

# City of Arvada

## Planning Commission Agenda

FEBRUARY 8, 2022  
CITY COUNCIL CHAMBERS  
Regular Business

### Commission Members:

T.O. Owens, Chairman  
Michael P. Griffith, Vice Chairman  
Patricia Connell, Secretary  
Andrew Gay  
Steve Hannan  
Tim Knapp  
Doug Magee

### Staff Members Usually Present:

Ryan Stachelski, Dir. of Community and Economic Development  
Emily Grogg, Senior Assistant City Attorney  
Rob Smetana, Manager of City Planning and Development  
Jenny Wolfschlag, Manager of Development Engineering  
Josie Suk, Systems and Administrative Manager  
Abigail Ogg, Administrative Specialist  
Heidi Van Gieson, Administrative Specialist

Info: 720-898-7435

The meeting will include an open comment period where participants will have three minutes to provide comments to the Commission. Members of the public who wish to provide public comment on any agenda item or during general public comment should go to [www.arvada.org/PLNCOMMISSION](http://www.arvada.org/PLNCOMMISSION) for information about how to participate. If any member of the public wishes to submit written comment regarding the item on the agenda, you may submit comments in writing via email to the Planning Department at [cedboardsandcommission@arvada.org](mailto:cedboardsandcommission@arvada.org). Comments must be received no later than 5 p.m. the day before the meeting. All timely comments submitted will be presented to the Planning Commission. Please contact Josie Suk with any questions at 720-898-7627.

### PLANNING COMMISSION MEETING – 12:00 AM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS
4. APPROVAL OF MINUTES
  - A. Approval of November 16, 2021 Meeting Minutes
5. GENERAL BUSINESS
6. REPORTS
7. PETITIONS & COMMUNICATIONS
8. PUBLIC HEARINGS
  - A. An Ordinance Amending The Land Development Code, of The City of Arvada Code.
9. OTHER ITEMS
10. ADJOURN





**SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD**  
**NOVEMBER 16, 2021**

Planning Commission meeting minutes are not an exact transcript and represent key points and the basis of discussion.

1. **CALLED MEETING TO ORDER**– By Michael P. Griffith at 6:15 P.M.
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL OF MEMBERS**

**THOSE PRESENT:**

Michael P. Griffith, Patricia Connell, Doug Magee, Steve Hannan, Andrew Gay, Tim Knapp

**THOSE ABSENT:**

T.O. Owens

Mr. Griffith moved to excuse T.O. Owens from the meeting.

The following votes were cast on the motion:

Those voting Yes: Griffith, Connell, Magee, Hannan, Gay, Knapp

Those voting No:

Those Absent: Owens

The motion carries 6-0

**ALSO PRESENT:**

Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, Manager of City Planning and Development; Emily Grogg, Sr. Ass't. City Attorney; Josie Suk, Systems and Administrative Manager; Jonathan Moore, City Planner; Abigail Ogg, Recording secretary/Administrative Specialist; Heidi Van Gieson, Administrative Specialist.

4. **APPROVAL OF MINUTES**

October 5, 2021. The minutes stand approved as printed.

5. **GENERAL BUSINESS**

None

6. **REPORTS**

None

**7. PUBLIC COMMENT**

There was no one wishing to speak. Public Comment was closed.

**8. PUBLIC HEARINGS**

**Major modification of a Residential Privacy Fence, generally located at 7400 Simms St.**

Mr. Griffith opened the public hearing, and asked staff if the required documents were in order.

Mr. Moore stated that three forms of notice are required. Staff published notice in the paper, the mailing affidavits and posting log are both in order. There were no additions or corrections added to the staff report.

Mr. Griffith entered into record the staff report dated November 16, 2021, affidavit of mailing, and posting log.

Mr. Moore gave a brief overview of the project. Chris and Samantha Clopper are requesting approval of a major modification to increase the maximum height allowed for a solid fence in the front setback.

Mr. Griffith asked the applicant to present their project.

Chris Clopper, applicant, explained the site layout, surrounding area and the current fence. He stated the goals for a Major Modification would be adding privacy and safety while reducing the noise and light pollution.

Mr. Griffith opened the hearing for comments from the public.

**PUBLIC COMMENT**

None

**IN FAVOR**

None

**IN OPPOSITION**

None

**APPLICANT REBUTTAL**

There being no one wishing to speak Mr. Griffith closed public comment.

## **QUESTIONS FROM THE COMMISSION**

Mr. Magee asked the applicant if the elevation of the property is fairly flat or if the house rises above the fence.

Mr. Clopper stated that a higher fence would help obstruct vehicles and any passersby from viewing their front porch.

Mr. Knapp asked the applicant if there were any other reasons why the fence would be moved closer to the street, besides the existing tree and irrigation.

Mr. Clopper stated that if they were to match the fence up with the already existing fence to the north they would lose yard space, irrigation and a large established tree.

Mr. Knapp asked the applicant if they had thoughts or comments regarding the condition to dedicate land in fee simple to the City for future infrastructure.

Mr. Clopper stated that he is aware of the condition and has done some research on the issue. He did ask if the City is responsible for filing the appropriate paperwork for recording with the County.

Mr. Hannan asked staff for confirmation if the City handles the appropriate paperwork.

Mr. Moore confirmed that if the City Council were to approve of the agreement, the City will submit the proper paperwork to the county for recording.

Mr. Hannan asked staff if there are current plans for the widening of Simms Street.

Mr. Moore stated there are no current plans.

Mr. Gay stated that he didn't think the City should encumber the property for something that may not happen in the future and that he was not in favor of the agreement.

Mr. Griffith asked if it was considered to have the proposed fence material match the fence on the north property adjacent to the site.

Mr. Clopper explained that the current fence on the north property is a vinyl fence with masonry columns, stating that cost would be a big factor.

Mr. Moore stated that staff felt it was a significant burden to place on the applicant since the north side fence was installed as part of a larger subdivision development.

Mr. Clopper also stated that the properties to the south of them have a cedar fence.

## **MOTION:**

It was moved by Mr. Magee that a Major Modification for a Residential Privacy Fence, generally located at 7400 Simms St., be recommended to City Council for approval subject to the condition stated on Page 7 of the staff report. This motion is based on the findings of fact and approval criteria on Page 6 of the staff report.

## **DISCUSSION OF MOTION**

Mr. Knapp stated that he was not in favor of the portion of the condition that would require the owner to dedicate land in fee simple to the City for future infrastructure.

## **AMENDMENT:**

It was moved by Mr. Knapp to amend the condition of approval to strike the following language from page 7 of the staff report: *“dedicate the necessary land in fee simple to the City for right-of-way purposes. The agreement shall also state that that the property owner will”*

## **DISCUSSION OF THE AMENDMENT**

Mr. Hannan stated he supported both the motion and the amendment.

Mr. Gay stated he supported the amendment as well

Ms. Connell stated she accepts the amendment.

Mr. Griffith stated he agreed with the amendment.

Voting on the amendment to strike the following language from the condition of approval on page 7 of the staff report: *“dedicate the necessary land in fee simple to the City for right-of-way purposes. The agreement shall also state that the property owner will”*

Those voting Yes: Hannan, Gay, Connell, Griffith, Magee, Knapp

Those voting No:

Those absent: Owens

The motion carried 6-0

## **DISCUSSION OF THE AMENDED MOTION**

The amended condition of approval on page 7 of the staff report states:

*“The applicants shall execute a development agreement with the City stating that at the time Simms St. is improved to the full right-of-way width, the property owner will be solely responsible for the expense of relocating the six-foot solid fence at that time. The agreement shall be recorded prior to issuance of a fence permit.”*

Mr. Magee stated he agreed with the amended motion.

Mr. Griffith stated he also supported the amended motion.

Voting to approve the motion as amended:

Those voting Yes: Hannan, Gay, Connell, Griffith, Magee, Knapp

Those voting No:

Those absent: Owens

The motion carried 6-0

**8. OTHER ITEMS**

Mr. Griffith moved to cancel the December 7, 2021 Planning Commission meeting.

Those voting Yes: Hannan, Gay, Connell, Griffith, Magee, Knapp

Those voting No:

Those absent: Owens

The motion carried 6-0

**9. ADJOURNED** at 6:56 P.M.

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Michael P. Griffith, acting Chair

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Patricia Connell, Secretary

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Abigail Ogg, Recording Secretary



## REPORT TO PLANNING COMMISSION

AGENDA ITEM  
8.A.

TO: PLANNING COMMISSION

DATE: February 8, 2022

SUBJECT: An Ordinance Amending The Land Development Code, of The City of Arvada Code.

### **Report in Brief**

MOTION:

MOVED BY: \_\_\_\_\_

That An Ordinance Amending The Land Development Code, of The City of Arvada Code, be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page 3 of the Staff Report.

This motion is based on the following findings of fact for denial: (Recite approval criteria you believe the evidence fails to satisfy and your reasons).

YES \_\_\_\_\_ NO \_\_\_\_\_ ABSENT \_\_\_\_\_

Prepared by:  
Abigail Ogg, Administrative Specialist

Reviewed by:

Approved by:

|                                                                 |           |
|-----------------------------------------------------------------|-----------|
| Robert Smetana, Manager of City Planning and Development        | 1/31/2022 |
| Josie Suk, Development Systems and Administrative Manager       | 2/1/2022  |
| Emily Grogg, Senior Assistant City Attorney                     | 2/2/2022  |
| Ryan Stachelski, Director of Community and Economic Development | 2/2/2022  |

Enclosure, exhibits & attachments required to support the report



COUNCIL BILL NO. 21-  
ORDINANCE NO.

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE, OF THE ARVADA  
CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ARVADA, COLORADO:

Section 1. Chapter 2, Zoning Districts, of the Land Development Code, of the Arvada City Code is hereby amended:

**Table 2-1-3-3A: Residential Neighborhood Lot and Building Standards** is hereby amended in its entirety to read as follows:

| Table 2-1-3-3A: Residential Neighborhood Lot and Building Standards |                                                              |               |               |               |               |               |               |           |
|---------------------------------------------------------------------|--------------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------|
| Standard                                                            |                                                              | Subdistrict   |               |               |               |               |               |           |
|                                                                     |                                                              | RN-32.5       | RN-12.5       | RN-7.5        | RN-6          | RN-4          | RN-D          |           |
| Residential Uses                                                    |                                                              |               |               |               |               |               |               |           |
| Housing Type                                                        |                                                              | Single-Family | Single-Family | Single-Family | Single-Family | Single-Family | Single-Family | Duplex    |
| Lot Standards                                                       |                                                              |               |               |               |               |               |               |           |
|                                                                     | Min. Lot Area                                                | 32,500 sf.    | 12,500 sf.    | 7,500 sf.     | 6,000 sf.     | 4,000 sf.     | 6,000 sf.     | 9,000 sf. |
| A                                                                   | Min. Lot Width                                               | 100 ft.       | 100 ft.       | 75 ft.        | 50 ft.        | 40 ft.        | 60 ft.        | 75 ft.    |
|                                                                     | Min. Lot Width (Corner)                                      | 100 ft.       | 100 ft.       | 85 ft.        | 60 ft.        | 40 ft.        | 75 ft.        | 85 ft.    |
|                                                                     | Max. Lot Coverage                                            | 25%           | 35%           | 40%           | 40%           | 40%           | 40%           | 30%       |
| Setback Standards                                                   |                                                              |               |               |               |               |               |               |           |
| B                                                                   | Min. Front                                                   | 30 ft.        | 30 ft.        | 20 ft.        | 18 ft.        | 18 ft.        | 18 ft.        | 25 ft.    |
| C                                                                   | Min. Street Side <sup>1</sup>                                | 25ft.         | 25 ft.        | 20 ft.        | 13 ft.        | 13 ft.        | 13 ft.        | 20 ft.    |
| D                                                                   | Min. Interior Side                                           | 15 ft.        | 10 ft.        | 7.5 ft.       | 5 ft.         | 5 ft.         | 5 ft.         | 10 ft.    |
| E                                                                   | Min. Rear                                                    | 15 ft.        | 15 ft.        | 10 ft.        | 10 ft.        | 10 ft.        | 10 ft.        | 10 ft.    |
|                                                                     | Min. Rear, Alley <sup>1</sup>                                | 0 ft.         | 0 ft.         | 0 ft.         | 0 ft.         | 0 ft.         | 0 ft.         | 0 ft.     |
|                                                                     | Min. Arterial Setback <sup>2</sup>                           | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.   |
| Building Standards                                                  |                                                              |               |               |               |               |               |               |           |
| F                                                                   | Max. Height, Principal Building                              | 35 ft.        | 28 ft.        | 28 ft.        | 28 ft.        | 28 ft.        | 28 ft.        | 28 ft.    |
|                                                                     | Max. Height, ADU (detached)                                  | 30 ft.        | 25 ft.        | 25 ft.        | 25 ft.        | 25 ft.        | 25 ft.        | -         |
| G                                                                   | Max. Height, Accessory Building except for Barns and Stables | 20 ft.        | 16 ft.        | 16 ft.        | 16 ft.        | 16 ft.        | 16 ft.        | 16 ft.    |
|                                                                     | Max. Height, Barns and Stables                               | 35 ft.        | 30 ft.        | -             | -             | -             | -             | -         |
|                                                                     | Max. Height, Mini Structures                                 | 12 ft.        | 12 ft.        | 12 ft.        | 12 ft.        | 12 ft.        | 12 ft.        | 12 ft.    |
| Nonresidential Uses                                                 |                                                              |               |               |               |               |               |               |           |
| Lot Standards                                                       |                                                              |               |               |               |               |               |               |           |
|                                                                     | Min. Lot Area                                                | 1 ac.         | 1 ac.         | 10,000        | 10,000        | 10,000        | 10,000 sf.    |           |

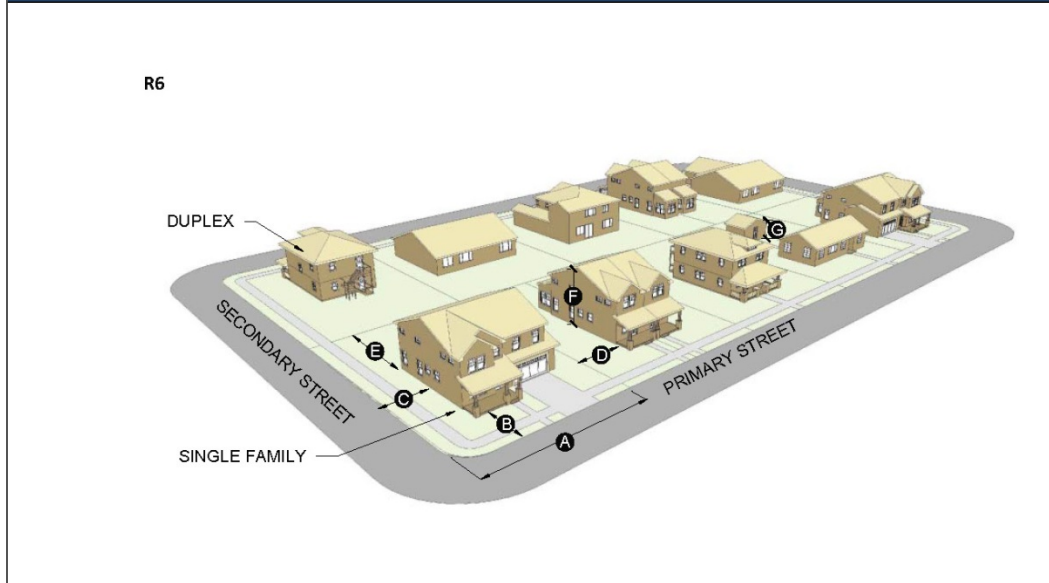
**Table 2-1-3-3A: Residential Neighborhood Lot and Building Standards**

| Standard                                                                                                                                                                                                                                                                                                            |                                    | Subdistrict |         |         |         |         |         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------|---------|---------|---------|---------|---------|
|                                                                                                                                                                                                                                                                                                                     |                                    | RN-32.5     | RN-12.5 | RN-7.5  | RN-6    | RN-4    | RN-D    |
|                                                                                                                                                                                                                                                                                                                     |                                    |             |         | sf.     | sf.     | sf.     |         |
| <b>A</b>                                                                                                                                                                                                                                                                                                            | Min. Lot Width                     | 100 ft.     | 100 ft. | 100 ft. | 100 ft. | 100 ft. | 100 ft. |
|                                                                                                                                                                                                                                                                                                                     | Max. Lot Coverage                  | 25%         | 25%     | 40%     | 40%     | 40%     | 40%     |
| <b>Setback Standards</b>                                                                                                                                                                                                                                                                                            |                                    |             |         |         |         |         |         |
| <b>B</b>                                                                                                                                                                                                                                                                                                            | Min. Front                         | 30 ft.      | 30 ft.  | 25 ft.  | 18 ft.  | 18 ft.  | 18 ft.  |
| <b>C</b>                                                                                                                                                                                                                                                                                                            | Min. Interior Side                 | 15 ft.      | 15 ft.  | 10 ft.  | 10 ft.  | 10 ft.  | 10 ft.  |
| <b>D</b>                                                                                                                                                                                                                                                                                                            | Min. Street Side                   | 30 ft.      | 30 ft.  | 25 ft.  | 18 ft.  | 18 ft.  | 18 ft.  |
| <b>E</b>                                                                                                                                                                                                                                                                                                            | Min. Rear                          | 15 ft.      | 15 ft.  | 15 ft.  | 10 ft.  | 10 ft.  | 10 ft.  |
|                                                                                                                                                                                                                                                                                                                     | Min. Rear (Alley) <sup>1</sup>     | 0 ft.       | 0 ft.   | 0 ft.   | 0 ft.   | 0 ft.   | 0 ft.   |
|                                                                                                                                                                                                                                                                                                                     | Min. Arterial Setback <sup>2</sup> | 100 ft.     | 100 ft. | 100 ft. | 100 ft. | 100 ft. | 100 ft. |
| <b>Building Standards</b>                                                                                                                                                                                                                                                                                           |                                    |             |         |         |         |         |         |
| <b>F</b>                                                                                                                                                                                                                                                                                                            | Max. Height, Principal Building    | 35 ft.      | 35 ft.  | 35 ft.  | 35 ft.  | 35 ft.  | 35 ft.  |
| <b>G</b>                                                                                                                                                                                                                                                                                                            | Max. Height, Accessory Building    | 20 ft.      | 16 ft.  | 16 ft.  | 16 ft.  | 16 ft.  | 16 ft.  |
|                                                                                                                                                                                                                                                                                                                     | Max. Height, Mini Structure        | 12 ft.      | 12 ft.  | 12 ft.  | 12 ft.  | 12 ft.  | 12 ft.  |
| <p>TABLE NOTES:</p> <p><sup>1</sup> The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicant's discretion.</p> <p><sup>2</sup> Measured from the centerline of the arterial. <i>See</i> Section 2-1-9-2, Arterial Street Setbacks.</p> |                                    |             |         |         |         |         |         |

**Section 2-1-3-4 R6: Residential 6** is hereby amended in its entirety to read as follows:

- A. **“Purpose.** The purpose of the Residential 6 (R6) zoning district is to allow for new residential development of a variety of housing products up to a gross density of six units per acre along with supporting community and institutional uses.
- B. **Relationship to the Comprehensive Plan.** The R6 zoning district generally implements the “Suburban Residential” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the R6 zoning district are set out in Table 2-1-3-4A, Residential 6 Lot and Building Standards and Division 2-1-8, Housing Palette.

**Figure 2-1-3-4: Illustrative Residential 6 Lot and Building Standards**



**Table 2-1-3-4A: Residential 6 Lot and Building Standards**

| Standard                              |                                                         | Lot Type                                                               |                |
|---------------------------------------|---------------------------------------------------------|------------------------------------------------------------------------|----------------|
|                                       |                                                         | Residential                                                            | Nonresidential |
| Lot Standards                         |                                                         |                                                                        |                |
|                                       | Min. Lot Area                                           | See Subsection D.,<br>below, and<br>Division 2-1-8,<br>Housing Palette | 10,000 sf.     |
| A                                     | Min. Lot Width                                          |                                                                        | 100 ft.        |
|                                       | Max. Lot Coverage                                       |                                                                        | 40%            |
| Building and Parking Siting Standards |                                                         |                                                                        |                |
| B                                     | Min. Front                                              | See Subsection D.,<br>below, and<br>Division 2-1-8,<br>Housing Palette | 25 ft.         |
| C                                     | Min. Street Side                                        |                                                                        | 25 ft.         |
| D                                     | Min. Interior Side                                      |                                                                        | 10 ft.         |
| E                                     | Min. Rear                                               |                                                                        | 15 ft.         |
|                                       | Min. Arterial Setback <sup>1</sup>                      | 100 ft.                                                                | No Minimum     |
|                                       | Min. Parking Setback                                    | 20 ft. <sup>2</sup>                                                    | 20 ft.         |
| Building Standards                    |                                                         |                                                                        |                |
| F                                     | Max. Height, Principal Building                         | 35 ft.                                                                 | 35 ft.         |
|                                       | Max. Height, ADU (detached)                             | 30 ft.                                                                 | -              |
| G                                     | Max. Height, Accessory Building                         | 18 ft.                                                                 | 18 ft.         |
|                                       | Max. Height, Mini-structure                             | 12 ft.                                                                 | 12 ft.         |
| Site Standards                        |                                                         |                                                                        |                |
|                                       | Min. Landscape Surface Area                             | 20%                                                                    | 30%            |
|                                       | Min. Landscape Surface Area,<br>Amenitized <sup>3</sup> | 5%                                                                     | -              |
| Density Standards                     |                                                         |                                                                        |                |
|                                       | Max. Density                                            | 6 u/a                                                                  | -              |

TABLE NOTES:

<sup>1</sup> Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks.

<sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.

| Table 2-1-3-4A: Residential 6 Lot and Building Standards                                                                                               |             |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------|
| Standard                                                                                                                                               | Lot Type    |                |
|                                                                                                                                                        | Residential | Nonresidential |
| <sup>3</sup> Percentage of lot. Counts toward Min. Landscape Surface Area. Detached single family and duplex developments with 9 or less units exempt. |             |                |

- D. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the R6 zoning district:
1. Single-Family Detached: Small General; General; Small Suburban; Suburban
  2. Zero Lot Line: Small General; General
  3. Duplexes: Side-By-Side; Over-Under
  4. Townhomes: Suburban Type
  5. Multiplexes
  6. Clustered Housing: Micro Homes; Cottage Types.
- E. **Cross-References.** The cross-references in Table 2-1-3-4B, Cross-References for Residential 6, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

| Table 2-1-3-4B: Cross-References for Residential 6        |                                                                                                                   |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Topic                                                     | Reference                                                                                                         |
| Max. No. of Principal Building                            | Section 2-1-9-1, One Principal Building per Lot                                                                   |
| Land Use Regulations                                      | Division 3-1-2, Land Use by Zoning District                                                                       |
| Business Use of the Home                                  | Division 3-1-5, Business Use of the Home                                                                          |
| Parking                                                   | Article 4-5, Parking and Loading                                                                                  |
| Landscaping                                               | Article 4-6, Landscaping and Buffering                                                                            |
| Fences and Walls                                          | Section 4-7-2-1, Fences and Divisional Walls; and<br>Section 4-7-2-2, Retaining Walls                             |
| Exterior Lighting                                         | Article 4-8, Exterior Lighting                                                                                    |
| Building Design Standards                                 | Division 5-1-2, Building and Structure Design Standards;<br>and<br>Section 5-1-4-1, Decks, Balconies, and Porches |
| Mini-Structures (e.g.,<br>Playground Equipment)           | Section 5-1-4-3, Mini-Structures                                                                                  |
| Accessory Dwelling Units                                  | Section 5-1-5-2, Accessory Dwelling Units                                                                         |
| Accessory Buildings                                       | Section 5-1-5-3, Accessory Buildings                                                                              |
| Satellite Dishes, Antennas, and<br>Amateur Radio          | Section 5-1-5-4, Satellite Dishes and Antennas; Amateur<br>Radio Antennas                                         |
| Renewable Energy Systems<br>(e.g., Solar Panels)          | Section 5-1-4-4, Renewable Energy Systems                                                                         |
| Accessory Buildings (Non-<br>Residential and Multifamily) | Section 5-1-6-1.E, Number of Accessory Buildings or Free-<br>Standing Accessory Structures"                       |

**Section 2-1-3-5 R13: Residential 13** is hereby amended in its entirety to read as follows:

- A. **“Purpose.** The purpose of the Residential 13 (R13) zoning district is to allow for new residential development of a variety of housing products up to a gross density of 13 units per acre.

- B. **Relationship to the Comprehensive Plan.** The R13 zoning district generally implements the “Medium Density Residential” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the R13 zoning district are set out in Table 2-1-3-5A, Residential 13 Lot and Building Standards and Division 2-1-8, Housing Palette.



| Table 2-1-3-5A: Residential 13 Lot and Building Standards |                                    |                                                               |                |
|-----------------------------------------------------------|------------------------------------|---------------------------------------------------------------|----------------|
| Standard                                                  |                                    | Lot Type                                                      |                |
|                                                           |                                    | Residential                                                   | Nonresidential |
| Lot Standards                                             |                                    |                                                               |                |
|                                                           | Min. Lot Area                      | See Subsection D., below, and Division 2-1-8, Housing Palette | 10,000 sf.     |
| A                                                         | Min. Lot Width                     |                                                               | 100 ft.        |
|                                                           | Max. Lot Coverage                  |                                                               | 40%            |
| Setback Standards                                         |                                    |                                                               |                |
| B                                                         | Min. Front                         | See Subsection D., below, and Division 2-1-8, Housing Palette | 20 ft.         |
| C                                                         | Min. Street Side                   |                                                               | 20 ft.         |
| D                                                         | Min. Interior Side                 |                                                               | 10 ft.         |
| E                                                         | Min. Rear                          |                                                               | 15 ft.         |
|                                                           | Min. Arterial Setback <sup>1</sup> | 100 ft.                                                       | -              |
|                                                           | Min. Parking Setback               | 20 ft. <sup>2</sup>                                           | 20 ft.         |
| Building Standards                                        |                                    |                                                               |                |
| F                                                         | Max. Height, Principal Building    | 35 ft.                                                        | 35 ft.         |
|                                                           | Max. Height, ADU (detached)        | 30 ft.                                                        | -              |
|                                                           | Max. Height, Accessory Building    | 18 ft.                                                        | 18 ft.         |
|                                                           | Max. Height, Mini-structure        | 12 ft.                                                        | 12 ft.         |
| Site Standards                                            |                                    |                                                               |                |

| Table 2-1-3-5A: Residential 13 Lot and Building Standards                                                                                                                                                                                                                                                                                                                                               |                                                      |             |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|-------------|----------------|
| Standard                                                                                                                                                                                                                                                                                                                                                                                                |                                                      | Lot Type    |                |
|                                                                                                                                                                                                                                                                                                                                                                                                         |                                                      | Residential | Nonresidential |
|                                                                                                                                                                                                                                                                                                                                                                                                         | Min. Landscape Surface Area                          | 20%         | 30%            |
|                                                                                                                                                                                                                                                                                                                                                                                                         | Min. Landscape Surface Area, Amenitized <sup>3</sup> | 5%          | -              |
| Density Standards                                                                                                                                                                                                                                                                                                                                                                                       |                                                      |             |                |
|                                                                                                                                                                                                                                                                                                                                                                                                         | Max. Density                                         | 13 u/a      | -              |
| TABLE NOTES:<br><sup>1</sup> Measured from the centerline of the arterial. <b>See</b> Section 2-1-9-2, Arterial Street Setbacks.<br><sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.<br><sup>3</sup> Percentage of lot. Counts toward Min. Landscape Surface Area. Detached single family and duplex developments with 9 or less units exempt. |                                                      |             |                |

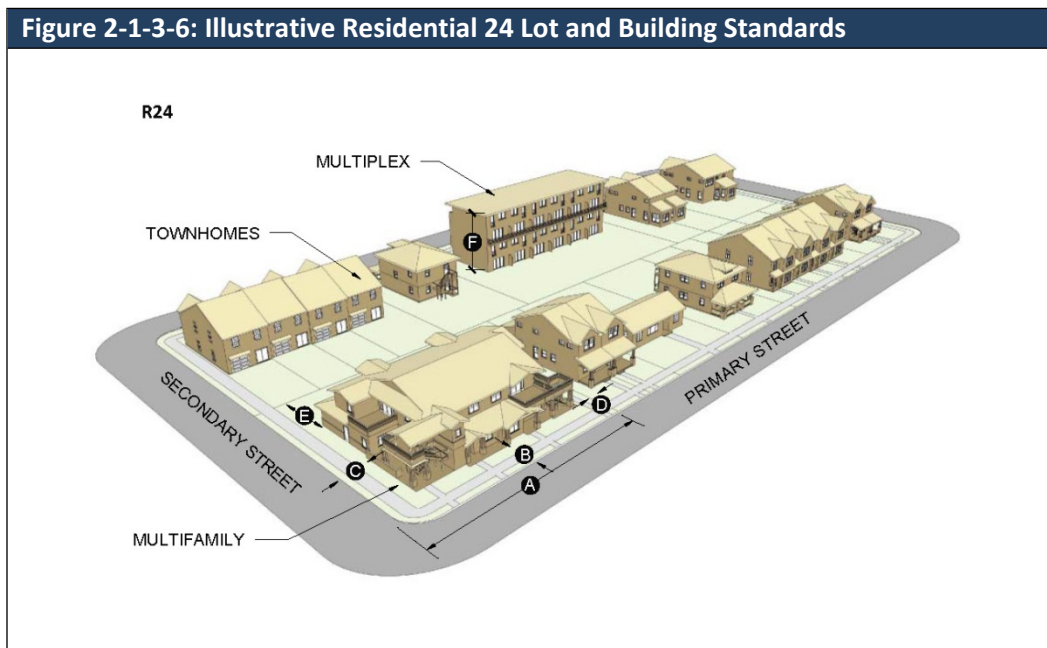
- D. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the R13 zoning district:
1. Single-Family Detached: Small Urban; Urban; Small General; General; Small Suburban
  2. Zero Lot Line: Small General; General
  3. Duplexes: Side-By-Side; Over-Under
  4. Townhomes: Suburban; Urban
  5. Multiplexes
  6. Multifamily: General
  7. Clustered Housing: Micro; Cottages Types.
- E. **Cross-References.** The cross-references in Table 2-1-3-5B, Cross-References for Residential 13, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

| Table 2-1-3-5B: Cross-References for Residential 13 |                                                                                                             |
|-----------------------------------------------------|-------------------------------------------------------------------------------------------------------------|
| Topic                                               | Reference                                                                                                   |
| Max. No. of Principal Building                      | Section 2-1-9-1, One Principal Building per Lot                                                             |
| Land Use Regulations                                | Division 3-1-2, Land Use by Zoning District                                                                 |
| Business Use of the Home                            | Division 3-1-5, Business Use of the Home                                                                    |
| Parking                                             | Article 4-5, Parking and Loading                                                                            |
| Landscaping                                         | Article 4-6, Landscaping and Buffering                                                                      |
| Fences and Walls                                    | Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls                          |
| Exterior Lighting                                   | Article 4-8, Exterior Lighting                                                                              |
| Building Design Standards                           | Division 5-1-2, Building and Structure Design Standards; and Section 5-1-4-1, Decks, Balconies, and Porches |
| Mini-Structures (e.g., Playground Equipment)        | Section 5-1-4-3, Mini-Structures                                                                            |
| Accessory Dwelling Units                            | Section 5-1-5-2, Accessory Dwelling Units                                                                   |
| Accessory Buildings                                 | Section 5-1-5-3, Accessory Buildings                                                                        |
| Satellite Dishes, Antennas, and Amateur Radio       | Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas                                      |
| Renewable Energy Systems                            | Section 5-1-4-4, Renewable Energy Systems                                                                   |

| Table 2-1-3-5B: Cross-References for Residential 13   |                                                                                         |
|-------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Topic                                                 | Reference                                                                               |
| (e.g., Solar Panels)                                  |                                                                                         |
| Accessory Buildings (Non-Residential and Multifamily) | Section 5-1-6-1.E, Number of Accessory Buildings or Free-Standing Accessory Structures” |

**Section 2-1-3-6 R24: Residential 24** is hereby amended in its entirety to read as follows:

- A. **“Purpose.** The purpose of the Residential 24 (R24) zoning district is to allow for new residential development of a variety of moderate to higher density housing products, up to a gross density of 24 units per acre.
- B. **Relationship to the Comprehensive Plan.** The R24 zoning district generally implements the “High Density Residential” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the R24 zoning district are set out in Table 2-1-3-6A, Residential 24 Lot and Building Standards and Division 2-1-8, Housing Palette.



| Table 2-1-3-6A: Residential 24 Lot and Building Standards |                    |                                                                        |                |
|-----------------------------------------------------------|--------------------|------------------------------------------------------------------------|----------------|
| Standard                                                  |                    | Lot Type                                                               |                |
|                                                           |                    | Residential                                                            | Nonresidential |
| Lot Standards                                             |                    |                                                                        |                |
|                                                           | Min. Lot Area      | See Subsection D.,<br>below, and Division<br>2-1-8, Housing<br>Palette | 10,000 sf.     |
| A                                                         | Min. Lot Width     |                                                                        | 100 ft.        |
|                                                           | Max. Lot Coverage  |                                                                        | 40%            |
| Building and Parking Siting Standards                     |                    |                                                                        |                |
| B                                                         | Min. Front         | See Subsection D.,<br>below, and Division                              | 20 ft.         |
| C                                                         | Min. Street Side   |                                                                        | 20 ft.         |
| D                                                         | Min. Interior Side |                                                                        | 10 ft.         |

| Table 2-1-3-6A: Residential 24 Lot and Building Standards                                                                                              |                                                      |                        |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------|----------------|
| Standard                                                                                                                                               |                                                      | Lot Type               |                |
|                                                                                                                                                        |                                                      | Residential            | Nonresidential |
| <b>E</b>                                                                                                                                               | Min. Rear                                            | 2-1-8, Housing Palette | 15 ft.         |
|                                                                                                                                                        | Min. Arterial Setback <sup>1</sup>                   | 100 ft.                | -              |
|                                                                                                                                                        | Min. Parking Setback                                 | 20 ft. <sup>2</sup>    | 20 ft.         |
| <b>Building Standards</b>                                                                                                                              |                                                      |                        |                |
| <b>F</b>                                                                                                                                               | Max. Height, Principal Building                      | 35 ft.                 | 35 ft.         |
|                                                                                                                                                        | Max. Height, ADU (detached)                          | 30 ft.                 | -              |
|                                                                                                                                                        | Max. Height, Accessory Building                      | 18 ft.                 | 18 ft.         |
|                                                                                                                                                        | Max. Height, Mini-structure                          | 12 ft.                 | 12 ft.         |
| <b>Site Standards</b>                                                                                                                                  |                                                      |                        |                |
|                                                                                                                                                        | Min. Landscape Surface Area                          | 20%                    | 30%            |
|                                                                                                                                                        | Min. Landscape Surface Area, Amenitized <sup>3</sup> | 5%                     | -              |
| <b>Density Standards</b>                                                                                                                               |                                                      |                        |                |
|                                                                                                                                                        | Max. Density                                         | 24 u/a                 | -              |
| TABLE NOTES:                                                                                                                                           |                                                      |                        |                |
| <sup>1</sup> Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks.                                              |                                                      |                        |                |
| <sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.                                              |                                                      |                        |                |
| <sup>3</sup> Percentage of lot. Counts toward Min. Landscape Surface Area. Detached single family and duplex developments with 9 or less units exempt. |                                                      |                        |                |

- D. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the R24 zoning district:
1. Single-Family Detached: Small Urban; Urban; Small General; General; Small Suburban
  2. Zero Lot Line: Small General; General
  3. Duplexes: Side-By-Side; Over-Under
  4. Townhomes: Suburban; Urban
  5. Multiplexes
  6. Multifamily: General; Urban
  7. Clustered Housing; Micro Homes; Cottages Types.
- E. **Cross-References.** The cross-references in Table 2-1-3-6B, Cross-References for Residential 24, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

| Table 2-1-3-6B: Cross-References for Residential 24 |                                                                                    |
|-----------------------------------------------------|------------------------------------------------------------------------------------|
| Topic                                               | Reference                                                                          |
| Max. No. of Principal Building                      | Section 2-1-9-1, One Principal Building per Lot                                    |
| Land Use Regulations                                | Division 3-1-2, Land Use by Zoning District                                        |
| Business Use of the Home                            | Division 3-1-5, Business Use of the Home                                           |
| Parking                                             | Article 4-5, Parking and Loading                                                   |
| Landscaping                                         | Article 4-6, Landscaping and Buffering                                             |
| Fences and Walls                                    | Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls |
| Exterior Lighting                                   | Article 4-8, Exterior Lighting                                                     |



| Table 2-1-3-6B: Cross-References for Residential 24   |                                                                                                                |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------------------------|
| Topic                                                 | Reference                                                                                                      |
| Building Design Standards                             | Division 5-1-2, Building and Structure Design Standards; and<br>Section 5-1-4-1, Decks, Balconies, and Porches |
| Mini-Structures (e.g., Playground Equipment)          | Section 5-1-4-3, Mini-Structures                                                                               |
| Accessory Dwelling Units                              | Section 5-1-5-2, Accessory Dwelling Units                                                                      |
| Accessory Buildings                                   | Section 5-1-5-3, Accessory Buildings                                                                           |
| Satellite Dishes, Antennas, and Amateur Radio         | Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas                                         |
| Renewable Energy Systems (e.g., Solar Panels)         | Section 5-1-4-4, Renewable Energy Systems                                                                      |
| Accessory Buildings (Non-Residential and Multifamily) | Section 5-1-6-1.E, Number of Accessory Buildings or Free-Standing Accessory Structures"                        |

**Table 2-1-4-1A: Mixed-Use, Neighborhood Lot and Building Structures** is hereby amended in its entirety to read as follows:

| Table 2-1-4-1A: Mixed-Use, Neighborhood Lot and Building Standards |                                                |                                                               |                                      |
|--------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------|--------------------------------------|
| Standard                                                           |                                                | Use Type                                                      |                                      |
|                                                                    |                                                | Residential                                                   | Nonresidential or Mixed-Use Building |
| <b>Lot Standards</b>                                               |                                                |                                                               |                                      |
| A                                                                  | Min. Lot Area                                  | See Subsection D., below, and Division 2-1-8, Housing Palette | 6,500 sf.                            |
|                                                                    | Min. Lot Width                                 |                                                               | 60 ft.                               |
|                                                                    | Max. Lot Coverage                              | 70%                                                           | 70%                                  |
| <b>Building and Parking Siting Standards</b>                       |                                                |                                                               |                                      |
| B                                                                  | Frontage Zone (min./max.)                      | For min. refer to Division 2-1-8, Housing Palette / 25 ft.    | 5 ft. / 25 ft.                       |
|                                                                    | Min. Front Build-to width within Frontage Zone | 50%                                                           | 50%                                  |
| C                                                                  | Street Side Setback (min. / max.)              | See Subsection D., below, and Division 2-1-8, Housing Palette | 10 ft. / -                           |
| D                                                                  | Min. Interior Side Setback                     |                                                               | 5 ft.                                |
| E                                                                  | Min. Rear Setback, without alley               |                                                               | 10 ft.                               |
|                                                                    | Min. Rear Setback, with alley                  |                                                               | 2 ft. <sup>2</sup>                   |
| F                                                                  | Min. Front Parking Setback                     | 15 ft. <sup>3</sup>                                           | 15 ft.                               |
|                                                                    | Min. Arterial Street                           | See Section 2-1-9-2, Arterial Street Setbacks                 | -                                    |
| <b>Building Standards</b>                                          |                                                |                                                               |                                      |
| G                                                                  | Max. Height, Principal Building                | 35 ft.                                                        | 35 ft.                               |
|                                                                    | Max. Height, ADU (detached)                    | 30 ft.                                                        | -                                    |
|                                                                    | Max. Height, Accessory Building                | 18 ft.                                                        | -                                    |
|                                                                    | Max. Height, Mini-structure                    | 12 ft.                                                        | 12 ft.                               |
| <b>Site Standards</b>                                              |                                                |                                                               |                                      |

| Table 2-1-4-1A: Mixed-Use, Neighborhood Lot and Building Standards                                                                                               |                                                                |                                                                        |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------|
| Standard                                                                                                                                                         |                                                                | Use Type                                                               |                                      |
|                                                                                                                                                                  |                                                                | Residential                                                            | Nonresidential or Mixed-Use Building |
|                                                                                                                                                                  | Min. Landscape Surface Area <sup>1</sup>                       | 15%                                                                    | 20%                                  |
|                                                                                                                                                                  | Min. Landscape Surface Area, Amenitized <sup>1,4</sup>         | 5%                                                                     | -                                    |
| Density Standards                                                                                                                                                |                                                                |                                                                        |                                      |
|                                                                                                                                                                  | Max. Density                                                   | None                                                                   |                                      |
| Height Transition Zone                                                                                                                                           |                                                                |                                                                        |                                      |
|                                                                                                                                                                  | Min. Height Transition Zone Depth abutting RA and RN districts | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. |                                      |
| TABLE NOTES:                                                                                                                                                     |                                                                |                                                                        |                                      |
| <sup>1</sup> For the development parcel.                                                                                                                         |                                                                |                                                                        |                                      |
| <sup>2</sup> The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicant’s discretion. |                                                                |                                                                        |                                      |
| <sup>3</sup> Except for driveways associated with single family and duplex units and multiplex buildings.                                                        |                                                                |                                                                        |                                      |
| <sup>4</sup> Percentage of lot. Counts toward Min. Landscape Surface Area. Detached single family and duplex developments with 9 or less units exempt.           |                                                                |                                                                        |                                      |

**Table 2-1-4-2A: Mixed Use, Suburban Lot and Building Standards** is hereby amended in its entirety to read as follows:

| Table 2-1-4-2A: Mixed-Use, Suburban Lot and Building Standards |                                                |                                                               |                                      |
|----------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------|--------------------------------------|
| Standard                                                       |                                                | Use Type                                                      |                                      |
|                                                                |                                                | Residential                                                   | Nonresidential or Mixed-Use Building |
| <b>Lot Standards</b>                                           |                                                |                                                               |                                      |
|                                                                | Min. Lot Area                                  | See Subsection D., below, and Division 2-1-8, Housing Palette | -                                    |
| <b>A</b>                                                       | Min. Lot Width                                 |                                                               | -                                    |
|                                                                | Max. Lot Coverage <sup>1</sup>                 | 60%                                                           | 60%                                  |
| <b>Building and Parking Siting Standards</b>                   |                                                |                                                               |                                      |
| <b>B</b>                                                       | Frontage Zone (min. / max.)                    | For min. refer to Division 2-1-8, Housing Palette / 35 ft.    | 10 ft. / 35 ft.                      |
|                                                                | Min. Front Build-to Width within Frontage Zone | 20%                                                           | 20%                                  |
| <b>C</b>                                                       | Min. Street Side Setback (min. / max.)         | See Subsection D., below, and Division 2-1-8, Housing Palette | 10 ft. / 35 ft.                      |
| <b>D</b>                                                       | Min. Interior Side Setback                     |                                                               | 10 ft.                               |
| <b>E</b>                                                       | Min. Rear Setback                              |                                                               | 20 ft.                               |
| <b>F</b>                                                       | Min. Parking Setback (front)                   | 20 ft. <sup>2</sup>                                           | 20 ft.                               |
|                                                                | Min. Arterial Setback                          | See Section 2-1-9-2, Arterial Street Setbacks                 | None                                 |
| <b>Building Standards</b>                                      |                                                |                                                               |                                      |
| <b>G</b>                                                       | Max. Height                                    | 45 ft.                                                        | 45 ft.                               |
|                                                                | Max. Height, ADU (detached)                    | 30 ft.                                                        |                                      |

|                                                                                                                                                 |                                                                           |                                                                        |                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------------------------------|
|                                                                                                                                                 | Max. Height, Accessory Building                                           | 18 ft.                                                                 |                                                                        |
|                                                                                                                                                 | Max. Height, Mini-structure                                               | 12 ft.                                                                 | 12 ft.                                                                 |
|                                                                                                                                                 |                                                                           | -                                                                      |                                                                        |
| Site Standards                                                                                                                                  |                                                                           |                                                                        |                                                                        |
|                                                                                                                                                 | Min. Landscape Surface Area                                               | 25%                                                                    | 25%                                                                    |
|                                                                                                                                                 | Max. Outdoor Display                                                      | -                                                                      | 5% of enclosed retail floor area                                       |
|                                                                                                                                                 | Min. Area for Small Urban Parks (Lot Area less than 1 ac.) <sup>1,3</sup> | 2,500 sf.                                                              |                                                                        |
|                                                                                                                                                 | Min. Area for Small Urban Parks (Lot Area 1 ac. or more) <sup>1,3</sup>   | 10 percent of the net parcel area                                      | 5,000 sf. or 5 percent of the net parcel area, whichever is greater    |
| Density Standards                                                                                                                               |                                                                           |                                                                        |                                                                        |
|                                                                                                                                                 | Max. Density                                                              | None                                                                   |                                                                        |
| Height Transition Zone                                                                                                                          |                                                                           |                                                                        |                                                                        |
|                                                                                                                                                 | Min. Height Transition Zone Depth abutting RA and RN districts            | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. |
| TABLE NOTES:                                                                                                                                    |                                                                           |                                                                        |                                                                        |
| <sup>1</sup> For the development parcel.                                                                                                        |                                                                           |                                                                        |                                                                        |
| <sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.                                       |                                                                           |                                                                        |                                                                        |
| <sup>3</sup> In addition to principal buildings, Small Urban Parks may count toward the Front Building Facade within Frontage Zone requirement. |                                                                           |                                                                        |                                                                        |

**Table 2-1-4-3A: Mixed-Use, Urban Lot and Building Standards** is hereby amended in its entirety to read as follows:

| <b>Table 2-1-4-3A: Mixed-Use, Urban Lot and Building Standards</b> |                                                |                                                               |                                             |
|--------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------|---------------------------------------------|
| <b>Standard</b>                                                    |                                                | <b>Use Type</b>                                               |                                             |
|                                                                    |                                                | <b>Residential</b>                                            | <b>Nonresidential or Mixed-Use Building</b> |
| <b>Lot Standards</b>                                               |                                                |                                                               |                                             |
|                                                                    | Min. Lot Area                                  | See Subsection E., below, and Division 2-1-8, Housing Palette | None                                        |
| <b>A</b>                                                           | Min. Lot Width                                 |                                                               | None                                        |
|                                                                    | Max. Lot Coverage <sup>1</sup>                 | 75%                                                           | 75%                                         |
| <b>Building and Parking Siting Standards</b>                       |                                                |                                                               |                                             |
| <b>B</b>                                                           | Frontage Zone (min. / max.)                    | For min. refer to Division 2-1-8, Housing Palette/20 ft.      | 0 ft. / 20 ft.                              |
|                                                                    | Min. Front Build-to Width within Frontage Zone | 35%                                                           | 35%                                         |
| <b>C</b>                                                           | Min. Street Side Setback (min. / max.)         | See Subsection E., below, and Division 2-1-8, Housing Palette | 0 ft. / 20 ft.                              |
| <b>D</b>                                                           | Min. Interior Side Setback                     |                                                               | 0 ft.                                       |
| <b>E</b>                                                           | Min. Rear Setback                              |                                                               | 0 ft.                                       |
| <b>F</b>                                                           | Min. Parking Setback (front)                   | 20 ft. <sup>2</sup>                                           | 20 ft.                                      |
|                                                                    | Min. Arterial Setback                          | See Section 2-1-9-2,                                          | —                                           |

|                                                                                                                                              |                                                                            |                                                                        |                                                                     |
|----------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------------------------------------------------------------|---------------------------------------------------------------------|
|                                                                                                                                              |                                                                            | Arterial Street Setbacks                                               |                                                                     |
| Building Standards                                                                                                                           |                                                                            |                                                                        |                                                                     |
| G                                                                                                                                            | Max. Height, Principal Building                                            | as identified on the Official Zoning Map                               | as identified on the Official Zoning Map                            |
|                                                                                                                                              | Max. Height, ADU (detached)                                                | 30 ft.                                                                 |                                                                     |
|                                                                                                                                              | Max. Height, Accessory Building                                            | 18 ft.                                                                 |                                                                     |
|                                                                                                                                              | Max. Height, Mini-structure                                                | 12 ft.                                                                 | 12 ft.                                                              |
| Site Standards                                                                                                                               |                                                                            |                                                                        |                                                                     |
|                                                                                                                                              | Min. Landscape Surface Area                                                | 15%                                                                    | 15%                                                                 |
|                                                                                                                                              | Max. Outdoor Display                                                       | -                                                                      | 5% of enclosed retail floor area                                    |
|                                                                                                                                              | Min. Area for Small Urban Parks (Lot Area less than 1 ac.) <sup>1, 3</sup> | 2,500 sf.                                                              |                                                                     |
|                                                                                                                                              | Min. Area for Small Urban Parks (Lot Area 1 ac. or more) <sup>1,3</sup>    | 10 percent of the net parcel area                                      | 5,000 sf. or 5 percent of the net parcel area, whichever is greater |
| Subdivision Standards                                                                                                                        |                                                                            |                                                                        |                                                                     |
|                                                                                                                                              | Max. Density                                                               | None                                                                   |                                                                     |
| Height Transition Zone                                                                                                                       |                                                                            |                                                                        |                                                                     |
|                                                                                                                                              | Min. Height Transition Zone Depth abutting RA and RN districts             | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. |                                                                     |
| TABLE NOTES:                                                                                                                                 |                                                                            |                                                                        |                                                                     |
| <sup>1</sup> For the development parcel.                                                                                                     |                                                                            |                                                                        |                                                                     |
| <sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.                                    |                                                                            |                                                                        |                                                                     |
| <sup>3</sup> In addition to principal buildings, Small Urban Parks count toward the Front Building Façade within Frontage Zone requirements. |                                                                            |                                                                        |                                                                     |

**Table 2-1-4-4A: Mixed-Use, Transit Lot and Building Standards** is hereby amended in its entirety to read as follows:

| <b>Table 2-1-4-4A: Mixed-Use, Transit Lot and Building Standards</b> |                                                |                                                               |                                             |
|----------------------------------------------------------------------|------------------------------------------------|---------------------------------------------------------------|---------------------------------------------|
| <b>Standard</b>                                                      |                                                | <b>Use Type</b>                                               |                                             |
|                                                                      |                                                | <b>Residential</b>                                            | <b>Nonresidential or Mixed Use Building</b> |
| <b>Lot Standards</b>                                                 |                                                |                                                               |                                             |
|                                                                      | Min. Lot Area                                  | See Subsection E., below, and Division 2-1-8, Housing Palette | None                                        |
| <b>A</b>                                                             | Min. Lot Width                                 |                                                               | None                                        |
|                                                                      | Max. Lot Coverage                              | 80%                                                           | 80%                                         |
| <b>Building and Parking Siting Standards</b>                         |                                                |                                                               |                                             |
| <b>B</b>                                                             | Frontage Zone (min. / max.)                    | For min. refer to Division 2-1-8, Housing Palette / 20 ft.    | 0 ft. / 20 ft.                              |
|                                                                      | Min. Front Build-to Width within Frontage Zone | 60%                                                           | 60%                                         |
| <b>C</b>                                                             | Street Side Setback (min. / max.)              | See Subsection E., below, and Division 2-1-8, Housing         | 0 ft. / 20 ft.                              |
| <b>D</b>                                                             | Min. Interior Side Setback                     |                                                               | 0 ft.                                       |
| <b>E</b>                                                             | Min. Rear Setback                              |                                                               | 0 ft.                                       |

| Table 2-1-4-4A: Mixed-Use, Transit Lot and Building Standards                                                                                             |                                                                           |                                                                        |                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Standard                                                                                                                                                  |                                                                           | Use Type                                                               |                                                                          |
|                                                                                                                                                           |                                                                           | Residential                                                            | Nonresidential or Mixed Use Building                                     |
|                                                                                                                                                           |                                                                           | Palette                                                                |                                                                          |
| F                                                                                                                                                         | Min. Parking Setback (front)                                              | 20 ft. <sup>6</sup>                                                    | 20 ft.                                                                   |
|                                                                                                                                                           | Min. Arterial Setback                                                     | See Section 2-1-9-2, Arterial Street Setbacks                          | —                                                                        |
| Building Standards                                                                                                                                        |                                                                           |                                                                        |                                                                          |
|                                                                                                                                                           | Min. Height <sup>2</sup>                                                  | 1 story                                                                | 1 story                                                                  |
| G                                                                                                                                                         | Max. Height                                                               | As identified on the Official Zoning Map                               | As identified on the Official Zoning Map                                 |
|                                                                                                                                                           | Max. Height, Accessory Building                                           | 18 ft.                                                                 |                                                                          |
|                                                                                                                                                           | Max. Height, Mini-structure                                               | 12 ft.                                                                 | 12 ft.                                                                   |
|                                                                                                                                                           | Min. Ground Floor Height <sup>4</sup>                                     | 13 ft. 6 in.                                                           | 13 ft. 6 in. <sup>3</sup>                                                |
| Site Standards                                                                                                                                            |                                                                           |                                                                        |                                                                          |
|                                                                                                                                                           | Min. Landscape Surface Area <sup>4</sup>                                  | 10%                                                                    | 10%                                                                      |
|                                                                                                                                                           | Max. Outdoor Display                                                      | -                                                                      | 5% of enclosed retail floor area                                         |
|                                                                                                                                                           | Min. Area for Small Urban Parks (Lot Area less than 1 ac.) <sup>1,5</sup> | 2,000 sf.                                                              | 2,000 sf.                                                                |
|                                                                                                                                                           | Min. Area for Small Urban Parks (Lot Area 1 ac. or more) <sup>1,5</sup>   | 8 percent of the net parcel land area                                  | 3,000 sf. or 4 percent of the net parcel land area, whichever is greater |
| Subdivision Standards                                                                                                                                     |                                                                           |                                                                        |                                                                          |
|                                                                                                                                                           | Max. Density                                                              | None                                                                   |                                                                          |
| Height Transition Zone                                                                                                                                    |                                                                           |                                                                        |                                                                          |
|                                                                                                                                                           | Min. Height Transition Zone Depth abutting RA and RN districts            | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. |                                                                          |
| TABLE NOTES:                                                                                                                                              |                                                                           |                                                                        |                                                                          |
| <sup>1</sup> For the development parcel.                                                                                                                  |                                                                           |                                                                        |                                                                          |
| <sup>2</sup> See Section 5-1-3-1, Pedestrian Priority Streets, for minimum height requirement.                                                            |                                                                           |                                                                        |                                                                          |
| <sup>3</sup> For areas required by Section 5-1-3-1, Pedestrian Priority Streets.                                                                          |                                                                           |                                                                        |                                                                          |
| <sup>4</sup> Rooftop and upper level deck amenities (except individual private balconies) may be counted towards the landscape surface ratio requirement. |                                                                           |                                                                        |                                                                          |
| <sup>5</sup> In addition to principal buildings, small urban parks count toward the Front Building Façade within Frontage Zone requirements.              |                                                                           |                                                                        |                                                                          |
| <sup>6</sup> Parking is not allowed in the frontage zone.                                                                                                 |                                                                           |                                                                        |                                                                          |

**Table 2-1-5-4D: Mixed-Use Building type Placement and Building Width** is hereby amended in its entirety to read as follows:

| Table 2-1-5-4D: Mixed-Use Building Type Placement and Building Width |                           |                                      |                                    |         |         |        |                 |         |         |         |
|----------------------------------------------------------------------|---------------------------|--------------------------------------|------------------------------------|---------|---------|--------|-----------------|---------|---------|---------|
| Standard                                                             | Context                   | Unit                                 | Sub-District of OT Zoning District |         |         |        |                 |         |         |         |
|                                                                      |                           |                                      | E                                  | EY      | GV      | OW     | RN <sup>1</sup> | RR      | W       |         |
| <b>A</b>                                                             | Frontage Zone (min / max) | Generally, except as specified below | ft.                                | 0 / 15  | 0 / 15  | 0 / 15 | 0 / 15          | 0 / 15  | 0 / 15  | 0/15    |
| <b>A</b>                                                             | Frontage Zone             | Ralston Road frontage                | ft.                                | 10 / 25 | 10 / 25 | -      | 10 / 25         | 10 / 25 | 10 / 25 | 10 / 25 |

**Table 2-1-5-4D: Mixed-Use Building Type Placement and Building Width**

| Standard |                            | Context                               | Unit           | Sub-District of OT Zoning District |         |         |         |                 |         |        |
|----------|----------------------------|---------------------------------------|----------------|------------------------------------|---------|---------|---------|-----------------|---------|--------|
|          |                            |                                       |                | E                                  | EY      | GV      | OW      | RN <sup>1</sup> | RR      | W      |
| A        | (min / max)                |                                       |                |                                    |         |         |         |                 |         |        |
|          | Frontage Zone (min / max)  | Robinson Way or Yukon Street frontage | ft.            | 10 / 25                            | 10 / 25 | -       | 10 / 25 | 10 / 25         | 10 / 25 | -      |
| A        | Frontage Zone (min / max)  | Mcllvoy Park frontage                 | ft.            | 10 / 20                            | 10 / 20 | 10 / 20 | 10 / 20 | 10 / 20         | 10 / 20 | 10/20  |
| A        | Frontage Zone (min / max)  | Olde Town Plaza frontage              | ft.            | -                                  | -       | -       | 0/20    | -               | -       | 0 / 20 |
| B        | Build-to (min)             | Building Façade at Front Setback Line | % <sup>2</sup> | 75                                 | 85      | 85      | 75      | 75              | 75      | 85     |
| B        | Total Building Width (max) | Generally, except as specified below  | ft.            | 150                                | 180     | 80      | 80      | 180             | 120     | 180    |
| B        | Total Building Width (max) | Wadsworth Bypass frontage             | ft.            | 240                                | -       | -       | -       | -               | 240     | -      |
| B        | Total Building Width (max) | Mcllvoy Park frontage <sup>3</sup>    | ft.            | 120                                | -       | 35      | -       | -               | -       | 120    |

**TABLE NOTES:**<sup>1</sup> The Mixed-Use building form is allowed in this subdistrict only as provided in Section 2-1-5-2, Building Types.<sup>2</sup> Percent of lot width. See Section 2-1-5-3, Generally Applicable Lot and Building Standards.<sup>3</sup> Applies where property is directly adjacent to or across the street from Mcllvoy Park.

**Table 2-1-6-1A: Commercial, General Lot and Building Standards** is hereby amended in its entirety to read as follows:

| Table 2-1-6-1A: Commercial, General Lot and Building Standards |                                                                |                                                                        |
|----------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------|
| Standard                                                       |                                                                | All Lot Types                                                          |
| <b>Lot Standards</b>                                           |                                                                |                                                                        |
|                                                                | Min. Lot Area                                                  | 5,000 sf.                                                              |
| A                                                              | Min. Lot Width                                                 | 50 ft.                                                                 |
|                                                                | Max. Lot Coverage                                              | 35%                                                                    |
| <b>Setback Standards</b>                                       |                                                                |                                                                        |
| B                                                              | Min. Front                                                     | 20 ft.                                                                 |
| C                                                              | Min. Street Side                                               | 20 ft.                                                                 |
| D                                                              | Min. Interior Side                                             | 10 ft.                                                                 |
| E                                                              | Min. Rear                                                      | 20 ft.                                                                 |
|                                                                | Min. Front Parking                                             | 20 ft.                                                                 |
| <b>Building Standards</b>                                      |                                                                |                                                                        |
| F                                                              | Max. Height, Principal Building                                | 45 ft.                                                                 |
|                                                                | Max. Height, Accessory Building                                | 18 ft.                                                                 |
|                                                                | Max. Height, Mini-structure                                    | 12 ft.                                                                 |
| <b>Site Standards</b>                                          |                                                                |                                                                        |
|                                                                | Min. Landscape Surface Area                                    | 20%                                                                    |
|                                                                | Max. Outdoor Display                                           | 5% of enclosed retail floor area                                       |
|                                                                | Max. Outdoor Storage                                           | 5% of lot area                                                         |
| <b>Height Transition Zone</b>                                  |                                                                |                                                                        |
|                                                                | Min. Height Transition Zone Depth abutting RA and RN districts | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. |

**Table 2-1-6-2A: Industrial, Light Lot and Building Standards** is hereby amended in its entirety to read as follows:

| <b>Table 2-1-6-2A: Industrial, Light Lot and Building Standards</b>                                                                    |                              |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------|
| <b>Standard</b>                                                                                                                        |                              | <b>All Lot Types</b>              |
| <b>Lot Standards</b>                                                                                                                   |                              |                                   |
|                                                                                                                                        | Min. Lot Area                | None                              |
|                                                                                                                                        | Min. Lot Width               | None                              |
|                                                                                                                                        | Max. Lot Coverage            | 50%                               |
| <b>Setback Standards</b>                                                                                                               |                              |                                   |
| <b>A</b>                                                                                                                               | Min. Front                   | 20 ft.                            |
| <b>B</b>                                                                                                                               | Min. Street Side             | 20 ft.                            |
| <b>C</b>                                                                                                                               | Min. Interior Side           | 5 ft. <sup>1</sup>                |
| <b>D</b>                                                                                                                               | Min. Rear Setback            | 5 ft. <sup>1</sup>                |
|                                                                                                                                        | Min. Front Parking           | 20 ft.                            |
| <b>Building Standards</b>                                                                                                              |                              |                                   |
| <b>E</b>                                                                                                                               | Max. Height, Buildings       | 40 ft.                            |
|                                                                                                                                        | Max. Height, Mini-structures | 12 ft.                            |
| <b>Site Standards</b>                                                                                                                  |                              |                                   |
|                                                                                                                                        | Min. Landscape Surface Area  | 15%                               |
|                                                                                                                                        | Max. Outdoor Display         | 10% of enclosed retail floor area |
|                                                                                                                                        | Max. Outdoor Storage         | 35% of lot area                   |
| TABLE NOTES:                                                                                                                           |                              |                                   |
| <sup>1</sup> Side and rear setbacks shall be 20 ft. where adjacent to a single-family detached use in unincorporated Jefferson County. |                              |                                   |

**Table 2-1-6-3A: Industrial, General Lot and Building Standards** is hereby amended in its entirety to read as follows:

| <b>Table 2-1-6-3A: Industrial, General Lot and Building Standards</b> |                              |                      |
|-----------------------------------------------------------------------|------------------------------|----------------------|
| <b>Standard</b>                                                       |                              | <b>All Lot Types</b> |
| <b>Lot Standards</b>                                                  |                              |                      |
|                                                                       | Min. Lot Area                | None                 |
|                                                                       | Min. Lot Width               | None                 |
|                                                                       | Max. Lot Coverage            | 60%                  |
| <b>Setback Standards</b>                                              |                              |                      |
| <b>A</b>                                                              | Min. Front                   | 20 ft.               |
| <b>B</b>                                                              | Min. Street Side             | 10 ft.               |
| <b>C</b>                                                              | Min. Interior Side           | 10 ft. <sup>1</sup>  |
| <b>D</b>                                                              | Min. Rear                    | 10 ft. <sup>1</sup>  |
|                                                                       | Min. Front Parking           | 10 ft.               |
| <b>Building Standards</b>                                             |                              |                      |
| <b>E</b>                                                              | Max. Height, Buildings       | 45 ft.               |
|                                                                       | Max. Height, Mini-structures | 12 ft.               |
| <b>Site Standards</b>                                                 |                              |                      |
|                                                                       | Min. Landscape Surface Area  | 10%                  |

| Table 2-1-6-3A: Industrial, General Lot and Building Standards                                                                         |                      |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------|
| Standard                                                                                                                               |                      | All Lot Types                     |
|                                                                                                                                        | Max. Outdoor Display | 90% of enclosed retail floor area |
|                                                                                                                                        | Max. Outdoor Storage | 90% of lot area                   |
| TABLE NOTES:                                                                                                                           |                      |                                   |
| <sup>1</sup> Side and rear setbacks shall be 20 ft. where adjacent to a single-family detached use in unincorporated Jefferson County. |                      |                                   |

**Table 2-1-8-4: Single-Family Detached Lot and Building Standards** is hereby amended in its entirety to read as follows:

| Table 2-1-8-4: Single-Family Detached Lot and Building Standards                                                                                                |                               |            |           |                   |                                                     |                                  |                       |                           |                                |                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|------------|-----------|-------------------|-----------------------------------------------------|----------------------------------|-----------------------|---------------------------|--------------------------------|---------------------|
| Lot Type                                                                                                                                                        | Vehicular <sup>3</sup> Access | Minimum    |           |                   |                                                     |                                  |                       |                           | Maximum                        |                     |
|                                                                                                                                                                 |                               | Lot Area   | Lot Width | Lot Width, Corner | Front <sup>4</sup> Setback (Building / Garage Door) | Street <sup>4</sup> Side Setback | Interior Side Setback | Rear <sup>2</sup> Setback | Building <sup>1</sup> Coverage | Height <sup>1</sup> |
| Small Urban                                                                                                                                                     | Alley                         | 2,000 sf.  | 30 ft.    | 40 ft.            | 10 ft. / NA                                         | 10 ft.                           | 3 ft.                 | 2 ft.                     | 65%                            | 35 ft.              |
| Urban                                                                                                                                                           | Alley                         | 3,800 sf.  | 40 ft.    | 50 ft.            | 10 ft. / NA                                         | 10 ft.                           | 5 ft.                 | 2 ft.                     | 65%                            | 35 ft.              |
|                                                                                                                                                                 | Street                        | 4,000 sf.  | 40 ft.    | 50 ft.            | 15 ft. / 18 ft.                                     | 15 ft.                           | 5 ft.                 | 10 ft.                    | 60%                            | 35 ft.              |
| Small General                                                                                                                                                   | Alley                         | 4,000 sf.  | 40 ft.    | 40 ft.            | 15 ft. / NA                                         | 15 ft.                           | 5 ft.                 | 2 ft.                     | 60%                            | 35 ft.              |
|                                                                                                                                                                 | Street                        | 5,000 sf.  | 50 ft.    | 60 ft.            | 15 ft. / 18 ft.                                     | 15 ft.                           | 5 ft.                 | 10 ft.                    | 65%                            | 35 ft.              |
| General                                                                                                                                                         | Any                           | 6,000 sf.  | 60 ft.    | 70 ft.            | 20 ft. / 20 ft.                                     | 15 ft.                           | 5 ft.                 | 10 ft.                    | 50%                            | 35 ft.              |
| Small Suburban                                                                                                                                                  | Any                           | 7,500 sf.  | 70 ft.    | 80 ft.            | 20 ft. / 20 ft.                                     | 15 ft.                           | 7.5 ft.               | 10 ft.                    | 45%                            | 35 ft.              |
| Suburban                                                                                                                                                        | Any                           | 10,000 sf. | 80 ft.    | 90 ft.            | 20 ft. / 20 ft.                                     | 20 ft.                           | 10 ft.                | 10 ft.                    | 40%                            | 35 ft.              |
| TABLE NOTES:                                                                                                                                                    |                               |            |           |                   |                                                     |                                  |                       |                           |                                |                     |
| <sup>1</sup> Maximum height, required transition zones and maximum building coverage varies based on the zone in which the subject property is located.         |                               |            |           |                   |                                                     |                                  |                       |                           |                                |                     |
| <sup>2</sup> The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion. |                               |            |           |                   |                                                     |                                  |                       |                           |                                |                     |
| <sup>3</sup> On corner lots, street access must be located adjacent to the property line farthest from the corner.                                              |                               |            |           |                   |                                                     |                                  |                       |                           |                                |                     |
| <sup>4</sup> Setback is measured from the property line or the back of the sidewalk, whichever provides a greater setback.                                      |                               |            |           |                   |                                                     |                                  |                       |                           |                                |                     |

**Table 2-1-8-5: Zero Lot-Line Home Lot and Building Standards** is hereby amended in its entirety to read as follows:

| Table 2-1-8-5: Zero Lot-Line Home Lot and Building Standards                                                                                                    |                  |           |           |                                      |                                                  |                     |                    |                   |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|-----------|-----------|--------------------------------------|--------------------------------------------------|---------------------|--------------------|-------------------|--------|
| Lot Type                                                                                                                                                        | Vehicular Access | Minimum   |           |                                      |                                                  |                     |                    | Maximum           |        |
|                                                                                                                                                                 |                  | Lot Area  | Lot Width | Front Setback (Building/Garage Door) | Interior Side <sup>2</sup> Setback (single side) | Street Side Setback | Rear Setback       | Building Coverage | Height |
| Small                                                                                                                                                           | Alley            | 5,000 sf. | 45 ft.    | 12 ft./NA                            | 10 ft.                                           | 10 ft.              | 2 ft. <sup>1</sup> | 60%               | 35 ft. |
| General                                                                                                                                                         | Street           | 5,500 sf. | 50 ft.    | 15 ft. / 18 ft.                      | 10 ft.                                           | 10 ft.              | 15 ft.             | 65%               | 35 ft. |
| General                                                                                                                                                         | Any              | 6,000 sf. | 60 ft.    | 15 ft. / 18 ft.                      | 10 ft.                                           | 10 ft.              | 20 ft.             | 50%               | 35 ft. |
| TABLE NOTES:                                                                                                                                                    |                  |           |           |                                      |                                                  |                     |                    |                   |        |
| <sup>1</sup> The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion. |                  |           |           |                                      |                                                  |                     |                    |                   |        |



**Table 2-1-8-7: Townhome Building Standards** is hereby amended in its entirety to read as follows:

| <b>Table 2-1-8-7: Townhome Building Standards</b> |                        |            |                     |                      |                                       |                                    |                                  |                    |                   |        |
|---------------------------------------------------|------------------------|------------|---------------------|----------------------|---------------------------------------|------------------------------------|----------------------------------|--------------------|-------------------|--------|
| Lot Type                                          | Vehicular Access       | Minimum    |                     |                      |                                       |                                    |                                  | Maximum            |                   |        |
|                                                   |                        | Unit Width | Street Setback      | Alley Garage Setback | Non-street Frontage Perimeter Setback | Building Separation , side to side | Building Separation , all others | Units Per Building | Building Coverage | Height |
| Suburban                                          | Alley or Parking Court | 20 ft.     | 15 ft. <sup>1</sup> | 2 ft. <sup>2</sup>   | 15 ft.                                | 10 ft.                             | 30 ft. <sup>3</sup>              | 8                  | 100%              | 35 ft. |
|                                                   | Street                 | 28 ft.     | 18 ft.              | -                    | 15 ft.                                | 10 ft.                             | 30 ft. <sup>3</sup>              | 8                  | 100%              | 35 ft. |
| Urban                                             | Alley or Parking Court | 16 ft.     | 10 ft. <sup>1</sup> | 2 ft. <sup>2</sup>   | 15 ft. <sup>4</sup>                   | 10 ft.                             | 20 ft.                           | 10                 | 100%              | 35 ft. |

TABLE NOTES:

<sup>1</sup> Where garage access is directly from a side street, the minimum garage setback shall be 18 ft.

