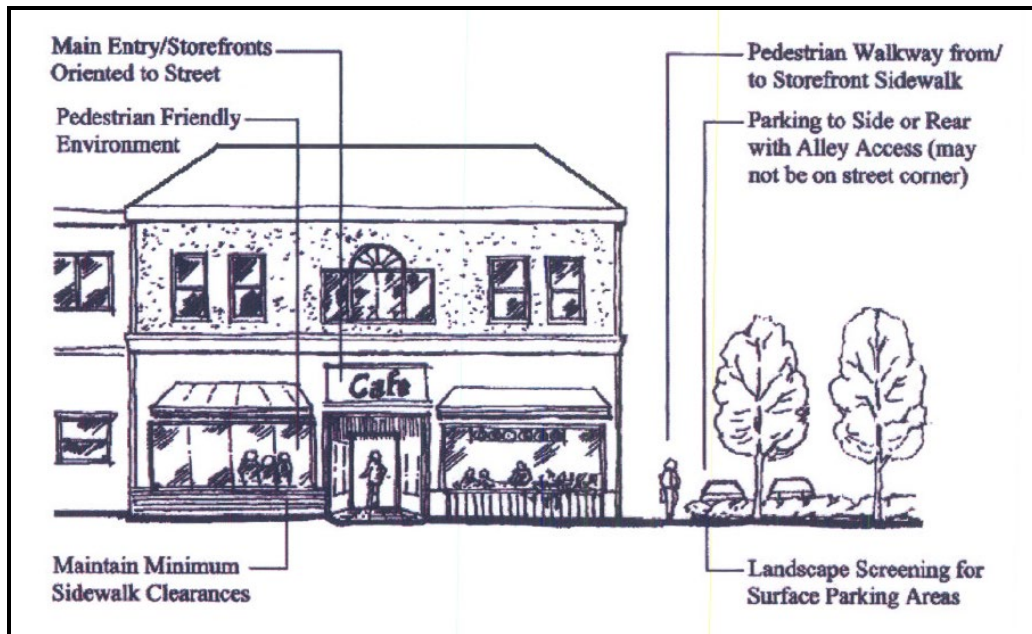


Activity center at the intersection of an Arterial and Collector road.

Sec. 21-7654. Building Elements

- (1) **Building Orientation.**
 - (a) The main entrance of a building should face a pedestrian plaza or space and shall have a direct pedestrian connection to the street, so that pedestrians are not required to walk through parking lots.
 - (b) Fronts of buildings shall be parallel or perpendicular to the edge of a pedestrian area to create a sense of enclosure.
 - (c) New developments and buildings should be situated as close to the street to the maximum extent feasible. Parking should be reserved for the sides or rear of the buildings.

Figure VII-21. Building Orientation - Typical



(2) **Relationship of Buildings to Streets and Walks.**

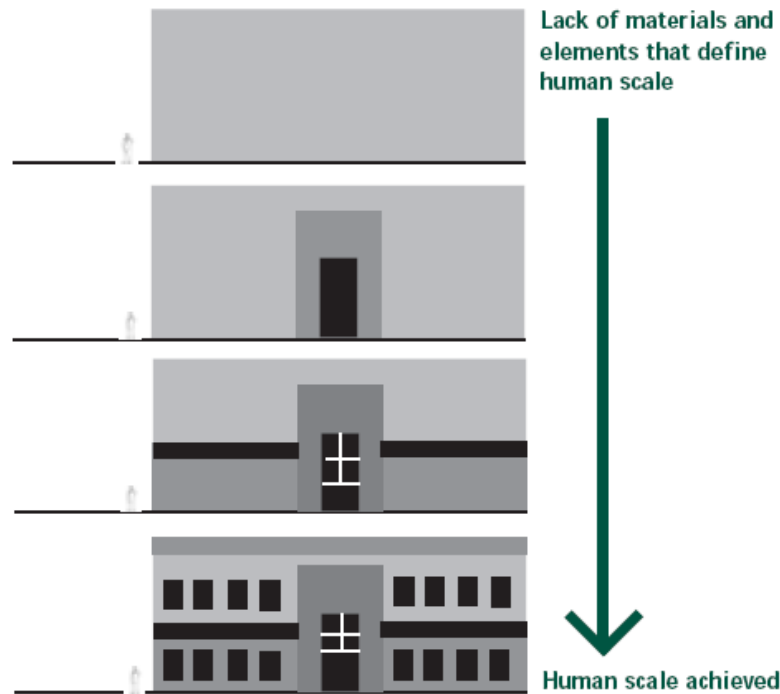
- (a) Building setbacks along the street. In a single-building development, the building shall be located no more than 20 feet from the front property line. In a single-building development on a corner lot, the building shall be located no more than 20 feet from either adjacent street property line. In multiple-building developments, at least one building's front or side facade shall be located no more than 20 feet from the right-of-way of the adjoining street. Any building adjacent to a public or private street and adjacent to a sidewalk, plaza, or other public space, shall provide an entry to the building from that sidewalk, plaza, or public space.
- (b) Exceptions. The building setbacks above shall not be required in sections of the development where plazas, courtyards, gardens, parks, or other public spaces integral to the development are provided adjacent to a street where these amenities have urban improvements such as paving, benches, landscaping, and other amenities that create an attractive public use area. In a single-building development on a corner lot, this setback exception shall apply to only one of the adjacent streets, not both.

Paragraph (2) (a) and (b) amended by Ord. 2020, February 2015

Sec. 21-7655. Architectural Design

- (1) **Four-Sided Design.**
 - (a) Buildings shall be aesthetically pleasing from all views and shall include such features as articulated entries, bay windows, or other features. They shall have consistency in terms of materials, colors, and design and shall have a finished appearance. Three hundred sixty degree architecture is required with massing, setbacks, and character that creates a pleasant streetscape and does not overly dominate streets or people.
 - (b) Façades fronting service or parking areas at the ground level need not have windows, but shall include architectural interest rather than a blank appearance.
- (2) **Variation in Massing.** A single, large, dominant building mass shall be avoided. Horizontal masses shall not exceed a height/width ratio of one to three without substantial variation in massing that includes a change in height and projecting or recessed elements. Changes in mass shall be related to entrances or the integral structure.

Figure VII-22. Examples of Variation in Massing



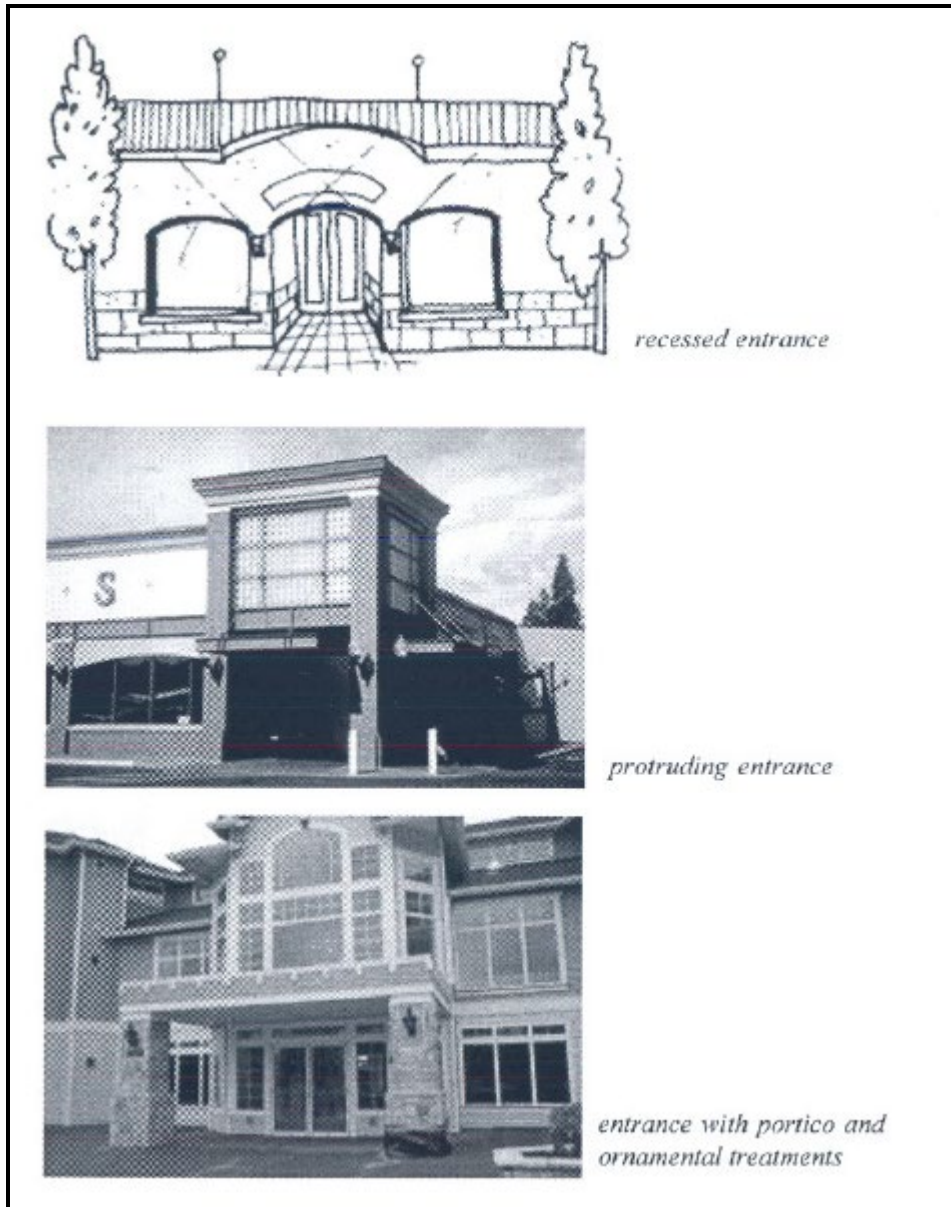
This series of diagrams illustrates how architectural elements and materials can break a massive building down to a human scale.

(3) **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.

- (4) **Building Entryways.** Each building of any size, whether free-standing or part of a shopping center, shall have a highly visible customer entrance featuring a combination of at least two of the following elements:
- (a) Roof overhangs, raised cornice parapets or peaked roof forms;
 - (b) Recessed or projecting wall sections;
 - (c) Arcades or arches;
 - (d) Outdoor patios;
 - (e) Water features;
 - (f) Display windows;
 - (g) Architectural details such as tile work and moldings integrated into the building structure; or
 - (h) Integral planters or wing walls that incorporate landscaped areas and/or seating areas.

Figure VII-23. Building Entryways



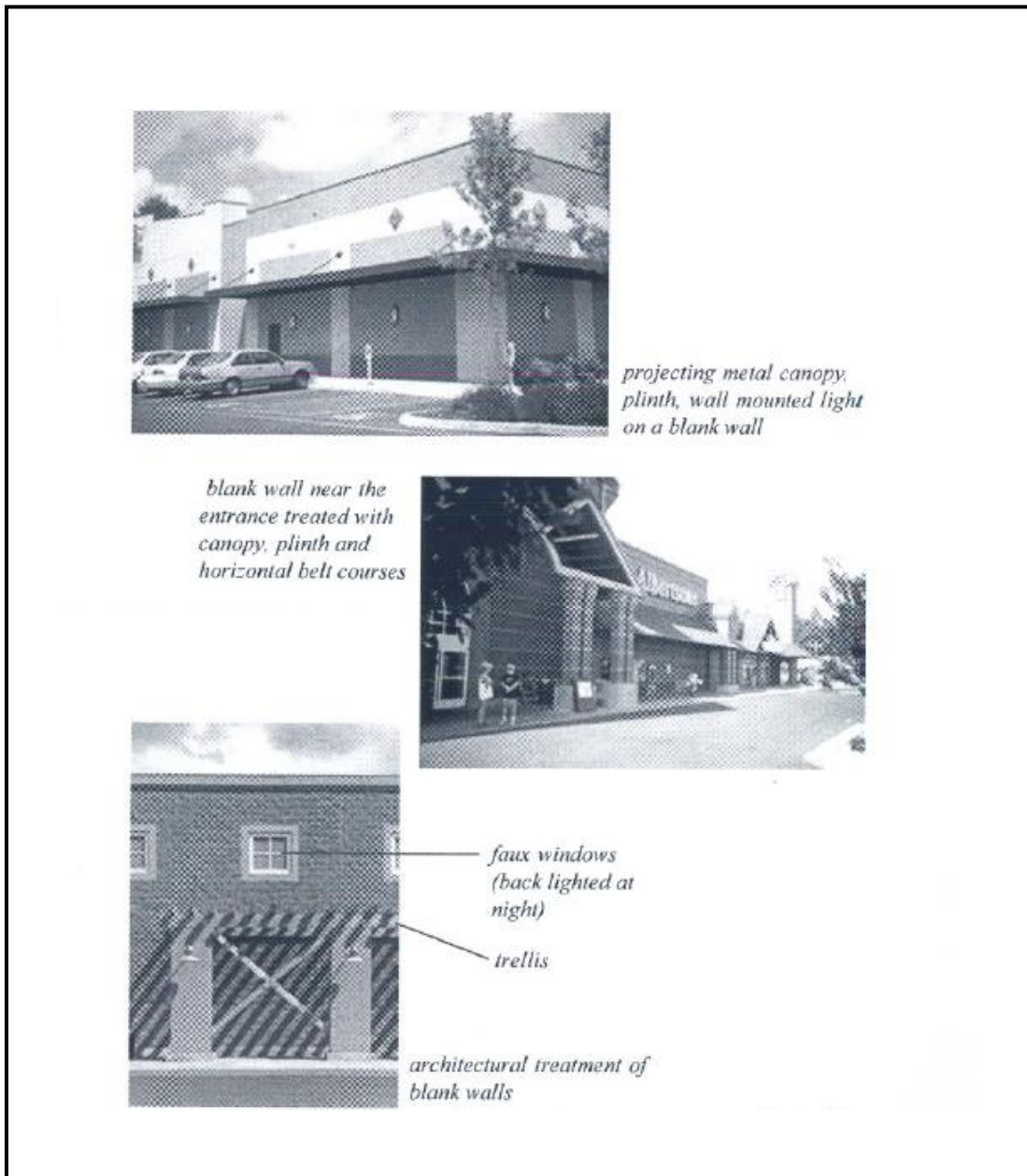
- (5) **Windows.**
- (a) Facades of all structures shall incorporate transparent features (windows and doors) over the surface area of street fronting facades.
 - (b) In cases where a building has more than two facades fronting a street, the transparency requirement shall only be required on two facades based on pedestrian traffic and vehicular visibility.
 - (c) Windows may be required to be recessed into the building wall to create shadow.

(6) **Facade Treatment.**

(a) Primary structures having single walls or portions of walls exceeding 65 feet in length shall have architectural treatment wherever they face adjacent streets or adjacent residential areas. At least three of the following elements shall be incorporated into these walls. For walls not fronting adjacent streets or residential uses, a minimum of two of the following elements shall be incorporated.

- (i) Concrete or masonry plinth at the base of the wall;
- (ii) Recesses and reveals at least 12 inches in depth;
- (iii) Windows and fenestration;
- (iv) Arcades and pergolas;
- (v) Towers;
- (vi) Gable projections;
- (vii) Horizontal/vertical breaks;
- (viii) Belt courses of a different texture and color;
- (ix) Projecting cornice;
- (x) Projecting metal canopy;
- (xi) Decorative tile work;
- (xii) Trellis containing planting;
- (xiii) Artwork; or
- (xiv) Other similar techniques approved by the city.

Figure VII-24. Façade Treatments

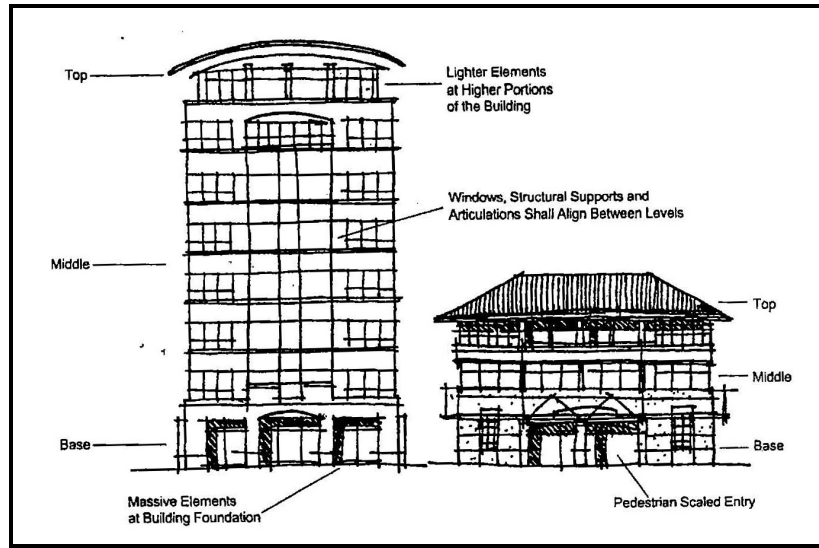


- (b) Facades shall have:
- (i) A distinct base at the ground level, using articulation and materials such as, but not limited to:
 - a. *Integrally textured materials such as stone or other masonry;*
 - b. *Thicker walls, ledges, or sills;*

- c. *Integrally colored and patterned materials such as smooth-finished stone or tile;*
 - d. *Lighter or darker colored materials, mullions, or panels; or*
 - e. *Planters.*
- (ii) A recognizable body or middle section that constitutes a minimum of 50 percent of total building height.
- (iii) A clearly identified top or cap that shall be treated with a distinct outline with elements such as:
- a. *Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry, or differently colored materials;*
 - b. *Sloping roof with overhangs and brackets;*
 - c. *Stepped parapets.*
- (iv) There shall be horizontal elements that separate each of the three sections

Figure VII-25. Examples of Three Sections of a Building





(7) **Materials.**

- (a) The predominant exterior building materials shall be materials that are characteristic of Colorado including, but not limited to, brick, sandstone or other native stone, stucco, tilt-up concrete, and glass. The director may approve other high-quality materials.
- (b) Architectural metal and concrete masonry units (CMU) may be used as an accent, but should not constitute more than 25 percent of any façade. Further, such metal siding shall be a standing seam type or equivalent quality, not a “corrugated” type. Architectural metals, such as bronze, brass, copper, and wrought iron, may be used and may exceed the 25 percent area limit.

(8) **Colors.** Brick, concrete, and stone have their own inherent color and should be left in their natural state to weather over time. Paint can be used to complement and accent other exterior building materials.

(9) **Roofs.**

- (a) 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 cast 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.

- (b) 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, as determined by the building official.
- (c) On all structures exceeding two stories in height, roofs shall internally drain, and external scuppers and wall drains shall be prohibited.

Sec. 21-7656. Large-Scale Buildings and Developments

- (1) **Applicability.** Individual buildings with more than 50,000-square feet of enclosed ground-floor space (for multi-tenant buildings, the sum of all tenant spaces within the same building shell shall comprise the total square footage) and multiple-building developments with a combined enclosed ground-floor space more than 100,000-square feet (e.g., shopping centers, public/institutional campuses, and similar developments) shall comply with the standards in this section.
- (2) **Human-Scale Design.** All large-scale buildings and developments shall provide human-scale design by conforming to all of the following standards:
 - (a) Incorporate changes in building direction (i.e., articulation) and divide large masses into varying heights and sizes, as shown below. Such changes may include building offsets, projections, changes in elevation or horizontal direction, sheltering roofs, terraces, a distinct pattern of division of surface materials, windows, screening trees, small-scale lighting (e.g., wall-mounted lighting or up-lighting), and similar features.
 - (b) The frontage of buildings shall be divided into architecturally distinct sections no more than 65 feet in width. Each section should be taller than it is wide. Windows and storefront glazing should be divided to be either square or vertical in proportion so that each section is taller than it is wide.

Figure VII-26. Examples of Design of Large-Scale Buildings and Developments



Note: The above example is meant to illustrate examples of large-scale building design elements, and should not be interpreted as a required design style.

- (c) Any large-scale building or development that utilizes shopping carts shall provide, at a minimum, 25 feet of linear pedestrian sidewalk or pedestrian plaza from the front door to the nearest automobile drive lane.
- (d) Any large-scale building or development that utilizes shopping carts shall provide shopping cart corrals that match and coordinate with the design of the building.
- (e) Street amenities. Large-scale buildings and developments shall have pedestrian and street amenities that create an attractive complex that encourages pedestrians, bikers, and other users to enjoy the area. Street amenities may include, but are not limited to: pedestrian lighting, bike racks, pedestrian plazas, seating areas, and outdoors dining areas. The quantity and design of these elements shall be determined specifically for each place.

Sec. 21-7657. Design Criteria – New PUD Commercial Development

In the PUD zone document for commercial development, the following preferred design criteria is advised and shall be considered:

- (1) Neighborhood commercial uses are encouraged to be located within ¼-mile walking distance of residential uses.
- (2) Commercial development should be incorporated with mass transit.

- (3) Retail developments in commercial areas could include additional floors of residential and/or office uses.
- (4) An architectural character distinguished through specific building materials, architectural features, and building orientation should be incorporated into all developments.

Sec. 21-7658. Design Criteria – New PUD Open Space, Parks, Plazas, and Civic Buildings

In the PUD zone document for open space, parks, plazas, and civic buildings, the following preferred design criteria are advised and shall be considered:

- (1) Major creeks, riparian habitat, slopes, and other sensitive environmental features shall be conserved as open space amenities and incorporated into the design of neighborhoods.
- (2) Parks and plazas should be the focal point for each neighborhood. They should be located next to public streets, commercial areas, and residential areas. Parks should not be formed from residual areas, used as buffers to surrounding developments, or used to separate buildings from streets.
- (3) Civic services, such as community buildings, government offices, recreation centers, post offices, libraries, and daycare, should be placed in central locations at highly visible focal points. Where feasible, they should be close to the transit stop.

G. INDUSTRIAL DEVELOPMENT GUIDELINES AND STANDARDS.

Sec. 21-7660. Applicability

- (1) **New Construction.** All new construction of buildings and structures shall comply with the standards contained in this division.
- (2) **Improvements to Existing Structures and Sites.**
 - (a) These guidelines and standards shall apply to existing buildings only when a proposed building expansion exceeds 25 percent of the existing floor area measured on a cumulative basis starting from the date of the adoption of this land development code. For example, if an owner increases the gross floor area by 5 percent each year, for 5 years beginning on the date of adoption of this Land development code, the provisions of this land development code shall apply when the gross floor area has increased by 25 percent in the fifth year.