<sup>2</sup> The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.

<sup>3</sup> Building separation can be reduced to 20 feet if buildings are one or two stories.

<sup>4</sup> If less than one-half of the units in a townhome building are adjacent to a non-street frontage perimeter, then the minimum setback shall be 10 feet.

**Table 2-1-10-1: Permitted Encroachments into Required Setbacks** is hereby amended in its entirety to read as follows:

| <b>Table 2-1-10-1: Permitted Encroachments into Required Setbacks</b>                                                                           |                                                                                                                                                                                                                                                                                                                     |
|-------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Structure or Feature                                                                                                                            | Permitted Locations in Setbacks                                                                                                                                                                                                                                                                                     |
| Single-story covered front porches                                                                                                              | Permitted to extend outward from the building 8 feet into a front setback, but no closer than 12 feet to the front property line. This encroachment shall only apply to the front setback, not the street side setback. <sup>1</sup>                                                                                |
| All other covered porches, decks, terraces, and patios and are not enclosed                                                                     | Permitted to extend outward from the building 8 feet into a rear setback, but no closer than 8 feet from the rear property line. Permitted to extend outward from the building 4 feet into a side setback, but no closer than 3 feet from the side property line. <sup>1</sup>                                      |
| Covered stairs that provide below grade access to a building                                                                                    |                                                                                                                                                                                                                                                                                                                     |
| Uncovered porches, decks, patios, concrete slabs, and other flatwork, provided that such items are no more than 30 inches in height above grade | Permitted anywhere in setbacks. <sup>1</sup>                                                                                                                                                                                                                                                                        |
| Uncovered balconies, decks, and outside stairs more than 30 inches above grade                                                                  | Permitted to extend outward from building 6 feet into a front or rear setback, but no closer than 12 feet to the front property line and 8 feet to the rear property line. Permitted to extend outward from the building 4 feet into a side setback, but no closer than 3 feet from the property line. <sup>1</sup> |

| <b>Table 2-1-10-1: Permitted Encroachments into Required Setbacks</b>                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Structure or Feature</b>                                                                                                                                                                                                                                                                                                             | <b>Permitted Locations in Setbacks</b>                                                                                                                                                                                                                                                                                                       |
| Bay windows, window sills, eaves, cantilevers, cornices, fireplace chimneys, roof overhangs, and architectural and ornamental features                                                                                                                                                                                                  | Permitted to extend outward from building up to 2 feet into any setback. <sup>1</sup>                                                                                                                                                                                                                                                        |
| Clotheslines and clothesline poles                                                                                                                                                                                                                                                                                                      | Permitted in rear or side setback only, but not closer than 18 inches from any side or rear property line. <sup>1</sup>                                                                                                                                                                                                                      |
| Driveways                                                                                                                                                                                                                                                                                                                               | Permitted anywhere in setbacks.                                                                                                                                                                                                                                                                                                              |
| Trash containers                                                                                                                                                                                                                                                                                                                        | Permitted in side and rear setbacks when not adjacent to residential use. Not permitted in the OT and MX districts frontage zone.                                                                                                                                                                                                            |
| Fences and walls                                                                                                                                                                                                                                                                                                                        | See Article 4-7, Fences and Divisional Walls.                                                                                                                                                                                                                                                                                                |
| Flagpoles, lighting poles, and other poles not otherwise covered in this table                                                                                                                                                                                                                                                          | Permitted in any setback, provided that the height of any such pole, except for flagpoles, shall not exceed the distance from the base of the pole to the nearest property line. Flag poles are subject to the height and setback restrictions set forth in Section 6-1-2-3. Amateur radio antennas shall not be located in a front setback. |
| One accessory building not larger than 600 square feet or an attached garage addition provided that the garage addition will not result in more than a cumulative total of 600 square feet of attached garage<br><br>The encroachment shall apply to the accessory building, or an attached garage addition, but does not apply to both | Permitted in any side or rear setback in the RN zoning district only, but not closer than 5 feet from any side or rear property line.                                                                                                                                                                                                        |
| Landscaping, including trees, shrubs, flowers, hedges, and other features                                                                                                                                                                                                                                                               | Permitted anywhere in setbacks, subject to city standards governing sight distances. See Section 4-4-3-4 Intersection Visibility.                                                                                                                                                                                                            |
| Little Library                                                                                                                                                                                                                                                                                                                          | If no more than 3 square feet and 5'5 feet high, may encroach into front setback but not closer than one-foot from the front property line or public sidewalk, whichever is closer.                                                                                                                                                          |
| Mini-structures                                                                                                                                                                                                                                                                                                                         | See Section 5-1-4-3, Mini Structures.                                                                                                                                                                                                                                                                                                        |
| Mobility access ramps and lifts for existing single-family detached dwelling units, duplex, and townhomes                                                                                                                                                                                                                               | Allowed as necessary upon written request to the Director.                                                                                                                                                                                                                                                                                   |
| Signs                                                                                                                                                                                                                                                                                                                                   | See Chapter 6, Signs.                                                                                                                                                                                                                                                                                                                        |
| Swimming pools                                                                                                                                                                                                                                                                                                                          | See Section 5-1-4-2 Swimming Pools, Hot Tubs, and Spas.                                                                                                                                                                                                                                                                                      |
| Air conditioning units                                                                                                                                                                                                                                                                                                                  | Permitted in side and rear setbacks but not in a front setback.                                                                                                                                                                                                                                                                              |

| Table 2-1-10-1: Permitted Encroachments into Required Setbacks                                                                                                                                                                                                     |                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|
| Structure or Feature                                                                                                                                                                                                                                               | Permitted Locations in Setbacks                                                                                                                     |
| Counterforts                                                                                                                                                                                                                                                       | Permitted in any setback provided it does not encroach more than 5 feet into a front or rear setback and 3 feet into the side setback.              |
| Window wells                                                                                                                                                                                                                                                       | Permitted in any side setback provided it does not exceed 15 square feet and does not encroach more than 3 feet into the side lot setback easement. |
| Window awnings                                                                                                                                                                                                                                                     | Permitted in any setback, but not closer than 10 feet from the rear property line or 18 inches from a side property line.                           |
| Wireless Communications Facilities                                                                                                                                                                                                                                 | See Chapter 7, Wireless Communications Facilities.                                                                                                  |
| TABLE NOTES:<br><sup>1</sup> The maximum encroachment noted is measured from the building wall, or in the case of pergolas, carports, or other structures without walls, the maximum encroachment is measured from the vertical structural element such as a post. |                                                                                                                                                     |

The remaining portions of Chapter 2 shall remain unchanged.

Section 2. Chapter 3, Use Regulations, of the Land Development Code, of the Arvada City Code is hereby amended:

Table 3-1-2-5: Commercial Land Use by Zoning District is hereby amended in its entirety to read as follows:

| Table 3-1-2-5: Commercial Land Use by Zoning District                                                                                                                                         |                            |    |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |                           |    |    |           |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|----|----|----|-----|-----|-----------|------|------|------|-----------|-------|-------|-------|-------|-------|------|---------------------------|----|----|-----------|
| Land Use                                                                                                                                                                                      | Open Space and Residential |    |    |    |     |     | Mixed-Use |      |      |      | Olde Town |       |       |       |       |       |      | Commercial and Industrial |    |    | Reference |
|                                                                                                                                                                                               | OS                         | RA | RN | R6 | R13 | R24 | MX-N      | MX-S | MX-U | MX-T | OT-E      | OT-EY | OT-GV | OT-OW | OT-RN | OT-RR | OT-W | CG                        | IL | IG |           |
| Animal Day Care / Training                                                                                                                                                                    |                            | C  |    |    |     |     | L         | L    | L    | L    |           |       |       |       |       |       |      | L                         | L  |    | 3-1-3-5   |
| Animal Hospital (Large Animal)                                                                                                                                                                |                            | A  |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |                           |    |    | -         |
| Art Studio / Makerspace                                                                                                                                                                       |                            | A  |    |    |     |     | A         | A    | A    | A    | L         | L     | L     | L     | L     | L     | L    | A                         | A  | A  | 3-1-3-5   |
| Auction House or Yard                                                                                                                                                                         |                            |    |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |                           | L  | L  | 3-1-3-5   |
| Continuing Care Facility                                                                                                                                                                      |                            |    |    |    | A   | A   | A         | A    | A    | A    | A         | A     | A     |       |       | A     | A    | C                         |    |    |           |
| Kennel                                                                                                                                                                                        |                            | C  |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |                           | L  | A  | 3-1-3-5   |
| Office, General or Professional                                                                                                                                                               |                            |    |    |    |     |     | A         | A    | A    | A    | A         | A     | A     | A     | A     | A     | A    | A                         | A  | A  | -         |
| Retail Sales and Services Type 1 <sup>1</sup>                                                                                                                                                 |                            |    |    |    |     |     | L         | L    | L    | L    | L         | L     | L     | L     | L     | L     | L    | L                         | L  |    | 3-1-3-5   |
| Retail Sales and Services Type 2 <sup>1</sup>                                                                                                                                                 |                            |    |    |    |     |     |           | L    | L    | L    |           |       |       |       |       |       |      | L                         | L  |    | 3-1-3-5   |
| Veterinary Offices or Clinics                                                                                                                                                                 |                            | C  |    |    |     |     | L         | L    | L    | L    | L         | L     | L     |       |       | L     | L    | L                         | L  |    | 3-1-3-5   |
| Workshop                                                                                                                                                                                      |                            |    |    |    |     |     | A         | A    | A    | A    |           |       |       |       |       |       |      | A                         | A  | A  | 3-1-3-5   |
| TABLE NOTES:<br><sup>1</sup> All drive-through facilities are subject to the standards in Section 5-1-6-2, Drive-Through Facilities, which may prohibit a drive-through in certain locations. |                            |    |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |                           |    |    |           |

**Section 3-1-3-5 Commercial Standards** is hereby amended in its entirety to read as follows:

**A. “Animal Day Care / Training.**

1. In the MX and CG zoning districts, the use shall be located entirely indoors.
2. In the IL zoning district, if the use is located within 300 feet of a residential zoning district, no outdoor activities related to the use shall occur between the hours of 9:00 PM and 7:00 AM.

**B. Art Studio / Makerspace.**

Such use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

**C. Auction House.**

All business activities shall be conducted within an entirely enclosed building.

**D. Kennel.**

1. In the RA and IL zoning districts, a kennel facility shall be subject to the following:
  - a. Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any adjacent residential zoning district.
  - b. If the use is located within 300 feet of residentially zoned property, no outdoor activities related to the use shall occur on the subject property between the hours of 9:00 PM and 7:00 AM.
  - c. The parts of a building where animals are boarded shall be fully enclosed and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
  - d. All kennels shall be licensed by the City of Arvada pursuant to Article VIII, "Kennel License," of Chapter 14 of the Arvada Code of Ordinances.
2. A residence for a caretaker is allowed, subject to the requirements of Section 5-1-6-7, Custodial Unit.

**E. Retail Sales and Services, Type 1.**

**1. Retail Sales Uses – General.**

Retail sales uses must take place within a completely enclosed building, except that accessory outdoor display of merchandise, and accessory outdoor customer seating/dining areas are permitted, subject to the following standards:

- a. Outdoor display areas must comply with the minimum street setback requirements of the subject zoning district.
- b. Outdoor display areas may not occupy or use required parking space or drive aisle unless approved by the Director.
- c. Outdoor seasonal temporary sales display requires a temporary use permit.

**F. Retail Sales and Services, Type 2.**

**1. Convenience Lending Operations.**

All convenience lending operations except national banks and those operating as of the effective date of this Code shall comply with the following locational restrictions and standards:

- a. It shall be unlawful to operate or cause to be operated a convenience lending operation within 2,500 feet of another convenience lending operation.
  - b. It shall be unlawful to operate or cause to be operated a convenience lending operation within 300 feet of any residentially-zoned property.
  - c. The distance between any two such operations shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each such operation is located, and the distance between a convenience lending operation and a residentially-zoned property shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the operation is located to the nearest property line of the residentially-zoned property, excluding public street rights of way.
2. **Used Merchandise Stores and Donation Centers (retail, used - primarily donated; retail, used - primarily non-donated; used merchandise donation center).**
- a. Used merchandise stores that accept donated goods on the premises and used merchandise donation centers shall:
    - i. Coordinate delivery and acceptance of donations, during business hours only, either inside the store or center, or outside the store or center as long as donations are moved inside immediately after drop-off;
    - ii. Sort and store donations only inside the store or center;
    - iii. Patrol the store or center premises as the need arises to remove any donations left outside after hours; and
    - iv. Remove donations left outside of the store or center after business hours no later than 7:00 AM the next morning.
  - b. A used merchandise store shall devote more than 50% of its floor area to retail sales.
  - c. The arrangement of activities inside a used merchandise store shall be such to preserve a retail character when it is viewed from the outside. Where the building façade includes windows or doors, the areas within the building visible through these openings shall be used for retail sales only.
  - d. Used merchandise donation centers shall be limited to a maximum gross floor area of 2,500 square feet and a maximum tenant width of 25 feet.
  - e. Donation boxes, trailers, containers, or other structures intended and utilized as an exterior, stand-alone receptacle or depository for the donation of goods are prohibited.
    - i. Based upon the generally mobile, temporary, impermanent, and accessory nature thereof, and notwithstanding the provisions of Chapter 9, Nonconformities of this Code, any such box, trailer, container, or structure, or use of such box, trailer, container, or structure, legally established prior to May 12, 2011 shall be permitted to continue in place, but such use, and the lawful status of such structure and use, shall terminate upon the occurrence of any of the following:
      - a. Any change in tenancy, ownership, or management of the structure or user thereof;

- b. Any cessation of such use, or absence of such structure from the premises, for a period of 30 days or more;
  - c. Any damage or destruction of the structure, by any means, to the extent of more than 50 percent of its structural replacement value prior to such damage or destruction;
  - d. Any enlargement or expansion of such structure or use;
  - e. Any alteration (beyond that necessary for routine maintenance and repair) or relocation of the structure on the premises, other than that which, in the sole discretion of the Director, is determined appropriate; or
  - f. A failure to register the structure or use within the allotted time period, as provided in below.
3. The owner of any such box, trailer, container, or structure legally established prior to May 12, 2011, and the user thereof (if different than the owner), must have registered such structure or use with the Director prior to December 30, 2011.

**G. Veterinary Office or Clinic.**

- 1. All veterinary offices or clinics shall be subject to the following requirements:
  - a. All facilities, including all treatment rooms, cages, pens, training rooms, and exercise runs, shall be within a completely enclosed, soundproof building.
  - b. Short-term overnight boarding associated with the medical treatment and post-operative care of animals shall be allowed, provided such boarding is contained within a completely enclosed building.

**H. Workshop.**

- 1. The use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

**Section 3-1-3-7 Industrial, Processing, Recycling, Storage, and Disposal Standards** is amended to read as follows:

**A. Brewery / Winery / Distillery.**

- 1. In the MX-S zoning district warehousing is prohibited.

**B. Heavy Logistic Center Industry**

- 1. All buildings shall be a minimum of 300 feet from any residential district.
- 2. Landscaping and barriers shall be provided and located such that no part of parked vehicles will extend beyond the yard space or into the setback space from a lot line abutting a residential lot or separated therefrom by a street.
- 3. An Option B landscape bufferyard, per Section 4-6-5-3, Bufferyard Options, is required between the use and adjoining right-of-way.
- 4. Barriers shall be provided and located such that no part of parked vehicles will extend beyond the yard space or into the setback space from a lot line abutting a residential lot or separated therefrom by a street.

**C. Light Industry.**

- 1. **Bakery.**

- a. In the IL and IG zoning districts, no more than 50 percent of the gross floor area of a bakery shall be devoted to retail sales.
- 2. **Manufacturing, Light Trade and Technical Uses.**
  - a. In the IL and IG zoning districts, the following shall apply:
    - i. Loading and unloading of shipments shall be permitted.
    - ii. The land uses inside the building shall preserve a commercial, retail or office character viewed from the outside.
    - iii. All industry, manufacturing and production uses shall utilize the best industry standard, maintenance, and control available to maintain the lowest possible measurement of emission of odorous gases.
  - b. In the MX-N, MX-S, MX-U, MX-T, and CG zoning districts:
    - i. Primary manufacturing, processing, and fabrication uses shall be completely enclosed within a building.
  - c. In the MX-N, MX-S, and MX-U zoning districts:
    - i. If the use is located within 200 feet of a residential district, the use shall not operate between the hours of 9:00 PM and 7:00 AM.
- 3. **Office, General Contractor.**
  - a. Office uses with storage related to construction shall only be permitted in the IL and IG zoning districts, and the following requirement shall apply:
    - i. Any outdoor storage area shall be screened with an Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options.
- 4. **Research, Development, and Testing Laboratories.**
  - a. In the CG, IL and IG zoning districts:
    - i. Laboratories shall not contain or utilize toxic or explosive materials.
    - ii. All facilities shall be completely enclosed.
- 5. **Warehousing and Distribution.**
  - a. In the CG and IL zoning districts, retail sales in conjunction with a permitted warehouse establishment may be allowed subject to the following conditions:
    - i. All retail sales shall be conducted within the same structure housing the principal warehouse use, and no outdoor retail sales activity shall be allowed.
    - ii. Parking for the retail accessory use shall be provided in accordance with the off-street parking standards for retail uses in Section 4-5-2-2, Parking Requirement Tables.
- 6. **Wholesale Establishments.**
  - a. Wholesale establishments with stock may be permitted in the IG zoning district except for the following:
    - i. Live animals;
    - ii. Commercial explosives;
    - iii. Flammable or combustible liquids are permitted provided their use, dispensing, mixing, and storage complies with all the requirements of the currently adopted edition of the applicable Building Code, Fire Code, Plumbing Code, Mechanical Code, and National Electrical Code and all applicable State and Federal laws;

- iv. Flammable gases are permitted provided their use, dispensing, mixing, and storage complies with all of the requirements of the currently adopted edition of the applicable Building Code, Fire Code, Mechanical Code, Plumbing Code, and National Electrical Code, and all applicable State and Federal laws.
- b. Retail sales in conjunction with wholesale establishments may be allowed, provided that:
  - i. Not more than 20 percent of floor area or sales volume of any individual user or tenant may be devoted to retail operations. Notwithstanding this 20 percent limitation, furniture and carpet wholesalers may have greater than 20 percent of their floor area or sales volume devoted to retail operations.
  - ii. All retail sales shall be conducted within the same structure housing the principal wholesale use, and no outdoor retail sales activity shall be allowed.
  - iii. Parking for the retail accessory use shall be provided in accordance with the off-street parking standards for retail uses as set forth in Section 4-5-2-2, Parking -Requirement Tables.

**D. Recycling Drop-Off (Attended).**

- 1. The facility shop shall be located at least 500 feet from a residential zone district. This requirement may be reduced or eliminated by the Director if the Applicant proves that the proposed use, site design, its traffic generation, and other external effects indicates a reduced separation will have no significant effect on the nearby residential zone district.
- 2. The use shall comply with the screening and enclosure requirements of Division 5-1-6-3, Outdoor Storage and Outdoor Retail Display.

**E. Resource Extraction (Minerals).**

The following applies in all zoning districts:

**1. Permitting Requirements.**

- a. The Applicant shall be responsible for securing all other permits or approvals required by any other governmental agency that may have jurisdiction over the proposed use.
- b. It shall be unlawful for any person, firm, or other entity to process, crush, blast or similarly treat earth materials on any approved borrow pit site.
- c. In addition to the standards specified in this Section and in Chapter 2, Zoning Districts of 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 shall be simultaneously submitted to the City.

**2. Mining Operations.**

- a. Mining equipment, except for reservoir construction equipment, shall be considered mechanical equipment and, in lieu of the screening standards set forth in Article 4-6, Landscaping and Buffering, such equipment shall be subject to the following requirements:



- i. All mining equipment and operation areas shall be screened from sight from adjacent properties or right-of-way by the use of berms or by other equivalent means; and
    - ii. All mining equipment shall be located behind building setback lines.
  - b. All roadways longer than 100 feet used for ingress and egress from the public roadway to the area of mining operations shall be cleaned and maintained to minimize the fugitive dust which is generated by vehicles.
  - c. All mining operations, except for reservoir construction, shall be at least 200 feet from the property line. No open pit mine shall be deeper than 200 feet. No reclaimed open pit mine shall be left deeper than 100 feet.
  - d. No finished grade shall exceed slopes of one foot of rise in three feet of horizontal distance. A diverse permanent vegetative cover shall be established on all disturbed areas to achieve erosion control equal to pre-mining levels. The cover shall be predominantly of native species. Disturbed areas shall be kept to a minimum. Reclamation shall commence within one growing season after slopes reach final grade.
  - e. Mining, processing, or transporting operations, except for reservoir construction, shall be within the time limits of 7:00 a.m. to 6:00 p.m., with no operations on Sunday. Maintenance operations are not subject to this provision.
  - f. The use of explosives is subject to all state and federal standards and restricted to a maximum of five calendar days per year. All blasting shall be conducted in a manner which will not cause a peak particle velocity on any adjacent property which exceeds one-half inch per second. A blast over pressure shall not exceed 130 db peak measured at 6 Hz or lower flat response at the property line.
  - g. Quarrying of hard rock aggregate is prohibited.
  - h. Sediment caused by accelerated soil erosion shall be removed from runoff water before leaving the site. Runoff shall not be discharged from the site in quantities or at velocities above those occurring before mining.
3. **Exempt Activities.** The following burrowing and hauling of earth material may be done without obtaining a conditional use permit from the City:
- a. Minor projects which 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 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, development plan or over lot 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.

**F. Resource Extraction (Oil and Gas).**

- 1. Reserved.

**G. Salvage Yard.**

- 1. The following applies:
  - a. Salvage yards shall not be located on property adjacent to any of the following streets:
    - i. 52nd Avenue;
    - ii. 60th Avenue;
    - iii. Lamar Street; and
    - iv. Sheridan Boulevard.
  - b. The use shall not be located closer than 25 feet to an adjacent street right-of-way.
  - c. The subject property shall be surrounded by an Option C or D buffer, per Section 4-6-5-3, Bufferyard Options.
  - d. Best management practices for stormwater quality must be implemented and maintained on-site.

**H. Self-Storage.**

- 1. The following shall apply to all Self-Storage facilities:
  - a. Public access to any storage unit within 150 feet of any residential zoning district or lot containing a residential use in any mixed-use zoning district is not allowed between 10:00 PM and 7:00 AM.
  - b. The use is not allowed at the intersection of two arterial streets.
  - c. Self-storage facilities are subject to the design standards in Section 5-1-2-8, Industrial, Self-Storage, or Distribution.
- 2. In the MX-S and CG zoning districts:
  - a. All storage shall be within a building, and access to individual storage units shall be from interior corridors. Storage units with access from the exterior building may be permitted on non-street frontage facades. No outdoor storage of goods or vehicles is allowed.
  - b. The use shall be located a minimum of 150 feet from any residential zoning district.
- 3. In the IL and IG zoning districts:
  - a. The use may have multiple buildings with storage units and / or storage units in free-standing buildings.
  - b. Doors to individual storage units shall not be directly accessible from any street frontage.
  - c. Individual storage units shall face the interior of the site. This does not apply to storage units within an enclosed structure.
  - d. A residence for a caretaker is allowed, subject to the requirements of Section 5-1-6-7, Custodial Unit.

4. Operation and Activities.

- a. The incidental retail sale of products associated with the business (e.g., boxes, moving supplies) is allowed.

**I. Storage Yard.**

1. In the IG zoning districts:

- a. The use shall not be located closer than 25 feet to an adjacent street right-of-way.
- b. No storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall be permitted as part of any storage yard use if they exceed the currently adopted fire code requirements. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
- c. Suitable containers for rubbish shall be placed on the premises. *See* Section 5-1-6-5, Trash Collection and Compaction.
- d. There shall be at least one 24 feet access drive that shall be wide enough to accommodate two vehicles side-by-side.
- e. No storage yards shall be located closer than 300 feet from any lot line that abuts a residential zoning district or single-family detached residential uses in unincorporated Jefferson County.
- f. In areas that adjoin a residential use, there is no height limit on the outdoor storage provided that the storage yard is screened from view from the closest point of the adjacent residential structure or right-of-way.
- g. Permitted hours of operation shall be 7:00 AM to 7:00 PM.
- h. There shall be no height restriction for machinery, vehicles, and cranes licensed, leased, and/or titled to a business conducted on the property.
- i. Storage of customer vehicles for a period not to exceed 90 days is exempt from the screening height restrictions.

**J. Waste Removal Fleet Storage and Administration.**

1. In the IL and IG zoning districts:

- a. The use shall not be located closer than 25 feet to an adjacent street right-of-way.
- b. No storage yards shall be located closer than 300 feet from any lot line that abuts a residential zoning district or dwelling unit.
- c. Permitted hours of operation shall be 7:00 AM to 7:00 PM.

**K. Waste Transfer Station.**

1. In the IG zoning district:

- a. The use shall not be located within one-half mile of a residential zoning district.
- b. The subject property shall be surrounded by an Option C buffer, per Section 4-6-5-3, Bufferyard Options.”

**Section 3-1-3-8 Motor Vehicle Use Standards** is hereby amended in its entirety to read as follows:

**A. “Fueling / Service Station.**

**1. Fueling / Service Station Requirements**

- a. When permitted:
  - i. The use shall be located within 660 feet of an intersection of arterial streets unless it is associated with a retail use (e.g., a grocery store or warehouse club) that is at least 45,000 square feet in floor area.
  - ii. No more than two service stations or convenience stores with fuel sales may be located within 660 feet of a single Arterial/Arterial intersection. Where more than two service stations or convenience stores exist at the time of the adoption of this Code, they shall be considered an allowed use.
  - iii. Vehicle access to such uses shall be limited to a maximum of one curb cut per street frontage.
  - iv. On-site vehicle access and circulation shall be designed so that adjacent residential uses or properties are not disturbed, either by day or night, by the movement of vehicles or the lights from vehicles.
  - v. Fueling pump canopies shall comply with the requirements of Subsection 5-1-2-3-C-9, Canopies and Port-Cochères.
  - vi. In the MX-S, MX-U and MX-T zoning districts, options for the site design of the fueling / service station are set out in Subsection 4-3-3-4F, Fueling / Service Station Site Design.
  - vii. A service station with a convenience store shall provide adequate space to allow a minimum of three cars to stack in a line for fuel dispensing services without using or obstructing any portion of an adjacent public sidewalk or right-of-way.
2. **Minimum Lot Dimensions.**
  - i. Minimum lot area: 12,000 square feet.
  - ii. Minimum lot width (street frontage): 120 feet.
  - iii. Limits on Number of Service Bays and Pump Islands. A service station or convenience store with fuel sales may have a maximum two service bays and two pump islands on a 12,000 square foot lot. One service bay or one pump island may be added for each additional 2,000 square feet of lot area, provided that the total number of service bays shall not exceed five per lot and the number of pump islands shall not exceed five per lot.
3. **Building and Equipment Setbacks and Buffers.**
  - i. Fuel pumps, pump islands, detached canopies, compressed air connections, 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 or a parcel containing residential uses.
  - ii. When the service station use abuts a residential zoning district, use, or property, an Option C or D buffer shall be required, per Section 4-6-5-3, Bufferyard Options.
4. **Service Station with Vehicle Repair.**
  - a. When permitted:
    - i. Hydraulic hoists, pits, and all lubrications, greasing, automobile washing, 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 blank wall with no openings other than those required by applicable building codes.

- ii. All repair work, vehicle washing, lubrication, and installation of parts and accessories shall be wholly performed within an enclosed building or structure.
- iii. 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 totally screened from view by a solid, opaque fence. *See* Division 4-7-2, Fences and Divisional Walls for acceptable fence/wall materials.
- iv. All vehicles awaiting repair shall be stored onsite in approved parking spaces and under no circumstances shall such vehicles be stored outside in an inoperable condition or stored on or obstruct access to a public right-of-way.

**B. Motor Vehicle Repairs and Service, Heavy.**

- 1. When permitted:
  - a. All repair and vehicle storage shall be completely enclosed within a building.
  - b. An Option B buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and adjoining right-of-way.
  - c. An Option C or D buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district or MX with residential uses.
  - d. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from the residential zoning district boundary.
  - e. The use shall not operate between 7:00 PM and 7:00 AM if it is located within 300 feet of a residential zoning district, measured from the outside building wall that encloses the use to the zoning district boundary.

**C. Motor Vehicle Repairs and Service, Light.**

- 1. In the MX-N, MX-S, CG, and IL zoning districts:
  - a. All vehicle repair uses shall be conducted within a completely enclosed building.
  - b. The use shall not operate between 7:00 PM and 7:00 AM if it is located within 300 feet of a residential zoning district, measured from the outside building wall that encloses the use to the zoning district boundary.
  - c. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
  - d. Storage of vehicles on the premises shall not exceed 15 days.
  - e. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.
  - f. Garage bays shall not face a street.

**D. Motor Vehicle Storage.**

- 1. In the IL and IG zoning districts;
  - a. An Option B landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and adjoining right-of-way.

- b. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
- c. The use shall be located behind the principal building, unless the stored motor vehicles are inventory that is for sale or for rent.

**E. Motor Vehicle Towing Services.**

- 1. In the IL and IG zoning district:
  - a. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the yard and adjoining right-of-way and any adjoining residential zone district.
  - b. Vehicular ingress-egress shall be limited to one point for each side of property abutting any street.
  - c. All vehicles and activities not within fully enclosed buildings shall be enclosed by a solid fence or wall at least six feet in height, including point of ingress or egress.
  - d. No vehicle repair, maintenance, or body work shall take place.
- 2. In the IL zoning district:
  - a. The site shall not be more than two acres in size.

**F. Motor Vehicle Wash.**

- 1. Motor vehicle wash facilities including automotive detail facilities shall comply with the following conditions:
  - a. **General Requirements.**
    - i. A motor vehicle wash facility is prohibited at the intersection of two arterial streets, unless it is located in a center occupying at least two acres and containing other commercial establishments occupying at least 12,000 square feet gross floor area.
    - ii. The motor vehicle wash facility, including all driveways, entrances and appurtenant structures, must 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.
    - iii. No motor vehicle wash facility shall be located on a corner lot.
  - b. **Open Bay Motor Vehicle Wash Facility.**
    - i. No new motor vehicle wash facility may be located within one-half mile of any other existing motor vehicle wash facility having two or more car wash bays within the city limits of Arvada.
  - c. **Enclosed Motor Vehicle Wash Facility.**
    - i. All enclosed motor vehicle washing bays must have bay doors. No bay door shall face the adjacent street or an adjacent residential district.
    - ii. All enclosed motor vehicle wash facilities must be self-contained, except those services such as drying, polishing or vacuuming which may be performed outdoors. Exterior vacuums must have the machinery located within the main wash building with only vacuum hoses located outside.

**G. Parking Lot Surface, Stand-Alone.** Where identified as a conditional use, a stand-alone surface parking lot shall be subject to the following requirements:

- 1. A stand-alone surface parking lot shall not front an arterial or collector street.

2. The stand-alone surface parking lot shall meet all the landscaping requirements of Article 4-6, Landscaping and Buffering.
  3. A stand-alone surface parking lot associated with an adjacent primary use shall also comply with the requirements of Section 4-5-3-4, Off-Site Parking.
- H. **Parking Garage, Structured.** Refer to Section 5-1-6-8.
- I. **Vehicle Equipment Sales or Rentals.**
1. **Vehicle Sales and Rentals.**
    - a. In the MX-S, MX-U, MX-T, CG, and IL zoning districts:
      - i. All vehicles used for sales display or inventory must be stored indoors.
      - ii. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
      - iii. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from a residential zoning district boundary.
    - b. In the MX-T zoning district, only automobile rentals shall be permitted and only in principal hotel and motel uses with surface parking limited to a maximum number of 10 parking spaces dedicated to the use.
  2. **Equipment Sales and Rentals.**
    - a. In the MX-S, MX-U, MX-T, CG, and IL zoning districts:
      - i. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
      - ii. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from the residential zoning district boundary.”

**Section 3-1-4-5 Food and Retail Truck Vending** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Food and retail truck vending is allowed as provided in this Section.
- B. **Where Permitted.**
  1. Food and retail truck vending is permitted in the following areas and under the following circumstances:
    - a. On private property as provided in Section 3-1-4-2, Temporary Uses by Zoning District;
    - b. In any park or public space (regardless of zoning district), if approved by the governmental entity exercising ownership or control thereof; and
    - c. In a public street right-of-way (regardless of zoning district), subject to the limitations established in Subsection D.2., below.
  2. Notwithstanding any provision herein to the contrary, allowing food and retail truck vending in a park, public space, or public street right-of-way shall be in the sole discretion of the governmental entity exercising ownership or control thereof.
- C. **Permit Required.** Except as otherwise provided herein, no person may engage in activities of food or retail truck vending without first obtaining a City of Arvada business license and a Food Truck Permit for food vendors or a Retail Vending Truck Permit. The approved temporary use permit shall be permanently displayed to the public in the food

handling area of the food truck vending operation or in the retail area of a retail vending truck.

D. **Standards.** The following rules and requirements shall apply to all food and retail truck vending:

1. Hours of Operation. Hours of operation shall be between 6:00 a.m. and 11:00 p.m. unless a different time is specified in the temporary use permit.
2. Location.
  - a. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley, or sidewalk.
  - b. Operations shall be located at least 50 feet from any residential use or mixed-use buildings where residential units are on the first floor as measured from the closest point of the food truck to the nearest property line of the residential unit, except as may otherwise be permitted pursuant to subsection B.1.c., where permitted above.
  - c. Food and retail trucks may operate on private property provided they meet the following requirements:
    - i. The operator must obtain prior written permission from the private property owner.
    - ii. The food or retail truck must be parked on a paved surface outside of the public right-of-way.
  - d. Operations are prohibited on public street rights of way, except for the following:
    - i. Food and retail truck vending may be allowed in a public street right-of-way closed to vehicular traffic when a Special Event Permit has been issued for a special event requiring such closure.
3. Refuse.
  - a. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter. All areas used for food and retail trucks shall be maintained in a safe and clean condition.
  - b. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the vehicle or structure.
  - c. The food and retail trucks shall not be washed on location.
4. Health Department Certificate.
  - a. Operators shall obtain a Health Department Certificate required by the Colorado Department of Public Health and Environment and other state and local agencies to operate a mobile retail food establishment.”

**Section 3-1-5-3 Short-Term Rentals** is hereby amended in its entirety to read as follows:

- A. *“License Required.* Short Term Rental is prohibited within the City unless a license has been duly issued therefore pursuant to this Section 3-1-5-3 and in compliance with the Code, including without limitation, Chapter 98, Article V, Division 2, Lodging License.
- B. *Application.*



1. *Requirements.* An application for a license shall be submitted to the Director and shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record. All license applications shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with an application fee as authorized under Section 74-31 of the Code. The applicant must specify which portions of the Dwelling Unit, Dwelling Unit or Accessory Dwelling Unit, Residential ("ADUR") will constitute the licensed premises available for use by renters. A license is not valid until the application fee is paid and accepted by the City.
  2. *Certification.* The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado. Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within 30 calendar days of such change.
- C. *Term of License and Renewal.* Licenses issued pursuant to this Section shall be valid for a period of one calendar year from the date of issuance. Licenses must be renewed annually. Applications for renewals of a Short Term Rental license are subject to all application, fees, licensing, and operation requirements set forth in this Section that apply to new licenses. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Section, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.
- D. *License Regulations.*
1. *Compliance.* The licensee shall comply with all applicable Code provisions and state and federal law including, but not limited to, Chapter 18, Buildings and Building Regulations, Chapter 38, Article III, Nuisances, and Chapter 98, Taxation.
  2. *Restrictions.* The licensee shall ensure that renters of a Short Term Rental Unit shall only be allowed access to the portions of the Dwelling, Dwelling Unit or ADUR identified in the license.
  3. *Local Contact Person.* The licensee must designate on the application a local contact person who shall be available to respond to the property within one hour of being notified by the city of a complaint about the condition of the property or the conduct of short term tenants. The local contact person must be available to respond as set forth herein 24 hours per day, seven days per week during any term the Short Term Rental Unit is occupied by or rented to a short term tenant, must be able to provide access to the licensed premises, and must be authorized to make decisions about the licensed premises. Should the person designated as the local contact person change, the licensee must, within seven days of the change, update the license on file with the city.
  4. *Brochures.* Each Short Term Rental Unit shall provide two brochures to its guests:
    - a. The first brochure shall include the licensee's contact information, the local contact party's contact information, and any necessary emergency contact information. The brochure shall also provide information pertinent to the neighborhood where the Short Term Rental Unit is located including, but not

limited to, parking restrictions, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the Director, applicable to the Short Term Rental Unit and the surrounding neighborhood.

- b. The second brochure will be provided by the City and include relevant local ordinances, rules, and regulations that apply to all residences in the City. The licensee must display the City's brochure in each Short Term Rental Unit as it is made available and updated by the City.

E. *Licensing Requirements.*

1. *Number of Short Term Rentals Units per lot.* Licensees are limited to one Short Term Rental Unit per property. If a lot contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.
2. *Permitted structures.* Short Term Rental Units are allowed in primary and accessory structures with finished living space. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multifamily property, the licensee is allowed one Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each licensee shall be limited to one Short Term Rental Unit per property.
3. *Reservations.* Only one Short Term Rental reservation to one party at a time is allowed.
4. *Parking requirements.* One additional on-site parking space shall be required if a portion of a primary structure is used for Short Term Rental.
5. *Safety requirements.* Each Short Term Rental Unit shall be equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises.
6. *Occupancy.* The occupancy of a Short Term Rental Unit shall not exceed the total number of unrelated persons that are otherwise permitted to occupy property in the City.
7. *Prohibited uses.* Use of the Short Term Rental Unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
8. *Trash collection.* The licensee shall maintain weekly residential trash collection services for the Short Term Rental Unit.
9. *Number of days in use.* No Short Term Rental may be occupied by guests for more than 240 days in any 365 day period. Upon renewal of the license, the licensee shall provide to the City the number of days that the Short Term Rental was occupied by guests during the previous 365 days. The licensee shall certify that the number reported is accurate.
10. *Number of Short Term Rentals per Licensee.* No applicant may operate more than three individual properties as short term rentals within the City at any one time. Licensee

shall certify compliance with this requirement on each application submitted to the City. .

- F. *Refusal to Grant, Suspension, Revocation, Nonrenewal of License.* The Director may refuse to grant an initial license, or suspend, revoke, or not renew any license requested or issued pursuant to this Section if the Director determines that any of the following have occurred: (i) fraud, material misrepresentation or false statement in the initial application for the license or any renewal application; or (ii) failure to comply with the terms or conditions of the license, the provisions of this Section, or any other application provision of federal, state, or local law including, but not limited to, the Arvada City Code.
1. *Authority.* In addition, the Director may issue any order reasonably calculated to ensure compliance with this Section.
  2. *Remedies.* The Director's authority under this Section is in addition to any other authority the Director has to enforce this Section, and election of one remedy by the Director shall not preclude resorting to any other remedy as well.
    - a. The Director shall not accept a new application from the same licensee for the same Dwelling, Dwelling Unit or ADUR after revocation of a license:
      - (i) For at least one year following the revocation; and
      - (ii) Unless the applicant demonstrates compliance with all applicable laws and licensing requirements.
  3. *Appeal.* An applicant or licensee may appeal any decision to refuse to grant, not renew, or suspend his or her license to the City Manager within 14 days from the City providing notice of the decision. The City Manager's decision shall be final.
  4. *Administrative Hearing.* A licensee may appeal any decision to revoke his or her license through the City's Administrative Hearing procedure as provided in Chapter 2, Article V, Division 3 of the Arvada City Code. The appeal must be received within 14 days from the City providing notice of the revocation.
- G. *Administration.* The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation.
1. *Authority to inspect.* The Director or his her designee may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal and at any point during the duration of the Short Term Rental license term to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director or his or her designee may inspect the licensed premises for the purpose of investigating and determining compliance with the requirements for a license issued under this Section, the provisions of this Section, or with any other applicable local, state, or federal law. Where any part of the property, dwelling, dwelling unit, ADUR, or licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the non-issuance of a license, or in the suspension, revocation, or non-renewal of the license for that licensed premises.
  2. *Violations and Penalty.* It shall be unlawful for any person to violate a provision of this section. Violators shall be subject to the penalties as contained in section 1-5 of the Arvada

City Code and may also be subject to civil remedies. A separate offense shall be deemed committed upon each day such person is in violation of this chapter unless otherwise provided in this chapter.”

The remaining portions of Chapter 3 shall remain unchanged.

Section 3. Chapter 4, Environmental and Site Design, of the Land Development Code, of the Arvada City Code is hereby amended:

**Section 4-2-1-4 Subdivision Requirements and Standards** is hereby amended in its entirety to read as follows:

A. **“General Requirements.**

1. Every subdivision shall comply with applicable zoning district, design and development standards in this LDC.
2. Every subdivision shall comply with all other ordinances and regulations of the City of Arvada.
3. Public infrastructure shall be constructed in accordance with the City of Arvada Engineering Code of Standards and Specifications as approved by the Director.

B. **Minimum Standards.** The standards in this Article are minimum standards. The City may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this LDC.

C. **Buildable Lots.** All lots created through the subdivision process shall be developable and conform to the minimum zoning, development, and floodplain standards in this LDC. No subdivisions shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions.

D. **Layout and Design.** The design and layout of the lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, street traffic, or other conditions. The following standards shall apply to:

1. A subdivision of two or more lots;
2. A division of a lot; or
3. Combining lots.

E. **Lot Size and Configuration.**

1. **Lot Area.** The minimum area and dimensions of all lots shall conform to the requirements of the zoning districts and development standards relating to the zoning district in which the lot is located. *See* Chapter 2 of this Code.
2. **Lot Lines.** Side lot lines shall be substantially at right angles or radial to street lines, except where other terrain makes such design impractical.
3. **Double Frontage Lots.**
  - a. Double frontage lots are discouraged in new subdivisions except where necessary to provide separation of residential development from parkways and arterials, or to overcome specific disadvantages of topography and orientation.

- b. If approved, double frontage lots shall have an average lot depth of not less than 130 feet.
  - c. Unless waived by the Director, the owner / developer shall construct fences along the rear of double frontage lots. Such fences shall be six feet high, and composed of cedar picket fencing with brick posts not more than 60 feet apart, unless an alternate design or material is approved by the Director.
- 4. **Flag Lots.** Flag lots and other irregularly shaped lots are discouraged in new and existing subdivisions.
- 5. **Corner Lots.** Corner lots may be required to be wider than interior lots to provide for setback requirements.
- F. **Drainage.** Lots shall be designed and located to provide positive drainage away from all buildings, shall comply with the standards in Division 4-1-3, Stormwater and Drainage Control, and shall allow for the infiltration of storm water runoff to the maximum extent feasible.
- G. **Access.**
  - 1. Every residential lot shall abut a public or private street or access easement. Access to residential lots shall be from local streets except as specifically authorized by the Director.
  - 2. For subdivisions, at least two points of vehicular access into a proposed subdivision shall be provided, where feasible, unless it can be shown to the satisfaction of the Director that legal, topographical, and / or engineering constraints preclude such access. The Director may allow for additional access supported by traffic impact study and meets all other design criteria.
  - 3. For lot splits, shared common access shall be provided to the maximum extent practicable.
- H. **Block Layout and Length.**
  - 1. Blocks shall normally be at least 400 feet in length and not more than 1,200 feet in length. The Director may approve a shorter or longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.
  - 2. Block lengths and widths shall be suitable for the uses contemplated and the zoning requirements pertaining to minimum lot sizes and dimensions.
  - 3. In blocks over 1,000 feet long, pedestrian, bicycle, and equestrian crosswalks may be required. Said crosswalks shall normally require a six and one-half foot width.
  - 4. Blocks along designated or planned parkways or arterial streets shall not be less than 660 feet in length, unless approved by the Director.
- I. **Street Design.** All public and private streets shall comply with the Article 4-4, Access, Circulation, Mobility, and Utilities, City of Arvada Engineering Code of Standards and Specifications, and the following standards:
  - 1. **Coordination of Streets.**
    - a. All new collector and local streets shall connect with surrounding streets at safe and convenient locations as required by the Director to allow convenient movement of traffic and reasonable access for emergency vehicles.

- b. When connections to surrounding streets are proposed or required by the City, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way.
- c. When developing adjacent to an existing RA or RN-32.5 zoning district where there is no paved street between the subdivision and an existing paved street, an interim street, improved in accordance with local street standards, shall be constructed by the Applicant for developments with densities in excess of one residential unit per acre of land.
- d. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. Where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than required by the City of Arvada Engineering Code of Standards and Specifications.
- e. The street pattern shall not cause adjacent property to be landlocked nor prevent access to public land.

**2. Street Intersections.**

- a. Streets shall be arranged in relation to existing topography to produce streets of reasonable gradient to facilitate adequate drainage and to produce desirable lots of maximum utility.
- b. Where a subdivision abuts or contains the right-of-way of a drainage way, a limited access highway, or an irrigation ditch, or abuts a commercial or industrial land use, the Director may require the location of a street approximately parallel to and on each side of this right-of-way at a distance suitable for appropriate use of the intervening land. This distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.

**3. Street Design Standards.**

- a. Streets shall be related appropriately to the expected use of the property. Minimum requirements for street right-of-way, pavement width, and other standards for public and private streets are set forth in the City of Arvada Engineering Code of Standards and Specifications.
- b. Other designs and materials may be required for the construction of streets, curbs, and sidewalks when, in the determination of the Director, such methods would be more environmentally desirable or more in keeping with the design of the development or neighborhood.
- c. Turnarounds shall be provided at the ends of cul-de-sacs and at elbows on one-way streets. Turnarounds shall meet the minimum requirements of the Fire Protection District.

**J. Street Naming and Traffic Control Signs.**

- 1. **Continuation of Existing Names.** The City will assign a name subject to final plat, site plan or final development plan approval.
- 2. **Street Signage.**
  - a. All streets in a subdivision shall be named and identified by signs installed at every street intersection.

- b. These signs shall be standard street signs as indicated in the current edition of the Manual on Uniform Traffic Control Devices.
- c. All traffic control signs, as well as street name signs, required in a subdivision shall be provided and installed by the City at the expense of the subdivider in conformance with the current edition of the Manual on Uniform Traffic Control Devices, and any relevant Colorado state supplements.

**K. Sidewalks, Trails and Bicycle Paths.**

**1. General Requirements.**

- a. The layout and design of an interconnected system of sidewalks, trails, and/or bicycle paths shall be consistent with the City of Arvada Transportation Plan and Bicycle Plan, as amended, and all other adopted plans and policies.
- b. All subdivisions shall comply with the development standards set forth in Section 4-4-2-1, Pedestrian and Bicycle Access and Circulation.
- c. All subdivisions shall include an interconnected system of sidewalks, trails and or bicycle paths that directly connects to all uses, lots, open space areas, and parks.

**2. Trails.**

- a. The owner/developer shall provide and construct pedestrian, bicycle, or equestrian trail rights-of-way in compliance with Section 4-4-2-1, Pedestrian and Bicycle Access and Circulation, and Section 8-4-3-6, Park and Trail Dedications and Fees-in-Lieu. Additional trail rights-of-way may be required where necessary for access to parks, schools, shopping areas, or other community facilities.
- b. Trails shall be eight feet wide, unless a wider trail is required by the City. All trails between lots shall be located within a minimum 40-foot wide landscaped strip, which 40-foot wide strip may be dedicated to the City or set aside as private, amenitized landscape surface area.”

**Section 4-2-2-1 Cluster Subdivisions** is hereby amended in its entirety to read as follows:

- A. **“Generally.** This Division provides optional standards for cluster subdivision development to create more compact development in order to preserve and protect sensitive lands, create amenitized landscape areas, and to implement the Comprehensive Plan and/or adopted specific area plans. A cluster subdivision is a residential or mixed-use subdivision in which some or all of the lots are allowed to be smaller (in area and width) than otherwise required for the underlying zoning district, in exchange for permanent protection of sensitive lands and/or open space.
- B. **Zoning Districts Where Allowed.**
  - 1. The cluster subdivision option is available in the R6, R13, and R24 zoning districts.
- C. **Minimum Parcel Size.** The minimum parcel size for a cluster subdivision shall be three acres.
- D. **Cluster Subdivision Development Standards.**
  - 1. All other standards in the LDC shall apply to cluster subdivisions unless modified by this Section.
- E. **Identification and Maintenance of Protected Lands.**

1. Protected lands as defined in Section 4-1-4-2, Limits of Development, shall be identified on the final subdivision plat with a notation that indicates that those lands shall not be used for future development.
2. Protected lands shall be identified with appropriate permanent signage markers in order to distinguish these areas from private lots.
3. Protected lands shall be permanently maintained and preserved as:
  - a. Open space tracts with deed restrictions;
  - b. Land dedicated to the City;
  - c. Land protected through a conservation easement; or
  - d. Land protected by other means approved by the City.
4. For any protected land not dedicated to the City, the developer shall provide a permanent mechanism acceptable to the City Attorney for the primary purpose of conservation, preservation, and management of protected lands.
5. There shall be no further subdivision of land in an area approved for cluster subdivision; however, dedication of easements for public purposes may be permitted.

**F. Use of Protected Lands.**

1. Protected lands shall be left in an undisturbed natural state or landscaped pursuant to Section 4-6-5, Landscape Areas and Bufferyards.
2. The protected lands shall be used for low-intensity recreation, agriculture, buffers, critical wildlife habitat, or other passive park or open space purposes.
3. The use of protected lands may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.

**G. Review and Approval of Cluster Subdivisions.**

1. The review and approval of cluster subdivisions shall follow the procedures for preliminary and final plats. The applicable procedure is dependent on the number of lots proposed in the cluster subdivision.”

**Section 4-3-2-2 Common Open Spaces** is hereby retitled and amended in its entirety to read as follows:

**“4-3-2-2 Landscape Surface Area**

- A. **Generally.** Development shall be designed with landscaped areas that support the resource values of the natural open space in terms of its ecological function (e.g., habitat, water quality enhancement, energy efficiency, etc.), aesthetic contribution, recreational value, and buffering value in accordance with Article 4-6 Landscaping and Buffering.
- B. **Site Design.** Site design shall be organized to include, protect or enhance the natural open spaces areas and landmark features of the site.
- C. **Enhancement of Open Space / Open Space Corridors.** Landscaped areas should be organized so as to create integrated systems that connect with dedicated school lands, parklands, other open spaces, or public lands or trails within the subject property or on adjoining property.
- D. **Natural Resource and Hazard Areas.** Natural resources such as water features including lakes, natural ponds, rivers, streams, wetlands, riparian areas, drainage ways,



ditches, and flood hazard areas and vistas of natural features including distant peaks and ridges, steep slopes, existing tree canopy, wildlife habitat areas should be undisturbed.”

**Section 4-3-2-3 Landscape Surface Area, Amenitized** is hereby retitled and amended in its entirety to read as follows:

**“4-3-2-3 Landscape Surface Area, Amenitized**

- A. **Generally.** Sometimes referred to as “common open space.” Development shall be designed with amenities for the common use or enjoyment of residents, employees, or guests of the development. Any portion of the area intended to meet requirements of small urban parks (Section 4-3-3-4 Mixed-Use) must be publicly accessible. Amenities may include:
  - 1. Passive recreational facilities such as trails, community gardens, courtyards with seating, shaded picnic areas, scenic areas, open grassy areas large enough for recreation, or similar common areas; or
  - 2. Active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses; or
  - 3. Commercial outdoor seating and dining areas, or similar common areas serving employees and/or guests.
- B. **Accessibility.** Areas shall be accessible to all residents, employees, or guests of a development and meet all design requirements of the Americans with Disabilities Act (ADA). “

**Section 4-3-3-2 Residential** is hereby amended in its entirety to read as follows:

- A. **“Generally.** The standards of this Section apply to residential developments that include more than 10 dwelling units, located in all residential zoning districts and the MX and OT zoning districts, where single-family, duplexes, townhomes, multiplex, and multifamily are permitted, as provided in the following Subsections.
- B. **Arrangement of Landscape Areas and Buildings.**
  - 1. Amenitized landscape areas shall be provided to the extent practicable and situated so that landscaped areas and outdoor recreation amenities are centrally located within the development.
  - 2. Principal buildings, such as club houses and recreational facilities, and landscaping shall, to the extent practicable, be located and designed so that residents can easily observe the buildings, landscaped areas, circulation paths, and access points into the development.
- C. **Parking.** For multiplex, townhome and multifamily development, at least 50 percent of required off-street parking shall be provided in garages or carports, rather than surface lots. Where surface parking lots are used, they shall to the extent practicable be located between or behind buildings, rather than adjacent to street frontages.
- D. **Single-Family Detached, Duplex, and Multiplex.**
  - 1. **Generally.** Single-family detached, duplex, and multiplex residential subdivisions shall be designed to mitigate the impacts of streets and paved areas on the neighborhood, and to provide comfortable alternative routes for pedestrians and

bicyclists, including continuous sidewalks, tree-lined streets, and pedestrian-scaled details.

2. **Creation of Neighborhoods.** Residential development that includes more than 200 dwelling units shall be designed to create identifiable “neighborhoods” of 30 to 100 units.
3. **Configuration of Lots.** Lots shall be configured to maximize the number of lots that are:
  - a. Within close proximity to an amenitized landscape area (e.g., playground or trail); and
  - b. Connected by trails or common greens that do not cross streets.

E. **Townhome.**

1. **Creation of Neighborhoods.** Residential development that includes more than 200 dwelling units shall be designed to create identifiable “neighborhoods” of 30 to 100 units.
2. **Configuration of Lots.** Lots shall be configured to maximize the number of lots that are:
  - a. Within close proximity to an amenitized landscape area (e.g. playground or trail); or
  - b. Connected by trails or common greens that do not cross streets.
3. Buildings shall front on and align with:
  - a. Adjacent streets; or
  - b. Meet the minimum Non-Street Frontage Perimeter Setbacks identified in Table 2-1-8-7, Townhome Building Standards.
4. **Connectivity.**
  - a. Where there is a sidewalk, separation between buildings shall be a minimum of 20 feet wide to allow for a minimum five foot wide sidewalk and landscaping

F. **Multifamily.** The standards of this Subsection shall apply to all new multifamily residential development.

1. **Street Connectivity.**
  - a. Multifamily sites of 10 acres or more shall include a minimum of one public street (or private drive that is built to City street standards), that is continuous through the subject property, and that connects to a public street on both ends.
  - b. The Director may waive this requirement for a through-access street or drive, if it is demonstrated that:
    - i. There are adequate alternatives available for residents and vehicles to travel through the subject property to adjacent properties and developments; or
    - ii. There are no opportunities for a through-street to safely make such connections.
2. **Landscape Areas.** Landscape areas shall be provided as follows:
  - a. Large landscaped areas should be the fundamental organizing element of the site. Landscaped areas should be well defined by buildings and streets. Buildings should be oriented in such a way as to create courtyards and open space areas.

- b. Large existing trees and other natural features should be integrated into the landscape areas.
  - c. Landscape areas should be centralized and directly accessible to a majority of the surrounding units. Where possible, it should be linked to adjacent parks, paths, and open space areas.
  - d. The landscape areas shall be useable, non-riparian areas with slopes not exceeding 3:1.
3. **Site Amenities.** In conjunction with the landscape surface area requirements, and the required small urban parks in the MX-S, MX-U and the MX-T zoning districts (*See* Subsection 4-3-3-4E), all multifamily projects shall provide site amenities from the list below for the residents. Amenities shall be centrally located for a majority of the residents, and may be located within the landscape areas. Multifamily projects with less than 50 units shall provide two of the amenities from the list below. Multifamily projects with more than 50 units shall provide three of the amenities from the list below.
- a. Plaza.
  - b. Swimming pool.
  - c. Sports court, such as tennis, basketball, or volleyball.
  - d. Natural open space area with benches.
  - e. Jogging trail.
  - f. Fountain, art, or sculpture.
  - g. Other amenity as approved by the Director”

**Section 4-3-3-3 Clustered Small Housing** is hereby amended in its entirety to read as follows:

- A. **“Generally.** The standards of this Section apply to developments of the clustered small housing types that are described in Section 2-1-8-9, Clustered Housing Types.
- B. **Common Green.**
  - 1. Clustered housing types shall be organized around one or two amenitized landscape areas (“green(s)”), with no dimension that is less than the larger of:
    - a. 1.5 times the height of the tallest building that fronts on the common green; or
    - b. 20 feet, for micro homes or 30 feet for cottages.
  - 2. The common green(s) shall be developed and maintained to provide for passive and/or active recreation activities for the residents of the housing cluster.
  - 3. The common green(s) shall be centrally located and easily accessible to all dwelling units within the cluster.
  - 4. The common green(s) shall be surrounded by clustered housing types on at least two sides, which do not have to be opposite sides.
  - 5. Stormwater management facilities are allowed within a common green, if they do not adversely impact access to or use of the common green for all-season pedestrian access to the dwelling units, and for anticipated active and passive recreation activities.
- C. **Front Porches.**

1. Cottages. Each cottage dwelling unit shall have a front porch that is not less than seven feet in any dimension.
2. Micro Homes. Each micro home shall have a front porch that is not less than five feet in any dimension.

**D. Private Entry Yards.**

1. Each dwelling unit may have a private entry yard, in front of the building elevation that contains the primary entrance to the dwelling unit, that is:
  - a. Not more than 10 feet deep; and
  - b. Enclosed with a fence that is not more than 36 inches in height in front of the front building plane, and not more than 60 inches in height behind the front building plane.
2. Private entry yards may border the common greens, but are not included in the dimensions of the common green.

**E. Configuration.** Housing clusters shall relate to both the street and to a common green, in that:

1. Each building that is constructed along the principal street side of the subject property shall include architectural features that provide visual continuity with adjoining properties and visual interest from the street, such as a primary or secondary entrance or porch that is oriented to the street.
2. Not less than 50 percent of the dwelling units shall front on a common green.

**F. Pedestrian Network.**

1. Pedestrian connections shall link all buildings to the street, common green(s), and parking areas.
2. Pedestrian connections from parking areas to common buildings and the front doors of dwelling units shall traverse a common green.
3. If housing clusters share a common building, *see* Subsection G., below, the pedestrian network shall connect the housing clusters.

**G. Common Building.** A common building with amenities is allowed within clustered housing developments. Amenities may include a kitchen, meeting area, common dining area, indoor recreation facilities, storage (provided that other amenities are also provided in the building), and up to two guest bedrooms. Up to two housing clusters that are connected with pedestrian pathways may share a common building, unless the size of the common building and provided amenities are designed to accommodate additional clusters, the common building is centrally located and within 600 feet of all dwelling units, and the common building is connected to the clusters by pedestrian pathways.

**H. Individual Storage Buildings.** One individual storage building is allowed for each dwelling unit, provided that:

1. The storage building is not more than 10 feet in height, measured from grade to the peak of the roof;
2. The storage building is not more than 80 sf. in floor area;
3. The storage building is located behind the dwelling unit, and set back:
  - a. 20 feet from any street; and
  - b. five feet from any boundary of the housing cluster and

4. The storage building is screened from the street and a common green.

# I. **Parking Design.**

## 1. **Generally.**

- a. Required parking shall be provided in shared surface parking lots, covered parking spaces in shared parking lots, shared detached garage buildings, or directly accessed from an alley.
- b. No parking space or drive aisle shall be located between a front building elevation and a common green.
- c. For alley accessed parking, parking spaces shall be located between the alley and rear building planes, and shall not extend into side or front yards of individual buildings.

## 2. **Surface Parking and Covered Parking Spaces.**

- a. Surface parking and covered parking spaces shall be set back from streets as provided in Section 2-1-8-9, Clustered Housing Types.
- b. Surface parking and covered parking spaces shall be screened from the street and the common green(s) and from individual units with a parking lot bufferyard as provided in Section 4-6-6-3 Parking Area Landscape.
- c. Surface parking spaces shall be distributed on the site to minimize visual impacts and optimize access to individual units.

## 3. **Shared Detached Garage Buildings.**

- a. Shared detached garage buildings may not exceed four overhead doors per building, and a total floor area of 1,200 square feet.
- b. Shared detached garage buildings shall be reserved for the parking of vehicles owned by the residents of the development.”

**Table 4-5-2-2A: Residential Land Use Parking Standards** is hereby amended in its entirety to read as follows:

| <b>Table 4-5-2-2A: Residential Land Use Parking Standards</b>       |                                                                                                                                               |
|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Land Use</b>                                                     | <b>Minimum Required Parking</b>                                                                                                               |
| <b>Standard Housing Types</b>                                       |                                                                                                                                               |
| Single-Family Detached or Duplex                                    | 2 sp. / du <sup>1</sup>                                                                                                                       |
| Townhome                                                            | 2.2 sp. / du <sup>1</sup>                                                                                                                     |
| Multifamily and Multiplex                                           | efficiency units: 1.4 sp. / du<br>1 BR units: 1.6 sp. / du<br>2 BR units: 2.1 sp. / du <sup>1</sup><br>3+ BR units: 2.5 sp. / du <sup>1</sup> |
| Multifamily, Affordable <sup>2</sup>                                | efficiency units / 1 BR units: 1.4 sp. / du<br>2 + BR units: 2.0 sp. / du <sup>1</sup>                                                        |
| Multifamily, Senior <sup>3</sup>                                    | 1 sp. / du                                                                                                                                    |
| <b>Clustered Housing Types</b>                                      |                                                                                                                                               |
| Micro Home                                                          | 1.25 sp. / du                                                                                                                                 |
| Cottage                                                             | 2.25 sp. / du                                                                                                                                 |
| TABLE NOTES:                                                        |                                                                                                                                               |
| <sup>1</sup> Tandem spaces may be counted towards this requirement. |                                                                                                                                               |

| Table 4-5-2-2A: Residential Land Use Parking Standards                 |                          |
|------------------------------------------------------------------------|--------------------------|
| Land Use                                                               | Minimum Required Parking |
| <sup>2</sup> Projects that receive Low Income Housing Tax Credits.     |                          |
| <sup>3</sup> Age restricted projects for residents 62 years and older. |                          |

**Section 4-5-3-1 General Design Principles** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Circulation systems within a subject property shall provide for continuous traffic flow with efficient, non-conflicting movement throughout the site.
- B. **Vehicular-Pedestrian Conflicts.**
  - 1. Conflicts between areas of significant pedestrian movement and vehicular circulation shall be minimized.
  - 2. Required drive-through stacking areas shall not intersect with pedestrian access to a public entrance of a building.
- C. **Configuration of Parking Lots.** If differentiated, short-term and long-term parking shall be clearly signed, and short-term parking areas shall generally be located closer to the primary public entrances of principal buildings.
  - 1. Parking lots and loading areas shall have access from a clearly defined drive aisle not less than 18 feet in width for one-way traffic and 24 feet in width for two-way traffic.
  - 2. Parking spaces shall be marked on the pavement surface with striping, or change of color or material.
- D. **Parking in the Front Setbacks.** Parking shall not be permitted within the front setback or frontage zone on any lot, except for single-family detached and duplex lots and multiplex sites with parking on paved driveways.
- E. **Parking Areas Surface.** All off-street parking spaces and areas required by Division 4-5-2-2, Parking Requirements Tables, vehicular access and drive aisles, and stacking areas shall be surfaced with asphalt, concrete or other approved equivalent surface. Recycled asphalt, gravel, or similar compacted materials are not an acceptable parking surface.
  - 1. The surfacing requirements above shall not apply to access drives on lots or tracts within the RA zoning district when the access drive is more than 100 feet in length or utilized for an accessory agricultural use.
  - 2. Any area used to park vehicles on a single-family or duplex lot, which is not an off-street parking space required by Table 4-5-2-2A, Residential Land Use Parking Standards, shall be clearly delineated, improved with concrete, asphalt, stone pavers, gravel or rock (provided the installation is sufficient to support vehicles), maintained free of weeds and display no visible dirt surface. However, no more than 60 percent of the front or street side yards shall be paved with an impervious material.”

**Section 4-5-3-4 Off-Site Parking** is hereby amended in its entirety to read as follows:

- A. **“Generally.** In lieu of locating parking spaces required by Division 4-5-2, Parking and Loading Calculations, on the lot that generates the demand for the required parking, parking spaces may be provided on any lot or premises controlled, *i.e.*, by fee-simple

ownership, easement interests, lease interests, or participation in a parking district or other joint venture to provide centralized off-street parking, by the owner of the use that generates the parking demand, provided that:

1. The parking spaces are within 200 feet of the boundaries of the property generating such parking requirements and no required off-street parking space within said parking lot is more than 500 feet from the property it is serving; and
2. The parking spaces are not already counted towards the parking requirements of another use after application of Section 4-5-2-4, Shared Parking, Section 4-5-2-5, Parking Credits and Reductions, or Section 4-5-2-6, Parking Studies, as may be applicable.

**B. Exceptions.** Off-site parking is not allowed in:

1. Residential zoning districts, except that manufactured home parks and clustered housing types may utilize centralized parking; and
2. Locations in which a street with more than two lanes separates the off-site parking area from the subject property.”

**Section 4-5-3-6 Vehicle Stacking** is hereby amended in its entirety to read as follows:

**A. “Generally.** Vehicle stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Adequate space must be provided for on-site stacking, storage and queuing of vehicles.

1. The required stacking distance for the site may be distributed between access points serving the site, provided a minimum stacking of 20 feet is provided at all access points.
2. Stacking spaces must be a minimum of 8.5 feet in width and 20 feet in length.
3. Electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line adjacent to a residential zone district.
4. Stacking spaces for internal drive-through services shall be measured from the point of service and within a designated drive aisle.
5. Required vehicle stacking spaces shall not interfere with access to parking spaces.

**B. Drive-Through.** Uses that include drive-through service shall provide the following minimum number of stacking spaces:

1. **Financial institutions, drive-through convenience retail, fueling stations, and pharmacies.** Three stacking spaces.
2. **Drive-through restaurants.**
  - a. If two service windows are provided (one for payments and one for pick-up):
    - i. Four stacking spaces to each menu board;
    - ii. Three stacking spaces between the menu board and the first window, including the position at the first window; and
    - iii. Two spaces between the first window and the second window, including the position at the second window (*See Figure 4-5-3-6, Illustrative Stacking Requirements*).

- b. If one service window is provided, for both payments and pick up:
    - i. Six stacking spaces to the menu board; and
    - ii. Three stacking spaces between the menu board and the service window.
- 3. **Drive-through only uses in buildings with less than 300 square feet of gross floor area and no separate menu board.** Three stacking spaces per service window.
- 4. **Dry cleaners.** Two stacking spaces per service window.
- 5. **Vehicle wash.**
  - a. Two stacking spaces for each bay in a self-service vehicle wash facility;
  - b. Five stacking spaces for each in-bay or conveyor vehicle wash facility; and
  - c. If the facility provides detailing, manual drying or polishing, and / or vacuuming, sufficient area to provide those services without creating additional demand for stacking at the vehicle wash entrance.
- 6. **Other Uses.** The determination by the Director of stacking spaces necessary for other uses may require a queuing study conducted by a qualified transportation planner or traffic engineer at the Applicant's expense.

**C. Design.**

- 1. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation, or access to parking spaces.
- 2. Stacking areas shall not be located in the front setback or side street."

**Section 4-5-3-7 Design and Use of Off-Street Loading Areas** is hereby amended in its entirety to read as follows:

- A. **"Generally.** All required off-street loading spaces shall be designed, constructed, and maintained in accordance with the standards and requirements of this Section.
- B. **Location.**
  - 1. Loading spaces shall be located on the same lot as the building or structure to which they relate.
  - 2. No loading space shall be located in any front setback area.
  - 3. Except where alley loading or over-the-curb loading is allowed, loading areas shall be located and designed to ensure adequate on-site maneuvering area for delivery vehicles.
  - 4. No loading area shall be designed in a manner that would allow any vehicle to extend into any front setback area or adjacent to any residential zone district while being loaded or unloaded.
  - 5. Trucks parked in loading areas shall not encroach into required parking spaces or building setbacks.
  - 6. Parked trucks loading or unloading materials shall not block travel lanes in parking lot or fire lanes.
- C. **Buffering.** Drive-through stacking areas and loading areas, including overhead doors, oriented so to face a residential zone district or a public right-of-way shall be screened from view from all property lines and adjacent streets to the greatest extent possible, as determined by the Director, by the following:



1. By an opaque fence or wall between six feet and eight feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the principal building. The fence or wall may exceed eight feet in height when there is a difference in grade between the street and loading area to effectively screen the area. (For a drive-through stacking area, a fence or wall shall only be used when the area is adjacent to a residential zone district).
  2. A landscape berm may be used instead or combined with the required fence or wall.
  3. If such areas are covered, then the covering shall include at least one of the predominant exposed roofing colors on the principal building.
  4. For a drive-through stacking area, a fence or wall shall only be used when the area is adjacent to a residential district.
- D. **Surfacing.** All required off-street loading spaces and access drives shall be improved with an asphaltic, concrete, or equivalent surface and shall be graded and drained in order to dispose of all surface water accumulation within such areas, as well as any associated parking area.
- E. **Alleys.** All alleys that are used for loading shall meet the City of Arvada Engineering Code of Standards and Specifications.”

**4-5-3-8 Bicycle Parking Design** is hereby amended in its entirety to read as follows:

- A. **“Generally.** The bicycle parking spaces that are required by Section 4-5-2-8, Bicycle Parking, shall be designed according to the standards of this Section. The purpose of these design standards is to ensure that bicycle parking is convenient to bicyclists and provides security from theft and damage.
- B. **Standards.**
1. **Generally.** Bicycle parking shall be designed to ensure that it is convenient to bicyclists and secured from theft and damage.
    - a. Bicycle parking shall be securely locked and safeguarded from accidental or intentional damage.
    - b. Each required bicycle parking space shall be accessible without moving another bicycle.
    - c. There shall be an aisle at least five feet around the perimeter of all bicycle parking areas to allow room for bicycle maneuvering.
- C. **Short-term Bicycle Parking.** Short-term bicycle parking facilities or racks shall accommodate securing a bicycle using an industry-standard bike lock.
1. Short-term bicycle parking spaces shall be located within 50 feet of the main entrance to the building. Where there is more than one main entrance to a building, short-term spaces should be split between building entrances.
  2. Bicycle racks shall meet the following standards:
    - a. A U-shaped bike rack or variation thereof that allows for the bike to be locked to the rack by the frame and at least one wheel;
    - b. A bicycle that is six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components; and
    - c. The racks are securely anchored to a hard surface.

3. **MX Zoning Districts.** Multifamily residential, mixed-use, and office uses in the MX-N, MX-S MX-U and MX-T zoning districts shall provide bicycle parking in locations where at least 50 percent of the required spaces, when more than three are required, are covered, secure, and illuminated. Such bicycle parking areas shall be maintained by the property owner, a property owners' association, or a metropolitan district.
  4. **OT and CG Zoning Districts.** Multifamily, schools, retail, and office uses in the OT and CG zoning districts shall provide bicycle parking locations that are secure, illuminated and along traveled ways.
- D. **Long-term Bicycle Parking.** Long-term bicycle parking shall be in a secure and weather-protected place. Long-term parking does not have to be provided on site; however long-term bicycle parking must be within a reasonable distance of a site in order to encourage bicycle use.
1. Long-term bicycle parking is not required on a site when:
    - a. Non-residential gross building area is less than 5,000 square feet; or
    - b. There are ten or fewer residential units in a development or redevelopment.
  2. Long-term bicycle parking, when required, shall be located within 50 feet of a building entrance and be visible from the building entrance. If the location of the bicycle parking is not obvious from the building entrance, signs shall be posted that indicate the location of bicycle parking.
  3. Long-term bicycle parking is require to be covered and shall be at least one of the following:
    - a. In a locked room;
    - b. In a bicycle locker;
    - c. Under roof overhangs or awnings;
    - d. In an area that is enclosed by a fence with a locked gate;
    - e. A free standing building;
    - f. Within view of an attendant or security guard; or
    - g. In an area that is monitored by a security camera.
- E. **Surfacing and Clear Area.**
1. The surface of bicycle parking spaces shall be of hardscape material such as asphalt, concrete, or other materials approved by the Director.
  2. Racks shall be bordered by physical barriers or located a sufficient distance from motor vehicles to prevent damage to parked bicycles.”

**Section 4-6-3-1 Applicability** is hereby amended in its entirety to read as follows:

- A. **“Generally.** All new construction, including building expansions that increase the footprint of a building by 25 percent or more, and modification to an existing landscape area shall comply with the standards in this Article.
- B. **Exceptions.** Exceptions to this Article are allowed under the following circumstances:
  1. **Interior Tenant Improvement.** The landscaping requirements of this Article shall not apply to existing structures where interior tenant improvements occur and where there is no addition to the number of parking spaces provided.

2. **Existing Structures.** Where existing structures are situated so as to preclude the installation of required landscaping, the Director may authorize reductions for the required landscaping.
  3. **Physical Limitations of the Site.** The Director may authorize modifications to landscaping requirements for structure additions or tenant improvements where landscaping requirements are not feasible due to physical limitations of the site. Where the landscaping requirements have been modified, the landscaping shall be relocated in the following manner:
    - a. To another portion of the lot;
    - b. Along a property line; or
    - c. To an area, including a nearby public park or other City-owned property, as determined by the Director upon review with the owner or developer.
  4. **Single-Family Detached and Duplex.** Single-family detached and duplex dwelling unit lots, are exempt from landscaping requirements, provided the initial development of the subdivision contains nine or fewer lots of single-family and/or duplex. Common landscape areas, bufferyards, water quality/detention basins, or streetscape areas, shall meet the applicable requirements of this Chapter.
- C. **Site Changes.** Townhome, multiplex, multifamily, mixed-use, commercial, and industrial uses that are part of larger project shall be required to submit a site plan for the area that is disturbed that meets the requirements of this Article. The Director may require that a site plan covering the entire project area be submitted.
- D. **Parking lot Reconfiguration.** Modifications to any existing parking lot in an amount greater than 20 percent, or expansions of an existing parking lot by 25 spaces or more shall meet the landscaping requirements of this Article for the area being modified or expanded.”

**4-6-3-2 General Landscaping Standards** is hereby amended in its entirety to read as follows:

- A. **“Landscape Plan Required.** A landscape plan with designated landscaped areas shall be submitted as a part of all development applications where landscaping, buffering, or screening is required, unless the applicable Decision-Making Body determines that compliance with the provisions of this Article can be demonstrated without the use of a landscape plan. Final landscape plans shall be stamped, signed and dated by a State of Colorado Registered Landscape Architect for all projects except residential minor subdivisions as defined in Subsection B.4 above or where the Director determines the scope of the project does not warrant such plans.
- B. **Vegetative Coverage.** Landscaped areas shall be covered with shrubs in combination with lower water consuming ground-level plants, ornamental grasses, or turf for at least 75 percent of the landscape area, at maturity.
- C. **Detention and Retention Ponds.** Detention and retention ponds shall be physically, functionally and visually integrated into adjacent 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. **Steep Slopes.** Grading in landscaped areas shall not exceed slopes greater than 6:1 in the amenitized area of Small Urban Parks and 4:1 for all other areas, except that public maintained shrub beds and native grass areas shall not exceed 3:1 slope.
- E. **Alternative Requirements for Hardscape Features.**
  - 1. In mixed-use and nonresidential districts, pedestrian walks and other hardscape landscape features and amenities, such as Small Urban Parks, outdoor seating areas, and plazas with recreation and entertainment areas, water features, and public art, may comprise up to 50 percent of the landscape area.
  - 2. The Director may approve a greater percentage of hardscape features based on the consideration of the proposed development, mix of uses, and the quality of the proposed landscape design.”

**Section 4-6-5-2 Purpose and Applicability** is hereby amended in its entirety to read as follows:

**4-6-5-2 “Bufferyard Purpose and Applicability**

- A. **Purposes of Bufferyards.** A bufferyard is a landscaped area between two differing land uses and is designed to provide a transition between the uses, mitigate or minimize potential nuisances such as noise, light, and glare, protect the character of an area, and protect natural resources from impacts of nearby development.
- B. **Applicability.**
  - 1. **Uses Requiring a Bufferyard.** The following uses require a bufferyard per Section 4-6-5-3, Bufferyard Options, where directly adjacent to a single-family detached dwelling, duplex dwelling or multiplex, or a RN zoning district:
    - a. Multifamily and townhomes;
    - b. Mixed-use buildings;
    - c. Non-residential buildings;
    - d. Drive-through facilities;
    - e. Industrial manufacturing and processing uses, and storage uses in the IL and IG zoning districts; and
    - f. Dead-end drives and turnarounds.
  - 2. **Additional Uses Requiring a Bufferyard.** The following uses require a bufferyard per Section 4-6-5-3, Bufferyard Options, where directly adjacent to a multifamily, townhomes, or other attached residential buildings or a mixed-use building with a residential component:
    - a. Drive-through facilities; and
    - b. Industrial manufacturing, processing uses, and storage uses in the IL and IG zoning districts.”

**Section 4-6-6-2 Street Bufferyards** is hereby amended in its entirety to read as follows:

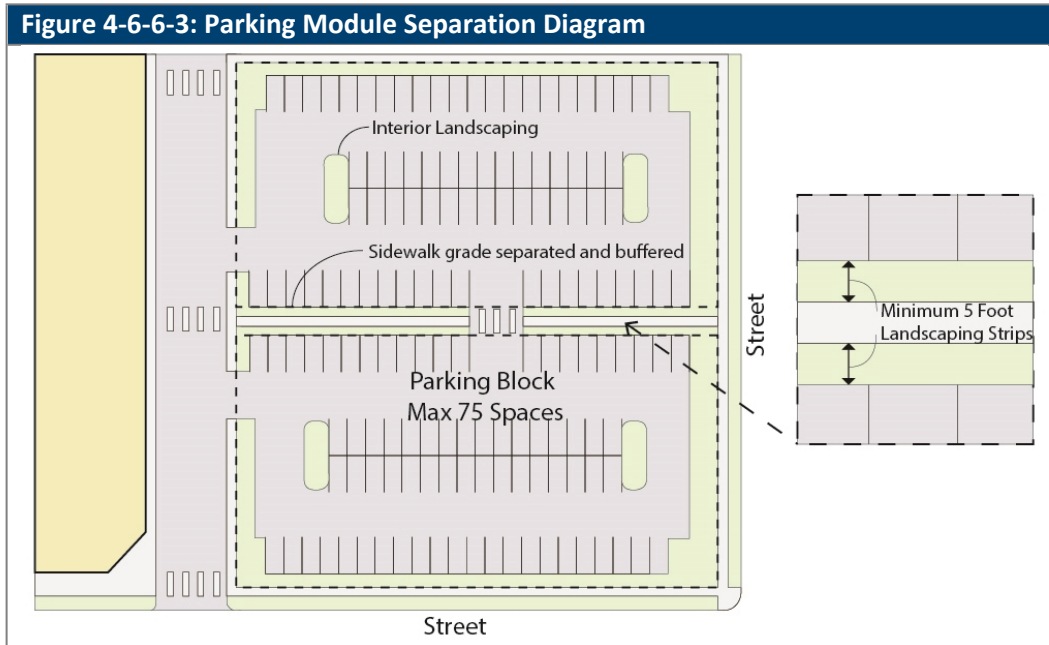
- A. **“Street Bufferyards in Setbacks.**
  - 1. In the CG, IL and IG zoning districts, and multifamily in the R13 and R24 zoning districts, the front setback shall be landscaped in accordance with Sections 4-6-6-4, Foundation Plantings and 4-6-6-5, General Landscape Areas .

2. In the MX and OT zoning districts, if the principal building is set back more than five feet from the property line, then that area shall be landscaped in accordance with Sections 4-6-6-4, Foundation Plantings and 4-6-6-5, General Landscape Areas. If the building is set back less than five feet, the area shall be hardscaped with paving materials such as concrete, pavers or other quality paving materials, or landscaped with shrubs and ground-level plants. The remainder of all setbacks shall be landscaped in accordance with Sections 4-6-6-4, Foundation Plantings and 4-6-6-5, General Landscape Areas.”

**Section 4-6-6-3 Parking Area Landscaping** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Surface parking lots shall be landscaped to reduce the apparent size of the parking area; prevent views of long rows of parked cars; create an impression of smaller, connected parking lots; provide shade for parked cars; reduce the heat island effect of an urbanized area; and define pedestrian access ways, according to the standards of this Section.
- B. **Exceptions.**
  1. The surface parking lot landscape requirements of this Section do not apply to:
    - a. Parking lots in the IL and IG zoning districts if the subject property is located south of West 60th Avenue and east of or adjacent to Lamar Street; or
    - b. Surface parking lots with 24 or fewer parking spaces and with 12 or fewer parking spaces in a row.
  2. The access point landscape requirements of this Section do not apply to driveways that provide access to individual single-family detached, duplex, multiplex, or townhome lots.
- C. **Perimeter Landscape Buffer.**
  1. **Required Perimeter Landscape Buffer.**
    - a. Parking lots adjacent to single-family detached, duplex, multiplex, or townhome uses shall meet the Option C or D bufferyard in Division 4-6-5-3, Bufferyard Options.
  2. **Exceptions.**
    - a. The requirements for perimeter landscaping do not apply at points of ingress or egress to the surface parking lot, or to points of cross-access among properties that share a parking lot.
- D. **Required Surface Parking Lot Landscape Areas.**
  1. Landscaping shall be installed in the following required landscape areas:
    - a. Landscape islands are required at the end of each row of parking spaces in each parking module;
    - b. Landscape islands are required and must be distributed throughout the parking lot, at a rate of at least one landscaped island for each 12 consecutive parking spaces;

- c. Vegetated entry medians are required with a minimum of at least 300 square feet in surface area and a minimum five feet in width (not including curbs), if the surface parking lot contains 180 or more parking spaces;
- d. Landscape strips are required at least 14 feet in width (not including curbs) that separate groups of parking modules (along their long edges) into “cells” as provided in Table 4-6-6-3, Parking Module Separation Requirements.



| <b>Table 4-6-6-3: Parking Module Separation Requirements</b> |                                                                                              |
|--------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>Predominant Type of Land Use</b>                          | <b>Maximum Number of Parking Spaces in Cell</b>                                              |
| Residential                                                  | 50                                                                                           |
| Nonresidential (except Industrial)                           | 75                                                                                           |
| Industrial                                                   | 100 if the parking area is located within 300 feet of a public street; otherwise, no maximum |

- 2. Landscape islands that are used to meet the requirements of Subsection D.1.a. and D.1.b., above, shall be at least eight feet in width (not including curbs) and 16 feet in length, and may be combined (eight feet in width by 32 feet in length) at the ends of adjacent parking modules.
- 3. Landscape strips may include sidewalks (and landscape islands may be crossed by sidewalks), but the sidewalks shall not be counted as required landscape areas for the purposes of the calculation of planting requirements (*see* Subsection E., below).
- 4. A raised sidewalk to connect the parking area with major building entries should be provided between the cells with a five foot planting strip on both sides of the sidewalk. An alternative layout is a sidewalk connection with a central five foot wide landscaped area, flanked with sidewalks on both sides.

- E. **Minimum Planting Requirements.** Required surface parking lot landscape areas shall be planted with one shade tree or two ornamental trees, plus eight shrubs per 300 square feet of required landscape area.”

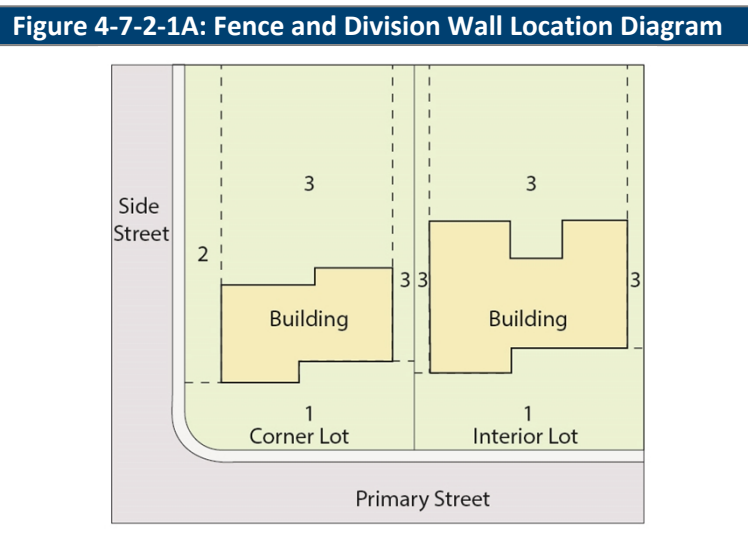
**Section 4-6-6-5 General Landscape Areas** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Except as provided in Subsection B., below, the landscaping requirements of this Section apply to all permeable areas of the subject property that are not otherwise a designated required planting area pursuant to Division 4-6-5, Landscape Areas and Bufferyards or Section 4-6-6-1, Street Trees, through Section 4-6-6-4, Foundation Plantings, inclusive.
- B. **Exceptions.** The requirements of this Section do not apply to:
  - 1. Preserved open space; and
  - 2. Irrigation canals, irrigation ditches, reservoirs, and appurtenant maintenance areas (whether owned in fee simple or as easements).
- C. **Planting Requirements.** General landscape areas shall be planted with at least:
  - 1. One canopy or evergreen tree, or two ornamental trees per 3,000 square feet of landscape surface area;
  - 2. A minimum of 10 percent of all trees shall be evergreen; and
  - 3. 75 percent vegetative ground coverage at maturity, excluding tree canopy.
- D. **Shrub Requirements.** Shrubs shall be planted at a maximum spacing of five feet on center.
- E. **Planting on Steeper Slopes.** On slopes greater than 3:1, the following can be planted:
  - 1. Trees and shrubs; and
  - 2. Groundcovers.”

**Section 4-7-2-1 Fences and Divisional Walls** is hereby amended in its entirety to read as follows:

- A. **“Generally.** All fences and divisional walls shall comply with the requirements of this Division.
  - 1. If a proposed fence or divisional wall is located directly adjacent to a zoning district boundary or on a shared property line, the less restrictive standards shall apply.
- B. **Permits Required.** All fences and divisional walls require fence permits, except for the following:
  - 1. Repair of a fence section not greater than eight linear feet in length.
- C. **Height.** All fences and divisional walls shall comply with the maximum heights shown in the following Table 4-7-2-1, Maximum Height of Fences and Divisional Walls Within Required Setback Areas, unless a different maximum height is explicitly permitted:
  - 1. By this Code or approved through the Minor or Major Modification, or PUD approval process;
  - 2. For an activity field (*i.e.*, tennis court, baseball, football, soccer fields) at the discretion of the Director; or

3. For fences associated with a Utility, Major for security purposes, at the discretion of the Director.
- D. **Location.** All fences and divisional walls may encroach into required yards and setbacks. Fences and wall shall not:
1. Be constructed within a public right-of-way or areas to be dedicated for public right-of-way unless a revocable permit is approved;
  2. Conflict with sight distance visibility of intersections or points of ingress/egress;
  3. Block or divert a natural drainage flow onto or off of any other property;
  4. Block access within an access easement; and
  5. Encroach into a utility easement, unless the easement holder has provided written consent. (This specific requirement shall only apply to masonry walls.)



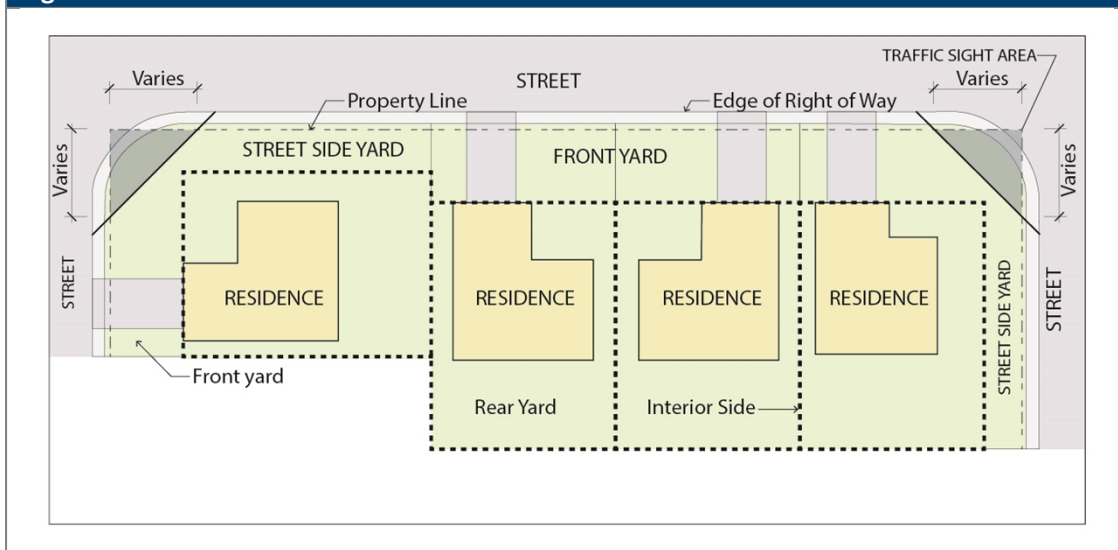
| Table 4-7-2-1 : Maximum Height of Fences and Divisional Walls Within Required Setback Areas                    |                                                                                                                                                                |                          |                                   |
|----------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|-----------------------------------|
| Zoning District                                                                                                | Setback                                                                                                                                                        |                          |                                   |
|                                                                                                                | Area 1<br>Front                                                                                                                                                | Area 2<br>Street Side    | Area 3<br>Rear &<br>Interior Side |
| OS, RA, RN, R6, R13, R24, MX-N                                                                                 | 3 ft. <sup>2</sup>                                                                                                                                             | 3 ft. <sup>2,3,4</sup>   | 6 ft. <sup>4,9</sup>              |
| MX-S, CG                                                                                                       | 3 ft. <sup>2</sup>                                                                                                                                             | 3 ft. <sup>2,5</sup>     | 6 ft.                             |
| MX-U, MX-T                                                                                                     | 3 ft. <sup>2</sup>                                                                                                                                             | 3 ft. <sup>2,5</sup>     | 6 ft.                             |
| OT Zoning Districts                                                                                            | 3 ft. <sup>5,6,7,8</sup>                                                                                                                                       | 3 ft. <sup>5,6,7,8</sup> | 3 ft. <sup>8</sup>                |
| IL                                                                                                             | 6 ft.                                                                                                                                                          | 6 ft.                    | 6 ft.                             |
| IG                                                                                                             | 6 ft.                                                                                                                                                          | 8 ft.                    | 8 ft.                             |
| PUD                                                                                                            | Per the approved PUD. If no standards were identified as part of the approved PUD, then the fence standards for the closest zoning district shall be utilized. |                          |                                   |
| TABLE NOTES:                                                                                                   |                                                                                                                                                                |                          |                                   |
| <sup>1</sup> See Figure 4-7-2-1A, Fence and Divisional Wall Location Diagram.                                  |                                                                                                                                                                |                          |                                   |
| <sup>2</sup> Height may be increased to 4 ft. if the fence is at least 50 percent transparent when viewed at a |                                                                                                                                                                |                          |                                   |



**Table 4-7-2-1 : Maximum Height of Fences and Divisional Walls Within Required Setback Areas**

| Zoning District                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Setback         |                       |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----------------------|-----------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Area 1<br>Front | Area 2<br>Street Side | Area 3<br>Rear &<br>Interior Side |
| <p>perpendicular angle.</p> <p><sup>3</sup> Height may be increased to 6 ft. (regardless of opacity) if the fence is set back at least 6 ft. from the property line or 6 ft. from the back of adjacent sidewalk, whichever is greater.</p> <p><sup>4</sup> Height may be increased to 8 ft. for divisional walls that face arterial streets.</p> <p><sup>5</sup> Height may be increased to 6 ft. if a minimum of 50% open for school yards.</p> <p><sup>6</sup> Height may be increased to 4 ft. if a minimum of 50% open for single-family, duplex or multiplex building types.</p> <p><sup>7</sup> Height may be increased to 4 ft. if a minimum of 50% open for mixed-use building type outdoor dining areas.</p> <p><sup>8</sup> Height may be increased to 6 ft. except within any McIlvoy Park Frontage zone or any side or rear setback adjacent to McIlvoy Park or Olde Town Plaza, or where it would extend in front of a building within any frontage zone.</p> <p><sup>9</sup> Maximum height is 6 ft. for rear yards on double frontage lots.</p> |                 |                       |                                   |

**Figure 4-7-2-1B: General Fence Location**



**E. Setbacks from Streets, Sidewalks, Open Space, Trails, and Multi-Use Pathways.**

1. No solid fence or divisional wall that is between four and eight feet in height shall be installed closer than:
  - a. Eight feet from the flowline of a street; and
  - b. Five feet to the nearest edge of a sidewalk, open space corridor less than 15 feet wide, trail, or multi-use pathway.
2. No solid fence or divisional wall that is more than eight feet in height shall be installed closer than:
  - a. Ten feet from the flowline of a street; and
  - b. Eight feet to the nearest edge of a sidewalk, open space corridor less than 15 feet wide, trail, or multi-use pathway.
3. Fences that exist in the condition identified in Subsection E1 and E2 above prior to the adoption of this Code shall be considered conforming.

4. The area between the fence or divisional wall and the street, sidewalk, trail, or multi-use pathway shall be landscaped with shrubs, groundcover, perennials, ornamental grasses, or turf materials that provide contrast with the sidewalk. Inorganic ground cover such as river rock, cobble rock, or gravel may be used as part of the landscape provided that the ground cover, ornamental grasses or turf which are planted achieve 50 percent coverage at maturity. Hardscape materials are allowed only at points of access through the fence or divisional wall.
5. Vehicular gates adjacent to streets and sidewalks shall be located a minimum of 18 feet from the sidewalk or the property line, whichever is greater, and shall not open outward from the private property.
6. Fences shall comply with the sight triangle requirements of Section 4-4-3-3, Intersection Visibility.

**F. Design of Street-Facing Fences or Divisional Walls.**

1. All fences or divisional walls adjacent to a street, open space, trails, and multi-use pathways, the finished surface of the fence shall face towards the street frontage. Non-decorative elements such as fence posts and supporting structures, when visible on one side and not the other, shall face inward.
2. No portion of any front yard setback may be fenced for use as an animal pen or dog run.

**G. Perimeter Fence and Walls.** Perimeter fences and walls along arterial streets or railroad tracks may be constructed up to eight feet in height. Perimeter fencing shall be constructed of Western Red Cedar wood or other material approved by the Director, or masonry. Masonry fence posts two foot by two foot in size, shall be located at property corners but no further than 100 feet apart on-center, and with sloped column caps to drain water to the sides of the posts.

**H. Security Fencing.**

1. No barbed wire or other sharp-pointed fences or similar security devices on divisional walls shall be installed on any property, except:
  - a. In the IL or IG zoning districts that is used for industrial purposes, upon demonstration to the Director or the Decision Making Body that a substantial security need justifies the installation; or
  - b. In the RA or OS zoning districts on property that is used for agricultural purposes.
2. Electrically charged fences are not allowed unless necessary for livestock control in an RA zoning district.

**I. Relationship to State Statutes or Regulations.**

1. Where the Colorado statutes or implementing administrative regulations require fencing or divisional walls that are taller than those that are allowed by Table 4-7-2-1, Maximum Height of Fences and Divisional Walls Within Required Setback Areas, the Director may approve the increased fence or divisional wall height in accordance with the statutes or implementing administrative regulations.
2. If the fence or divisional wall is located within Area 1 or Area 2 as shown in Figure 4-7-2-1A, Fence and Divisional Wall Location Diagram, then where feasible and consistent with the statute or regulation, the Director shall require landscaping or design treatments to mitigate the visual impacts of the increased height of the fence or

garden wall when viewed from the public streets. Mitigation measures may include, but are not limited to, tree, shrub, or hedge plantings; material and color selections that de-emphasize the fence or garden wall; transparency; and additional setbacks for the fence or divisional wall.

**J. Fence and Wall Materials.**

1. Fences and divisional walls shall be made of high quality, durable materials that require low maintenance and are complementary with the overall design of the principal building and site landscape. The following materials are allowed:
  - a. Wood and composite wood;
  - b. Non-reflective plastic and vinyl fencing;
  - c. Natural stone, stacked stone, brick, stucco, decorative concrete masonry blocks that replicate the appearance of brick, stone, stucco and CMUs;
  - d. Metal iron, metal picket and other metals simulating the appearance of wrought iron, chain-link fencing or aluminum or wrought iron decorative fencing;
2. The Director may approve other materials that are equal to or surpass the materials listed in this Subsection J. in terms of durability, maintenance, and aesthetics.
3. Prohibited Material. Sheet plastic, sheet metal, chicken wire, fabric materials, fiberboard, garage door panels, snow fencing, rope, plywood fences, PVC pipes, and miscellaneous materials not commonly used with residential fences are not allowed.

- K. Maintenance.** All fences and divisional walls shall be maintained in good condition at all times.”

**Section 4-8-2-2 General Design Standards** is hereby amended in its entirety to read as follows:

- A. “Shielding of Lights.** Luminaires shall be shielded and directed to avoid glare and overspill onto adjacent property.
1. All exterior light fixtures shall be full cutoff fixtures that are directed downward (90 degrees from true vertical) and shall have flat lenses, emitting no more than 10 percent of the total lumens between 80 and 90 degrees from true vertical. Fixtures shall be configured so that lights do not cause glare.
  2. All light fixtures on structures, poles, bollards, stands, or mounted on a building shall have a shield, adjustable reflector, and/or non-protruding diffuser to shield the light source from sight from adjacent residential zoning districts.

**Figure 4-8-2-2: Light Fixtures Examples**



- B. **Maximum Spill Light Illumination Levels.** Except for public street lighting, all exterior lighting and indoor lighting visible from outside shall be designed to minimize adverse impacts on adjacent properties by minimizing glare and limiting light at the property line and located so that the maximum illumination measured in foot candles at ground level and for mixed-use development without property lines shall be measured a line half-way between buildings of differing uses and shall not exceed the standards in Table 4-8-2-2A, Maximum Illumination Levels.

**Table 4-8-2-2A: Maximum Spill Light Illumination Levels at Property Line**

| Type of Use                                                                                                                                                  | Maximum Illumination level at Lot Line (Foot Candles) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| Single-family dwelling and duplex residential property line in RA, RN, R6, R13, R24, OT districts (-single-family, duplex, multiplex building types), and OS | 0.3                                                   |
| Attached dwelling and multifamily residential property line (except mixed-use buildings)                                                                     | 0.8                                                   |
| Mixed-use buildings and non-residential property lines                                                                                                       | 1.0                                                   |
| Industrial                                                                                                                                                   | 1.5                                                   |

1. **Maximum Illumination and Lighting Uniformity.**

- Lighting shall have a uniformity ratio of ten to one (maximum to minimum).
- No single lamp shall exceed:
  - All zone districts except IL and IG – 16,000 lumens
  - IL and IG zone districts - 20,000 lumens

2. **Maximum Light Levels.**

- The maximum allowed light levels at any point on the property (as measured in foot candles) shall not exceed the following limits:

- i. Pedestrian areas (when not adjacent to parking lots): 3 Foot Candles.
  - ii. Multiplex, Townhome, and Multifamily Building Entries: 8 Foot Candles.
  - iii. Parking lots and all other non-residential use areas: 8 Foot Candles.
  - iv. Service Canopies (fuel stations, ATMs, Drive-Through's, etc.): 20 Foot Candles.
- C. **Maximum Height.** The height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 4-8-2-2B, Maximum Height for Exterior Lighting.

| Table 4-8-2-2B: Maximum Height for Exterior Lighting                                                                                                                                         |                             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Base Zoning District                                                                                                                                                                         | Maximum Height <sup>1</sup> |
| OS, RA, RN, R6, R13, R24, OT, MX-N, MX-S                                                                                                                                                     | 22 feet                     |
| CG, MX –U, MX-T, IL, IG                                                                                                                                                                      | 35 feet                     |
| TABLE NOTES:<br><sup>1</sup> Porch and balcony lights on residential buildings are exempt from the maximum height. Lighting allowed no more than 12 ft. above the surface of a rooftop deck. |                             |

- D. **Motion-Activated Security Lighting.**
- 1. Motion-activated security lighting may emit up to 3,000 lumens per fixture.
  - 2. Not more than one motion-activated security light fixture is allowed per 60 linear feet of building elevation.
  - 3. Security lighting shall be timed to turn off after not more than five minutes after motion activation.
- E. **Outdoor Sports or Performance Venue.** Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
- 1. Lighting fixtures may not be more than 40 feet in height.
- F. **Pedestrian Area Lighting.**
- 1. Pole light fixtures for plazas, small urban parks, sidewalks, walkways, trails, and bicycle paths outside of or not adjacent to vehicular surface areas (i.e., parking lots or streets) shall:
    - a. Provide at least one foot candle of illumination, but not exceed three foot candles; and
    - b. Have a maximum height of 15 feet.
    - c. No single lamp shall exceed 10,000 lumens.
  - 2. Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 3 foot candles.
    - a. No single lamp shall exceed 900 lumens.
- G. **Wall Pack Lights.** Wall packs on the exterior of the building shall be fully shielded (e.g., true cut- off type bulb or light source not visible from off-site) to direct the light vertically downward and have a maximum of 1600 lumens.

- H. **Awnings.** Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.
  - 1. **Service Canopy Lighting.** Canopy lighting for uses that shelter outside work, full-service areas or porte-cocheres shall have all light fixtures flushed mounted or recessed into the canopy and equipped with flat lenses.
- I. **Decorative Lighting.**
  - 1. Decorative lighting shall be permitted to enhance the appearance of a building and / or landscape feature provided that:
    - a. All light is cast against the building surface or downward onto a landscape feature;
    - b. All decorative lighting is directed away from residential uses located within 50 feet of the building façade on which the decorative lighting is mounted and is shielded to reduce light trespass on adjacent uses;
    - c. The lamp is not visible from adjacent properties, pedestrian or vehicular traffic; and
    - d. The decorative lighting does not exceed 1600 lumens.
  - 2. Unshielded Tivoli and patio string lighting with no more than 200 lumens per foot provided that the lighting is turned off between 11:00 PM and 6:00 AM.
- J. **Pole and Fixture Color.**
  - 1. All poles and fixtures (luminaires) shall be of dark colors including, but not limited to, black, dark gray, dark green or brown. Reflective or light colored poles and fixtures are not allowed.”

The remaining portions of Chapter 4 shall remain unchanged.

Section 4. Chapter 5, Building Design, of the Land Development Code, of the Arvada City Code is hereby amended:

**Section 5-1-2-2 Evaluation of Aesthetic Consistency** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Where the standards of Division 5-1-5, Supplemental Standards for Residential Land Uses (Except Multifamily), or Division 5-1-6, Supplemental Standards for Nonresidential and Multifamily Land Uses, require aesthetic consistency, aesthetic consistency shall be evaluated in accordance with the standards of this Section.
- B. **Roof Pitch and Form.** As to roof pitch, “consistency” means a roof pitch within 1:12 of the slope of the primary roof structure of the principal building.
- C. **Roofing or Cladding Materials.** As to roofing and cladding materials, “consistency” means a material that is not obviously different in terms of texture or color from a material used for the same purpose on the principal building.
- D. **Window Styles, Window Orientation, and Doors.** As to window styles, window orientation, and doors, “consistency” means windows or doors with a design and aspect ratio that is not materially different from windows or doors on the principal building.

- E. **Color Palette.** As to color palette, “consistency” means colors that are:
1. The same as the principal building;
  2. Complimentary to the predominate color(s) of the principal building;
  3. Monochromatic variants of the primary color(s) of the principal building.”

**Section 5-1-2-3 General Building Design Standards** is hereby amended in its entirety to read as follows:

- A. **“Building Orientation.** Primary buildings shall emphasize the location and importance of the entryways.
1. The main entrance or a courtyard leading to the main entrance of each principal building shall be located on the front facade.
  2. On corner lots, the main entrance shall face one of the streets or be oriented to the corner.
- B. **Massing.** Primary buildings shall be designed to avoid a monolithic appearance when viewed from the street.
- C. **Facade Materials and Design.**
1. **General Requirements.**
    - a. All building exterior finish materials shall be durable and consistent with the architectural style for that building.
    - b. Where lap siding is used, it shall have a maximum nine-inch exposed board face.
    - c. Siding material shall be continued down to within nine inches of finished grade on any elevation, except that siding shall be allowed to step to follow grade:
      - i. Between six to 24 inches; or
      - ii. Within 24 inches maximum from finished grade.
    - d. Vinyl siding shall be a VSI (Vinyl Siding Institute) certified product.
  2. **Prohibited Materials.** The following materials are prohibited:
    - a. Highly reflective opaque materials;
    - b. Natural cinder block, unfinished or smooth concrete block / masonry units or concrete wall;
    - c. Metal panels with a corrugated appearance with exposed fasteners; and
    - d. Unlisted materials that are unsuitable for exterior building applications as determined by the Director.
  3. **Other Materials.** The Director may permit materials that are not listed in this Section as either allowed or limited, provided that the Director finds that they have comparable aesthetic qualities, durability, and maintenance characteristics. The Director may prohibit materials that are not listed in this Section if the Director finds that they do not have aesthetic qualities, durability, and maintenance characteristics that are comparable to the materials that are allowed or limited under this Section.
  4. **Side and Rear Facade Design.** Where a side or rear facade of a residential building abuts streets, parks, or open spaces, the facade shall be designed to provide human scale by the use of all of the following:

- a. At least one change in the vertical or horizontal wall plane within 20 feet above grade;
  - b. At least one change in the color or material of the wall;
  - c. Provision of windows, a porch, or a balcony; and
  - d. Detailing the wall with reveals, belt courses, cornices, projections, or other devices.
5. **Rear Facade Design for Double-Frontage Lots.**
- a. Double-frontage lots shall be required to meet the standards in Section 2-1-10-5, Double-Frontage Lots, for building setbacks or stepped setbacks for taller buildings.
  - b. Structures of two stories or more shall incorporate at least one of the following rear elevation treatments:
    - i. The building façade on the rear elevation shall have brick, stone, or stucco cladding in a minimum amount equivalent to 50 percent of the façade, (excluding windows, doors, trim and vents) from the average grade to the highest eave or 9'-6" above the average grade, whichever is lowest; or
    - ii. At least 50 percent of the area of the building facade shall have a minimum four-foot horizontal difference (plan view) in the rear wall plane at the height of one of the floors.
6. **360-Degree Architecture.** All buildings shall incorporate the following design standards to create architectural interest.
- a. **Materials.**
    - i. Where brick, stone, or stucco cladding is used, they must be applied to the building facade in a manner which begins and ends at edges related to the structure of the building (such as a window sill level, floor plane lines, or interior corners of projection or similar elements). All brick, stone or stucco cladding shall wrap around all outside building corners a minimum of two feet, and must wrap all sides of a column on which it is used. An architectural treatment shall be used to transition from brick, stone, or stucco to other materials.
  - b. **Windows and Doors.**
    - i. Windows are encouraged on all elevations, except as provided in Division 2-1-8-5, Zero Lot Line, and unless restricted by the Building Code. On facades facing streets, parks, or open space, a minimum of 20 percent of the façade shall be windows. A greater percentage of windows may be required by other sections of this Code.
    - ii. Window and door openings shall be articulated on all elevations of the building through the use of:
      - a. Shutters, awnings or canopies;
      - b. Decorative lintels and/or sills (such as projecting, recessed, those constructed of materials other than the principal building material or ornamentation);
      - c. Overhangs; or
      - d. Surrounds and trims.



7. **Façade and Roof Color.** Colors used on building exteriors should integrate a building's various design elements or features.
  - a. Walls should be subdued in color and not reflective. Bright colors should be used sparingly and limited to accenting a building, and should not be used to act as signs or create "sign buildings". Monotonous color palettes are strongly discouraged.
  - b. All building projections, including, but not limited to, gutters, downspouts, chimneys, flues and vents, shall match in color the permanent color of the surface from which they project or match the building's trim color.
8. **Rooflines.**
  - a. Building rooflines visible from a public street, park, or open space shall incorporate features to create a varied and visually distinctive roof form through features, such as prominent cornice or fascia, stepped roofs, emphasized dormers, chimneys, gables, or an articulated roofline.
  - b. Roof slopes, excluding covered porches and patios, shall have a minimum pitch of 2:12 unless screened with a parapet wall. Subordinate roofs can be of a lesser pitch. A building of a style that is traditionally associated with flatter roofs, such as Prairie or Modern style, may be allowed as determined by the Director.
  - c. The maximum length of a continuous roof ridgeline is 35 feet. Roofs with dormers and other architectural details are exempt from this requirement.
  - d. Pitched roofs shall have a minimum eave overhang of at least one-foot.
9. **Canopies and Port-Cochères.** Canopies and port-cochères that cover vehicular use areas, service areas, or outdoor storage areas shall meet the following standards:
  - a. The same architectural treatments utilized on the principal building in terms of cladding materials, roof pitch, roofing materials, and color scheme shall be used on canopies and port-cochères.
  - b. A maximum of 25 percent of each canopy fascia area visible from a public street may be internally illuminated, and no portion of any fascia may be externally illuminated. Each side of a canopy shall be considered a separate fascia area.
10. **Rooftop, Wall Mounted and Ground Mounted Mechanical Equipment, Flues and Exterior Building Elements.**
  - a. **Screening.**
    - i. Rooftop mechanical equipment and appurtenances should all be screened from a public street through the use of parapets or enclosures that are equal to, or greater than, the height of the equipment to be screened. The parapet or enclosure shall use one of the predominate materials or colors used on the primary façade of the building.
    - ii. The Director may reduce or waive these screening requirements for building elevations that face substantial changes in grade that make screening impracticable if relocation of the mechanical equipment to a less conspicuous location is also impracticable.
    - iii. All air conditioning compressors shall be completely screened. Screening enclosures shall use at least one of the predominant materials used in the

facades of the primary structure where feasible, and one of the predominant colors used in the primary structure.

- iv. All rooftop and wall vents and flues on a pitched roof or extending above the top of the nearest parapet shall be painted with one of the predominant colors used in the primary structure.
- v. Wall-mounted utility equipment and meters shall be screened from view from a public street and shall be painted a color to blend with the building façade.

- b. **Noise attenuation.** Equipment that generates noise perceptible at the adjacent street or property line shall be baffled or otherwise attenuated to direct unavoidable noise upward.”

**Section 5-1-2-4 Building Design Standards Applicable to Single-Family Detached, Duplex, and Multiplex** is hereby amended in its entirety to read as follows:

- A. **“Generally.** In addition to Section 5-1-2-3, General Building Design Standards, the following standards shall apply to new development or redevelopment of single-family detached, duplex, and multiplex units in all zoning districts.
- B. **Front Façade Design.** In new development of single-family detached and duplex buildings, the front façade shall have significant variation as defined below:
  - 1. No identical home elevation shall be repeated directly across the street or adjacent to the other home.
  - 2. No identical model elevation shall be repeated more than once every three lots.
  - 3. Distinct elevations shall be provided by incorporating at least three of the following:
    - a. The use of different materials and color on the front facade;
    - b. Variations in the front wall plane;
    - c. Vary the size and location of the front porch;
    - d. A variation of building types;
    - e. The overall width of the front façade elevation differs by more than four feet;
    - f. The overall height of the front façade elevation differs by more than four feet; and
    - g. Windows size and shapes are substantially different.
- C. **Garages.** All garages for single-family detached and duplex buildings shall comply with Section 5-1-2-2, Evaluation of Aesthetic Consistency, and are subject to the following:
  - 1. For each new development containing ten or more single-family or duplex dwelling units in all zoning districts, 50 percent of the total number of lots in the subdivision that have a street-accessed garage shall use at least one of the following garage variations:
    - a. Recessed garage doors facing the street shall be recessed a minimum of four feet behind the front wall plane of the house.
    - b. Side-loaded garages shall be located at a right angle to the street. The design of the garage wall facing the street shall have the same predominate materials used on the front façade.

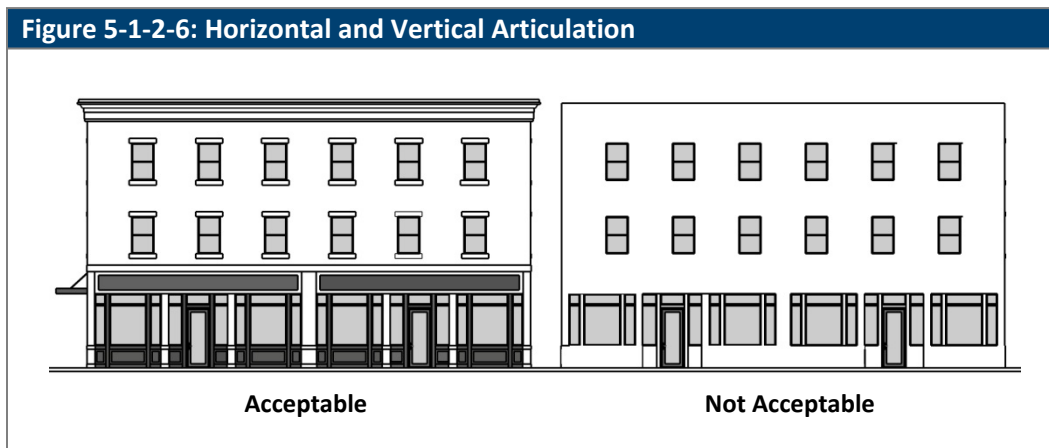
- c. Rear garages shall be located to the rear of the property either as a detached structure or part of the house. If constructed as part of the house, the part of the house, the front wall of the garage shall be setback at least 15 feet behind the front façade of the house.
2. Front loading, front-facing garage doors shall not constitute more than 50 percent of the total width of the building.
3. No more than three garage bays shall face the street, except when the bays are located behind the principal buildings.
4. When more than two garage bays exist, all garages doors that face a street shall include at least one two-foot-wide column or a two-foot façade setback separating each garage door.”

**Section 5-1-2-6 Nonresidential and Mixed-Use Design Standards** is hereby amended in its entirety to read as follows::

- A. **“Generally.** This Section shall apply to any new nonresidential development, mixed-use development, redevelopment, or building expansion in all zoning districts. In addition to Section 5-1-2-5, Building Design Standards Applicable to Townhomes and Multifamily, the following standards shall apply to new development or redevelopment of multifamily and townhome units in the MX zoning districts. In the OT Zoning District, these standards may be modified through the design review process based on the standards in the Olde Town Building Form Standards and Design Guidelines for Olde Town.
- B. **Building Orientation and Configuration.**
  1. Structures shall be arranged so that the primary facade, or each facade with a main pedestrian entry, orients onto a public or private street, a public park, open space or common green, plaza, courtyard, private street-like drive, or a pedestrian passage, in the following order of priority:
    - a. A public or private street;
    - b. A public park, open space or common green;
    - c. A plaza or courtyard; or
    - d. A pedestrian walkway.
- C. **Single-Story Commercial and Mixed-Use Developments.**
  1. Commercial and mixed-use developments shall break up supporting commercial buildings into a cluster of individual pad and liner buildings at intersections and street edges.
  2. Pad and liner buildings located within the frontage zone shall be designed to be “double-fronted”, where at least one entrance shall face the street or public space, following the order of priority in B.1 above. Secondary entries can be oriented to the parking lot.
  3. Large commercial or large format buildings with a minimum of 50,000 square feet of gross area, such as a grocery store or big box retail building, may be placed internal to the site.
- D. **Multi-Building Developments.**

1. Multi-building developments that have three or more buildings shall be organized to create pedestrian-friendly spaces and streetscapes. This should be accomplished by placing buildings to:
    - a. Frame and emphasize the corners of street intersections, development entry, or a primary pedestrian street within the development;
    - b. Frame and enclose parking areas on at least two sides;
    - c. Frame and emphasize a plaza, pocket park, square, or other outdoor gathering spaces for pedestrians; and / or
    - d. Frame and emphasize other site improvements as approved by the Director.
  2. Developments composed of multiple buildings totaling 100,000 square feet or more of gross floor area shall be configured to break up the site into a series of smaller blocks.
- E. **Building Design.** The following building design standards are intended to provide architectural interest.
1. **Design of Facades.**
    - a. The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features.
    - b. Architectural features and treatments shall not be limited to a single façade. All visible sides of a building, whether viewed from public or private property, shall display a similar level of quality and architectural interest, with elements such as windows, awnings, a variety of exterior materials, reveals, and other similar features.
  2. **Horizontal and Vertical Articulation.**
    - a. **General Standards.** All buildings shall be designed to include horizontal and vertical articulation by incorporating the following elements:
      - i. Single story commercial buildings shall use at least three of the horizontal articulation methods listed below at an interval of 50 feet or less on each façade.
      - ii. Single story industrial buildings shall use at least two of the horizontal articulation methods listed below at an interval of 100 feet or less on each.
      - iii. All multi-story commercial, mixed-use, multifamily, and industrial buildings in the IL zoning district, shall use at least two of the articulation methods listed below at an interval of 50 feet or less on each street-facing building façade.
    - b. **Articulation Methods.**
      - i. Visual breaks in the façade by incorporating a horizontal wall plane offset or projection of at least three feet extending for at least 20 percent of the average width of the primary façade.
      - ii. A change in materials, colors, textures, or pattern.
      - iii. A change in window sizes, styles, or placement across the façade.

- iv. A change in roof or parapet height of a least three feet, or a change in roof form.
- v. Incorporation of a wall notch in combination with at least one option from (i.-iv.) above. Wall notches shall be a minimum of three feet deep and eight feet wide and shall total at least 20 percent of the façade length.
- vi. Use of masonry such as brick or stone, or other durable material to delineate the ground floor.
- vii. Use of an arcade, gallery or colonnade to accentuate the ground floor.
- viii. Use of enhanced architectural detailing or fenestration.
- ix. Use of cornices or projecting roof lines.
- x. For multi-story buildings, the horizontal interval may exceed 50 feet if building material changes and/or articulation occur above the first floor.



- F. **Building Transparency.** The entire ground floor of all buildings located within a required building frontage zone that faces a public or private street shall provide transparency to increase pedestrian interest by incorporating window and door openings so that the uses are visible from and to the street. The following shall apply:
  - 1. At least 40 percent of the façade between two feet and 10 feet above grade, must be transparent.
  - 2. Up to 20 percent of the building transparency requirement may be satisfied with permanent art displays.
- G. **Roofs Materials and Roof Form.**
  - 1. **Roof Materials.** Visible roofs may be constructed of conventional asphalt (3-tab) roofs, architectural metal, or other acceptable material, but roofs constructed of clay or concrete tiles, slate, Masonite, or heavy duty/hail resistant dimensional composition are preferred. All composition shingle roofing shall be constructed using high profile, textured shingles.
  - 2. **Roof Form.**
    - a. Where sloped roofs are used, at least one of the following elements shall be incorporated into the design for each 100 linear feet of roof to avoid long, flat roof surfaces:

- i. Projecting gables,
  - ii. Dormers,
  - iii. Hips,
  - iv. Vertical elevation change in roof height of at least two feet, or
  - v. Other similar techniques as approved by the Director.
- b. Where flat roofs are used, the design or height of the parapet shall include at least one change in setback or height of at least two feet along each 100 linear feet of façade.
  - c. On all structures exceeding three stories in height, all pitched roofs shall be internally drained and external scuppers and wall drains shall be prohibited.
  - d. All sloped roofs shall have overhanging eaves of at least one foot in depth, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall.”

**Table 5-1-4-3: Mini-Structure Standards** is hereby amended in its entirety to read as follows:

| <b>Table 5-1-4-3: Mini-Structure Standards</b> |                                                                                                |                                                                                                                                                                                                                                  |
|------------------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Attribute</b>                               | <b>Standard</b>                                                                                | <b>Exception</b>                                                                                                                                                                                                                 |
| Size (max)                                     | 200 sf.                                                                                        |                                                                                                                                                                                                                                  |
| Height (max)                                   | 12 ft.                                                                                         | Tree Houses                                                                                                                                                                                                                      |
| Number of Mini-Structures                      | Maximum 2                                                                                      | Not limited for the following land uses: Amusement, Outdoor; Recreation, Outdoor; Stables and Riding Academies; Cemetery; Day Care Center; Public Lands, Parks, or Buildings; Schools (all); Storage Yard; Community Agriculture |
| Location of Mini-Structures                    | Not allowed in front yard;<br>Not attached to principal building                               | Allowed in the front yard for Recreation, Outdoor; Cemetery; Public Lands, Parks, or Buildings; Schools (all); Storage Yard; Community Agriculture                                                                               |
| Design                                         | Roofed structures shall be compatible with principal building in terms of materials and colors | -                                                                                                                                                                                                                                |
| Use                                            | Cannot be used for vehicle storage                                                             | -                                                                                                                                                                                                                                |

**Section 5-1-5-2 Accessory Dwelling Units** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Accessory Dwelling Units (“ADUs”) are allowed in conjunction with all single-family detached dwellings in residential, OT and MX zoning districts, subject to the standards in this Section.
- B. **Conformance to Development Standards.** ADUs must meet the same development standards that are required for the principal dwelling unit, except as provided in this Section.

- C. **Classification of ADUs.** For the purposes of this LDC, ADUs are classified as follows:
1. **Type A.** A Type A ADU is detached from the principal dwelling unit. It is considered a separate dwelling unit for the purposes of the Building Code.
  2. **Type B.** A Type B ADU is located inside in basements, the upper story, or attached to the principal single-family detached building, but the occupants of the ADU and principal dwelling unit do not live together as a single household unit. A Type B ADU is typically rented. Type B ADUs typically have a separate access from the principal dwelling unit. A Type B ADU and the principal dwelling unit into which it is integrated are considered separate dwelling units for the purposes of the Building Code.
- D. **Parking.**
1. One on-site parking space shall be required for an ADU, in addition to any required parking for the principal dwelling unit.
  2. The required parking space may be in tandem with other required spaces.
  3. Garage space that is constructed for use by the occupant(s) of the ADU shall not exceed 250 square feet.
- E. **Unit Size and Configuration.**
1. Except as provided in Subsection E.2., below, ADUs shall be:
    - a. No larger than 40 percent of the living space of the principal building; and
    - b. Within the lot size and floor area ranges set out in Table 5-1-5-2, Maximum Floor Area of Accessory Dwelling Unit.

| Table 5-1-5-2: Maximum Floor Area of Accessory Dwelling Unit |                    |
|--------------------------------------------------------------|--------------------|
| Lot Size                                                     | Maximum Floor Area |
| 6,000 sf. or less                                            | 600 sf.            |
| Greater than 6,000 sf. and up to 12,499 sf.                  | 850 sf.            |
| 12,500 sf. to 1 acre                                         | 1,000 sf.          |
| Greater than 1 acre                                          | 1,200 sf.          |

2. The limitations of Subsection E.1., above, shall not apply to ADUs that are located within the footprint of an existing home as long as the ADU is not larger than 50 percent of the floor area of the principal dwelling unit, including the basement. For example, if a home has a 1,000 square foot basement, an ADU could be established in the basement if the rest of the principal dwelling is at least 1,000 square feet.
  3. ADUs shall be designed and configured as studio, one bedroom, or two bedroom units.
- F. **Location.** Type A ADUs shall be located as follows:
1. For interior lots, at or behind the front plane of the primary building.
  2. On corner lots, ten feet behind the facade of the principal building along both street frontages.
- G. **Number of Accessory Dwelling Units per Lot.** Only one ADU is allowed for each residential lot.

- H. **Design.** The appearance of ADUs built as additions to the existing principal building or as separate structure should continue the residential character and appearance of the principal building.
1. **Type A ADUs.**
    - a. Type A ADUs shall be clearly subordinate to the principal building in terms of floor area.
    - b. Windows that face an adjoining residential property should be designed and configured to protect the privacy of neighbors, unless fencing or landscaping is provided that adequately accomplishes the same purpose.
    - c. Type A ADUs should be designed in a manner that is aesthetically consistent with the principal building in at least four of the following:
      - i. roof pitch;
      - ii. roof form;
      - iii. roofing materials;
      - iv. cladding materials;
      - v. window styles and window orientation;
      - vi. doors; and
      - vii. color palette.
  2. **Type B ADUs.** Type B ADUs are integrated into the principal building. If the ADU involves a modification to the exterior of the building, the modification shall be subject to the same design standards as Type A ADUs (Subsection H.1., above). If the entrance to the ADU is visible from an adjacent street, it shall be designed in a manner as to be clearly subordinate to the entrance of the principal dwelling.
- I. **Outdoor Areas.** The subject property shall provide accessible outdoor space and landscaping for both the principal dwelling unit and the ADU.
- J. **Utility Service Requirements.** ADUs must be connected to the utilities (except telephone, television, electrical, and internet) of the principal dwelling unit and may not have separate services.
- K. **Owner Occupancy.**
1. The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the principal dwelling unit or ADU.
  2. The Director may waive this requirement for temporary absences of less than one year provided that the owner has maintained the permitted use for a minimum of two years and submits proof of the temporary absence.
- L. **Deed Restriction.** Before obtaining a building permit for an ADU, the property owner shall file with the County Clerk and Recorder, in a form acceptable to the Director, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner stating that:
1. The ADU shall not be sold separately from the principal dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision can be accomplished in accordance with all provisions of this Code;
  2. The ADU shall be restricted to the approved size;



3. The certificate of occupancy for the ADU shall be in effect only so long as either the main residence, or the ADU, is occupied by the owner of record as their principal dwelling unit, subject to any temporary waiver granted pursuant Subsection L., above;
  4. Lack of compliance with deed restrictions may subject the owner of the property to any and all penalties provided for in this Code;
  5. The above restrictions are binding upon any successor in ownership of the property;
  6. The deed restrictions shall lapse upon removal of the ADU. To effect this intent, and upon verification of such removal, the Director shall record appropriate documentation releasing such encumbrance. The property owner shall pay all required recording fees, and it shall be the Applicant's responsibility to ensure that such recording was successfully completed.
- M. **Existing Development on Lot.** A single-family detached dwelling unit must exist as a principal dwelling unit on the lot or be constructed simultaneously with the ADU. A certificate of occupancy will only be issued for an ADU after it has been issued for the principal dwelling unit.”

**Section 5-1-5-3 Accessory Buildings** is hereby amended in its entirety to read as follows:

A. **“Generally.**

1. Storage sheds, studios, cabanas, stables, loafing sheds, barns, and detached garages requiring a building permit shall comply with the standards of this Section. Accessory dwelling units are subject to Section 5-1-5-2, Accessory Dwelling Units, and not this Section.
2. Stables, loafing sheds, and barns are allowed only in RA and RN-32.5 zoning districts.
3. Except for barns and stables, each Accessory Building shall have a square footage area that is less than the footprint of the living area, excluding attached garage square footage, of the principal dwelling unit.

- B. **Number.** The maximum number of Accessory Buildings that may be constructed or installed upon a residential lot is based on the zoning district and lot size, and shall be as set forth in Table 5-1-5-3A, Maximum Number of Accessory Buildings.

| <b>Table 5-1-5-3A: Maximum Number of Accessory Buildings</b>       |                                                                                                                                                               |
|--------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Zoning District</b>                                             | <b>Maximum Number of Accessory Buildings</b>                                                                                                                  |
| RN-4                                                               | 2                                                                                                                                                             |
| RN-6, RN-7.5, RN-D                                                 | 3                                                                                                                                                             |
| RN-12.5                                                            | 4                                                                                                                                                             |
| RN-32.5                                                            | 6                                                                                                                                                             |
| RA: lot less than 5 acres                                          | 6                                                                                                                                                             |
| RA: lot 5 acres or larger                                          | 7                                                                                                                                                             |
| PUD                                                                | Per the approved PUD. If no standards were identified as part of the approved PUD, then the maximum number for the closest zoning district shall be utilized. |
| <b>R6, R13, R24, OT Form, and MX Zoning Districts and Lot Type</b> |                                                                                                                                                               |
| Small Urban, Urban                                                 | -                                                                                                                                                             |

| Table 5-1-5-3A: Maximum Number of Accessory Buildings |                                       |
|-------------------------------------------------------|---------------------------------------|
| Zoning District                                       | Maximum Number of Accessory Buildings |
| Small General                                         | 2                                     |
| General, Small Suburban, Suburban,                    | 3                                     |
| Cluster                                               | 1                                     |

- C. **Building Coverage.** Accessory Buildings are counted towards the combined square footage of the principal building footprint and accessory structure(s) and shall not exceed the zoning district maximum lot coverage limitations.
- D. **Height.** Accessory Buildings shall not exceed the maximum height for accessory buildings identified in the zoning districts in Chapter 2, Zoning Districts.
- E. **Location.**
  - 1. **All Zoning Districts except RA.** Accessory Buildings shall be:
    - a. Located within the setbacks identified in the zoning districts. (*See* Chapter 2, Zoning Districts); and
    - b. Set back at or behind the front plane as the nearest front façade of the principal building.
  - 2. **RA Zoning District.** Accessory Buildings may be located in any yard, and must meet the required setbacks.
  - 3. **Accessory Buildings.** With the exception of non-residential gas station canopies, gas station or car wash facilities where allowed, and security/entry booths, accessory buildings shall not be in the front or side yards.
- F. **Design.** The design of accessory buildings shall be aesthetically consistent with the design of the principal building. *See* Section 5-1-2-2, Evaluation of Aesthetic Consistency, for applicable standards.”

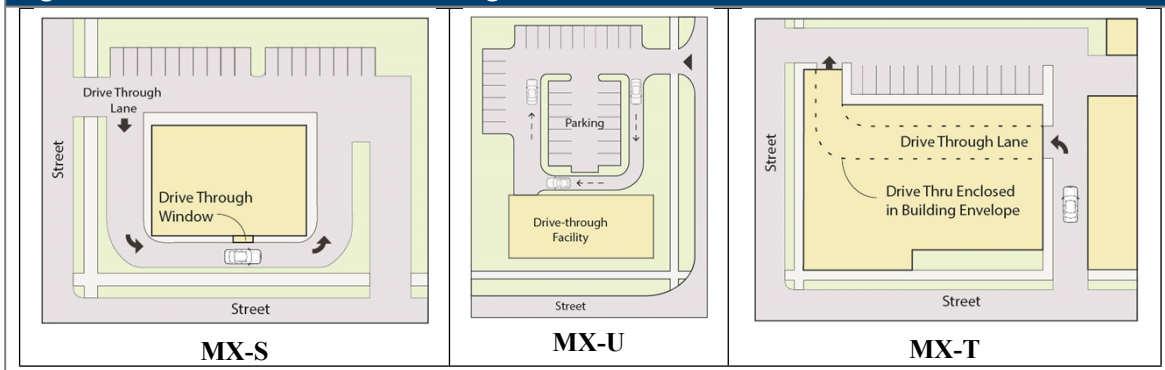
**Section 5-1-6-2 Drive-Through Facilities** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Drive-through facilities are subject to the standards of this Section.
- B. **Design Standards.**
  - 1. **Location.** Uses with drive-through facilities shall be located on properties with frontage on an arterial or collector street. Drive-through facilities are prohibited in the OT zoning district.
  - 2. **Speakers.**
    - a. Speakers shall not be oriented towards an adjacent residential zone district unless an intervening building exists. Where an intervening building does not exist, the following shall also apply to minimize the speaker noise impact on an adjacent property:
      - i. If the speaker is located within 15 feet or more of the property line, a solid wall with a minimum height of 6 feet shall be installed on the property line.
  - 3. **CG and MX Zoning Districts.** In CG and MX zoning districts, a drive-through facility shall be subject to the following:
    - a. In CG and MX-S zoning district, a drive-through lane may be located in the area between a building and a public street. The drive-through lane shall be screened

from the public street by an Option B bufferyard, per Division 4-6-5-3, Bufferyard Options, or a low decorative wall to a minimum height of 48 inches. If a low screen wall is installed, the construction material shall be aesthetically consistent with the first floor exterior color and materials used on the principal building or provide a comparable level of quality.

- b. In the MX-U zoning district, a drive-through lane shall not be located in the area between a building and a public street. The drive-through windows shall not face a public street.
- c. In the MX-T zoning district, a drive-through lane shall be designed so that it is enclosed within the envelope of the building, the drive through windows are not visible from adjacent public streets and the drive-through lane shall not be located in the area between a building and a public street.

**Figure 5-1-6-2: Illustrative Drive-Through Facilities in the MX**



- C. **Stacking.** Drive-through lanes shall meet the applicable requirements of Section 4-5-3-6, Vehicle Stacking. Additional stacking may be required if the Director finds that, based on pertinent data, the drive-through configuration would likely otherwise create congestion on adjacent streets due to queuing at the drive-in or drive-through stations.”

**Section 5-1-6-5 Trash Collection and Compaction** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Nonresidential, mixed-use, multifamily, and clustered small housing development shall include a designated trash collection and/or compaction area, which shall be located and designed to ensure adequate on-site maneuvering area for trash collection vehicles. Residential subdivisions may include designated trash collection and/or compaction areas, which, if provided, must also comply with the standards of this Section. Trash collection dumpsters shall not be allowed on individual single-family or duplex lots, unless on a temporary basis associated with construction projects for which a building permit has been issued.
- B. **Location.**
  1. Each trash collection, including recycling bins, or compaction area shall be located not less than 20 feet away from lots used for single-family detached, duplex, multiplex, or townhome uses, and at least 20 feet away from streets, sidewalks, and

internal pedestrian circulation systems. Such areas shall be located on the site in the following order of priority (highest priority listed first, and higher order priorities are eliminated only if infeasible):

- a. In a screened enclosure that is connected to or adjacent to the rear of the principal building;
  - b. In the rear yard; or
  - c. In the interior side yard;
2. Trash collection, recycling bins, or compaction areas shall not be located more than 200 feet from the entrances of uses that they are intended to serve.
- C. **Enclosures.** Each such trash collection area shall be screened from view from all property lines by a non-combustible screen or wall between six feet and eight feet in height. The access to this enclosure shall be screened with an opaque gate. Screening fences and walls (not including gates) shall be aesthetically consistent with one of the predominant materials and one of the predominant colors used in the principal building. Chain-link gates with metal cladding are prohibited.”

**Section 5-1-6-7 Custodial Unit** is hereby amended in its entirety to read as follows:

- A. **“Generally.** The standards of this section apply to self-storage and kennel facilities with a dwelling unit for an on-site resident manager.
- B. **Design Standards.** Self-storage and kennel facilities with one on-site resident manager/caretaker dwelling shall be meet the following standards:
  1. The resident manager / caretaker dwelling unit shall be incorporated into and occupy space on the premises of the self-storage or kennel facility;
  2. One off-street, covered parking space shall be required for the exclusive use of the resident manager / caretaker.
  3. A landscaped private recreation area, with a minimum area of 750 square feet, shall be provided within the self-storage or kennel facility for the exclusive use of the resident manager / caretaker. The landscaped recreation area shall include:
    - a. A minimum of one 2.5 inch caliper shade tree, turf shrubs, and recreation equipment.
    - b. Recreation equipment shall consist of picnic table and barbeque facilities, or other comparable equipment for use by the resident manager/caretaker.”

**Section 5-1-6-9 Electric Vehicle (EV) Charging Stations** is added to read as follows:

**“5-1-6-9 Electric Vehicle (EV) Charging Stations**

- A. **Generally.** The standards of this section shall apply to new developments containing parking stalls or other spaces on-site dedicated to the use of such spaces for the charging of electric vehicles. These standards shall also apply to existing sites that make modifications to build or plan for EV charging stations.
- B. **Location**

1. For single-family, duplex, or multiplex use, EV charging stations shall be located inside a garage or carport.
2. For townhome, multifamily, or cottage-home use, EV charging stations and equipment shall be located either in a garage or in a location internal to the site.
3. For any mixed-use and non-residential uses containing ten or fewer EV charging stations, all charging stations and equipment may be allowed anywhere on site provided:
  - a. All equipment adheres to the required minimum parking front setback from all public and private streets.
4. For mixed-use and non-residential uses containing more than ten EV charging stations, all charging stations and equipment shall comply with the requirements of Subsection 4-3-3-4(F), Fueling/Service Station Site Design.
5. In the OT zone district, EV charging stations and equipment shall be located either in a garage or internal to the site, behind a building or buildings, and not visible from a public street.
6. EV charging stations and equipment may not be located in any portion of a required small urban park or buffer yard.

**C. Sitting, Site Design, and Screening**

1. If located along a public or private street, an Option B bufferyard per Division 4-6-5-3, Bufferyard Options, between all equipment and the front property line shall be provided.
2. The installation of an EV charging station shall not reduce the size of the parking stall in which it is being installed below the minimum size required in Subsection 4-5-3-2, Parking Space and Aisle Standards.
3. Concrete wheel stops shall be used between the parking space and the equipment if the parking is not parallel.
4. If a canopy will be used, the canopy shall comply with the requirements of Subsection 5-1-2-3-C9, Canopies and Port-Cochères.
  - a. In any MX zone district if a canopy is used, the canopy shall comply with the requirements of Subsection 4-3-3-4-F, Fueling/Service Station Site Design.
5. Parking spaces used for EV charging shall be signed for EV vehicles only.”

The remaining portions of Chapter 5 shall remain unchanged.