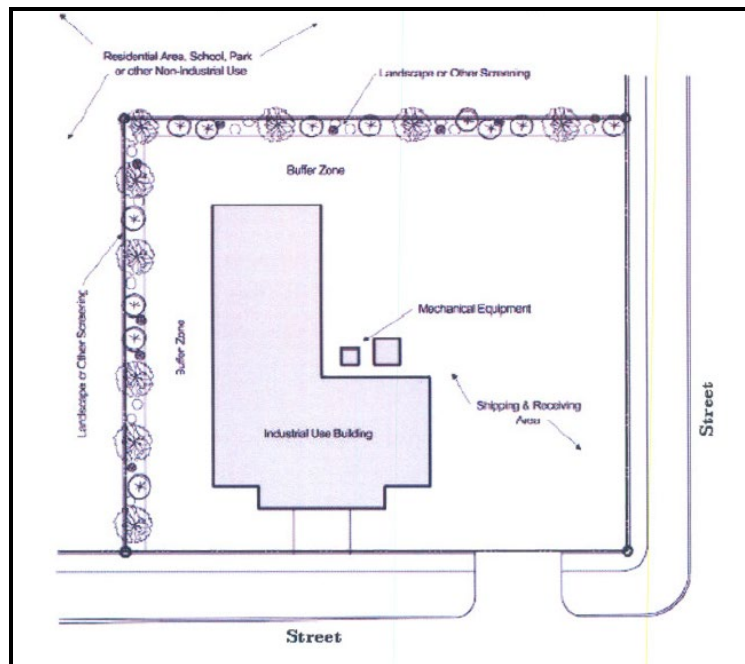
- (b) It is intended that a building expansion subject to these guidelines and standards be reasonably integrated with the existing structure or site condition consistent with these guidelines and standards.
- (c) These guidelines and standards shall not be construed to necessitate improvements to existing buildings or site conditions beyond those necessary to integrate the proposed improvement with existing conditions in a manner consistent with these guidelines and standards.

Sec. 21-7661. Building Orientation

- (1) **Single Building.** If the proposed development consists of only one building, such building shall be oriented towards the primary abutting street.
- (2) **Multiple Buildings.** Where multiple buildings are proposed on a development parcel, 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). If the proposed development consists of more than one building, all primary and pad site buildings shall be arranged and grouped so that their primary orientation complements adjacent, existing development and:
 - (a) Frames and 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.
- (3) **Entrances.** All primary structures shall have a clearly defined main pedestrian or employee entrance oriented towards a public street, which should feature at least two of the following elements:
 - (a) Canopies or porticos;
 - (b) Overhangs;
 - (c) Recesses or projections;
 - (d) Arcades;
 - (e) Arches;
 - (f) Peaked roof forms;
 - (g) Outdoor patios;

- (h) Display windows;
 - (i) Architectural tile work or moldings integrated into the building design; or
 - (j) Integrated planters or wing walls that incorporate landscaped areas or seating areas.
- (4) **Parking.** To the maximum extent feasible, parking shall be provided at the rear or sides of the building.
- (5) **Non-Public Functions.** Building functions that do not directly serve the public should not be placed directly along the street.

Figure VII-27. Example of Industrial Development Orientation



Sec. 21-7662. Building Massing and Form

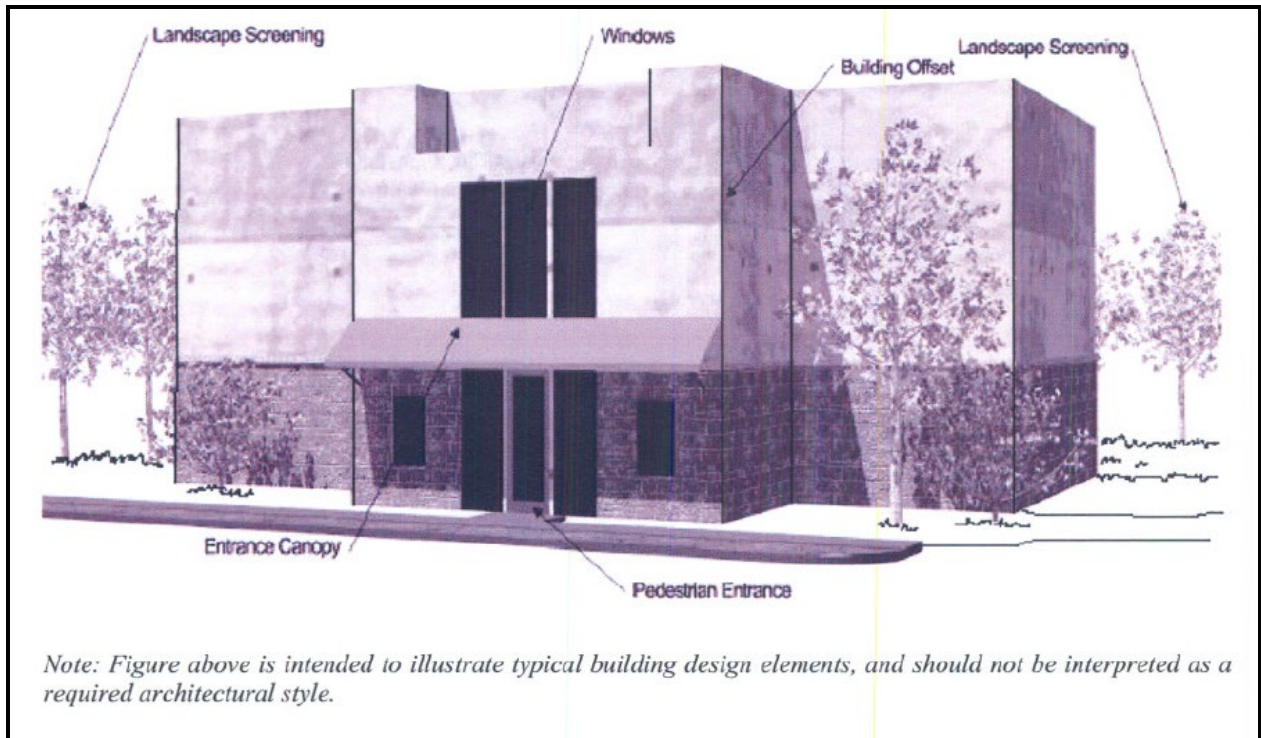
- (1) Structures shall be sited to avoid a wall effect along public rights-of-way and along adjacent property lines. This can be achieved by varying the building setbacks and clustering buildings.
- (2) The design of all buildings should employ textured surfaces, projections, recesses, shadow lines, color, window patterns, overhangs, reveals, changes in parapet heights, and similar architectural features to avoid monolithic shapes and surfaces.
- (3) If any building is on a lot or tract with frontage on a public park or open space, or is adjacent to a property zoned or used for residential use, it

- shall have equally detailed facade as the front of building, constructed of equally high quality materials on the facade facing such park, open space, or residential use.
- (4) All primary structures with flat roofs shall include a parapet or fascia around all sides of the building.

Sec. 21-7663. Materials

- (1) All front facades of primary structures, all facades that face a public right-of-way, and all side wall facades within 15 feet of the front facade shall contain a minimum of 50% glass, masonry, concrete, or stucco. Acceptable materials include synthetic stucco, block, pre-stressed concrete, precise concrete panels, brick, poured-in-place, tilt-up concrete components, glass and stone.
- (2) Walls other than the front facade of a primary building may be clad with architectural metals, but not within 15 feet of the front facade of the building. Metal siding includes any form of metal exterior finish material, including corrugated or standing seam metal siding. The director may permit metals such as bronze, brass, copper, and wrought iron to be located along the front facade if a determination is made that such materials are equal to or superior to the primary building materials.
- (3) Facade building materials shall not create excessive glare when viewed from any public street or from any residential area.
- (4) All sloping roof areas with a pitch of 3:12 or greater, and visible from any public or private right-of-way, shall be surfaced with attractive and durable materials. Metallic surfaces for roofs are acceptable.
- (5) **Pole Construction.**
- (a) Eaves and rakes on structures that are pole construction shall be a minimum of 12-inches.
- (b) All facades of structures that are pole construction and are visible from a public or private right-of-way, public space, or residence shall be covered in a minimum of 25% masonry veneer, stucco veneer, or other material as approved by the Director.
- (c) All facades of structures that are pole construction and are visible from a public or private right-of-way, public space, or a residence shall have a minimum of 2 windows that are 20 square feet each and each window shall have shutter treatments.
- (d) Structures that are made of pole construction shall have a minimum of 2 paint colors that are complimentary to one another.

Figure VII-28. Example of Architectural Features



Paragraph (5) added by Ord. 1887, July 2012

Sec. 21-7664. Screening

- (1) **Outdoor Storage.** Outdoor storage and parking areas for vehicles in excess of 15,000-gross vehicle weight (GVW) must be located behind the front yard as defined by the outer wall of the building along a public street.
- (2) **Tanks and Equipment.** All exterior tanks, piping, and equipment, that cannot be housed in a structure or adequately screened by landscaping or fencing, must be painted in a camouflaging earth tone color, or other complimentary development color, and screened to the fullest extent possible.

Sec. 21-7665. Design Criteria – New PUD Industrial Development

In the PUD zone document for industrial development, the following preferred design criteria are advised and shall be considered:

- (1) Outdoor storage should be located behind the building on no more than 50 percent of the lot and be screened from view of the public right-of-way and adjacent properties.

- (2) The front and side setback areas adjacent to the public right-of-way should only be used for landscape area, primary employee/customer parking, and driveways and should not be enclosed with fencing.
- (3) Access to industrial lots should be limited to one access point per street frontage. Where possible the curb cut should be combined with the curb cut on an adjacent property.

DIVISION 7: MISCELLANEOUS DESIGN STANDARDS

A. LIGHTING

Sec. 21-7700. Scope

- (1) **Applicability.** Except as specified in paragraph 2 of this section, all exterior lighting systems that are designed, constructed, erected, or otherwise placed into operation in any zone district, except for single-family residential, 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.
- (2) **Exceptions.**
 - (a) 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.
 - (b) Lighting used to control and regulate the flow of pedestrian and motor vehicle movement on public rights of way.
 - (c) 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.
 - (d) 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.

- (e) Lighting required by and regulated by the Federal Aviation Administration for the purpose of air traffic control, navigation, or warning.
- (f) Civic monuments as approved by the director.
- (g) Lighting approved by the director as a part of an organized event permit.
- (h) All city-owned or operated facilities.

Sec. 21-7701. Plan Required

When outdoor lighting is governed by this land development code, an outdoor lighting plan shall be submitted in conjunction with the applicable development review application. All plans shall include the following:

- (1) The location and mounting height above grade of light fixtures including building mounted fixtures.
- (2) The location of all buildings, parking, drives, walkways, and if applicable, any outdoor retail or storage areas on the lot or parcel.
- (3) The quantity and type of lamp to be used in each fixture along with the lumen output of the lamp.
- (4) Photometric Plan with an initial horizontal luminance (maintenance factor = 1.0) calculated at grade using a grid of points no more than 10 feet apart and covering the entire site (excluding buildings) and extending a minimum of 10 feet beyond the lot or parcel boundary line. The maximum, average, and minimum luminance values for each specific use area (e.g., parking area, pedestrian area, etc.) shall be highlighted. The director may waive the requirements for a photometric plan for small lighting systems.

Sec. 21-7702. General Standards

- (1) **Shielding.** Except as otherwise exempted in this land development code, all outdoor lighting shall be constructed with full shielding. 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-family and duplex 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 abutting residential dwellings.
- (2) **Energy Efficient.** All new outdoor lighting fixtures shall be energy efficient with a rated average bulb life of not less than 10,000 hours.
- (3) **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.
- (4) **Level of Illumination.** During hours of darkness, the minimum and average maintained foot-candles of light shall be consistent with the provisions listed below. A point-by-point photometric plan listed above shall be required in conjunction with the development review application and prior to issuance of a building permit to ensure compliance with these provisions.
- (a) Parking lots, driveways, trash enclosures/areas, public phones, 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.
- (b) 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.
- (c) Exterior doors of non-residential 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.
- (d) Maximum lighting level uniformity (maximum to minimum) for residential parking lots shall be 15:1 and for non residential 10:1.
- (e) In no case shall exterior lighting add more than one foot-candle to illumination levels at any point off-site.
- (5) **Maximum Height.**
- (a) The maximum height of freestanding outdoor light fixtures for development abutting single-family residential property shall be 25 feet. Otherwise, the maximum height for freestanding outdoor light fixtures shall be 30 feet.

- (b) Light poles or tree mounted structures shall be between 12- and 14-feet high.
- (c) Bollard type light fixtures shall be between three- and four-feet high.

Sec. 21-7703. Photometric Studies

In the discretion of the city, or in the event there is any disagreement between the city and an applicant as to whether the proposed lighting meets any lighting standard, the city may require a photometric study of the proposed lighting at the applicant's expense.

Sec. 21-7704. 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.

Pedestrian lighting should 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 3 feet away from the face of the curb;
- (b) At least 5 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 metal halide 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.

Sec. 21-7705. 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.

Sec. 21-7706. 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.

Sec. 21-7707. 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.

Sec. 21-7708. 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 article VIII (Signs).

Sec. 21-7709. Prohibited Lighting

Except as specifically authorized by the city, the following shall be prohibited:

- (1) 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.
- (3) Any blinking, flashing, or changing intensity lighting except as a part of a temporary holiday display.
- (4) Aerial lasers.
- (5) 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 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. 21-7710. Existing Lighting Systems

All existing lighting systems legally installed and operative before the date of adoption shall be considered legal non-conforming systems. Non-conforming lighting may be continued, but the lighting shall not be changed to any other non-conforming lighting, structurally altered, altered in any way that increases its degree of non-conformance, or expanded or extended in scope.

B. UTILITIES

Sec. 21-7720. Utilities to be Placed Underground

- (1) **Standards.** All new utility lines, including without limitation electrical, communication, cable lines, shall be placed underground in accordance with the following standards:
 - (a) Utility lines within, bordering, or directly identifiable as needed to serve, newly developed areas shall be installed underground.
 - (b) Where existing utility lines are underground, all new utility lines shall also be installed underground.
 - (c) When existing aboveground utility distribution lines are moved, the lines must be re-installed underground, and all utility lines supported by the existing utility poles shall be installed underground up to the property line, and the poles shall be removed.
 - (d) All new service laterals shall be installed underground regardless of whether the distribution system is under or aboveground.

- (e) All new increases in customer capacity brought on by the property owner or upgrades to existing electrical boxes shall require the undergrounding of service laterals or utility lines.
 - (f) The replacement, modification of, and or addition to existing aboveground utility lines will be allowed when reasonably required to maintain or service laterals that may have been damaged unless multiple pole replacement is required or to allow for increases in customer capacity from the local utility provider.
 - (g) Appurtenances may be placed aboveground where the city determines it is appropriate to serve the systems they support. This includes all appurtenances reasonably necessary to connect underground utility lines to existing or permitted aboveground utility lines. Aboveground appurtenances shall be located away from parks, playground, and schools when possible. The property owner or developer, in conjunction with the utility provider, shall provide to the city a utilities plan describing the general location and landscaping treatment of aboveground appurtenances necessary to serve any new development. The utilities plan shall be submitted and approved by the city prior to the approval of the subdivision plats associated with said development.
 - (h) Every effort shall be made by the utilities provider to coordinate the cooperative use of trenches and such other installation features as can be shared for installing underground utilities.
- (2) **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.

Sec. 21-7721. Exceptions to Underground Requirement

- (1) Temporary aboveground utility lines and service laterals required during construction. Such lines shall be removed when construction is completed or when service to the temporary facility is no longer required. In no case shall the temporary lines remain in place for more than one year without express authorization from the city.
- (2) All services necessary for additional street lighting, where aboveground utilities are in place and in use.

- (3) **Electrical Transmission Lines.** Electrical transmission lines with a rated voltage of 26 kilovolts or greater and used to distribute electricity to the utility provider substations.
- (4) **Existing Single-Family Residential.** Increases in customer capacity for existing single-family attached and detached homes which result from additions, remodels, new detached garages, service relocation, or other typical improvements by the property owner shall not require undergrounding of service laterals or utility lines. New residential construction, including scrape-off and rebuild, is not exempt.
- (5) **Damage to Existing Aboveground Lines.** In situations where the existing service has been damaged due not to the fault of the property owner, undergrounding of service laterals or utility lines shall not be required.

Paragraph (3) added by Ord. 1887, July 2012

Paragraphs (4) and (5) added by Ord. 2158, December 2018

Sec. 21-7722. 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 land development code 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.

Sec. 21-7723. 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.

C. FENCE AND WALL STANDARDS

Sec. 21-7730. Fence and Wall Styles

- (1) **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.
- (2) **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.
- (3) **Combinations.** A fence which combines the elements of both open and screen style fences may be permitted where a solid masonry base shall have a maximum height of two feet and decorative open-style material built on top of that base. Such fencing shall be classified as open style.
- (4) **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 not 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 standards contained in section 21-7732 of this land development code as well as the following standards.
- (a) **Agricultural Zone District Requirement.** No electric fence used for the containment of livestock shall have more than two (2) 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 b 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.
- (b) **Industrial Zone District Requirements.**
- (i) A perimeter non-electric fence must surround the exterior of an electric fence. Except for gates, the perimeter fence shall be located not less than six (6) inches from the electric fence. At gates, the perimeter fence shall be located not less than three (3) inches from the electric fence. Perimeter fences shall be regulated by table VII-21.
- (ii) 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.

- (iii) A key box with an entry key shall be installed at one or more locations, as determined by the fire department.
 - (iv) 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.
 - (v) It shall be unlawful to place an electric fence along any property line adjacent to a residential or public zone district or use unless:
 - a. *the electric fence and the perimeter fence required by paragraph (i) 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*
 - b. *a solid style fence or wall is constructed as the perimeter fence*
 - (vi) The maximum height for an electric fence in each of the categories contained in table VII-21 shall be no more than 2-feet higher than the perimeter fence.
- (5) **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:
- (a) 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;
 - (b) Barbed wire may be used as a fencing material in agricultural zone districts; and
 - (c) Barbed wire is allowed on rural properties being used for agricultural purposes, but not zoned for such, as determined by the director.

*Paragraph (4) amended by Ord. 2061, August 2015
Paragraph (3) amended by Ord. 2158, December 2018*

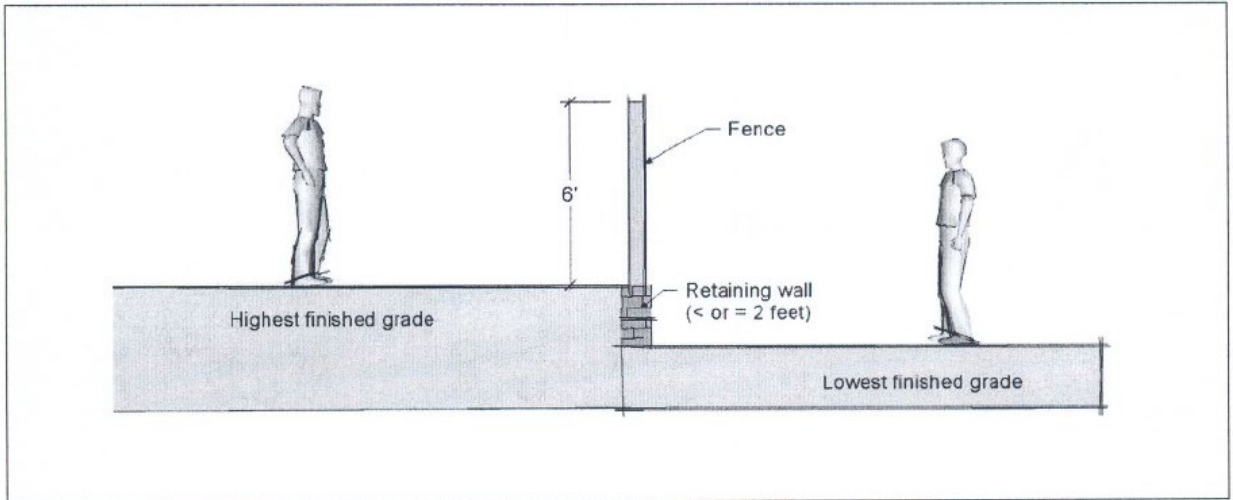
Sec. 21-7731. General Standards

- (1) **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.
- (2) **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.
- (3) **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.
- (4) **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.
- (5) **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.
- (6) **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 VII-21.
- (7) **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.
- (8) **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-family residential front yards, a masonry column or pillar may exceed the height of the fence by 1 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 4 inches, or include a vertical support element that is exposed to the public right-of-way subject to the approval of the city.

- (9) **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.

Figure VII-29. Measurement of Fence Height on Parcels with Different Elevations



- (10) **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.

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

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

Table VII-21. Fence and Wall Standards.

	AGRICULTURAL	RESIDENTIAL	COMMERCIAL AND MIXED USE	INDUSTRIAL	PUBLIC/ INSTITUTIONAL
Height Maximum					
Front Yard	42 inches	42 inches	42 inches	6 feet	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

**Article VII – Development and Design Standards
Sec. 21-7732. Fence and Wall Requirements by Land Use**

	AGRICULTURAL	RESIDENTIAL	COMMERCIAL AND MIXED USE	INDUSTRIAL	PUBLIC/ INSTITUTIONAL
Height Maximum					
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
Along a public or private open space or park.	0	0	0	0	0
Fence Style					
Front Yard	Open	Open	Open or Screen	Open or Screen	Open or Screen
Rear Yard	Open or Screen	Open or Screen	Open or Screen	Open or Screen	Open or Screen
Side Yard	Open or Screen	Open or Screen	Open or Screen	Open or Screen	Open or Screen
Side Yard or rear yard along public right-of-way	Open	Open if over 5 feet in height; open or screen if 5 feet in height or less	Open or Screen	Open or Screen	Open or Screen
Along a public or private open space, park or trail.	Open	Open	Open or Screen as determined by the director.	Open or Screen as determined by the director.	Open or Screen as determined by the director.
Minimum length of driveway or drive aisle between gate to public-right-of-way (may be reduced in accordance with ECSS (Engineering Construction Standards & Specifications))					
	20 feet	20 feet	50 feet	50 feet	50 feet

(2) Exceptions.