Section 5. Chapter 6, Signs, of the Land Development Code, of the Arvada City Code is hereby amended:

**Table 6-1-5-2: Detached Permanent Signs** is hereby amended in its entirety to read as follows:

| Table 6-1-5-2: Detached Permanent Signs |               |
|-----------------------------------------|---------------|
| Type of Sign /                          | Sign District |

| Standards                       | Olde Town (OT)                                                                                                                                                                                                            | Mixed- Use,<br>Commercial-<br>Industrial (MX, C, I)                                                                                | Multifamily<br>Residential (RM)                                                                                                                                                                                                                     | Single-Family<br>Residential (R)                                                                                                                                                                                                                    |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Primary Detached Signs</b>   |                                                                                                                                                                                                                           |                                                                                                                                    |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| <b>Max. #</b>                   | 1 per property                                                                                                                                                                                                            | 1 per 600 lf. of property frontage or fraction thereof                                                                             | See "Other Standards," below                                                                                                                                                                                                                        | See "Other Standards," below                                                                                                                                                                                                                        |
| <b>Max. Sign Area</b>           | Generally: 32 sf. mixed-use form                                                                                                                                                                                          | Aggregate primary detached sign area shall not exceed 10 sf. plus 1 sf. per 4 lf. of property frontage, up to a maximum of 125 sf. | 25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a maximum of 50 sf. per sign                                                                                                                                 | 25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a maximum of 50 sf. per sign                                                                                                                                 |
|                                 | In the OT District on property that is developed with a building with a single-family detached, duplex or multiplex form: 8 sf.<br>For all other forms: 20 sf.                                                            |                                                                                                                                    |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| <b>Max. Sign Height</b>         | Single-family detached, duplex or multiplex form: 4 ft.<br>For all other forms: 6 ft.                                                                                                                                     | Less than 200 lf. of property frontage: 6 ft.                                                                                      | 6 ft.                                                                                                                                                                                                                                               | 6 ft.                                                                                                                                                                                                                                               |
|                                 |                                                                                                                                                                                                                           | 200 to 600 lf. of property frontage: 12 ft.                                                                                        |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
|                                 |                                                                                                                                                                                                                           | More than 600 lf. of property frontage: 24 ft.                                                                                     |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| <b>Allowed Lighting</b>         | External                                                                                                                                                                                                                  | External or internal                                                                                                               | External                                                                                                                                                                                                                                            | External                                                                                                                                                                                                                                            |
| <b>Setbacks and Spacing</b>     | No encroachment upon sidewalk                                                                                                                                                                                             | 4 ft. from vehicular use areas, sidewalks, trails, multi-use pathways, and property lines                                          | 2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas                                                                                                                                                                    | 2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas                                                                                                                                                                    |
|                                 | 2 ft. from property lines                                                                                                                                                                                                 |                                                                                                                                    |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
|                                 | 6 ft. max from building walls and vehicular use areas                                                                                                                                                                     | 12 ft. from building walls                                                                                                         |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| <b>Other Standards</b>          | Except in the OT-RR Zoning District, cabinet signs are not allowed. Must be installed in permeable landscaped area or hardscaped pedestrian plaza that extends at least 4 ft. from the base of the sign in all directions | Must be installed in permeable landscaped area that extends at least 4 ft. from the base of the sign in all directions             | Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development plan, or approved site plan | Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development plan, or approved site plan |
| <b>Secondary Detached Signs</b> |                                                                                                                                                                                                                           |                                                                                                                                    |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| <b>Max. #</b>                   | 1 per vehicular ingress point                                                                                                                                                                                             | 1 per vehicular ingress point                                                                                                      | 1 per vehicular ingress point                                                                                                                                                                                                                       | Not allowed                                                                                                                                                                                                                                         |
| <b>Max. Sign Area</b>           | 4 sf.                                                                                                                                                                                                                     | 600 lf. of property frontage or less: 4 sf.                                                                                        | 4 sf.                                                                                                                                                                                                                                               | NA                                                                                                                                                                                                                                                  |

|                             |                                                                              |                                                                              |                                                                              |    |
|-----------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|----|
|                             |                                                                              | More than 600 lf. of property frontage: 8 sf.                                |                                                                              |    |
| <b>Max. Sign Height</b>     | 3.5 ft.                                                                      | 600 lf. of property frontage or less: 3.5 ft.                                | 3.5 ft.                                                                      | NA |
|                             |                                                                              | More than 600 lf. of property frontage: 6 ft.                                |                                                                              |    |
| <b>Allowed Lighting</b>     | External                                                                     | External or internal                                                         | External                                                                     | NA |
| <b>Setbacks and Spacing</b> | At least 2 ft. from property lines                                           | At least 2 ft. from property lines                                           | At least 2 ft. from property lines                                           | NA |
|                             | Not more than 4 ft. from inside of curb of vehicular ingress or egress point | Not more than 4 ft. from inside of curb of vehicular ingress or egress point | Not more than 4 ft. from inside of curb of vehicular ingress or egress point |    |

The remaining portions of Chapter 6 shall remain unchanged.

Section 6. Chapter 8, Development Review Process, of the Land Development Code, of the Arvada City Code is hereby amended:

**Section 8-1-1-1 Director of Community and Economic Development** is hereby amended in its entirety to read as follows:

- A. **“Generally.** The Director of Community and Economic Development (“Director”) is the member of the City Staff who carries out the planning and zoning functions of the City. The Director shall designate staff members to manage applications through the review process and be points of contact for Applicants. The Director may also delegate review responsibilities to managers or other professional-level staff, or, as appropriate, to consultants selected by the City.
- B. **Duties and Responsibilities.** The Director shall be responsible for the administration of this LDC and the regulations contained herein.
  1. The Director shall have the authority to:
    - a. Interpret and apply the provisions set forth in the LDC, other regulations adopted by the City and planning and engineering best practice. The Director shall have the authority to prepare and update Development Procedures, which may include a checklist for each type of development application, setting forth the information that Applicants must submit in order for the City to review development applications, permits and other developmental approvals under this Code, an application review schedule, fees and other relevant and appropriate materials related to the administration of this Code.
    - b. Make district boundary interpretations when uncertainty as to the district boundaries exists.
    - c. Make each of those decisions shown as a decision of the Director in 8-2-2-2, Decision-Making Tracks by Application Type.

- d. Review and make recommendations on development applications reviewed and acted upon by the Planning Commission, City Council or other Decision Makers, as applicable, as shown in 8-2-2-2, Decision-Making Tracks by Application Type.
  - e. Review all land-use activities, plans involving land-use activity, or applications for land-use activity that are subject to either the Design Guidelines for Olde Town Arvada or the guidelines designated as "mandatory" within the Design Guidelines for the Reno Park Addition Historic District, and take final action to approve, approve with conditions, or deny the issuance of a (CCDG), as appropriate.
  - f. Accept land dedications and easements associated with development applications concerning which final approval has been granted by the Director.
2. The Director shall:
- a. Review applications for Sign Permits and taking final action to approve, approve with conditions, or deny on such applications.
  - b. Maintain the Official Zoning Map, including updates to reflect rezonings.
  - c. Administer the provisions of this LDC and approvals granted hereunder, and coordinate with the Code Enforcement, Neighborhood Services and the City Attorney with regard to enforcement of this LDC.
  - d. Make recommendations regarding amendments to this LDC and to the Comprehensive Plan and other land use or strategic plans approved or adopted by the City.
  - e. Develop or supervise the development of master plans, special area plans, or strategic plans, however titled, as directed by the Planning Commission.
  - f. Provide expertise and technical assistance to the advisory and decision making bodies under this Code, upon request, and as appropriate.
3. The Director shall also determine:
- a. Whether the proposed development creates a need for off-site public improvements;
  - b. Whether required development-related agreements (*see* Division 8-4-5, Development-Related Agreements and Covenants) comply with the requirements of this LDC and the Arvada Municipal Code with respect to the identification of required public improvements and the security provided for said public improvements; and
  - c. Whether proposed public improvements and drainage plans comply with applicable engineering standards.
  - d. Review applications for revocable right-of-way permits and determine as to whether and to what extent the requested encroachment will or could interfere with municipal or public use of the right-of-way.”

**Section 8-1-2-2 Planning Commission** is hereby amended in its entirety to read as follows:

**A. “Powers and Duties; Generally.**



1. *Decisions.* The Planning Commission shall hear and find facts as to whether the following types of applications comply with the requirements of this LDC:
    - a. Alternative Sign Programs
  2. *Recommendations.* The Planning Commission shall consider and recommend to the City Council approval, approval with conditions, or disapproval of the following types of applications or petitions:
    - a. Annexations;
    - b. Height Exceptions;
    - c. Major Subdivision Preliminary Plats;
    - d. Major Modifications;
    - e. Zoning and Rezoning;
    - f. Conditional Uses;
    - g. PUD Development Plans (Planned Unit Developments);
    - h. Combined PUD Development Plans / Final Development Plans (Planned Unit Developments); and
    - i. Vacation of Right-of-Way and Access Easements.
- B. **Powers and Duties; Initiated Land Development Code Amendments and Other Duties.** The Planning Commission may also initiate proposed changes to the LDC and advise the City Council on such proposed changes, and shall perform such other duties as the City Council may by ordinance, resolution or motion prescribe.
- C. **Powers and Duties; Comprehensive Plan.**
1. *Comprehensive Planning.* Upon request by the City Council, the Planning Commission shall have the power to prepare a Comprehensive Plan as a guide for future zoning and rezoning and shall have lawful and comprehensive studies made in conjunction therewith. Any plan so prepared shall be made with the general purpose of carrying out the objective of providing for the considered planning and orderly physical development of the City and applicable surrounding areas. The Planning Commission shall also actively promote implementation of any such Comprehensive Plan and other adopted plans, through its powers and duties as set out in this Section.
  2. *Other Plans.* Upon request by the City Council or the Director, the Planning Commission shall be responsible for adopting other land use plans, open space/parks/trails plans, special area plans, corridor plans, and similar plans, and any updates or amendments to such plans. The Planning Commission shall also actively promote implementation of the Comprehensive Plan and other adopted plans, through its powers and duties as set out in this Section.”

**Section 8-2-2-1 Development Approval Required** is hereby amended in its entirety to read as follows:

- A. **“Generally.** Unless specifically exempt from the application of this LDC, development approval is required for all:
1. Development;
  2. Redevelopment;

3. Qualifying "land use activity" within areas that are subject to Design Guidelines (*see* Section 8-3-5-4, Certificate of Compliance with or Waiver from Design Guidelines); or
  4. Re-grading of:
    - a. Nonresidential property; or
    - b. Property within the Special Flood Hazard Area.
- B. Temporary Uses and Special Events.** Certain temporary uses and special events require Temporary Use Permits. *See* Division 3-1-4, Temporary Uses.
- C. Encroachments into Public Rights-of-Way.** Certain encroachments may be allowed in or over public rights-of-way pursuant to an approved revocable right-of-way license.”

**Table 8-2-2-2A: Decision Making Tracks** is hereby amended in its entirety to read as follows:

| <b>Table 8-2-2-2A: Decision-Making Tracks</b> |                                                            |                                   |                             |                  |                                                                                   |
|-----------------------------------------------|------------------------------------------------------------|-----------------------------------|-----------------------------|------------------|-----------------------------------------------------------------------------------|
| <b>Track</b>                                  | <b>Decision-Maker</b>                                      | <b>Public Hearing</b>             | <b>Public Outreach</b>      |                  | <b>Administrative Appeal To</b>                                                   |
|                                               |                                                            |                                   | <b>Neighborhood Meeting</b> | <b>Notice</b>    |                                                                                   |
| <b>Track 1</b>                                | Director <sup>1</sup>                                      | No                                | No <sup>3</sup>             | Yes <sup>4</sup> | Planning Commission or City Council ( <i>See</i> Section 8-2-5-2, Appellate Body) |
| <b>Track 2</b>                                | Director <sup>2</sup>                                      | Planning Commission               | Yes                         | Yes              | City Council                                                                      |
| <b>Track 3</b>                                | Planning Commission                                        | Planning Commission               | Yes                         | Yes              | City Council                                                                      |
| <b>Track 4</b>                                | City Council                                               | City Council <sup>5</sup>         | No                          | Yes              | -                                                                                 |
| <b>Track 5</b>                                | City Council                                               | Planning Commission; City Council | Yes <sup>6</sup>            | Yes              | -                                                                                 |
| <b>Track 6</b>                                | Floodplain Administrator                                   | Floodplain Administrator          | No                          | Yes              | Floodplain Hearing Officer                                                        |
| <b>Track 7</b>                                | Floodplain Hearing Officer                                 | Floodplain Hearing Officer        | No                          | Yes              | -                                                                                 |
| <b>Track 8</b>                                | Board of Adjustment                                        | Board of Adjustment               | No                          | Yes              | -                                                                                 |
| <b>Track 9</b>                                | Informational only to Planning Commission and City Council | No                                | No                          | No               | -                                                                                 |

**TABLE NOTES:**

<sup>1</sup> For Public Improvements Construction Drawings for private development, and is not appealable to the Planning Commission; for Floodplain Development Permits, the decision is by the Floodplain Administrator, and is appealable to the Floodplain Hearing Officer.

<sup>2</sup> Planning Commission fact-finding is not advisory. Director must issue decision on facts found by Planning Commission as to application's compliance with the applicable standards of this LDC.

<sup>3</sup> At the discretion of the Director, a neighborhood meeting may be required to inform residents of the proposed development in their neighborhood.

<sup>4</sup> Notice required for Track 1 reviews only as required by Section 8-2-3-8, Notice of Administrative Application. The Director shall have the discretion to waive the notice requirement or reduce the notice distance for applications determined to have minimal impact on the notice area.

<sup>5</sup> Public hearing not required for Revocable Right-of-Way License Agreements.

<sup>6</sup> The Director shall have the discretion to waive the neighborhood meeting requirement for applications determined to have minimal impact on the notice area.

**Table 8-2-2-2B: Decision-Making Tracks by Application Type** is hereby amended in its entirety to read as follows:

| <b>Table 8-2-2-2B: Decision-Making Tracks by Application Type</b>    |                                                                                                                             |                   |                                                                                                                                |                              |                        |
|----------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------------------|
| <b>Application Type</b>                                              | <b>Required For</b>                                                                                                         | <b>Exceptions</b> | <b>Reference</b>                                                                                                               | <b>Decision-Making Track</b> | <b>Submission Type</b> |
| <b>1. Annexation, Zoning, and Rezoning</b>                           |                                                                                                                             |                   |                                                                                                                                |                              |                        |
| <b>Annexation</b>                                                    | Annexing property into the City                                                                                             | -                 | Division 8-3-3, Annexation and Disconnection                                                                                   | Track 5 <sup>1</sup>         | Project                |
| <b>Disconnection</b>                                                 | Removing property from the City limits                                                                                      | -                 | Division 8-3-3, Annexation and Disconnection                                                                                   | Track 5 <sup>1</sup>         | Project                |
| <b>Zoning or Rezoning</b>                                            | Changing the zoning designation of land within the City or establishing initial zoning for land being annexed into the City | -                 | Division 8-3-4, Zoning and Rezoning                                                                                            | Track 5                      | Project                |
| <b>2. Land Use</b>                                                   |                                                                                                                             |                   |                                                                                                                                |                              |                        |
| <b>Limited Use</b>                                                   | Establishing a limited use                                                                                                  | -                 | Division 3-1-3, Use-Specific Standards for Primary Land Uses, as applicable to the use                                         | Track 1                      | Project                |
| <b>Conditional Use</b>                                               | Establishing a conditional use                                                                                              | -                 | Division 3-1-3, Use-Specific Standards for Primary Land Uses, as applicable to the use; and Section 8-3-5-1, Conditional Use   | Track 5                      | Project                |
| <b>Temporary Use / Special Event</b>                                 | Commencing / conducting certain temporary uses on a subject property                                                        | -                 | Division 3-1-4, Temporary Uses, as applicable to the temporary use or special event; and Section 8-3-5-5, Temporary Use Permit | Track 1                      | Permit                 |
| <b>3. Certificate of Compliance, Site Plans and Site Development</b> |                                                                                                                             |                   |                                                                                                                                |                              |                        |
| <b>Certification of</b>                                              | Verifying                                                                                                                   | As provided in    | Applicable                                                                                                                     | Track 1, if not              | Project                |

**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| <b>Application Type</b>                  | <b>Required For</b>                                                                                                                                                                                                                                          | <b>Exceptions</b>                                                                                                                                                                        | <b>Reference</b>                                                                                                                                                                                                                                 | <b>Decision-Making Track</b>                                                                                                                                    | <b>Submittal Type</b> |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| <b>Compliance with Design Guidelines</b> | compliance with or waiver from applicable Design Guidelines, if the subject property is located in an area that is subject to Design Guidelines (e.g., Olde Town or Reno Park)                                                                               | the applicable design guidelines document; <i>see</i> Appendix A: Design Guidelines for Olde Town Arvada; and Appendix B: Design Guidelines for the Reno Park Addition Historic District | design guidelines document; <i>see</i> Appendix A: Design Guidelines for Olde Town Arvada; and Appendix B: Design Guidelines for the Reno Park Addition Historic District; and Section 8-3-5-4, Certificate of Compliance with Design Guidelines | processed with another application type; otherwise same track as related application. <i>See</i> Sec. 8-3-5-4, Certificate of Compliance with Design Guidelines |                       |
| <b>Master Development Plan</b>           | Establishing or modifying a plan for a phased project to ensure compliance with the LDC                                                                                                                                                                      | -                                                                                                                                                                                        | Section 8-3-5-2, Master Development Plan                                                                                                                                                                                                         | Track 1                                                                                                                                                         | Project               |
| <b>Site Plan or Site Plan Amendment</b>  | Establishing or modifying the physical layout of a subject property, including infrastructure, development and architectural standards, parking and loading, landscaping, lighting, grading, drainage, , major structure footprints, and building footprints | Single-family detached and duplex housing types on individual lots in a subdivision of nine or fewer lots. Accessory dwelling units and accessory buildings                              | Applicable provisions of Chapter 2, Zoning Districts; Chapter 3, Use Regulations;; Chapter 4, Environmental and Site Design; and Chapter 5 Building Design                                                                                       | Track 1                                                                                                                                                         | Project               |
| <b>Floodplain Map Amendment</b>          | Changing the boundaries of a special flood hazard area                                                                                                                                                                                                       | -                                                                                                                                                                                        | As provided by federal regulation                                                                                                                                                                                                                | Track 6, as provided by federal regulation                                                                                                                      | Project               |

**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| <b>Application Type</b>                               | <b>Required For</b>                                                                                                                                     | <b>Exceptions</b>                                                                | <b>Reference</b>                                                                                                    | <b>Decision-Making Track</b>                                               | <b>Submission Type</b> |
|-------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|------------------------|
| <b>Floodplain Development Permit</b>                  | Authorizing development within the floodplain or floodway                                                                                               | -                                                                                | Applicable provisions of Division 4-1-2, Floodplain Regulations; and Section 8-3-5-6, Floodplain Development Permit | Track 6 (see footnote 1 of Table 8-2-2-2.A., above)                        | Permit                 |
| <b>Miscellaneous Structure Permit</b>                 | Authorizing the construction or installation of fences, walls, decks, retaining walls, garden walls, accessory buildings, accessory structures or sheds | Mini-structures less than 200 square feet                                        | Section 8-3-5-7, Miscellaneous Structure Permit-                                                                    | Track 1                                                                    | Permit                 |
| <b>Revocable Right-of-Way License Agreement</b>       | Authorizing encroachments within public rights-of-way (e.g., signs, outdoor dining areas, etc.)                                                         | Temporary structures that are approved by Temporary Use or Special Event Permits | Section 8-3-5-7, Revocable Right-of-Way License Agreements                                                          | Track 4                                                                    | Project                |
| <b>4. Wireless Communications Facilities</b>          |                                                                                                                                                         |                                                                                  |                                                                                                                     |                                                                            |                        |
| <b>Small Cell Facilities Permit</b>                   | Authorizing the co-location of wireless communications facilities; authorizing small-cell facilities in the right-of-way                                | -                                                                                | Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications Facilities               | Track 1, as modified by Division 8-3-6, Wireless Communications Facilities | Permit                 |
| <b>Base Stations and Alternative Tower Structures</b> | Authorizing the installation of a new wireless communications facility on private property                                                              | -                                                                                | Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications Facilities               | Track 1, as modified by Division 8-3-6, Wireless Communications Facilities | Project                |
| <b>Free-standing Towers</b>                           | Authorizing the new installation of a freestanding wireless communications tower                                                                        | -                                                                                | Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications                          | Track 5, as modified by Division 8-3-6, Wireless Communications Facilities | Project                |

| <b>Table 8-2-2-2B: Decision-Making Tracks by Application Type</b> |                                                                                                                                                                                 |                                                                                                                          |                                                                                                                               |                              |                       |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------|
| <b>Application Type</b>                                           | <b>Required For</b>                                                                                                                                                             | <b>Exceptions</b>                                                                                                        | <b>Reference</b>                                                                                                              | <b>Decision-Making Track</b> | <b>Submittal Type</b> |
|                                                                   |                                                                                                                                                                                 |                                                                                                                          | Facilities                                                                                                                    |                              |                       |
| <b>5. Signs</b>                                                   |                                                                                                                                                                                 |                                                                                                                          |                                                                                                                               |                              |                       |
| <b>Sign Permit</b>                                                | Installing or displaying a sign (may also require Certification of Compliance with Design Guidelines)                                                                           | Exceptions and exemptions listed in Sec. 6-1-2-2, Exemptions and Partial Exemptions; and Sec. 6-1-2-3, Permit Exceptions | Chapter 6, Signs, or an approved Alternative Sign Program; and Section 8-3-7, Sign Permits                                    | Track 1                      | Permit                |
| <b>Alternative Sign Program</b>                                   | Establishing a specific signage program for a particular subject property or development, which may modify some of the standards of Chapter 6, Signs                            | -                                                                                                                        | Chapter 6, Signs; and Section 8-3-7-2, Alternative Sign Programs                                                              | Track 2                      | Project               |
| <b>6. Subdivisions, Plats, and Vacations</b>                      |                                                                                                                                                                                 |                                                                                                                          |                                                                                                                               |                              |                       |
| <b>Major Subdivision Concept Plan</b>                             | Providing the City with a generalized land use plan and layout for the area proposed to be included within a subdivision                                                        | This review process is available at the Applicant's option                                                               | Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities | Track 9                      | Project               |
| <b>Major Subdivision Preliminary Plat</b>                         | Establishing the preliminary layout of lots, streets, utilities, and open spaces within a subdivision, prior to approval of a major subdivision final plat for 10 or more lots. | -                                                                                                                        | Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities | Track 5                      | Project               |
| <b>Major Subdivision Final Plat</b>                               | Establishing the final layout of the lots, tracts, streets, alleys, and easements within a                                                                                      | -                                                                                                                        | Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental                                                 | Track 1                      | Project               |

**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| Application Type                                             | Required For                                                                                                                                                                       | Exceptions                                                                              | Reference                                                                                                                     | Decision-Making Track                                     | Submittal Type |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------|----------------|
|                                                              | subdivision for 10 or more lots                                                                                                                                                    |                                                                                         | and Site Design; and Chapter 9, Nonconformities                                                                               |                                                           |                |
| <b>Minor Subdivision Plat</b>                                | Establishing the specific layout of the lots, tracts, streets, alleys, and easements within a subdivision that including nine or fewer new lots or tracts                          | -                                                                                       | Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities | Track 1                                                   | Project        |
| <b>Vacation of Right-of-Way</b>                              | Extinguishing Right-of-Way that is held by the City                                                                                                                                | -                                                                                       | Division 8-3-9, Vacation of Rights-of-Way; Termination of Easements                                                           | Track 4                                                   | Project        |
| <b>Vacation of Easement</b>                                  | Extinguishing an easement that is held by the City                                                                                                                                 | -                                                                                       | Division 8-3-9, Vacation of Rights-of-Way; Termination of Easements                                                           | Track 1                                                   | Project        |
| <b>7. Infrastructure Development and Public Improvements</b> |                                                                                                                                                                                    |                                                                                         |                                                                                                                               |                                                           |                |
| <b>Public Improvement Construction Drawings</b>              | Approving construction drawings for wastewater, water, stormwater, street, and landscaping improvements                                                                            | Landscaping on individual lots used for single-family detached and duplex housing types | Engineering Code of Standards and Specifications; Division 8-4-4, Public Improvements, Warranties and Utilities               | Track 1 ( <i>see</i> footnote 1 of Table 4-3-2-2A, above) | Project        |
| <b>Development Agreement</b>                                 | Setting out the timing and terms for the installation of public and private improvements, and providing for security to ensure that the improvements are constructed and warranted | -                                                                                       | Division 8-4-5, Development-Related Agreements and Covenants-                                                                 | Track 1                                                   | Project        |
| <b>Formation of Reimbursement Assessment</b>                 | Creating reimbursement assessment districts for                                                                                                                                    | Development that does not require a reimbursement                                       | -                                                                                                                             | Track 4                                                   | Project        |

**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| <b>Application Type</b>                   | <b>Required For</b>                                                                                                                                                                                                                                                                                             | <b>Exceptions</b>                                          | <b>Reference</b>                            | <b>Decision-Making Track</b> | <b>Submittal Type</b> |
|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|---------------------------------------------|------------------------------|-----------------------|
| <b>District and Metropolitan District</b> | financing public improvements                                                                                                                                                                                                                                                                                   | assessment district, as determined by the Applicant        |                                             |                              |                       |
| <b>Out-of-City Utility Request</b>        | Any request for City provision of utility service to property outside City limits                                                                                                                                                                                                                               | -                                                          | Section 8-3-5-8                             | Track 5                      | Project               |
| <b>8. Planned Unit Developments</b>       |                                                                                                                                                                                                                                                                                                                 |                                                            |                                             |                              |                       |
| <b>PUD Sketch Plan</b>                    | Providing the City with an early, informal, and generalized land use/site plan for the area proposed to be included within a PUD                                                                                                                                                                                | This review process is available at the Applicant's option | Section 8-3-10-5, PUD Sketch Plan           | Track 9                      | Project               |
| <b>PUD Development Plan</b>               | Establishing the types and total amount of development proposed within a PUD (dwelling units, land uses, and nonresidential floor area), as well as the proposed general plan for pedestrian and vehicular circulation within and connecting to the PUD; may run concurrently with preliminary plat application | -                                                          | Section 8-3-10-6, PUD Development Plan      | Track 5                      | Project               |
| <b>PUD Final Development Plan</b>         | Establishing or modifying the physical layout of a subject property, including infrastructure, development                                                                                                                                                                                                      |                                                            | Section 8-3-10-6, PUD Unit Development Plan | Track 1                      | Project               |



**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| <b>Application Type</b>                                                              | <b>Required For</b>                                                                                                                                                                                   | <b>Exceptions</b>                                                                                         | <b>Reference</b>                                     | <b>Decision-Making Track</b> | <b>Submittal Type</b> |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------|-----------------------|
|                                                                                      | and architectural standards, parking and loading, landscaping, lighting, grading, drainage, , major structure footprints, and building footprints in accordance with an approved PUD Development Plan |                                                                                                           |                                                      |                              |                       |
| <b>9. Interpretations, Variances, Modifications, Exceptions, and Interpretations</b> |                                                                                                                                                                                                       |                                                                                                           |                                                      |                              |                       |
| <b>Administrative Minor Modifications</b>                                            | Authorizing a minor variation to the standards of the LDC                                                                                                                                             | -                                                                                                         | Section 8-3-11-3, Administrative Minor Modifications | Track 1                      | Project               |
| <b>Major Modification</b>                                                            | Authorizing a major variation to the standards of the LDC                                                                                                                                             | -                                                                                                         | Section 8-3-11-4, Major Modifications                | Track 5                      | Project               |
| <b>Reasonable Accommodations</b>                                                     | Authorizing a minor variation to the standards of this LDC                                                                                                                                            | -                                                                                                         | Section 8-3-11-5, Reasonable Accommodations          | Track 1                      | Project               |
| <b>Official Interpretations</b>                                                      | Providing an official written interpretation of the provisions of this LDC                                                                                                                            | -                                                                                                         | Section 8-3-11-7, Official Interpretations           | Track 1                      | Project               |
| <b>Height Exception</b>                                                              | To exceed building or structure height standards in the LDC                                                                                                                                           | -                                                                                                         | Section 8-3-11-1, Height Exceptions                  | Track 5                      | Project               |
| <b>Variance or Exception to Standards</b>                                            | Authorizing a departure from the strict application of the standards in the LDC                                                                                                                       | Where other methods exist for authorizing the modification, such as an administrative minor modification, | Section 8-3-11-2, Variances                          | Track 8                      | Project               |

**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| Application Type                          | Required For                                                                                       | Exceptions                                                                                                                    | Reference                              | Decision-Making Track | Submittal Type |
|-------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-----------------------|----------------|
|                                           |                                                                                                    | floodplain variance; or where standards are statutory requirements (e.g., state-mandated subdivision monumentation standards) |                                        |                       |                |
| <b>Floodplain Variance</b>                | Authorizing a departure from the strict application of Division 4-1-2, Floodplain Regulations      | -                                                                                                                             | Section 8-3-11-6, Floodplain Variances | Track 7               | Project        |
| <b>10. Vested Rights</b>                  |                                                                                                    |                                                                                                                               |                                        |                       |                |
| <b>Early Vested Rights</b>                | Obtaining vested rights prior to the approval of a site-specific development plan                  | -                                                                                                                             | Section 8-3-12-1, Early Vested Rights  | Track 4               | Project        |
| <b>Vested Rights (and Extension)</b>      | Obtaining vested rights in accordance with Article 68 of Title 24, C.R.S., as amended              | -                                                                                                                             | Section 8-3-12-2, Vested Rights        | Track 4               | Project        |
| <b>11. Amendments and Terminations</b>    |                                                                                                    |                                                                                                                               |                                        |                       |                |
| <b>Annexation Agreement Amendment</b>     | Amending an annexation agreement                                                                   | -                                                                                                                             |                                        | Track 4               | Project        |
| <b>Major Comprehensive Plan Amendment</b> | Amending text or Future Land Use Map, where amendment does not fall within the category of "minor" | -                                                                                                                             | -                                      | Track 3               | Project        |
| <b>Minor Comprehensive Plan Amendment</b> | Correcting obvious errors (either text or mapping), and updating outdated data without             | -                                                                                                                             | -                                      | Track 1               | Project        |

| Table 8-2-2-2B: Decision-Making Tracks by Application Type                           |                                                                                                                         |            |                                              |                                                                              |                |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------|------------------------------------------------------------------------------|----------------|
| Application Type                                                                     | Required For                                                                                                            | Exceptions | Reference                                    | Decision-Making Track                                                        | Submittal Type |
|                                                                                      | changing policy                                                                                                         |            |                                              |                                                                              |                |
| <b>Major LDC Amendment</b>                                                           | Changing procedures or standards in the LDC, where amendment does not fall within the category of “minor”               | -          | -                                            | Track 5                                                                      | Project        |
| <b>Minor LDC Amendment</b>                                                           | Correcting non-substantive clerical or formatting errors in the LDC text or maps, or adding or correcting illustrations | -          | Section 8-3-2-2, Text Amendment Requirements | Track 1                                                                      | Project        |
| <b>Abandonment of Development Approval</b>                                           | Terminating a development approval without a replacement development approval                                           | -          | -                                            | Track 1 if development never commenced and there is no development agreement | Project        |
| TABLE NOTES:                                                                         |                                                                                                                         |            |                                              |                                                                              |                |
| <sup>1</sup> As modified by Colorado law pertaining to annexation and disconnection. |                                                                                                                         |            |                                              |                                                                              |                |

**Section 8-2-3-4 Neighborhood Meetings** is hereby amended in its entirety to read as follows:

**A. Purposes and Intent.**

1. *Purposes.* The purposes of the neighborhood meeting are:
  - a. To educate and inform City residents, businesses and organizations of pending development proposals in and near their neighborhood;
  - b. To encourage an Applicant to pursue early and effective communications with the affected parties in conjunction with the proposed development prior to submitting applications, giving the Applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed development on the community;
  - c. To provide residents and property owners a forum to work together to resolve potential concerns at an early stage of the process; and
  - d. To facilitate ongoing communication between the Applicant, interested residents and property owners, businesses and organizations, the Director, and City officials throughout the development review process.

2. *Intent.* Neighborhood meetings are forums in which the Applicant and community members should strive to work together in good faith. However, they are not required to achieve consensus on all aspects of the applications, nor to supplant or add to or subtract from the standards of this LDC. The Applicant is primarily responsible for describing the development and answering questions about the development and potential impacts on the community. City staff is primarily responsible for describing applicable review procedures and opportunities for public input.
- B. **Notice.** Notice of the neighborhood meeting shall be prepared by the Applicant per the requirements of Division 8-2-4, Required Notices. Notification of the neighborhood meeting shall be sent by mail and electronically to those registered neighborhood groups that have boundaries within one-half mile of the project site, and to property owners within 1,000 feet of the project site at least 15 calendar days before the meeting date.
- C. **Conduct of Meetings.**
1. The Applicant shall be responsible for scheduling the neighborhood meeting at a time when a Director's staff member can attend, coordinating the meeting, and if necessary retaining an independent facilitator. All neighborhood meetings shall be convened at a place in the vicinity of the proposed development.
  2. At the meeting, the Applicant or Applicant's representative shall present information about the land uses, site layout, building size and height.
- D. **Neighborhood Meeting Summary.** The Applicant shall include a written neighborhood meeting summary on the results of the neighborhood meeting with the formal application. At a minimum, the neighborhood meeting summary shall include the following information:
1. Proof of mailing notification for the dates and locations of all meetings where participants were invited to discuss the Applicant's proposal;
  2. Copies of the sign-in sheets;
  3. A summary of topics discussed by the Applicant and concerns, issues, and problems expressed by participants; and
  4. A summary of:
    - a. How the Applicant has addressed identified issues; and
    - b. Issues that cannot or should not be addressed, and why those issues cannot or should not be addressed.

**Section 8-2-3-8 Notice of Administrative Application** is hereby retitled and amended in its entirety to read as follows:

**“8-2-3-8 Notices of Administrative Application and Administrative Decision**

A. **Purpose and Intent.**

1. *Purpose.* The purpose of the notice of administrative application and administrative decision is to inform City residents, businesses and organizations of pending development applications and the date a decision will be made on a development application.
2. *Intent.* The notice of application is intended to provide contact information for the Applicant and City staff where interested members of the community can request

information and ask questions regarding a pending development application and provide comments to the Director prior to a decision being made.

- B. **Notice of Administrative Application.** The notice shall be prepared by the Applicant per the requirements of Division 8-2-4, Required Notices, for Master Development Plans, Site Plans and Minor Subdivision Final Plats.
- C. **Notice of Administrative Decision.** A notice may be required at the discretion of the Director. If notice is required, it shall be prepared by the Applicant per the requirements of Division 8-2-4, Required Notices.”

**Table 8-2-3-13: Time Limitations** is hereby amended in its entirety to read as follows:

| <b>Table 8-2-3-14: Time Limitations</b>                                                                                                                                                                                                                                                                                                                                |                                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| <b>Approval Type</b>                                                                                                                                                                                                                                                                                                                                                   | <b>Time Limitation</b>                                                   |
| Conditional Use                                                                                                                                                                                                                                                                                                                                                        | 5 years                                                                  |
| Temporary Use Permit / Special Event Permit                                                                                                                                                                                                                                                                                                                            | as specified in the permit                                               |
| Certificate of Compliance with Design Guidelines                                                                                                                                                                                                                                                                                                                       | 3 years, 1 year for signs                                                |
| Site Plan and Master Development Plan                                                                                                                                                                                                                                                                                                                                  | 3 years                                                                  |
| Floodplain Development Permit                                                                                                                                                                                                                                                                                                                                          | 24 months                                                                |
| Free-Standing Tower                                                                                                                                                                                                                                                                                                                                                    | 24 months; or as specified in the permit                                 |
| Miscellaneous Structure Permit                                                                                                                                                                                                                                                                                                                                         | 6 months                                                                 |
| Sign Permit                                                                                                                                                                                                                                                                                                                                                            | 1 year                                                                   |
| Alternative Sign Program                                                                                                                                                                                                                                                                                                                                               | 3 years                                                                  |
| Major Subdivision Preliminary Plat                                                                                                                                                                                                                                                                                                                                     | 3 years                                                                  |
| Public Improvement Construction Documents                                                                                                                                                                                                                                                                                                                              | 2 years                                                                  |
| Development Agreement                                                                                                                                                                                                                                                                                                                                                  | as specified in development agreement                                    |
| Reimbursement Assessment District                                                                                                                                                                                                                                                                                                                                      | as specified in documents establishing Reimbursement Assessment District |
| PUD Development Plan/Final Development Plan                                                                                                                                                                                                                                                                                                                            | 5 years<br>or as specified by development agreement                      |
| Height Exception                                                                                                                                                                                                                                                                                                                                                       | 3 years                                                                  |
| Variance                                                                                                                                                                                                                                                                                                                                                               | 2 years <sup>1</sup>                                                     |
| Minor Modifications from Zoning District and General Development Standards                                                                                                                                                                                                                                                                                             | as specified in approval documents                                       |
| Minor Modification                                                                                                                                                                                                                                                                                                                                                     | as specified in the approval documents                                   |
| Major Modification                                                                                                                                                                                                                                                                                                                                                     | as specified in the approval documents                                   |
| Floodplain Variance                                                                                                                                                                                                                                                                                                                                                    | 24 months                                                                |
| Vested Rights (and Extension)                                                                                                                                                                                                                                                                                                                                          | 36 months <sup>2</sup>                                                   |
| Base Station, Alternative Tower Structure and Freestanding Tower                                                                                                                                                                                                                                                                                                       | 1 year if site not constructed                                           |
| Small Cell Facility                                                                                                                                                                                                                                                                                                                                                    | Specified as defined in the MLA for each carrier-                        |
| <b>TABLE NOTES:</b><br><sup>1</sup> Or at such alternative time specified in the approval. In addition, a variance that has been not been utilized shall automatically lapse and have no further effect if the rights granted by it are discontinued for 180 consecutive days.<br><sup>2</sup> Unless specified otherwise in the approval or by development agreement. |                                                                          |

**Section 8-2-4-1 General Notice Requirements** is hereby amended in its entirety to read as follows:

- A. **“Computation of Time.** In computing any period of time prescribed for the purpose of giving notice under this Division, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.
- B. **Notice Cost.**
  - 1. All costs for providing mail and posted notice as required by this Division shall be the direct responsibility of the Applicant.
  - 2. The City shall provide published notice. The cost of such notice shall be included in the development review fee.
- C. **Applicant’s Certification.** Prior to the event that is the subject of a public notice, the Applicant shall provide the Director with an executed affidavit certifying that the requirements as to the Applicant’s responsibility for the applicable forms of notice under this Division have been met. The Director shall make available sample certifications that address all applicable forms of public notice required by this LDC.
- D. **Failure to Provide Notice; Defective Notice.**
  - 1. Failure to timely provide the required affidavit, or evidence that a mailing list or notice letter was defective, may be cause to suspend the review process until proper notice is provided. Such suspension may be ordered by the Director or body that is responsible for the meeting, hearing, or decision (*e.g.*, neighborhood meeting, public hearing, or staff decision) that is the subject of the notice.
  - 2. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a *bona fide* attempt has been made to comply with applicable notice requirements. In any case in which a question arises at the public hearing regarding the adequacy of notice, consideration shall be given to the nature and extent of the deficiency, the probability of confusion resulting from the deficiency, and the type and variety of notice successfully accomplished in determining whether substantial compliance with the notice requirements of this Code has been met
- E. **Continuation of Hearings and Neighborhood Meetings.** A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Division (unless required by Director), provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.”

**Section 8-2-4-2 Required Notice by Application Type** is hereby amended in its entirety to read as follows:

“Public notice of administrative applications, neighborhood meetings, or scheduled public meetings or public hearings shall be provided as set out in Table 8-2-4-2, Notice Requirements by Application Type. If an application type is not listed, then no notice is required, unless it is determined to be necessary by the Director.

| Table 8-2-4-2: Notice Requirements by Application Type                           |             |        |                     |                       |
|----------------------------------------------------------------------------------|-------------|--------|---------------------|-----------------------|
| Table Key: — Not Required or Not Applicable ✓ Required                           |             |        |                     |                       |
| Application Type                                                                 | Notice Type |        |                     |                       |
|                                                                                  | Published   | Posted | Mailed <sup>2</sup> | Internet <sup>3</sup> |
| <b>1. Annexation, Zoning and Rezoning</b>                                        |             |        |                     |                       |
| Annexation or Disconnection <sup>1</sup>                                         | ✓           | ✓      | ✓                   | ✓                     |
| Zoning or Rezoning                                                               | ✓           | ✓      | ✓                   | ✓                     |
| City Initiated Remapping                                                         | ✓           | —      | —                   | —                     |
| <b>2. Land Use</b>                                                               |             |        |                     |                       |
| Conditional Use                                                                  | ✓           | ✓      | ✓                   | ✓                     |
| <b>3. Site Plans and Site Development</b>                                        |             |        |                     |                       |
| Master Development Plan                                                          | —           | —      | ✓                   | ✓                     |
| Site Plan                                                                        | —           | —      | ✓                   | ✓                     |
| <b>4. Wireless Communications Facilities</b>                                     |             |        |                     |                       |
| Major Wireless Communications Facility Permit                                    | —           | ✓      | ✓                   | ✓                     |
| <b>5. Signs</b>                                                                  |             |        |                     |                       |
| Alternative Sign Program                                                         | ✓           | ✓      | ✓                   | ✓                     |
| <b>6. Subdivisions, Plats, and Vacations</b>                                     |             |        |                     |                       |
| Major Subdivision Preliminary Plat                                               | ✓           | ✓      | ✓                   | ✓                     |
| Vacation of Right-of-Way and Public Easements                                    | ✓           | ✓      | ✓                   | ✓                     |
| <b>7. Infrastructure Development and Public Improvements</b>                     |             |        |                     |                       |
| Formation of Reimbursement Assessment District                                   | ✓           | —      | ✓                   | ✓                     |
| <b>8. Planned Unit Developments</b>                                              |             |        |                     |                       |
| PUD Preliminary Development Plan                                                 | ✓           | ✓      | ✓                   | ✓                     |
| <b>9. Variances, Modifications, Exceptions, and Conversions</b>                  |             |        |                     |                       |
| Height Exception                                                                 | ✓           | ✓      | ✓                   | ✓                     |
| Variance                                                                         | ✓           | ✓      | ✓                   | ✓                     |
| Major Modification                                                               | ✓           | ✓      | ✓                   | ✓                     |
| Floodplain Variance                                                              | —           | —      | ✓                   | ✓                     |
| <b>10. Vested Rights</b>                                                         |             |        |                     |                       |
| Vested Rights (and Extension)                                                    | ✓           | ✓      | ✓                   | ✓                     |
| <b>11. Amendments</b>                                                            |             |        |                     |                       |
| Land Development Code Text Amendment                                             | ✓           | —      | —                   | ✓                     |
| Major Comprehensive Plan Amendment                                               | ✓           | —      | —                   | ✓                     |
| Major PUD Amendment                                                              | ✓           | ✓      | ✓                   | ✓                     |
| TABLE NOTES:                                                                     |             |        |                     |                       |
| <sup>1</sup> As required by applicable provisions of C.R.S. § 31-12-101, et seq. |             |        |                     |                       |
| <sup>2</sup> See Subsection 8-2-4-4, Statutory Mineral Estate Notices            |             |        |                     |                       |
| <sup>3</sup> See Subsection 8-2-4-3D, Internet Requirements                      |             |        |                     |                       |

A. **Generally.** Contents of the public notice will be determined by the Director.

B. **Public Notice Contents.** All notices required by this Section shall:

1. Indicate the time and place of the public hearing or meeting, if necessary, except for a Notice of Administrative Application;
  2. Sufficiently describe the property involved; for example, by legal description, general vicinity, street address, size, and/or nearest cross street;
  3. Describe the nature, scope, and purpose of the application or proposal being advertised;
  4. Indicate that interested parties may appear and the manner, extent and timing of public participation permitted (*e.g.*, filing written comments with the Director, speaking at the scheduled hearing or meeting, etc.), except for Notice of Administrative Application; and
  5. Indicate where additional information can be obtained.
- C. **Appeal Notices.** Notices of a pending appeal must include a copy of the petition for appeal and a date, time, and location for the appeal hearing, and either a copy of the rules of procedure for the Appellate Body or instructions regarding how to obtain a copy. Such notices shall be mailed to the Applicant (if different from the appellant), the appellant, and any person or entity that has applied for party status.
- D. **Vested Rights Notices.** Notice of a decision to grant vested rights shall be published in accordance with the requirements of C.R.S. § 24-68-101, as it may be amended from time to time.”

**8-2-4-3 Specific Requirements by Notice Type** is hereby amended in its entirety to read as follows:

A. **“Mailed Notice.**

1. *Mailing List.* The Applicant shall submit a mailing list to the Director, including the names and addresses of all property owners of record of all properties within the Area of Notification described below. If there are homeowners associations and/or neighborhood organization registered with the City within the Notice Area, the Applicant shall also notify them. The list shall be compiled from the names and addresses that appear in the records of the applicable County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid by the Applicant, at the Applicant’s expense, to all property owners on the mailing list.
3. *Affidavit of Compliance.* An affidavit of the Applicant’s compliance with the mailing notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates.
4. *Preparation/Timing of Notice.* When the provisions of this Code require that written or mailed notice be provided, the Applicant shall be responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice shall be mailed at least fifteen days prior to the public hearing. Notices shall be prepared pursuant to a written notice form provided by the City.
5. *Deadlines.* For decision-making Tracks 2 through 5 and Track 8, mailed notices shall be postmarked no later than 15 days before a neighborhood meeting, a public hearing, or an appeal hearing. For decision-making Tracks 1, 6, or 7, mailed notice of administrative application shall be postmarked no later than five days after acceptance



of an application. For a notice of administrative decision, mailed notice shall be postmarked no later than ten days prior to the decision date.

6. *Notice Area.*

- a. For purposes of public hearings before the City Council or the Planning Commission, and Notice of Administrative Application, notice shall be mailed to all property owners that are within 500 feet of the boundary of the property that is the subject of the application, except as otherwise provided herein. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property. For street and alley right-of-way and public vehicular access easement vacations, mailed (written) notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. Written notice shall also be mailed to any homeowners associations and other neighborhood organization with a known interest in the subject area, or to others who have filed a timely request to receive written notice.
- b. *Notices for Board of Adjustment.* For purposes of public hearings before the Board of Adjustment, notice shall be mailed to all property owners that are adjacent to the property that is the subject of the application. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property.
- c. *Changes to Notification Area.* The Director shall have the sole discretion to expand or contract the notification area based on a consideration of the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors.

B. **Published Notice.** When the provisions of this Code require that notice be published, the City shall be responsible for preparing the content of the notice, and the City shall ensure that notice is published in a newspaper of general circulation in the City, at the Applicant's expense. Notice shall be published at least 15 days prior to any public hearing by the Planning Commission or Board of Adjustment, and at least seven days prior to any public hearing by the City Council.

C. **Posting Requirements.**

1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the City at the Applicant's expense. It is the Applicant's responsibility to post the sign(s) on the subject property and ensure that they remain in place from the date of posting to the date of the public hearing.
2. *Minimum Requirements.* Posted notice shall be provided with one sign per street frontage of the applicable property. Additional posting may be required at the Director's discretion. Signs shall be located so that they are clearly visible from the adjoining street. Applicants shall remove all notification signs within one week after the public hearing.

3. *Deadline for Posting.* Notices shall be posted not less than 15 days before the public hearing date.
4. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the posted notice requirements shall be provided to the Director prior to the public hearing.
5. *Posting Log/Maintenance of Signs.* The Applicant shall be responsible for checking the posted signs each day of the posting period and for keeping a log, to be filed with the City at the time of, or prior to, any public hearing on the matter. If a sign has been removed, destroyed, or has fallen, the sign shall be replaced by the Applicant within 48 hours or by the close of the next business day, whichever period is longer. The Applicant shall sign a statement that the sign(s) were checked daily by the Applicant or the Applicant's representative, and the above-stated procedures were followed. Failure to comply with the required posting procedure may require the public hearing to be rescheduled. Such delays shall not prejudice the City regarding the City's compliance with required times to act set forth in this Code.
6. *City-Initiated Rezoning That Affects Multiple Ownership.* The posting of signs shall not be required when an amendment to the Official Zoning Map is initiated by the City and affects multiple ownerships. At the City's option, notice of a rezoning that affects multiple ownerships may be posted at City Hall.

D. **Internet Requirements.** The Director will create and maintain web pages upon which the Director may provide timely notice of applications. If a notice is missed by the Director, it shall not void the hearing or approval. “

**Section 8-3-5-3 Site Plan** is hereby retitled and amended in its entirety to read as follows:

**“8-3-5-3 Site Plan and Site Plan Amendment**

- A. **Generally.** The purpose of the Site Plan or Site Plan Amendment is to ensure compliance with the development and design standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan.
- B. **Site Plans.** All applicable provisions of this Division apply unless specifically listed. A Site Plan is required before a building permit may be issued for all development in the City except those listed below:
  1. Single family detached homes or duplex units in a subdivision of nine or fewer lots within a residential zoning district and that are not part of land for which a Master Development Plan has been approved;
  2. Permitted additions to existing single-family detached dwellings or duplex units; and
  3. Interior improvements and tenant finish.
- C. **Approval Criteria.** A Site Plan or Site Plan Amendment shall be reviewed for compliance with the following criteria:
  1. The application complies with the applicable standards of this LDC, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;
  2. The application is consistent with the Comprehensive Plan;

3. The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalks systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
4. The application will preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands and floodplains affected by the proposed development and integrates those areas into site design where practicable;
5. The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers;
6. The application is similar to surrounding uses in terms of size, scale and building façade materials;
7. The application mitigates any adverse impacts on the surrounding area to the degree practicable;
8. Within the MX, R6, R13, and R24 zoning districts, townhome and multifamily residential uses shall provide appropriate amenities, including recreational facilities, pedestrian facilities, unique aesthetic features and quality design; and
9. If the application includes residential uses and was granted Conditional Use approval, the number of residential units proposed is within ten percent of the number of units presented during the Conditional Use review."

**Section 8-3-8-7 Acceptance of Dedications** is hereby amended in its entirety to read as follows:

A. **"Generally.**

1. **Major Subdivision Final Plats.** All major subdivision final plats shall be executed by all owners of property within the boundaries of such plat, the surveyor, the attorney or title company who examined the title, and any and all lienholders. Following the approval of a major subdivision final plat, the plat, which shall have all permitted exceptions, waivers, or variances expressly noted thereon, shall be signed by the Director, the City Engineer, and the City Attorney. Dedication, approval, certification, and signature blocks shall be in a form approved by the City Attorney.
2. **Minor Subdivision Plats.** All minor subdivision plats shall be executed by all owners of property within the boundaries of such plat, the surveyor, the attorney or title company who examined the title, and any lienholders. Following the approval of the minor subdivision plat, the plat, which shall have all permitted exceptions, waivers, or variances expressly noted thereon, shall be signed by the Director. Dedication, approval, certification, and signature blocks shall be in a form approved by the City Attorney.

- B. **Method of Acceptance of Dedications; Limitations.** Full execution of the approved major subdivision final plat or minor subdivision plat shall constitute the City's acceptance of any fee-simple dedication or grant of easement to the City as is referenced on the plat. Acceptance of dedications does not constitute final acceptance of public improvements constructed thereon."

**Section 8-4-3-6 Park and Trail Dedications and Fees-in-Lieu** is hereby amended in its entirety to read as follows:

- A. **“Generally.** The park and trail dedication and fee-in-lieu requirements are intended to:
  - 1. Provide adequate parks, trails, and associated facilities, which significantly contribute to the community character of Arvada, and provide recreation and mobility opportunities for its residents;
  - 2. Recognize that new residences generate additional demands and burdens on the City’s existing parks and trails system and the need for additional such amenities;
  - 3. Recognize that the necessity for, and cost of, new or expanded parks and trails facilities is properly and proportionally attributable to and should be paid for by new residential development, in accordance with the needs and burdens generated by such development;
  - 4. Institute dedication requirements sufficient to meet the need for, and cost to develop and improve, new or expanded parks and trails generated by new residential development; and
  - 5. Provide a dedication methodology that closely approximates the additional park and trail needs and burdens generated by new residential development, links the requirements and fees to be imposed to the additional needs and demands upon the parks and trails system generated by new residential development; and imposes exactions of land for park and trail purposes (or payment in lieu thereof) and payment of park development fees that are roughly proportional to the demands and burdens created by new residential development.
- B. **Applicability.** Applicants for new residential development shall provide public land dedications for park or trail purposes or payments of fees-in-lieu of such dedications, as provided in this Section.
- C. **Park Land Dedication.** The owner of land to which these provisions apply shall, at the option of the City:
  - 1. Satisfy such combination of dedication and payment in lieu of dedication that, consistent with the provisions of this Section, the City determines appropriate.
  - 2. Pay to the City the cash equivalent of the fair market value of the land otherwise required to be dedicated pursuant to this Section; or
  - 3. Convey to the City in fee simple not less than 10 acres per 1,000 projected population in the new residential development.
- D. **Standards for Dedicated Park Land.** Park land that is dedicated pursuant to the standards of this Section shall be suitable for the purpose for which it is intended, as determined by the City.
- E. **Park Land Fee-in-Lieu.** The park land fee-in-lieu shall be equal to the value of the area of land that would otherwise be required to be dedicated, calculated as provided in Section 8-4-3-4, Appraisal of Property Value.
- F. **Public Trail Land Dedication.**
  - 1. The owner / developer of new residential development shall, at the option of the City, dedicate in fee simple or in the City’s discretion grant easements over and across, such land lying within the subject property as may be required, as determined by the City, to provide for the construction and maintenance of public trails that will serve and / or traverse the subject property as referenced in or depicted on the City’s approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan.

2. The owner / developer of new residential development shall further be required to construct all public trails that are dedicated pursuant to Subsection F.1., above.
3. Any trail dedication or construction required by the provisions of this Subsection shall comply with all applicable City design and construction standards, and shall conform to the locational requirements of this LDC.

**G. Credit for Trail Land Dedications.**

1. For purposes of satisfying the park land dedication requirements of Subsection C., above, in those developments where trails referenced in or depicted on the City's approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan are proposed to be located, those trail dedications or grants of easements as are accepted by the City shall be credited against the park land dedication requirements of the development.
2. With respect to dedications or grants of easements for other public trails proposed within the development, but not referenced or depicted on the City's approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan, the City may in its discretion, grant a credit, in whole or in part, against park land dedication requirements for such trail dedications or grants of easement.
3. Such credits as set forth herein shall not apply to proposed 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.

**H. Form of Land Dedication/Payment of In-Lieu Fees.**

1. All lands or interests required to be conveyed under this Division shall be conveyed to the City by proper dedication upon a plat or by general warranty deed, without restriction, and free and clear of any and all liens, restrictions, covenants, and encumbrances.
2. Cash-in-lieu payments shall be paid to the City in an account to be used solely for the acquisition and development of parks, trails, and recreation facilities reasonably proximate to the applicable residential development.

**I. Timing of Dedication or Payment-In-Lieu.** Any dedication of land, payment-in-lieu of dedication, or granting of an easement that is required pursuant to the provisions of this Section shall be satisfied in accordance with the following:

1. As to residential development in general, all requirements with respect to land dedication, payments-in-lieu, or trail easements shall be satisfied in full prior to, or as part of, the approval of the final plat, final development plan, or site plan or at such other time as may be required by the City. As to a non-PUD, but phased, development, the provisions of Subsection I.2., below, shall apply.
2. As to the phased development of a PUD project, all of the following shall apply:
  - a. All park land dedication requirements shall be satisfied at the time of the approval of the site plan, PUD final development plan, minor subdivision plat, or major subdivision final plat for each phase of the development based upon the projected population for that phase, or at such other time as may be required by the City.
  - b. Payments-in-lieu of park land dedication shall be satisfied at the time of the approval of the site plan, PUD final development plan, minor subdivision plat, or major subdivision final plat for each phase, based upon the nature and number of dwelling units contained within such phase and application of the land dedication and payment-in-lieu provisions of this Section, or at such other time as may be required by the City.

- c. Dedications or grants of easements for trail purposes pursuant to the provisions of this Section shall be satisfied prior to, or as part of, the approval of the minor subdivision plat or major subdivision final plat for each phase involving land which a trail or trails referenced in Subsection F., above, will traverse, or at such other time as may be required by the City.
- d. No revision or amendment to an approved development plan or final plat pursuant to which the required land dedication has been previously proffered and accepted by the City shall create a credit in favor of, or reduce the land dedication requirements applicable to an owner/developer, nor shall any such revision or amendment require the City to re-convey any portion of a previously accepted dedication, notwithstanding a decrease in the planned density of the development or any portion thereof.”

The remaining portions of Chapter 8 shall remain unchanged.

Section 7. Chapter 11, Measurements, Rules of Construction, and Definitions, of the Land Development Code, of the Arvada City Code is hereby amended:

**Section 11-1-1 Purpose of Article** is hereby renumbered and amended in its entirety to read as follows:

**“11-1-1-1 Purpose of Article**

A.The purpose of this Article is to provide general rules for measurement used in this Code.”

**Section 11-1-2 Rules for Measurement** is hereby renumbered and amended in its entirety to read as follows:

**“11-1-1-2 Rules for Measurement**

**A. 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. *Rounding.* When applying a density standard to a parcel land area, all resulting fractions shall be rounded to the next lower whole number.
- 4. *Maximum Density not Guaranteed.* The number of dwelling units allowed on a site is based on the presumption that all applicable standards shall be met. The maximum density established for a zoning district as identified in Chapter 2 is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

**B. Lot Area**

- 1. Lot area is measured as the amount of gross land area contained within the property lines of a lot or parcel, but not including streets or rights-of-way.

**C. Lot Frontage (Lot Width)**

- 1. Lot frontage or width refers to the horizontal 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.

**D. Lot Coverage**

1. *General Rule.* Lot coverage is measured as 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.
2. *Exemptions.* The following features shall not be counted for the purpose of determining lot coverage:
  - a. Swimming pools and hot tubs.
  - b. Uncovered decks less than 30 inches above grade.
  - c. Mini-structures under 200 square feet in total area.

**E. Street Frontage**

1. Street frontage is measured between side lot lines along the street lot line. Lots that do not have frontage at the street right-of-way line will indicate a building setback line by a dashed line at the point where the lot has the required width, but in no case less than the setback normally required.

**F. Setbacks**

1. *General Rule.* Setbacks are measured between the lot line and the closest projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in Section 2-1-10-1, Exceptions to Setback Standards. Driveway length in the front setback is measured from the back of sidewalk to the face of the garage measured along the centerline of the driveway apron. Parking in a rear setback shall meet the requirements set forth in Division 4-5-3, Parking and Loading Design.
2. *Setback Averaging.* Regardless of the minimum front setback required by the underlying zoning district, front setbacks may be reduced to the average of the existing setbacks of the lots that are on both sides of the subject lot. The following rules apply in calculating the average setback:
  - a. Only the setbacks on the lots that abut each side of the subject lot and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used.
  - b. When one abutting lot is vacant or if the subject lot is a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.

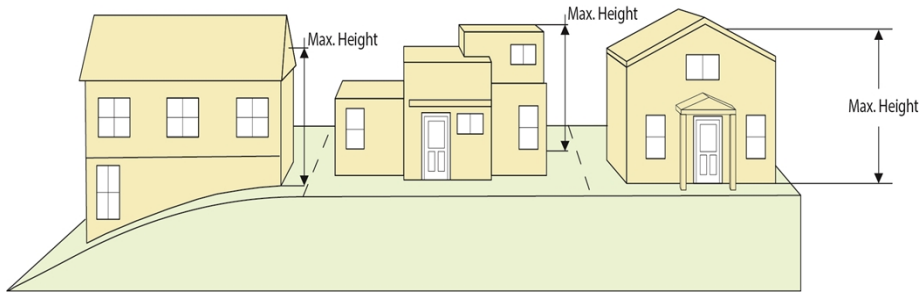
**G. Floor Area Ratio (FAR)**

1. FAR is measured as the gross floor area of all buildings on a lot or parcel, divided by the lot area.

**H. Height**

1. *Building Height.* Building height is measured as 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 mid-point 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.
2. *Height, Fence or Wall.* The height of a fence or wall shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

3. *Height, Tower/Antenna/Other Structures (Not Buildings).* See Chapter 7, Wireless Communications Facilities.
4. *Exceptions to Height Limitations in All Districts.* See Section 2-1-10-2, Exceptions to Maximum Building or Structure Height.



#### **I. Distance or Spacing**

1. Whenever 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 measured as follows:
  - a. For a proposed use that will be located in an individual structure or building, the required minimum distance shall be measured from the closest point of the structure or building housing the proposed use to the property line or the existing use, or activity, or the zoning district boundary, as applicable. Except that as applied to measuring distance between automotive wash facilities, the required distance shall be measured along street frontage and not by a straight line distance between the two structures housing such uses, as specified in the Code.
  - b. For a proposed use that will be located within a building also occupied by other uses, such as within a shopping center, the required minimum distance shall be measured from the closest point of that portion of the building housing the proposed use to the property line of the existing use, or activity, or the zoning district boundary, applicable.
  - c. Drive-through lanes, drives for automobile service stations, and other similar areas accessory to a principal use subject to a distance or spacing requirement shall also be located outside the minimum distance required.

#### **J. Variation of Residential Dwelling Elevations**

1. Wherever it is required that the elevation of single family homes be varied every so many units, that requirement shall permit the first and last units within that specified number to be the same. For example, a requirement that home facades be varied "every fourth unit" shall require that the first, second, and third home elevations be different, but shall permit the first and fourth home elevations to be the same.

#### **K. Measurement of Brick and Stone Cladding**

1. The measurement shall be all of the area excluding windows, doors, garage doors from grade to the roof eave or top plate of the main portion of the structure.

#### **L. Measurement of Signs**

1. The measurement of signage shall be calculated in accordance with Chapter 6, Signs.”



**Division 11-3-3 Definitions** is amended or added to read as follows, all defined words not listed here, remain unchanged.

**Clustered Subdivision**

A cluster lot subdivision is a residential development in which lots are allowed to be smaller or narrow. Cluster lot subdivision is a design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation or other common use, or preservation of environmentally sensitive areas or agricultural uses.

**Electric Vehicle (EV) Charging Station**

A public or private parking space and all associated equipment, including electrical transformers, that is served by battery charging station equipment that has its primary purpose to transfer electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

**Food and Retail Truck Vending**

Food and retail vending from a readily movable wheeled, motorized vehicle designed and equipped to serve food or sell retail goods or a wheeled, non-motorized trailer designed and equipped to serve food or sell retail goods, and towed by a motorized vehicle.

**Fueling/Service Station**

Any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; Level 3 DC fast-charging or Level 2 charging of electric vehicles; towing of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations. The phrase “fueling/service station” does not include collision centers, or facilities that provide transmission repair, engine overhauls, or repair of heavy trucks or heavy motorized equipment. 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, such use shall be classified as a “convenience store.”

**Landscape Surface Area**

Area that is vegetated per the requirements of Article 4-6, Landscape and Buffering, or reserved for the use of outdoor pedestrian and/or non-vehicular recreation activity areas including sidewalks, trails, patios, decks, amenitized landscape surface area, and small urban parks. Detention areas, buffers, and landscaping within a parking lot may be included. Includes areas dedicated as amenitized landscape surface area and small urban parks.

**Landscape Surface Area, Amenitized**

Landscape surface area that is designed for the common use or enjoyment of residents, employees, or guests of the development.

**Open Space, Common** is deleted in its entirety.

**Outdoor Storage**

Storage of materials, merchandise, stock, supplies, 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, regardless of how long such materials are kept on the premises. This definition shall not apply to items for sale to the general public such as new and used cars, recreational vehicles, boats, landscape and building materials, where such items are permitted for sale in the zoning district in which they are located. "Outdoor storage" shall not apply to the storage of wrecked or inoperable vehicles. (See "salvage yard".) In addition, "outdoor storage" does not include outdoor parking of motor vehicles parked for less than 48 hours for maintenance service.

**Place of Assembly** is amended by placing it between the definitions for Personal Services Vending and Porte- Cochère; the definition remains unchanged.

### **Produce Stand**

A temporary or permanent structure used for sale of produce and incidentally used for sale of related items which is located on property used for agriculture or community agriculture.

### **Retail Sales and Services, Type 1**

A use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, garden supplies, gifts, groceries, hardware, home improvement goods, household products, jewelry, music, musical instruments, office supplies, party supplies, pet grooming, pet supplies, pharmaceuticals, phones, photography equipment, produce, signs, sporting goods, stationary, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as banking, picture framing, installation of electronics (*e.g.*, audio systems and navigation systems) into motor vehicles, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (*e.g.*, a computer store may also repair computers), repairs of consumer electronics, tattoo parlors, and comparable services that are not included in the definition of the phrase "Retail Sales and Services, Type 2." The phrase "Retail Sales and Services, Type 1" does not include uses that are classified or defined more specifically in this Code, including but not limited to "Retail Sales and Services, Type 2," "Restaurant," "Restaurant, Fast Food," "Adult Entertainment," "Adult Retail Sales," "Marijuana Uses," and "Vehicle / Equipment Sales or Rentals."

Retail sales and services, type 1 uses are generally conducted indoors. However, the phrase also includes uses in which not more than 25 percent of the area used for storage and display of products is located outside or in partially enclosed structures.

### **Sign, Canopy**

A sign with one face affixed to a canopy. For purpose of this definition, a canopy is an attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cocheres, arcades and pergolas.

The remaining portions of Chapter 11 shall remain unchanged.

Section 8. Should any provision of this ordinance be declared by a court to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 9. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this\_\_\_\_\_, 2022.

PASSED, ADOPTED AND APPROVED this 18th day of October, 2022.

\_\_\_\_\_  
Marc Williams, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

Rachael A. Morris, City Attorney:

BY: \_\_\_\_\_

Publication Dates:

**REDLINE/STRIKEOVER VERSION**

**FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE**

Underlined indicates new material  
**Strikethrough** indicates deleted material

| Table 2-1-3-3A: Residential Neighborhood Lot and Building Standards |                                                              |               |               |               |               |               |               |           |
|---------------------------------------------------------------------|--------------------------------------------------------------|---------------|---------------|---------------|---------------|---------------|---------------|-----------|
| Standard                                                            |                                                              | Subdistrict   |               |               |               |               |               |           |
|                                                                     |                                                              | RN-32.5       | RN-12.5       | RN-7.5        | RN-6          | RN-4          | RN-D          |           |
| Residential Uses                                                    |                                                              |               |               |               |               |               |               |           |
| Housing Type                                                        |                                                              | Single-Family | Single-Family | Single-Family | Single-Family | Single-Family | Single-Family | Duplex    |
| Lot Standards                                                       |                                                              |               |               |               |               |               |               |           |
|                                                                     | Min. Lot Area                                                | 32,500 sf.    | 12,500 sf.    | 7,500 sf.     | 6,000 sf.     | 4,000 sf.     | 6,000 sf.     | 9,000 sf. |
| A                                                                   | Min. Lot Width                                               | 100 ft.       | 100 ft.       | 75 ft.        | 50 ft.        | 40 ft.        | 60 ft.        | 75 ft.    |
|                                                                     | Min. Lot Width (Corner)                                      | 100 ft.       | 100 ft.       | 85 ft.        | 60 ft.        | 40 ft.        | 75 ft.        | 85 ft.    |
|                                                                     | Max. Lot Coverage                                            | 25%           | 35%           | 40%           | 40%           | 40%           | 40%           | 30%       |
| Setback Standards                                                   |                                                              |               |               |               |               |               |               |           |
| B                                                                   | Min. Front                                                   | 30 ft.        | 30 ft.        | 20 ft.        | 18 ft.        | 18 ft.        | 18 ft.        | 25 ft.    |
| C                                                                   | Min. Street Side <sup>1</sup>                                | 25ft.         | 25 ft.        | 20 ft.        | 13 ft.        | 13 ft.        | 13 ft.        | 20 ft.    |
| D                                                                   | Min. Interior Side                                           | 15 ft.        | 10 ft.        | 7.5 ft.       | 5 ft.         | 5 ft.         | 5 ft.         | 10 ft.    |
| E                                                                   | Min. Rear                                                    | 15 ft.        | 15 ft.        | 10 ft.        | 10 ft.        | 10 ft.        | 10 ft.        | 10 ft.    |
|                                                                     | Min. Rear, Alley <sup>1</sup>                                | 0 ft.         | 0 ft.         | 0 ft.         | 0 ft.         | 0 ft.         | 0 ft.         | 0 ft.     |
|                                                                     | Min. Arterial Setback <sup>2</sup>                           | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.   |
| Building Standards                                                  |                                                              |               |               |               |               |               |               |           |
| F                                                                   | Max. Height, Principal Building                              | 35 ft.        | 28 ft.        | 28 ft.        | 28 ft.        | 28 ft.        | 28 ft.        | 28 ft.    |
|                                                                     | Max. Height, ADU (detached)                                  | 30 ft.        | 25 ft.        | 25 ft.        | 25 ft.        | 25 ft.        | 25 ft.        | -         |
| G                                                                   | Max. Height, Accessory Building except for Barns and Stables | 20 ft.        | 16 ft.        | 16 ft.        | 16 ft.        | 16 ft.        | 16 ft.        | 16 ft.    |
|                                                                     | Max. Height, Barns and Stables                               | 35 ft.        | 30 ft.        | -             | -             | -             | -             | -         |
|                                                                     | Max. Height, Mini Structures                                 | 12 ft.        | 12 ft.        | 12 ft.        | 12 ft.        | 12 ft.        | 12 ft.        | 12 ft.    |
| Nonresidential Uses                                                 |                                                              |               |               |               |               |               |               |           |
| Lot Standards                                                       |                                                              |               |               |               |               |               |               |           |
|                                                                     | Min. Lot Area                                                | 1 ac.         | 1 ac.         | 10,000 sf.    | 10,000 sf.    | 10,000 sf.    | 10,000 sf.    |           |
| A                                                                   | Min. Lot Width                                               | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       | 100 ft.       |           |
|                                                                     | Max. Lot Coverage                                            | 25%           | 25%           | 40%           | 40%           | 40%           | 40%           |           |
| Setback Standards                                                   |                                                              |               |               |               |               |               |               |           |

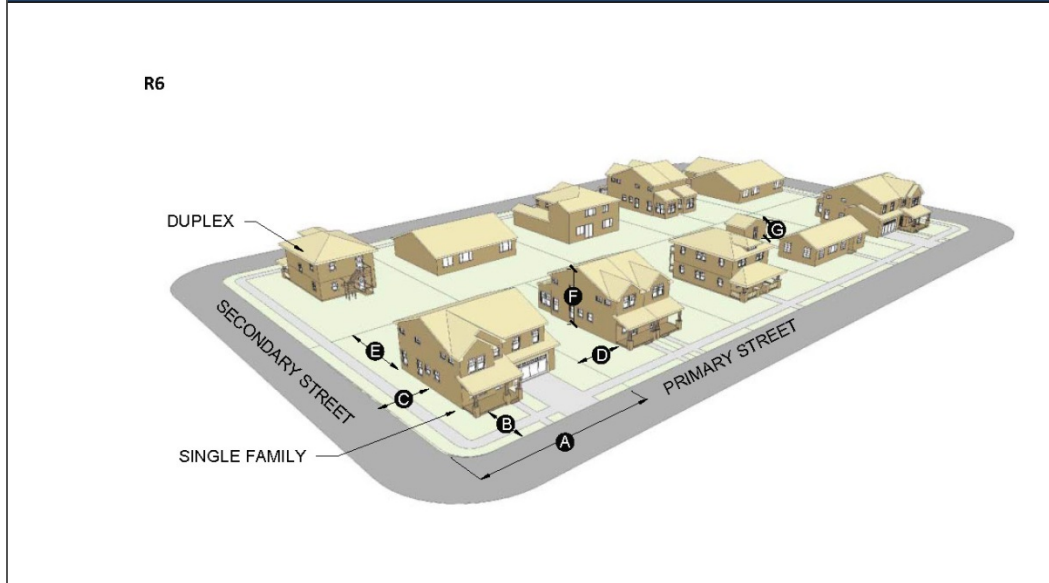
**Table 2-1-3-3A: Residential Neighborhood Lot and Building Standards**

| Standard                                                                                                                                                                                                                                                                                                                                                                |                                    | Subdistrict |         |         |         |         |         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-------------|---------|---------|---------|---------|---------|
|                                                                                                                                                                                                                                                                                                                                                                         |                                    | RN-32.5     | RN-12.5 | RN-7.5  | RN-6    | RN-4    | RN-D    |
| <b>B</b>                                                                                                                                                                                                                                                                                                                                                                | Min. Front                         | 30 ft.      | 30 ft.  | 25 ft.  | 18 ft.  | 18 ft.  | 18 ft.  |
| <b>C</b>                                                                                                                                                                                                                                                                                                                                                                | Min. Interior Side                 | 15 ft.      | 15 ft.  | 10 ft.  | 10 ft.  | 10 ft.  | 10 ft.  |
| <b>D</b>                                                                                                                                                                                                                                                                                                                                                                | Min. Street Side                   | 30 ft.      | 30 ft.  | 25 ft.  | 18 ft.  | 18 ft.  | 18 ft.  |
| <b>E</b>                                                                                                                                                                                                                                                                                                                                                                | Min. Rear                          | 15 ft.      | 15 ft.  | 15 ft.  | 10 ft.  | 10 ft.  | 10 ft.  |
|                                                                                                                                                                                                                                                                                                                                                                         | Min. Rear (Alley) <sup>1</sup>     | 0 ft.       | 0 ft.   | 0 ft.   | 0 ft.   | 0 ft.   | 0 ft.   |
|                                                                                                                                                                                                                                                                                                                                                                         | Min. Arterial Setback <sup>2</sup> | 100 ft.     | 100 ft. | 100 ft. | 100 ft. | 100 ft. | 100 ft. |
| <b>Building Standards</b>                                                                                                                                                                                                                                                                                                                                               |                                    |             |         |         |         |         |         |
| <b>F</b>                                                                                                                                                                                                                                                                                                                                                                | Max. Height, Principal Building    | 35 ft.      | 35 ft.  | 35 ft.  | 35 ft.  | 35 ft.  | 35 ft.  |
| <b>G</b>                                                                                                                                                                                                                                                                                                                                                                | Max. Height, Accessory Building    | 20 ft.      | 16 ft.  | 16 ft.  | 16 ft.  | 16 ft.  | 16 ft.  |
|                                                                                                                                                                                                                                                                                                                                                                         | Max. Height, Mini Structure        | 12 ft.      | 12 ft.  | 12 ft.  | 12 ft.  | 12 ft.  | 12 ft.  |
| <p><b>TABLE NOTES:</b></p> <p><sup>1</sup> <del>For driveway access must be 18 ft.</del> <b>The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.</b></p> <p><sup>2</sup> Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks.</p> |                                    |             |         |         |         |         |         |

**2-1-3-4 R6: Residential 6**

- A. **Purpose.** The purpose of the Residential 6 (R6) zoning district is to allow for new residential development of a variety of housing products up to a gross density of six units per acre along with supporting community and institutional uses.
- B. **Relationship to the Comprehensive Plan.** The R6 zoning district generally implements the “Suburban Residential” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the R6 zoning district are set out in Table 2-1-3-4A, Residential 6 Lot and Building Standards and Division 2-1-8, Housing Palette.

**Figure 2-1-3-4: Illustrative Residential 6 Lot and Building Standards**



**Table 2-1-3-4A: Residential 6 Lot and Building Standards**

| Standard                                                                                                  |                                                                     | Lot Type                                                      |                |
|-----------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------|----------------|
|                                                                                                           |                                                                     | Residential                                                   | Nonresidential |
| Lot Standards                                                                                             |                                                                     |                                                               |                |
|                                                                                                           | Min. Lot Area                                                       | See Subsection D., below, and Division 2-1-8, Housing Palette | 10,000 sf.     |
| A                                                                                                         | Min. Lot Width                                                      |                                                               | 100 ft.        |
|                                                                                                           | Max. Lot Coverage                                                   |                                                               | 40%            |
| Building and Parking Siting Standards                                                                     |                                                                     |                                                               |                |
| B                                                                                                         | Min. Front                                                          | See Subsection D., below, and Division 2-1-8, Housing Palette | 25 ft.         |
| C                                                                                                         | Min. Street Side                                                    |                                                               | 25 ft.         |
| D                                                                                                         | Min. Interior Side                                                  |                                                               | 10 ft.         |
| E                                                                                                         | Min. Rear                                                           |                                                               | 15 ft.         |
|                                                                                                           | Min. Arterial Setback <sup>1</sup>                                  | 100 ft.                                                       | No Minimum     |
|                                                                                                           | Min. Parking Setback                                                | 20 ft. <sup>2</sup>                                           | 20 ft.         |
| Building Standards                                                                                        |                                                                     |                                                               |                |
| F                                                                                                         | Max. Height, Principal Building                                     | 35 ft.                                                        | 35 ft.         |
|                                                                                                           | Max. Height, ADU (detached)                                         | 30 ft.                                                        | -              |
| G                                                                                                         | Max. Height, Accessory Building                                     | 18 ft.                                                        | 18 ft.         |
|                                                                                                           | Max. Height, Mini-structure                                         | 12 ft.                                                        | 12 ft.         |
| Site Standards                                                                                            |                                                                     |                                                               |                |
|                                                                                                           | Min. Landscape Surface Area                                         | 20%                                                           | 30%            |
|                                                                                                           | <a href="#">Min. Landscape Surface Area, Amenitized<sup>3</sup></a> | <a href="#">5%</a>                                            | -              |
| Density Standards                                                                                         |                                                                     |                                                               |                |
|                                                                                                           | Max. Density                                                        | 6 u/a                                                         | -              |
| TABLE NOTES:                                                                                              |                                                                     |                                                               |                |
| <sup>1</sup> Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks. |                                                                     |                                                               |                |

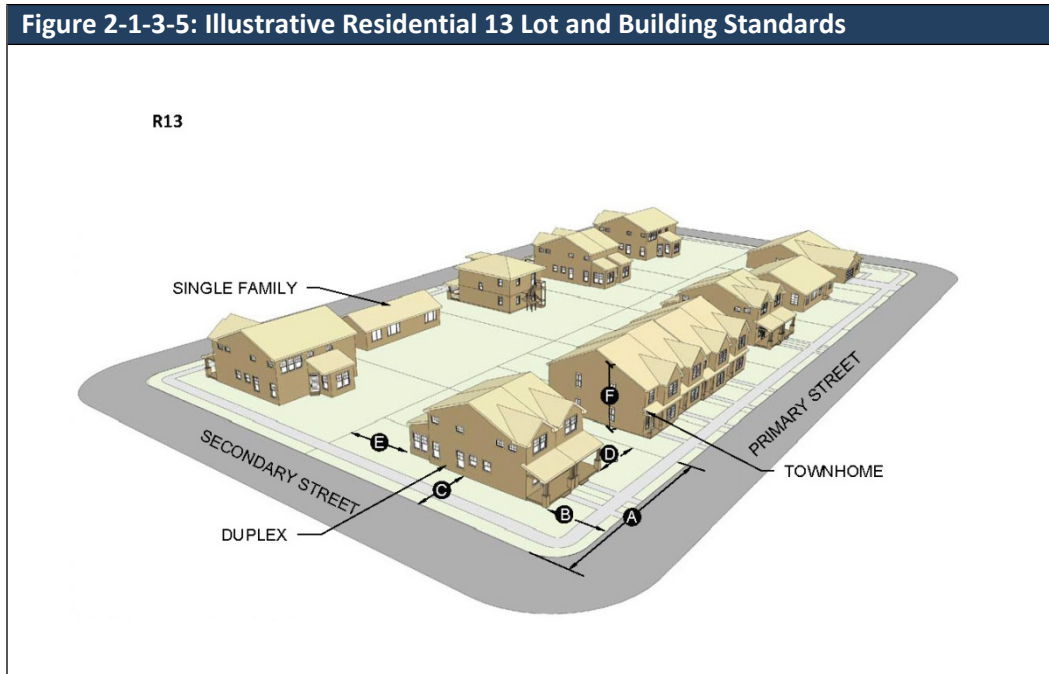
| Table 2-1-3-4A: Residential 6 Lot and Building Standards                                                                                                                                                                                                                            |             |                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|----------------|
| Standard                                                                                                                                                                                                                                                                            | Lot Type    |                |
|                                                                                                                                                                                                                                                                                     | Residential | Nonresidential |
| <sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.<br><sup>3</sup> <a href="#">Percentage of lot. Counts toward Min. Landscape Surface Area. Detached single family and duplex developments with 9 or less units exempt.</a> |             |                |

- D. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the R6 zoning district:
1. Single-Family Detached: Small General; General; Small Suburban; Suburban
  2. Zero Lot Line: Small General; General
  3. Duplexes: Side-By-Side; Over-Under
  4. Townhomes: Suburban Type; ~~Urban Type~~
  5. Multiplexes
  6. Clustered Housing: Micro Homes; Cottage Types.
- E. **Cross-References.** The cross-references in Table 2-1-3-4B, Cross-References for Residential 6, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

| Table 2-1-3-4B: Cross-References for Residential 6        |                                                                                                                   |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Topic                                                     | Reference                                                                                                         |
| Max. No. of Principal Building                            | Section 2-1-9-1, One Principal Building per Lot                                                                   |
| Land Use Regulations                                      | Division 3-1-2, Land Use by Zoning District                                                                       |
| Business Use of the Home                                  | Division 3-1-5, Business Use of the Home                                                                          |
| Parking                                                   | Article 4-5, Parking and Loading                                                                                  |
| Landscaping                                               | Article 4-6, Landscaping and Buffering                                                                            |
| Fences and Walls                                          | Section 4-7-2-1, Fences and Divisional Walls; and<br>Section 4-7-2-2, Retaining Walls                             |
| Exterior Lighting                                         | Article 4-8, Exterior Lighting                                                                                    |
| Building Design Standards                                 | Division 5-1-2, Building and Structure Design Standards;<br>and<br>Section 5-1-4-1, Decks, Balconies, and Porches |
| Mini-Structures (e.g.,<br>Playground Equipment)           | Section 5-1-4-3, Mini-Structures                                                                                  |
| Accessory Dwelling Units                                  | Section 5-1-5-2, Accessory Dwelling Units                                                                         |
| Accessory Buildings                                       | Section 5-1-5-3, Accessory Buildings                                                                              |
| Satellite Dishes, Antennas, and<br>Amateur Radio          | Section 5-1-5-4, Satellite Dishes and Antennas; Amateur<br>Radio Antennas                                         |
| Renewable Energy Systems<br>(e.g., Solar Panels)          | Section 5-1-4-4, Renewable Energy Systems                                                                         |
| Accessory Buildings (Non-<br>Residential and Multifamily) | Section 5-1-6-1.E, Number of Accessory Buildings or Free-<br>Standing Accessory Structures                        |

## 2-1-3-5 R13: Residential 13

- A. **Purpose.** The purpose of the Residential 13 (R13) zoning district is to allow for new residential development of a variety of housing products up to a gross density of 13 units per acre.
- B. **Relationship to the Comprehensive Plan.** The R13 zoning district generally implements the “Medium Density Residential” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the R13 zoning district are set out in Table 2-1-3-5A, Residential 13 Lot and Building Standards and Division 2-1-8, Housing Palette.



| Table 2-1-3-5A: Residential 13 Lot and Building Standards |                                    |                                                               |                |
|-----------------------------------------------------------|------------------------------------|---------------------------------------------------------------|----------------|
| Standard                                                  |                                    | Lot Type                                                      |                |
|                                                           |                                    | Residential                                                   | Nonresidential |
| Lot Standards                                             |                                    |                                                               |                |
|                                                           | Min. Lot Area                      | See Subsection D., below, and Division 2-1-8, Housing Palette | 10,000 sf.     |
| A                                                         | Min. Lot Width                     |                                                               | 100 ft.        |
|                                                           | Max. Lot Coverage                  |                                                               | 40%            |
| Setback Standards                                         |                                    |                                                               |                |
| B                                                         | Min. Front                         | See Subsection D., below, and Division 2-1-8, Housing Palette | 20 ft.         |
| C                                                         | Min. Street Side                   |                                                               | 20 ft.         |
| D                                                         | Min. Interior Side                 |                                                               | 10 ft.         |
| E                                                         | Min. Rear                          |                                                               | 15 ft.         |
|                                                           | Min. Arterial Setback <sup>1</sup> | 100 ft.                                                       | -              |
|                                                           | Min. Parking Setback               | 20 ft. <sup>2</sup>                                           | 20 ft.         |
| Building Standards                                        |                                    |                                                               |                |
| F                                                         | Max. Height, Principal Building    | 35 ft.                                                        | 35 ft.         |
|                                                           | Max. Height, ADU (detached)        | 30 ft.                                                        | -              |



| Table 2-1-3-5A: Residential 13 Lot and Building Standards                                                                                                                                                                                                                                                                                                                                                                                         |                                                   |             |                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-------------|----------------|
| Standard                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                   | Lot Type    |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                   | Residential | Nonresidential |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Max. Height, Accessory Building                   | 18 ft.      | 18 ft.         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Max. Height, Mini-structure                       | 12 ft.      | 12 ft.         |
| <b>Site Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                   |             |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Min. Landscape Surface Area                       | 20%         | 30%            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Min. Landscape Surface Area, Amenity <sup>2</sup> | 50%         | -              |
| <b>Density Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                   |             |                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Max. Density                                      | 13 u/a      | -              |
| <p><b>TABLE NOTES:</b></p> <p><sup>1</sup> Measured from the centerline of the arterial. <b>See</b> Section 2-1-9-2, Arterial Street Setbacks.</p> <p><sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.</p> <p><sup>3</sup> <a href="#">Percentage of lot. Counts toward Min. Landscape Surface Area. Detached single family and duplex developments with 9 or less units exempt.</a></p> |                                                   |             |                |

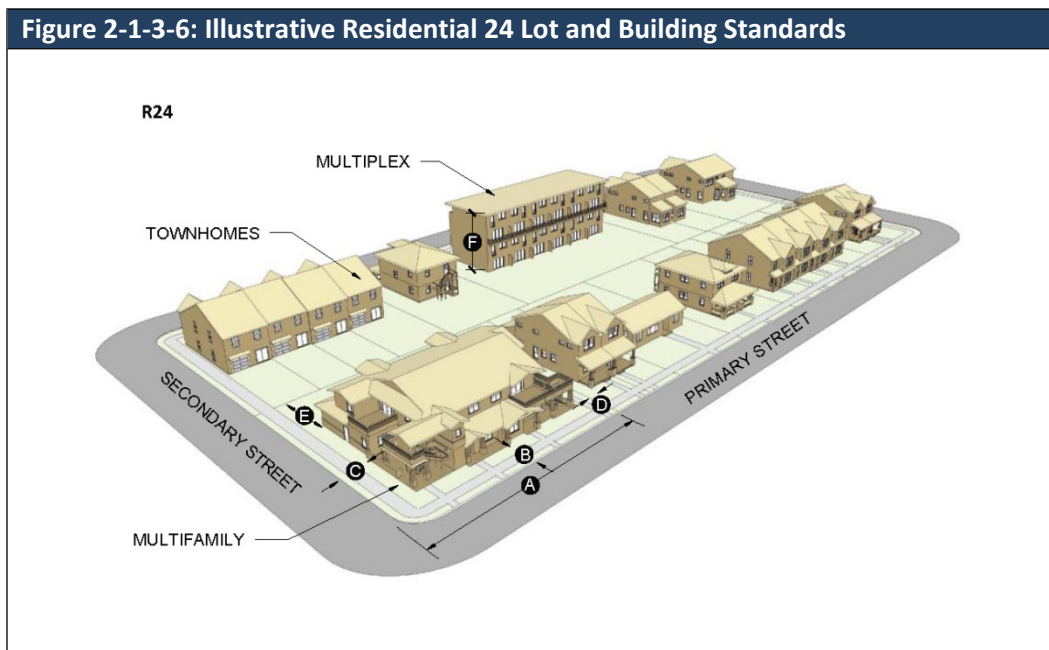
- D. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the R13 zoning district:
1. Single-Family Detached: Small Urban; Urban; Small General; General; Small Suburban
  2. Zero Lot Line: Small General; General
  3. Duplexes: Side-By-Side; Over-Under
  4. Townhomes: Suburban; Urban
  5. Multiplexes
  6. Multifamily: General
  7. Clustered Housing: Micro; Cottages Types.
- E. **Cross-References.** The cross-references in Table 2-1-3-5B, Cross-References for Residential 13, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

| Table 2-1-3-5B: Cross-References for Residential 13 |                                                                                    |
|-----------------------------------------------------|------------------------------------------------------------------------------------|
| Topic                                               | Reference                                                                          |
| Max. No. of Principal Building                      | Section 2-1-9-1, One Principal Building per Lot                                    |
| Land Use Regulations                                | Division 3-1-2, Land Use by Zoning District                                        |
| Business Use of the Home                            | Division 3-1-5, Business Use of the Home                                           |
| Parking                                             | Article 4-5, Parking and Loading                                                   |
| Landscaping                                         | Article 4-6, Landscaping and Buffering                                             |
| Fences and Walls                                    | Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls |
| Exterior Lighting                                   | Article 4-8, Exterior Lighting                                                     |
| Building Design Standards                           | Division 5-1-2, Building and Structure Design Standards; and                       |

| Table 2-1-3-5B: Cross-References for Residential 13   |                                                                                        |
|-------------------------------------------------------|----------------------------------------------------------------------------------------|
| Topic                                                 | Reference                                                                              |
|                                                       | Section 5-1-4-1, Decks, Balconies, and Porches                                         |
| Mini-Structures (e.g., Playground Equipment)          | Section 5-1-4-3, Mini-Structures                                                       |
| Accessory Dwelling Units                              | Section 5-1-5-2, Accessory Dwelling Units                                              |
| Accessory Buildings                                   | Section 5-1-5-3, Accessory Buildings                                                   |
| Satellite Dishes, Antennas, and Amateur Radio         | Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas                 |
| Renewable Energy Systems (e.g., Solar Panels)         | Section 5-1-4-4, Renewable Energy Systems                                              |
| Accessory Buildings (Non-Residential and Multifamily) | Section 5-1-6-1.E, Number of Accessory Buildings or Free-Standing Accessory Structures |

### 2-1-3-6 R24: Residential 24

- A. **Purpose.** The purpose of the Residential 24 (R24) zoning district is to allow for new residential development of a variety of moderate to higher density housing products, up to a gross density of 24 units per acre.
- B. **Relationship to the Comprehensive Plan.** The R24 zoning district generally implements the “High Density Residential” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the R24 zoning district are set out in Table 2-1-3-6A, Residential 24 Lot and Building Standards and Division 2-1-8, Housing Palette.



| Table 2-1-3-6A: Residential 24 Lot and Building Standards                                                                                                              |                                                                     |                                                               |                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|---------------------------------------------------------------|----------------|
| Standard                                                                                                                                                               |                                                                     | Lot Type                                                      |                |
|                                                                                                                                                                        |                                                                     | Residential                                                   | Nonresidential |
| Lot Standards                                                                                                                                                          |                                                                     |                                                               |                |
|                                                                                                                                                                        | Min. Lot Area                                                       | See Subsection D., below, and Division 2-1-8, Housing Palette | 10,000 sf.     |
| A                                                                                                                                                                      | Min. Lot Width                                                      |                                                               | 100 ft.        |
|                                                                                                                                                                        | Max. Lot Coverage                                                   |                                                               | 40%            |
| Building and Parking Siting Standards                                                                                                                                  |                                                                     |                                                               |                |
| B                                                                                                                                                                      | Min. Front                                                          | See Subsection D., below, and Division 2-1-8, Housing Palette | 20 ft.         |
| C                                                                                                                                                                      | Min. Street Side                                                    |                                                               | 20 ft.         |
| D                                                                                                                                                                      | Min. Interior Side                                                  |                                                               | 10 ft.         |
| E                                                                                                                                                                      | Min. Rear                                                           |                                                               | 15 ft.         |
|                                                                                                                                                                        | Min. Arterial Setback <sup>1</sup>                                  | 100 ft.                                                       | -              |
|                                                                                                                                                                        | Min. Parking Setback                                                | 20 ft. <sup>2</sup>                                           | 20 ft.         |
| Building Standards                                                                                                                                                     |                                                                     |                                                               |                |
| F                                                                                                                                                                      | Max. Height, Principal Building                                     | 35 ft.                                                        | 35 ft.         |
|                                                                                                                                                                        | Max. Height, ADU (detached)                                         | 30 ft.                                                        | -              |
|                                                                                                                                                                        | Max. Height, Accessory Building                                     | 18 ft.                                                        | 18 ft.         |
|                                                                                                                                                                        | Max. Height, Mini-structure                                         | 12 ft.                                                        | 12 ft.         |
| Site Standards                                                                                                                                                         |                                                                     |                                                               |                |
|                                                                                                                                                                        | Min. Landscape Surface Area                                         | 20%                                                           | 30%            |
|                                                                                                                                                                        | <a href="#">Min. Landscape Surface Area, Amenitized<sup>3</sup></a> | <a href="#">5%</a>                                            | -              |
| Density Standards                                                                                                                                                      |                                                                     |                                                               |                |
|                                                                                                                                                                        | Max. Density                                                        | 24 u/a                                                        | -              |
| TABLE NOTES:                                                                                                                                                           |                                                                     |                                                               |                |
| <sup>1</sup> Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks.                                                              |                                                                     |                                                               |                |
| <sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.                                                              |                                                                     |                                                               |                |
| <sup>3</sup> <a href="#">Percentage of lot. Counts toward Min. Landscape Surface Area. Detached single family and duplex developments with 9 or less units exempt.</a> |                                                                     |                                                               |                |

**D. Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the R24 zoning district:

1. Single-Family Detached: Small Urban; Urban; Small General; General; Small Suburban
2. Zero Lot Line: Small General; General
3. Duplexes: Side-By-Side; Over-Under
4. Townhomes: Suburban; Urban
5. Multiplexes
6. Multifamily: General; Urban
7. Clustered Housing; Micro Homes; Cottages Types.

**E. Cross-References.** The cross-references in Table 2-1-3-6B, Cross-References for Residential 24, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

| Table 2-1-3-6B: Cross-References for Residential 24       |                                                                                                                   |
|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| Topic                                                     | Reference                                                                                                         |
| Max. No. of Principal Building                            | Section 2-1-9-1, One Principal Building per Lot                                                                   |
| Land Use Regulations                                      | Division 3-1-2, Land Use by Zoning District                                                                       |
| Business Use of the Home                                  | Division 3-1-5, Business Use of the Home                                                                          |
| Parking                                                   | Article 4-5, Parking and Loading                                                                                  |
| Landscaping                                               | Article 4-6, Landscaping and Buffering                                                                            |
| Fences and Walls                                          | Section 4-7-2-1, Fences and Divisional Walls; and<br>Section 4-7-2-2, Retaining Walls                             |
| Exterior Lighting                                         | Article 4-8, Exterior Lighting                                                                                    |
| Building Design Standards                                 | Division 5-1-2, Building and Structure Design Standards;<br>and<br>Section 5-1-4-1, Decks, Balconies, and Porches |
| Mini-Structures (e.g.,<br>Playground Equipment)           | Section 5-1-4-3, Mini-Structures                                                                                  |
| Accessory Dwelling Units                                  | Section 5-1-5-2, Accessory Dwelling Units                                                                         |
| Accessory Buildings                                       | Section 5-1-5-3, Accessory Buildings                                                                              |
| Satellite Dishes, Antennas, and<br>Amateur Radio          | Section 5-1-5-4, Satellite Dishes and Antennas; Amateur<br>Radio Antennas                                         |
| Renewable Energy Systems<br>(e.g., Solar Panels)          | Section 5-1-4-4, Renewable Energy Systems                                                                         |
| Accessory Buildings (Non-<br>Residential and Multifamily) | Section 5-1-6-1.E, Number of Accessory Buildings or Free-<br>Standing Accessory Structures                        |

| Table 2-1-4-1A: Mixed-Use, Neighborhood Lot and Building Standards |                                                          |                                                                        |                                                |
|--------------------------------------------------------------------|----------------------------------------------------------|------------------------------------------------------------------------|------------------------------------------------|
| Standard                                                           |                                                          | Use/Lot Type                                                           |                                                |
|                                                                    |                                                          | Residential                                                            | Nonresidential <u>or</u><br>Mixed-Use Building |
| <b>Lot Standards</b>                                               |                                                          |                                                                        |                                                |
|                                                                    | Min. Lot Area                                            | See Subsection D.,<br>below, and<br>Division 2-1-8,<br>Housing Palette | 6,500 sf.                                      |
| A                                                                  | Min. Lot Width                                           |                                                                        | 60 ft.                                         |
|                                                                    | Max. Lot Coverage                                        | 70%                                                                    | 70%                                            |
| <b>Building and Parking Siting Standards</b>                       |                                                          |                                                                        |                                                |
| B                                                                  | Frontage Zone (min./max.)                                | For min. refer to<br>Division 2-1-8,<br>Housing Palette /<br>25 ft.    | 5 ft. / 25 ft.                                 |
|                                                                    | Min. Front Building-Façade<br>width within Frontage Zone | 50%                                                                    | 50%                                            |
| C                                                                  | Street Side Setback (min. / max.)                        | See Subsection D.,<br>below, and<br>Division 2-1-8,<br>Housing Palette | 10 ft. / -                                     |
| D                                                                  | Min. Interior Side Setback                               |                                                                        | 5 ft.                                          |
| E                                                                  | Min. Rear Setback, without alley                         |                                                                        | 10 ft.                                         |
|                                                                    | Min. Rear Setback, with alley                            |                                                                        | 2 ft. <sup>2</sup>                             |
| F                                                                  | Min. Front Parking Setback                               | 15 ft. <sup>3</sup>                                                    | 15 ft.                                         |
|                                                                    | Min. Arterial Street                                     | See Section 2-1-9-                                                     | -                                              |

| Table 2-1-4-1A: Mixed-Use, Neighborhood Lot and Building Standards                                                                                                                                         |                                                                |                                                                        |                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------|-------------------------------------------------------|
| Standard                                                                                                                                                                                                   |                                                                | Use/Lot Type                                                           |                                                       |
|                                                                                                                                                                                                            |                                                                | Residential                                                            | Nonresidential <u>or</u><br><u>Mixed-Use Building</u> |
|                                                                                                                                                                                                            |                                                                | 2, Arterial Street Setbacks                                            |                                                       |
| Building Standards                                                                                                                                                                                         |                                                                |                                                                        |                                                       |
| G                                                                                                                                                                                                          | Max. Height, Principal Building                                | 35 ft.                                                                 | 35 ft.                                                |
|                                                                                                                                                                                                            | Max. Height, ADU (detached)                                    | 30 ft.                                                                 | -                                                     |
|                                                                                                                                                                                                            | Max. Height, Accessory Building                                | 18 ft.                                                                 | -                                                     |
|                                                                                                                                                                                                            | Max. Height, Mini-structure                                    | 12 ft.                                                                 | 12 ft.                                                |
| Site Standards                                                                                                                                                                                             |                                                                |                                                                        |                                                       |
|                                                                                                                                                                                                            | Min. Landscape Surface Area <sup>1</sup>                       | 15%                                                                    | 20%                                                   |
|                                                                                                                                                                                                            | <u>Min. Landscape Surface Area, Amenitized<sup>1,4</sup></u>   | <u>5%</u>                                                              | <u>-</u>                                              |
| Density Standards                                                                                                                                                                                          |                                                                |                                                                        |                                                       |
|                                                                                                                                                                                                            | Max. Density                                                   | None                                                                   |                                                       |
| Height Transition Zone                                                                                                                                                                                     |                                                                |                                                                        |                                                       |
|                                                                                                                                                                                                            | Min. Height Transition Zone Depth abutting RA and RN districts | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. |                                                       |
| TABLE NOTES:                                                                                                                                                                                               |                                                                |                                                                        |                                                       |
| <sup>1</sup> For the development parcel.                                                                                                                                                                   |                                                                |                                                                        |                                                       |
| <sup>2</sup> <u>For driveway access must be 18 ft. The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicant's discretion.</u> |                                                                |                                                                        |                                                       |
| <sup>3</sup> Except for driveways associated with single family and duplex units and multiplex buildings.                                                                                                  |                                                                |                                                                        |                                                       |
| <sup>4</sup> <u>Percentage of lot. Counts toward Min. Landscape Surface Area. Detached single family and duplex developments with 9 or less units exempt.</u>                                              |                                                                |                                                                        |                                                       |

| Table 2-1-4-2A: Mixed-Use, Suburban Lot and Building Standards |                                                          |                                                               |                                      |
|----------------------------------------------------------------|----------------------------------------------------------|---------------------------------------------------------------|--------------------------------------|
| Standard                                                       |                                                          | Lot Use Type                                                  |                                      |
|                                                                |                                                          | Residential                                                   | Nonresidential or Mixed-Use Building |
| <b>Lot Standards</b>                                           |                                                          |                                                               |                                      |
|                                                                | Min. Lot Area                                            | See Subsection D., below, and Division 2-1-8, Housing Palette | -                                    |
| <b>A</b>                                                       | Min. Lot Width                                           |                                                               | -                                    |
|                                                                | Max. Lot Coverage <sup>1</sup>                           | 60%                                                           | 60%                                  |
| <b>Building and Parking Siting Standards</b>                   |                                                          |                                                               |                                      |
| <b>B</b>                                                       | Frontage Zone (min. / max.)                              | For min. refer to Division 2-1-8, Housing Palette / 35 ft.    | 10 ft. / 35 ft.                      |
|                                                                | Min. Front Building Widthing Façade within Frontage Zone | 20%                                                           | 20%                                  |
| <b>C</b>                                                       | Min. Street Side Setback (min. / max.)                   | See Subsection D.,                                            | 10 ft. / 35 ft.                      |

|                        |                                                                              |                                                                                     |                                                                                     |
|------------------------|------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|
| D                      | Min. Interior Side Setback                                                   | below, and Division                                                                 | 10 ft.                                                                              |
| E                      | Min. Rear Setback                                                            | 2-1-8, Housing<br>Palette                                                           | 20 ft.                                                                              |
| F                      | Min. Parking Setback (front)                                                 | 20 ft. <sup>2</sup>                                                                 | 20 ft.                                                                              |
|                        | Min. Arterial Setback                                                        | See Section 2-1-9-2,<br>Arterial Street<br>Setbacks                                 | None                                                                                |
| Building Standards     |                                                                              |                                                                                     |                                                                                     |
| G                      | Max. Height                                                                  | 45 ft.                                                                              | 45 ft.                                                                              |
|                        | Max. Height, ADU (detached)                                                  | 30 ft.                                                                              |                                                                                     |
|                        | Max. Height, Accessory Building                                              | 18 ft.                                                                              |                                                                                     |
|                        | Max. Height, Mini-structure                                                  | 12 ft.                                                                              | 12 ft.                                                                              |
|                        |                                                                              | -                                                                                   |                                                                                     |
| Site Standards         |                                                                              |                                                                                     |                                                                                     |
|                        | Min. Landscape Surface Area                                                  | 25%                                                                                 | 25%                                                                                 |
|                        | Max. Outdoor Display                                                         | -                                                                                   | 5% of enclosed<br>retail floor area                                                 |
|                        | Min. Area for Small Urban Parks (Lot Area<br>less than 1 ac.) <sup>1,3</sup> | 2,500 sf.                                                                           |                                                                                     |
|                        | Min. Area for Small Urban Parks (Lot Area<br>1 ac. or more) <sup>1,3</sup>   | 10 percent of the<br>net parcel area                                                | 5,000 sf. or 5<br>percent of the net<br>parcel area,<br>whichever is<br>greater     |
| Density Standards      |                                                                              |                                                                                     |                                                                                     |
|                        | Max. Density                                                                 | None                                                                                |                                                                                     |
| Height Transition Zone |                                                                              |                                                                                     |                                                                                     |
|                        | Min. Height Transition Zone Depth<br>abutting RA and RN districts            | See Section 2-1-<br>10-3, Height<br>Transition to RA<br>and RN Zoning<br>Districts. | See Section 2-1-<br>10-3, Height<br>Transition to RA<br>and RN Zoning<br>Districts. |

TABLE NOTES:  
<sup>1</sup> For the development parcel.  
<sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.  
<sup>3</sup> In addition to principal buildings, Small Urban Parks may count toward the Front Building Facade within Frontage Zone requirement.

| Table 2-1-4-3A: Mixed-Use, Urban Lot and Building Standards |                                |                                        |                                      |
|-------------------------------------------------------------|--------------------------------|----------------------------------------|--------------------------------------|
| Standard                                                    |                                | Lot-Use Type                           |                                      |
|                                                             |                                | Residential                            | Nonresidential or Mixed-Use Building |
| <b>Lot Standards</b>                                        |                                |                                        |                                      |
|                                                             | Min. Lot Area                  | See Subsection E., below, and Division | None                                 |
| A                                                           | Min. Lot Width                 | 2-1-8, Housing Palette                 | None                                 |
|                                                             | Max. Lot Coverage <sup>1</sup> | 75%                                    | 75%                                  |
| <b>Building and Parking Siting Standards</b>                |                                |                                        |                                      |
| B                                                           | Frontage Zone (min. / max.)    | For min. refer to                      | 0 ft. / 20 ft.                       |

|                                                                                                                                                 |                                                                               |                                                                           |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------------------|
|                                                                                                                                                 |                                                                               | Division 2-1-8,<br>Housing Palette/20 ft.                                 |                                                                              |
|                                                                                                                                                 | Min. Front Build <u>to Widthing Façade</u><br>within Frontage Zone            | 35%                                                                       | 35%                                                                          |
| C                                                                                                                                               | Min. Street Side Setback (min. / max.)                                        | See Subsection E.,<br>below, and Division<br>2-1-8, Housing<br>Palette    | 0 ft. / 20 ft.                                                               |
| D                                                                                                                                               | Min. Interior Side Setback                                                    |                                                                           | 0 ft.                                                                        |
| E                                                                                                                                               | Min. Rear Setback                                                             |                                                                           | 0 ft.                                                                        |
| F                                                                                                                                               | Min. Parking Setback (front)                                                  | 20 ft. <sup>2</sup>                                                       | 20 ft.                                                                       |
|                                                                                                                                                 | Min. Arterial Setback                                                         | See Section 2-1-9-2,<br>Arterial Street<br>Setbacks                       | —                                                                            |
| Building Standards                                                                                                                              |                                                                               |                                                                           |                                                                              |
| G                                                                                                                                               | Max. Height, Principal Building                                               | as identified on the<br>Official Zoning Map                               | as identified on the<br>Official Zoning Map                                  |
|                                                                                                                                                 | Max. Height, ADU (detached)                                                   | 30 ft.                                                                    |                                                                              |
|                                                                                                                                                 | Max. Height, Accessory Building                                               | 18 ft.                                                                    |                                                                              |
|                                                                                                                                                 | Max. Height, Mini-structure                                                   | 12 ft.                                                                    | 12 ft.                                                                       |
| Site Standards                                                                                                                                  |                                                                               |                                                                           |                                                                              |
|                                                                                                                                                 | Min. Landscape Surface Area                                                   | 15%                                                                       | 15%                                                                          |
|                                                                                                                                                 | Max. Outdoor Display                                                          | -                                                                         | 5% of enclosed<br>retail floor area                                          |
|                                                                                                                                                 | Min. Area for Small Urban Parks (Lot Area<br>less than 1 ac.) <sup>1, 3</sup> | 2,500 sf.                                                                 |                                                                              |
|                                                                                                                                                 | Min. Area for Small Urban Parks (Lot Area<br>1 ac. or more) <sup>1,3</sup>    | 10 percent of the<br>net parcel area                                      | 5,000 sf. or 5<br>percent of the net<br>parcel area,<br>whichever is greater |
| Subdivision Standards                                                                                                                           |                                                                               |                                                                           |                                                                              |
|                                                                                                                                                 | Max. Density                                                                  | None                                                                      |                                                                              |
| Height Transition Zone                                                                                                                          |                                                                               |                                                                           |                                                                              |
|                                                                                                                                                 | Min. Height Transition Zone Depth<br>abutting RA and RN districts             | See Section 2-1-10-3, Height Transition to RA<br>and RN Zoning Districts. |                                                                              |
| TABLE NOTES:                                                                                                                                    |                                                                               |                                                                           |                                                                              |
| <sup>1</sup> For the development parcel.                                                                                                        |                                                                               |                                                                           |                                                                              |
| <sup>2</sup> Except for driveways associated with single family and duplex units and multiplex buildings.                                       |                                                                               |                                                                           |                                                                              |
| <sup>3</sup> In addition to principal buildings, Small Urban Parks count toward the Front Building Façade within<br>Frontage Zone requirements. |                                                                               |                                                                           |                                                                              |

| <b>Table 2-1-4-4A: Mixed-Use, Transit Lot and Building Standards</b> |                   |                                                                      |                                                |
|----------------------------------------------------------------------|-------------------|----------------------------------------------------------------------|------------------------------------------------|
| Standard                                                             |                   | <u>Lot Use</u> Type                                                  |                                                |
|                                                                      |                   | Residential                                                          | Nonresidential or<br>Mixed Use <u>Building</u> |
| <b>Lot Standards</b>                                                 |                   |                                                                      |                                                |
|                                                                      | Min. Lot Area     | See Subsection E.,<br>below, and Division 2-<br>1-8, Housing Palette | None                                           |
| <b>A</b>                                                             | Min. Lot Width    |                                                                      | None                                           |
|                                                                      | Max. Lot Coverage | 80%                                                                  | 80%                                            |
| <b>Building and Parking Siting Standards</b>                         |                   |                                                                      |                                                |

| Table 2-1-4-4A: Mixed-Use, Transit Lot and Building Standards                                                                                             |                                                                                     |                                                                        |                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Standard                                                                                                                                                  |                                                                                     | Lot Use Type                                                           |                                                                          |
|                                                                                                                                                           |                                                                                     | Residential                                                            | Nonresidential or Mixed Use <a href="#">Building</a>                     |
| B                                                                                                                                                         | Frontage Zone (min. / max.)                                                         | For min. refer to Division 2-1-8, Housing Palette / 20 ft.             | 0 ft. / 20 ft.                                                           |
|                                                                                                                                                           | Min. Front <del>Building Façade</del> <a href="#">to width</a> within Frontage Zone | 60%                                                                    | 60%                                                                      |
| C                                                                                                                                                         | Street Side Setback (min. / max.)                                                   | See Subsection E., below, and Division 2-1-8, Housing Palette          | 0 ft. / 20 ft.                                                           |
| D                                                                                                                                                         | Min. Interior Side Setback                                                          |                                                                        | 0 ft.                                                                    |
| E                                                                                                                                                         | Min. Rear Setback                                                                   |                                                                        | 0 ft.                                                                    |
| F                                                                                                                                                         | Min. Parking Setback (front)                                                        | 20 ft. <sup>6</sup>                                                    | 20 ft.                                                                   |
|                                                                                                                                                           | Min. Arterial Setback                                                               | See Section 2-1-9-2, Arterial Street Setbacks                          | —                                                                        |
| Building Standards                                                                                                                                        |                                                                                     |                                                                        |                                                                          |
|                                                                                                                                                           | Min. Height <sup>2</sup>                                                            | <a href="#">1 story</a>                                                | 1 story <sup>2</sup>                                                     |
| G                                                                                                                                                         | Max. Height                                                                         | As identified on the Official Zoning Map                               | As identified on the Official Zoning Map                                 |
|                                                                                                                                                           | Max. Height, Accessory Building                                                     | 18 ft.                                                                 |                                                                          |
|                                                                                                                                                           | Max. Height, Mini-structure                                                         | 12 ft.                                                                 | 12 ft.                                                                   |
|                                                                                                                                                           | Min. Ground Floor Height <sup>4</sup>                                               | 13 ft. 6 in.                                                           | 13 ft. 6 in. <sup>3</sup>                                                |
| Site Standards                                                                                                                                            |                                                                                     |                                                                        |                                                                          |
|                                                                                                                                                           | Min. Landscape Surface Area <sup>4</sup>                                            | 10%                                                                    | 10%                                                                      |
|                                                                                                                                                           | Max. Outdoor Display                                                                | -                                                                      | 5% of enclosed retail floor area                                         |
|                                                                                                                                                           | Min. Area for Small Urban Parks (Lot Area less than 1 ac.) <sup>1,5</sup>           | 2,000 sf.                                                              | 2,000 sf.                                                                |
|                                                                                                                                                           | Min. Area for Small Urban Parks (Lot Area 1 ac. or more) <sup>1,5</sup>             | 8 percent of the net parcel land area                                  | 3,000 sf. or 4 percent of the net parcel land area, whichever is greater |
| Subdivision Standards                                                                                                                                     |                                                                                     |                                                                        |                                                                          |
|                                                                                                                                                           | Max. Density                                                                        | None                                                                   |                                                                          |
| Height Transition Zone                                                                                                                                    |                                                                                     |                                                                        |                                                                          |
|                                                                                                                                                           | Min. Height Transition Zone Depth abutting RA and RN districts                      | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. |                                                                          |
| TABLE NOTES:                                                                                                                                              |                                                                                     |                                                                        |                                                                          |
| <sup>1</sup> For the development parcel.                                                                                                                  |                                                                                     |                                                                        |                                                                          |
| <sup>2</sup> See Section 5-1-3-1, Pedestrian Priority Streets, for minimum height requirement.                                                            |                                                                                     |                                                                        |                                                                          |
| <sup>3</sup> For areas required by Section 5-1-3-1, Pedestrian Priority Streets.                                                                          |                                                                                     |                                                                        |                                                                          |
| <sup>4</sup> Rooftop and upper level deck amenities (except individual private balconies) may be counted towards the landscape surface ratio requirement. |                                                                                     |                                                                        |                                                                          |
| <sup>5</sup> In addition to principal buildings, small urban parks count toward the Front Building Façade within Frontage Zone requirements.              |                                                                                     |                                                                        |                                                                          |
| <sup>6</sup> Parking is not allowed in the frontage zone.                                                                                                 |                                                                                     |                                                                        |                                                                          |

| Table 2-1-5-4D: Mixed-Use Building Type Placement and Building Width |               |                      |                                    |        |        |        |                 |        |        |      |
|----------------------------------------------------------------------|---------------|----------------------|------------------------------------|--------|--------|--------|-----------------|--------|--------|------|
| Standard                                                             | Context       | Unit                 | Sub-District of OT Zoning District |        |        |        |                 |        |        |      |
|                                                                      |               |                      | E                                  | EY     | GV     | OW     | RN <sup>1</sup> | RR     | W      |      |
| A                                                                    | Frontage Zone | Generally, except as | ft.                                | 0 / 15 | 0 / 15 | 0 / 15 | 0 / 15          | 0 / 15 | 0 / 15 | 0/15 |



**Table 2-1-5-4D: Mixed-Use Building Type Placement and Building Width**

| Standard |                            | Context                               | Unit           | Sub-District of OT Zoning District |         |              |              |                 |         |         |
|----------|----------------------------|---------------------------------------|----------------|------------------------------------|---------|--------------|--------------|-----------------|---------|---------|
|          |                            |                                       |                | E                                  | EY      | GV           | OW           | RN <sup>1</sup> | RR      | W       |
| A        | (min / max)                | specified below                       |                |                                    |         |              |              |                 |         |         |
|          | Frontage Zone (min / max)  | Ralston Road frontage                 | ft.            | 10 / 25                            | 10 / 25 | -            | 10 / 25      | 10 / 25         | 10 / 25 | 10 / 25 |
| A        | Frontage Zone (min / max)  | Robinson Way or Yukon Street frontage | ft.            | 10 / 25                            | 10 / 25 | -            | 10 / 25      | 10 / 25         | 10 / 25 | -       |
| A        | Frontage Zone (min / max)  | Mcllvoy Park frontage                 | ft.            | 10 / 20                            | 10 / 20 | 10 / 20      | 10 / 20      | 10 / 20         | 10 / 20 | 10/20   |
| A        | Frontage Zone (min / max)  | Olde Town Plaza frontage              | ft.            | -                                  | -       | -            | 0/20         | -               | -       | 0 / 20  |
| B        | Build-to (min)             | Building Façade at Front Setback Line | % <sup>2</sup> | 75                                 | 85      | 85           | 75           | 75              | 75      | 85      |
| B        | Total Building Width (max) | Generally, except as specified below  | ft.            | 150                                | 180     | 60 <u>80</u> | 60 <u>80</u> | 180             | 120     | 180     |
| B        | Total Building Width (max) | Wadsworth Bypass frontage             | ft.            | 240                                | -       | -            | -            | -               | 240     | -       |
| B        | Total Building Width (max) | Mcllvoy Park frontage <sup>3</sup>    | ft.            | 120                                | -       | 35           | -            | -               | -       | 120     |

**TABLE NOTES:**<sup>1</sup> The Mixed-Use building form is allowed in this subdistrict only as provided in Section 2-1-5-2, Building Types.<sup>2</sup> Percent of lot width. See Section 2-1-5-3, Generally Applicable Lot and Building Standards.<sup>3</sup> Applies where property is directly adjacent to or across the street from Mcllvoy Park.**Table 2-1-6-1A: Commercial, General Lot and Building Standards**

| Standard                      |                                                                | All Lot Types                                                          |
|-------------------------------|----------------------------------------------------------------|------------------------------------------------------------------------|
| <b>Lot Standards</b>          |                                                                |                                                                        |
|                               | Min. Lot Area                                                  | 5,000 sf.                                                              |
| A                             | Min. Lot Width                                                 | 50 ft.                                                                 |
|                               | Max. Lot Coverage                                              | 35%                                                                    |
| <b>Setback Standards</b>      |                                                                |                                                                        |
| B                             | Min. Front                                                     | 20 ft.                                                                 |
| C                             | Min. Street Side                                               | 20 ft.                                                                 |
| D                             | Min. Interior Side                                             | 10 ft.                                                                 |
| E                             | Min. Rear                                                      | 20 ft.                                                                 |
|                               | Min. Front Parking                                             | 20 ft.                                                                 |
| <b>Building Standards</b>     |                                                                |                                                                        |
| F                             | Max. Height, Principal Building                                | 45 ft.                                                                 |
|                               | Max. Height, Accessory Building                                | 18 ft.                                                                 |
|                               | Max. Height, Mini-structure                                    | 12 ft.                                                                 |
| <b>Site Standards</b>         |                                                                |                                                                        |
|                               | Min. Landscape Surface Area                                    | 20%                                                                    |
|                               | Max. Outdoor Display                                           | 5% of enclosed retail floor area                                       |
|                               | Max. Outdoor Storage                                           | 5% <u>of lot area</u>                                                  |
| <b>Height Transition Zone</b> |                                                                |                                                                        |
|                               | Min. Height Transition Zone Depth abutting RA and RN districts | See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts. |

| Table 2-1-6-2A: Industrial, Light Lot and Building Standards                                                                           |                                             |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|-----------------------------------|
| Standard                                                                                                                               |                                             | All Lot Types                     |
| <b>Lot Standards</b>                                                                                                                   |                                             |                                   |
|                                                                                                                                        | Min. Lot Area                               | None                              |
|                                                                                                                                        | Min. Lot Width                              | None                              |
|                                                                                                                                        | Max. Lot Coverage                           | 50%                               |
| <b>Setback Standards</b>                                                                                                               |                                             |                                   |
| A                                                                                                                                      | Min. Front                                  | 20 ft.                            |
| B                                                                                                                                      | Min. Street Side                            | 20 ft.                            |
| C                                                                                                                                      | Min. Interior Side                          | 5 ft. <sup>1</sup>                |
| D                                                                                                                                      | Min. Rear Setback                           | 5 ft. <sup>1</sup>                |
|                                                                                                                                        | Min. Front Parking                          | 20 ft.                            |
| <b>Building Standards</b>                                                                                                              |                                             |                                   |
| E                                                                                                                                      | Max. Height, Buildings                      | 40 ft.                            |
|                                                                                                                                        | Max. Height, Mini-structures                | 12 ft.                            |
| <b>Site Standards</b>                                                                                                                  |                                             |                                   |
|                                                                                                                                        | Min. Landscape Surface Area                 | 15%                               |
|                                                                                                                                        | Max. Outdoor Display                        | 10% of enclosed retail floor area |
|                                                                                                                                        | Max. Outdoor Storage <del>of Lot Area</del> | 35% <u>of lot area</u>            |
| TABLE NOTES:                                                                                                                           |                                             |                                   |
| <sup>1</sup> Side and rear setbacks shall be 20 ft. where adjacent to a single-family detached use in unincorporated Jefferson County. |                                             |                                   |

| Table 2-1-6-3A: Industrial, General Lot and Building Standards                                                                         |                              |                                   |
|----------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------------|
| Standard                                                                                                                               |                              | All Lot Types                     |
| <b>Lot Standards</b>                                                                                                                   |                              |                                   |
|                                                                                                                                        | Min. Lot Area                | None                              |
|                                                                                                                                        | Min. Lot Width               | None                              |
|                                                                                                                                        | Max. Lot Coverage            | 60%                               |
| <b>Setback Standards</b>                                                                                                               |                              |                                   |
| A                                                                                                                                      | Min. Front                   | 20 ft.                            |
| B                                                                                                                                      | Min. Street Side             | 10 ft.                            |
| C                                                                                                                                      | Min. Interior Side           | 10 ft. <sup>1</sup>               |
| D                                                                                                                                      | Min. Rear                    | 10 ft. <sup>1</sup>               |
|                                                                                                                                        | Min. Front Parking           | 10 ft.                            |
| <b>Building Standards</b>                                                                                                              |                              |                                   |
| E                                                                                                                                      | Max. Height, Buildings       | 45 ft.                            |
|                                                                                                                                        | Max. Height, Mini-structures | 12 ft.                            |
| <b>Site Standards</b>                                                                                                                  |                              |                                   |
|                                                                                                                                        | Min. Landscape Surface Area  | 10%                               |
|                                                                                                                                        | Max. Outdoor Display         | 90% of enclosed retail floor area |
|                                                                                                                                        | Max. Outdoor Storage         | 90% <u>of lot area</u>            |
| TABLE NOTES:                                                                                                                           |                              |                                   |
| <sup>1</sup> Side and rear setbacks shall be 20 ft. where adjacent to a single-family detached use in unincorporated Jefferson County. |                              |                                   |

**Table 2-1-8-4: Single-Family Detached Lot and Building Standards**

| Lot Type       | Vehicular <sup>3</sup> Access | Minimum    |           |                   |                                                     |                                  |                       |                           | Maximum                        |                     |
|----------------|-------------------------------|------------|-----------|-------------------|-----------------------------------------------------|----------------------------------|-----------------------|---------------------------|--------------------------------|---------------------|
|                |                               | Lot Area   | Lot Width | Lot Width, Corner | Front <sup>4</sup> Setback (Building / Garage Door) | Street <sup>4</sup> Side Setback | Interior Side Setback | Rear <sup>2</sup> Setback | Building <sup>1</sup> Coverage | Height <sup>1</sup> |
| Small Urban    | Alley                         | 2,000 sf.  | 30 ft.    | 40 ft.            | 10 ft. / NA                                         | 10 ft.                           | 3 ft.                 | 2 ft.                     | 65%                            | 35 ft.              |
| Urban          | Alley                         | 3,800 sf.  | 40 ft.    | 50 ft.            | 10 ft. / NA                                         | 10 ft.                           | 5 ft.                 | 2 ft.                     | 65%                            | 35 ft.              |
|                | Street                        | 4,000 sf.  | 40 ft.    | 50 ft.            | 15 ft. / <u>185</u> ft.                             | 15 ft.                           | 5 ft.                 | 10 ft.                    | 60%                            | 35 ft.              |
| Small General  | Alley                         | 4,000 sf.  | 40 ft.    | 40 ft.            | 15 ft. / NA                                         | 15 ft.                           | 5 ft.                 | 2 ft.                     | 60%                            | 35 ft.              |
|                | Street                        | 5,000 sf.  | 50 ft.    | 60 ft.            | 15 ft. / <u>187</u> ft.                             | 15 ft.                           | 5 ft.                 | 10 ft.                    | 65%                            | 35 ft.              |
| General        | Any                           | 6,000 sf.  | 60 ft.    | 70 ft.            | 20 ft. / 20 ft.                                     | 15 ft.                           | 5 ft.                 | 10 ft.                    | 50%                            | 35 ft.              |
| Small Suburban | Any                           | 7,500 sf.  | 70 ft.    | 80 ft.            | 20 ft. / 20 ft.                                     | 15 ft.                           | 7.5 ft.               | 10 ft.                    | 45%                            | 35 ft.              |
| Suburban       | Any                           | 10,000 sf. | 80 ft.    | 90 ft.            | 20 ft. / 20 ft.                                     | 20 ft.                           | 10 ft.                | 10 ft.                    | 40%                            | 35 ft.              |

**TABLE NOTES:**

<sup>1</sup> Maximum height, required transition zones and maximum building coverage varies based on the zone in which the subject property is located.

<sup>2</sup> The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.

<sup>3</sup> On corner lots, street access must be located adjacent to the property line farthest from the corner.

<sup>4</sup> Setback is measured from the property line or the back of the sidewalk, whichever provides a greater setback.

**Table 2-1-8-5: Zero Lot-Line Home Lot and Building Standards**

| Lot Type | Vehicular Access | Minimum   |           |                                      |                                                  |                     |                            | Maximum           |        |
|----------|------------------|-----------|-----------|--------------------------------------|--------------------------------------------------|---------------------|----------------------------|-------------------|--------|
|          |                  | Lot Area  | Lot Width | Front Setback (Building/Garage Door) | Interior Side <sup>2</sup> Setback (single side) | Street Side Setback | Rear Setback               | Building Coverage | Height |
| Small    | Alley            | 5,000 sf. | 45 ft.    | 12 ft. / <u>NA</u>                   | 10 ft.                                           | 10 ft.              | <u>20</u> ft. <sup>1</sup> | 60%               | 35 ft. |
| General  | Street           | 5,500 sf. | 50 ft.    | 15 ft. / <u>18</u> ft.               | 10 ft.                                           | 10 ft.              | 15 ft.                     | 65%               | 35 ft. |
| General  | Any              | 6,000 sf. | 60 ft.    | 15 ft. / <u>18</u> ft.               | 10 ft.                                           | 10 ft.              | 20 ft. <sup>1</sup>        | 50%               | 35 ft. |

**TABLE NOTES:**

<sup>1</sup> The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.

<sup>2</sup> Zero setback is on one side only.

**Table 2-1-8-7: Townhome Building Standards**

| Lot Type | Vehicular Access       | Minimum    |                     |                      |                                       |                                   |                                 | Maximum            |                   |        |
|----------|------------------------|------------|---------------------|----------------------|---------------------------------------|-----------------------------------|---------------------------------|--------------------|-------------------|--------|
|          |                        | Unit Width | Street Setback      | Alley Garage Setback | Non-street Frontage Perimeter Setback | Building Separation, side to side | Building Separation, all others | Units Per Building | Building Coverage | Height |
| Suburban | Alley or Parking Court | 20 ft.     | 15 ft. <sup>1</sup> | 2 ft. <sup>2</sup>   | 15 ft.                                | 10 ft.                            | 30 ft. <sup>3</sup>             | 8                  | 100%              | 35 ft. |
|          | Street                 | 28 ft.     | 18 ft.              | -                    | 15 ft.                                | 10 ft.                            | 30 ft. <sup>3</sup>             | 8                  | 100%              | 35 ft. |
| Urban    | Alley or Parking Court | 16 ft.     | 10 ft. <sup>1</sup> | 2 ft. <sup>2</sup>   | <u>150</u> ft. <sup>4</sup>           | 10 ft.                            | 20 ft.                          | 10                 | 100%              | 35 ft. |

**TABLE NOTES:**

<sup>1</sup> Where garage access is directly from a side street, the minimum garage setback shall be 18 ft.

<sup>2</sup> The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.

<sup>3</sup> Building separation can be reduced to 20 feet if buildings are one or two stories.

**Table 2-1-8-7: Townhome Building Standards**

| Lot Type | Vehicular Access | Minimum    |                |                      |                                       |                                   |                                 | Maximum            |                   |        |
|----------|------------------|------------|----------------|----------------------|---------------------------------------|-----------------------------------|---------------------------------|--------------------|-------------------|--------|
|          |                  | Unit Width | Street Setback | Alley Garage Setback | Non-street Frontage Perimeter Setback | Building Separation, side to side | Building Separation, all others | Units Per Building | Building Coverage | Height |

<sup>4</sup> If **moreless than** one-half of the units in a townhome building are adjacent to a non-street frontage perimeter, then the minimum setback shall be **105** feet.

**Table 2-1-10-1: Permitted Encroachments into Required Setbacks**

| Structure or Feature                                                                                                                            | Permitted Locations in Setbacks                                                                                                                                                                                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Single-story covered front porches                                                                                                              | Permitted to extend outward from the building 8 feet into a front setback, but no closer than 12 feet to the front property line. This encroachment shall only apply to the front setback, not the street side setback. <sup>1</sup>                                                                                                         |
| All other covered porches, decks, terraces, and patios and are not enclosed<br><br>Covered stairs that provide below grade access to a building | Permitted to extend outward from the building 8 feet into a rear setback, but no closer than 8 feet from the rear property line.<br>Permitted to extend outward from the building 4 feet into a side setback, but no closer than 3 feet from the side property line. <sup>1</sup>                                                            |
| Uncovered porches, decks, patios, concrete slabs, and other flatwork, provided that such items are no more than 30 inches in height above grade | Permitted anywhere in setbacks. <sup>1</sup>                                                                                                                                                                                                                                                                                                 |
| Uncovered balconies, decks, and outside <del>stairs of any height</del> more than 30 inches above grade                                         | Permitted to extend outward from building 6 feet into a front or rear setback, but no closer than 12 feet to the front property line and 8 feet to the rear property line. Permitted to extend outward from the building 4 feet into a side setback, but no closer than 3 feet from the property line. <sup>1</sup>                          |
| Bay windows, window sills, eaves, cantilevers, cornices, fireplace chimneys, roof overhangs, and architectural and ornamental features          | Permitted to extend outward from building up to 2 feet into any setback. <sup>1</sup>                                                                                                                                                                                                                                                        |
| Clotheslines and clothesline poles                                                                                                              | Permitted in rear or side setback only, but not closer than 18 inches from any side or rear property line. <sup>1</sup>                                                                                                                                                                                                                      |
| Driveways                                                                                                                                       | Permitted anywhere in setbacks.                                                                                                                                                                                                                                                                                                              |
| Trash containers                                                                                                                                | Permitted in side and rear setbacks when not adjacent to residential use. Not permitted in the OT and MX districts frontage zone.                                                                                                                                                                                                            |
| Fences and walls                                                                                                                                | See Article 4-7, Fences and Divisional Walls.                                                                                                                                                                                                                                                                                                |
| Flagpoles, lighting poles, and other poles not otherwise covered in this table                                                                  | Permitted in any setback, provided that the height of any such pole, except for flagpoles, shall not exceed the distance from the base of the pole to the nearest property line. Flag poles are subject to the height and setback restrictions set forth in Section 6-1-2-3. Amateur radio antennas shall not be located in a front setback. |
| One accessory building not larger than 600 square feet or an attached garage addition provided that the garage addition will not                | Permitted in any side or rear setback in the RN zoning district only, but not closer than 5 feet from any side or rear property line.                                                                                                                                                                                                        |

| Table 2-1-10-1: Permitted Encroachments into Required Setbacks                                                                                                                                                                                                            |                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Structure or Feature                                                                                                                                                                                                                                                      | Permitted Locations in Setbacks                                                                                                                                                     |
| <p>result in more than a cumulative total of 600 square feet of attached garage</p> <p>The encroachment shall apply to the accessory building, or an attached garage addition, but does not apply to both</p>                                                             |                                                                                                                                                                                     |
| Landscaping, including trees, shrubs, flowers, hedges, and other features                                                                                                                                                                                                 | Permitted anywhere in setbacks, subject to city standards governing sight distances. See Section 4-4-3-4 Intersection Visibility.                                                   |
| Little Library                                                                                                                                                                                                                                                            | If no more than 3 square feet and 5'5 feet high, may encroach into front setback but not closer than one-foot from the front property line or public sidewalk, whichever is closer. |
| Mini-structures                                                                                                                                                                                                                                                           | See Section 5-1-4-3, Mini Structures.                                                                                                                                               |
| Mobility access ramps and lifts for existing single-family detached dwelling units, duplex, and townhomes                                                                                                                                                                 | Allowed as necessary upon written request to the Director.                                                                                                                          |
| Signs                                                                                                                                                                                                                                                                     | See Chapter 6, Signs.                                                                                                                                                               |
| Swimming pools                                                                                                                                                                                                                                                            | See Section 5-1-4-2 Swimming Pools, Hot Tubs, and Spas.                                                                                                                             |
| Air conditioning units                                                                                                                                                                                                                                                    | Permitted in side and rear setbacks but not in a front setback.                                                                                                                     |
| Counterforts                                                                                                                                                                                                                                                              | Permitted in any setback provided it does not encroach more than 5 feet into a front or rear setback and 3 feet into the side setback.                                              |
| Window wells                                                                                                                                                                                                                                                              | Permitted in any side setback provided it does not exceed 15 square feet and does not encroach more than 3 feet into the side lot setback easement.                                 |
| Window awnings                                                                                                                                                                                                                                                            | Permitted in any setback, but not closer than 10 feet from the rear property line or 18 inches from a side property line.                                                           |
| Wireless Communications Facilities                                                                                                                                                                                                                                        | See Chapter 7, Wireless Communications Facilities.                                                                                                                                  |
| <b>TABLE NOTES:</b><br><sup>1</sup> The maximum encroachment noted is measured from the building wall, or in the case of pergolas, carports, or other structures without walls, the maximum encroachment is measured from the vertical structural element such as a post. |                                                                                                                                                                                     |

**Table 3-1-2-5: Commercial Land Use by Zoning District**

| Land Use                       | Open Space and Residential |    |    |    |     |     | Mixed-Use |      |      |      | Olde Town |       |       |       |       |       |      | Commercial and Industrial |    |    | Reference |
|--------------------------------|----------------------------|----|----|----|-----|-----|-----------|------|------|------|-----------|-------|-------|-------|-------|-------|------|---------------------------|----|----|-----------|
|                                | OS                         | RA | RN | R6 | R13 | R24 | MX-N      | MX-S | MX-U | MX-T | OT-E      | OT-EY | OT-GV | OT-OW | OT-RN | OT-RR | OT-W | CG                        | IL | IG |           |
| Animal Day Care / Training     |                            | C  |    |    |     |     | L         | L    | L    | L    |           |       |       |       |       |       |      | L                         | L  |    | 3-1-3-5   |
| Animal Hospital (Large Animal) |                            | A  |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |                           |    |    | -         |
| Art Studio / Makerspace        |                            | A  |    |    |     |     | A         | A    | A    | A    | L         | L     | L     | L     | L     | L     | L    | A                         | A  | A  | 3-1-3-5   |
| Auction House or Yard          |                            |    |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |                           | L  | L  | 3-1-3-5   |
| Continuing Care Facility       |                            |    |    |    | A   | A   | A         | A    | A    | A    | A         | A     | A     | A     |       | A     | A    | C                         |    |    |           |
| Kennel                         |                            | C  |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |                           | L  | A  | 3-1-3-5   |
| Office, General or             |                            |    |    |    |     |     | A         | A    | A    | A    | A         | A     | A     | A     | A     | A     | A    | A                         | A  | A  | -         |

**Table 3-1-2-5: Commercial Land Use by Zoning District**

| Land Use                                      | Open Space and Residential |    |    |    |     |     | Mixed-Use |      |      |      | Olde Town |       |       |       |       |       |      |    | Commercial and Industrial |    |         | Reference |
|-----------------------------------------------|----------------------------|----|----|----|-----|-----|-----------|------|------|------|-----------|-------|-------|-------|-------|-------|------|----|---------------------------|----|---------|-----------|
|                                               | OS                         | RA | RN | R6 | R13 | R24 | MX-N      | MX-S | MX-U | MX-T | OT-E      | OT-EY | OT-GV | OT-OW | OT-RN | OT-RR | OT-W | CG | IL                        | IG |         |           |
| Professional                                  |                            |    |    |    |     |     |           |      |      |      |           |       |       |       |       |       |      |    |                           |    |         |           |
| Retail Sales and Services Type 1 <sup>1</sup> |                            |    |    |    |     |     | L         | L    | L    | L    | L         | L     | L     | L     | L     | L     | L    | L  | L                         |    | 3-1-3-5 |           |
| Retail Sales and Services Type 2 <sup>1</sup> |                            |    |    |    |     |     |           | L    | L    | L    |           |       |       |       |       |       |      | L  | L                         |    | 3-1-3-5 |           |
| Veterinary Offices or Clinics                 |                            | C  |    |    |     |     | L         | L    | L    | L    | L         | L     | L     |       |       | L     | L    | L  | L                         |    | 3-1-3-5 |           |
| Workshop                                      |                            |    |    |    |     |     | A         | A    | A    | A    |           |       |       |       |       |       |      | A  | A                         | A  | 3-1-3-5 |           |

TABLE NOTES:

<sup>1</sup> All drive-through facilities are subject to the standards in Section 5-1-6-2, Drive-Through Facilities, which may prohibit a drive-through in certain locations.

### 3-1-3-5 Commercial Standards

#### A. Animal Day Care / Training.

1. In the MX and CG zoning districts, the use shall be located entirely indoors.
2. In the IL zoning district, if the use is located within 300 feet of a residential zoning district, no outdoor activities related to the use shall occur between the hours of 9:00 PM and 7:00 AM.

#### B. Art Studio / Makerspace.

Such use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

#### C. Auction House.

All business activities shall be conducted within an entirely enclosed building.

#### D. Kennel.

1. In the RA and IL zoning districts, a kennel facility shall be subject to the following:
  - a. Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any adjacent residential zoning district.
  - b. If the use is located within 300 feet of residentially zoned property, no outdoor activities related to the use shall occur on the subject property between the hours of 9:00 PM and 7:00 AM.
  - c. The parts of a building where animals are boarded shall be fully enclosed and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
  - d. All kennels shall be licensed by the City of Arvada pursuant to Article VIII, "Kennel License," of Chapter 14 of the Arvada Code of Ordinances.
2. A residence for a caretaker is allowed, subject to the requirements of Section 5-1-6-7, Custodial Unit.

#### E. Retail Sales and Services, Type 1.

1. **Retail Sales Uses – General.**

Retail sales uses must take place within a completely enclosed building, except that accessory outdoor display of merchandise, and accessory outdoor customer seating/dining areas are permitted, subject to the following standards:

- a. Outdoor display areas must comply with the minimum street setback requirements of the subject zoning district.
- b. Outdoor display areas may not occupy or use required parking space or drive aisle unless approved by the Director.
- c. Outdoor seasonal temporary sales display requires a temporary use permit.