- (a) When a property sides onto an arterial, state, or federal highway, a solid fence up to a maximum six feet in height may be allowed in residential districts subject to the setbacks listed above.
- (b) When an interior lot backs onto another public right-of-way, a solid fence up to a maximum 6 feet in height may be allowed in residential districts subject to the setbacks listed above.
- (c) Tennis Courts, baseball field, or similar outdoor recreational use may consist of a fence with a maximum height of 12 feet, provided that the fence is open style and is not located in any required setback. These recreational use fences may not be used for any standard property line fencing mentioned above. In addition, mesh netting is allowed for these outdoor recreational use fences.

- (d) Any gates located along interior lot lines or along alleys do not have to meet the required gate setback.
- (e) Fencing over 42 inches in height for individual mobile home lots or spaces is prohibited. Perimeter fencing around an entire mobile home park or district is allowed utilizing the public/institutional fence standards.
- (f) Vacant lots may have only a chain-link, wrought iron, or similar open-style fence of equal transparency to prevent illegal dumping. The maximum allowed height for such a fence is 6 feet, and the front setback shall be equal to the minimum front setback for a principal structure in that zone district. Barbed wire, razor wire, and electric fences are prohibited.

Table VII-21 amended, and paragraph (3) (f) added, by Ord. 2158, December 2018

Sec. 21-7733. Temporary Fences

Temporary fencing for construction sites and for organized events may be allowed in conjunction with the criteria set forth in article V.

Sec. 21-7734. Residential Subdivision Perimeter Fences and Walls

- (1) **Standards.** Where perimeter fencing or walls are installed around a subdivision or development, they shall comply with the following standards when located adjacent to public right-of-way:
 - (a) A minimum eight-foot buffer shall be provided between the back of a sidewalk and a fence or wall. Landscaping, including trees, shall be incorporated within the buffer to soften the appearance of the wall or fence.
 - (b) No more than 75 percent of any street frontage shall be occupied by the fence or wall.
 - (c) The required 25 percent openings in the fence or wall frontage shall serve to visually link intersecting streets, view corridors into and out of the development, pedestrian entryways, and parks or open space. Fences or walls that have a surface area that is not more than 50 percent opaque, hedges and screens composed of living plant material, or any land use with a wall or fence lower than 42 inches, may count toward the 25 percent requirement.
- (2) **Materials.** Any perimeter subdivision fence located along a limited-access highway shall be constructed of masonry, stone, block, stucco, or related material. Cedar or wooden fencing is prohibited. Other materials may be approved by the director.

Sec. 21-7735. 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 4-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-family detached and single-family attached residential properties. Tires are prohibited from being used as a retaining wall in all zone districts.

Sec. 21-7736. Courtyard Walls

- (1) **Description.** Solid or semi-transparent walls architecturally integrated with the primary structure which are used to create an enclosed or partially enclosed outdoor living space that is open to the sky.
- (2) **Materials.** Courtyard walls shall utilize similar or complementary materials as the connecting principal structure. Where the principal structure includes masonry, the wall shall incorporate matching masonry materials into the design of the wall. Other acceptable materials include wood, brick, stone, masonry, stucco, decorative metal panels, tile, glass block, composite or fiberglass materials that mimic the appearance of natural wood or stone, or other materials as approved by the city. Any gate or door may be of a complementary material to the rest of the wall, and shall be of an open/semi-transparent design.
- (3) **Finished Sides.** The courtyard wall shall present a finished appearance on the interior and exterior sides of the wall as well as on the top. This may include a cap of the same or a complementary material as the rest of the wall. Walls designed to be filled as planters are also acceptable.

- (4) **Setbacks.** All courtyard walls shall comply with the principal structure setbacks for the underlying zone district. The space in front and side yards along a public right-of-way between the courtyard wall and the street shall be landscaped in accordance with Sec. 21-7510.

- (5) **Height.**
 - (a) Front and side yards along a public right-of-way or open space. The maximum allowed height is 4 feet. Walls with an undulating design may be up to 5 feet at the highest point with an overall average height of 4 feet. Columns may exceed the wall height by up to 1 foot, inclusive of any caps or decorative features. An archway or entry feature may be up to 8 feet at the highest point and shall not exceed 5 feet in horizontal width. A maximum of one (1) archway or entryway feature is allowed in the front yard.

 - (b) Side and rear yards. The maximum allowed height is 8 feet for all components of the wall, including columns, archways, and any decorative features.

Section added by Ord. 2188, December 2018

ARTICLE VIII. SIGN REGULATIONS

ARTICLE VIII. SIGN REGULATIONS

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DIVISION 1: GENERAL PROVISIONS

Sec. 21-8100. Intent

The intent of these regulations is to coordinate the type, placement, and physical dimensions of signs within the zoning districts; to recognize the commercial communication requirements of all sectors of the business community; to encourage the innovative use of design; to promote both renovation and proper maintenance; to allow for special circumstances; and to guarantee equal treatment through accurate record keeping and uniform enforcement. It is further the intent of this article to encourage signs that are attractive and compatible with the adjacent property, that will preserve and enhance property values within the community and provide for the public's safety, that will preserve the environmental character of the community; that will prevent overload of visual stimuli, and that will promote safe visual perception from a moving vehicle.

Sec. 21-8110. Conflicts

In the event that any provision in this article conflicts with the Colorado Outdoor Advertising Act (COAA), COAA shall control. Furthermore, nothing contained in this article shall be deemed a waiver of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between this code and any other ordinances or regulations, the more restrictive shall apply.

Sec. 21-8120. Permits

- (1) **Required.** Except as provided in this article, no person shall erect, move, re-erect, construct, alter, enlarge, repair, or permit the erection of any sign without first obtaining a sign permit. In addition, electrical permits shall be obtained for illuminated signs.
 - (a) For purposes of this article, the term alter means changing the size, shape or height of a sign, changing the construction material of a sign, changing the copy of a sign except as allowed pursuant to section 21-8430 (Changeable Copy Signs), or adding lighting to a sign.
 - (b) Signs may be removed for maintenance and replaced on the same support, without obtaining a new permit.
- (2) **Applications.** Applications for sign permits shall be made in writing upon forms furnished by the city and, unless specifically waived by the city, shall include all information and material required by that form. Other than signs erected on single family 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 land development code.

- (3) **Current Violations.** No sign permit shall be issued for the benefit of any property where any sign is currently displayed in violation of this land development code, except to replace the illegal sign with a legal sign
- (4) **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.
- (5) **Expiration.** If construction of a sign is not completed within six months of permit issuance, the permit shall expire and a new permit shall be required.

Sec. 21-8130. Permit Revocation

- (1) **Authority to Revoke.** The director may revoke any sign permit that was issued by mistake, as the result of incorrect information, or which results in a violation of any ordinance or regulation. It shall be unlawful for any person to continue to erect, move, construct, alter, enlarge, repair or display any sign after receiving notice of the revocation of the applicable sign permit.
- (2) **Fee Non-Refundable.** When any permit has been revoked under the terms of this section, permit fees shall not be refunded.

Sec. 21-8140. Comprehensive Sign Program

Shopping centers and multi-use or multi-building business, commercial, or industrial developments or redevelopments shall employ a uniform sign program. A uniform sign program includes the following elements:

- (1) **Architectural and Visual Compatibility.** There shall be architectural harmony and unity of signs within the center. Sign type, color, scheme, size, and illumination within the center shall be coordinated and compatible with the site's architectural character.
- (2) **Informational Signage.** Within each development, information signage and way-finding systems shall be of a unified graphical system. They 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.
- (3) **Sign Shape.** The silhouette of signs shall be compatible with the building or façade to which they relate.
- (4) **Illumination.** Illumination 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.

- (5) **Materials.** Materials and textures of signs shall be compatible with the architectural character of the site and building. Supporting sign structures of monument signs shall match the primary finish and colors of the associated building(s).
- (6) **Placement.** Attached signs shall not disrupt the architectural composition of the building façade. Attached signs shall not overlap or cover features of the building such as cornices, eaves, window and doorframes, columns and other decorative elements.
- (7) **Views.** Ground or freestanding signs 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.

Sec. 21-8150. General Standards

Unless specifically exempted, all signs shall be governed by the provisions of this section.

- (1) A sign attached to a building shall not project above the top of that building.
- (2) No flags, banners, or air-filled devices shall be anchored to, or in any way displayed from poles or standards placed on, the roof of a building or structure.
- (3) The rear service entrance to any business establishment may have one sign no more than 2-square feet in area stating only the name of the business and/or address. No permit is required for this sign.
- (4) All signs shall meet the sight triangle visibility requirements.
- (5) Signs may only be placed in or over a public right-of-way with the approval of the city. 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 of a street, sidewalk, utilities, or to protect the health, safety, and welfare of the citizens of the city, with no liability to the city for replacement or repair.
- (6) Materials for construction of signs and sign structures shall be of the quality and grade as specified for buildings in the building code, as adopted and amended by the city.

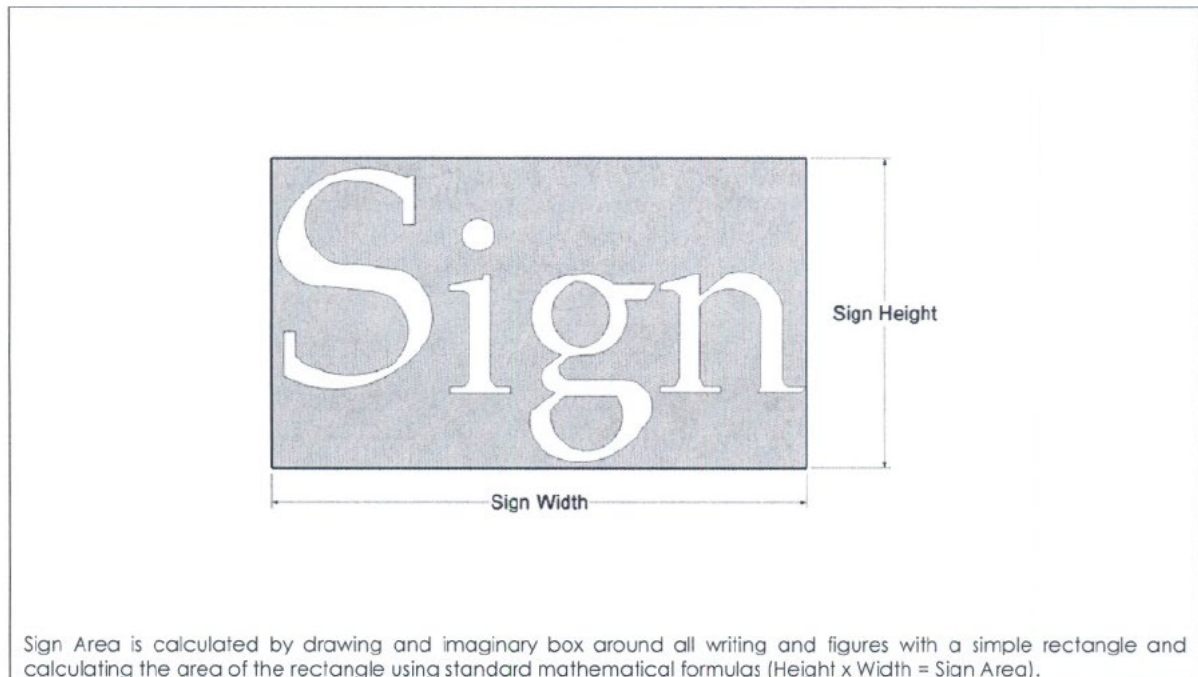
- (7) Except for ornamental mountings, no visible guy wires, structural cables, or turnbuckles shall be allowed.
- (8) No sign shall be attached to utility poles, stakes, or fences unless explicitly authorized by this code.
- (9) Signs shall only be located on the premises of the use being advertised or identified. For purposes of this section, the term “premises” does not include easements or similar adjacent parcels of land.
- (10) No sign shall contain light strings.
- (11) No sign shall be located with less than 6-foot horizontal or 12-foot vertical clearance from overhead electric conductors that are energized in excess of 750 volts.
- (12) No sign shall be displayed on the surface of a street, parking lot, or sidewalk.
- (13) Any signs displaying individual product brands or manufacturers shall be included in the total number of signs allowed per property.

Paragraph (2) amended by Ord. 1785, June 2010

Sec. 21-8160. Sign Measurements

- (1) **Size.**
 - (a) 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.
 - (b) 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. Except for awning, canopy, and permanent subdivision identification signs, the allowed signage shall not exceed 50 percent of the background area. The background of permanent residential subdivision signs on a wall or other background shall be approved by the city.

Figure VII–1. Measurement of Sign Area



- (c) 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.
- (d) Multiple sign faces. Where a sign has two or more display faces, the area of all faces shall be included in determining the area of the sign.
- (e) Illumination. Neon bands or other outdoor building illumination, which do not identify or convey information, shall not be included in calculating the sign area.
- (f) Architectural treatments. Architectural treatments that aid in integrating the signage with the building design are encouraged, but any such treatment shall not be created for the purpose of visually enlarging the size of the sign.
- (g) Distinctive surfacing. If more than 25 percent of any wall structure of any non-residential building or any accessory structure to a non-residential 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 the Sign Schedule.

- (2) **Height.** The height of any sign shall be determined by the distance between the topmost portion of the sign structure and the ground elevation at the base of the sign. The allowable height for signs shall be governed by the limitations contained in the sign schedule, table VIII-2, unless expressly provided for otherwise in this land development code.
- (3) **Location and Number.** The setback and number of signs allowed for any given use shall be governed by the limitations contained in the sign schedule, table VIII-2, unless expressly provided for otherwise in this land development code.

Sec. 21-8170. Nuisances Prohibited

Signs that are unauthorized or which have fallen into disrepair are deemed to be a nuisance. By way of example and not limitation, the following signs shall constitute a nuisance:

- (1) Signs that neither meet the requirements set forth in this land development code nor qualify as a legal nonconformity;
- (2) Signs erected, or in the process of being erected, without a valid permit;
- (3) Signs that are in disrepair or unsafe, as determined by the city; or
- (4) Signs that advertise defunct businesses or unavailable products or services.

The aforementioned signs are unlawful and the city may restrain, prevent, abate and enjoin such signs through any remedy available to it by law, including without limitation the enforcement alternatives outlined in article X.

DIVISION 2: SIGNS ALLOWED WITHOUT A PERMIT

Sec. 21-8200. Overview and Basic Requirements

Due to their small size, temporary nature, limited time duration, limited aesthetic impact and strong community interest in identifying land uses, locations and historic structures, the signs contained in division 2. may be erected without a sign permit or building permit so long as they meet:

- (1) The construction and safety standards of the city;
- (2) The general sign standards contained in section 21-8150, above; and
- (3) The standards specific to the type of sign erected, if any, that are outlined below.

Unless specifically provided otherwise, the types of signs contained in this division 2 are allowed in all zone districts.

Sec. 21-8205. Flags and Flagpoles

Freestanding flagpoles and the flags flown upon such flagpoles shall comply with the standards set forth in this section.

(1) **General Standards.**

- (a) Flag size and pole height. The size of flags and the height of all flagpoles shall conform to the following table.

Table VIII–1. Flag and Flagpole Requirements

Building Height	Maximum Height of Pole	Maximum Flag Size (feet)
All single-family residential	15 feet	3 x 5
1 story	20 feet	3 x 5
2 stories	25 feet	4 x 6
3-4 stories	30 feet	5 x 8
5 stories or more	35 feet	6 x 10

- (b) No flag shall, when fully unfurled, extend over the property boundary onto any adjoining property or public right-of-way;
- (c) No flag or flagpole shall be erected or maintained so as to allow a flag at rest to reach a height less than ten feet above the ground; and
- (d) The location of all flagpoles shall meet the setback requirements for accessory structures set forth in article V of this land development code.

- (2) **Government and Non-Profit Flags.** Lots may contain up to three flagpoles for the purpose of flying government and/or non-profit flags. No flag on such flagpoles shall contain commercial speech.

- (3) **Other Flags.** In addition to the three flagpoles allowed in paragraph (2), a lot may contain no more than one flagpole for the purpose of flying a commercial flag.

- (4) **Permit Required.** Flagpoles mentioned in (1) (a) above require a building permit to construct.

Sec. 21-8210. Public Signs

Signs that are erected or displayed by a school district, recreation district, or any governmental agency excluding special districts, shall not require a permit. Nevertheless, such signs must comply with the standards applicable to the type of sign being erected or displayed unless a deviation from that standard is approved in accordance with the provisions of this land development code.

Sec. 21-8215. Historical Signs

No permit is required for historical commemorative plaques, memorials, or tables that are:

- (1) 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; and
- (2) Contain the name of the building, the date of erection and use of the building, or the name of the location, its historical significance, and a date relating to the historical significance.

Sec. 21-8220. Real Estate Signs

One freestanding or wall mounted sign per street frontage that advertises the sale, rental, or lease of the property on which the sign is located may be erected without a permit provided such signs comply with the following standards.

- (1) **Single-Family Residential.** Signs shall not exceed 6-square feet in total area or 4 feet in height.
- (2) **All Other Uses:** Signs shall not exceed 40-square feet in total area or 8 feet in height.

Sec. 21-8225. Address and Building Identification Signs

Whether illuminated or not, signs that identify a particular parcel of land or individual building for purposes of information and not for advertising, including an individual house address sign, shall be allowed without permit, provided that such signs:

- (1) Are attached to the building identified or, where no building is involved, are placed as determined by the development review process; and
- (2) Are limited to two per building or parcel.

Section amended by Ord. 1976, November 2013

Sec. 21-8230. Temporary Window Signs

- (1) **Prohibitions.** Temporary window signs shall not be:
 - (a) Animated;
 - (b) Occupy more than 25 percent of any window area;
 - (c) Displayed in windows above the ground floor level; or
 - (d) Larger than 200-square feet per individual business.

- (2) **Limitations.** Temporary window signs shall contain only information and wording relating to the service or merchandise offered in the building on which they appear. Such signs shall be located only at those windows of the unit or space occupied by the business.

- (3) **Special Considerations.**
 - (a) Any window sign displaying the business name shall be classified as a permanent window sign.
 - (b) All neon signs connected to an electrical outlet located inside a building are considered temporary window signs for the purposes of this land development code.
 - (c) 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 land development code. However, in no case shall a permanent, temporary, or combination of such window signs cover more than 25 percent of any individual window area.

Paragraph (1)(b) and Paragraph (3)(c) amended by Ord. 1976, November 2013

Sec. 21-8235. Banners

Banners that comply with the provision of this section may be displayed without obtaining a permit from the city. Banners that do not comply with the provisions of this section shall be allowed only upon receipt of a permit issued in accordance with section 21-8450.

- (1) **Public Event Banners.**
 - (a) The banners shall be suspended from the sides of public or government owned buildings;

- (b) The banners shall relate to a public event;
 - (c) The banners shall be removed no later than one week after the applicable event;
 - (d) No banner shall exceed 200-square feet in area; and
 - (e) No more than two banners shall be suspended from any public building.
- (2) **Banners on Developed Lots without Buildings or on Agricultural Lots.** Non public event banners shall be permitted without obtaining a permit, provided:
- (a) No more than one non-permitted banner shall be located on the property;
 - (b) The banner must pertain to an event or operation occurring on the property;
 - (c) The banner must be adequately secured, and may be secured to stakes;
 - (d) No banner shall exceed 40-square feet in area; and
 - (e) The top of any banner shall not be located more than 8 feet from grade.
- (3) **Banners on Non Single-Family Residential Buildings.** Non public event banners shall be permitted on buildings that are located in any non single-family residential district without obtaining a permit, provided:
- (a) No more than one banner shall be suspended from any building;
 - (b) Banners shall be suspended from the building in which the business, organization, or individual is located to which the banner refers;
 - (c) No banner shall exceed 40-square feet in area; and
 - (d) No banner listed as a prohibited sign in section 21-8600 shall be permitted, even on a temporary basis.

*Paragraph (2) amended by Ord. 1785, June 2010
Paragraphs (2) and (3) amended by Ord. 1976, November 2013*

Sec. 21-8240. Election/Campaign Signs

Any number of election/campaign signs, whether freestanding or wall, may be placed on private property, provided that the size and location of those signs do

not create a hazard for automobile or pedestrian traffic or a public nuisance and that the signs are not placed on the property more than 91 days before the election and are removed within 14 days after the election. Additional regulations may be found in the municipal code.

Section amended by Ord. 1785, June 2010

Sec. 21-8245. Ideological Signs

Up to two ideological signs, whether freestanding or wall, may be placed on private property without a permit subject to the following standards:

- (1) **Size.** The total area of the sign(s) shall not exceed 12-square feet.
- (2) **Height and Location.** No sign shall exceed 42 inches in height or extend outside the property line.

Sec. 21-8250. Miscellaneous Signs

The following signs may be erected and displayed without a permit. With the exception of nameplates, these signs need not be attached to a permanent structure.

- (1) **Road Hazard Signs.** Signs erected in conjunction with construction for the purpose of alerting drivers to potential hazards or safety concerns.
- (2) **Interior Signs.** Signs located within any structure that is not visible from adjacent properties or from the public streets.
- (3) **Signs on Public Sports Fields.** Signs intended to be viewed internally from public sports fields.
- (4) **Holiday Displays.** Temporary decorations or light strings associated with any national, local, or religious holiday.
- (5) **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.
- (6) **Utility Signs.** Signs placed by or at the direction of a public utility showing the location of underground facilities.
- (7) **Temporary Vehicle Signs.** Temporary signs affixed to delivery vehicles, such as pizza delivery and couriers, provided that such vehicle is being used for bona fide delivery purposes, away from a fixed place of business, and the sign is appropriately scaled to the size of the vehicle.
- (8) **Contractor Signs.** Signs that identify the contractor engaged in construction or proposed construction on the property where the sign is

- located shall not require a sign permit provided such sign(s) shall not exceed 24-square feet in total sign area and are removed no later than 30 days following final inspection, issuance of a certificate of occupancy, or when work has been completed, whichever comes first.
- (9) **Yard/Garage Sales.** Up to 2 signs, the total combined area of which may not exceed 12-square feet, may be used to advertise an upcoming or ongoing yard or garage sale. Such signs shall not be erected more than 24 hours before the event is scheduled to begin and shall be removed within 24 hours of the conclusion of the event.