**F. Retail Sales and Services, Type 2.**

**1. Convenience Lending Operations.**

All convenience lending operations except national banks and those operating as of the effective date of this Code shall comply with the following locational restrictions and standards:

- a. It shall be unlawful to operate or cause to be operated a convenience lending operation within 2,500 feet of another convenience lending operation.
- b. It shall be unlawful to operate or cause to be operated a convenience lending operation within 300 feet of any residentially-zoned property.
- c. The distance between any two such operations shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each such operation is located, and the distance between a convenience lending operation and a residentially-zoned property shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the operation is located to the nearest property line of the residentially-zoned property, excluding public street rights of way.

**2. Used Merchandise Stores and Donation Centers (retail, used - primarily donated; retail, used - primarily non-donated; used merchandise donation center).**

- a. Used merchandise stores that accept donated goods on the premises and used merchandise donation centers shall:
  - i. Coordinate delivery and acceptance of donations, during business hours only, either inside the store or center, or outside the store or center as long as donations are moved inside immediately after drop-off;
  - ii. Sort and store donations only inside the store or center;
  - iii. Patrol the store or center premises as the need arises to remove any donations left outside after hours; and
  - iv. Remove donations left outside of the store or center after business hours no later than 7:00 AM the next morning.
- b. A used merchandise store shall devote more than 50% of its floor area to retail sales.
- c. The arrangement of activities inside a used merchandise store shall be such to preserve a retail character when it is viewed from the outside. Where the building façade includes windows or doors, the areas within the building visible through these openings shall be used for retail sales only.
- d. Used merchandise donation centers shall be limited to a maximum gross floor area of 2,500 square feet and a maximum tenant width of 25 feet.

- e. Donation boxes, trailers, containers, or other structures intended and utilized as an exterior, stand-alone receptacle or depository for the donation of goods are prohibited.
  - i. Based upon the generally mobile, temporary, impermanent, and accessory nature thereof, and notwithstanding the provisions of Chapter 9, Nonconformities of this Code, any such box, trailer, container, or structure, or use of such box, trailer, container, or structure, legally established prior to May 12, 2011 shall be permitted to continue in place, but such use, and the lawful status of such structure and use, shall terminate upon the occurrence of any of the following:
    - a. Any change in tenancy, ownership, or management of the structure or user thereof;
    - b. Any cessation of such use, or absence of such structure from the premises, for a period of 30 days or more;
    - c. Any damage or destruction of the structure, by any means, to the extent of more than 50 percent of its structural replacement value prior to such damage or destruction;
    - d. Any enlargement or expansion of such structure or use;
    - e. Any alteration (beyond that necessary for routine maintenance and repair) or relocation of the structure on the premises, other than that which, in the sole discretion of the Director, is determined appropriate; or
    - f. A failure to register the structure or use within the allotted time period, as provided in below.
- 3. The owner of any such box, trailer, container, or structure legally established prior to May 12, 2011, and the user thereof (if different than the owner), must have registered such structure or use with the Director prior to December 30, 2011.

**G. Veterinary Office or Clinic.**

- 1. All veterinary offices or clinics shall be subject to the following requirements:
  - a. All facilities, including all treatment rooms, cages, pens, training rooms, and exercise runs, shall be within a completely enclosed, soundproof building.
  - b. Short-term overnight boarding associated with the medical treatment and post-operative care of animals shall be allowed, provided such boarding is contained within a completely enclosed building.

**H. Workshop.**

- 1. The use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

**3-1-3-7 Industrial, Processing, Recycling, Storage, and Disposal Standards**

**A. Brewery / Winery / Distillery.**

- 1. In the MX-S zoning districts warehousing is prohibited.

**B. Heavy Logistic Center Industry**

- 1. All buildings shall be a minimum of 300 feet from any residential district.



2. Landscaping and barriers shall be provided and located such that no part of parked vehicles will extend beyond the yard space or into the setback space from a lot line abutting a residential lot or separated therefrom by a street.
3. An Option B landscape bufferyard, per Section 4-6-5-3, Bufferyard Options, is required between the use and adjoining right-of-way.
4. Barriers shall be provided and located such that no part of parked vehicles will extend beyond the yard space or into the setback space from a lot line abutting a residential lot or separated therefrom by a street.

**C. Light Industry.**

**1. Bakery.**

- a. In the IL and IG zoning districts, no more than 50 percent of the gross floor area of a bakery shall be devoted to retail sales.

**2. Manufacturing, Light Trade and Technical Uses.**

- a. In the IL and IG zoning districts, the following shall apply:
  - i. Loading and unloading of shipments shall be permitted.
  - ii. The land uses inside the building shall preserve a commercial, retail or office character viewed from the outside.
  - iii. All industry, manufacturing and production uses shall utilize the best industry standard, maintenance, and control available to maintain the lowest possible measurement of emission of odorous gases.
- b. In the MX-N, MX-S, MX-U, MX-T, and CG zoning districts:
  - i. Primary manufacturing, processing, and fabrication uses shall be completely enclosed within a building.
- c. In the MX-N, MX-S, and MX-U zoning districts:
  - i. If the use is located within 200 feet of a residential district, the use shall not operate between the hours of 9:00 PM and 7:00 AM.

**3. Office, General Contractor.**

- a. Office uses with storage related to construction shall only be permitted in the IL and IG zoning districts, and the following requirement shall apply:
  - i. Any outdoor storage area shall be screened with an Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options.

**4. Research, Development, and Testing Laboratories.**

- a. In the CG, IL and IG zoning districts:
  - i. Laboratories shall not contain or utilize toxic or explosive materials.
  - ii. All facilities shall be completely enclosed.

**5. Warehousing and Distribution.**

- a. In the CG and IL zoning districts, retail sales in conjunction with a permitted warehouse establishment may be allowed subject to the following conditions:
  - i. All retail sales shall be conducted within the same structure housing the principal warehouse use, and no outdoor retail sales activity shall be allowed.

- ii. Parking for the retail accessory use shall be provided in accordance with the off-street parking standards for retail uses in Section 4-5-2-2, Parking Requirement Tables.

**6. Wholesale Establishments.**

- a. Wholesale establishments with stock may be permitted in the IG zoning district except for the following:
  - i. Live animals;
  - ii. Commercial explosives;
  - iii. Flammable or combustible liquids are permitted provided their use, dispensing, mixing, and storage complies with all the requirements of the currently adopted edition of the applicable Building Code, Fire Code, Plumbing Code, Mechanical Code, and National Electrical Code and all applicable State and Federal laws;
  - iv. Flammable gases are permitted provided their use, dispensing, mixing, and storage complies with all of the requirements of the currently adopted edition of the applicable Building Code, Fire Code, Mechanical Code, Plumbing Code, and National Electrical Code, and all applicable State and Federal laws.
- b. Retail sales in conjunction with wholesale establishments may be allowed, provided that:
  - i. Not more than 20 percent of floor area or sales volume of any individual user or tenant may be devoted to retail operations. Notwithstanding this 20 percent limitation, furniture and carpet wholesalers may have greater than 20 percent of their floor area or sales volume devoted to retail operations.
  - ii. All retail sales shall be conducted within the same structure housing the principal wholesale use, and no outdoor retail sales activity shall be allowed.
  - iii. Parking for the retail accessory use shall be provided in accordance with the off-street parking standards for retail uses as set forth in Section 4-5-2-2, Parking - Requirement Tables.

**D. Recycling Drop-Off (Attended).**

- 1. The facility shop shall be located at least 500 feet from a residential zone district. This requirement may be reduced or eliminated by the Director if the Applicant proves that the proposed use, site design, its traffic generation, and other external effects indicates a reduced separation will have no significant effect on the nearby residential zone district.
- 2. The use shall comply with the screening and enclosure requirements of Division 5-1-6-3, Outdoor Storage and Outdoor Retail Display.

**E. Resource Extraction (Minerals).**

The following applies in all zoning districts:

**1. Permitting Requirements.**

- a. The Applicant shall be responsible for securing all other permits or approvals required by any other governmental agency that may have jurisdiction over the proposed use.
- b. It shall be unlawful for any person, firm, or other entity to process, crush, blast or similarly treat earth materials on any approved borrow pit site.

- c. In addition to the standards specified in this Section and in Chapter 2, Zoning Districts of 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 shall be simultaneously submitted to the City.
2. **Mining Operations.**
- a. Mining equipment, except for reservoir construction equipment, shall be considered mechanical equipment and, in lieu of the screening standards set forth in Article 4-6, Landscaping and Buffering, such equipment shall be subject to the following requirements:
    - i. All mining equipment and operation areas shall be screened from sight from adjacent properties or right-of-way by the use of berms or by other equivalent means; and
    - ii. All mining equipment shall be located behind building setback lines.
  - b. All roadways longer than 100 feet used for ingress and egress from the public roadway to the area of mining operations shall be cleaned and maintained to minimize the fugitive dust which is generated by vehicles.
  - c. All mining operations, except for reservoir construction, shall be at least 200 feet from the property line. No open pit mine shall be deeper than 200 feet. No reclaimed open pit mine shall be left deeper than 100 feet.
  - d. No finished grade shall exceed slopes of one foot of rise in three feet of horizontal distance. A diverse permanent vegetative cover shall be established on all disturbed areas to achieve erosion control equal to pre-mining levels. The cover shall be predominantly of native species. Disturbed areas shall be kept to a minimum. Reclamation shall commence within one growing season after slopes reach final grade.
  - e. Mining, processing, or transporting operations, except for reservoir construction, shall be within the time limits of 7:00 a.m. to 6:00 p.m., with no operations on Sunday. Maintenance operations are not subject to this provision.
  - f. The use of explosives is subject to all state and federal standards and restricted to a maximum of five calendar days per year. All blasting shall be conducted in a manner which will not cause a peak particle velocity on any adjacent property which exceeds one-half inch per second. A blast over pressure shall not exceed 130 db peak measured at 6 Hz or lower flat response at the property line.
  - g. Quarrying of hard rock aggregate is prohibited.
  - h. Sediment caused by accelerated soil erosion shall be removed from runoff water before leaving the site. Runoff shall not be discharged from the site in quantities or at velocities above those occurring before mining.
3. **Exempt Activities.** The following burrowing and hauling of earth material may be done without obtaining a conditional use permit from the City:
- a. Minor projects which 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 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, development plan or over lot 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.

**F. Resource Extraction (Oil and Gas).**

- 1. Reserved.

**G. Salvage Yard.**

- 1. The following applies:
  - a. Salvage yards shall not be located on property adjacent to any of the following streets:
    - i. 52nd Avenue;
    - ii. 60th Avenue;
    - iii. Lamar Street; and
    - iv. Sheridan Boulevard.
  - b. The use shall not be located closer than 25 feet to an adjacent street right-of-way.
  - c. The subject property shall be surrounded by an Option C or D buffer, per Section 4-6-5-3, Bufferyard Options.
  - d. Best management practices for stormwater quality must be implemented and maintained on-site.

**H. Self-Storage.**

- 1. The following shall apply to all Self-Storage facilities:
  - a. Public access to any storage unit within 150 feet of any residential zoning district or lot containing a residential use in any mixed-use zoning district is not allowed between 10:00 PM and 7:00 AM.
  - b. The use is not allowed at the intersection of two arterial streets.
  - c. Self-storage facilities are subject to the design standards in Section 5-1-2-8, Industrial, Self-Storage, or Distribution.
- 2. In the MX-S and CG zoning districts:
  - a. All storage shall be within a building, and access to individual storage units shall be from interior corridors. Storage units with access from the exterior building may be permitted on non-street frontage facades. No outdoor storage of goods or vehicles is allowed.
  - b. The use shall be located a minimum of 150 feet from any residential zoning district.
- 3. In the IL and IG zoning districts:

- a. The use may have multiple buildings with storage units and / or storage units in free-standing buildings.
  - b. Doors to individual storage units shall not be directly accessible from any street frontage.
  - c. Individual storage units shall face the interior of the site. This does not apply to storage units within an enclosed structure.
  - d. A residence for a caretaker is allowed, subject to the requirements of Section 5-1-6-7, Custodial Unit.
4. Operation and Activities.
- a. The incidental retail sale of products associated with the business (e.g., boxes, moving supplies) is allowed.

**I. Storage Yard.**

- 1. In the IG zoning districts:
  - a. The use shall not be located closer than 25 feet to an adjacent street right-of-way.
  - b. No storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall be permitted as part of any storage yard use if they exceed the currently adopted fire code requirements. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
  - c. Suitable containers for rubbish shall be placed on the premises. See Section 5-1-6-5, Trash Collection and Compaction.
  - d. There shall be at least one 24 feet access drive that shall be wide enough to accommodate two vehicles side-by-side.
  - e. No storage yards shall be located closer than 300 feet from any lot line that abuts a residential zoning district or single-family detached residential uses in unincorporated Jefferson County.
  - f. In areas that adjoin a residential use, there is no height limit on the outdoor storage provided that the storage yard is screened from view from the closest point of the adjacent residential structure or right-of-way.
  - g. Permitted hours of operation shall be 7:00 AM to 7:00 PM.
  - h. There shall be no height restriction for machinery, vehicles, and cranes licensed, leased, and/or titled to a business conducted on the property.
  - i. Storage of customer vehicles for a period not to exceed 90 days is exempt from the screening height restrictions.

**J. Waste Removal Fleet Storage and Administration.**

- 1. In the IL and IG zoning districts:
  - a. The use shall not be located closer than 25 feet to an adjacent street right-of-way.
  - b. No storage yards shall be located closer than 300 feet from any lot line that abuts a residential zoning district or dwelling unit.
  - c. Permitted hours of operation shall be 7:00 AM to 7:00 PM.

**K. Waste Transfer Station.**

- 1. In the IG zoning district:
  - a. The use shall not be located within one-half mile of a residential zoning district.

- b. The subject property shall be surrounded by an Option C buffer, per Section 4-6-5-3, Bufferyard Options.

### **3-1-3-8 Motor Vehicle Use Standards.**

#### **A. Fueling / Service Station.**

##### **1. Fueling / Service Station Requirements**

- a. When permitted:
  - i. The use shall be located within 660 feet of an intersection of arterial streets unless it is associated with a retail use (e.g., a grocery store or warehouse club) that is at least 45,000 square feet in floor area.
  - ii. No more than two service stations or convenience stores with fuel sales may be located within 660 feet of a single Arterial/Arterial intersection. Where more than two service stations or convenience stores exist at the time of the adoption of this Code, they shall be considered an allowed use.
  - iii. Vehicle access to such uses shall be limited to a maximum of one curb cut per street frontage.
  - iv. On-site vehicle access and circulation shall be designed so that adjacent residential uses or properties are not disturbed, either by day or night, by the movement of vehicles or the lights from vehicles.
  - v. Fueling pump canopies shall comply with the requirements of Subsection 5-1-2-3-C-9, Canopies and Port-Cochères.
  - vi. In the MX-S, MX-U and MX-T zoning districts, options for the site design of the fueling / service station are set out in Subsection 4-3-3-4F, Fueling / Service Station Site Design.
  - vii. A service station with a convenience store shall provide adequate space to allow a minimum of three cars to stack in a line for fuel dispensing services without using or obstructing any portion of an adjacent public sidewalk or right-of-way.

##### **2. Minimum Lot Dimensions.**

- i. Minimum lot area: 12,000 square feet.
- ii. Minimum lot width (street frontage): 120 feet.
- iii. Limits on Number of Service Bays and Pump Islands. A service station or convenience store with fuel sales may have a maximum two service bays and two pump islands on a 12,000 square foot lot. One service bay or one pump island may be added for each additional 2,000 square feet of lot area, provided that the total number of service bays shall not exceed five per lot and the number of pump islands shall not exceed five per lot.

##### **3. Building and Equipment Setbacks and Buffers.**

- i. Fuel pumps, pump islands, detached canopies, compressed air connections, 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 or a parcel containing residential uses.
- ii. When the service station use abuts a residential zoning district, use, or property, an Option C or D buffer shall be required, per Section 4-6-5-3, Bufferyard Options.

**4. Service Station with Vehicle Repair.**

- a. When permitted:
  - i. Hydraulic hoists, pits, and all lubrications, greasing, automobile washing, 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 blank wall with no openings other than those required by applicable building codes.
  - ii. All repair work, vehicle washing, lubrication, and installation of parts and accessories shall be wholly performed within an enclosed building or structure.
  - iii. 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 totally screened from view by a solid, opaque fence. See Division 4-7-2, Fences and Divisional Walls for acceptable fence/wall materials.
  - iv. All vehicles awaiting repair shall be stored onsite in approved parking spaces and under no circumstances shall such vehicles be stored outside in an inoperable condition or stored on or obstruct access to a public right-of-way.

**B. Motor Vehicle Repairs and Service, Heavy.**

- 1. When permitted:
  - a. All repair and vehicle storage shall be completely enclosed within a building.
  - b. An Option B buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and adjoining right-of-way.
  - c. An Option C or D buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district or MX with residential uses.
  - d. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from the residential zoning district boundary.
  - e. The use shall not operate between 7:00 PM and 7:00 AM if it is located within 300 feet of a residential zoning district, measured from the outside building wall that encloses the use to the zoning district boundary.

**C. Motor Vehicle Repairs and Service, Light.**

- 2. In the MX-N, MX-S, CG, and IL zoning districts:
  - a. All vehicle repair uses shall be conducted within a completely enclosed building.
  - ~~b.~~
  - ~~b.~~ The use shall not operate between 7:00 PM and 7:00 AM if it is located within 300 feet of a residential zoning district, measured from the outside building wall that encloses the use to the zoning district boundary.
  - ~~c.~~ An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options is required between the use and any adjoining residential zoning district.
  - ~~e.d.~~ Storage of vehicles on the premises shall not exceed 15 days.
  - ~~d.e.~~ Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.
  - ~~e.f.~~ Garage bays shall not face a street.

**B. Motor Vehicle Storage.**

- 1. In the IL and IG zoning districts;

- a. An Option B landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and adjoining right-of-way.
- b. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
- c. The use shall be located behind the principal building, unless the stored motor vehicles are inventory that is for sale or for rent.

**C. Motor Vehicle Towing Services.**

- 1. In the IL and IG zoning district:
  - a. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the yard and adjoining right-of-way and any adjoining residential zone district.
  - b. Vehicular ingress-egress shall be limited to one point for each side of property abutting any street.
  - c. All vehicles and activities not within fully enclosed buildings shall be enclosed by a solid fence or wall at least six feet in height, including point of ingress or egress.
  - d. No vehicle repair, maintenance, or body work shall take place.
- 2. In the IL zoning district:
  - a. The site shall not be more than two acres in size.

**D. Motor Vehicle Wash.**

- 1. Motor vehicle wash facilities including automotive detail facilities shall comply with the following conditions:
  - a. **General Requirements.**
    - i. A motor vehicle wash facility is prohibited at the intersection of two arterial streets, unless it is located in a center occupying at least two acres and containing other commercial establishments occupying at least 12,000 square feet gross floor area.
    - ii. The motor vehicle wash facility, including all driveways, entrances and appurtenant structures, must 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.
    - iii. No motor vehicle wash facility shall be located on a corner lot.
  - b. **Open Bay Motor Vehicle Wash Facility.**
    - i. No new motor vehicle wash facility may be located within one-half mile of any other existing motor vehicle wash facility having two or more car wash bays within the city limits of Arvada.
  - c. **Enclosed Motor Vehicle Wash Facility.**
    - i. All enclosed motor vehicle washing bays must have bay doors. No bay door shall face the adjacent street or an adjacent residential district.
    - ii. All enclosed motor vehicle wash facilities must be self-contained, except those services such as drying, polishing or vacuuming which may be performed outdoors. Exterior vacuums must have the machinery located within the main wash building with only vacuum hoses located outside.

**E. Parking Lot Surface, Stand-Alone.** Where identified as a conditional use, a stand-alone surface parking lot shall be subject to the following requirements:

- 1. A stand-alone surface parking lot shall not front an arterial or collector street.



2. The stand-alone surface parking lot shall meet all the landscaping requirements of Article 4-6, Landscaping and Buffering.

2.3. A stand-alone surface parking lot associated with an adjacent primary use shall also comply with the requirements of Section 4-5-3-4, Off-Site Parking.

F. **Parking Garage, Structured.** Refer to Section 5-1-6-8.

G. **Vehicle Equipment Sales or Rentals.**

1. **Vehicle Sales and Rentals.**

- a. In the MX-S, MX-U, MX-T, CG, and IL zoning districts:
  - i. All vehicles used for sales display or inventory must be stored indoors.
  - ii. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
  - iii. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from a residential zoning district boundary.
- b. In the MX-T zoning district, only automobile rentals shall be permitted and only in principal hotel and motel uses with surface parking limited to a maximum number of 10 parking spaces dedicated to the use.

2. **Equipment Sales and Rentals.**

- a. In the MX-S, MX-U, MX-T, CG, and IL zoning districts:
  - i. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
  - ii. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from the residential zoning district boundary.

### **3-1-4-5 Food and Retail Truck Vending**

A. **Generally.** Food and retail truck vending is allowed as provided in this Section.

B. **Where Permitted.**

1. Food and retail truck vending is permitted in the following areas and under the following circumstances:
  - a. On private property as provided in Section 3-1-4-2, Temporary Uses by Zoning District;
  - b. In any park or public space (regardless of zoning district), if approved by the governmental entity exercising ownership or control thereof; and
  - c. In a public street right-of-way (regardless of zoning district), subject to the limitations established in Subsection D.2., below.
2. Notwithstanding any provision herein to the contrary, allowing food and retail truck vending in a park, public space, or public street right-of-way shall be in the sole discretion of the governmental entity exercising ownership or control thereof.

C. **Permit Required.** Except as otherwise provided herein, no person may engage in activities of food or retail truck vending without first obtaining a City of Arvada business license and a Food Truck Permit for food vendors or a Retail Vending Truck Permit. The approved temporary use permit shall be permanently displayed to the public in the food handling area of the food truck vending operation or in the retail area of a retail vending truck.

D. **Standards.** The following rules and requirements shall apply to all food and retail truck vending:

1. **Hours of Operation.** Hours of operation shall be between 6:00 a.m. and 11:00 p.m. unless a different time is specified in the temporary use permit.
2. **Location.**
  - a. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley, or sidewalk.
  - b. Operations shall be located at least 50 feet from any residential ~~zoning district~~use or mixed-use ~~zoning districts~~buildings where residential units are on the first floor as measured from the closest point of the food truck to the nearest property line of the residential unit, except as may otherwise be permitted pursuant to subsection B.1.c., where permitted above.
  - c. Food and retail trucks may operate on private property provided they meet the following requirements:
    - i. The operator must obtain prior written permission from the private property owner.
    - ii. The food or retail truck must be parked on a paved surface outside of the public right-of-way.
  - d. Operations are prohibited on public street rights of way, except for the following:
    - i. Food and retail truck vending may be allowed in a public street right-of-way closed to vehicular traffic when a Special Event Permit has been issued for a special event requiring such closure.
3. **Refuse.**
  - a. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter. All areas used for food and retail trucks shall be maintained in a safe and clean condition.
  - b. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the vehicle or structure.
  - c. The food and retail trucks shall not be washed on location.
4. **Health Department Certificate.**
  - a. Operators shall obtain a Health Department Certificate required by the Colorado Department of Public Health and Environment and other state and local agencies to operate a mobile retail food establishment.

### 3-1-5-3. Short-term rentals.

A. *License Required.* Short Term Rental is prohibited within the City unless a license has been duly issued therefore pursuant to this Section 3-1-5-3 and in compliance with the Code, including without limitation, Chapter 98, Article V, Division 2, Lodging License.

B. *Application.*

1. *Requirements.* An application for a license shall be submitted to the Director and shall be signed by the fee owner of record of the property to be licensed or an individual authorized in writing by the fee owner of record. All license applications shall be submitted on a form supplied by the Director, which shall include such information as is reasonably necessary for the Director to act on such application, together with an application fee as authorized under Section 74-31 of the Code. The applicant must

- specify which portions of the Dwelling Unit, Dwelling Unit or Accessory Dwelling Unit, Residential ("ADUR") will constitute the licensed premises available for use by renters. A license is not valid until the application fee is paid and accepted by the City.
2. Certification. The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado. Applicants shall inform the Director in writing of any material change to the information submitted on an application for a license within 30 calendar days of such change.
- C. *Term of License and Renewal.* ~~An application fee shall be received by the City prior to issuance of a license.~~ Licenses issued pursuant to this Section shall be valid for a period of one calendar year from the date of issuance. Licenses must be renewed annually. Applications for renewals of a Short Term Rental license are subject to all application, fees, licensing, and operation requirements set forth in this Section that apply to new licenses. In the Financial Officer's discretion, after consultation with the Director, the Financial Officer may impose conditions upon a license at the time of renewal to address non-compliance with the terms of the license, the provisions of this Section, or any other applicable provision of federal, state, or local law. Failure to comply with such conditions may result in suspension, revocation, or non-renewal of the license.
- D. *License Regulations.*
1. Compliance. The licensee shall comply with all applicable Code provisions and state and federal law including, but not limited to, Chapter 18, Buildings and Building Regulations, ~~and~~ Chapter 38, Article III, Nuisances, and Chapter 98, Taxation.
  2. Restrictions. The licensee shall ensure that renters of a Short Term Rental Unit shall only be allowed access to the portions of the Dwelling, Dwelling Unit or ADUR identified in the license.
  3. Local Contact Person. ~~The licensee must designate on the application a local contact person who shall be available to respond to the property within one hour of being notified by the city of a complaint about the condition of the property or the conduct of short term tenants. The local contact person must be available to respond as set forth herein 24 hours per day, seven days per week during any term the Short Term Rental Unit is occupied by or rented to a short term tenant, must be able to provide access to the licensed premises, and must be authorized to make decisions about the licensed premises. Should the person designated as the local contact person change, the licensee must, within seven days of the change, update the license on file with the city. During the term that a Short Term Rental Unit is occupied by a short term tenant, the owner and/or the local contact person designated by the owner shall be available 24 hours per day, seven days per week, for the purpose of responding within one hour to complaints regarding the condition or operation of the Short Term Rental Unit or the conduct of short term tenants. If the local contact person designated by the owner changes, then the owner shall update the license on file within five business days. For the purposes of this section, "local contact person" means an individual located within 30 miles of the Short Term Rental Unit, during the entire length of the Short Term Rental period, who has access to the licensed premises and is authorized to make decisions regarding the licensed premises.~~
  4. Brochures. Each Short Term Rental Unit shall provide two brochures to its guests:
    - a. The first brochure shall include the licensee's contact information, the local contact party's contact information, and any necessary emergency contact information. The brochure shall also provide information pertinent to the neighborhood where the Short Term Rental Unit is located including, but not limited to, parking restrictions, trash collection schedule, relevant water restrictions, fire evacuation routes, and any other information, as required by the Director, applicable to the Short Term Rental Unit and the surrounding neighborhood.
    - b. The second brochure will be provided by the City and include relevant local ordinances, rules, and regulations that apply to all residences in the City. The licensee must display the City's brochure in each Short Term Rental Unit as it is made available and updated by the City.
- E. *Licensing Requirements.*

1. *Number of Short Term Rentals Units per lot.* Licensees are limited to one Short Term Rental Unit per property. If a lot contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.
  2. *Permitted structures.* Short Term Rental Units are allowed in primary and accessory structures with finished living space. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multifamily property, the ~~property owner~~ licensee is allowed one Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each ~~owner~~ licensee shall be limited to one Short Term Rental Unit per property.
  3. *Reservations.* Only one Short Term Rental reservation to one party at a time is allowed.
  4. *Parking requirements.* One additional on-site parking space shall be required if a portion of a primary structure is used for Short Term Rental.
  5. ~~Safety requirements.~~ Each Short Term Rental Unit shall be equipped with an operational smoke detector, carbon monoxide detector, and fire extinguisher on the licensed premises. ~~The Director or his or her designee may inspect the Dwelling, Dwelling Unit or ADUR prior to issuance of a license and during the term of any license issued to verify compliance with such requirements, Code provisions and state and federal law. Refusal by the applicant to allow such inspection shall be grounds for denial, non-renewal or revocation of a license.~~
  6. *Occupancy.* The occupancy of a Short Term Rental Unit shall not exceed the total number of unrelated persons that are otherwise permitted to occupy property in the City.
  7. *Prohibited uses.* Use of the Short Term Rental Unit for any commercial or large social events or gatherings, such as weddings, is prohibited.
  8. *Trash collection.* The ~~owner~~ licensee shall maintain weekly residential trash collection services for the Short Term Rental Unit.
  9. ~~Number of days in use.~~ No Short Term Rental may be occupied by guests for more than 240 days in any 365 day period. ~~The maximum number of days per calendar year that a Short Term Rental may be occupied by guests is 240. Upon renewal of the license By December 31<sup>st</sup> of each calendar year, the Owner licensee shall provide to the City the number of days that the Short Term Rental was occupied by guests during the previous 365 days. The Owner licensee shall certify that the number reported is accurate.~~
  10. *Number of Short Term Rentals per Owner Licensee.* No applicant may operate more than three individual properties as short term rentals within the City at any one time. ~~Licensee shall certify compliance with this requirement on each application submitted to the City. By December 31<sup>st</sup> of each calendar year, the Owner shall certify that the number operated is in accordance with this regulation.~~
- F. *Refusal to Grant, Suspension, Revocation, Nonrenewal of License.* The Director may refuse to grant an initial license, or suspend, revoke, or not renew any license requested or issued pursuant to this Section if the Director determines that any of the following have occurred: (i) fraud, material misrepresentation or false statement in the initial application for the license or any renewal application; or (ii) failure to comply with the terms or conditions of the license, the provisions of this Section, or any other application provision of federal, state, or local law including, but not limited to, the Arvada City Code.
1. *Authority.* ~~In addition, if the Director may finds that a violation of any provision of this Section exists, the Director, after notice to the licensee, may take any one or more of the following actions to remedy the violation:~~
    - a. ~~Impose a civil penalty according to the following schedule:~~
      - (i) ~~For the first violation of the provision, \$150.00;~~
      - (ii) ~~For the second violation of the same provision, \$300.00; and~~

(iii) For the third violation of the same provision, \$1,000.00.

~~b. — Revoke the license;~~

c. ~~Issue~~ any order reasonably calculated to ensure compliance with this Section.

2. Remedies. The Director's authority under this Section is in addition to any other authority the Director has to enforce this Section, and election of one remedy by the Director shall not preclude resorting to any other remedy as well.

a. The Director shall not accept a new application from the same licensee for the same Dwelling, Dwelling Unit or ADUR after revocation of a license:

(i) For at least one year following the revocation; and

(ii) Unless the applicant demonstrates compliance with all applicable laws and licensing requirements.

~~3. — All licensed premises shall be subject to inspection by the Director or his or her designee for the purpose of investigating and determining compliance with the requirements for any license issued under this Section. Where any part of the licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the license being revoked subject to the following Subsection 5.~~

34. Appeal. An applicant or licensee may appeal any decision to refuse to grant, not renew, or suspend his or her ~~application or~~ license to the City Manager within 14 ~~consecutive calendar~~ days from the City providing notice of the decision. The City Manager's decision shall be final.

45. Administrative Hearing. ~~An applicant licensee~~ may appeal any decision to revoke his or her license through the City's Administrative Hearing procedure as provided in Chapter 2, Article V, Division 3 of the Arvada City Code. The aAppeals must be received within 14 ~~consecutive calendar~~ days from the City providing notice of the revocation.

G. Administration. The Financial Officer and Director shall administer the provisions of this Article and are authorized to jointly promulgate rules and regulations for its administration and implementation.

1. Authority to inspect. ~~The Director or his her designee may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal and at any point during the duration of the Short Term Rental license term to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director or his or her designee may inspect the licensed premises for the purpose of investigating and determining compliance with the requirements for a license issued under this Section, the provisions of this Section, or with any other applicable local, state, or federal law. Where any part of the property, dwelling, dwelling unit, ADUR, or licensed premises consists of a locked area, such area shall be made available for inspection as provided hereunder, without delay, upon request. Refusal to allow an inspection may result in the non-issuance of a license, or in the suspension, revocation, or non-renewal of the license for that licensed premises.~~

2. Violations and Penalty. ~~It shall be unlawful for any person to violate a provision of this section. Violators shall be subject to the penalties as contained in section 1-5 of the Arvada City Code and may also be subject to civil remedies. A separate offense shall be deemed committed upon each day such person is in violation of this chapter unless otherwise provided in this chapter.~~

#### **4-2-1-4 Subdivision Requirements and Standards**

##### **A. General Requirements.**

1. Every subdivision shall comply with applicable zoning district, design and development standards in this LDC.

2. Every subdivision shall comply with all other ordinances and regulations of the City of Arvada.
  3. Public infrastructure shall be constructed in accordance with the City of Arvada Engineering Code of Standards and Specifications as approved by the Director.
- B. **Minimum Standards.** The standards in this Article are minimum standards. The City may impose more restrictive standards when it finds that they are necessary to conform the design of a proposed subdivision to sound engineering or design standards or other standards in this LDC.
- C. **Buildable Lots.** All lots created through the subdivision process shall be developable and conform to the minimum zoning, development, and floodplain standards in this LDC. No subdivisions shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions.
- D. **Layout and Design.** The design and layout of the lots shall be dependent upon topography, natural vegetation, soil conditions, drainage, street traffic, or other conditions. The following standards shall apply to:
1. A subdivision of two or more lots;
  2. A division of a lot; or
  3. Combining lots.
- E. **Lot Size and Configuration.**
1. **Lot Area.** The minimum area and dimensions of all lots shall conform to the requirements of the zoning districts and development standards relating to the zoning district in which the lot is located. See Chapter 2 of this Code.
  2. **Lot Lines.** Side lot lines shall be substantially at right angles or radial to street lines, except where other terrain makes such design impractical.
  3. **Double Frontage Lots.**
    - a. Double frontage lots are discouraged in new subdivisions except where necessary to provide separation of residential development from parkways and arterials, or to overcome specific disadvantages of topography and orientation.
    - b. If approved, double frontage lots shall have an average lot depth of not less than 130 feet.
    - c. Unless waived by the Director, the owner / developer shall construct fences along the rear of double frontage lots. Such fences shall be six feet high, and composed of cedar picket fencing with brick posts not more than 60 feet apart, unless an alternate design or material is approved by the Director.
  4. **Flag Lots.** Flag lots and other irregularly shaped lots are discouraged in new and existing subdivisions.
  5. **Corner Lots.** Corner lots may be required to be wider than interior lots to provide for setback requirements.
- F. **Drainage.** Lots shall be designed and located to provide positive drainage away from all buildings, shall comply with the standards in Division 4-1-3, Stormwater and Drainage Control, and shall allow for the infiltration of storm water runoff to the maximum extent feasible.
- G. **Access.**
1. Every residential lot shall abut a public or private street or access easement. Access to residential lots shall be from local streets except as specifically authorized by the Director.

2. For subdivisions, at least two points of vehicular access into a proposed subdivision shall be provided, where feasible, unless it can be shown to the satisfaction of the Director that legal, topographical, and / or engineering constraints preclude such access. The Director may allow for additional access supported by traffic impact study and meets all other design criteria.
3. For lot splits, shared common access shall be provided to the maximum extent practicable.

**H. Block Layout and Length.**

1. Blocks shall normally be at least 400 feet in length and not more than 1,200 feet in length. The Director may approve a shorter or longer block length when necessary to accommodate natural features such as steep slopes, environmentally sensitive lands, and pedestrian linkages.
2. Block lengths and widths shall be suitable for the uses contemplated and the zoning requirements pertaining to minimum lot sizes and dimensions.
3. In blocks over 1,000 feet long, pedestrian, bicycle, and equestrian crosswalks may be required. Said crosswalks shall normally require a six and one-half foot width.
4. Blocks along designated or planned parkways or arterial streets shall not be less than 660 feet in length, unless approved by the Director.

**I. Street Design.** All public and private streets shall comply with the Article 4-4, Access, Circulation, Mobility, and Utilities, City of Arvada Engineering Code of Standards and Specifications, and the following standards:

**1. Coordination of Streets.**

- a. All new collector and local streets shall connect with surrounding streets at safe and convenient locations as required by the Director to allow convenient movement of traffic and reasonable access for emergency vehicles.
- b. When connections to surrounding streets are proposed or required by the City, public right-of-way shall be dedicated and streets developed to existing paved rights-of-way.
- c. When developing adjacent to an existing RA or RN-32.5 zoning district where there is no paved street between the subdivision and an existing paved street, an interim street, improved in accordance with local street standards, shall be constructed by the Applicant for developments with densities in excess of one residential unit per acre of land.
- d. Whenever possible, proposed intersections along one side of a street shall coincide with existing or proposed intersections on the opposite side of such street. Where a centerline offset (jog) occurs at an intersection, the distance between centerlines of the intersecting streets shall be not less than required by the City of Arvada Engineering Code of Standards and Specifications.
- e. The street pattern shall not cause adjacent property to be landlocked nor prevent access to public land.

**2. Street Intersections.**

- a. Streets shall be arranged in relation to existing topography to produce streets of reasonable gradient to facilitate adequate drainage and to produce desirable lots of maximum utility.
- b. Where a subdivision abuts or contains the right-of-way of a drainage way, a limited access highway, or an irrigation ditch, or abuts a commercial or industrial land use, the Director may require the location of a street approximately parallel to and on each side

of this right-of-way at a distance suitable for appropriate use of the intervening land. This distance shall be determined with due regard for approach grades, drainage, bridges or future grade separations.

**3. Street Design Standards.**

- a. Streets shall be related appropriately to the expected use of the property. Minimum requirements for street right-of-way, pavement width, and other standards for public and private streets are set forth in the City of Arvada Engineering Code of Standards and Specifications.
- b. Other designs and materials may be required for the construction of streets, curbs, and sidewalks when, in the determination of the Director, such methods would be more environmentally desirable or more in keeping with the design of the development or neighborhood.
- c. Turnarounds shall be provided at the ends of cul-de-sacs and at elbows on one-way streets. Turnarounds shall meet the minimum requirements of the Fire Protection District.

**J. Street Naming and Traffic Control Signs.**

1. **Continuation of Existing Names.** The City will assign a name subject to final plat, site plan or final development plan approval.
2. **Street Signage.**
  - a. All streets in a subdivision shall be named and identified by signs installed at every street intersection.
  - b. These signs shall be standard street signs as indicated in the current edition of the Manual on Uniform Traffic Control Devices.
  - c. All traffic control signs, as well as street name signs, required in a subdivision shall be provided and installed by the City at the expense of the subdivider in conformance with the current edition of the Manual on Uniform Traffic Control Devices, and any relevant Colorado state supplements.

**K. Sidewalks, Trails and Bicycle Paths.**

1. **General Requirements.**
  - a. The layout and design of an interconnected system of sidewalks, trails, and/or bicycle paths shall be consistent with the City of Arvada Transportation Plan and Bicycle Plan, as amended, and all other adopted plans and policies.
  - b. All subdivisions shall comply with the development standards set forth in Section 4-4-2-1, Pedestrian and Bicycle Access and Circulation.
  - c. All subdivisions shall include an interconnected system of sidewalks, trails and or bicycle paths that directly connects to all uses, lots, open space areas, and parks.
2. **Trails.**
  - a. The owner/developer shall provide and construct pedestrian, bicycle, or equestrian trail rights-of-way in compliance with Section 4-4-2-1, Pedestrian and Bicycle Access and Circulation, and Section 8-4-3-6, Park and Trail Dedications and Fees-in-Lieu. Additional trail rights-of-way may be required where necessary for access to parks, schools, shopping areas, or other community facilities.
  - b. Trails shall be eight feet wide, unless a wider trail is required by the City. All trails between lots shall be located within a minimum 40-foot wide landscaped strip, which



40-foot wide strip may be dedicated to the City or set aside as private, [amenitized common-open-space landscape surface area](#).

#### 4-2-2-1 Cluster Subdivisions

- A. **Generally.** This Division provides optional standards for cluster subdivision development to create more compact development in order to preserve and protect sensitive lands, create [common-open-space amenitized landscape](#) areas, and to implement the Comprehensive Plan and/or adopted specific area plans. A cluster subdivision is a residential or mixed-use subdivision in which some or all of the lots are allowed to be smaller (in area and width) than otherwise required for the underlying zoning district, in exchange for permanent protection of sensitive lands and/or [common](#) open space.
- B. **Zoning Districts Where Allowed.**
  - 1. The cluster subdivision option is available in the R6, R13, and R24 zoning districts.
- C. **Minimum Parcel Size.** The minimum parcel size for a cluster subdivision shall be three acres.
- D. **Cluster Subdivision Development Standards.**
  - 1. All other standards in the LDC shall apply to cluster subdivisions unless modified by this Section.
- E. **Identification and Maintenance of Protected Lands.**
  - 1. Protected lands as defined in Section 4-1-4-2, Limits of Development, shall be identified on the final subdivision plat with a notation that indicates that those lands shall not be used for future development.
  - 2. Protected lands shall be identified with appropriate permanent signage markers in order to distinguish these areas from private lots.
  - 3. Protected lands shall be permanently maintained and preserved as:
    - a. Open space tracts with deed restrictions;
    - b. Land dedicated to the City;
    - c. Land protected through a conservation easement; or
    - d. Land protected by other means approved by the City.
  - 4. For any protected land not dedicated to the City, the developer shall provide a permanent mechanism acceptable to the City Attorney for the primary purpose of conservation, preservation, and management of protected lands.
  - 5. There shall be no further subdivision of land in an area approved for cluster subdivision; however, dedication of easements for public purposes may be permitted.
- F. **Use of Protected Lands.**
  - 1. Protected lands shall be left in an undisturbed natural state or landscaped pursuant to Section 4-6-5, Landscape Areas and Bufferyards.
  - 2. The protected lands shall be used for low-intensity recreation, agriculture, buffers, critical wildlife habitat, or other passive park or open space purposes.
  - 3. The use of protected lands may be further limited or controlled at the time of final approval where necessary to protect adjacent properties.
- G. **Review and Approval of Cluster Subdivisions.**

1. The review and approval of cluster subdivisions shall follow the procedures for preliminary and final plats. The applicable procedure is dependent on the number of lots proposed in the cluster subdivision.

#### **4-3-2-2 Landscape Surface Area**

**Generally.** Development shall be designed with landscaped areas that support the resource values of the natural open space in terms of its ecological function (e.g., habitat, water quality enhancement, energy efficiency, etc.), aesthetic contribution, recreational value, and buffering value in accordance with Article 4-6 Landscaping and Buffering.

**Site Design.** Site design shall be organized to include, protect or enhance the natural open spaces areas and landmark features of the site.

**Enhancement of Open Space / Open Space Corridors.** Landscaped areas should be organized so as to create integrated systems that connect with dedicated school lands, parklands, other open spaces, or public lands or trails within the subject property or on adjoining property.

**Natural Resource and Hazard Areas.** Natural resources such as water features including lakes, natural ponds, rivers, streams, wetlands, riparian areas, drainage ways, ditches, and flood hazard areas and vistas of natural features including distant peaks and ridges, steep slopes, existing tree canopy, wildlife habitat areas should be undisturbed.

#### **4-3-2-3 Landscape Surface Area, Amenitized**

A. **Generally.** Sometimes referred to as “common open space.” Development shall be designed with amenities for the common use or enjoyment of residents, employees, or guests of the development. Any portion of the area intended to meet requirements of small urban parks (Section 4-3-3-4 Mixed-Use) must be publically accessible. Amenities may include:

1. Passive recreational facilities such as trails, community gardens, courtyards with seating, shaded picnic areas, scenic areas, open grassy areas large enough for recreation, or similar common areas; or
2. Active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses; or
3. Commercial outdoor seating and dining areas, or similar common areas serving employees and/or guests.

B. **Accessibility.** Areas shall be accessible to all residents, employees, or guests of a development and meet all design requirements of the Americans with Disabilities Act (ADA).

#### **4-3-2-2 Common Open Spaces**

**Generally.** Development shall be designed to include common open spaces and amenities for the enjoyment of residents, employees, and the public in a manner that supports the resource values of the open space in terms of its ecological function (e.g., habitat, water quality enhancement, energy efficiency, etc.), aesthetic contribution, recreational value, and buffering value.

**Formal Open Spaces.** Parks, squares, plazas, courtyards, greens, and other formal gathering open spaces, when required, shall be:

- Situated as focal points; and
- Visible and accessible from streets, sidewalks, and / or trails.

**Site Design.** Site design shall be organized to include, protect or enhance the natural open spaces areas and landmark features of the site.

——— **Enhancement of Open Space / Open Space Corridors.** Open space should be organized so as to create integrated systems that connect with dedicated school lands, parklands, other open spaces, or public lands or trails within the subject property or on adjoining property.

——— **Natural Resource and Hazard Areas.** Natural resources such as water features including lakes, natural ponds, rivers, streams, wetlands, riparian areas, drainage ways, ditches, and flood hazard areas and vistas of natural features including distant peaks and ridges, steep slopes, existing tree canopy, wildlife habitat areas should be undisturbed. **Stormwater Management Devices.** Land area occupied by stormwater management including retention and detention ponds and bioretention areas (filters or rain gardens) may be treated as an open space site amenity if the area includes at least one of the following or a combination of the following:

——— Access and pedestrian elements, such as paths and benches, that support passive recreation uses.

——— Gentle slopes, vegetative landscaping, fountains, or water visible water circulation devices, and visually attractive low fencing or other elements that make stormwater management a site amenity.

——— **Passive and Active Recreational Areas.** Open space areas for passive and active recreational purposes, such as pools, playgrounds, tennis courts, trails, ball fields, and clubhouses, including required public parks and trails should be included in common open space areas.

——— **Stormwater Management Devices.** Land area occupied by stormwater management including retention and detention ponds and bioretention areas (filters or rain gardens) may be treated as an open space site amenity if the area includes at least one of the following or a combination of the following:

——— Access and pedestrian elements, such as paths and benches, that support passive recreation uses.

——— Gentle slopes, vegetative landscaping, fountains, or water visible water circulation devices, and visually attractive low fencing or other elements that make stormwater management a site amenity.

——— **Formal Plantings and Gardens.** Formally planted and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos and similar structures, and/or roof gardens shall have:

——— At least one direct access to a building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

——— Such feature shall be centrally located and compliment the landscape design to the surrounding development.

#### 4-3-3-2 Residential

- A. **Generally.** The standards of this Section apply to residential developments that include more than 10 dwelling units, located in all residential zoning districts and the MX and OT zoning districts, where single-family, duplexes, townhomes, multiplex, and multifamily are permitted, as provided in the following Subsections.
- B. **Arrangement of Open Space Landscape Areas and Buildings.**

1. Open space [Amenitized landscape areas](#) shall be provided to the extent practicable and situated so that [open-space landscaped areas](#) and outdoor recreation amenities are centrally located within the development.
  2. Principal buildings, such as club houses and recreational facilities, and landscaping shall, to the extent practicable, be located and designed so that residents can easily observe the buildings, [common-open-spaces landscaped areas](#), circulation paths, and access points into the development.
- C. **Parking.** For multiplex, townhome and multifamily development, at least 50 percent of required off-street parking shall be provided in garages or carports, rather than surface lots. Where surface parking lots are used, they shall to the extent practicable be located between or behind buildings, rather than adjacent to street frontages.
- D. **Single-Family Detached, Duplex, and Multiplex.**
1. **Generally.** Single-family detached, duplex, and multiplex residential subdivisions shall be designed to mitigate the impacts of streets and paved areas on the neighborhood, and to provide comfortable alternative routes for pedestrians and bicyclists, including continuous sidewalks, tree-lined streets, and pedestrian-scaled details.
  2. **Creation of Neighborhoods.** Residential development that includes more than 200 dwelling units shall be designed to create identifiable “neighborhoods” of 30 to 100 units.
  3. **Configuration of Lots.** Lots shall be configured to maximize the number of lots that are:
    - a. Within close proximity to a [“useable” common-open-space amenitized landscape area](#) (e.g., playground or trail); and
    - b. Connected by trails or common greens that do not cross streets.
- E. **Townhome.**
1. **Creation of Neighborhoods.** Residential development that includes more than 200 dwelling units shall be designed to create identifiable “neighborhoods” of 30 to 100 units.
  2. **Configuration of Lots.** Lots shall be configured to maximize the number of lots that are:
    - a. Within close proximity to a [amenitized landscape area](#) [“useable” common-open-space](#) (e.g. playground or trail); or
    - b. Connected by trails or common greens that do not cross streets.
  3. Buildings shall front on and align with:
    - a. Adjacent streets; or
    - b. Meet the minimum Non-Street Frontage Perimeter Setbacks identified in Table 2-1-8-7, Townhome Building Standards.
  4. **Connectivity.**
    - a. Where there is a sidewalk, separation between buildings shall be a minimum of 20 feet wide to allow for a minimum five foot wide sidewalk and landscaping
- F. **Multifamily.** The standards of this Subsection shall apply to all new multifamily residential development.
1. **Street Connectivity.**
    - a. Multifamily sites of 10 acres or more shall include a minimum of one public street (or private drive that is built to City street standards), that is continuous through the subject property, and that connects to a public street on both ends.

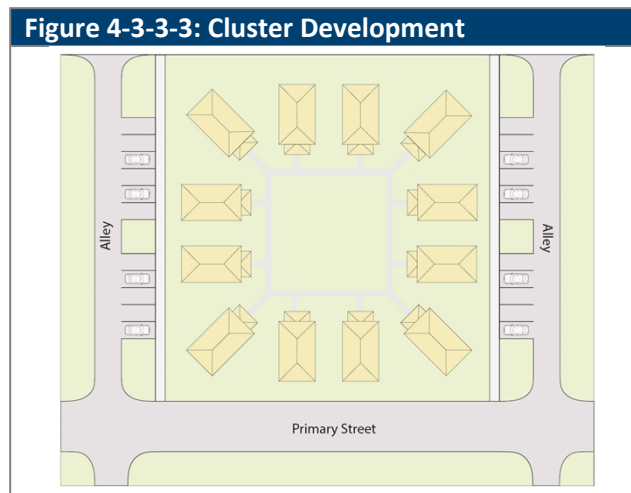
- b. The Director may waive this requirement for a through-access street or drive, if it is demonstrated that:
    - i. There are adequate alternatives available for residents and vehicles to travel through the subject property to adjacent properties and developments; or
    - ii. There are no opportunities for a through-street to safely make such connections.
- 2. **Common Open Space**~~Landscape Areas~~. ~~Landscape areas~~ ~~Common open space~~ shall be provided as follows:
  - a. Large ~~open space~~~~landscaped areas~~ should be the fundamental organizing element of the site. ~~Common open space~~~~Landscaped areas~~ should be well defined by buildings and streets. Buildings should be oriented in such a way as to create courtyards and open space areas.
  - b. Large existing trees and other natural features should be integrated into the ~~open space~~~~landscape areas~~.
  - c. Common open space~~Landscape areas~~ should be centralized and directly accessible to a majority of the surrounding units. Where possible, it should be linked to adjacent parks, paths, and open space areas.
  - d. The ~~open space~~~~landscape areas~~ shall be useable, non-riparian areas with slopes not exceeding 3:1.
- 3. **Site Amenities**. In conjunction with the ~~common open space~~~~landscape surface area~~ requirements, and the required small urban parks in the MX-S, MX-U and the MX-T zoning districts (See Subsection 4-3-3-4E), all multifamily projects shall provide site amenities from the list below for the residents. Amenities shall be centrally located for a majority of the residents, and may be located within the ~~common open space~~~~landscape~~ areas. Multifamily projects with less than 50 units shall provide two of the amenities from the list below. Multifamily projects with more than 50 units shall provide three of the amenities from the list below.
  - a. Plaza.
  - b. Swimming pool.
  - c. Sports court, such as tennis, basketball, or volleyball.
  - d. Natural open space area with benches.
  - e. Jogging trail.
  - f. Fountain, art, or sculpture.
  - g. Other amenity as approved by the Director

#### 4-3-3-3 Clustered Small Housing

- A. **Generally**. The standards of this Section apply to developments of the clustered small housing types that are described in Section 2-1-8-9, Clustered Housing Types.
- B. **Common Green**.
  - 1. Clustered housing types shall be organized around one or two ~~common open space~~~~amenitized landscape~~ areas ("green(s)"), with no dimension that is less than the larger of:
    - a. 1.5 times the height of the tallest building that fronts on the common green; or

- b. 20 feet, for micro homes or 30 feet for cottages.
  - 2. The common green(s) shall be developed and maintained to provide for passive and/or active recreation activities for the residents of the housing cluster.
  - 3. The common green(s) shall be centrally located and easily accessible to all dwelling units within the cluster.
  - 4. The common green(s) shall be surrounded by clustered housing types on at least two sides, which do not have to be opposite sides.
  - 5. Stormwater management facilities are allowed within a common green, if they do not adversely impact access to or use of the common green for all-season pedestrian access to the dwelling units, and for anticipated active and passive recreation activities.
- C. **Front Porches.**
- 1. Cottages. Each cottage dwelling unit shall have a front porch that is not less than seven feet in any dimension.
  - 2. Micro Homes. Each micro home shall have a front porch that is not less than five feet in any dimension.
- D. **Private Entry Yards.**
- 1. Each dwelling unit may have a private entry yard, in front of the building elevation that contains the primary entrance to the dwelling unit, that is:
    - a. Not more than 10 feet deep; and
    - b. Enclosed with a fence that is not more than 36 inches in height in front of the front building plane, and not more than 60 inches in height behind the front building plane.
  - 2. Private entry yards may border the common greens, but are not included in the dimensions of the common green.
- E. **Configuration.** Housing clusters shall relate to both the street and to a common green, in that:
- 1. Each building that is constructed along the principal street side of the subject property shall include architectural features that provide visual continuity with adjoining properties and visual interest from the street, such as a primary or secondary entrance or porch that is oriented to the street.
  - 2. Not less than 50 percent of the dwelling units shall front on a common green.
- F. **Pedestrian Network.**
- 1. Pedestrian connections shall link all buildings to the street, common green(s), and parking areas.
  - 2. Pedestrian connections from parking areas to common buildings and the front doors of dwelling units shall traverse a common green.
  - 3. If housing clusters share a common building, *see* Subsection G., below, the pedestrian network shall connect the housing clusters.
- G. **Common Building.** A common building with amenities is allowed within clustered housing developments. Amenities may include a kitchen, meeting area, common dining area, indoor recreation facilities, storage (provided that other amenities are also provided in the building), and up to two guest bedrooms. Up to two housing clusters that are connected with pedestrian pathways may share a common building, unless the size of the common building and provided amenities are designed to accommodate additional clusters, the common building is centrally located and within 600 feet of all dwelling units, and the common building is connected to the clusters by pedestrian pathways.
- H. **Individual Storage Buildings.** One individual storage building is allowed for each dwelling unit, provided that:

1. The storage building is not more than 10 feet in height, measured from grade to the peak of the roof;
  2. The storage building is not more than 80 sf. in floor area;
  3. The storage building is located behind the dwelling unit, and set back:
    - a. 20 feet from any street; and
    - b. five feet from any boundary of the housing cluster and
  4. The storage building is screened from the street and a common green.
- I. Parking Design.**
1. **Generally.**
    - a. Required parking shall be provided in shared surface parking lots, covered parking spaces in shared parking lots, shared detached garage buildings, or directly accessed from an alley.
    - b. No parking space or drive aisle shall be located between a front building elevation and a common green.
    - c. For alley accessed parking, parking spaces shall be located between the alley and rear building planes, and shall not extend into side or front yards of individual buildings.
  2. **Surface Parking and Covered Parking Spaces.**
    - a. Surface parking and covered parking spaces shall be set back from streets as provided in Section 2-1-8-9, Clustered Housing Types.
    - b. Surface parking and covered parking spaces shall be screened from the street and the common green(s) and from individual units with a parking lot bufferyard as provided in Section 4-6-6-3 Parking Area Landscape.
    - c. Surface parking spaces shall be distributed on the site to minimize visual impacts and optimize access to individual units.
  3. **Shared Detached Garage Buildings.**
    - a. Shared detached garage buildings may not exceed four overhead doors per building, and a total floor area of 1,200 square feet.
    - b. Shared detached garage buildings shall be reserved for the parking of vehicles owned by the residents of the development.



| Table 4-5-2-2A: Residential Land Use Parking Standards                                                                                                                                                                              |                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use                                                                                                                                                                                                                            | Minimum Required Parking                                                                                                                      |
| <b>Standard Housing Types</b>                                                                                                                                                                                                       |                                                                                                                                               |
| <b>Single-Family Detached <del>or</del> Duplex</b>                                                                                                                                                                                  | 2 sp. / du <sup>1</sup>                                                                                                                       |
| <b>Duplex <del>or</del> Townhome</b>                                                                                                                                                                                                | 2.2 sp. / du <sup>1</sup>                                                                                                                     |
| <b>Multifamily and Multiplex</b>                                                                                                                                                                                                    | efficiency units: 1.4 sp. / du<br>1 BR units: 1.6 sp. / du<br>2 BR units: 2.1 sp. / du <sup>1</sup><br>3+ BR units: 2.5 sp. / du <sup>1</sup> |
| <b>Multifamily, Affordable<sup>2</sup></b>                                                                                                                                                                                          | efficiency units / 1 BR units: 1.4 sp. / du<br>2 + BR units: 2.0 sp. / du <sup>1</sup>                                                        |
| <b>Multifamily, Senior<sup>3</sup></b>                                                                                                                                                                                              | 1 sp. / du                                                                                                                                    |
| <b>Clustered Housing Types</b>                                                                                                                                                                                                      |                                                                                                                                               |
| <b>Micro Home</b>                                                                                                                                                                                                                   | 1.25 sp. / du                                                                                                                                 |
| <b>Cottage</b>                                                                                                                                                                                                                      | 2.25 sp. / du                                                                                                                                 |
| TABLE NOTES:<br><sup>1</sup> Tandem spaces may be counted towards this requirement.<br><sup>2</sup> Projects that receive Low Income Housing Tax Credits.<br><sup>3</sup> Age restricted projects for residents 62 years and older. |                                                                                                                                               |

#### 4-5-3-1 General Design Principles

**Generally.** Circulation systems within a subject property shall provide for continuous traffic flow with efficient, non-conflicting movement throughout the site.

##### **Vehicular-Pedestrian Conflicts.**

Conflicts between areas of significant pedestrian movement and vehicular circulation shall be minimized.

Required drive-through stacking areas shall not intersect with pedestrian access to a public entrance of a building.

**Configuration of Parking Lots.** If differentiated, short-term and long-term parking shall be clearly signed, and short-term parking areas shall generally be located closer to the primary public entrances of principal buildings.

Parking lots and loading areas shall have access from a clearly defined drive aisle not less than 18 feet in width for one-way traffic and 24 feet in width for two-way traffic.

Parking spaces shall be marked on the pavement surface with striping, or change of color or material.

**Parking in the Front Setbacks.** Parking shall not be permitted within the front setback or frontage zone on any lot, except for single-family detached and duplex lots and multiplex sites with parking on paved driveways.

**Parking Areas Surface.** All off-street parking spaces and areas required by Division 4-5-2-2, Parking Requirements Tables, vehicular access and drive aisles, and stacking areas shall be surfaced with asphalt, concrete or other approved equivalent surface. Recycled asphalt, gravel, or similar compacted materials are not an acceptable parking surface.

The surfacing requirements above shall not apply to access drives on lots or tracts within the RA zoning district when the access drive is more than 100 feet in length or utilized for an accessory agricultural use.



Any area used to park vehicles on a single-family or duplex lot, which is not an off-street parking space required by Table 4-5-2-2A, Residential Land Use Parking Standards, shall be clearly delineated, improved with concrete, asphalt, stone pavers, gravel or rock (provided the installation is sufficient to support vehicles), maintained free of weeds and display no visible dirt surface. However, no more than 60 percent of the front or street side yards shall be paved with an impervious material.

#### 4-5-3-4 Off-Site Parking

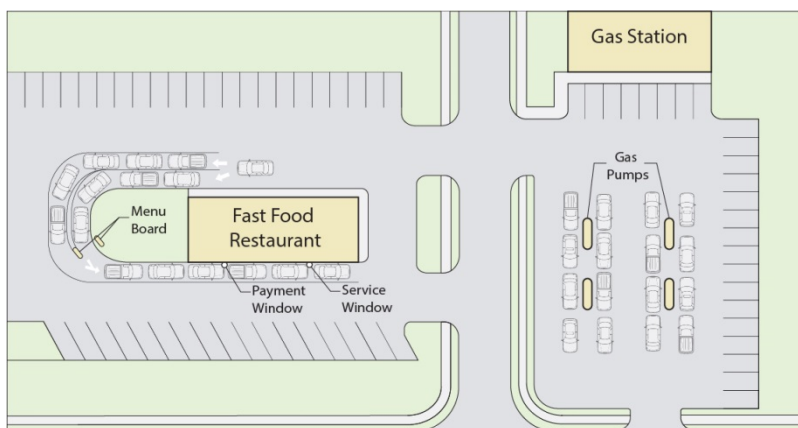
- A. **Generally.** In lieu of locating parking spaces required by Division 4-5-2, Parking and Loading Calculations, on the lot that generates the demand for the required parking, parking spaces may be provided on any lot or premises controlled, *i.e.*, by fee-simple ownership, easement interests, lease interests, or participation in a parking district or other joint venture to provide centralized off-street parking, by the owner of the use that generates the parking demand, provided that:
  - 1. The parking spaces are within 3200 feet of the boundaries of the property generating such parking requirements and no required off-street parking space within said parking lot is more than 500 feet from the property it is serving; and
  - 2. The parking spaces are not already counted towards the parking requirements of another use after application of Section 4-5-2-4, Shared Parking, Section 4-5-2-5, Parking Credits and Reductions, or Section 4-5-2-6, Parking Studies, as may be applicable.
- B. **Exceptions.** Off-site parking is not allowed in:
  - 1. Residential zoning districts, except that manufactured home parks and clustered housing types may utilize centralized parking; and
  - 2. Locations in which a street with more than two lanes separates the off-site parking area from the subject property.

#### 4-5-3-6 Vehicle Stacking

- A. **Generally.** Vehicle stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Adequate space must be provided for on-site stacking, storage and queuing of vehicles.
  - 1. The required stacking distance for the site may be distributed between access points serving the site, provided a minimum stacking of 20 feet is provided at all access points.
  - 2. Stacking spaces must be a minimum of 8.5 feet in width and 20 feet in length.
  - 3. Electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line adjacent to a residential zone district.
  - 4. Stacking spaces for internal drive-through services shall be measured from the point of service and within a designated drive aisle.
  - 5. Required vehicle stacking spaces shall not interfere with access to parking spaces.
- B. **Drive-Through.** Uses that include drive-through service shall provide the following minimum number of stacking spaces:
  - 1. **Financial institutions, drive-through convenience retail, fueling stations, and pharmacies.** Three stacking spaces.
  - 2. **Drive-through restaurants.**
    - a. If two service windows are provided (one for payments and one for pick-up):

- i. Four stacking spaces to each menu board;
      - ii. Three stacking spaces between the menu board and the first window, including the position at the first window; and
      - iii. Two spaces between the first window and the second window, including the position at the second window (See Figure 4-5-3-6, Illustrative Stacking Requirements).
    - b. If one service window is provided, for both payments and pick up:
      - i. Six stacking spaces to the menu board; and
      - ii. Three stacking spaces between the menu board and the service window.
  3. **Drive-through only uses in buildings with less than 300 square feet of gross floor area and no separate menu board.** Three stacking spaces per service window.
  4. **Dry cleaners.** Two stacking spaces per service window.
  5. **Vehicle wash.**
    - a. Two stacking spaces for each bay in a self-service vehicle wash facility;
    - b. Five stacking spaces for each in-bay or conveyor vehicle wash facility; and
    - c. If the facility provides detailing, manual drying or polishing, and / or vacuuming, sufficient area to provide those services without creating additional demand for stacking at the vehicle wash entrance.
  6. **Other Uses.** The determination by the Director of stacking spaces necessary for other uses may require a queuing study conducted by a qualified transportation planner or traffic engineer at the Applicant's expense.
- C. **Design.**
1. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation, or access to parking spaces.
  2. ~~Stacking areas shall not be located in the front setback or side street setback unless there is a grade change of at least five feet between the centerline of the street and the stacking area or alternatively, a Bufferyard Option in Division 4-6-5-3 is installed between the stacking lane and the street.~~

**Figure 4-5-3-6: Illustrative Stacking Requirements**



#### 4-5-3-7 Design and Use of Off-Street Loading Areas

- A. **Generally.** All required off-street loading spaces shall be designed, constructed, and maintained in accordance with the standards and requirements of this Section.
- B. **Location.**
  - 1. Loading spaces shall be located on the same lot as the building or structure to which they relate.
  - 2. No loading space shall be located in any front setback area.
  - 3. Except where alley loading or over-the-curb loading is allowed, loading areas shall be located and designed to ensure adequate on-site maneuvering area for delivery vehicles.
  - 4. No loading area shall be designed in a manner that would allow any vehicle to extend into any front setback area or adjacent to any residential zone district while being loaded or unloaded.
  - 5. Trucks parked in loading areas shall not encroach into required parking spaces or building setbacks.
  - 6. Parked trucks loading or unloading materials shall not block travel lanes in parking lot or fire lanes.
- C. **Buffering.** Drive-through stacking areas and loading areas, including overhead doors, oriented so to face a residential zone district or a public right-of-way shall be screened from view from all property lines and adjacent streets to the greatest extent possible, as determined by the Director, by the following:
  - 1. By an opaque fence or wall between six feet and eight feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the principal building. The fence or wall may exceed eight feet in height when there is a difference in grade between the street and loading area to effectively screen the area.
  - 2. A landscape berm may be used instead or combined with the required fence or wall.
  - 3. If such areas are covered, then the covering shall include at least one of the predominant exposed roofing colors on the principal building.
  - 3.4. For a drive-through stacking area, a fence or wall shall only be used when the area is adjacent to a residential zone district.
- D. **Surfacing.** All required off-street loading spaces and access drives shall be improved with an asphaltic, concrete, or equivalent surface and shall be graded and drained in order to dispose of all surface water accumulation within such areas, as well as any associated parking area.
- E. **Alleys.** All alleys that are used for loading shall meet the City of Arvada Engineering Code of Standards and Specifications.

#### 4-5-3-8 Bicycle Parking Design

- A. **Generally.** The bicycle parking spaces that are required by Section 4-5-2-8, Bicycle Parking, shall be designed according to the standards of this Section. The purpose of these design standards is to ensure that bicycle parking is convenient to bicyclists and provides security from theft and damage.
- B. **Standards.**
  - 1. **Generally.** Bicycle parking shall be designed to ensure that it is convenient to bicyclists and secured from theft and damage. so that bicycles maybe securely locked and safeguarded

~~from accidental or intentional damage. Bicycle parking shall be provided using bicycle racks that meet the following standards:~~

~~a. Bicycle parking shall be securely locked and safeguarded from accidental or intentional damage.~~

~~b. Each required bicycle parking space shall be accessible without moving another bicycle.~~

~~c. There shall be an aisle at least five feet around the perimeter of all bicycle parking areas to allow room for bicycle maneuvering.~~

~~a. A U-shaped bike rack or variation thereof that allows for the bike to be locked to the rack by the frame and at least one wheel;~~

~~b. A bicycle that is six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components; and~~

~~c. The racks are securely anchored to a hard surface.~~

~~2. Each required bicycle parking spaces shall be accessible without moving another bicycle.~~

~~C. There shall be an aisle at least five feet around the perimeter of all bicycle parking areas to allow room for bicycle maneuvering.~~

**~~D.C.~~ Short-term Bicycle Parking.** Short-term bicycle parking facilities or racks shall accommodate securing a bicycle using an industry-standard bike lock.

1. Short-term bicycle parking spaces shall be located within 50 feet of the main entrance to the building. Where there is more than one main entrance to a building, short-term spaces should be split between building entrances.

2. Bicycle racks shall meet the following standards:

a. A U-shaped bike rack or variation thereof that allows for the bike to be locked to the rack by the frame and at least one wheel;

b. A bicycle that is six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components; and

c. The racks are securely anchored to a hard surface.

**2.3. MX Zoning Districts.** Multifamily ~~R~~residential, mixed-use, and office uses in the MX-N, MX-S MX-U and MX-T zoning districts shall provide bicycle parking in locations that where at least 50 percent of the required spaces, when more than three are required, are covered, secure, and illuminated. Such bicycle parking areas shall be maintained by the property owner, a property owners' association, or a metropolitan district.

**3.4. OT and CG Zoning Districts.** Multifamily, schools, retail, and office uses in the OT and CG zoning districts shall provide bicycle parking locations that are secure, illuminated and along traveled ways.

**E.D. Long-term Bicycle Parking.** Long-term bicycle parking shall be in a secure and weather-protected place ~~to park bicycles~~. Long-term parking does not have to be provided on site; however long-term bicycle parking must be within a reasonable distance of a site in order to encourage bicycle use.

1. Long-term bicycle parking is not required on a site when:

a. Non-residential gross building area is less than 5,000 square feet; or

b. There are ten or fewer residential units in a development or redevelopment.

2. Long-term bicycle parking, when required, shall be located within 50 feet of a building entrance and be visible from the building entrance. If the location of the bicycle parking is not obvious from the building entrance, signs shall be posted that indicate the location of bicycle parking.

~~2.3.~~ Long-term bicycle parking is require to be covered and shall be at least one of the following: on the site, either in the building or parking garage.

a. In a locked room;

b. In a bicycle locker;

c. UCovered bicycle parking may be provided inside buildings, under roof overhangs or awnings;

~~a.d.~~ In an area that is enclosed by a fence with a locked gate;

e. A free standing building;

f. Within view of an attendant or security guard; or

g. In an area that is monitored by a security camera.

~~b.h.~~ , in bicycle lockers, or within or under other structures. When covered bicycle parking is not located within a building or locker, the cover shall be:

i. —Designed to protect bicycles from precipitation;

High enough to provide at least ten feet of clearance above the floor or ground;  
and

ii. —Posted with a sign indicating the location of the bicycle parking when not directly visible at a transit facility or main building entrance.

~~3.~~ To provide security, a long-term facility bicycle parking shall be in at least one of the following locations:

a. —In a locked room;

~~b.i.~~ In an area that is enclosed by a fence with a locked gate;

#### **F.E. Surfacing and Clear Area.**

1. The surface of bicycle parking spaces shall be of hardscape material such as asphalt, concrete, or other materials approved by the Director.

2. Racks shall be bordered by physical barriers or located a sufficient distance from motor vehicles to prevent damage to parked bicycles.

~~3.~~ Racks shall be installed with sufficient clearance from obstructions so that they can be used according to their design.

~~4.~~ A clear area of three feet minimum shall be maintained on the parking side of the bicycle rack (both sides if the rack is designed and installed to be accessed from both sides). The clear area is measured away from the rack, from the furthest point of the back wheel of a six foot long bicycle parked in the fashion for which the rack is designed.

~~G.~~ Location of Bicycle Parking Spaces. Bicycle parking facilities should be located within 50 feet of a building entrance and be visible from the building entrance. If the location of the bicycle parking is not obvious from the building entrance, signs shall be posted that indicate the location of bicycle parking.

#### **4-6-3-1 Applicability**

- A. **Generally.** All new construction, including building expansions that increase the footprint of a building by 25 percent or more, and modification to an existing landscape area shall comply with the standards in this Article.

- B. **Exceptions.** Exceptions to this Article are allowed under the following circumstances:
1. **Interior Tenant Improvement.** The landscaping requirements of this Article shall not apply to existing structures where interior tenant improvements occur and where there is no addition to the number of parking spaces provided.
  2. **Existing Structures.** Where existing structures are situated so as to preclude the installation of required landscaping, the Director may authorize reductions for the required landscaping.
  3. **Physical Limitations of the Site.** The Director may authorize modifications to landscaping requirements for structure additions or tenant improvements where landscaping requirements are not feasible due to physical limitations of the site. Where the landscaping requirements have been modified, the landscaping shall be relocated in the following manner:
    - a. To another portion of the lot;
    - b. Along a property line; or
    - c. To an area, including a nearby public park or other City-owned property, as determined by the Director upon review with the owner or developer.
  4. ~~Single-Family Detached and Duplex.~~ Single-family detached and duplex dwelling unit lots, are exempt from landscaping requirements, provided the initial development of the subdivision contains nine or fewer lots of single-family and/or duplex. ~~Common open space~~Common landscape areas, bufferyards, water quality/detention basins, or streetscape areas, shall meet the applicable requirements of this Chapter.
- C. **Site Changes.** Townhome, multiplex, multifamily, mixed-use, commercial, and industrial uses that are part of larger project shall be required to submit a site plan for the area that is disturbed that meets the requirements of this Article. The Director may require that a site plan covering the entire project area be submitted.
- D. **Parking lot Reconfiguration.** Modifications to any existing parking lot in an amount greater than 20 percent, or expansions of an existing parking lot by 25 spaces or more shall meet the landscaping requirements of this Article for the area being modified or expanded.

#### 4-6-3-2 General Landscaping Standards

- A. **Landscape Plan Required.** A landscape plan with designated landscaped areas shall be submitted as a part of all development applications where landscaping, buffering, or screening is required, unless the applicable Decision-Making Body determines that compliance with the provisions of this Article can be demonstrated without the use of a landscape plan. Final landscape plans shall be stamped, signed and dated by a State of Colorado Registered Landscape Architect for all projects except residential minor subdivisions as defined in Subsection B.4 above or where the Director determines the scope of the project does not warrant such plans.
- ~~B. Landscape and Open Space Requirements.~~ ~~Landscaped areas may count toward satisfying usable open space requirements specified for the MX-N, MX-S, MX-U, MX-T, CG-IL, and IG zoning districts (See Division 2-1-4, Mixed Use Districts, and Division 2-1-6, Commercial and Industrial Districts).~~
- ~~C.B.~~ **Minimum Landscape Area**Vegetative Coverage. Landscaped areas shall be covered with shrubs in combination with lower water consuming ground-level plants, ornamental grasses, or turf for at least 75 percent of the landscape area, at maturity.
- ~~D.C.~~ **Detention and Retention Ponds.** Detention and retention ponds shall be physically, functionally and visually integrated into adjacent 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.

**E.D. Steep Slopes.** Grading in landscaped areas shall not exceed slopes greater than 6:1 in the amenitized areas of Small Urban Parks and 4:1 for all other areas, except that public maintained shrub beds and native grass areas shall not exceed 3:1 slope.

**F.E. Alternative Requirements for Hardscape Features.**

1. In mixed-use and nonresidential districts, pedestrian walks and other hardscape landscape features and amenities, such as Small Urban Parks, outdoor seating areas, and plazas with recreation and entertainment areas, water features, and public art, may comprise up to 50 percent of the landscape area.
2. The Director may approve a greater percentage of hardscape features based on the consideration of the proposed development, mix of uses, and the quality of the proposed landscape design.

#### **4-6-5-2 Bufferyard Purpose and Applicability**

A. **Purposes of Bufferyards.** A bufferyard is a landscaped area between two differing land uses and is designed to provide a transition between the uses, mitigate or minimize potential nuisances such as noise, light, and glare, protect the character of an area, and protect natural resources from impacts of nearby development.

B. **Applicability.**

- ~~1. **Uses Requiring a Bufferyard.** The following uses require a bufferyard per 4-6-5-3, Bufferyard Options:~~
- ~~2. **Where directly adjacent to single-family detached dwelling or duplex dwelling, or a RN zoning district:**~~
  - ~~a. **Multifamily and other attached residential buildings;**~~
  - ~~b. **Mixed-use buildings;**~~
  - ~~c. **Nonresidential buildings;**~~
  - ~~d. **Drive-through facilities; and**~~
  - ~~e. **Industrial manufacturing, processing uses, and storage uses in the IL and IG zoning districts.**~~
  - ~~f. **Where directly adjacent to a multifamily or other attached residential building or a mixed-use building with residential component:**~~
    - ~~i. **Drive-through facilities; and**~~
    - ~~ii. **Industrial manufacturing, processing uses, and storage uses in the IL and IG zoning districts.**~~

1. **Uses Requiring a Bufferyard.** The following uses require a bufferyard per Section 4-6-5-3, Bufferyard Options, where directly adjacent to a single-family detached dwelling, duplex dwelling or multiplex, or a RN zoning district:
  - a. **Multifamily and townhomes;**
  - b. **Mixed-use buildings;**
  - c. **Non-residential buildings;**
  - d. **Drive-through facilities;**



- e. Industrial manufacturing and processing uses, and storage uses in the IL and IG zoning districts; and
- f. Dead-end drives and turnarounds.
- 2. **Additional Uses Requiring a Bufferyard.** The following uses require a bufferyard per Section 4-6-5-3, Bufferyard Options, where directly adjacent to a multifamily, townhomes, or other attached residential buildings or a mixed-use building with a residential component;:
  - a. Drive-through facilities; and
  - b. Industrial manufacturing, processing uses, and storage uses in the IL and IG zoning districts.

#### 4-6-6-2 Street Bufferyards

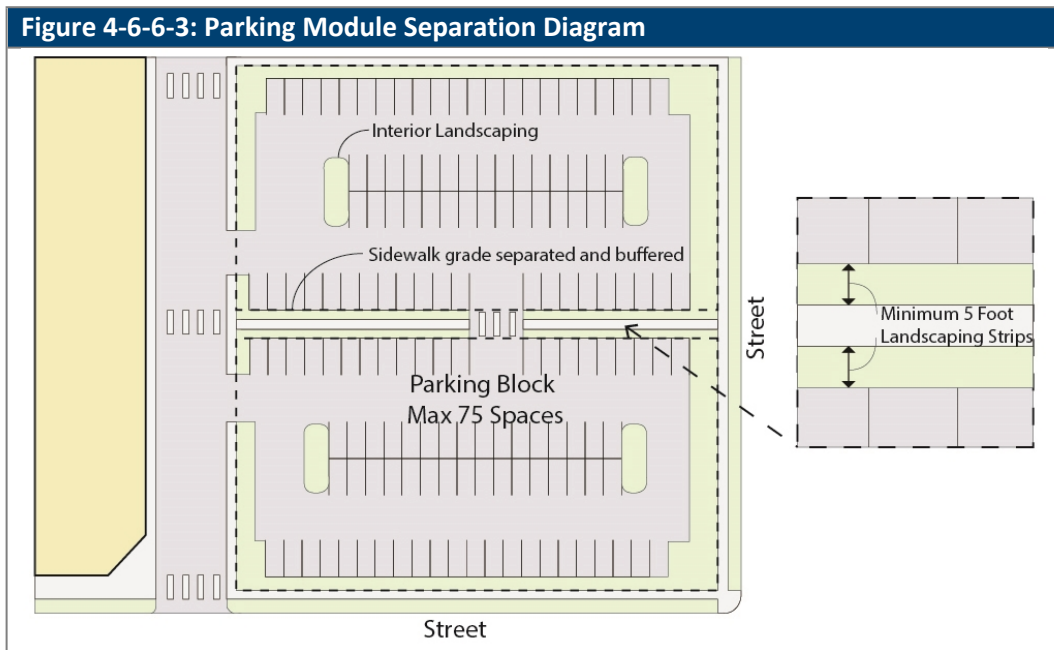
- A. **Street Bufferyards in Setbacks.**
  - 1. In the CG, IL and IG zoning districts, and multifamily in the R13 and R24 zoning districts, the front setback shall be landscaped in accordance with Sections 4-6-6-4, Foundation Plantings and 4-6-6-5, General Landscape Areas .
  - 2. In the MX and OT zoning districts, if the principal building is set back more than five feet from the property line, then that area shall be landscaped in accordance with Sections 4-6-6-4, Foundation Plantings and 4-6-6-5, General Landscape Areas. If the building is set back less than five feet, the area shall be hardscaped with paving materials such as concrete, pavers or other quality paving materials, or landscaped with shrubs and ground-level plants. [The remainder of all setbacks shall be landscaped in accordance with Sections 4-6-6-4, Foundation Plantings and 4-6-6-5, General Landscape Areas.](#)

#### 4-6-6-3 Parking Area Landscaping

- A. **Generally.** Surface parking lots shall be landscaped to reduce the apparent size of the parking area; prevent views of long rows of parked cars; create an impression of smaller, connected parking lots; provide shade for parked cars; reduce the heat island effect of an urbanized area; and define pedestrian access ways, according to the standards of this Section.
- B. **Exceptions.**
  - 1. The surface parking lot landscape requirements of this Section do not apply to:
    - a. Parking lots in the IL and IG zoning districts if the subject property is located south of West 60th Avenue and east of or adjacent to Lamar Street; or
    - b. Surface parking lots with 24 or fewer parking spaces and with 12 or fewer parking spaces in a row.
  - 2. The access point landscape requirements of this Section do not apply to driveways that provide access to individual single-family detached, duplex, multiplex, or townhome lots.
- C. **Perimeter Landscape Buffer.**
  - 1. **Required Perimeter Landscape Buffer.**
    - a. Parking lots adjacent to single-family detached, duplex, multiplex, or townhome uses shall meet the Option C or D bufferyard in Division 4-6-5-3, Bufferyard Options.
  - 2. **Exceptions.**



- a. The requirements for perimeter landscaping do not apply at points of ingress or egress to the surface parking lot, or to points of cross-access among properties that share a parking lot.
- D. Required Surface Parking Lot Landscape Areas.**
1. Landscaping shall be installed in the following required landscape areas:
    - a. Landscape islands are required at the end of each row of parking spaces in each parking module;
    - b. Landscape islands are required and must be distributed throughout the parking lot, at a rate of at least one landscaped island for each 12 consecutive parking spaces;
    - c. Vegetated entry medians are required with a minimum of at least 300 square feet in surface area and a minimum five feet in width (not including curbs), if the surface parking lot contains 180 or more parking spaces;
    - d. Landscape strips are required at least 12-14 feet in width (not including curbs) that separate groups of parking modules (along their long edges) into “cells” as provided in Table 4-6-6-3, Parking Module Separation Requirements.



| Table 4-6-6-3: Parking Module Separation Requirements |                                                                                              |
|-------------------------------------------------------|----------------------------------------------------------------------------------------------|
| Predominant Type of Land Use                          | Maximum Number of Parking Spaces in Cell                                                     |
| Residential                                           | 50                                                                                           |
| Nonresidential (except Industrial)                    | 75                                                                                           |
| Industrial                                            | 100 if the parking area is located within 300 feet of a public street; otherwise, no maximum |

2. Landscape islands that are used to meet the requirements of Subsection D.1.a. and D.1.b., above, shall be at least eight feet in width (not including curbs) and 16 feet in length, and may be combined (eight feet in width by 32 feet in length) at the ends of adjacent parking modules.

3. Landscape strips may include sidewalks (and landscape islands may be crossed by sidewalks), but the sidewalks shall not be counted as required landscape areas for the purposes of the calculation of planting requirements (see Subsection E., below).
  4. A raised sidewalk to connect the parking area with major building entries should be provided between the cells with a five foot planting strip on both sides of the sidewalk. An alternative layout is a sidewalk connection with a central five foot wide landscaped area, flanked with sidewalks on both sides.
- E. **Minimum Planting Requirements.** Required surface parking lot landscape areas shall be planted with one shade tree or two ornamental trees, plus eight shrubs per 300 square feet of required landscape area.

#### 4-6-6-5 General Landscape Areas

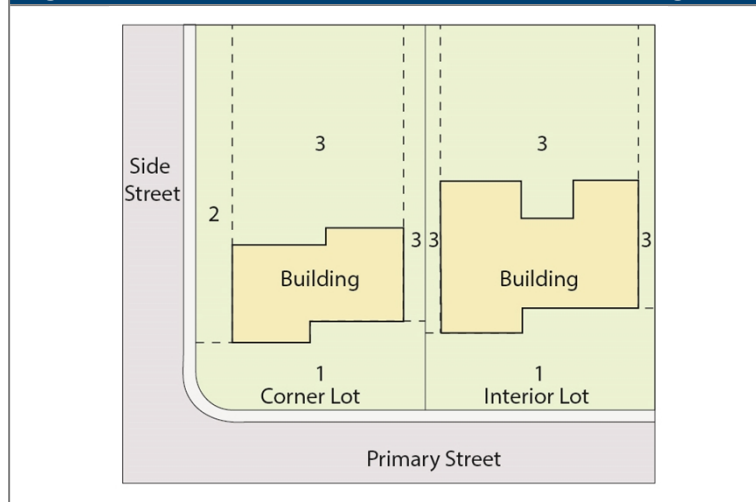
- A. **Generally.** Except as provided in Subsection B., below, the landscaping requirements of this Section apply to all permeable areas of the subject property that are not otherwise a designated required planting area pursuant to Division 4-6-5, Landscape Areas and Bufferyards or Section 4-6-6-1, Street Trees, through Section 4-6-6-4, Foundation Plantings, inclusive.
- B. **Exceptions.** The requirements of this Section do not apply to:
1. Preserved open space; and
  2. Irrigation canals, irrigation ditches, reservoirs, and appurtenant maintenance areas (whether owned in fee simple or as easements).
- C. **Planting Requirements.** General landscape areas shall be planted with at least:
1. One large-canopy or evergreen tree, or two ornamental trees per 23,000 square feet of permeable-landscape surface area;
  2. A minimum of One small tree or one evergreen per 1,500 square feet of permeable area 10 percent of all trees shall be evergreen; and
  3. 75 percent vegetative ground coverage at maturity, excluding tree canopy.
- D. **Shrub Requirements.** Shrubs shall be planted at a maximum spacing of five feet on center.
- E. **Planting on Steeper Slopes.** On slopes greater than 3:1, the following can be planted:
1. Trees and shrubs; and
  2. Groundcovers.

#### 4-7-2-1 Fences and Divisional Walls

- A. **Generally.** All fences and divisional walls shall comply with the requirements of this Division.
1. If a proposed fence or divisional wall is located directly adjacent to a zoning district boundary or on a shared property line, the less restrictive standards shall apply.
- B. **Permits Required.** All fences and divisional walls require fence permits, except for the following:
1. Repair of a fence section not greater than eight linear feet in length.
- C. **Height.** All fences and divisional walls shall comply with the maximum heights shown in the following Table 4-7-2-1, Maximum Height of Fences and Divisional Walls Within Required Setback Areas, unless a different maximum height is explicitly permitted:

1. By this Code or approved through the Minor or Major Modification, or PUD approval process;
  2. For an activity field (*i.e.*, tennis court, baseball, football, soccer fields) at the discretion of the Director; or
  3. For fences associated with a Utility, Major for security purposes, at the discretion of the Director.
- D. **Location.** All fences and divisional walls may encroach into required yards and setbacks. Fences and wall shall not:
1. Be constructed within a public right-of-way or areas to be dedicated for public right-of-way unless a revocable permit is approved;
  2. Conflict with sight distance visibility of intersections or points of ingress/egress;
  3. Block or divert a natural drainage flow onto or off of any other property;
  4. Block access within an access easement; and
  5. Encroach into a utility easement, unless the easement holder has provided written consent. (This specific requirement shall only apply to masonry walls.)

**Figure 4-7-2-1A: Fence and Division Wall Location Diagram**



**Table 4-7-2-1 : Maximum Height of Fences and Divisional Walls Within Required Setback Areas**

| Zoning District                | Setback                  |                          |                                   |
|--------------------------------|--------------------------|--------------------------|-----------------------------------|
|                                | Area 1<br>Front          | Area 2<br>Street Side    | Area 3<br>Rear &<br>Interior Side |
| OS, RA, RN, R6, R13, R24, MX-N | 3 ft. <sup>2</sup>       | 3 ft. <sup>2,3,4</sup>   | 6 ft. <sup>4,9</sup>              |
| MX-S, CG                       | 3 ft. <sup>2</sup>       | 3 ft. <sup>2,5</sup>     | 6 ft.                             |
| MX-U, MX-T                     | 3 ft. <sup>2</sup>       | 3 ft. <sup>2,5</sup>     | 6 ft.                             |
| OT Zoning Districts            | 3 ft. <sup>5,6,7,8</sup> | 3 ft. <sup>5,6,7,8</sup> | 3 ft. <sup>8</sup>                |
| IL                             | 6 ft.                    | 6 ft.                    | 6 ft.                             |
| IG                             | 6 ft.                    | 8 ft.                    | 8 ft.                             |

**Table 4-7-2-1 : Maximum Height of Fences and Divisional Walls Within Required Setback Areas**

| Zoning District   | Setback                                                                                                                                                               |                       |                                   |
|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-----------------------------------|
|                   | Area 1<br>Front                                                                                                                                                       | Area 2<br>Street Side | Area 3<br>Rear &<br>Interior Side |
| <b><u>PUD</u></b> | <u>Per the approved PUD. If no standards were identified as part of the approved PUD, then the fence standards for the closest zoning district shall be utilized.</u> |                       |                                   |

**TABLE NOTES:**

<sup>1</sup> See Figure 4-7-2-1A, Fence and Divisional Wall Location Diagram.

<sup>2</sup> Height may be increased to 4 ft. if the fence is at least 50 percent transparent when viewed at a perpendicular angle.

<sup>3</sup> Height may be increased to 6 ft. (regardless of opacity) if the fence is set back at least 6 ft. from the property line or 6 ft. from the back of adjacent sidewalk, whichever is greater.

<sup>4</sup> Height may be increased to 8 ft. for divisional walls that face arterial streets.

<sup>5</sup> Height may be increased to 6 ft. if a minimum of 50% open for school yards.

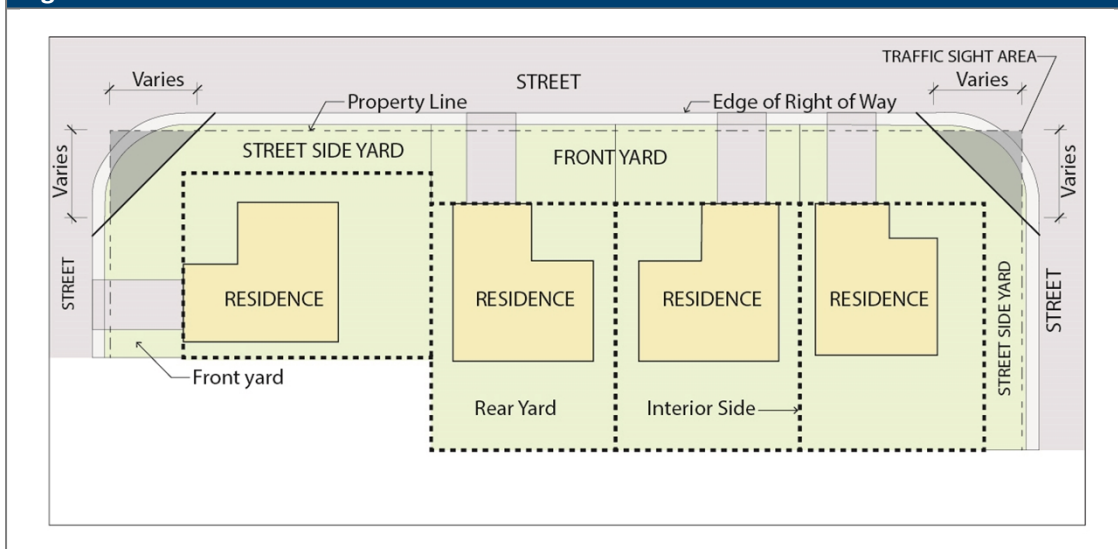
<sup>6</sup> Height may be increased to 4 ft. if a minimum of 50% open for single-family, duplex or multiplex building types.

<sup>7</sup> Height may be increased to 4 ft. if a minimum of 50% open for mixed-use building type outdoor dining areas.

<sup>8</sup> Height may be increased to 6 ft. except within any McIlvoy Park Frontage zone or any side or rear setback adjacent to McIlvoy Park or Olde Town Plaza, or where it would extend in front of a building within any frontage zone.

<sup>9</sup> Maximum height is 6 ft. for rear yards on double frontage lots.

**Figure 4-7-2-1B: General Fence Location**



**E. Setbacks from Streets, Sidewalks, Open Space, Trails, and Multi-Use Pathways.**

1. No solid fence or divisional wall that is between four and eight feet in height shall be installed closer than:

- a. Eight feet from the flowline of a street; and
  - b. Five feet to the nearest edge of a sidewalk, open space corridor less than 15 feet wide, trail, or multi-use pathway.
2. No solid fence or divisional wall that is more than eight feet in height shall be installed closer than:
  - a. Ten feet from the flowline of a street; and
  - b. Eight feet to the nearest edge of a sidewalk, open space corridor less than 15 feet wide, trail, or multi-use pathway.
3. Fences that exist in the condition identified in Subsection E1 and E2 above prior to the adoption of this Code shall be considered conforming.
4. The area between the fence or divisional wall and the street, sidewalk, trail, or multi-use pathway shall be landscaped with shrubs, groundcover, perennials, ornamental grasses, or turf materials that provide contrast with the sidewalk. Inorganic ground cover such as river rock, cobble rock, or gravel may be used as part of the landscape provided that the ground cover, ornamental grasses or turf which are planted achieve 50 percent coverage at maturity. Hardscape materials are allowed only at points of access through the fence or divisional wall.
- 4-5. Vehicular gates adjacent to streets and sidewalks shall be located a minimum of 18 feet from the sidewalk or the property line, whichever is greater, and shall not open outward from the private property.
- 5-6. Fences shall comply with the sight triangle requirements of Section 4-4-3-3, Intersection Visibility.
- F. Design of Street-Facing Fences or Divisional Walls.**
  1. All fences or divisional walls adjacent to a street, open space, trails, and multi-use pathways, the finished surface of the fence shall face towards the street frontage. Non-decorative elements such as fence posts and supporting structures, when visible on one side and not the other, shall face inward.
  2. No portion of any front yard setback may be fenced for use as an animal pen or dog run.
- G. Perimeter Fence and Walls.** Perimeter fences and walls along arterial streets or railroad tracks may be constructed up to eight feet in height. Perimeter fencing shall be constructed of Western Red Cedar wood or other material approved by the Director, or masonry. Masonry fence posts two foot by two foot in size, shall be located at property corners but no further than 100 feet apart on-center, and with sloped column caps to drain water to the sides of the posts.
- H. Security Fencing.**
  1. No barbed wire or other sharp-pointed fences or similar security devices on divisional walls shall be installed on any property, except:
    - a. In the IL or IG zoning districts that is used for industrial purposes, upon demonstration to the Director or the Decision Making Body that a substantial security need justifies the installation; or
    - b. In the RA or OS zoning districts on property that is used for agricultural purposes.
  2. Electrically charged fences are not allowed unless necessary for livestock control in an RA zoning district.
- I. Relationship to State Statutes or Regulations.**

1. Where the Colorado statutes or implementing administrative regulations require fencing or divisional walls that are taller than those that are allowed by Table [2-3-6-24-7-2-1](#), Maximum Height of Fences and [GardenDivisional](#) Walls ~~w~~Within Required Setback Areas, the Director may approve the increased fence or divisional wall height in accordance with the statutes or implementing administrative regulations.
  2. If the fence or divisional wall is located within Area 1 or Area 2 as shown in Figure [2-3-6-24-7-2-1A](#), Fence and Divisional Wall Location Diagram, then where feasible and consistent with the statute or regulation, the Director shall require landscaping or design treatments to mitigate the visual impacts of the increased height of the fence or garden wall when viewed from the public streets. Mitigation measures may include, but are not limited to, tree, shrub, or hedge plantings; material and color selections that de-emphasize the fence or garden wall; transparency; and additional setbacks for the fence or divisional wall.
- J. **Fence and Wall Materials.**
1. Fences and divisional walls shall be made of high quality, durable materials that require low maintenance and are complementary with the overall design of the principal building and site landscape. The following materials are allowed:
    - a. Wood and composite wood;
    - b. Non-reflective plastic and vinyl fencing;
    - c. Natural stone, stacked stone, brick, stucco, decorative concrete masonry blocks that replicate the appearance of brick, stone, stucco and CMUs;
    - d. Metal iron, metal picket and other metals simulating the appearance of wrought iron, chain-link fencing or aluminum or wrought iron decorative fencing;
  2. The Director may approve other materials that are equal to or surpass the materials listed in this Subsection J. in terms of durability, maintenance, and aesthetics.
  3. Prohibited Material. Sheet plastic, sheet metal, chicken wire, fabric materials, fiberboard, garage door panels, snow fencing, rope, plywood fences, PVC pipes, and miscellaneous materials not commonly used with residential fences are not allowed.
- K. **Maintenance.** All fences and divisional walls shall be maintained in good condition at all times.

#### 4-8-2-2 General Design Standards

- A. **Shielding of Lights.** Luminaires shall be shielded and directed to avoid glare and overspill onto adjacent property.
1. All exterior light fixtures shall be full cutoff fixtures that are directed downward (90 degrees from true vertical) and shall have flat lenses, emitting no more than 10 percent of the total lumens between 80 and 90 degrees from true vertical. Fixtures shall be configured so that lights do not cause glare.
  2. All light fixtures on structures, poles, bollards, stands, or mounted on a building shall have a shield, adjustable reflector, and/or non-protruding diffuser to shield the light source from sight from adjacent residential zoning districts.

**Figure 4-8-2-2: Light Fixtures Examples**



- B. **Maximum Spill Light Illumination Levels.** Except for public street lighting, all exterior lighting and indoor lighting visible from outside shall be designed to minimize adverse impacts on adjacent properties by minimizing glare and limiting light at the property line and located so that the maximum illumination measured in foot candles at ground level and for mixed-use development without property lines shall be measured a line half-way between buildings of differing uses and shall not exceed the standards in Table 4-8-2-2A, Maximum Illumination Levels.

| Table 4-8-2-2A: Maximum Spill Light Illumination Levels <u>at Property Line</u>                                                                              |                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|
| Type of Use <u>Abutting a Lot Line</u>                                                                                                                       | Maximum Illumination level at Lot Line (Foot Candles) |
| Single-family dwelling and duplex residential property line in RA, RN, R6, R13, R24, OT districts (-single-family, duplex, multiplex building types), and OS | <u>0.35</u>                                           |
| Attached dwelling and multifamily residential property line (except mixed-use <u>buildingsdwelling</u> )                                                     | <u>01.80</u>                                          |
| Mixed-use buildings and non-residential property lines                                                                                                       | <u>12.0</u>                                           |
| Industrial                                                                                                                                                   | <u>13.50</u>                                          |

**1. Maximum Illumination and Lighting Uniformity.**

- a. Lighting of pedestrian and vehicular use areas (e.g., parking lots, plazas, and sidewalks) shall have a uniformity ratio of three-ten to one (maximum to minimum).

- b. No single lamp shall exceed:

- i.-All zone districts except ILG and IGL – 16,000 lumens

- ii.-IL and IG zone districts - 20,000 lumens.

**2. Maximum Light Levels.**

- a. The maximum allowed light levels at any point on the property (as measured in foot candles) shall not exceed the following limits:

|                                                                    |                        |
|--------------------------------------------------------------------|------------------------|
| <u>Pedestrian areas (when not adjacent to parking lots)</u>        | <u>3 Foot Candles</u>  |
| <u>Multiplex, Townhome, and Multifamily Building Entries</u>       | <u>8 Foot Candles</u>  |
| <u>Parking lots, and all other non-residential use areas</u>       | <u>8 Foot Candles</u>  |
| <u>Service Canopies (fuel stations, ATMs, Drive-Thru's, etc. )</u> | <u>20 Foot Candles</u> |

- C. **Maximum Height.** The height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 4-8-2-2B, Maximum Height for Exterior Lighting.

| Table 4-8-2-2B: Maximum Height for Exterior Lighting                                                               |                             |
|--------------------------------------------------------------------------------------------------------------------|-----------------------------|
| Base Zoning District                                                                                               | Maximum Height <sup>1</sup> |
| OS, RA, RN, R6, R13, R24, OT, MX-N, MX-S                                                                           | 22 feet                     |
| CG, MX –U, MX-T, IL, IG                                                                                            | 35 feet                     |
| TABLE NOTES:                                                                                                       |                             |
| <sup>1</sup> Porch and balcony lights on residential buildings are exempt from the maximum height. <u>Lighting</u> |                             |

D. **Motion-Activated Security Lighting.**

1. Motion-activated security lighting may emit up to 3,000 lumens per fixture.
2. Not more than one motion-activated security light fixture is allowed per 60 linear feet of building elevation.
3. Security lighting shall be timed to turn off after not more than five minutes after motion activation.

E. **Outdoor Sports or Performance Venue.** Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

1. Lighting fixtures may not be more than 40 feet in height.

~~F. **Parking Lot Lighting.**~~

- ~~1. Maintained average horizontal illuminance values in parking lots during times when the parking lot is in use shall not exceed four foot candles.~~
- ~~2. The average horizontal illuminance within the parking area shall not exceed 3.5 foot candles when the associated business(es) is closed.~~

~~G.F. **Pedestrian Area Lighting.**~~

- ~~1. Pole Light fixtures for plazas, small urban parks, sidewalks, walkways, trails, and bicycle paths outside of or not adjacent to vehicular surface areas (i.e., parking lots or streets) shall:~~
  - ~~a. Provide at least 1.5-foot candles of illumination, but not exceed three foot candles; and~~
  - ~~b. Have a maximum height of 15 feet.~~
  - ~~b.c. No single lamp shall exceed 10,000 lumens.~~
- ~~2. Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 3 foot candles.~~
  - ~~a. No single lamp shall exceed 900 lumens. for any single lamp.~~

~~H.G. **Wall Pack Lights.**~~ Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and have a maximum of 1600 lumens.



**~~I.H.~~ Awnings.** Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

— **Service Canopy Lighting.** Canopy lighting for uses that shelter outside work, ~~full-~~service areas or porte-cocheres shall have all light fixtures flushed mounted or recessed into the canopy and equipped with flat lenses.

1. ~~All light fixtures flushed mounted or recessed into the canopy and equipped with flat lenses;~~ and

— ~~A light distribution that does not exceed a 10:1 ratio between the average light levels under the canopy and the average light levels of the area outside the canopy.~~

**~~J.I.~~ Decorative Lighting.**

1. Decorative lighting shall be permitted to enhance the appearance of a building and / or landscape feature provided that:
  - a. All light is cast against the building surface or downward onto a landscape feature;
  - b. All decorative lighting is directed away from residential uses located within 50 feet of the building façade on which the decorative lighting is mounted and is shielded to reduce light trespass on adjacent uses;
  - c. The lamp is not visible from adjacent properties, pedestrian or vehicular traffic; and
  - d. The decorative lighting does not exceed 1600 lumens.
2. Unshielded Tivoli and patio string lighting with no more than 200 lumens per foot provided that the lighting is turned off between 11:00 PM and 6:00 AM.

**~~J.L.~~ Pole and Fixture Color.**

1. All poles and fixtures (luminaires) shall be of dark colors including, but not limited to, black, dark gray, dark green or brown. Reflective or light colored poles and fixtures are not allowed.

## 5-1-2-2 Evaluation of Aesthetic Consistency

- A. **Generally.** Where the standards of ~~this Division,~~ Division 5-1-5, Supplemental Standards for Residential Land Uses (Except Multifamily), or Division 5-1-6, Supplemental Standards for Nonresidential and Multifamily Land Uses, require aesthetic consistency, aesthetic consistency shall be evaluated in accordance with the standards of this Section.
- B. **Roof Pitch and Form.** As to roof pitch, “consistency” means a roof pitch within 1:12 of the slope of the primary roof structure of the principal building.
- C. **Roofing or Cladding Materials.** As to roofing and cladding materials, “consistency” means a material that is not obviously different in terms of texture or color from a material used for the same purpose on the principal building.
- D. **Window Styles, Window Orientation, and Doors.** As to window styles, window orientation, and doors, “consistency” means windows or doors with a design and aspect ratio that is not materially different from windows or doors on the principal building.
- E. **Color Palette.** As to color palette, “consistency” means colors that are:
  1. The same as the principal building;
  2. Complimentary to the predominate color(s) of the principal building;
  3. Monochromatic variants of the primary color(s) of the principal building;

### 5-1-2-3 General Building Design Standards

- A. **Building Orientation.** ~~All~~Primary buildings shall emphasize the location and importance of the entryways.
  - 1. The main entrance or a courtyard leading to the main entrance of each principal building shall be located on the front facade.
  - 2. On corner lots, the main entrance shall face one of the streets or be oriented to the corner.
- B. **Massing.** Primary B buildings shall be designed to avoid a monolithic appearance when viewed from the street.
- C. **Facade Materials and Design.**
  - 1. **General Requirements.**
    - a. All building exterior finish materials shall be durable and consistent with the architectural style for that building.
    - b. Where lap siding is used, it shall have a maximum nine-inch exposed board face.
    - c. Siding material shall be continued down to within nine inches of finished grade on any elevation, except that siding shall be allowed to step to follow grade:
      - i. Between six to 24 inches; or
      - ii. Within 24 inches maximum from finished grade.
    - ~~ii-d.~~ Vinyl Siding shall be a VSI (Vinyl Siding Institute) certified product.
  - 2. **Prohibited Materials.** The following materials are prohibited:
    - a. Highly reflective opaque materials;
    - b. Natural cinder block, unfinished or smooth concrete block / masonry units or concrete wall;
    - c. Metal panels with a corrugated appearance with exposed fasteners; and
    - ~~d. Vinyl siding.~~
    - e-d. Unlisted materials that are unsuitable for exterior building applications as determined by the Director.
  - 3. **Other Materials.** The Director may permit materials that are not listed in this Section as either allowed or limited, provided that the Director finds that they have comparable aesthetic qualities, durability, and maintenance characteristics. The Director may prohibit materials that are not listed in this Section if the Director finds that they do not have aesthetic qualities, durability, and maintenance characteristics that are comparable to the materials that are allowed or limited under this Section.
  - 4. **Side and Rear Facade Design.** Where a side or rear facade of a residential building abuts streets, parks, or open spaces, the facade shall be designed to provide human scale by the use of all of the following:
    - a. At least one change in the vertical or horizontal wall plane within 20 feet above grade;
    - b. At least one change in the color or material of the wall;
    - c. Provision of windows, a porch, or a balcony; and
    - d. Detailing the wall with reveals, belt courses, cornices, projections, or other devices.
  - 5. **Rear Facade Design for Double-Frontage Lots.**

- a. Double-frontage lots shall be required to meet the standards in Section 2-1-10-5, Double-Frontage Lots, for building setbacks or stepped setbacks for taller buildings.
  - b. Structures of two stories or more shall incorporate at least one of the following rear elevation treatments:
    - i. The building façade on the rear elevation shall have brick, stone, or stucco cladding in a minimum amount equivalent to 50 percent of the façade, (excluding windows, doors, trim and vents) from the average grade to the highest eave or 9'-6" above the average grade, whichever is lowest; or
    - ii. At least 50 percent of the area of the building facade shall have a minimum four-foot horizontal difference (plan view) in the rear wall plane at the height of one of the floors.
6. **360-Degree Architecture.** All buildings shall incorporate the following design standards to create architectural interest.
  - a. **Materials.**
    - i. Where brick, stone, or stucco cladding is used, they must be applied to the building facade in a manner which begins and ends at edges related to the structure of the building (such as a window sill level, floor plane lines, or interior corners of projection or similar elements). All brick, stone or stucco cladding shall wrap around all outside building corners a minimum of two feet, and must wrap all sides of a column on which it is used. An architectural treatment shall be used to transition from brick, stone, or stucco to other materials.
  - b. **Windows and Doors.**
    - i. Windows are required encouraged on all elevations, except as provided in Division 2-1-8-5, Zero Lot Line, and unless restricted by the Building Code. On facades facing streets, parks, or open space, a minimum of 20 percent of the façade shall be windows. A greater percentage of windows may be required by other sections of this Code.
    - ii. Window and door openings shall be articulated on all elevations of the building through the use of:
      - a. Shutters, awnings or canopies;
      - b. Decorative lintels and/or sills (such as projecting, recessed, those constructed of materials other than the principal building material or ornamentation);
      - c. Overhangs; or
      - d. Surrounds and trims.
7. **Façade and Roof Color.** Colors used on building exteriors should integrate a building's various design elements or features.
  - a. Walls should be subdued in color and not reflective. Bright colors should be used sparingly and limited to accenting a building, and should not be used to act as signs or create "sign buildings". Monotonous color palettes are strongly discouraged.
  - b. All building projections, including, but not limited to, gutters, downspouts, chimneys, flues and vents, shall match in color the permanent color of the surface from which they project or match the building's trim color.
8. **Rooflines.**

- a. Building rooflines visible from a public street, park, or open space shall incorporate features to create a varied and visually distinctive roof form through features, such as prominent cornice or fascia, stepped roofs, emphasized dormers, chimneys, gables, or an articulated roofline.
  - b. Roof slopes, excluding covered porches and patios, shall have a minimum pitch of 2:12 unless screened with a parapet wall. Subordinate roofs can be of a lesser pitch. A building of a style that is traditionally associated with flatter roofs, such as Prairie or Modern style, may be allowed as determined by the Director.
  - c. The maximum length of a continuous roof ridgeline is 35 feet. Roofs with dormers and other architectural details are exempt from this requirement.
  - d. Pitched roofs shall have a minimum eave overhang of at least one-foot.
9. **Canopies and Port-Cochères.** Canopies and port-cochères that cover vehicular use areas, service areas, or outdoor storage areas shall meet the following standards:
- a. The same architectural treatments utilized on the principal building in terms of cladding materials, roof pitch, roofing materials, and color scheme shall be used on canopies and port-cochères.
  - b. A maximum of 25 percent of each canopy fascia area visible from a public street may be internally illuminated, and no portion of any fascia may be externally illuminated. Each side of a canopy shall be considered a separate fascia area.
10. **Rooftop, Wall Mounted and Ground Mounted Mechanical Equipment, Flues and Exterior Building Elements.**
- a. **Screening.**
    - i. Rooftop mechanical equipment and appurtenances should all be screened from a public street through the use of parapets or enclosures that are equal to, or greater than, the height of the equipment to be screened. The parapet or enclosure shall use one of the predominate materials or colors used on the primary façade of the building.
    - ii. The Director may reduce or waive these screening requirements for building elevations that face substantial changes in grade that make screening impracticable if relocation of the mechanical equipment to a less conspicuous location is also impracticable.
    - iii. All air conditioning compressors shall be completely screened. Screening enclosures shall use at least one of the predominant materials used in the facades of the primary structure where feasible, and one of the predominant colors used in the primary structure.
    - iv. All rooftop and wall vents and flues on a pitched roof or extending above the top of the nearest parapet shall be painted with one of the predominant colors used in the primary structure.
    - v. Wall-mounted utility equipment and meters shall be screened from view from a public street and shall be painted a color to blend with the building façade.
  - b. **Noise attenuation.** Equipment that generates noise perceptible at the adjacent street or property line shall be baffled or otherwise attenuated to direct unavoidable noise upward.

#### 5-1-2-4 Building Design Standards Applicable to Single-Family Detached, Duplex, and Multiplex

- A. **Generally.** In addition to Section 5-1-2-3, General Building Design Standards, the following standards shall apply to new development or redevelopment of single-family detached, duplex, and multiplex units in all zoning districts.
- B. **Front Façade Design.** In new development of single-family detached and duplex buildings, the front façade shall have significant variation as defined below:
  - 1. No identical home elevation shall be repeated directly across the street or adjacent to the other home.
  - 2. No identical model elevation shall be repeated more than once every three lots.
  - 3. Distinct elevations shall be provided by incorporating at least three of the following:
    - a. The use of different materials and color on the front facade;
    - b. Variations in the front wall plane;
    - c. Vary the size and location of the front porch;
    - d. A variation of building types;
    - e. The overall width of the front façade elevation differs by more than four feet;
    - f. The overall height of the front façade elevation differs by more than four feet; and
    - g. Windows size and shapes are substantially different.
- C. **Garages.** All garages for single-family detached and duplex buildings shall comply with Section 5-1-2-2, Evaluation of Aesthetic Consistency, and are subject to the following:
  - 1. For each new development containing ten or more single-family or duplex dwelling units in all zoning districts, 50 percent of the total number of lots in the subdivision that have a street-accessed garage shall use at least one of the following garage variations:
    - a. Recessed garage doors facing the street shall be recessed a minimum of four feet behind the front wall plane of the house.
    - b. Side-loaded garages shall be located at a right angle to the street. The design of the garage wall facing the street shall have the same predominate materials used on the front façade.
    - c. Rear garages shall be located to the rear of the property either as a detached structure or part of the house. If constructed as part of the house, the part of the house, the front wall of the garage shall be setback at least 15 feet behind the front façade of the house.
  - 2. Front loading, front-facing garages doors shall not constitute more than 50 percent of the total width of the building.
  - 3. No more than three garage bays shall face the street, except when the bays are located behind the principal buildings.
  - 4. When more than two garage bays exist, all garages doors that face a street shall include at least one two-foot-wide column or a two-foot façade setback separating each garage door.

#### 5-1-2-6 Nonresidential and Mixed-Use Design Standards

- A. **Generally.** This Section shall apply to any new nonresidential development, mixed-use development, redevelopment, or building expansion in all zoning districts. In addition to Section

5-1-2-5, Building Design Standards Applicable to Townhomes and Multifamily, the following standards shall apply to new development or redevelopment of multifamily and townhome units in the MX zoning districts. In the OT Zoning District, these standards may be modified through the design review process based on the standards in the Olde Town Building Form Standards and Design Guidelines for Olde Town.

**B. Building Orientation and Configuration.**

1. Structures shall be arranged so that the primary facade, or each facade with a main pedestrian entry, orients onto a public or private street, a public park, open space or common green, plaza, courtyard, private street-like drive, or a pedestrian passage, in the following order of priority:
  - a. A public or private street;
  - b. A public park, open space or common green;
  - c. A plaza or courtyard; or
  - d. A pedestrian walkway.

**C. Single-Story Commercial and Mixed-Use Developments.**

1. Commercial and mixed-use developments shall break up supporting commercial buildings into a cluster of individual pad and liner buildings at intersections and street edges.
2. Pad and liner buildings located within the frontage zone shall be designed to be “double-fronted”, where at least one entrance shall face the street or public space, following the order of priority in B.1 above. Secondary entries can be oriented to the parking lot.
3. Large commercial or large format buildings with a minimum of 50,000 square feet of gross area, such as a grocery store or big box retail building, may be placed internal to the site.

**D. Multi-Building Developments.**

1. Multi-building developments that have three or more buildings shall be organized to create pedestrian-friendly spaces and streetscapes. This should be accomplished by placing buildings to:
  - a. Frame and emphasize the corners of street intersections, development entry, or a primary pedestrian street within the development;
  - b. Frame and enclose parking areas on at least two sides;
  - c. Frame and emphasize a plaza, pocket park, square, or other outdoor gathering spaces for pedestrians; and / or
  - d. Frame and emphasize other site improvements as approved by the Director.
2. Developments composed of multiple buildings totaling 100,000 square feet or more of gross floor area shall be configured to break up the site into a series of smaller blocks.

**E. Building Design.** The following building design standards are intended to provide architectural interest.

**1. Design of Facades.**

- a. The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features.
- b. Architectural features and treatments shall not be limited to a single façade. All visible sides of a building, whether viewed from public or private property, shall display a

similar level of quality and architectural interest, with elements such as windows, awnings, a variety of exterior materials, reveals, and other similar features.

2. **Horizontal and Vertical Articulation.**

- a. **General Standards.** All buildings shall be designed to include horizontal and vertical articulation by incorporating the following elements ~~such as~~:

- i. Single story commercial buildings shall use at least three of the horizontal articulation methods listed below at an interval of 50 feet or less on each façade.
- ii. Single story industrial buildings shall use at least two of the horizontal articulation methods listed below at an interval of 100 feet or less on each.
- iii. All multi-story commercial, mixed-use, ~~and~~ multifamily ~~buildings~~, and industrial buildings in the I-L zoning district, shall use at least two of the ~~horizontal~~ articulation methods listed below at an interval of 50 feet or less on each street-facing building façade.

b. **Articulation Methods.**

- i. Visual breaks in the façade by incorporating a horizontal wall plane offset or projection of at least three feet extending for at least 20 percent of the average width of the primary façade.
- ii. A change in materials, colors, textures, or pattern.
- iii. A change in window sizes, styles, or placement across the façade.
- iv. A change in roof or parapet height of at least three feet, or a change in roof form.
- v. Incorporation of a wall notch in combination with at least one option from (i.-iv.) above. Wall notches shall be a minimum of three feet deep and eight feet wide and shall total at least 20 percent of the façade length.
- vi. Use of masonry such as brick or stone, or other durable material to delineate the ground floor.
- vii. Use of an arcade, gallery or colonnade to accentuate the ground floor.
- viii. Use of enhanced architectural detailing or fenestration.

ix. Use of cornices or projecting roof lines.

- ~~ix-x.~~ For multi-story buildings, the horizontal interval may exceed 50 feet if building material changes and/or articulation occur above the first floor.

Figure 5-12-21-6: Horizontal and Vertical Articulation



- F. **Building Transparency.** The entire ground floor of all buildings located within thea required building frontage zone that faces a public or private street shall provide transparency to increase pedestrian interest by incorporating window and door openings so that the uses are visible from and to the street. The following shall apply:
1. At least 40 percent of the façade between two feet and 10 feet above grade, must be transparent.
  2. Up to 20 percent of the building transparency requirement may be satisfied with permanent art displays.
- G. **Roofs Materials and Roof Form.**
1. **Roof Materials.** Visible roofs may be constructed of conventional asphalt (3-tab) roofs, architectural metal, or other acceptable material, but roofs constructed of clay or concrete tiles, slate, Masonite, or heavy duty/hail resistant dimensional composition are preferred. All composition shingle roofing shall be constructed using high profile, textured shingles.
  2. **Roof Form.**
    - a. Where sloped roofs are used, at least one of the following elements shall be incorporated into the design for each 100 linear feet of roof to avoid long, flat roof surfaces:
      - i. Projecting gables,
      - ii. Dormers,
      - iii. Hips,
      - iv. Vertical elevation change in roof height of at least two feet, or
      - v. Other similar techniques as approved by the Director.
    - b. Where flat roofs are used, the design or height of the parapet shall include at least one change in setback or height of at least two feet along each 100 linear feet of façade.
    - c. On all structures exceeding three stories in height, all pitched roofs shall be internally drained, and external scuppers and wall drains shall be prohibited.
    - d. All sloped roofs shall have overhanging eaves of at least one foot in depth, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall.



| Table 5-1-4-3: Mini-Structure Standards |                                                                                                |                                                                                                                                                                                                                                  |
|-----------------------------------------|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Attribute                               | Standard                                                                                       | Exception                                                                                                                                                                                                                        |
| Size (max)                              | 200 sf.                                                                                        |                                                                                                                                                                                                                                  |
| Height (max)                            | 12 ft.                                                                                         | Tree Houses                                                                                                                                                                                                                      |
| Number of Mini-Structures               | Maximum 2                                                                                      | Not limited for the following land uses: Amusement, Outdoor; Recreation, Outdoor; Stables and Riding Academies; Cemetery; Day Care Center; Public Lands, Parks, or Buildings; Schools (all); Storage Yard; Community Agriculture |
| Location of Mini-Structures             | Not allowed in front yard; Not attached to principal building                                  | Allowed in the front yard for Recreation, Outdoor; Cemetery; Public Lands, Parks, or Buildings; Schools (all); Storage Yard; Community Agriculture                                                                               |
| Design                                  | Roofed structures shall be compatible with principal building in terms of materials and colors | -                                                                                                                                                                                                                                |
| Use                                     | Cannot be used for vehicle storage                                                             | -                                                                                                                                                                                                                                |

### 5-1-5-2 Accessory Dwelling Units

- A. **Generally.** Accessory Dwelling Units (“ADUs”) are allowed in conjunction with all single-family detached dwellings in residential, OT and MX zoning districts, subject to the standards in this Section.
- B. **Conformance to Development Standards.** ADUs must meet the same development standards that are required for the principal dwelling unit, except as provided in this Section.
- C. **Classification of ADUs.** For the purposes of this LDC, ADUs are classified as follows:
  1. **Type A.** A Type A ADU is detached from the principal dwelling unit. It is considered a separate dwelling unit for the purposes of the Building Code.
  2. **Type B.** A Type B ADU is located inside in basements, the upper story, or attached to the principal single-family detached building, but the occupants of the ADU and principal dwelling unit do not live together as a single household unit. A Type B ADU is typically rented. Type B ADUs typically have a separate access from the principal dwelling unit. A Type B ADU and the principal dwelling unit into which it is integrated are considered separate dwelling units for the purposes of the Building Code.
- D. **Parking.**
  1. One on-site parking space shall be required for an ADU, in addition to any required parking for the principal dwelling unit.
  2. The required parking space may be in tandem with other required spaces.
  3. Garage space that is constructed for use by the occupant(s) of the ADU shall not exceed 250 square feet.
- E. **Unit Size and Configuration.**
  1. Except as provided in Subsection E.2., below, ADUs shall be:
    - a. No larger than 40 percent of the living space of the principal building; and
    - b. Within the lot size and floor area ranges set out in Table 5-1-5-2, Maximum Floor Area of Accessory Dwelling Unit.

| Table 5-1-5-2: Maximum Floor Area of Accessory Dwelling Unit |                    |
|--------------------------------------------------------------|--------------------|
| Lot Size                                                     | Maximum Floor Area |
| 6,000 sf. or less                                            | 600 sf.            |
| Greater than 6,000 sf. and up to 12,499 sf.                  | 850 sf.            |
| 12,500 sf. to 1 acre                                         | 1,000 sf.          |
| Greater than 1 acre                                          | 1,200 sf.          |

2. The limitations of Subsection E.1., above, shall not apply to ADUs that are located within the footprint of an existing home as long as the ADU is not larger than 50 percent of the floor area of the principal dwelling unit, including the basement. For example, if a home has a 1,000 square foot basement, an ADU could be established in the basement if the rest of the principal dwelling is at least 1,000 square feet.
3. ADUs shall be designed and configured as studio, one bedroom, or two bedroom units.

**F. Location.** Type A ADUs shall be located as follows:

1. For interior lots, at or behind the front plane of the primary building.
2. On corner lots, ~~Type A ADUs shall be set back~~ ten feet behind the facade of the principal building along both street frontages.

**F.G. Number of Accessory Dwelling Units per Lot.** Only one ADU is allowed for each residential lot.

**G.H. Design.** The appearance of ADUs built as additions to the existing principal building or as separate structure should continue the residential character and appearance of the principal building.

1. **Type A ADUs.**

- a. Type A ADUs shall be clearly subordinate to the principal building in terms of floor area..
- b. Windows that face an adjoining residential property should be designed and configured to protect the privacy of neighbors, unless fencing or landscaping is provided that adequately accomplishes the same purpose.
- c. Type A ADUs should be designed in a manner that is aesthetically consistent with the principal building in at least four of the following:
  - i. roof pitch;
  - ii. roof form;
  - iii. roofing materials;
  - iv. cladding materials;
  - v. window styles and window orientation;
  - vi. doors; and
  - vii. color palette.

2. **Type B ADUs.** Type B ADUs are integrated into the principal building. If the ADU involves a modification to the exterior of the building, the modification shall be subject to the same design standards as Type A ADUs (Subsection H.1., above). If the entrance to the ADU is visible from an adjacent street, it shall be designed in a manner as to be clearly subordinate to the entrance of the principal dwelling.

**H.I. Outdoor Areas.** The subject property shall provide accessible outdoor space and landscaping for both the principal dwelling unit and the ADU.

**I.J. Utility Service Requirements.** ADUs must be connected to the utilities (except telephone, television, electrical, and internet) of the principal dwelling unit and may not have separate services.

**J.K. Owner Occupancy.**

1. The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the principal dwelling unit or ADU.
2. The Director may waive this requirement for temporary absences of less than one year provided that the owner has maintained the permitted use for a minimum of two years and submits proof of the temporary absence.

**K.L. Deed Restriction.** Before obtaining a building permit for an ADU, the property owner shall file with the County Clerk and Recorder, in a form acceptable to the Director, a declaration of restrictions in reference to the deed under which the property was acquired by the present owner stating that:

1. The ADU shall not be sold separately from the principal dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision can be accomplished in accordance with all provisions of this Code;
2. The ADU shall be restricted to the approved size;
3. The certificate of occupancy for the ADU shall be in effect only so long as either the main residence, or the ADU, is occupied by the owner of record as their principal dwelling unit, subject to any temporary waiver granted pursuant Subsection L., above;
4. Lack of compliance with deed restrictions may subject the owner of the property to any and all penalties provided for in this Code;
5. The above restrictions are binding upon any successor in ownership of the property;
6. The deed restrictions shall lapse upon removal of the ADU. To effect this intent, and upon verification of such removal, the Director shall record appropriate documentation releasing such encumbrance. The property owner shall pay all required recording fees, and it shall be the Applicant's responsibility to ensure that such recording was successfully completed.

**L.M. Existing Development on Lot.** A single-family detached dwelling unit must exist as a principal dwelling unit on the lot or be constructed simultaneously with the ADU. A certificate of occupancy will only be issued for an ADU after it has been issued for the principal dwelling unit.

### **5-1-5-3 Accessory Buildings**

**A. Generally.**

1. Storage sheds, studios, cabanas, stables, loafing sheds, barns, and detached garages requiring a building permit shall comply with the standards of this Section. Accessory dwelling units are subject to Section 5-1-5-2, Accessory Dwelling Units, and not this Section.
2. Stables, loafing sheds, and barns are allowed only in RA and RN-32.5 zoning districts.
3. Except for barns and stables, each Accessory Building shall have a square footage area that is less than the footprint of the living area, excluding attached garage square footage, of the principal dwelling unit.

- B. Number.** The maximum number of Accessory Buildings that may be constructed or installed upon a residential lot is based on the zoning district and lot size, and shall be as set forth in Table 5-1-5-3A, Maximum Number of Accessory Buildings.

| Table 5-1-5-3A: Maximum Number of Accessory Buildings       |                                                                                                                                                                      |
|-------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zoning District                                             | Maximum Number of Accessory Buildings                                                                                                                                |
| RN-4                                                        | 2                                                                                                                                                                    |
| RN-6, RN-7.5, RN-D                                          | 3                                                                                                                                                                    |
| RN-12.5                                                     | 4                                                                                                                                                                    |
| RN-32.5                                                     | 6                                                                                                                                                                    |
| RA: lot less than 5 acres                                   | 6                                                                                                                                                                    |
| RA: lot 5 acres or larger                                   | 7                                                                                                                                                                    |
| <b>PUD</b>                                                  | <u>Per the approved PUD. If no standards were identified as part of the approved PUD, then the maximum number for the closest zoning district shall be utilized.</u> |
| R6, R13, R24, OT Form, and MX Zoning Districts and Lot Type |                                                                                                                                                                      |
| Small Urban, Urban                                          | -                                                                                                                                                                    |
| Small General                                               | 2                                                                                                                                                                    |
| General, Small Suburban, Suburban,                          | 3                                                                                                                                                                    |
| Cluster                                                     | 1                                                                                                                                                                    |

- C. **Building Coverage.** Accessory Buildings are counted towards the combined square footage of the principal building footprint and accessory structure(s) and shall not exceed the zoning district maximum lot coverage limitations.
- D. **Height.** Accessory Buildings shall not exceed the maximum height for accessory buildings identified in the zoning districts in Chapter 2, Zoning Districts.
- E. **Location.**
- All Zoning Districts except RA.** Accessory Buildings shall be:
    - Located ~~outside of~~within the setbacks identified in the zoning districts. (See Chapter 2, Zoning Districts); and
    - Set back ~~on the same~~at or behind the front plane as the nearest front façade of the principal building.
  - RA Zoning District.** Accessory Buildings may be located in any yard, and must meet the required setbacks.
  - Accessory Buildings.** With the exception of non-residential gas station canopies, gas station or car wash facilities where allowed, and security/entry booths, accessory buildings shall not be in the front or side yards.
- F. **Design.** The design of ~~detached garages~~accessory buildings shall be aesthetically consistent with the design of the principal building. See Section 5-1-2-2, Evaluation of Aesthetic Consistency, for applicable standards.

### 5-1-6-2 Drive-Through Facilities

- A. **Generally.** Drive-through facilities are subject to the standards of this Section.
- B. **Design Standards.**
- Location.** Uses with drive-through facilities shall be located on properties with frontage on an arterial or collector street. Drive-through facilities are prohibited in the OT zoning district.

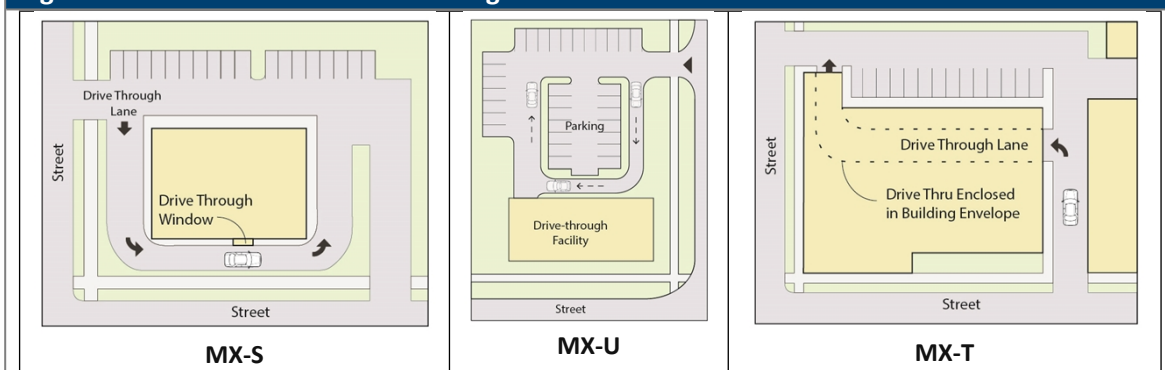
## 2. Speakers.

- a. Speakers shall not be oriented towards an adjacent residential zone district unless an intervening building exists. Where an intervening building does not exist, the following shall also apply to minimize the speaker noise impact on an adjacent property:
  - i. If the speaker is located within 15 feet or more of the property line, a solid wall with a minimum height of 6 feet shall be installed on the property line.

## 3. CG and MX Zoning Districts. In CG and MX zoning districts, a drive-through facility shall be subject to the following:

- a. In CG and MX-S zoning district, a drive-through lane may be located in the area between a building and a public street. The drive-through lane shall be screened from the public street by landscaping an Option B bufferyard, per Division 4-6-5-3, Bufferyard Options, or a low decorative wall to a minimum height of 48 inches. If a low screen wall is installed, the construction material shall be aesthetically consistent with the first floor exterior color and materials used on the principal building or provide a comparable level of quality.
- b. In the MX-U zoning district, a drive-through lane shall not be located in the area between a building and a public street. The drive-through windows shall not face a public street.
- c. In the MX-T zoning district, a drive-through lane shall be designed so that it is enclosed within the envelope of the building, the drive through windows are not visible from adjacent public streets and the drive-through lane shall not be located in the area between a building and a public street.

**Figure 5-1-6-2: Illustrative Drive-Through Facilities in the MX**



- C. **Stacking.** Drive-through lanes shall meet the applicable requirements of Section 4-5-3-6, Vehicle Stacking. Additional stacking may be required if the Director finds that, based on pertinent data, the drive-through configuration would likely otherwise create congestion on adjacent streets due to queuing at the drive-in or drive-through stations.

### 5-1-6-5 Trash Collection and Compaction

- A. **Generally.** Nonresidential, mixed-use, multifamily, and clustered small housing development shall include a designated trash collection and / or compaction area, which shall be located and designed to ensure adequate on-site maneuvering area for trash collection vehicles. Residential

subdivisions may include designated trash collection and / or compaction areas, which, if provided, must also comply with the standards of this Section. Trash collection dumpsters shall not be allowed on individual single-family or duplex lots, unless on a temporary basis associated with construction projects for which a building permit has been issued.

**B. Location.**

1. Each trash collection, including recycling bins, or compaction area shall be located not less than 20 feet away from lots used for single-family detached, duplex, multiplex, or townhome uses, and at least 20 feet away from streets, sidewalks, and internal pedestrian circulation systems. Such areas shall be located on the site in the following order of priority (highest priority listed first, and higher order priorities are eliminated only if infeasible):
  - a. In a screened enclosure that is connected to or adjacent to the rear of the principal building;
  - b. In the rear yard; or
  - c. In the interior side yard;
2. Trash collection, recycling bins, or compaction areas shall not be located more than 200 feet from the entrances of uses that they are intended to serve.

- C. Enclosures.** Each such trash collection area shall be screened from view from all property lines by a non-combustible screen or wall between six feet and eight feet in height. The access to this enclosure shall be screened with an opaque gate. Screening fences and walls (not including gates) shall be aesthetically consistent with one of the predominant materials and one of the predominant colors used in the principal building. Chain-link gates with metal cladding are prohibited.

### **5-1-6-7 Custodial Unit**

- A. Generally.** The standards of this section apply to self-storage and kennel facilities with a dwelling unit for an on-site resident manager.
- B. Design Standards.** Self-storage and kennel facilities with one on-site resident manager/caretaker dwelling shall meet the following standards:
1. The resident manager / caretaker dwelling unit shall be incorporated into and occupy space on the premises of the self-storage or kennel facility;
  2. One off-street, covered parking space shall be required for the exclusive use of the resident manager / caretaker.
  3. A landscaped private recreation area, with a minimum area of 750 square feet, shall be provided within the self-storage or kennel facility for the exclusive use of the resident manager / caretaker. The landscaped recreation area shall include:
    - a. A minimum of one 2.5 inch caliper shade tree, turf shrubs, and recreation equipment.
    - b. Recreation equipment shall consist of picnic table and barbeque facilities, or other comparable equipment for use by the resident manager/caretaker.

### **5-1-6-9 Electric Vehicle (EV) Charging Stations**

- A. Generally.** The standards of this section shall apply to new developments containing parking stalls or other spaces on-site dedicated to the use of such spaces for the charging of electric vehicles. Additionally these standards shall also apply to existing sites that make modifications to build or plan for EV charging stations.

## B. Location

1. For ~~any~~ single-family, duplex, or multiplex use, EV charging stations shall be located inside a garage ~~or carport~~.
2. For ~~in any~~ townhome, multifamily, or cottage-home use, EV charging stations and equipment shall be located either in a garage or in a location internal to the site.
3. For ~~all~~ any mixed use and non-residential uses containing ten or ~~fewer~~ EV charging stations, all charging stations and equipment may be allowed anywhere on site provided:
  - a. All equipment adheres to the required minimum parking front setback from all public and private streets.
4. For ~~all~~ mixed use and non-residential uses containing more than ten EV charging stations, all charging stations and equipment shall comply with the requirements of Subsection 4-3-3-4(F), Fueling/Service Station Site Design.
5. In ~~the any~~ OT zone district, EV charging stations and equipment shall be located either in a garage or internal to the site, behind a building or buildings, and not visible from a public street.
6. EV charging stations and equipment may not be located in any portion of a required small urban park or buffer yard.

## C. Sitting, Site Design, and Screening

1. If located along a public or private street, a ~~Option Type B~~ bufferyard per Division 4-6-5-3, Buffer-yard Options between all equipment and the front property line shall be provided.
2. The installation of an EV charging station shall not reduce the size of the parking stall in which it is being installed ~~for~~ below the minimum size required in Subsection 4-5-3-2, Parking Space and Aisle Standards.
3. Concrete wheel stops shall be used between the parking space and the equipment if the parking is not parallel.
4. If a canopy will be used, the canopy shall comply with the requirements of Subsection 5-1-2-3-C9, Canopies and Porte-Cochers.
  - a. In any MX zone district if a canopy is used, the canopy shall comply with the requirements of Subsection 4-3-3-4-F, Fueling/Service Station Site Design.
5. Parking spaces used for EV charging shall be signed for EV vehicles only.