Paragraph (9) added by Ord. 1785, June 2010

DIVISION 3: SIGNS ALLOWED WITH A PERMIT

Sec. 21-8300. Sign Schedule

- (1) Signs shall be allowed as indicated in table VIII-2. Except as specifically provided otherwise, all signs shall comply with the general standards outlined in section 21-8150, the specific standards related to the type or use of sign erected, and with the structural requirements set forth in the city's building code. In the event that the standards specific to any type of sign conflicts with the requirements contained in the sign table, the specific standards shall apply.
- (2) The sign schedule is divided into the following uses: Agricultural Uses/Districts; Multi-Family Uses; Mobile Home Parks; Home Occupations; Church/Religious Institutions; Institutional Uses (Hospitals, Health Care Facilities, Civic Clubs, and Lodges); Public Facilities/Uses; Office Uses; Commercial Uses; and Industrial Uses.

Table VIII-2. Sign Schedule

AGRICULTURAL USES/DISTRICTS						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Use Identification	Monument	One per street frontage	50 s.f.	15 feet	30 feet	Limited to advertising produce, crops, or animals on a farm.
	Wall	One per street frontage	50 s.f.	Located in signable area of wall	Same as building	

MULTI-FAMILY RESIDENTIAL USES (3 OR MORE UNITS)						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Building Identification	Monument	1 per street frontage or parking lot frontage for each building	8 s.f.	6 feet	10 feet	Intended to provide address or unit number ranges, or a unique name to assist residents and visitors to find a particular unit.
	Wall	1 per street frontage or parking lot frontage for each building	8 s.f.	Located in signable area of wall with maximum of 20 feet for multi-story buildings	Same as building	
Development Identification	Monument	2 signs per major entrance/ street frontage if used at either side of ROW; one if on median or island in center of entry street	50 s.f. total per street frontage	6 feet	10 feet, unless part of island median	

MULTI-FAMILY RESIDENTIAL USES (3 OR MORE UNITS)						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Development Identification	Wall	1 per street frontage	50 s.f.	Located in signable area of wall with maximum of 20 feet for multi-story buildings	Same as building	
Management/Rental Office	Wall	1 per office entrance	2 s.f.	6 feet	Same as building	No permit needed.
Mixed-Use/ Commercial	Wall	1	1 s.f. per linear foot of approved wall area of tenant space	15 feet or below 2 nd story, whichever is less	Same as building	<ol style="list-style-type: none"> 1. Applies to commercial establishments as part of residential development. 2. Does not apply to home occupations.

MOBILE HOME PARKS						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Development Identification	Monument	2 signs per major entrance/ street frontage if used at either side of ROW; 1 if on median or island in center of entry street	50 s.f. total per street frontage	6 feet	10 feet, unless part of island median	
	Wall	1 per street frontage	50 s.f.	Located in signable area of wall with maximum of 20 feet for multi-story buildings	Same as building	Must be placed on community center or manager's office wall only. Not permitted on any mobile home wall.
Management/Rental Office	Wall	1 per office entrance	2 s.f.	6 feet	Same as building	No permit needed.

HOME OCCUPATIONS						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Business Identification	Yard	1 monument or wall	3 s.f.	42 inches	N/A	No permit required. No illumination allowed.
	Wall			Located in signable area of wall	Same as building	

CHURCH/RELIGIOUS INSTITUTIONS (RESIDENTIAL ZONE DISTRICTS)						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Development Identification	Monument	1	50 s.f.	6 feet	10 feet	
	Wall	1 per street frontage	50 s.f.	Located in signable area of wall	Same as building	

CHURCH/RELIGIOUS INSTITUTIONS (NON-RESIDENTIAL ZONE DISTRICTS)						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Development Identification	Wall	Interior lots are allowed a maximum of 2. Corner lots are allowed a maximum of 3 with an area not to exceed the total sign area permitted for 2 signs.	30 s.f. minimum or 1 s.f. sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area, except that signs composed of individual raised letters may contain 2 s.f. of sign area for each lineal foot of building or tenant frontage, not to exceed 200 s.f. in area	See Sec. 21-8410.	Same as building	Within a multi-tenant center: refer to commercial uses – multiple businesses in single or multiple building section.
Development Identification	Monument	1	32 s.f. per side	6 feet	10 feet	For property less than 2 acres in size.
		1	60 s.f. per side	8 feet	10 feet	For property less than 2 acres in size.
	Monument	1 per street frontage with a maximum of 2. Signs to be identical in design.	100 s.f. per side	20 feet	25 feet	For property greater than 10 acres in size.

INSTITUTIONAL USES (INCLUDES HOSPITALS, HEALTH CARE FACILITIES, CIVIC CLUBS, LODGES, ETC.)						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/Regulations
Individual Building Identification	Monument	1 per street frontage or parking lot frontage for each building.	8 s.f.	6 feet	10 feet	Intended to provide assistance to visitors to find a specific building or unit.
	Wall	1 per street frontage or parking lot frontage for each building.	8 s.f.	See Sec. 21-8410	Same as building	
Overall Complex Identification	Monument	1	50 s.f.	6 feet	10 feet	For these uses located in residential zone districts.
	Wall	1 per street frontage	50 s.f.	See Sec.21-8410 with a maximum height of 20 feet.	Same as building	
Overall Complex Identification	Wall	Interior lots are allowed a maximum of 2. Corner lots are allowed a maximum of 3 with an area not to exceed the total sign area permitted for 2 signs.	30 s.f. minimum or 1 s.f. sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area. Signs composed of individual raised letters may contain 2 s.f. of sign area for each linear foot of building or tenant frontage, not to exceed 200 s.f. in area.	See Sec.21-8410	Same as building.	For these uses located in non-residential zone districts.
Overall Complex Identification	Monument	1	32 s.f. per side	6 feet	10 feet	For these uses located in non-residential zone districts and less than 2 acres in size.
		1	60 s.f. per side	8 feet	10 feet	For these uses located in non-residential zone districts and between 2 and 10 acres in size.
		1 per street frontage, with a maximum of 2. Signs to be identical in design.	100 s.f. per side	20 feet	25 feet	For these uses located in non-residential zone districts and greater than 10 acres in size.

INSTITUTIONAL USES (INCLUDES HOSPITALS, HEALTH CARE FACILITIES, CIVIC CLUBS, LODGES, ETC.)						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/Regulations
Project Directory	Monument	1 per street entrance	50 s.f.	6 feet	10 feet	No product or business advertising may be placed on the sign.

PUBLIC FACILITIES/USES (INCLUDES FIRE AND POLICE STATIONS, PARKS, SCHOOLS, PUBLIC TRANSPORTATION FACILITIES, WATER TREATMENT FACILITIES, ETC.)						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/Regulations
Development Identification	Monument	1 per parcel of property	50 s.f. per sign	20 feet	10 feet	
	Wall	Interior lots are allowed a maximum of 2. Corner lots are allowed a maximum of 3 with an area not to exceed the total sign area permitted for 2 signs.	1 s.f. sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area. Signs composed of individual raised letters may contain 2 s.f. of sign area for each linear foot of building or tenant frontage, not to exceed 200 s.f. in area.	See Section 21-8410.	Same as building	

OFFICE USES: FOR A SINGLE BUSINESS ON A SINGLE PARCEL THAT IS NOT PART OF A COMMERCIAL SHOPPING CENTER						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/Regulations
Development Identification	Wall	Interior lots are allowed a maximum of 2. Corner lots are allowed a maximum of 3 with an area not to exceed the total sign area permitted for 2 signs.	30 s.f. minimum or 1 s.f. sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area. Signs composed of individual raised letters may contain 2	See Sec. 21-8410.	Same as building.	For these uses on property that is greater than 15 acres in size and has a total building area of at least 90,000 s.f., the allowable wall sign square footage may be increased by an additional 25%.

OFFICE USES: FOR A SINGLE BUSINESS ON A SINGLE PARCEL THAT IS NOT PART OF A COMMERCIAL SHOPPING CENTER						
			s.f. of sign area for each linear foot of building or tenant frontage, not to exceed 200 s.f. in area.			
Development Identification	Monument	1	32 s.f. per side	6 feet	10 feet	For these uses located on property that is less than 2 acres in size.
		1	60 s.f. per side	8 feet	10 feet	For these uses located on property that between 2 to 10 acres in size.
		1 per street frontage, with a maximum of 2. Signs to be identical in design.	100 s.f. per side	20 feet	25 feet	For these uses located on property that is greater than 10 acres in size.

OFFICE USES: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS WITHIN AN OFFICE PARK						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/Regulations
Development Identification	Monument	1 per street or parking lot frontage per building	8 s.f.	6 feet	10 feet	Intended to provide address or unit number ranges, or a unique building name to assist residents and visitors to find a particular unit.
	Wall	1 per street or parking lot frontage per building	8 s.f.	Located in signable area of wall with maximum of 20 feet for multi-story buildings	Same as building	Intended to provide address or unit number ranges, or a unique building name to assist residents and visitors to find a particular unit.
Project Directory	Monument	1 per major street entrance	< 4 acres = 20 s.f. > 4 acres = 50 s.f.	6 feet	25 feet	No product or business advertising may be placed on the sign.
Project Identification (less than 2 acres in size)	Monument	1	32 s.f. per side	6 feet	10 feet	Minimum of 20% of sign area must be used to identify the name of the development.

OFFICE USES: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS WITHIN AN OFFICE PARK						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Project Identification (2 to 10 acres in size)	Monument	1	60 s.f. per side	8 feet	10 feet	Minimum of 20% of sign area must be used to identify the name of the development.
Project Identification (greater than 10 acres in size)	Monument	1 per street frontage, with a maximum of 2, with said signs to be identical in design	100 s.f. per side	20 feet	25 feet	Minimum of 20% of sign area must be used to identify the name of the development.
Tenant Identification	Wall	1 sign per street frontage not to exceed 2 frontages, or 3 frontages with an area not to exceed the total sign area permitted for 2 frontages.	30 s.f. minimum or 1 s.f. sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area except that signs composed of individual raised letters may contain 2 s.f. of sign area for each lineal foot of building or tenant frontage, not to exceed 200 s.f. in area	Located in signable area of wall	Same as building	Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs

COMMERCIAL USES: FOR A SINGLE BUSINESS ON A SINGLE PARCEL THAT IS NOT PART OF A COMMERCIAL SHOPPING CENTER						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Development Identification	Wall	Interior lots are allowed a maximum of 2. Corner lots are allowed a maximum of 3 with an area not to exceed the total sign area permitted for 2 signs.	30 s.f. minimum or 1 s.f. sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area. Signs composed of individual raised letters may contain 2 s.f. of sign	See Section 21-8410.	Same as building.	For these 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%.

COMMERCIAL USES: FOR A SINGLE BUSINESS ON A SINGLE PARCEL THAT IS NOT PART OF A COMMERCIAL SHOPPING CENTER						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
			area for each linear foot of building or tenant frontage, not to exceed 200 s.f. in area.			
Development Identification	Monument	1	32 s.f. per side	6 feet	10 feet	For these uses located on property that is less than 2 acres in size.
		1	60 s.f. per side	8 feet	10 feet	For these uses located on property between 2 and 10 acres in size.
		1 per street frontage, with a maximum of 2. Said signs to be identical in design.	100 s.f. per side	20 feet	25 feet	For these uses located on property that is greater than 10 acres in size.

COMMERCIAL USES: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS IN A COMMERCIAL CENTER						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Kiosks, Teller Machines, Key Shops, Recycling Machines, Film Processors, Coffee Drive-Thru, Etc.		2 per business	50 s.f.	Located in signable area of wall	Same as building	
Project Directory	Monument	One per major street entrance	<4 acres=20 s.f. >4 acres=50 s.f.	6 feet	25 feet	No product or business advertising may be placed on the sign.
Project Identification (less than 2 acres in size)	Monument	1	32 s.f. per side	6 feet	10 feet	Minimum of 20% of sign area must be used to identify the name of the development

COMMERCIAL USES: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS IN A COMMERCIAL CENTER						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/Regulations
Project Identification (2 to 10 acres in size)	Monument	1	60 s.f. per side	8 feet	10 feet	Minimum of 20% of sign area must be used to identify the name of the development
Project Identification (greater than 10 acres in size)	Monument	1 per street frontage, with a maximum of 2, with said signs to be identical in design	100 s.f. per side	20 feet	25 feet	Minimum of 20% of sign area must be used to identify the name of the development
Tenant Identification	Wall	1 sign per street frontage not to exceed 2 frontages, or 3 frontages with an area not to exceed the total sign area permitted for 2 frontages	30 s.f. minimum or 1-s.f. sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area except that signs composed of individual raised letters may contain 2 s.f. of sign area for each lineal foot of building or tenant frontage, not to exceed 200 s.f. in area	Located in signable area of wall.	Same as building	1. Shall not apply to signs for individual tenants in buildings that are primarily multi-tenant office buildings. 2. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.
Tenant Identification for Pad Sites	Monument	1 per pad site	32 s.f. per side	6 feet	10 feet	

INDUSTRIAL USES: FOR A SINGLE BUSINESS ON A SINGLE PARCEL						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/Regulations
Development Identification	Wall	Interior lots are allowed a maximum of 2. Corner lots are allowed a maximum of 3 with an area	30 s.f. minimum or 1 s.f. sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area. Signs	See Section 21-8410.	Same as building.	For these 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

INDUSTRIAL USES: FOR A SINGLE BUSINESS ON A SINGLE PARCEL						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
		not to exceed the total sign area permitted for 2 signs.	composed of individual raised letters may contain 2 s.f. of sign area for each linear foot of building or tenant frontage, not to exceed 200 s.f. in area.			allowable wall sign square footage may be increased by an additional 25%.
Development Identification	Monument	1	32 s.f. per side	6 feet	10 feet	For these uses located on property that is less than 2 acres in size.
		1	60 s.f. per side	8 feet	10 feet	For these uses located on property between 2 and 10 acres in size.
		1 per street frontage, with a maximum of 2. Signs to be identical in design.	100 s.f. per side	20 feet	25 feet	For these uses located on property that is greater than 10 acres in size.

INDUSTRIAL USES: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS IN AN INDUSTRIAL CENTER						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Building Identification	Monument	1 per street or parking lot frontage per building	8 feet	6 feet	10 feet	Intended to provide address or unit number ranges, or a unique building name to assist residents and visitors to find a particular unit
	Wall	1 per street or parking lot frontage per building	8 feet	Located in signable area of wall with maximum of 20 feet for multi-story buildings	Same as building	Intended to provide address or unit number ranges, or a unique building name to assist residents and visitors to find a particular unit.

INDUSTRIAL USES: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS IN AN INDUSTRIAL CENTER						
Sign Schedule	Sign Type	Maximum # Allowed	Maximum Size (Sq.Ft.)	Maximum Height	Setback	Supplemental Standards/ Regulations
Project Directory	Monument	1 per major street entrance	< 4 acres = 20 s.f. > 4 acres = 50 s.f.	6 feet	25 feet	No product or business advertising may be placed on the sign
Project Identification (less than 2 acres in size)	Monument	1	32 s.f. per side	6 feet	10 feet	Minimum of 20% of sign area must be used to identify the name of the development
Project Identification (2 to 10 acres in size)	Monument	1	60 s.f. per side	8 feet	10 feet	Minimum of 20% of sign area must be used to identify the name of the development
Project Identification (greater than 10 acres in size)	Monument	1 per street frontage, with a maximum of 2, with said signs to be identical in design	100 s.f. per side	20 feet	25 feet	Minimum of 20% of sign area must be used to identify the name of the development
Tenant Identification	Wall	1 sign per street frontage not to exceed 2 frontages, or 3 frontages with an area not to exceed the total sign area permitted for 2 frontages	30 s.f. minimum or 1 square foot sign area for each linear foot of building or tenant frontage, not to exceed 100 s.f. in area except that signs composed of individual raised letters may contain 2 square feet of sign area for each lineal foot of building or tenant frontage, not to exceed 200 square feet in area	Located in signable area of wall	Same as building	<ol style="list-style-type: none"> 1. Shall not apply to signs for individual tenants in buildings that are primarily multi-tenant office buildings. 2. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.

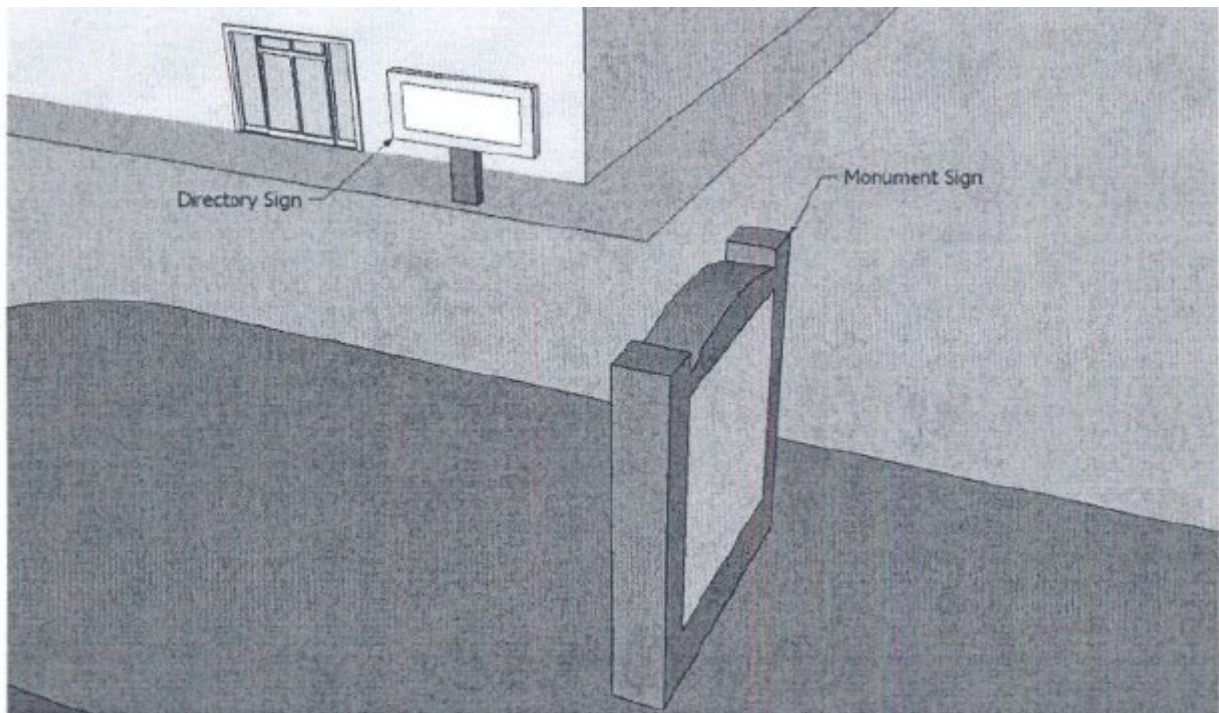
Section amended by Ord. 1976, November 2013

DIVISION 4: STANDARDS RELATED TO SIGN TYPES

Sec. 21-8400. Monument Signs

- (1) **Illumination.** Monument signs may be illuminated.
- (2) **Location.** 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 residential development.
- (3) **Supporting Structures.** Supporting structures must be solid construction at least two-thirds the dimension of the width and thickness of the sign it supports.
- (4) **Landscaping.** To the maximum extent feasible, each 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.

Figure VIII-2. Freestanding Sign Types

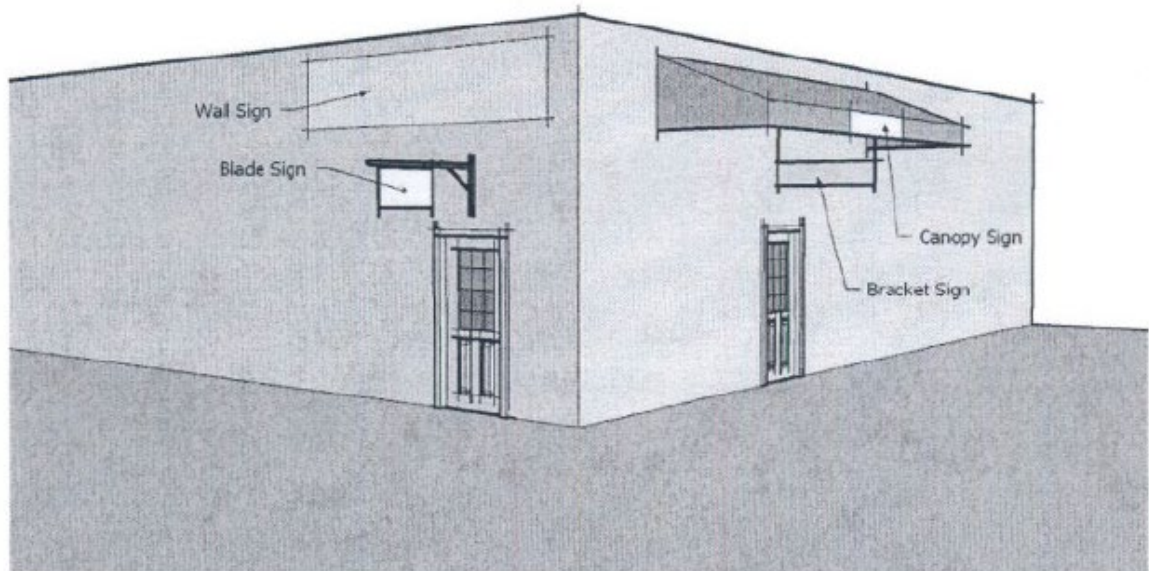


Sec. 21-8410. Wall Signs

- (1) **Combinations.** Combinations of cabinet and letter signs shall not be permitted, except that a cabinet-style logo not exceeding 9-square feet may be added to individual letter signs.

- (2) **Blade or Projecting Signs.** Any sign which projects from a building shall not exceed 30-square feet in area. No sign shall project over public rights-of-way or more than 5 feet from the building wall.
- (3) **Size Standards.**
 - (a) The total length of any individual sign shall not exceed 75 percent of the length of the frontage of the establishment, store front, or tenant space on which the sign is placed.
 - (b) The total allowable square footage of 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 2 secondary signs with each secondary sign not to exceed more than 60-square feet in area.
- (4) **Illumination.** Illuminated signs are permitted.
- (5) **Location Standards.**
 - (a) For multi-tenant buildings, wall signs must be located on the portion of the building in which the business being advertised is located.
 - (b) Wall signs may not be located on the rear of buildings which abut a residential zone district or property.
- (6) **Awnings and Canopies.** Signs on awnings and canopies shall count towards the wall signage area allowed in the sign schedule. Awnings and canopies may be backlit.

Figure VIII- 3. Permitted Building Sign Types



Sec. 21-8420. Informational Signs

Signs that give specific instructions to the public using a building or facility that comply with the following standards, shall be allowed.

- (1) **Size.** Signs shall not exceed 5-square feet in area;
- (2) **Message.** Informational signs shall display only instructional information pertaining to the use of the site (such as, “Enter,” “Exit,” “Warning,” “Self Service,” “Drive-Thru,” “One-Way,” etc.);
- (3) **Non-commercial.** No sign shall contain any word, symbol, or image identifying the owner, tenant, or use of the building or facility;
- (4) **Height and Location.** Signs shall not exceed four feet in height and shall be setback at least ten feet from the property line; and
- (5) **Number.** Unless the director determines a greater number is needed for a development that is 20 acres or more in size, no more than six informational signs shall be permitted on any property.

Section amended by Ord. 1976, November 2013

Sec. 21-8430. Changeable Copy Signs

- (1) **Types.** The copy of the following signs may be changed without obtaining a new sign permit, as long as such signs comply with the standards contained in this section. The copy of signs not listed in this section shall not be changed unless a new sign permit has been issued by the city.
 - (a) Identification signs. Up to 33 percent of any allowable building identification sign or center identification sign allowed in the sign schedule may have changeable copy.
 - (b) Theater marquees. One changeable copy theater or movie marquee sign identifying current productions and movies may be incorporated into, or may be substituted for, one building or center identification sign permitted by the sign schedule. The area of any marquee sign, including any changeable copy, shall be included in calculating the total area of the sign it is incorporated into or replaces, and shall not increase the permitted sign area of any such sign.
 - (c) Church signs. Any portion of a church sign permitted by the sign schedule may have changeable copy.
 - (d) Gasoline price signs. One changeable copy gasoline price sign listing only the types and prices of gasoline may be incorporated into each freestanding or wall sign permitted by the sign schedule

(maximum 1 per street frontage). The area of the changeable copy shall not exceed 8-square feet per side on any sign, and the area of changeable copy shall be included in calculating the total area of a sign it is incorporated into.

- (e) Electronic reader boards and digital displays. An electronic reader board component of a sign shall be allowed as a use-by-right. A digital display sign shall be allowed with a use-by-permit only. The reader board or digital display component shall be no more than one-third of the total sign face or 30-square feet, whichever is less. The text on an electronic reader board or digital display may be changed no more frequently than one time per seven seconds.
- (f) Menu boards.
 - (i) Drive-through restaurants. Two changeable copy menu board signs are permitted for each drive-through restaurant, in addition to those signs listed in the sign schedule. Menu board signs may be free standing or wall mounted, one sign shall be no more than 30-square feet in area, while the second menu board shall be no more than 16-square feet in area. All menu boards shall have a maximum height of 7 feet and shall be readable only to traffic on the adjacent drive-through lane.
 - (ii) Non drive-through restaurants. One changeable copy menu board wall sign indicating daily menu changes is permitted for each non-drive-through restaurant. Menu board signs shall be no more than three-square feet in area and must be placed no more than ten feet from the front entrance of the restaurant.

(2) **Standards.**

- (a) Changeable copy shall not be nailed, pinned, glued, taped, or otherwise attached by obviously temporary means.
- (b) No changeable copy sign or portion of a sign shall be constructed using face or screen materials such as expanded metal or other types of mesh; any type of corrugated plastic such as Filon, V3 or Styrene; or other types of materials that are commonly used for portable or homemade signs, unless the use of such materials for sign construction is permitted under any uniform code or ordinance adopted by the city.
- (c) If any part of the changeable copy portion of a sign or the track type system or other method of attachment (1) is absent from the sign; (2) deteriorates so that it is no longer consistent with the style or materials used in the permanent portion of the sign; or (3) is altered

in such a way that it no longer conforms to the approved plans and specifications, the sign shall be in violation of this land development code.

Paragraph (1)(e) amended by Ord. 1976, November 2013

Sec. 21-8440. Permanent Window Signs

Permanent window signs shall be permitted in the C-1, C-2, C-3, MU-1, I-1, I-1S, I-2, and I-3 zoning districts, provided that such signs do not occupy more than 25 percent of the total window area of the establishment.

Sec. 21-8450. Temporary Signs

- (1) **Permit Period.** Unless otherwise stated in this section, any permit for a temporary sign contained in this section shall be valid for a period of not more than 12-consecutive calendar months.
- (2) **Residential Builder Signs.** Each builder in a subdivision or development may have an informational sign located at each entrance from a collector street or an arterial street to the subdivision for each type of housing unit to be built (e.g., single-family, townhouse, and condominium), provided that each sign:
 - (a) Has a maximum area of no more than 100-square feet;
 - (b) Has a maximum height of 12 feet;
 - (c) Is located at least 25 feet from the public right-of-way; and
 - (d) Is not lighted.

Such sign may remain in place as long as there continues active initial sales of the type of housing shown on the sign.

- (3) **Development Signs.** Except for single-family residential districts, each new development lot may have one sign that:
 - (a) Has a maximum sign area of 40-square feet;
 - (b) Has a maximum height of eight feet;
 - (c) Is located at least 25 feet from the public right-of-way;
 - (d) Contains text that is limited to announcing the future development of the lot; and
 - (e) Is not lighted.

- Such sign may remain in place until the first certificate of occupancy is issued for a building on the lot.
- (4) **Model Home Signs.** Each builder within a subdivision or development may have the following types of model home signs and each sign may remain until the model home is sold to a private buyer.
- (a) **Group Signs.** Each builder may have one monument, one wall, and up to six shark fins in their model home complex, provided the signs comply with the following standards:
- (i) **General Standards.** All signs must:
 - a. *be located on a model home lot;*
 - b. *have a minimum setback of ten feet; and*
 - c. *not be lighted.*
 - (ii) **Area Standards.**
 - a. *No monument sign shall exceed a maximum area of 40-square feet; and*
 - b. *No wall sign or individual shark fin shall exceed a maximum area of 20-square feet;*
 - (iii) **Height Standards.** No monument or shark fin shall exceed eight feet in height.
 - (iv) **Color and Theme.** All shark fins must be the same color and theme.
- (b) **Home sign.** Each model home may have one freestanding or wall sign, provided that such sign:
- (i) Is located on the same lot as the model home;
 - (ii) Has a maximum area of five-square feet;
 - (iii) Has a maximum height of six feet; and
 - (iv) Is not lighted.
- (c) **Multi-family signs.** Each builder may have one freestanding or wall sign at the entrance to each multi-family building it constructs, provided that such sign:
- (i) Is located on the same lot as the multi-family building;
 - (ii) Has a maximum area of five-square feet;

- (iii) Has a maximum height of six feet; and
 - (iv) Is not lighted.
 - (d) Temporary Flags. Each builder in a subdivision may have a model home flag provided that:
 - (i) Each flagpole is located on a lot containing a model home or a temporary sales office;
 - (ii) No flag exceeds 50-square feet in area; and
 - (iii) No flagpole exceeds 50 feet in height;
 - (iv) Flag and flagpole may remain in place as long as active initial sales of the lots of that particular model home are occurring.
 - (e) “Coming soon” signs. Each builder in a subdivision or development may have one coming soon sign per lot, provided that such sign:
 - (i) Does not exceed five-square feet in area; and
 - (ii) Does not exceed three feet in height.
- (5) **Air-Filled Devices.** FAA licensed hot-air balloons and other air-filled, special, non-lighted advertising devices that meet the definition of sign in article XI (Measurements and Definitions) of this land development code, shall be permitted under the following conditions:
 - (a) The device may not be used for more than 2 periods of not more than 7 consecutive days each (a total of 14 days) in any calendar month; and
 - (b) The device must be tethered so that it does not flutter in the wind and must not be more than ten feet above the highest point of the roof measured to the lowest point of the device.
- (6) **Banners.** With the exception of division 2 (Signs Allowed Without a Permit), banners shall be subject to the following standards:
 - (a) General standards. The following standards apply to all banners requiring a sign permit:
 - (i) Banners shall be attached flat against a building.
 - (ii) No banner shall project above the roofline of the building to which it is attached.

- (iii) All banners shall be removed at the expiration of the applicable permit period.
- (b) Standards for single-tenant buildings. In addition to the standards contained in subparagraph (a) of this paragraph 6, the following standards apply to single-tenant buildings.
 - (i) No banner shall exceed 40-square feet in area.
 - (ii) No more than two banners (including any banner permitted pursuant to division 2 of this article) shall be permitted on any lot.
 - (iii) Banners shall not be displayed in excess of 30 consecutive days or 60 days in any 1-year period for any particular business.
- (c) Standards for multi-tenant buildings. In addition to the standards contained in subparagraph (a) of this paragraph 6, the following standards shall apply to multi-tenant building.
 - (i) No more than one banner shall be suspended from any individual tenant space building wall.
 - (ii) Banners shall be suspended from the building in which the business, organization, or individual is located to which the banner refers.
 - (iii) No banner shall exceed 20-square feet in area.
 - (iv) Banners shall not be displayed in excess of 90 days in any calendar year.
- (d) Banners on developed lots without buildings or on agricultural lots. In addition to the standards contained in subparagraph (a), the following standards apply to developed lots without buildings and agricultural lots.
 - (i) No more than one non permitted banner shall be located on the property;
 - (ii) The banner must be adequately secured, and may be secured to stakes; and
 - (iii) The top of any banner shall not be located more than 8-feet from grade
- (e) No banner shall exceed 40-square feet.

- (f) No banner shall project above the roofline of the building to which it is attached.
 - (g) No more than two banners shall be permitted on any lot.
 - (h) Banners shall not be displayed in excess of 30-consecutive days or 60 days in any 1-year period for any particular business.
 - (i) All banners shall be removed at the expiration of the permit period.
- (7) **A-Frame/Sandwich Board Signs.** A-frame or sandwich board signs are permitted, subject to the following regulations:
- (a) Only one movable sign is permitted per business;
 - (b) Signs shall be placed only on the property of the business displaying such sign;
 - (c) Sign shall be removed at the end of the business day;
 - (d) Signs shall not exceed six square feet in size per face, and shall not exceed four feet in height;
 - (e) All signs that are unsafe for pedestrians or motorists may be removed, including signs located in driveways, parking lots, rights-of-way, and public sidewalks;
 - (f) A temporary sign permit can be issued for a maximum of six months;
 - (g) Sign must be constructed of materials that present a finished appearance. Rough-cut plywood is not allowed. The sign lettering shall be professionally painted or applied; a “yard sales” or “graffiti” look with hand-painted or paint-stenciled letters shall not be allowed;
 - (h) Signs shall not be illuminated, nor shall they contain moving parts or have attached to them any balloons, streamers, pennants, or similar adornment. Attaching signs to structures, poles, objects, other signs, etc., by means of chains, cords, rope, wire, cable, etc., is prohibited; and
 - (i) Signs placed in violation of this section will result in immediate removal of the sign, and the business’s temporary sign permit privileges will be denied for the remainder of that year.
- (8) **Grand Opening Signs.** In addition to any other sign allowed by this article, the city may issue a temporary sign permit for the use of up to two

of the following four types of signs for a period not to exceed 45-calendar days for a business to announce its initial or re-opening:

- (a) One wall banner sign with an area of 20-square feet or less;
- (b) Pennants;
- (c) Up to 2 shark fins per street frontage, provided that such shark fins do not exceed 8 feet in height or 20-square feet in area; or
- (d) Balloons, provided that they are not displayed more than 20 feet from grade level and do not exceed 3 feet in diameter.

Paragraph (6) amended by Ord. 1785, June 2010

Paragraphs (2), (4), (5) and (6) amended and paragraph (8) added by Ord. 1976, November 2013

DIVISION 5: SIGN STANDARDS RELATED TO SPECIFIC USES

Sec. 21-8500. Fuel Sales With or Without Convenience Stores

All signs located on a lot with fuel sales, whether or not accompanied by a convenience store, shall comply with provisions of this section.

- (1) **Price Sign.** The fuel price sign shall be integrated into a monument sign that identifies the business. The fuel price sign also may be allowed on the canopy.
- (2) **Number.** Only one fuel price sign shall be allowed per improved street frontage.
- (3) **Height.** Fuel price signs shall not exceed 8 feet in height, shall have a monument style base, and shall not exceed 32-square feet in sign area per face.
- (4) **Canopy Signs.** Canopy signs shall be located on the canopy fascia and shall be limited to one corporate or business logo of the principal use on each side of the canopy that is visible from a public or private street. Such logos shall have a vertical dimension no greater than 75 percent of the vertical dimension of the canopy fascia and shall be no greater than 12-square feet in sign area per logo.
 - (a) The permitted sign area shall be measured by applying the sign schedule ratio to the length of the canopy frontage, rather than the primary structure frontage.

Paragraph (4) amended by Ord. 1976, November 2013

Sec. 21-8510. Business Centers

Monument signs identifying retail, business centers, or office/industrial/technical parks or centers shall contain the name, address, and logo or trademarks of the office park or center. Such signs may include the name of not more than 12 of the tenants therein, with said names to be integrated into the overall design of the sign with the name of the center utilizing at least 20 percent of the sign area.

Section amended by Ord. 1976, November 2013

Sec. 21-8520. Subdivisions

Residential subdivisions shall be allowed up to two signs, which may be illuminated, per entrance provided that the applicant can demonstrate that adequate provisions are in place to ensure proper maintenance of the sign(s) and associated landscaping by the homeowner association and that such signs:

- (1) Include only the name of the subdivision or development;
- (2) Are located at the principal street entrance(s) to the subdivision, as determined by the city;
- (3) Are not located within 5 feet of a sidewalk or curb;
- (4) Have a maximum sign area of 50-square feet each;
- (5) Have a maximum height of 6 feet; and
- (6) Are constructed of masonry or other substantial materials.
- (7) Other types of decorative/architectural features that are higher than six feet may be allowed, provided they are not classified as a sign.

DIVISION 6: MISCELLANEOUS PROVISIONS

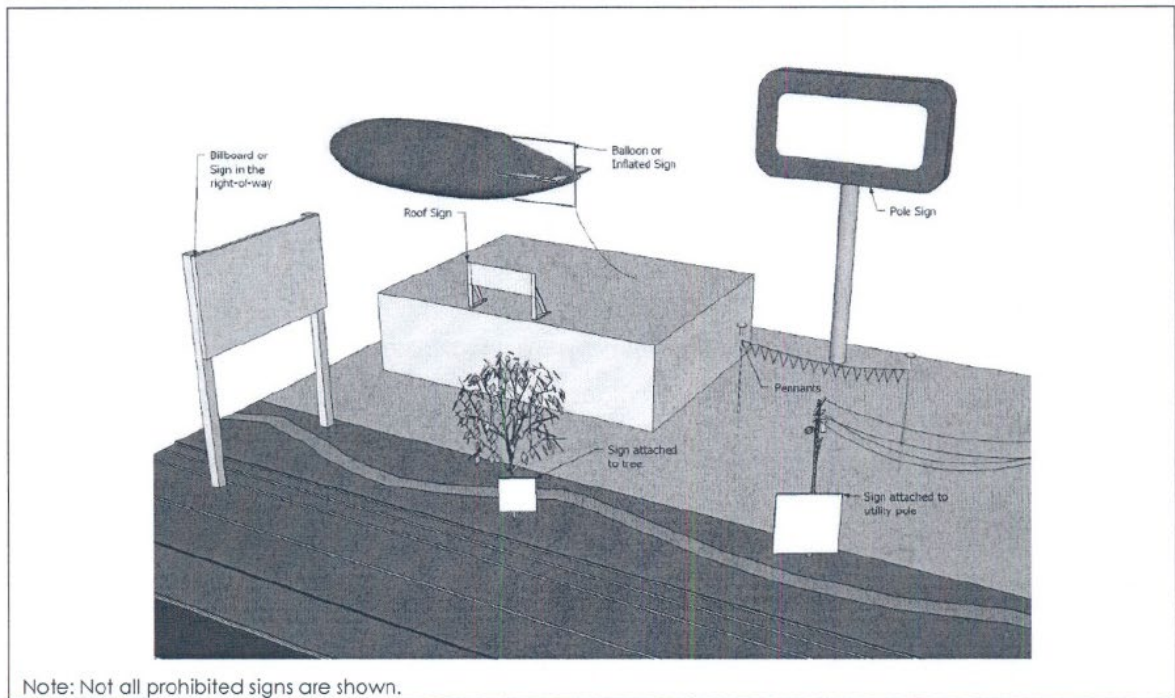
Sec. 21-8600. Prohibited Signs

The following types of signs, except for signs within buildings, are prohibited in all zoning districts. No exceptions shall be allowed and no variances may be granted.

- (1) Any sign that is misleading or fraudulent.
- (2) Any moving sign, including pennants, shark fins, and streamers, other than one explicitly permitted by this land development code.
- (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.

- (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 any official government protective or warning sign, including stop signs using the words stop or danger to imply a need or requirement to stop or a caution for the existence of danger, and including signs that are copies of, or that are likely to be confused with, any official government protective or warning sign.
- (6) Except as specifically provided otherwise in this code, any sign that obstructs any window, door, fire escape, stairway, ladder, or opening 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 code.
- (8) Any fabric sign, other than an awning sign, in any zone district.
- (9) Any portable sign or similar objects/signs are prohibited, except as authorized by this land development code or other ordinances of the city and then only accordance with the provisions thereof.
- (10) Any balloons, inflatable devices, or similar types of objects, unless specifically authorized in this article.
- (11) Search lights.
- (12) Except as specifically authorized by this land development code, signs attached to vehicles or movable storage containers that are parked or stored on property as a mechanism for displaying the message in the sign.
- (13) 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 land development code.
- (14) Wheeled advertising devices, except for permanent signs on licensed, operable vehicles used daily for service and/or delivery purposes.

Figure VIII-4. Example Types of Prohibited Signs



Sec. 21-8610. Architectural Features

Architectural features that are integral to the design of a building or provide an artistic accent shall be exempt from sign regulations if they:

- (1) Do not identify or advertise a business, business activity, or product that is available for sale on the premises;
- (2) Do not consist of a company name, symbol, or trademark designed to be readily identifiable as a logo; and
- (3) Comply with building height limits and setback requirements applicable to the property on which they are located.

Sec. 21-8620. Murals

Murals that do not convey a commercial message and do not occupy more than ten percent of any wall, roof, or accessory structure shall be exempt from the standards contained in this sign code. Any mural that conveys a commercial message or occupies more than ten percent of any wall, roof, or accessory structure shall be allowed only upon the issuance of a permit.

A mural may be located on the same building face as a wall sign, provided they are graphically incorporated into each other.

Sec. 21-8630. Special Signs

The following special signs may be allowed by permit:

- (1) Super wall graphics that occupy more than ten percent of a wall or roof structure or an accessory building;
- (2) Architectural sculpture;
- (3) Nostalgic or period signs (such as barber poles); and
- (4) Special district and historical district signs.

Sec. 21-8640. Non-Conforming Signs

Signs that were legally established but which no longer comply with the provisions of this chapter are nonconforming and are governed by the provisions of section 21-5510 (Non Conforming Structures).

Sec. 21-8650. Flexible Sign Plans (Administrative Variance)

In some instances, a cohesive sign plan for multiple signs on a property may not meet all of the standards established in this sign code, but still accomplishes the purposes of the land development code. In such cases, the developer may file a written application requesting a flexible sign plan. A flexible sign plan allows the director to approve the variations outlined in paragraph (1) of this section, if such variances are deemed appropriate.

- (1) **Deviations Allowed.**
 - (a) Sign area. The sign area for individual signs may be increased up to 20 percent.
 - (b) Height. The height of individual signs may be increased by not more than 20 percent.
 - (c) Setback. The setback or separation between freestanding signs may be reduced by no more than 20 percent.
 - (d) Number and Location. The director may vary 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.
- (2) **Application.** The applicant must submit a written request for a flexible sign plan. The request should be submitted in conjunction with a development application, whenever possible. However, it may be

submitted as a separate application. The request shall include the following information, unless waived by the director:

- (a) Sign style, type, location, size (area), and height of all signs;
 - (b) Materials and colors for signs, raceways, cabinets, bases, etc.; and
 - (c) Sign illumination devices.
- (3) **Review.** The director shall review the sign plan. If he finds that the flexible sign plan complies with the purposes of this sign code, and the approval criteria contained in paragraph (4) of this section, the flexible sign plan may be approved.
- (4) **Approval Criteria.** Only flexible sign plans that meet the criteria outlined in this paragraph may be approved.
- (a) The development meets all other applicable city regulations, including but not limited to required parking, landscaping, and setback standards;
 - (b) The plan complies with all applicable provisions of this sign code, except those that may be varied by this section;
 - (c) The plan is consistent with the purposes of this sign code and will not adversely impact surrounding properties or neighborhoods;
 - (d) The plan is a creative alternative design and the sign colors, materials, design, size, height, illumination, and number of signs are compatible with the principal buildings or structures on site; and
 - (e) The proposed sign(s) will not negatively affect the visual character of the area, cause future variance requests, or contribute to degradation of the visual environment through sign proliferation.
- (5) **Conditions on Approval.** Upon approval of a flexible sign plan, the director may impose any conditions he deems reasonably necessary to ensure continued compliance with the approval criteria.
- (6) **Lapse Upon Redevelopment.** Flexible sign plans shall automatically lapse upon redevelopment of the property, unless the scope of redevelopment is limited and the director agrees that the flexible sign plan can remain in effect.