**Table 6-1-5-2: Detached Permanent Signs**

| Type of Sign / Standards      | Sign District                                           |                                                                                                            |                                                                                                     |                                                                                                     |
|-------------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
|                               | Olde Town (OT)                                          | Mixed- Use, Commercial-Industrial (MX, C, I)                                                               | Multifamily Residential (RM)                                                                        | Single-Family Residential (R)                                                                       |
| <b>Primary Detached Signs</b> |                                                         |                                                                                                            |                                                                                                     |                                                                                                     |
| <b>Max. #</b>                 | 1 per property                                          | 1 per 600 lf. of property frontage or fraction thereof                                                     | See "Other Standards," below                                                                        | See "Other Standards," below                                                                        |
| <b>Max. Sign Area</b>         | Generally: 32 sf. mixed-use form                        | Aggregate primary detached sign area shall not exceed 10 sf. plus 1 sf. per 4 lf. of property frontage, up | 25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a maximum of | 25 sf. per sign, plus 1 sf. per 2 lf. of additional setback from property lines, up to a maximum of |
|                               | In the OT District on property that is developed with a |                                                                                                            |                                                                                                     |                                                                                                     |

**Table 6-1-5-2: Detached Permanent Signs**

| Type of Sign / Standards        | Sign District                                                                                                                                                                                                                    |                                                                                                                        |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
|---------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                 | Olde Town (OT)                                                                                                                                                                                                                   | Mixed- Use, Commercial-Industrial (MX, C, I)                                                                           | Multifamily Residential (RM)                                                                                                                                                                                                                        | Single-Family Residential (R)                                                                                                                                                                                                                       |
|                                 | building with a single-family detached , duplex or multiplex form: 8 sf.<br>For all other forms: 20 sf.                                                                                                                          | to a maximum of 125 sf.                                                                                                | 50 sf. per sign                                                                                                                                                                                                                                     | 50 sf. per sign                                                                                                                                                                                                                                     |
| Max. Sign Height                | Single-family detached, duplex or multiplex form: 4 ft.<br>For all other forms: 6 ft.                                                                                                                                            | Less than 200 lf. of property frontage: 6 ft.                                                                          | 6 ft.                                                                                                                                                                                                                                               | 6 ft.                                                                                                                                                                                                                                               |
|                                 |                                                                                                                                                                                                                                  | 200 to 600 lf. of property frontage: 12 ft.                                                                            |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
|                                 |                                                                                                                                                                                                                                  | More than 600 lf. of property frontage: 24 ft.                                                                         |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| Allowed Lighting                | External                                                                                                                                                                                                                         | External or internal                                                                                                   | External                                                                                                                                                                                                                                            | External                                                                                                                                                                                                                                            |
| Setbacks and Spacing            | No encroachment upon sidewalk                                                                                                                                                                                                    | 4 ft. from vehicular use areas, sidewalks, trails, multi-use pathways, and property lines                              | 2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas                                                                                                                                                                    | 2 ft. from sidewalks, trails, multi-use pathways, curbs, and vehicular use areas                                                                                                                                                                    |
|                                 | 2 ft. from property lines                                                                                                                                                                                                        |                                                                                                                        |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
|                                 | 6 ft. max from building walls and vehicular use areas                                                                                                                                                                            | 12 ft. from building walls                                                                                             |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| Other Standards                 | <u>Except in the OT-RR Zoning District, cabinet signs are not allowed.</u> Must be installed in permeable landscaped area or hardscaped pedestrian plaza that extends at least 4 ft. from the base of the sign in all directions | Must be installed in permeable landscaped area that extends at least 4 ft. from the base of the sign in all directions | Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development plan, or approved site plan | Allowed at points of entry into residential subdivisions or multifamily developments on properties where signs are present on the effective date or where designated on approved final plat, approved final development plan, or approved site plan |
| <b>Secondary Detached Signs</b> |                                                                                                                                                                                                                                  |                                                                                                                        |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| Max. #                          | 1 per vehicular ingress point                                                                                                                                                                                                    | 1 per vehicular ingress point                                                                                          | 1 per vehicular ingress point                                                                                                                                                                                                                       | Not allowed                                                                                                                                                                                                                                         |
| Max. Sign Area                  | 4 sf.                                                                                                                                                                                                                            | 600 lf. of property frontage or less: 4 sf.                                                                            | 4 sf.                                                                                                                                                                                                                                               | NA                                                                                                                                                                                                                                                  |
|                                 |                                                                                                                                                                                                                                  | More than 600 lf. of property frontage: 8 sf.                                                                          |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |
| Max. Sign Height                | 3.5 ft.                                                                                                                                                                                                                          | 600 lf. of property frontage or less: 3.5 ft.                                                                          | 3.5 ft.                                                                                                                                                                                                                                             | NA                                                                                                                                                                                                                                                  |
|                                 |                                                                                                                                                                                                                                  | More than 600 lf. of property frontage: 6                                                                              |                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                     |



**Table 6-1-5-2: Detached Permanent Signs**

| Type of Sign / Standards    | Sign District                                                                |                                                                              |                                                                              |                               |
|-----------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|------------------------------------------------------------------------------|-------------------------------|
|                             | Olde Town (OT)                                                               | Mixed- Use, Commercial-Industrial (MX, C, I)                                 | Multifamily Residential (RM)                                                 | Single-Family Residential (R) |
|                             |                                                                              | ft.                                                                          |                                                                              |                               |
| <b>Allowed Lighting</b>     | External                                                                     | External or internal                                                         | External                                                                     | NA                            |
| <b>Setbacks and Spacing</b> | At least 2 ft. from property lines                                           | At least 2 ft. from property lines                                           | At least 2 ft. from property lines                                           | NA                            |
|                             | Not more than 4 ft. from inside of curb of vehicular ingress or egress point | Not more than 4 ft. from inside of curb of vehicular ingress or egress point | Not more than 4 ft. from inside of curb of vehicular ingress or egress point |                               |

### 8-1-1-1 Director of Community and Economic Development

- A. **Generally.** The Director of Community and Economic Development (“Director”) is the member of the City Staff who carries out the planning and zoning functions of the City. The Director shall designate staff members to manage applications through the review process and be points of contact for Applicants. The Director may also delegate review responsibilities to managers or other professional-level staff, or, as appropriate, to consultants selected by the City.
- B. **Duties and Responsibilities.** The Director shall be responsible for the administration of this LDC and the regulations contained herein.
  1. The Director shall have the authority to:
    - a. Interpret and apply the provisions set forth in the LDC, other regulations adopted by the City and planning and engineering best practice. The Director shall have the authority to prepare and update Development Procedures, which may include a checklist for each type of development application, setting forth the information that Applicants must submit in order for the City to review development applications, permits and other developmental approvals under this Code, an application review schedule, fees and other relevant and appropriate materials related to the administration of this Code.
    - b. Make district boundary interpretations when uncertainty as to the district boundaries exists.
    - c. Make each of those decisions shown as a decision of the Director in 8-2-2-2, Decision-Making Tracks by Application Type.
    - d. Review and make recommendations on development applications reviewed and acted upon by the Planning Commission, City Council or other Decision Makers, as applicable, as shown in 8-2-2-2, Decision-Making Tracks by Application Type.
    - e. Review all land-use activities, plans involving land-use activity, or applications for land-use activity that are subject to either the Design Guidelines for Olde Town Arvada or the guidelines designated as "mandatory" within the Design Guidelines for the Reno Park Addition Historic District, and take final action to approve, approve with conditions, or deny the issuance of a (CCDG), as appropriate.

- e.f. Accept land dedications and easements associated with development applications concerning which final approval has been granted by the **Director**.
- 2. The Director shall:
  - a. Review applications for Sign Permits and taking final action to approve, approve with conditions, or deny on such applications.
  - b. Maintain the Official Zoning Map, including updates to reflect rezonings.
  - c. Administer the provisions of this LDC and approvals granted hereunder, and coordinate with the Code Enforcement, Neighborhood Services and the City Attorney with regard to enforcement of this LDC.
  - d. Make recommendations regarding amendments to this LDC and to the Comprehensive Plan and other land use or strategic plans approved or adopted by the City.
  - e. Develop or supervise the development of master plans, special area plans, or strategic plans, however titled, as directed by the Planning Commission.
  - f. Provide expertise and technical assistance to the advisory and decision making bodies under this Code, upon request, and as appropriate.
- 3. The Director shall also determine:
  - a. Whether the proposed development creates a need for off-site public improvements;
  - b. Whether required development-related agreements (see Division 8-4-5, Development-Related Agreements and Covenants) comply with the requirements of this LDC and the Arvada Municipal Code with respect to the identification of required public improvements and the security provided for said public improvements; and
  - c. Whether proposed public improvements and drainage plans comply with applicable engineering standards.
  - d. Review applications for revocable right-of-way permits and determine as to whether and to what extent the requested encroachment will or could interfere with municipal or public use of the right-of-way.

### **8-1-2-2 Planning Commission**

#### **A. Powers and Duties; Generally.**

1. *Decisions.* The Planning Commission shall hear and find facts as to whether the following types of applications comply with the requirements of this LDC:
  - a. Alternative Sign Programs
2. *Recommendations.* The Planning Commission shall consider and recommend to the City Council approval, approval with conditions, or disapproval of the following types of applications or petitions:
  - a. Annexations;
  - b. Height Exceptions;
  - c. Major Subdivision Preliminary Plats;
  - d. Major Modifications;
  - e. Zoning and Rezoning;
  - f. Conditional Uses;

~~f.g.~~ PUD Development Plans (Planned Unit Developments);

~~g.h.~~ Combined PUD Development Plans / Final Development Plans (Planned Unit Developments); and

~~h.i.~~ Vacation of Right-of-Way and Access Easements.

B. **Powers and Duties; Initiated Land Development Code Amendments and Other Duties.** The Planning Commission may also initiate proposed changes to the LDC and advise the City Council on such proposed changes, and shall perform such other duties as the City Council may be ordinance, resolution or motion prescribe.

C. **Powers and Duties; Comprehensive Plan.**

1. *Comprehensive Planning.* Upon request by the City Council, the Planning Commission shall have the power to prepare a Comprehensive Plan as a guide for future zoning and rezoning and shall have lawful and comprehensive studies made in conjunction therewith. Any plan so prepared shall be made with the general purpose of carrying out the objective of providing for the considered planning and orderly physical development of the City and applicable surrounding areas. The Planning Commission shall also actively promote implementation of any such Comprehensive Plan and other adopted plans, through its powers and duties as set out in this Section.
2. *Other Plans.* Upon request by the City Council or the Director, the Planning Commission shall be responsible for adopting other land use plans, open space/parks/trails plans, special area plans, corridor plans, and similar plans, and any updates or amendments to such plans. The Planning Commission shall also actively promote implementation of the Comprehensive Plan and other adopted plans, through its powers and duties as set out in this Section.

### 8-2-2-1 Development Approval Required

- A. **Generally.** Unless specifically exempt from the application of this LDC, development approval is required for all:
1. Development;
  2. Redevelopment;
  3. Qualifying "land use activity" within areas that are subject to Design Guidelines (see Section 8-3-4-~~55-4~~, Certificate of Compliance with or Waiver from Design Guidelines); or
  4. Re-grading of:
    - a. Nonresidential property; or
    - b. Property within the Special Flood Hazard Area.
- B. **Temporary Uses and Special Events.** Certain temporary uses and special events require Temporary Use Permits. See Division 3-1-4, Temporary Uses.
- C. **Encroachments into Public Rights-of-Way.** Certain encroachments may be allowed in or over public rights-of-way pursuant to an approved revocable right-of-way license.

**Table 8-2-2-2A: Decision-Making Tracks**

| Track | Decision-Maker        | Public Hearing | Public Outreach      |                  | Administrative Appeal To |
|-------|-----------------------|----------------|----------------------|------------------|--------------------------|
|       |                       |                | Neighborhood Meeting | Notice           |                          |
| Track | Director <sup>1</sup> | No             | No <sup>3</sup>      | Yes <sup>4</sup> | Planning Commission      |

|                |                                                            |                                   |                  |     |                                                       |
|----------------|------------------------------------------------------------|-----------------------------------|------------------|-----|-------------------------------------------------------|
| <b>1</b>       |                                                            |                                   |                  |     | or City Council (See Section 8-2-5-2, Appellate Body) |
| <b>Track 2</b> | Director <sup>2</sup>                                      | Planning Commission               | Yes              | Yes | City Council                                          |
| <b>Track 3</b> | Planning Commission                                        | Planning Commission               | Yes              | Yes | City Council                                          |
| <b>Track 4</b> | City Council                                               | City Council <sup>5</sup>         | No               | Yes | -                                                     |
| <b>Track 5</b> | City Council                                               | Planning Commission; City Council | Yes <sup>6</sup> | Yes | -                                                     |
| <b>Track 6</b> | Floodplain Administrator                                   | Floodplain Administrator          | No               | Yes | Floodplain Hearing Officer                            |
| <b>Track 7</b> | Floodplain Hearing Officer                                 | Floodplain Hearing Officer        | No               | Yes | -                                                     |
| <b>Track 8</b> | Board of Adjustment                                        | Board of Adjustment               | No               | Yes | -                                                     |
| <b>Track 9</b> | Informational only to Planning Commission and City Council | No                                | No               | No  | -                                                     |

**TABLE NOTES:**

<sup>1</sup> For Public Improvements Construction Drawings for private development, and is not appealable to the Planning Commission; for Floodplain Development Permits, the decision is by the Floodplain Administrator, and is appealable to the Floodplain Hearing Officer.

<sup>2</sup> Planning Commission fact-finding is not advisory. Director must issue decision on facts found by Planning Commission as to application's compliance with the applicable standards of this LDC.

<sup>3</sup> At the discretion of the Director, a neighborhood meeting may be required to inform residents of the proposed development in their neighborhood.

<sup>4</sup> Notice required for Track 1 reviews only as required by Section 8-2-3-8, Notice of Administrative Application. **The Director shall have the discretion to waive the notice requirement or reduce the notice distance for applications determined to have minimal impact on the notice area.**

<sup>5</sup> **Public hearing not required for Revocable Right-of-Way License Agreements.**

<sup>6</sup> **The Director shall have the discretion to waive the neighborhood meeting requirement for applications determined to have minimal impact on the notice area.**

**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| Application Type                           | Required For                                                                                                                | Exceptions | Reference                                    | Decision-Making Track | Submittal Type |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|------------|----------------------------------------------|-----------------------|----------------|
| <b>1. Annexation, Zoning, and Rezoning</b> |                                                                                                                             |            |                                              |                       |                |
| <b>Annexation</b>                          | Annexing property into the City                                                                                             | -          | Division 8-3-3, Annexation and Disconnection | Track 5 <sup>1</sup>  | Project        |
| <b>Disconnection</b>                       | Removing property from the City limits                                                                                      | -          | Division 8-3-3, Annexation and Disconnection | Track 5 <sup>1</sup>  | Project        |
| <b>Zoning or Rezoning</b>                  | Changing the zoning designation of land within the City or establishing initial zoning for land being annexed into the City | -          | Division 8-3-4, Zoning and Rezoning          | Track 5               | Project        |
| <b>2. Land Use</b>                         |                                                                                                                             |            |                                              |                       |                |

**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| Application Type                                                     | Required For                                                                                                                                                                                                                                                 | Exceptions                                                                                                                                                                                              | Reference                                                                                                                                                                                                                                                   | Decision-Making Track                                                                                                                                                           | Submittal Type |
|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>Limited Use</b>                                                   | Establishing a limited use                                                                                                                                                                                                                                   | -                                                                                                                                                                                                       | Division 3-1-3, Use-Specific Standards for Primary Land Uses, as applicable to the use                                                                                                                                                                      | Track 1                                                                                                                                                                         | Project        |
| <b>Conditional Use</b>                                               | Establishing a conditional use                                                                                                                                                                                                                               | -                                                                                                                                                                                                       | Division 3-1-3, Use-Specific Standards for Primary Land Uses, as applicable to the use; and Section 8-3-5-1, Conditional Use                                                                                                                                | Track 5                                                                                                                                                                         | Project        |
| <b>Temporary Use / Special Event</b>                                 | Commencing / conducting certain temporary uses on a subject property                                                                                                                                                                                         | -                                                                                                                                                                                                       | Division 3-1-4, Temporary Uses, as applicable to the temporary use or special event; and Section 8-3-5-5, Temporary Use Permit                                                                                                                              | Track 1                                                                                                                                                                         | Permit         |
| <b>3. Certificate of Compliance, Site Plans and Site Development</b> |                                                                                                                                                                                                                                                              |                                                                                                                                                                                                         |                                                                                                                                                                                                                                                             |                                                                                                                                                                                 |                |
| <b>Certification of Compliance with Design Guidelines</b>            | Verifying compliance with or waiver from applicable Design Guidelines, if the subject property is located in an area that is subject to Design Guidelines (e.g., Olde Town or Reno Park)                                                                     | As provided in the applicable design guidelines document; <i>see</i> Appendix A: Design Guidelines for Olde Town Arvada; and Appendix B: Design Guidelines for the Reno Park Addition Historic District | Applicable design guidelines document; <i>see</i> Appendix A: Design Guidelines for Olde Town Arvada; and Appendix B: Design Guidelines for the Reno Park Addition Historic District; and Section 8-3-5-4, Certificate of Compliance with Design Guidelines | Track 1, if not processed with another application type; otherwise same track as related application. <i>See</i> Sec. 8-3-5-4, Certificate of Compliance with Design Guidelines | Project        |
| <b>Master Development Plan</b>                                       | Establishing or modifying a plan for a phased project to ensure compliance with the LDC                                                                                                                                                                      | -                                                                                                                                                                                                       | Section 8-3-5-2, Master Development Plan                                                                                                                                                                                                                    | Track 1                                                                                                                                                                         | Project        |
| <b>Site Plan or Site Plan Amendment</b>                              | Establishing or modifying the physical layout of a subject property, including infrastructure, development and architectural standards, parking and loading, landscaping, lighting, grading, drainage, , major structure footprints, and building footprints | Single-family detached and duplex housing types on individual lots in a subdivision of nine or fewer lots. Accessory dwelling units and accessory buildings                                             | Applicable provisions of Chapter 2, Zoning Districts; Chapter 3, Use Regulations;; Chapter 4, Environmental and Site Design; and Chapter 5 Building Design                                                                                                  | Track 1                                                                                                                                                                         | Project        |

| <b>Table 8-2-2-2B: Decision-Making Tracks by Application Type</b> |                                                                                                                                                         |                                                                                                                          |                                                                                                                     |                                                                            |                       |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------|
| <b>Application Type</b>                                           | <b>Required For</b>                                                                                                                                     | <b>Exceptions</b>                                                                                                        | <b>Reference</b>                                                                                                    | <b>Decision-Making Track</b>                                               | <b>Submittal Type</b> |
| <b>Floodplain Map Amendment</b>                                   | Changing the boundaries of a special flood hazard area                                                                                                  | -                                                                                                                        | As provided by federal regulation                                                                                   | Track 6, as provided by federal regulation                                 | Project               |
| <b>Floodplain Development Permit</b>                              | Authorizing development within the floodplain or floodway                                                                                               | -                                                                                                                        | Applicable provisions of Division 4-1-2, Floodplain Regulations; and Section 8-3-5-6, Floodplain Development Permit | Track 6 ( <i>see</i> footnote 1 of Table 8-2-2-2.A., above)                | Permit                |
| <b>Miscellaneous Structure Permit</b>                             | Authorizing the construction or installation of fences, walls, decks, retaining walls, garden walls, accessory buildings, accessory structures or sheds | Mini-structures less than 200 square feet                                                                                | Section 8-3-5-7, Miscellaneous Structure Permit-                                                                    | Track 1                                                                    | Permit                |
| <b>Revocable Right-of-Way License Agreement</b>                   | Authorizing encroachments within public rights-of-way (e.g., signs, outdoor dining areas, etc.)                                                         | Temporary structures that are approved by Temporary Use or Special Event Permits                                         | Section 8-3-5-7, Revocable Right-of-Way License Agreements                                                          | Track 4                                                                    | Project               |
| <b>4. Wireless Communications Facilities</b>                      |                                                                                                                                                         |                                                                                                                          |                                                                                                                     |                                                                            |                       |
| <b>Small Cell Facilities Permit</b>                               | Authorizing the co-location of wireless communications facilities; authorizing small-cell facilities in the right-of-way                                | -                                                                                                                        | Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications Facilities               | Track 1, as modified by Division 8-3-6, Wireless Communications Facilities | Permit                |
| <b>Base Stations and Alternative Tower Structures</b>             | Authorizing the installation of a new wireless communications facility on private property                                                              | -                                                                                                                        | Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications Facilities               | Track 1, as modified by Division 8-3-6, Wireless Communications Facilities | Project               |
| <b>Free-standing Towers</b>                                       | Authorizing the new installation of a freestanding wireless communications tower                                                                        | -                                                                                                                        | Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications Facilities               | Track 5, as modified by Division 8-3-6, Wireless Communications Facilities | Project               |
| <b>5. Signs</b>                                                   |                                                                                                                                                         |                                                                                                                          |                                                                                                                     |                                                                            |                       |
| <b>Sign Permit</b>                                                | Installing or displaying a sign (may also require Certification of Compliance with Design Guidelines)                                                   | Exceptions and exemptions listed in Sec. 6-1-2-2, Exemptions and Partial Exemptions; and Sec. 6-1-2-3, Permit Exceptions | Chapter 6, Signs, or an approved Alternative Sign Program; and Section 8-3-7, Sign Permits                          | Track 1                                                                    | Permit                |

| <b>Table 8-2-2-2B: Decision-Making Tracks by Application Type</b> |                                                                                                                                                                                 |                                                                |                                                                                                                               |                                                   |                       |
|-------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------|-----------------------|
| <b>Application Type</b>                                           | <b>Required For</b>                                                                                                                                                             | <b>Exceptions</b>                                              | <b>Reference</b>                                                                                                              | <b>Decision-Making Track</b>                      | <b>Submittal Type</b> |
| <b>Alternative Sign Program</b>                                   | Establishing a specific signage program for a particular subject property or development, which may modify some of the standards of Chapter 6, Signs                            | -                                                              | Chapter 6, Signs; and Section 8-3-7-2, Alternative Sign Programs                                                              | Track 2                                           | Project               |
| <b>6. Subdivisions, Plats, and Vacations</b>                      |                                                                                                                                                                                 |                                                                |                                                                                                                               |                                                   |                       |
| <b>Major Subdivision Concept Plan</b>                             | Providing the City with a generalized land use plan and layout for the area proposed to be included within a subdivision                                                        | This review process is available at the Applicant's option     | Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities | Track 9                                           | Project               |
| <b>Major Subdivision Preliminary Plat</b>                         | Establishing the preliminary layout of lots, streets, utilities, and open spaces within a subdivision, prior to approval of a major subdivision final plat for 10 or more lots. | -                                                              | Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities | Track 5                                           | Project               |
| <b>Major Subdivision Final Plat</b>                               | Establishing the final layout of the lots, tracts, streets, alleys, and easements within a subdivision for 10 or more lots                                                      | -                                                              | Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities | Track 1                                           | Project               |
| <b>Minor Subdivision Plat</b>                                     | Establishing the specific layout of the lots, tracts, streets, alleys, and easements within a subdivision that including nine or fewer new lots or tracts                       | -                                                              | Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities | Track 1                                           | Project               |
| <b>Vacation of Right-of-Way</b>                                   | Extinguishing Right-of-Way that is held by the City                                                                                                                             | -                                                              | Division 8-3-9, Vacation of Rights-of-Way; Termination of Easements                                                           | Track 4                                           | Project               |
| <b>Vacation of Easement</b>                                       | Extinguishing an easement that is held by the City                                                                                                                              | -                                                              | Division 8-3-9, Vacation of Rights-of-Way; Termination of Easements                                                           | Track 1                                           | Project               |
| <b>7. Infrastructure Development and Public Improvements</b>      |                                                                                                                                                                                 |                                                                |                                                                                                                               |                                                   |                       |
| <b>Public Improvement Construction Drawings</b>                   | Approving construction drawings for wastewater,                                                                                                                                 | Landscaping on individual lots used for single-family detached | Engineering Code of Standards and Specifications; Division 8-4-4, Public                                                      | Track 1 (see footnote 1 of Table 4-3-2-2A, above) | Project               |

| <b>Table 8-2-2-2B: Decision-Making Tracks by Application Type</b>               |                                                                                                                                                                                                                                                                                                                 |                                                                                                       |                                                               |                              |                       |
|---------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|---------------------------------------------------------------|------------------------------|-----------------------|
| <b>Application Type</b>                                                         | <b>Required For</b>                                                                                                                                                                                                                                                                                             | <b>Exceptions</b>                                                                                     | <b>Reference</b>                                              | <b>Decision-Making Track</b> | <b>Submittal Type</b> |
|                                                                                 | water, stormwater, street, and landscaping improvements                                                                                                                                                                                                                                                         | and duplex housing types                                                                              | Improvements, Warranties and Utilities                        |                              |                       |
| <b>Development Agreement</b>                                                    | Setting out the timing and terms for the installation of public and private improvements, and providing for security to ensure that the improvements are constructed and warranted                                                                                                                              | -                                                                                                     | Division 8-4-5, Development-Related Agreements and Covenants- | Track 1                      | Project               |
| <b>Formation of Reimbursement Assessment District and Metropolitan District</b> | Creating reimbursement assessment districts for financing public improvements                                                                                                                                                                                                                                   | Development that does not require a reimbursement assessment district, as determined by the Applicant | -                                                             | Track 4                      | Project               |
| <b>Out-of-City Utility Request</b>                                              | Any request for City provision of utility service to property outside City limits                                                                                                                                                                                                                               | -                                                                                                     | Section 8-3-5-8                                               | Track 5                      | Project               |
| <b>8. Planned Unit Developments</b>                                             |                                                                                                                                                                                                                                                                                                                 |                                                                                                       |                                                               |                              |                       |
| <b>PUD Sketch Plan</b>                                                          | Providing the City with an early, informal, and generalized land use/site plan for the area proposed to be included within a PUD                                                                                                                                                                                | This review process is available at the Applicant's option                                            | Section 8-3-10-5, PUD Sketch Plan                             | Track 9                      | Project               |
| <b>PUD Development Plan</b>                                                     | Establishing the types and total amount of development proposed within a PUD (dwelling units, land uses, and nonresidential floor area), as well as the proposed general plan for pedestrian and vehicular circulation within and connecting to the PUD; may run concurrently with preliminary plat application | -                                                                                                     | Section 8-3-10-6, PUD Development Plan                        | Track 5                      | Project               |



**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| <b>Application Type</b>                                                              | <b>Required For</b>                                                                                                                                                                                                                                                                                              | <b>Exceptions</b>                                                                                                                                                                                  | <b>Reference</b>                                     | <b>Decision-Making Track</b> | <b>Submittal Type</b> |
|--------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------|-----------------------|
| <b>PUD Final Development Plan</b>                                                    | Establishing or modifying the physical layout of a subject property, including infrastructure, development and architectural standards, parking and loading, landscaping, lighting, grading, drainage, , major structure footprints, and building footprints in accordance with an approved PUD Development Plan |                                                                                                                                                                                                    | Section 8-3-10-6, PUD Unit Development Plan          | Track 1                      | Project               |
| <b>9. Interpretations, Variances, Modifications, Exceptions, and Interpretations</b> |                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                    |                                                      |                              |                       |
| <b>Administrative Minor Modifications</b>                                            | Authorizing a minor variation to the standards of the LDC                                                                                                                                                                                                                                                        | -                                                                                                                                                                                                  | Section 8-3-11-3, Administrative Minor Modifications | Track 1                      | Project               |
| <b>Major Modification</b>                                                            | Authorizing a major variation to the standards of the LDC                                                                                                                                                                                                                                                        | -                                                                                                                                                                                                  | Section 8-3-11-4, Major Modifications                | Track 5                      | Project               |
| <b>Reasonable Accommodations</b>                                                     | Authorizing a minor variation to the standards of this LDC                                                                                                                                                                                                                                                       | -                                                                                                                                                                                                  | Section 8-3-11-5, Reasonable Accommodations          | Track 1                      | Project               |
| <b>Official Interpretations</b>                                                      | Providing an official written interpretation of the provisions of this LDC                                                                                                                                                                                                                                       | -                                                                                                                                                                                                  | Section 8-3-11-7, Official Interpretations           | Track 1                      | Project               |
| <b>Height Exception</b>                                                              | To exceed building or structure height standards in the LDC                                                                                                                                                                                                                                                      | -                                                                                                                                                                                                  | Section 8-3-11-1, Height Exceptions                  | Track 5                      | Project               |
| <b>Variance or Exception to Standards</b>                                            | Authorizing a departure from the strict application of the standards in the LDC                                                                                                                                                                                                                                  | Where other methods exist for authorizing the modification, such as an administrative minor modification, floodplain variance; or where standards are statutory requirements (e.g., state-mandated | Section 8-3-11-2, Variances                          | Track 8                      | Project               |

**Table 8-2-2-2B: Decision-Making Tracks by Application Type**

| Application Type                          | Required For                                                                                                            | Exceptions                           | Reference                                    | Decision-Making Track | Submittal Type |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|--------------------------------------|----------------------------------------------|-----------------------|----------------|
|                                           |                                                                                                                         | subdivision monumentation standards) |                                              |                       |                |
| <b>Floodplain Variance</b>                | Authorizing a departure from the strict application of Division 4-1-2, Floodplain Regulations                           | -                                    | Section 8-3-11-6, Floodplain Variances       | Track 7               | Project        |
| <b>10. Vested Rights</b>                  |                                                                                                                         |                                      |                                              |                       |                |
| <b>Early Vested Rights</b>                | Obtaining vested rights prior to the approval of a site-specific development plan                                       | -                                    | Section 8-3-12-1, Early Vested Rights        | Track 4               | Project        |
| <b>Vested Rights (and Extension)</b>      | Obtaining vested rights in accordance with Article 68 of Title 24, C.R.S., as amended                                   | -                                    | Section 8-3-12-2, Vested Rights              | Track 4               | Project        |
| <b>11. Amendments and Terminations</b>    |                                                                                                                         |                                      |                                              |                       |                |
| <b>Annexation Agreement Amendment</b>     | Amending an annexation agreement                                                                                        | -                                    |                                              | Track 4               | Project        |
| <b>Major Comprehensive Plan Amendment</b> | Amending text or Future Land Use Map, where amendment does not fall within the category of "minor"                      | -                                    | -                                            | Track 3               | Project        |
| <b>Minor Comprehensive Plan Amendment</b> | Correcting obvious errors (either text or mapping), and updating outdated data without changing policy                  | -                                    | -                                            | Track 1               | Project        |
| <b>Major LDC Amendment</b>                | Changing procedures or standards in the LDC, where amendment does not fall within the category of "minor"               | -                                    | -                                            | Track 5               | Project        |
| <b>Minor LDC Amendment</b>                | Correcting non-substantive clerical or formatting errors in the LDC text or maps, or adding or correcting illustrations | -                                    | Section 8-3-2-2, Text Amendment Requirements | Track 1               | Project        |
| <b>Abandonment of</b>                     | Terminating a                                                                                                           | -                                    | -                                            | Track 1 if            | Project        |

| Table 8-2-2-2B: Decision-Making Tracks by Application Type                                           |                                                                 |            |           |                                                                   |                |
|------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------|------------|-----------|-------------------------------------------------------------------|----------------|
| Application Type                                                                                     | Required For                                                    | Exceptions | Reference | Decision-Making Track                                             | Submittal Type |
| Development Approval                                                                                 | development approval without a replacement development approval |            |           | development never commenced and there is no development agreement |                |
| TABLE NOTES:<br><sup>1</sup> As modified by Colorado law pertaining to annexation and disconnection. |                                                                 |            |           |                                                                   |                |

## 8-2-3-4 Neighborhood Meetings

### A. Purposes and Intent.

1. *Purposes.* The purposes of the neighborhood meeting are:
  - a. To educate and inform City residents, businesses and organizations of pending development proposals in and near their neighborhood;
  - b. To encourage an Applicant to pursue early and effective communications with the affected parties in conjunction with the proposed development prior to submitting applications, giving the Applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed development on the community;
  - c. To provide residents and property owners a forum to work together to resolve potential concerns at an early stage of the process; and
  - d. To facilitate ongoing communication between the Applicant, interested residents and property owners, businesses and organizations, the Director, and City officials throughout the development review process.
2. *Intent.* Neighborhood meetings are forums in which the Applicant and community members should strive to work together in good faith. However, they are not required to achieve consensus on all aspects of the applications, nor to supplant or add to or subtract from the standards of this LDC. The Applicant is primarily responsible for describing the development and answering questions about the development and potential impacts on the community. City staff is primarily responsible for describing applicable review procedures and opportunities for public input.

- B. **Notice.** Notice of the neighborhood meeting shall be prepared by the Applicant per the requirements of Division 8-2-4, Required Notices. Notification of the neighborhood meeting shall be sent by mail and electronically to those registered neighborhood groups that have boundaries within one-half mile of the project site, and to property owners within ~~500~~1,000 feet of the project site at least 15 calendar days before the meeting date.

### C. Conduct of Meetings.

1. The Applicant shall be responsible for scheduling the neighborhood meeting at a time when a Director's staff member can attend, coordinating the meeting, and if necessary retaining an independent facilitator. All neighborhood meetings shall be convened at a place in the vicinity of the proposed development.
2. At the meeting, the Applicant or Applicant's representative shall present information about the land uses, site layout, building size and height.

- D. **Neighborhood Meeting Summary.** ~~If a neighborhood meeting is required, t~~The Applicant shall include a written neighborhood meeting summary on the results of the neighborhood meeting with the formal application. At a minimum, the neighborhood meeting summary shall include the following information:
1. Proof of mailing notification for the dates and locations of all meetings where participants were invited to discuss the Applicant's proposal;
  2. Copies of the sign-in sheets;
  3. A summary of topics discussed by the Applicant and concerns, issues, and problems expressed by participants; and
  4. A summary of:
    - a. How the Applicant has addressed identified issues; and
    - b. Issues that cannot or should not be addressed, and why those issues cannot or should not be addressed.

#### 8-2-3-8 Notices of Administrative Application and Administrative Decision

- A. **Purpose and Intent.**
1. *Purpose.* The purpose of the notice of administrative application and administrative decision is to inform City residents, businesses and organizations of pending development applications and the date a decision will be made on a development application.
  2. *Intent.* The notice of application is intended to provide contact information for the Applicant and City staff where interested members of the community can request information and ask questions regarding a pending development application and provide comments to the Director prior to a decision being made.
- B. **Notice of Administrative Application.** The notice ~~of application~~ shall be prepared by the Applicant per the requirements of Division 8-2-4, Required Notices, for Master Development Plans, Site Plans and Minor Subdivision Final Plats.
- C. **Notice of Administrative Decision.** A notice may be required at the discretion of the Director. If notice is required, it shall be prepared by the Applicant per the requirements of Division 8-2-4, Required Notices.

| Table 8-2-3-134: Time Limitations                |                                          |
|--------------------------------------------------|------------------------------------------|
| Approval Type                                    | Time Limitation                          |
| Conditional Use                                  | 5 years                                  |
| Temporary Use Permit / Special Event Permit      | as specified in the permit               |
| Certificate of Compliance with Design Guidelines | 3 years, 1 year for signs                |
| Site Plan and Master Development Plan            | 3 years                                  |
| Floodplain Development Permit                    | 24 months                                |
| Free-Standing Tower                              | 24 months; or as specified in the permit |
| Miscellaneous Structure Permit                   | 6 months                                 |
| Sign Permit                                      | 1 year                                   |

|                                                                                                                                                                                                                                                                                                                                                                                |                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------|
| Alternative Sign Program                                                                                                                                                                                                                                                                                                                                                       | 3 years                                                                  |
| Major Subdivision Preliminary Plat                                                                                                                                                                                                                                                                                                                                             | 3 years                                                                  |
| Public Improvement Construction Documents                                                                                                                                                                                                                                                                                                                                      | 2 years                                                                  |
| Development Agreement                                                                                                                                                                                                                                                                                                                                                          | as specified in development agreement                                    |
| Reimbursement Assessment District                                                                                                                                                                                                                                                                                                                                              | as specified in documents establishing Reimbursement Assessment District |
| PUD Development Plan/Final Development Plan                                                                                                                                                                                                                                                                                                                                    | 5 years<br>or as specified by development agreement                      |
| Height Exception                                                                                                                                                                                                                                                                                                                                                               | 3 years                                                                  |
| Variance                                                                                                                                                                                                                                                                                                                                                                       | 2 years <sup>1</sup>                                                     |
| Minor Modifications from Zoning District and General Development Standards                                                                                                                                                                                                                                                                                                     | as specified in approval documents                                       |
| Minor Modification                                                                                                                                                                                                                                                                                                                                                             | as specified in the approval documents                                   |
| Major Modification                                                                                                                                                                                                                                                                                                                                                             | as specified in the approval documents                                   |
| Floodplain Variance                                                                                                                                                                                                                                                                                                                                                            | 24 months                                                                |
| Vested Rights (and Extension)                                                                                                                                                                                                                                                                                                                                                  | 36 months <sup>2</sup>                                                   |
| Base Station, Alternative Tower Structure and Freestanding Tower                                                                                                                                                                                                                                                                                                               | 1 year if site not constructed                                           |
| Small Cell Facility                                                                                                                                                                                                                                                                                                                                                            | Specified as defined in the MLA for each carrier-                        |
| <p>TABLE NOTES:</p> <p><sup>1</sup> Or at such alternative time specified in the approval. In addition, a variance that has been not been utilized shall automatically lapse and have no further effect if the rights granted by it are discontinued for 180 consecutive days.</p> <p><sup>2</sup> Unless specified otherwise in the approval or by development agreement.</p> |                                                                          |

#### 8-2-4-1 General Notice Requirements

- A. **Computation of Time.** In computing any period of time prescribed for the purpose of giving notice under this Division, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.
- B. **Notice Cost.**
  1. All costs for providing mail and posted notice as required by this Division shall be the direct responsibility of the Applicant.
  2. The City shall provide published notice. The cost of such notice shall be included in the development review fee.
- C. **Applicant's Certification.** Prior to the event that is the subject of a public notice, the Applicant shall provide the Director with an executed affidavit certifying that the requirements as to the Applicant's responsibility for the applicable forms of notice under this Division have been met. The Director shall make available sample certifications that address all applicable forms of public notice required by this LDC.
- D. **Failure to Provide Notice; Defective Notice.**
  1. Failure to timely provide the required affidavit, or evidence that a mailing list or notice letter was defective, may be cause to suspend the review process until proper notice is provided. Such suspension may be ordered by the Director or body that is responsible for the meeting,

hearing, or decision (e.g., neighborhood meeting, public hearing, or staff decision) that is the subject of the notice.

2. ~~Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a *bona fide* attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication or the notice to affected parties. However, in all cases, the requirements for the timing of the notice and for specifying the time, date, and location of a hearing shall be correctively conveyed. In any case in which a question arises at the public hearing regarding the adequacy of notice, consideration shall be given to the nature and extent of the deficiency, the probability of confusion resulting from the deficiency, and the type and variety of notice successfully accomplished in determining whether substantial compliance with the notice requirements of this Code has been met~~

- E. **Continuation of Hearings and Neighborhood Meetings.** A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Division (unless required by Director), provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

#### **8-2-4-2 Required Notice by Application Type**

Public notice of administrative applications, neighborhood meetings, or scheduled public meetings or public hearings shall be provided as set out in Table 8-2-4-2, Notice Requirements by Application Type. If an application type is not listed, then no notice is required, unless it is determined to be necessary by the Director.

| Table 8-2-4-2: Notice Requirements by Application Type                          |             |        |                     |                       |
|---------------------------------------------------------------------------------|-------------|--------|---------------------|-----------------------|
| Table Key: — Not Required or Not Applicable    ✓ Required                       |             |        |                     |                       |
| Application Type                                                                | Notice Type |        |                     |                       |
|                                                                                 | Published   | Posted | Mailed <sup>2</sup> | Internet <sup>3</sup> |
| <b>1. Annexation, Zoning and Rezoning</b>                                       |             |        |                     |                       |
| Annexation or Disconnection <sup>1</sup>                                        | ✓           | ✓      | ✓                   | ✓                     |
| Zoning or Rezoning                                                              | ✓           | ✓      | ✓                   | ✓                     |
| City Initiated Remapping                                                        | ✓           | —      | —                   | —                     |
| <b>2. Land Use</b>                                                              |             |        |                     |                       |
| Conditional Use                                                                 | ✓           | ✓      | ✓                   | ✓                     |
| <b>3. Site Plans and Site Development</b>                                       |             |        |                     |                       |
| Master Development Plan                                                         | —           | —      | ✓                   | ✓                     |
| Site Plan                                                                       | —           | —      | ✓                   | ✓                     |
| <b>4. Wireless Communications Facilities</b>                                    |             |        |                     |                       |
| Major Wireless Communications Facility Permit                                   | —           | ✓      | ✓                   | ✓                     |
| <b>5. Signs</b>                                                                 |             |        |                     |                       |
| Alternative Sign Program                                                        | ✓           | ✓      | ✓                   | ✓                     |
| <b>6. Subdivisions, Plats, and Vacations</b>                                    |             |        |                     |                       |
| Major Subdivision Preliminary Plat                                              | ✓           | ✓      | ✓                   | ✓                     |
| Vacation of Right-of-Way and Public Easements                                   | ✓           | ✓      | ✓                   | ✓                     |
| <b>7. Infrastructure Development and Public Improvements</b>                    |             |        |                     |                       |
| Formation of Reimbursement Assessment District                                  | ✓           | —      | ✓                   | ✓                     |
| <b>8. Planned Unit Developments</b>                                             |             |        |                     |                       |
| PUD Preliminary Development Plan                                                | ✓           | ✓      | ✓                   | ✓                     |
| <b>9. Variances, Modifications, Exceptions, and Conversions</b>                 |             |        |                     |                       |
| Height Exception                                                                | ✓           | ✓      | ✓                   | ✓                     |
| Variance                                                                        | ✓           | ✓      | ✓                   | ✓                     |
| Major Modification                                                              | ✓           | ✓      | ✓                   | ✓                     |
| Floodplain Variance                                                             | —           | —      | ✓                   | ✓                     |
| <b>10. Vested Rights</b>                                                        |             |        |                     |                       |
| Vested Rights (and Extension)                                                   | ✓           | ✓      | ✓                   | ✓                     |
| <b>11. Amendments</b>                                                           |             |        |                     |                       |
| Land Development Code Text Amendment                                            | ✓           | —      | —                   | ✓                     |
| Major Comprehensive Plan Amendment                                              | ✓           | —      | —                   | ✓                     |
| Major PUD Amendment                                                             | ✓           | ✓      | ✓                   | ✓                     |
| TABLE NOTES:                                                                    |             |        |                     |                       |
| <sup>1</sup> As required by applicable provisions of C.R.S § 31-12-101, et seq. |             |        |                     |                       |
| <sup>2</sup> See Subsection 8-2-4-4, Statutory Mineral Estate Notices           |             |        |                     |                       |
| <sup>3</sup> See Subsection 8-2-4-3D, Internet Requirements                     |             |        |                     |                       |

- A. **Generally.** Contents of the public notice will be determined by the Director.
- B. **Public Notice Contents.** All notices required by this Section shall:
1. Indicate the time and place of the public hearing or meeting, if necessary, except for a Notice of Administrative Application;

2. Sufficiently describe the property involved; for example, by legal description, general vicinity, street address, size, and/or nearest cross street;
  3. Describe the nature, scope, and purpose of the application or proposal being advertised;
  4. Indicate that interested parties may appear and the manner, extent and timing of public participation permitted (*e.g.*, filing written comments with the Director, speaking at the scheduled hearing or meeting, etc.), except for Notice of Administrative Application; and
  5. Indicate where additional information can be obtained.
- C. **Appeal Notices.** Notices of a pending appeal must include a copy of the petition for appeal and a date, time, and location for the appeal hearing, and either a copy of the rules of procedure for the Appellate Body or instructions regarding how to obtain a copy. Such notices shall be mailed to the Applicant (if different from the appellant), the appellant, and any person or entity that has applied for party status.
- D. **Vested Rights Notices.** Notice of a decision to grant vested rights shall be published in accordance with the requirements of C.R.S. § 24-68-101, as it may be amended from time to time.

### 8-2-4-3 Specific Requirements by Notice Type

#### A. Mailed Notice.

1. *Mailing List.* The Applicant shall submit a mailing list to the Director, including the names and addresses of all property owners of record of all properties within the Area of Notification described below. If there are homeowners associations and/or neighborhood organization registered with the City within the Notice Area, the Applicant shall also notify them. The list shall be compiled from the names and addresses that appear in the records of the applicable County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid by the Applicant, at the Applicant's expense, to all property owners on the mailing list.
3. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the mailing notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates.
4. *Preparation/Timing of Notice.* When the provisions of this Code require that written or mailed notice be provided, the Applicant shall be responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice shall be mailed at least fifteen days prior to the public hearing. Notices shall be prepared pursuant to a written notice form provided by the City.
5. *Deadlines.* For decision-making Tracks 2 through 5 and Track 8 , mailed notices shall be postmarked no later than 15 days before a neighborhood meeting, a public hearing, or an appeal hearing. For decision-making Tracks 1, 6, or 7, mailed notice of administrative application shall be postmarked no later than five days after acceptance of an application. For a notice of administrative decision, mailed notice shall be postmarked no later than ten days prior to the decision date.
6. *Notice Area.*
  - a. For purposes of public hearings before the City Council or the Planning Commission, and Notice of Administrative Application, notice shall be mailed to all property owners that are within 500 feet of the boundary of the property that is the subject of the



application, except as otherwise provided herein. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property. For street and alley right-of-way and public vehicular access easement vacations, mailed (written) notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. Written notice shall also be mailed to any homeowners associations and other neighborhood organization with a known interest in the subject area, or to others who have filed a timely request to receive written notice.

- b. *Notices for Board of Adjustment.* For purposes of public hearings before the Board of Adjustment, notice shall be mailed to all property owners that are adjacent to the property that is the subject of the application. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property.
- c. *Changes to Notification Area.* The Director shall have the sole discretion to expand or contract the notification area based on a consideration of the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors.

B. **Published Notice.** When the provisions of this Code require that notice be published, the City shall be responsible for preparing the content of the notice, and the City shall ensure that notice is published in a newspaper of general circulation in the City, at the Applicant's expense. Notice shall be published at least 15 days prior to any public hearing by the Planning Commission or Board of Adjustment, and at least seven days prior to any public hearing by the City Council.

C. **Posting Requirements.**

- 1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the City at the Applicant's expense. It is the Applicant's responsibility to post the sign(s) on the subject property and ensure that they remain in place from the date of posting to the date of the public hearing.
- 2. *Minimum Requirements.* Posted notice shall be provided with one sign per street frontage of the applicable property. Additional posting may be required at the Director's discretion. Signs shall be located so that they are clearly visible from the adjoining street. Applicants shall remove all notification signs within one week after the public hearing.
- 3. *Deadline for Posting.* Notices shall be posted not less than 15 days before the public hearing date.
- 4. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the posted notice requirements shall be provided to the Director prior to the public hearing.
- 5. *Posting Log/Maintenance of Signs.* The Applicant shall be responsible for checking the posted signs each day of the posting period and for keeping a log, to be filed with the City at the time of, or prior to, any public hearing on the matter. If a sign has been removed, destroyed, or has fallen, the sign shall be replaced by the Applicant within 48 hours or by the close of the next business day, whichever period is longer. The Applicant shall sign a statement that the sign(s) were checked daily by the Applicant or the Applicant's representative, and the above-stated procedures were followed. Failure to comply with the

required posting procedure may require the public hearing to be rescheduled. Such delays shall not prejudice the City regarding the City's compliance with required times to act set forth in this Code.

6. *City-Initiated Rezoning That Affects Multiple Ownership.* The posting of signs shall not be required when an amendment to the Official Zoning Map is initiated by the City and affects multiple ownerships. At the City's option, notice of a rezoning that affects multiple ownerships may be posted at City Hall.

- D. **Internet Requirements.** The Director will create and maintain web pages upon which the Director may provide timely notice of applications. If a notice is missed by the Director, it shall not void the hearing or approval.

### 8-3-5-3 Site Plan and Site Plan Amendment

- A. **Generally.** The purpose of the Site Plan or Site Plan Amendment is to ensure compliance with the development and design standards and provisions of this Code, while encouraging quality development in the City reflective of the goals, policies, and objectives found in the Comprehensive Plan.
- B. **Site Plans.** All applicable provisions of this Division apply unless specifically listed. A Site Plan is required before a building permit may be issued for all development in the City except those listed below:
  1. Single family detached homes or duplex units in a subdivision of nine or fewer lots within a residential zoning district and that are not part of land for which a Master Development Plan has been approved;
  2. Permitted additions to existing single-family detached dwellings or duplex units; and
  3. Interior improvements and tenant finish.
- C. **Approval Criteria.** A Site Plan or Site Plan Amendment shall be reviewed for compliance with the following criteria:
  1. The application complies with the applicable standards of this LDC, other adopted City regulations, any approved Master Plan that includes the property, and any conditions specifically applied to development of the property by the Planning Commission or City Council in a prior decision affecting the property;
  2. The application is consistent with the Comprehensive Plan;
  3. The City's existing infrastructure and public improvements, including but not limited to its water, wastewater, street, trail, and sidewalks systems, have adequate capacity to serve the proposed development, and any burdens on those systems have been mitigated to the degree practicable;
  4. The application will preserve and protect natural areas, ridgelines, swales, natural landforms, water quality and wildlife habitat of riparian corridors, wetlands and floodplains affected by the proposed development and integrates those areas into site design where practicable;
  5. The application will improve or expand multi-modal connections with adjacent sites, neighborhoods, and urban centers;
  6. The application is similar to surrounding uses in terms of size, scale and building façade materials;
  7. The application mitigates any adverse impacts on the surrounding area to the degree practicable; and

8. Within the MX, ~~R6, R13 and R24~~ zoning districts, ~~townhome and~~ multifamily residential uses shall provide appropriate amenities, including recreational facilities, pedestrian facilities, unique aesthetic features and quality design; ~~and~~

~~8-9. If the application includes residential uses and was granted Conditional Use approval, the number of residential units proposed is within ten percent of the number of units presented during the Conditional Use review.-~~

### 8-3-8-7 Acceptance of Dedications

#### A. Generally.

~~1. Major Subdivision Final Plats.~~ All major subdivision final plats ~~and minor subdivision plats~~ shall be executed by all owners of property within the boundaries of such plat, the surveyor, the attorney or title company who examined the title, and any and all lienholders. Following the approval of a major subdivision final plat ~~or a minor subdivision plat, or conditional approval of such plat after all conditions are met~~, the plat, which shall have all permitted exceptions, waivers, or variances expressly noted thereon, shall be signed by the Director, the City Engineer, and the City Attorney. Dedication, approval, certification, and signature blocks shall be in a form approved by the City Attorney.

~~F.2. Minor Subdivision Plats.~~ All minor subdivision plats shall be executed by all owners of property within the boundaries of such plat, the surveyor, the attorney or title company who examined the title, and any lienholders. Following the approval of the minor subdivision plat, the plat, which shall have all permitted exceptions, waivers, or variances expressly noted thereon, shall be signed by the Director. Dedication, approval, certification, and signature blocks shall be in a form approved by the City Attorney.

~~A.B. Method of Acceptance of Dedications; Limitations.~~ Full execution of the approved major subdivision final plat or minor subdivision plat shall constitute the City's acceptance of any fee-simple dedication or grant of easement to the City as is referenced on the plat. Acceptance of dedications does not constitute final acceptance of public improvements constructed thereon.

### 8-4-3-6 Park and Trail Dedications and Fees-in-Lieu

- A. **Generally.** The park and trail dedication and fee-in-lieu requirements are intended to:
1. Provide adequate parks, trails, and associated facilities, which significantly contribute to the community character of Arvada, and provide recreation and mobility opportunities for its residents;
  2. Recognize that new residences generate additional demands and burdens on the City's existing parks and trails system and the need for additional such amenities;
  3. Recognize that the necessity for, and cost of, new or expanded parks and trails facilities is properly and proportionally attributable to and should be paid for by new residential development, in accordance with the needs and burdens generated by such development;
  4. Institute dedication requirements sufficient to meet the need for, and cost to develop and improve, new or expanded parks and trails generated by new residential development; and
  5. Provide a dedication methodology that closely approximates the additional park and trail needs and burdens generated by new residential development, links the requirements and fees to be imposed to the additional needs and demands upon the parks and trails system

generated by new residential development; and imposes exactions of land for park and trail purposes (or payment in lieu thereof) and payment of park development fees that are roughly proportional to the demands and burdens created by new residential development.

- B. **Applicability.** Applicants for new residential development shall provide public land dedications for park or trail purposes or payments of fees-in-lieu of such dedications, as provided in this Section.
- C. **Park Land Dedication.** The owner of land to which these provisions apply shall, at the option of the City:
  - 1. Satisfy such combination of dedication and payment in lieu of dedication that, consistent with the provisions of this Section, the City determines appropriate.
  - 2. Pay to the City the cash equivalent of the fair market value of the land otherwise required to be dedicated pursuant to this Section; or
  - 3. Convey to the City in fee simple not less than 10 acres per 1,000 projected population in the new residential development.
- D. **Standards for Dedicated Park Land.** Park land that is dedicated pursuant to the standards of this Section shall be suitable for the purpose for which it is intended, as determined by the City.
- E. **Park Land Fee-in-Lieu.** The park land fee-in-lieu shall be equal to the value of the area of land that would otherwise be required to be dedicated, calculated as provided in Section 8-4-3-4, Appraisal of Property Value.
- F. **Public Trail Land Dedication.**
  - 1. The owner / developer of new residential development shall, at the option of the City, dedicate in fee simple or in the City's discretion grant easements over and across, such land lying within the subject property as may be required, as determined by the City, to provide for the construction and maintenance of public trails that will serve and / or traverse the subject property as referenced in or depicted on the City's approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan.
  - 2. The owner / developer of new residential development shall further be required to construct all public trails that are dedicated pursuant to Subsection F.1., above.
  - 3. Any trail dedication or construction required by the provisions of this Subsection shall comply with all applicable City design and construction standards, and shall conform to the locational requirements of this LDC.
- G. **Credit for Trail Land Dedications.**
  - 1. For purposes of satisfying the park land dedication requirements of Subsection C., above, in those developments where trails referenced in or depicted on the City's approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan are proposed to be located, those trail dedications or grants of easements as are accepted by the City shall be credited against the park land dedication requirements of the development.
  - 2. With respect to dedications or grants of easements for other public trails proposed within the development, but not referenced or depicted on the City's approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan, the City may in its discretion, grant a credit, in whole or in part, against park land dedication requirements for such trail dedications or grants of easement.
  - 3. Such credits as set forth herein shall not apply to proposed 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.

**H. Form of Land Dedication/Payment of In-Lieu Fees.**

1. All lands or interests required to be conveyed under this Division shall be conveyed to the City by proper dedication upon a plat or by general warranty deed, without restriction, and free and clear of any and all liens, restrictions, covenants, and encumbrances.
2. Cash-in-lieu payments shall be paid to the City in an account to be used solely for the acquisition and development of parks, trails, and recreation facilities reasonably proximate to the applicable residential development.

**I. Timing of Dedication or Payment-In-Lieu.** Any dedication of land, payment-in-lieu of dedication, or granting of an easement that is required pursuant to the provisions of this Section shall be satisfied in accordance with the following:

1. As to residential development in general, all requirements with respect to land dedication, payments-in-lieu, or trail easements shall be satisfied in full prior to, or as part of, the approval of the final plat, final development plan, or site plan or at such other time as may be required by the City. As to a non-PUD, but phased, development, the provisions of Subsection H.2., below, shall apply.
2. As to the phased development of a PUD project, all of the following shall apply:
  - a. All park land dedication requirements shall be satisfied at the time of the approval of the site plan, PUD final development plan, minor subdivision plat, or major subdivision final plat for each phase of the development based upon the projected population for that phase, or at such other time as may be required by the City.
  - b. Payments-in-lieu of park land dedication shall be satisfied at the time of the approval of the site plan, PUD final development plan, minor subdivision plat, or major subdivision final plat for each phase, based upon the nature and number of dwelling units contained within such phase and application of the land dedication and payment-in-lieu provisions of this Section, or at such other time as may be required by the City.
  - c. Dedications or grants of easements for trail purposes pursuant to the provisions of this Section shall be satisfied prior to, or as part of, the approval of the minor subdivision plat or major subdivision final plat for each phase involving land which a trail or trails referenced in Subsection F., above, will traverse, or at such other time as may be required by the City.
  - d. No revision or amendment to an approved development plan or final plat pursuant to which the required land dedication has been previously proffered and accepted by the City shall create a credit in favor of, or reduce the land dedication requirements applicable to an owner/developer, nor shall any such revision or amendment require the City to re-convey any portion of a previously accepted dedication, notwithstanding a decrease in the planned density of the development or any portion thereof.

**11-1-1-1 Purpose of Article**

- A. The purpose of this Article is to provide general rules for measurement used in this Code.

**11-1-1-2 Rules for Measurement**

**A. 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. *Rounding.* When applying a density standard to a parcel land area, all resulting fractions shall be rounded to the next lower whole number.
  4. *Maximum Density not Guaranteed.* The number of dwelling units allowed on a site is based on the presumption that all applicable standards shall be met. The maximum density established for a zoning district as identified in Chapter 2 is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.
- B. **Lot Area**
1. Lot area is measured as the amount of gross land area contained within the property lines of a lot or parcel, but not including streets or rights-of-way.
- C. **Lot Frontage (Lot Width)**
1. Lot frontage or width refers to the horizontal 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.
- D. **Lot Coverage**
1. *General Rule.* Lot coverage is measured as 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.
  2. *Exemptions.* The following features shall not be counted for the purpose of determining lot coverage:
    - a. Swimming pools and hot tubs.
    - b. Uncovered decks less than 30 inches above grade.
    - c. Mini-structures under 200 square feet in total area.
- E. **Street Frontage**
1. Street frontage is measured between side lot lines along the street lot line. Lots that do not have frontage at the street right-of-way line will indicate a building setback line by a dashed line at the point where the lot has the required width, but in no case less than the setback normally required.
- F. **Setbacks**
1. *General Rule.* Setbacks are measured between the lot line and the closest projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in Section 2-1-10-1, Exceptions to Setback Standards. Driveway length in the front setback ~~must be a minimum of 18 feet~~ is measured from the back of sidewalk to the face of the garage measured along the centerline of the driveway apron. Parking in a rear setback shall meet the requirements set forth in Division 4-5-3, Parking and Loading Design.
  2. *Setback Averaging.* Regardless of the minimum front setback required by the underlying zoning district, front setbacks may be reduced to the average of the existing setbacks of the lots that are on both sides of the subject lot. The following rules apply in calculating the average setback:
    - a. Only the setbacks on the lots that abut each side of the subject lot and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used.

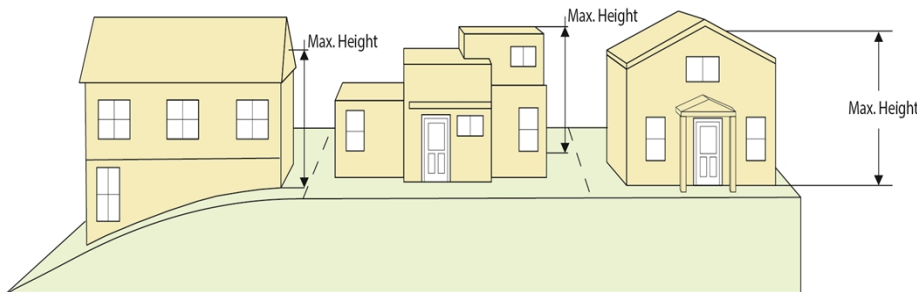
- b. When one abutting lot is vacant or if the subject lot is a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.

**G. Floor Area Ratio (FAR)**

1. FAR is measured as the gross floor area of all buildings on a lot or parcel, divided by the lot area.

**H. Height**

1. *Building Height.* Building height is measured as 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 mid-point 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.
2. *Height, Fence or Wall.* The height of a fence or wall shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.
3. *Height, Tower/Antenna/Other Structures (Not Buildings).* See Chapter 7, Wireless Communications Facilities.
4. *Exceptions to Height Limitations in All Districts.* See Section 2-1-10-2, Exceptions to Maximum Building or Structure Height.



**I. Distance or Spacing**

1. Whenever 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 measured as follows:
  - a. For a proposed use that will be located in an individual structure or building, the required minimum distance shall be measured from the closest point of the structure or building housing the proposed use to the property line or the existing use, or activity, or the zoning district boundary, as applicable. Except that as applied to measuring distance between automotive wash facilities, the required distance shall be measured along street frontage and not by a straight line distance between the two structures housing such uses, as specified in the Code.
  - b. For a proposed use that will be located within a building also occupied by other uses, such as within a shopping center, the required minimum distance shall be measured from the closest point of that portion of the building housing the proposed use to the property line of the existing use, or activity, or the zoning district boundary, applicable.

- c. Drive-through lanes, drives for automobile service stations, and other similar areas accessory to a principal use subject to a distance or spacing requirement shall also be located outside the minimum distance required.
- J. **Variation of Residential Dwelling Elevations**
  - 1. Wherever it is required that the elevation of single family homes be varied every so many units, that requirement shall permit the first and last units within that specified number to be the same. For example, a requirement that home facades be varied "every fourth unit" shall require that the first, second, and third home elevations be different, but shall permit the first and fourth home elevations to be the same.
- K. **Measurement of Brick and Stone Cladding**
  - 1. The measurement shall be all of the area excluding windows, doors, garage doors from grade to the roof eave or top plate of the main portion of the structure.
- L. **Measurement of Signs**
  - 1. The measurement of signage shall be calculated in accordance with Chapter 6, Signs.

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### Division 11-3-3 Definitions

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#### Clustered Subdivision

A cluster lot subdivision is a residential development in which lots are allowed to be smaller or narrow. Cluster lot subdivision is a design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation or other, common use, common open space, or preservation of environmentally sensitive areas or agricultural uses.

#### Electric Vehicle (EV) Charging Station

A public or private parking space and all associated equipment, including electrical transformers, that is served by battery charging station equipment that has its primary purpose to transfer electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

#### Food and Retail Truck Vending

Food and retail vending from a readily movable wheeled, motorized vehicle designed and equipped to serve food or sell retail goods or a wheeled, non-motorized trailer designed and equipped to serve food or sell retail goods, and towed by a motorized vehicle.

#### Fueling/-Service Station

Any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; Level 3 DC fast-charging or Level 2 charging of electric vehicles; towing of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations. The phrase "fueling/service station" does not include collision centers, or facilities that provide transmission repair, engine overhauls, or repair of heavy trucks or heavy motorized equipment. 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."

#### Landscape Surface Area

Area that is vegetated per the requirements of Article 4-6, Landscape and Buffering, or reserved for the use of outdoor pedestrian and / or non-vehicular recreation activity areas including sidewalks, trails, patios, and decks. Detention areas, buffers, and landscaping within a parking lot may be



included. Includes areas dedicated as amenitized landscape surface area and small urban parks. Detention areas, buffers, and landscaping within a parking lot may be included.

#### **Open Space, Landscape Surface Area, Amenitized Common**

Landscape surface area that is Open-space within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners association, that is designed for and intended for the the common use or enjoyment of the residents, employees, or guests of the development. of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate. Common open space may include trail areas, gardens, small parks, scenic areas, buffer areas, or similar common areas. Common open space may also include active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses. Common open space shall not include driveways, sidewalks, and parking areas.

#### **Open Space, Common**

Open-space within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners 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. Common open space may include trail areas, gardens, small parks, scenic areas, buffer areas, or similar common areas. Common open space may also include active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses. Common open space shall not include driveways, sidewalks, and parking areas.

#### **Outdoor Storage**

Storage of materials, merchandise, stock, supplies, 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, regardless of how long such materials are kept on the premises. This definition shall not apply to items for sale to the general public such as new and used cars, recreational vehicles, boats, landscape and building materials, where such items are permitted for sale in the zoning district in which they are located. "Outdoor storage" shall not apply to the storage of wrecked or inoperable vehicles. (See "salvage yard".) In addition, "outdoor storage" does not include outdoor parking of motor vehicles ~~regularly used in connection with the operation of an establishment or~~ parked for less than 48 hours for maintenance service.

#### **Produce Stand**

A temporary or permanent structure used for sale of produce and incidentally use for sale of related items which is located on property used for agriculture or community agriculture.

#### **Retail Sales and Services, Type 1**

A use involving the sale, lease, or rental of consumer, home, and business goods to consumers. Such uses include but are not limited to department stores, furniture stores, clothing stores, and establishments providing the following products or services: antiques, appliances, art, art supplies, beauty supplies, bicycles, books, magazines and newspapers, craft supplies, copies, costumes, dry goods, electronics, fabric, framing, garden supplies, gifts, groceries, hardware, home improvement goods, household products, jewelry, music, musical instruments, office supplies, party supplies, pet grooming, pet supplies, pharmaceuticals, phones, photography equipment, produce, signs, sporting goods, stationary, toys, and videos; and new automotive parts and accessories. The phrase also includes services such as banking, picture framing, installation of electronics (e.g., audio systems and navigation

systems) into motor vehicles, real estate offices that are open for walk-in traffic; repairs of products sold by the establishment (*e.g.*, a computer store may also repair computers), repairs of consumer electronics, tattoo parlors, and comparable services that are not included in the definition of the phrase “Retail Sales and Services, Type 2.” The phrase “Retail Sales and Services, Type 1” does not include uses that are classified or defined more specifically in this Code, including but not limited to “Retail Sales and Services, Type 2,” “Restaurant,” “Restaurant, Fast Food,” “Adult Entertainment,” “Adult Retail Sales,” “Marijuana Uses,” and “Vehicle / Equipment Sales or Rentals.”

Retail sales and services, type 1 uses are generally conducted indoors. However, the phrase also includes uses in which not more than 25 percent of the area used for storage and display of products is located outside or in partially enclosed structures.

### **Sign, Canopy**

A sign with one face affixed to a canopy. For purposes of this definition, a canopy is an attached or detached structure, open on at least one side, which is designed to provide overhead shelter from the sun or weather. Canopies include, but are not limited to, service station canopies, carports, porte-cocheres, arcades and pergolas.

**City of Arvada**  
**Community and Economic Development Department**  
**PUBLIC HEARING STAFF REPORT**

**2021 Land Development Code Amendments**  
**LDC2021-0001**

**NATURE OF REQUEST**

The City of Arvada is requesting approval of an ordinance amending various sections of the Land Development Code to include changes and clarifications to make the Code easier to understand and administer.

**BACKGROUND**

The Land Development Code was adopted by City Council on May 18, 2020. It was later amended to allow for Short Term Rental properties within the City.

During the adoption of the Land Development Code, the City team committed to review the document following the first year of use and suggest changes and clarifications. The team presented the proposed amendments to the Planning Commission on September 7, 2021 and City Council on September 13, 2021 and again on December 13, 2021. Following the December meeting, it was determined that a majority of the changes could move forward to adoption. There are a handful of changes that require additional discussion and will, therefore, go through the adoption process as a second package of amendments.

**PUBLIC NOTIFICATION**

Division 8-2-4 of the Land Development Code requires public notification for all public hearings as follows:

Published Notice: At least 15 days prior to all public hearings, notice of the hearing must be published in a newspaper of general circulation in the City. The required notice has been published.

**ALIGNMENT WITH CITY COUNCIL STRATEGIC PLAN**

The project is consistent with the City Council Strategic Plan principles for the Community and Economic Development work system.

**PROJECT ANALYSIS**

**Summary of Proposed Update**

This amendment will modify the following (see redlined pages):

1. Table 2-1-3-3A to clarify the setback distance for alley-loaded garages.
2. Tables 2-1-3-4A, 2-1-3-5A, 2-1-3-6A, 2-1-4-1A to address the Landscape Surface Area and Landscape Surface Area, Amenitized requirements.
3. Section 2-1-3-4 to delete Urban Townhomes as a permitted housing type.
4. Table 2-1-5-4D to revise the Total Building Width in the Olde Town –GV and OW zoning districts.
5. Table 3-1-2-5 related to Animal Day Care/Training. This amendment would allow the use as Conditional in the RA Zoning District.
6. Section 3-1-3-5 to clarify that a caretaker residence is allowed for Kennel uses and to define the requirements for the residence.
7. Section 3-1-4-5 to allow the Food and Retail Truck vending distance to be measured from a home or building, rather than a zoning district boundary.
8. Section 3-1-5-3 to clarify regulations regarding short term rentals.
9. Sections 4-3-2-2 and 4-3-2-3 have been added to replace Common Open Spaces with Landscape Surface Area and Amenitized Landscape Surface Area to reduce confusion regarding the difference between active and passive landscape areas.
10. Table 4-5-2-2A to increase the townhome parking requirement from 2 to 2.2 spaces per unit to account for guest parking.
11. Section 4-5-3-1 to clarify the maximum percentage of a front yard area that can be paved with impervious material.
12. Section 4-5-3-4 to allow off-site parking to be located up to 500 feet from the property it is serving. Additionally, the distance the off-street property is located from the property it is serving is reduced from 300 feet to 200 feet.
13. Section 4-5-3-6 to clarify where drive-through stacking lanes can be located.
14. Section 4-5-3-8 to better differentiate between short and long term bike parking requirements.
15. Section 4-6-5-2 to revise the situations in which landscape bufferyards are required when new development is located adjacent to various dwelling unit types and RN zoning districts.
16. Table 4-7-2-1 to clarify how fencing standards are applied to properties zoned PUD.
17. Article 4-8 to simplify and clarify the exterior lighting requirements and standards to avoid continued confusion.
18. Section 5-1-5-2 to clarify that accessory dwelling units shall always be located at or behind the front plane of the primary residential unit regardless of the lot type.
19. Table 5-1-5-3A to clarify how accessory buildings are counted in PUD zoning districts.
20. Section 5-1-6-8 to add additional requirements and standards for electric vehicle charging stations to address the various types of facilities being developed.
21. Table 8-2-2-2A to add Director discretion regarding notice requirements and neighborhood meetings and to indicate that a public hearing is not required for a specific application type.
22. Section 8-2-4-1 to allow for more flexibility in determining what constitutes a minor defect in public hearing noticing.

23. Section 8-2-3-8 to provide for a notice of administrative decision.
24. Section 8-3-5-3 to expand the Site Plan approval criteria related to project amenities required in the R6, R13 and R24 zoning districts and townhome development in order to create more complete neighborhoods.
25. Article 11-3 to add or revise definitions including, but not limited to, Electric Vehicle Charging Station, Food and Retail Truck Vending, Fueling/Service Station, Landscape Surface Area and Landscape Surface Area, Amenitized, and Produce Stand.

Many other smaller changes, spelling errors and erroneous references have also been identified for correction. The attached redlines indicate those assorted amendments.

### **Compliance with the Comprehensive Plan**

The proposed amendments to the LDC will not conflict with the intent of the 2014 Comprehensive Plan.

### **Consistency with the Purpose of the Code**

The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, in that the amended regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.

### **LAND DEVELOPMENT CODE APPROVAL CRITERIA**

The Planning Commission should make a recommendation to the City Council based on its findings regarding the approval criteria shown in the table(s) below and upon testimony heard during the public hearing as it applied to the criteria.

Staff performed an analysis of the proposal, based on the approval criteria listed in Division 8-3-2 of the Land Development Code, and presents the following findings:

| <b>Division 8-3-2 Approval Criteria (05-18-20)</b>                                                                                                                 | <b>Finding</b> | <b>Rationale</b>                                                                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A. The proposed amendment is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan. | Complies       | The proposed amendment is consistent with the Arvada Comprehensive Plan because the proposed amendments will ensure that community and developers can clearly understand and interpret the LDC. |
| B. The proposed amendment is consistent with the Purposes of the Code set out in Section 1-1-1-2, Purpose and Intent, of the LDC.                                  | Complies       | The proposed LDC amendments are consistent with the intent the purposes of the Code because the regulations will promote the public health, safety, convenience, comfort, prosperity,           |

|  |  |                                  |
|--|--|----------------------------------|
|  |  | and general welfare of the City. |
|--|--|----------------------------------|

**STAFF RECOMMENDATION**

Based upon project analysis and review of the Land Development Code approval criteria, the City team recommends approval of these amendments.