Sec. 21-8660. Variances

- (1) **Approval Criteria.** Variances may be granted by the board of adjustment if determined that the approval criteria contained in section 21-3222 (Variances) has been met or that:

- (a) The sign has specific and historical value; or
 - (b) The sign has specific and unique architectural features.
- (2) **Prior Variances.** Any sign variance issued prior to the effective date of this land development code shall be valid only with respect to the specific business entity for which it was granted with no right of assignment and shall cease to exist upon the demise, termination, or cessation of the activity of that business entity.

ARTICLE IX. DEVELOPMENT FEES

ARTICLE IX. DEVELOPMENT FEES

DIVISION 1: GENERAL PROVISIONS

Sec. 21-9100. Purpose

Sec. 21-9110. Methods of Satisfaction

Sec. 21-9120. Development Fee Accounts

Sec. 21-9130. General Land Dedication Requirement

Sec. 21-9140. Appeals

DIVISION 2: DEVELOPMENT FEES ASSESSED

Sec. 21-9200. School Fees

Sec. 21-9210. Public Parks and Recreation Fee

Sec. 21-9220. Road Impact Fees

Sec. 21-9230. Water Acquisition Fee

Sec. 21-9240. Drainage Fees

Sec. 21-9250. Fire and Emergency Services Fee

Sec. 21-9260. Oil and Gas Impact Fee

DIVISION 1: GENERAL PROVISIONS

Sec. 21-9100. 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.

Section amended by Ord. 2146, December 2017

Sec. 21-9110. 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.

Section amended by Ord. 2146, December 2017

Sec. 21-9120. 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.

Sec. 21-9130. 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.

Sec. 21-9140. Appeals

Appeals pertaining to the calculation of any development fee required by this article may be made to the city manager.

DIVISION 2: DEVELOPMENT FEES ASSESSED

Sec. 21-9200. 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 non-qualifying.
- (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 follows:

Table IX-1. Student Population Per Dwelling Unit

Single-Family Detached	.775	Students per household
Single-Family Attached	.364	Students per household
Townhouse/Condo	.303	Students per household
Apartment	.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-family detached homes, two townhouses, and ten apartments, the calculation would be as follows: $5 \times .775$ (for the single-family detached homes) + $2 \times .303$ (for the townhouses) + $10 \times .195$ (for the apartments) 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-family detached homes, two townhouses, and ten apartments, 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.

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 section 21-9120. 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 which 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.

Sec. 21-9210. Public Parks and Recreation Fee

- (1) **Applicability.** The 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) **Calculations.**
- (a) Fee Calculation. The public parks and recreation fee is calculated as follows:

Table IX-2. Public Park and Recreation Fee Calculation Table

RESIDENTIAL USES
$[(\text{Average Fair Market Value} \div 12,000) \times n] \times \text{Sq. Ft. of Usable Land}$

For purposes of this section, the average fair market value shall be based upon the average market value of residential land according to the Adams County Assessor’s Office. The symbol n in the above formula represents a monetary amount that will be assessed per square foot and will be set by city council via resolution. If the developer objects to the fair market value determination, the

developer may request the city to obtain an appraisal of the property by a qualified real estate developer 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 parties shall be bound by the results of such appraisal.

The square feet of usable land for the formula above shall be all land involving residential use (including all land involving mixed-use development that includes permitted residential use) in the subdivision excluding floodplains, public right-of-way, dedications, public school sites, public library sites, police station sites, fire station sites, private parks and recreation facilities, and drainage detention areas. Private streets and oil and gas sites are considered usable land.

- (b) Land Dedication. If the city determines that a land dedication is preferred to the payment of a fee, the amount of land required to be dedicated shall be determined by dividing the fee calculated pursuant to paragraph (a) by the average fair market value.
- (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 calculation.

(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) **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 or permits, whichever occurs first, or as detailed in an annexation agreement or development agreement between the city and developer.

(6) **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.

Paragraph (2) amended by Ord. 2108, October 2016

Sec. 21-9220. Road Impact Fees

- (1) **Applicability.** All lands in the city that are north of 80th Avenue or east of Buckley Road which are developed or undergoing a change in use shall be subject to the provisions of this section, unless the person developing such land establishes to the satisfaction of the city that the proposed development will not cause vehicular trips to increase.
- (2) **Fee Schedule.** Road impact fees shall be imposed in accordance with the road impact fee schedule adopted by resolution of the city council unless a different fee has been approved through the independent fee calculation study process outlined below.
- (3) **Independent Fee Calculation Study.** The road impact fee may be computed by the use of an independent fee calculation study upon application of the developer or, in the event that the particular development is not listed on the fee schedule adopted by city council 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.
 - (a) **Formula.** The independent fee calculation study shall use the following formula to calculate the road impact fee:

Table IX-3. Road Impact Fee Calculation Table

$\text{FEE} = \text{VMT} \times \text{NET COST/VMT}$ $\text{VMT} = \text{TRIPS} \times \% \text{ NEW} \times \text{LENGTH} \div 2$ $\text{NET COST/VMT} = \text{COST/VMT} - \text{CREDIT/VMT}$
Where:
$\text{VMT} = \text{Vehicle-miles of travel placed by the development on the major road system during the PM peak hour}$ $\text{TRIPS} = \text{Peak hour trip ends during PM peak of adjacent street traffic}$ $\% \text{ NEW} = \text{Percent of trips that are primary trips, as opposed to passby or diverted-link trips}$ $\text{LENGTH} = \text{Average length of a trip on major road system}$ $\div 2 = \text{Avoids double-counting trips for origin and destination}$ $\text{COST/VMT} = \text{Average cost to create a new vehicle-mile of capacity (VMC) based on planned arterial improvements}$ $\text{CREDIT/VMT} = \text{Revenue credit per VMT, based on estimated state/federal funding for City arterial improvements in Northern Range over 20 years divided by total existing arterial VMT}$

- (b) 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 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.
 - (c) 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.
- (4) **Collection.** Road impact fees shall be paid to the city at the time of issuance of a building permit for the development. The fee may be computed separately for each building permit.
 - (5) **Reimbursement.** 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. 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. 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.
 - (6) **Road Districts.** For the purpose of ensuring benefit for fees paid, three road benefit districts are established. Impact fee funds shall be spent for

building, maintaining, and improving roads within the benefit district in which the traffic-generating development paying the fee is located. The road benefit districts are designated as all incorporated areas of the city located as follows:

- (a) Benefit District 1 is the area of the northern range west of Highway 2 and north of East 80th Avenue;
- (b) Benefit District 2 is the area of the northern range between Highway 2 and the boundary generally defined by Piccadilly Road and illustrated on the benefit district map;
- (c) Benefit District 3 is the area of the northern range east of the boundary generally defined by Piccadilly Road and illustrated on the benefit district map; and

Sec. 21-9230. Water Acquisition Fee

- (1) **Applicability.** Water acquisition fees shall be assessed on the construction of new structures in the city, except that no fee shall be assessed 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 or the new structure is being constructed for the purpose of housing a governmental or quasi-governmental entity or service.
- (2) **Fee.** The water acquisition fee is set at \$1,428.01 for each dwelling unit or non-residential structure for the year 2017 and shall escalate at a rate of 10 percent per year effective upon January 1 of each successive year commencing in 2019. The monies collected pursuant to this section shall be used to acquire or retain water rights for the purpose of watering city parks, recreational facilities and other city owned facilities.
- (3) **Collection.** Water acquisition fees shall be paid to the city upon the issuance of a building permit.

Paragraph (2) amended by Ord. 1854, April 2011

Paragraph (2) amended by Ord. 2120, March 2017

Sec. 21-9240. Drainage Fees

- (1) **Applicability.** All construction requiring issuance of a building permit in the following areas shall pay a drainage fee in accordance with the provisions of this section unless specifically excluded under paragraph (2).
 - (a) Third Creek Drainage Basin. For purposes of this article, the Third Creek Drainage Basin is defined by the Third Creek (Downstream of DIA) Outfall Systems Planning Study Update dated September 2005 submitted by Kiowa Engineering Corporation on file in the

office of public works of the City of Commerce City and contains the following watershed description:

“The study area consists of the Third Creek watershed downstream of Denver International Airport (DIA) that is located in the City of Brighton, Commerce City and unincorporated Adams County. The total study area has a drainage area of 14.5-square miles and is an east bank tributary to the South Platte River.”

- (b) Direct Flow Area 0053. For purposes of this article, the DFA 0053 drainage basin is defined by the Drainage Impact Fee Report dated January 11, 2006 submitted by Kiowa Engineering Corporation on file in the office of public works of the City of Commerce City and contains the following watershed description:

“DFA 0053 is an east bank tributary of the South Platte River. DFA 0053 drains about 9 square miles at the South Platte and about 5.5-square miles within Commerce City. Major features in the watershed include E-470, I-76, US Highway 85, and State Highway 2. “

- (c) Buffalo Run Tributary Drainage Basin. For the purposes of this section, the Buffalo Run Tributary Drainage Basin is a 2.4-square mile study area generally bounded by the O'Brian Canal on the north, East 104th Avenue on the south, Chambers Road on the west and the E-470 beltway on the east.

- (d) Second Creek Drainage Basin. For purposes of this article, the Second Creek Drainage Basin is defined by the Commerce City Regional Drainage Facilities for Second Creek Drainage Basin report, prepared by Kiowa Engineering Corporation, dated September 2003 on file in the office of public works of the City of Commerce City and contains the following watershed description:

“Second Creek is an east bank tributary of the South Platte River. Second Creek extends from the South Platte River about 1.5 miles southwest of the City of Brighton, upstream about 15 miles to the area south of DIA. Second Creek drains about 27-square miles at the South Platte and about 15-square miles at the Commerce City upstream boundary.”

- (2) **Exceptions.** Drainage fees shall not be assessed against land dedicated for school sites, city parks, city-owned open space, floodplain areas, and the Rocky Mountain Arsenal National Wildlife Refuge 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) **Calculation.** Drainage fees vary depending upon the drainage areas in which construction occurs. The fees for each drainage area are established by resolution of city council. These fees must be multiplied by the number of developable acres involved in the development. For purposes of this section, “developable acre” means any land excluding floodplain, arterial roads, and railroad rights-of-way.

- (4) **Credits and/or Reimbursements.** Credits and/or reimbursements toward or from payment of the drainage impact 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:
 - (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.

- (5) **Collection.** Drainage impact fees imposed pursuant to this article shall be paid to the city upon issuance of a building permit unless the developer of the land on which such construction is to take place has reached prior agreement with the city for prepayment of the fee for all or the affected portion of the development. Issuance of a building permit shall not be refused for reasons caused solely by regional drainage, so long as the regional drainage improvement fee imposed by this article is paid.

Sec. 21-9250. Fire and Emergency Services Fee

- (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 ten (10) years for units for rent, by individuals or families whose income is: for low-income housing, sixty percent (60%) 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 below:

Table IX-4 Fire and Emergency Services Fee

Non-Residential (Industrial/Warehouse)	Non-Residential (Commercial/ Retail)	Single-Family Residential (including Modular Homes)	Multi-Family Residential (including Modular Homes)
\$.06 per square foot	\$.46 per square foot	\$688	\$250

For mixed commercial and industrial development, the predominant use shall determine the applicable fee.

- (3) **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.
- (4) **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.
- (5) **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 issued 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.
- (6) **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.

Section added by Ord. 2146, December 2017

Sec. 21-9260. 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 the 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 the following schedule:

PER PAD FEE			
\$996			
COMPLETED PIPELINES SERVICING PAD (PRESENCE INDICATED BY “X”)			IMPACT FEE
Fresh Water Pipeline	Produced Water Pipeline	Product Pipeline	Total
PER WELL FEE			
-	-	-	\$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 Sec. 21-9220, 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 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 Director of Community Development, 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 Director may adopt the alternative fee set forth by the Applicant which will be applicable only to the application at issue.

Section added by Ord. 2213, May 2019

ARTICLE X. COMPLIANCE AND ENFORCEMENT

ARTICLE X. COMPLIANCE AND ENFORCEMENT

- Sec. 21-10000. Authority
- Sec. 21-10010. Complaints
- Sec. 21-10020. Right of Entry to Inspect
- Sec. 21-10030. Permit Denial
- Sec. 21-10040. Permit Revocation
- Sec. 21-10050. Stop Work Order
- Sec. 21-10060. Penalties and Other Remedies

Sec. 21-10000. Authority

The city manager is hereby authorized to enforce the provisions of this land development code.

Sec. 21-10010. Complaints

Any person may file a complaint alleging a violation of this land development code. 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.

Sec. 21-10020. Right of Entry to Inspect

- (1) **Right of Entry Generally.** When necessary to make an inspection to enforce any provisions of this 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 land development code, an authorized city employee or agent may present proper credentials and request entry. 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, 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.

- (2) **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.
- (3) **Emergencies.** When an emergency situation exists in relation to the enforcement of any of the provisions of this 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 situation 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 pursuant to this subsection.
- (4) **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 land development code. These enforcement alternatives, and the remedies available under each, shall be cumulative, 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, the city may apply to any court of competent jurisdiction to temporarily or permanently enjoin the continuance of the violation. In any such injunction action, the city shall not be required to plead or prove irreparable injury or the inadequacy of the remedy at law

Sec. 21-10030. 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.

Sec. 21-10040. 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; or
 - (d) The permit, certificate, or development authorization or approval was issued in error.
- (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 to whom the permit was issued, 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 in accordance with this section.

Sec. 21-10050. Stop Work Order

If the use of property or the construction of any structure is contrary to the provisions of this land development code or any permit issued pursuant to this land development code, 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. Failure of the city to issue a stop work order shall in no event be deemed to legalize, authorize, or excuse the violation.

Sec. 21-10060. Penalties and Other Remedies

In the event that any person violates, disobeys, or fails or neglects to comply with the requirements of this land development code 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 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.

Section amended by Ord. 1854, April 2011

ARTICLE XI. MEASUREMENTS AND DEFINITIONS

ARTICLE XI. MEASUREMENTS AND DEFINITIONS

DIVISION 1: MEASUREMENTS AND RULES FOR MEASUREMENTS

- Sec. 21-11100. Rounding
- Sec. 21-11105. Density
- Sec. 21-11110. Lot Frontage (Lot Width)
- Sec. 21-11115. Street Frontage
- Sec. 21-11120. Lot Depth
- Sec. 21-11125. Lot Coverage
- Sec. 21-11130. Setback
- Sec. 21-11135. Floor Area Ratio
- Sec. 21-11140. Building Height
- Sec. 21-11145. Distance or Spacing
- Sec. 21-11150. Variation of Residential Dwelling Facades

DIVISION 2: DEFINITIONS

- Sec. 21-11200. Definitions

DIVISION 1: MEASUREMENTS AND RULES FOR MEASUREMENTS

Sec. 21-11100. Rounding

When calculations result in a fraction, the result shall be rounded in accordance with this section.

- (1) **Minimum Requirements.** When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement for one street tree every 40 feet is applied to a 100-foot strip, the resulting fraction of 2.5 is rounded up to 3 required trees.
- (2) **Maximum Requirements.** When a regulation is expressed in terms of maximum limits, any fractional result lower than .49 will be rounded down to the next lower whole number. For example, if a maximum height for a building is 35 feet and the building actually measures 35 feet 5 inches, then the height is in compliance. If the height measured 35 feet 6 inches, then the height limit is not in compliance.
- (3) **Residential Density.** When calculating residential density, any fractional result shall be rounded up to the next consecutive whole number. For example, if a maximum limit of 15-dwelling units per acre (du/a) is applied to a 5.3-acre site, the resulting quantity of 79.5 is rounded up to 80 permitted dwelling units.

- (4) **Setbacks.** Setback distances are stated as absolute values and will in no case be rounded to the next whole number.

Sec. 21-11105. Density

- (1) **Net Density.** Net density shall be calculated by dividing the net acreage of a parcel by the minimum lot area required for each dwelling unit.
- (2) **Gross Density.** Gross density shall be calculated by dividing the gross acreage of a parcel by the minimum lot area required for each dwelling unit.
- (3) **Maximum Density Not Guaranteed.** The number of dwelling units allowed on a site is based on a presumption that all other applicable standards shall be met. The maximum density established for a zoning district is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

Sec. 21-11110. Lot Frontage (Lot Width)

Lot frontage or width refers to the distance between the side lot lines as measured along a straight line parallel to the front lot line (the lot line abutting the street on which the property has its principal access) or the chord thereof. The minimum lot frontage or width shall be measured between the side lot lines along a line that is parallel to the front lot line and located the minimum front setback distance from the front lot line.

Sec. 21-11115. Street Frontage

Street frontage means the distance between the side lot lines of a property as measured from the street lot line.

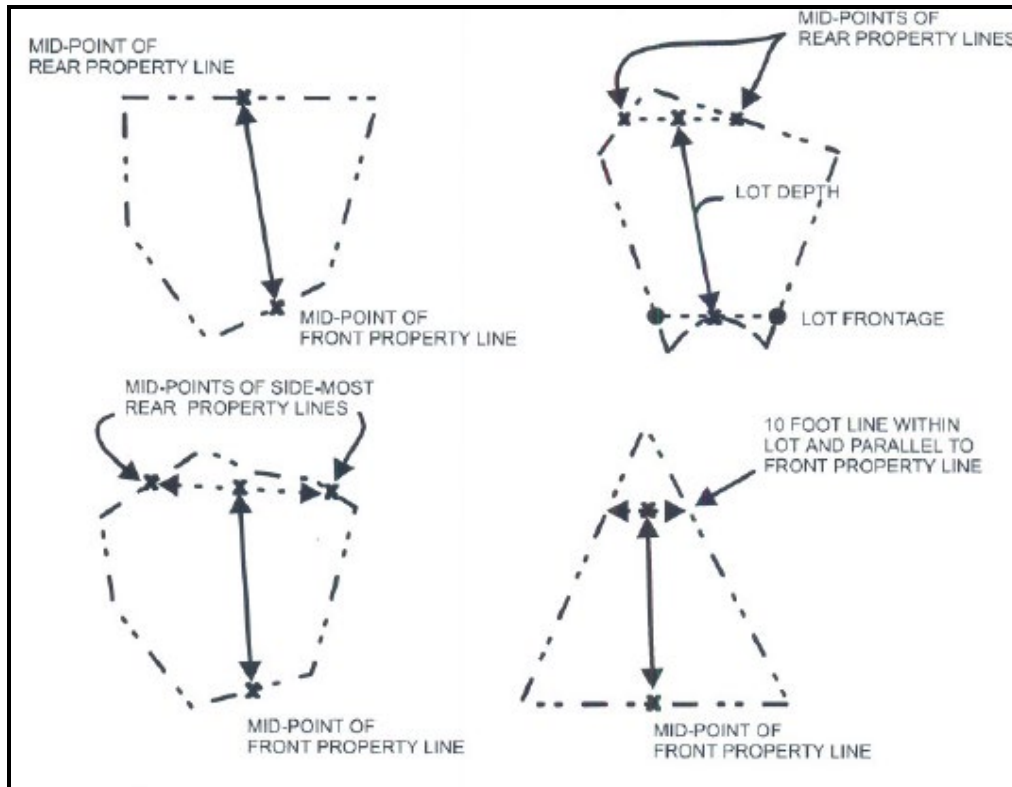
Sec. 21-11120. Lot Depth

Lot depth shall be measured using the methods outlined below. If more than one of these methods is used on a lot, the method which results in the greatest distance shall be utilized. However, in calculating the lot depth on a flag lot, the depth of the lot shall not include the length of the flagpole portion of the lot.

- (1) The distance from the mid-point of the front property line and the mid-point of the rear property line; or
- (2) When the rear property line is formed by two or more lines, the measurement shall be from the mid-point of a line formed by connecting the mid-points of the side-most rear property lines to the front property line.

- (3) Where no rear property line is apparent, the rear lot line shall be a line 10 feet in length within the lot, parallel to and at the maximum distance from the front property line.
- (4) When lot depth is unable to be determined using the prescribed methods, the director shall determine the most reasonable method of calculation.

Figure XI-1. Measuring Lot Depth



Sec. 21-11125. Lot Coverage

- (1) **General Rule.** Lot coverage is the percentage of the total lot area covered by buildings. It is calculated by dividing the square footage of building cover by the square footage of the lot.

$$\text{Lot Coverage} = \text{Building Area} / \text{Lot Area}$$

- (2) **Areas Excluded from Calculation.** The following shall not be counted as part of the building area:
 - (a) Areas covered by swimming pools and hot tubs;
 - (b) Open decks less than 30 inches above grade; and
 - (c) Storage sheds under 120-square feet in total area.

Sec. 21-11130. Setback

A setback is measured from the lot line to the closest projection of a building or structure along such line, at a right angle to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this land development code.

Sec. 21-11135. Floor Area Ratio

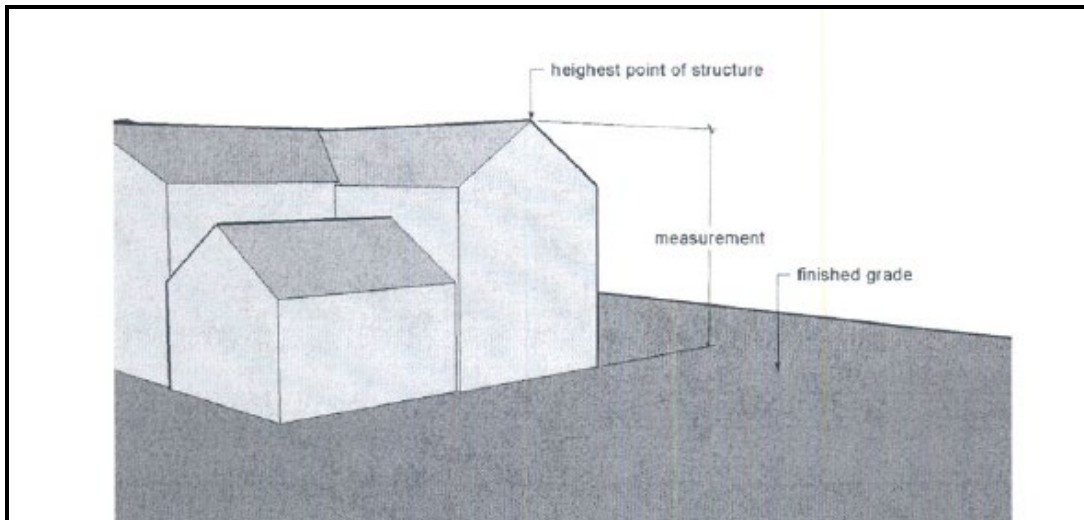
Floor Area Ratio (FAR) is the gross floor area of all buildings on a lot or parcel, divided by the lot area.

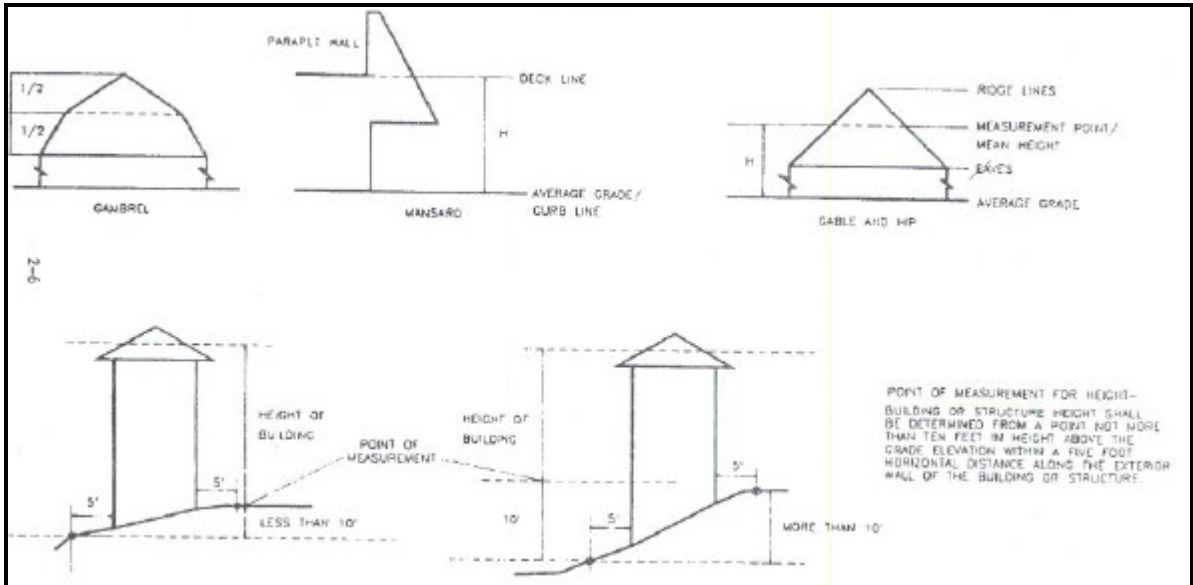
$$\text{Floor Area Ratio} = \text{Gross Floor Area} / \text{Lot Area}$$

Sec. 21-11140. Building Height

- (1) **Standard Methods of Measurement.** Building height is the vertical distance between the point of measurement on the ground to the highest point of (1) coping of a flat roof; or (2) to the deck line of a mansard roof; or (3) to the average height of the highest gable of a pitched or hip roof. The point of measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance along the exterior wall of the building, when such sidewalk or ground surface is not more than ten feet above grade.

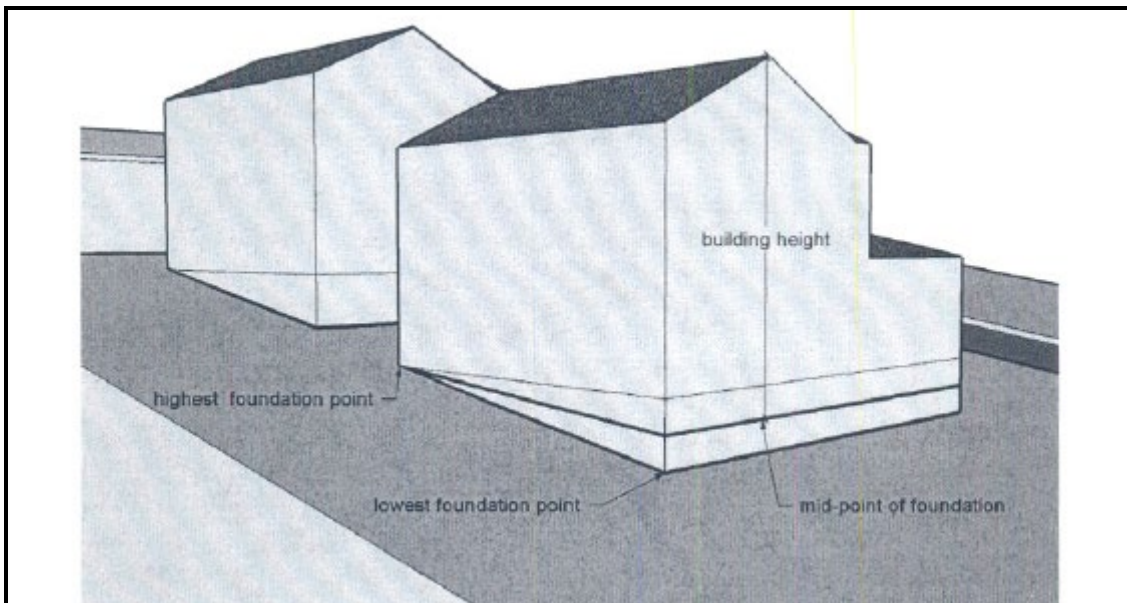
Figure XI-2. Height Measurements





- (2) **Sloped Sites.** For sloped lots or buildings with varied floor elevations, the height of a building is measured as the vertical distance from the average level of the ground under the building to the allowed number of feet above and parallel to the finish grade. The average level of ground is determined by adding the elevations of the highest and lowest foundation points of the building and dividing by two (the mid-point of foundation).

Figure XI-3. Height Measurement on Sloped Sites



- (3) **Exclusions from Measurement.** 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 a height exception granted by the board of adjustment.

Sec. 21-11145. Distance or Spacing

When a regulation requires a proposed use or activity to be located a specified distance from an existing use, zoning district boundary, or activity, such distance or spacing requirement shall be calculated by direct, straight-line measurement from the nearest property line of the property upon which an existing use, zoning boundary, or activity is located to the nearest property line of the property whereon the proposed use or activity is to be located. This measurement shall apply regardless of whether the use is located, or proposed to be located, within a structure housing a single use or multiple uses, except that the distance between automotive or truck wash facilities shall be measured along street frontage and not by a straight line distance between the two properties.

Sec. 21-11150. Variation of Residential Dwelling Facades

When the city requires that the facades of single-family homes be varied, the first and last units within that specified number may be the same. For example, a requirement to vary home facades every fourth unit shall require that the first, second, and third home facades be different, but shall permit the first and fourth home facades to be the same.

DIVISION 2: DEFINITIONS

Sec. 21-11200. Definitions

When used in this land development code, the following terms shall have the meanings ascribed to them herein, except where the context clearly indicates that a different meaning is intended or where the code contains a specific provision to the contrary:

- (1) **Access Easement** shall mean an interest in land which allows one or more persons to travel across another person's land.
- (2) **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.

- (3) **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.
- (4) **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.
- (5) **Active Rights-of-Way** shall mean rights-of-way currently being utilized or improved.
- (6) **Addition** shall mean any activity that expands the enclosed footprint or increases the square footage of an existing structure.
- (7) **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.
- (8) **Administrative Appeal** is an appeal alleging an error in a final order, requirement, decision, or determination made by the director in the administration or enforcement of this land development code.
- (9) **Adult** shall mean a person 18 years of age or older.
- (10) **Adverse Impact** shall mean a negative consequence affecting the physical, social, or economic environment resulting from an action or project.
- (11) **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.
- (12) **Alley** shall mean a service roadway that provides a means of access abutting properties and that is not intended for general traffic circulation.
- (13) **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.
- (14) **Annexation** shall mean the incorporation of a land area into the city with a resulting change in the city boundaries.

- (15) **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.
- (16) **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.
- (17) **Antenna, Panel** shall mean an array of antennas, rectangular in shape, used to transmit and receive telecommunication signals.
- (18) **Antenna, Whip** shall mean a single antenna that is cylindrical in shape and omni-directional.
- (19) **Apartment** shall mean a dwelling unit, located in a building containing three or more such dwelling units, used exclusively for lease or rent as a residence.
- (20) **Applicant** shall mean any person who has filed an application pursuant to the provisions of this land development code.
- (21) **Approved Plant List and Landscaping Specifications Document** shall mean that document containing certain information and requirements pertaining to landscaping in the city.
- (22) **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.
- (23) **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.
- (24) **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.

- (25) **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.
- (26) **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.
- (27) **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.
- (28) **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.
- (29) **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.
- (30) **Asphalt Mixing Plants** 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.
- (31) **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.

- (32) **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.
- (33) **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.
- (34) **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.
- (35) **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.
- (36) **Bail Bonds Business** 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.
- (37) **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.
- (38) **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.
- (39) **Banner** shall mean a sign made of fabric or other non-rigid material with no enclosing framework.
- (40) **Bar/Tavern** shall mean an eating/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.
- (41) **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).
- (42) **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.
- (43) **Bed and Breakfast Establishment** shall mean an owner-occupied single-family 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 resident family.
- (44) **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.
- (45) **Best Management Practices (BMPs)** shall mean physical, structural and/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 practices that 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.
- (46) **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.
- (47) **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.
- (48) **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.

- (49) **Boundary Line** shall mean every separation, natural or artificial, which marks the confines or line of division of two contiguous parcels of land.
- (50) **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.”
- (51) **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.
- (52) **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.
- (53) **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.
- (54) **Building Elevation** shall mean a projection of a building plane, including the roof, wall, and all architectural appendages.
- (55) **Building Height** see section 21-11140.
- (56) **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.
- (57) **Building Permit** shall mean a written permit issued by the city that allows the permit holder to undertake construction of a project.
- (58) **Building, Principal** shall mean the building(s) housing the principal (primary or most important) uses permitted on the property upon which it is located.
- (59) **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.
- (60) **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.
- (61) **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.
- (62) **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.
- (63) **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.
- (64) **Car Wash** means an establishment engaged in cleaning or detailing motor vehicles, whether self-service or automated.
- (65) **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
- (66) **Cemetery** 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.
- (67) **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.
- (68) **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 COGCC 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 COGCC Rules.

- (69) **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.
- (70) **Chain Link Fence** shall mean a fence composed of wire mesh, typically forming woven squares approximately two inches in width.
- (71) **Charter** shall mean the city’s home rule charter.
- (72) **Child** shall mean a person less than 18 years of age.
- (73) **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.
- (74) **Child Care Facility** shall mean child care centers and day care homes, as defined herein.
- (75) **Church** (See Religious Institution)
- (76) **Clean Water Act** shall mean the Federal Water Pollution Control Act (33 U.S.C. § 1251, *et seq.*) and any subsequent amendments thereto.
- (77) **Clearing** shall mean any activity that removes vegetative surface cover.
- (78) **Clock Tower** shall mean a free-standing structure displaying the time on one or more sides of the structure.
- (79) **COGCC** shall mean the Colorado Oil and Gas Conservation Commission.
- (80) **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.

- (81) **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.
- (82) **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.
- (83) **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.
- (84) **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.
- (85) **Commercial Disposal Well Facility** shall mean a facility whose primary objective is disposal of Class II waste from a third party for financial profit.
- (86) **Commercial Indoor Self-Storage Facility** 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.
- (87) **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.
- (88) **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.
- (89) **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.

- (90) **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.
- (91) **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.
- (92) **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.
- (93) **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.
- (94) **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.
- (95) **Compatible or Compatibility** shall mean that the characteristics of different uses, activities, or designs allow 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.
- (96) **Completion** 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 COGCC rules. Any well not previously defined as an Oil or Gas Well,

- shall be considered completed ninety (90) days after reaching total depth. If approved by the COGCC 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.
- (97) **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.
- (98) **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.
- (99) **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.
- (100) **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.
- (101) **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.
- (102) **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.
- (103) **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.
- (104) **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.

- (105) **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.
- (106) **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.
- (107) **Correctional Facility** shall mean a facility providing housing and care for individuals confined for violations of law. Typical uses include jails, prisons, work release facilities, and juvenile detention centers.
- (108) **Courier Services** shall mean an establishment primarily engaged in the delivery of individually addressed letters, parcels, and packages that generally weigh less than 100 pounds.
- (109) **Crematory** shall mean a service establishment containing properly installed, certified apparatus intended for, or used for, the act of cremation.
- (110) **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.
- (111) **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.
- (112) **C.R.S.** shall mean the Colorado Revised Statutes, as may be amended from time to time.
- (113) **Cul-de-sac** shall mean a street having one end open to traffic and being terminated at the other end by a vehicular turnaround.
- (114) **Curb Cut** shall mean a street curb depression intended to provide vehicular ingress and egress to a property.

- (115) **Day Care Center, Adult** 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.
- (116) **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.
- (117) **Dead-End Street** shall mean a street having no exit or turn-around within a right of way.
- (118) **Decision-Making Body** shall refer generally to the body or person with final approval authority for the application or permit in question.
- (119) **Department** shall mean the department of the city charged with the responsibility of interpreting and applying this land development code.
- (120) **Designated Agent** shall mean the designated representative of any oil and gas well operator.
- (121) **Designated Outside Activity Areas** shall mean a well-defined outside area (such as a playground, recreation area, outdoor theater, or other place of public assembly) that is occupied by 20 or more persons on at least 40 days in any 12-month period or by at least 500 or more people on at least 3 days in any 12-month period.
- (122) **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.
- (123) **Development** shall mean any man-made 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.
- (124) **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.

- (125) **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.
- (126) **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.
- (127) **Director** shall mean the head of the department which is charged with the responsibility of interpreting and applying the terms of this land development code.
- (128) **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.
- (129) **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.
- (130) **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.
- (131) **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.
- (132) **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.

- (133) **Drainage Way** shall mean any channel that conveys surface water runoff throughout the site.
- (134) **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.
- (135) **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.
- (136) **Driveway, Shared** shall mean a single driveway serving two or more adjoining lots or uses.
- (137) **DRT** see Development Review Team.
- (138) **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.
- (139) **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 land development code.
- (140) **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.
- (141) **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.
- (142) **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.
- (143) **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.

- (144) **Eaves** shall mean the projecting lower edges of a roof overhanging the wall of a building.
- (145) **ECSS** shall mean the Engineering Construction Standards and Specifications of the city.
- (146) **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.
- (147) **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.
- (148) **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.
- (149) **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.
- (150) **Erosion Control** shall mean any measure that prevents soil from wearing away.
- (151) **Establishment** shall mean a place of business, industry, retail, or professional office with its furnishings and staff.
- (152) **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.
- (153) **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.
- (154) **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.

- (155) **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.
- (156) **Extraction Agreement** shall mean the agreement between the Operator and the City that is required by this Code.
- (157) **Façade** shall mean the exterior walls of a building.
- (158) **Factory-Built Home** shall mean any structure, designed for permanent residential use, which is wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purposes of this Land Development Code, factory built home shall include mobile homes, manufactured homes, factory-built (modular) homes, and panelized (pre-fabricated) homes.
- (159) **Family** shall mean:
- (a) An individual or two or more persons related by blood, marriage, adoption, or legal custody, including those persons defined by the Internal Revenue Code who qualify as dependents of the occupants of the subject premises, living together in a dwelling unit;
or
 - (b) A group of not more than three persons, not related by blood, marriage, or adoption, living together in a dwelling unit.
 - (c) Except that a family shall not include more than one individual who is required to register as a sex offender under the provisions of the C. R. S. Sec. 18-3-412.5, as amended, except if the members of the family are related by blood or marriage, or if such individuals have been placed by order of a state agency with jurisdiction.

- (160) **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 land development code, operation of a day care home is considered to be an accessory use to a principal residential use.
- (161) **Farmers' Market** shall mean the seasonal offering for sale of fresh agricultural products directly to the consumer at an open-air market.
- (162) **Fast Food Restaurant** shall mean an eating/drinking establishment that 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 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
 - (d) The restaurant provides a drive-up facility for placing and receiving food orders.
- (163) **FCC** shall mean the Federal Communications Commission.
- (164) **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.
- (165) **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.
- (166) **Financial Institutions** shall mean establishments that provide retail banking services, mortgage lending, and similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money 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.

- (167) **Firewood Sales and Storage** shall mean a commercial establishment or area for the purpose of firewood sales, splitting, and storage.
- (168) **Flag** shall mean any fabric containing distinctive colors, patterns, or symbols used as a symbol of a government, political subdivision, or other entity.
- (169) **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 land development code 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.
- (170) **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.
- (171) **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.
- (172) **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.
- (173) **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.
- (174) **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.
- (175) **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.
- (176) **Floodplain or Flood-Prone Area** shall mean any land area susceptible to being inundated by water from any source (see Flooding).
- (177) **Floodplain Administrator** shall mean the local administrative official who is responsible for administering and implementing the city's Flood Overlay District.
- (178) **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.
- (179) **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.
- (180) **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.
- (181) **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.
- (182) **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.

- (183) **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.
- (184) **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.
- (185) **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.
- (186) **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.
- (187) **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.
- (188) **Footprint** shall mean the total area that is covered by a building's perimeter at ground level.
- (189) **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.
- (190) **Frontage** shall mean the side(s) of a lot adjacent to a street.
- (191) **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.
- (192) **Garage** shall mean a building or the portion of a building designed and intended for the parking or temporary storage of motorized vehicles.

- (193) **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.
- (194) **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.
- (195) **Grading** shall mean excavation or fill of earth material, or any combination thereof, or any land disturbance.
- (196) **Grading Permit** shall mean a permit issued by the city for grading.
- (197) **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.
- (198) **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.
- (199) **Gross Floor Area** shall mean the total area in square feet of all floors of a building measured from exterior walls.
- (200) **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.
- (201) **Groundwater** shall mean, as it relates to Oil and Gas Operations, subsurface waters in a zone of saturation.

- (202) **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.
- (203) **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.
- (204) **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.
- (205) **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.
- (206) **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.

- (207) **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.
- (208) **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.
- (209) **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.
- (210) **Hazardous Waste Disposal Site** shall mean such site for disposal of hazardous waste as defined by the C.R.S. § 25-15-201 *et seq.*
- (211) **Highest Adjacent Grade** shall mean the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
- (212) **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.

- (213) **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.

- (214) **Hoop House** shall mean an unheated greenhouse, most commonly constructed with arches of plastic or metal.

- (215) **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.

- (216) **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 land development code has been committed or shall exist.

- (217) **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.

- (218) **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.

- (219) **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.

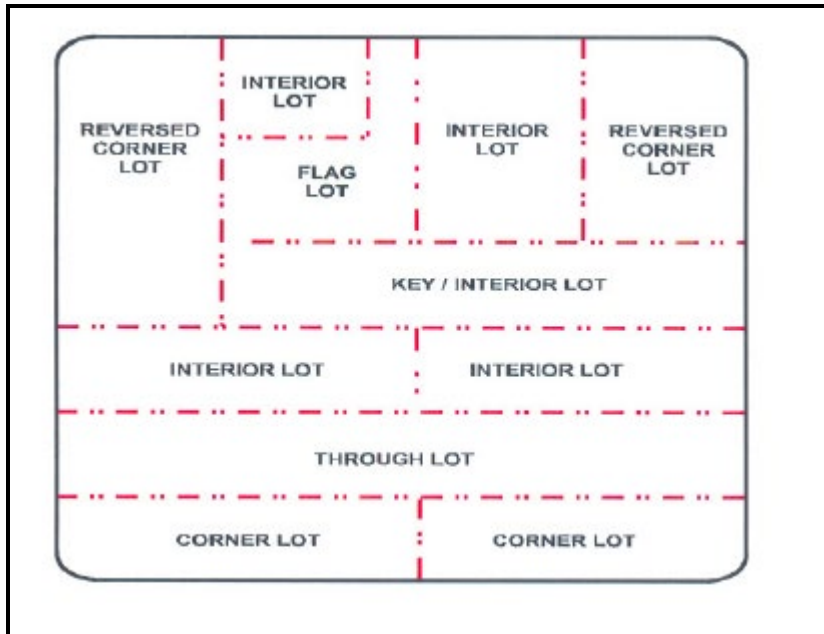
- (220) **Inactive Well** shall mean, as it relates to Oil and Gas Operations, any shut-in well from which no production has been sold for a period of 12 consecutive months; any well which has been temporarily abandoned for a period of 6 consecutive months; or, any injection well which has not been utilized for a period of 12 consecutive months.

- (221) **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.
- (222) **Industrial Activity** shall mean an activity subject to Industrial Permits as defined in 40 CFR, Section 122.26(b)(14).
- (223) **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.
- (224) **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 land development code 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).
- (225) **Injection Well** shall mean any well as defined under 40 C.F.R. §144.5 B, 1992 Edition, (adopted by the U.S. Environmental Protection Agency) used for the exclusive purpose of injecting fluids or gas from the surface. The definition of an injection well does not include gas storage wells.
- (226) **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
- (227) **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.

- (228) **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 land development code.
- (229) **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.
- (230) **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 land development code.
- (231) **Kiosk** shall mean a freestanding structure upon which temporary information and/or posters, notices and announcements are posted.
- (232) **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.
- (233) **Landfill, Demolition and Construction Debris** 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.
- (234) **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.
- (235) **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.
- (236) **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.

- (237) **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.
- (238) **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.
- (239) **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.
- (240) **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.
- (241) **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).
- (242) **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.
- (243) **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.
- (244) **Lodging Establishment** shall mean an establishment, building, or premises with more than 20 sleeping rooms where lodging is offered for compensation.
- (245) **Lodging, Extended Stay** shall mean a lodging establishment offering suites with living, kitchen, and sleeping areas.
- (246) **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.

Figure XI-4. Lot Types



- (247) **Lot Area** shall mean the total horizontal, square footage area within the lot lines of a lot.
- (248) **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.
- (249) **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 streets. The required setbacks from each street shall comply with the zoning requirements of the respective district.
- (250) **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.
- (251) **Lot Frontage** see sections 21-11110 and 21-11115.
- (252) **Lot, Interior** shall mean a lot which is not a corner lot and has only one street frontage.
- (253) **Lot Line** see Property Line.
- (254) **Lot Line Adjustment** shall mean a change in lot or parcel boundaries that does not create additional lots or parcels.

- (255) **Lot Pin** shall mean a solid steel pin established to provide for the accurate location of platted property lines.
- (256) **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.
- (257) **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.
- (258) **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.
- (259) **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.
- (260) **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.
- (261) **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.
- (262) **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. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales.
- (263) **Marijuana Business** means any medical marijuana center, optional premises cultivation operation, medical marijuana-infused products manufacturer, retail marijuana store, retail marijuana cultivation facility, retail marijuana products manufacturer and retail marijuana testing facility.

- (264) **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.
- (265) **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.
- (266) **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.
- (267) **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.
- (268) **Material Recovery Resource 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.
- (269) **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.
- (270) **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.
- (271) **Median** shall mean that portion of a divided street or highway separating the traveled ways for traffic in opposite directions.
- (272) **Medical Marijuana Business** shall mean a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused

- products manufacturer as defined in the Colorado Medical Marijuana Code.
- (273) **Medical Marijuana Center** shall have the meaning ascribed to it in state law.
- (274) **Medical Marijuana Infused Product Manufacturer** shall have the meaning ascribed to it by state law.
- (275) **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.
- (276) **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.
- (277) **Micro-winery** shall mean a business that manufactures 5,000 to 10,000 cases of vinous liquors per year.
- (278) **Mineral Estate Owner** shall mean the owner or lessee of minerals located under a surface estate that are subject to an application for development.
- (279) **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.
- (280) **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.
- (281) **Mixed-Use Development** shall mean a single building containing more than one principal permitted land use or a single development of more than one building containing more than one principal permitted land use. In a mixed-use development, the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of vehicular and pedestrian access and parking areas.

- (282) **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 land development code, 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.
- (283) **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.
- (284) **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.
- (285) **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.
- (286) **Modular Home** shall mean a factory built home, other than a mobile home, which meets all of the following requirements: is designed only for erection or installation on a site-built permanent foundation; is not designed to be moved once so erected or installed; is designed and manufactured to comply with a nationally recognized model building code or an equivalent local code, or with a state or local modular building code recognized as generally equivalent to building codes for site-built housing. Such units shall provide all of the accommodations necessary to be a dwelling unit and shall be connected to all utilities in conformance with applicable regulations. The term modular home does not include a recreational vehicle.
- (287) **Modular Non-Residential Unit** shall mean a factory-built structure not built on-site, which is not designed for residential use or human habitation.
- (288) **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.
- (289) **MS4** shall mean the municipal separate storm sewer system.
- (290) **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.
- (291) **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.
- (292) **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.
- (293) **MUTCD** shall mean the Manual of Uniform Traffic Control Devices.
- (294) **NAICS** shall mean the North American Industry Classification System as published by the U.S. Census Bureau.
- (295) **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.
- (296) **Non-Combustible** shall mean a building construction material which, in the form in which it is used, is either one of the following:
- (a) Material of which no part will ignite and burn when subjected to fire;
or
 - (b) Material having a structural base of non-combustible material as defined in paragraph (a) above, with a surfacing material not over one-eighth inch thick, and a flame-spread rating of 50 or less.

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.

- (297) **Nonconformity** shall mean any use, sign, structure, building, or lot that was legally established prior to the effective date of this land development code or any subsequent amendment, but that fails by reason of such adoption, revision, or amendment, to conform to all the current requirements of this land development code.
- (298) **Non-Stormwater Discharge** shall mean any discharge to the storm drain system that is not composed entirely of stormwater.
- (299) **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.
- (300) **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).
- (301) **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.
- (302) **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.
- (303) **Off-Street Parking** shall mean an area, other than a street or alley, designed or used primarily for the temporary parking of vehicles.
- (304) **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.
- (305) **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.
- (306) **OGCC** shall mean the Oil and Gas Conservation Commission.

- (307) **Oil and Gas** shall mean oil or gas, or both oil and gas.
- (308) **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, Oil and Gas well facilities, Oil and Gas well sites, production facilities, production sites, treatment facilities, access roads, well pads, tank batteries, pits, flowlines, and gathering lines.
- (309) **Oil and Gas Permit** shall mean any permit issued by the City that allows an Operator to conduct Oil and Gas well operations
- (310) **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.
- (311) **Oil and Gas Well Facility** shall mean shall mean equipment or improvements used or installed at an Oil and Gas Well location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.
- (312) **Oil and Gas Well Operations or 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.
- (313) **Oil and Gas Well Site** shall mean 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.”
- (314) **One-Hundred-Year Flood** See Base Flood.
- (315) **Operating Plan** shall mean, as it relates to Oil and Gas Operations, a general description of a facility identifying purpose, use, typical staffing pattern, equipment description and location, access routes, seasonal or periodic considerations, routine hours of operating, source of services and infrastructure, and any other information related to regular functioning of that facility.
- (316) **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.

- (317) **Open Space** shall mean any parcel or area of land or water essentially unimproved without any residential, commercial, or industrial uses and set aside, dedicated, or reserved for public or private use and enjoyment including recreational, scenic, or environmental purposes. Open space may include agricultural uses and natural features located on a site, including but not limited to, meadows, forested areas, steep slopes, flood plains, hazard areas, unique geologic features, ridgelines, unique vegetation, and critical plant communities, stream corridors, wetlands, and riparian areas; wildlife habitat and migration corridors, areas containing threatened or endangered species, and archeological, historical, and cultural resources.
- (318) **Optional Premises Cultivation Operation** shall have the meaning ascribed to it by state law.
- (319) **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.
- (320) **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 short-growing conifers such as upright junipers, pinion- and bristle-cone pines.
- (321) **Outdoor Storage** shall mean the placement of materials, merchandise, 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.
- (322) **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.
- (323) **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.
- (324) **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.
- (325) **Parcel** shall mean a plot of land of any size that may or may not be subdivided or improved.
- (326) **Park, Public** shall mean a public-owned parcel of land, with or without improvements, set apart for the recreation of the public.
- (327) **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.
- (328) **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.
- (329) **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.
- (330) **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.
- (331) **Parking, Shared** shall mean joint use of a parking lot or area for more than one principal use.
- (332) **Pawnshop** shall mean a retail sales establishment where a pawnbroker regularly engages in or solicits business.
- (333) **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.

- (334) **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.
- (335) **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 COGCC Rules.
- (336) **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.
- (337) **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.
- (338) **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.
- (339) **Plaza** shall mean an open space that may be improved and landscaped, usually surrounded by streets or buildings.
- (340) **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.
- (341) **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.
- (342) **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.
- (343) **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.

- (344) **Porch** shall mean a covered or uncovered entrance with vertical supporting members on a foundation, not including walls.
- (345) **Premises** shall mean any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.
- (346) **Primary Caregiver** shall have the same meaning as that ascribed to it in C.R.S. § 25-1.5-106(2)(d.5).
- (347) **Primary or Principal Entrance** shall mean the place of ingress and egress used most frequently by the public.
- (348) **Principal or 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.
- (349) **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.
- (350) **Private Road** shall mean every road or driveway not owned by the city.
- (351) **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.
- (352) **Production** shall mean the making of goods available for human wants.
- (353) **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, exclusive of transmission and gathering pipelines.
- (354) **Property 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.
- (355) **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).

- (356) **Public** shall mean for the benefit of, or devoted to, the people as a whole or the community at large.
- (357) **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.
- (358) **Public Hearing** shall mean a meeting that is noticed in accordance with the terms of this land development code and at which the public is given an opportunity to speak.
- (359) **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 land development code, 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.
- (360) **Public Notice** shall mean the advertisement in a newspaper, posting of the property, and/or the mailing of written notice.
- (361) **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.
- (362) **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.
- (363) **PUD** - see Planned Unit Development.
- (364) **PUD Concept Schematic** shall mean a generalized land use or site plan for an area proposed to be included within a PUD district.

- (365) **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.
- (366) **PUD Zone Document** shall mean the PUD land use application which establishes entitlements for property including allowable land use and bulk standards.
- (367) **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.
- (368) **Railroad Yard** shall mean an area used for storage by an establishment engaged in rail services.
- (369) **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 to landowner specifications.
- (370) **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.
- (371) **Recreation or Amusement, Public** shall mean any use or development providing amusement, pleasure, or sport, which is owned or operated by a governmental entity.
- (372) **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.
- (373) **Refuse Transfer Facilities** 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.

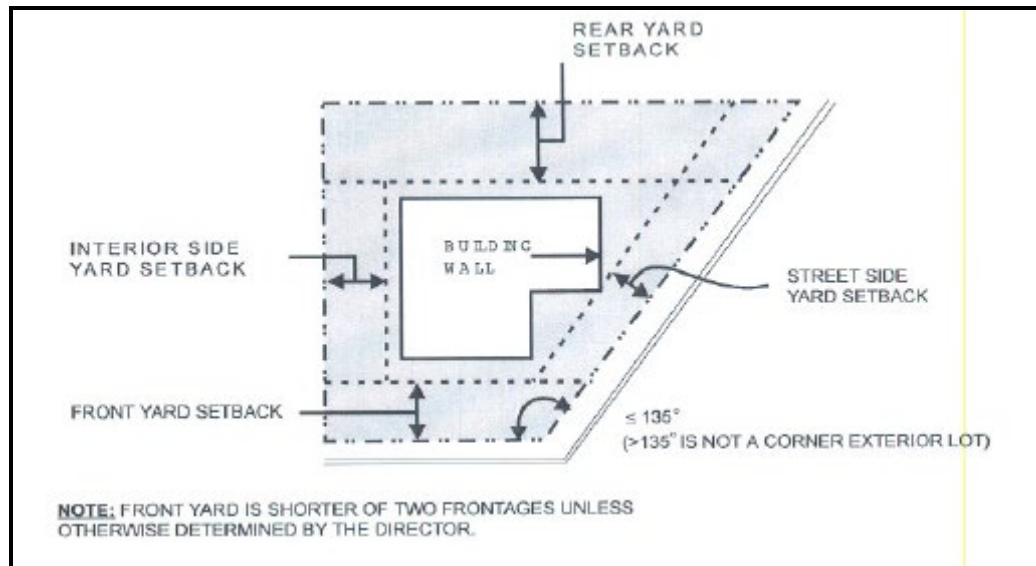
- (374) **Religious Institution** shall mean a use category comprised of structures or places in which worship, ceremonies, rituals, and education pertaining to a particular system of beliefs are held, together with its accessory buildings and uses (including buildings used for educational and recreational 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.
- (375) **Remediation** shall mean, as it relates to Oil and Gas Operations, the process of reducing the concentration of a contaminant or contaminants in water or soil to the extent necessary to ensure compliance with the concentration levels in COGCC Table 910-1 and other applicable ground water laws, standards and classifications.
- (376) **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.
- (377) **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.
- (378) **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.
- (379) **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.
- (380) **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.
- (381) **Residential, Multi-Family** 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 condominium or apartment buildings in which the individual dwelling units are typically located one over the other.
- (382) **Residential, Single-Family** shall refer to single-family attached and single-family detached dwellings, collectively.
- (383) **Residential, Single-Family Attached** 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.
- (384) **Residential, Single-Family Detached** shall mean a detached (free-standing and surrounded on all sides by open areas or yards) dwelling designed exclusively for occupancy by one family.
- (385) **Restaurant** shall mean an establishment where the principal business is the sale of food and beverages in a ready-to-consume state where fermented malt beverages, malt, special malt, and vinous and spirituous liquors may be produced on the premises as an accessory use. See also Fast-Food Restaurant.
- (386) **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 land development code (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).
- (387) **Retail Marijuana Code** means title 12, article 43.4 of the Colorado Revised Statutes, as amended from time to time, and any rules or regulations promulgated thereunder.
- (388) **Retail Marijuana Cultivation Facility** shall have the meaning ascribed to it by state law.
- (389) **Retail Marijuana Product Manufacturer** shall have the meaning ascribed to it by state law.
- (390) **Retail Marijuana Store** shall have the meaning ascribed to it by state law.
- (391) **Retail Marijuana Testing Facility** shall have the meaning ascribed to it by state law.

- (392) **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.
- (393) **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).
- (394) **Road Impact Fee Study** shall mean a study prepared for and on behalf of the city to determine road impacts generated by new development.
- (395) **Roadside Stand** shall mean a temporary structure used primarily to sell products produced on the property.
- (396) **Roadway** shall mean that portion of a street or highway improved, designed, or ordinarily used for vehicular travel, including the shoulder.
- (397) **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.
- (398) **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.
- (399) **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.
- (400) **Scrap Tire** means a tire that is no longer used for its original purpose.
- (401) **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.
- (402) **Sediment Control** shall mean BMPs that prevent eroded sediment from leaving the site.
- (403) **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.

- (404) **Semi-Trailers** - see Trailer
- (405) **Sensitive Area** shall mean, as it relates to Oil and Gas Operations, an area vulnerable to potential significant adverse groundwater impacts, due to factors such as the presence of shallow groundwater or pathways for communication with deeper groundwater; proximity to surface water, including lakes, rivers, perennial or intermittent streams, creeks, irrigation canals, and wetlands.
- (406) **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.
- (407) **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.
- (408) **Setback** shall mean the distance from a lot line to the closest projection of a building or structure along such line.

Figure XI-5. Setback Example



- (409) **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.
- (410) **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.
- (411) **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.
- (412) **Sidewalk** shall mean that portion of a public right-of-way adjacent to lateral property lines intended for the use of pedestrians.
- (413) **Sidetracking** shall mean entering the same well head from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.
- (414) **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.
- (415) **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.
- (416) **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.
- (417) **Sign, Awning** shall mean a sign painted or printed on and attached flat against the surface of an awning.
- (418) **Sign, Digital Display** shall mean a sign with the presentation of pictorials, videos, and graphics displayed in a single or progression of frames which may give the illusion of motion, including but not limited to the illusion of moving objects, moving patterns, bands of light, or expanding or contracting shapes.

- (419) **Sign, Electronic Reader Board** 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.
- (420) **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.
- (421) **Sign, Free-Standing** 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.
- (422) **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.
- (423) **Sign, Ideological** shall mean a sign which does not propose a commercial transaction but, instead, involves only the expression of ideas or beliefs.
- (424) **Sign, Illuminated** shall mean a sign designed to give forth any artificial light or reflect such light from an artificial source.
- (425) **Sign, Informational** 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.
- (426) **Sign, Instructional** shall mean a sign conveying instructions with respect to the use of the premises which are reasonably related to, and necessary for, the intended use of the premises, for purposes of informing persons going onto the premises of matters relating to access and use, such as a sign designating the entrance to, or exit from a parking area, a trespassing sign, a danger sign, and/or any similar sign.
- (427) **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.
- (428) **Sign, Off-Premise** shall mean a sign advertising goods or services not provided on the property upon which the sign is located.
- (429) **Sign, Real Estate** shall mean a sign advertising the sale, rental, or lease of the premises on which it is maintained.
- (430) **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.

- (431) **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.
- (432) **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:
- (a) Final plats;
 - (b) Development plans; or
 - (c) Final PUD development permits.
- (433) **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.
- (434) **Small Wind Energy Conversion System (Windmill)** 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 land development code, also included are towers, tower bases, guy wires, and any other structures necessary for installation of a small wind energy conversion system.
- (435) **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.
- (436) **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.
- (437) **Solid Waste Disposal** shall mean the storage, treatment, utilization, processing, or final disposal of solid wastes.
- (438) **Solid Waste Disposal Site** shall mean the location at which the deposit and final treatment of solid wastes occur.
- (439) **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.
- (440) **Stabilization** shall mean the use of practices that prevent exposed soil from eroding.
- (441) **Standard Zoning Districts** shall mean the following zoning districts, and shall be collectively referred to as standard zoning districts.
- (a) AG
 - (b) R-1
 - (c) R-2
 - (d) R-3
 - (e) R-4
 - (f) R-U
 - (g) C-1
 - (h) C-2
 - (i) C-3
 - (j) MU-1
 - (k) I-1
 - (l) I-1S
 - (m) I-2

- (n) I-3
 - (o) PUBLIC
 - (p) MHP
- (442) **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.
- (443) **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.
- (444) **Stormwater** shall mean any runoff consisting entirely of water from any form of natural precipitation.
- (445) **Stormwater Management Plan (SWMP)** shall mean a document which described 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.
- (446) **Street** shall mean a dedicated public or non-dedicated private thoroughfare that affords the principal means of access to abutting property.
- (447) **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.
- (448) **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 land development code.
- (449) **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.

- (450) **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.
- (451) **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:
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications identified by the building official and that are the minimum necessary to assure safe living conditions; or
 - (b) Any alteration of a historic structure, provide that the alteration will not preclude the structure's continued designation as a historic structure.
- (452) **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.
- (453) **Subsurface Disposal Facility** shall mean a facility or system for disposing of water or other oil field wastes into a subsurface reservoir or reservoirs.
- (454) **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 director.
- (455) **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.
- (456) **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.
- (457) **Tasting Room** shall mean an area devoted to the sampling, and sales thereof, of wine or beer produced on or off premises.
- (458) **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.

- (459) **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.
- (460) **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.
- (461) **Temporary** shall mean a period of time under one year, unless otherwise specified in this land development code.
- (462) **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.
- (463) **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.
- (464) **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.
- (465) **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.
- (466) **Towing services** 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.
- (467) **Townhouse** shall mean a specific type of multi-family dwelling in which individual dwelling units are attached by one or more party walls, with the

habitable spaces of different dwelling units arranged on a side-by-side, rather than a stacked, configuration. For the purposes of this land development code, a single-family attached dwelling is not considered a townhouse.

- (468) **Tractor Trailer** shall mean the vehicle formed by combining a trailer and a truck-tractor.
- (469) **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.
- (470) **Trail** shall mean a publicly or privately owned or maintained trail/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.
- (471) **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.
- (472) **Transfer Facility** shall mean a facility or site at which the exchange or deposit of material is made for ultimate transfer and disposal elsewhere.
- (473) **Transportation Terminals** 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.
- (474) **Treatment Facilities** 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.
- (475) **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.
- (476) **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.
- (477) **Truck Repair** shall mean the process or operation of repairing trucks, including major work on engines or transmissions.
- (478) **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.
- (479) **Truck, Trailer Sales and Service** shall mean an establishment or area for the purpose of trailer and truck sales, service, and repair.
- (480) **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.
- (481) **Turf-Grass** shall mean those types of grasses that do not grow in clumps but, rather, spread naturally to form a continuous sod mat. Such are the grasses customarily used in lawn applications, typically available commercially in sod form, being tolerant of foot traffic, and presenting a finished, maintained appearance with proper care.
- (482) **Twinning** shall mean the drilling of a well within a radius of 50 feet from an existing well bore when the well cannot be drilled to the objective depth or produced because of an engineering problem, such as a collapsed casing or formation damage.
- (483) **Underlying Zone District** shall mean a base zone district that is affected by an overlay district.
- (484) **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.
- (485) **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.
- (486) **Use-By-Permit** shall mean a use that does not qualify as a use-by-right on a particular piece of property but that the board of adjustment, in its discretion, approves or may approve in accordance with the terms of this land development code. Uses-by-permit are typically issued for uses that may have unique or widely varying operating characteristics, may have potential operational or other impacts on adjacent properties, or may have unusual site development demands.
- (487) **Use-By-Right** shall mean a use specifically permitted in a standard zoning district. As long as the use is carried on in the district in which it is characterized as a use-by-right, the use is not subject to discretionary review by the city and may be developed subject only to the conditions shown in the use table (section 21-5200) and a development plan review, if applicable.
- (488) **Use Variance** shall mean a variance authorizing the property to be used for a purpose prohibited by this land development code, as distinguished from a variance in lot area, yard size, building height, or other dimensional bulk requirements. Use variances are prohibited.
- (489) **Utility Lines** shall mean all electrical, communication, cable television wiring, coaxial, fiber optic, water, sewer, natural gas, or other such physical system connections.
- (490) **Vacation** shall mean the termination of or termination of interest in an easement, right-of-way, or public dedication of land.
- (491) **Variance** shall mean a deviation from specific standards contained in this land development code.
- (492) **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.
- (493) **Vehicle Repair, 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.
- (494) **Vehicle Repair, 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.
- (495) **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.
- (496) **Vertical Growing Structure** shall mean a permanent structure used to encourage the vertical growing of plants. Traditional examples include arbors and trellis.
- (497) **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.
- (498) **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.
- (499) **Wastewater** shall mean any water or other liquid, other than uncontaminated stormwater, discharged from a facility.
- (500) **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.
- (501) **Water Bodies** shall mean reservoirs, lakes, perennial or seasonally flowing rivers, streams, creeks, springs, irrigation ditches, aquifers, and wetlands.
- (502) **Watercourse** shall mean any body of water, including but not limited to lakes, ponds, rivers, streams, and bodies of water delineated by the city.
- (503) **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.
- (504) **Waterway** shall mean a channel that directs surface runoff to a watercourse or to the public storm drain.
- (505) **Weed** shall mean any herbaceous plant which, due to height, smell, appearance, or injurious nature, has a blighting influence.
- (506) **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.

- (507) **Well** shall mean, as it relates to Oil and Gas Operations, an Oil or Gas well for purposes of exploration and production.
- (508) **Well Site** shall mean, as it relates to Oil and Gas Operations, areas directly disturbed during the drilling and subsequent operation of, or affected by, production facilities directly associated with, any oil or gas well or injection well and its associated well pad.
- (509) **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.
- (510) **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.
- (511) **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.
- (512) **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.
- (513) **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
- (514) **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.
- (515) **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.
- (516) **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.

- (517) **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.
- (518) **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.
- (519) **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.

Section amended by Ord. 1785, June 2010

Section amended by Ord. 1854, April 2011

Section amended by Ord. 1887, July 2012

Section amended by Ord. 1897, July 2012

Section amended by Ord. 1891, August 2012

Section amended by Ord. 1948, April 2013

Section amended by Ord. 1992, March 2014

Section amended by Ord. 2020, February 2015

Section amended by Ord. 2048, June 2015

Section amended by Ord. 2068, January 2016

Section amended by Ord. 2078, April 2016

Section amended by Ord. 2158, December 2018

Section amended by Ord. 2186, December 2018

Section amended by Ord. 2190, December 2018

Section amended by Ord. 2203, May 2019