



City of Arvada

Planning Commission Agenda

JUNE 21, 2022
CITY COUNCIL CHAMBERS
Regular Business

Commission Members:

Michael P. Griffith, Chair
Doug Magee, Vice Chair
Tim Knapp, Secretary
Tom Aljinovich
Brandon Figliolino
Andrew Gay
Steve Hannan

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 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. 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 – 6:15 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF MEMBERS
4. APPROVAL OF MINUTES
 - A. Approval of June 7, 2022, Meeting Minutes
5. GENERAL BUSINESS
6. REPORTS
7. PETITIONS & COMMUNICATIONS
8. PUBLIC HEARINGS
 - A. Land Development Code Update

9. OTHER ITEMS

A. Cancellation of July 5, 2022 Planning Commission Meeting

10. ADJOURN



SUMMARY MINUTES OF PLANNING COMMISSION ACTION HELD
JUNE 7, 2022

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 6:25 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL OF MEMBERS

Those present: Michael P. Griffith, Andrew Gay, Tim Knapp, Tom Aljinovich, Brandon Figliolino, Doug Magee, Steve Hannan

THOSE ABSENT

Andrew Gay
Brandon Figliolino

It was moved by Mr. Griffith to excuse Figliolino and Gay.

Those voting Yes: Hannan, Knapp, Griffith, Magee, Aljinovich

Those voting No:

Those absent: Gay, Figliolino

The motion carried: 5-0

ALSO PRESENT: Ryan Stachelski, Director of Community and Economic Development; Rob Smetana, City Planning Manager; Emily Grogg, Sr. Ass't. City Attorney; Abigail Ogg, Administrative Specialist/Recording Secretary, Heidi Van Gieson, Administrative Specialist; Josie Suk, Development Systems and Administrative Manager; Kyle Gillitzer, City Civil Engineer II; Jenny Wolfschlag, Manager of Development Engineering.

4. APPROVAL OF MINUTES

May 17, 2022. The minutes stand approved as printed.

5. GENERAL BUSINESS

None

6. REPORTS

None

7. PUBLIC COMMENT

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

8. PUBLIC HEARINGS

A Major Modification from the Land Development Code subsection 4-5-3-6.C.2 to allow vehicle stacking in the side setback when the LDC prohibits vehicle stacking in the front and side street setbacks.

A Major Modification from the Land Development Code subsection 2-1-5-3.F to allow a 32.5% building facade located within the Frontage Zone when the LDC requires a 60% building facade to be located within the Frontage Zone.

A Major Modification from the Land Development Code subsection 5-1-3-1 to allow a single usable floor on a Pedestrian Priority Street when the LDC requires two usable floors on a Pedestrian Priority Street.

A Major Modification from the Land Development Code subsection 5-1-6-2.3.C to allow a drive-through lane not to be fully enclosed within the envelope of the building with one visible drive-through through window on a public street when the LDC requires a drive-through lane to be fully enclosed within the envelope of the building with drive-through windows not visible to public streets.

A Major Modification from the Land Development Code subsection 5-1-2-6-F requiring transparency for buildings located within a frontage zone.

Mr. Griffith opened the public hearing.

Mr. Smetana entered into the record the staff report dated June 7, 2022, affidavit of Public Hearing notice, and posting log.

City of Arvada Staff introduced the project.

Katie Sanchez, 13502 Hamburger Lane, Walden Park, CA, representative of In-N-Out burger, introduced the franchise.

Zell Cantrell, 5500 Greenwood Plaza Blvd, Greenwood Village, CO, representative of the applicant, gave a brief description of the project and requests for major modifications.

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

PUBLIC COMMENT

IN FAVOR

None

IN OPPOSITION

Lisa Fieldman, 5360 Newland Street Arvada, CO and 7125 W. 32nd Avenue Wheat Ridge, CO stated her opposition due to traffic concerns.

Holli Fieldman, 5360 Newland Street, stated her opposition due to traffic and pedestrian concerns. She also stated more mitigation measures for headlights in the drive through would be needed.

APPLICANT REBUTTAL

Mr. Cantrell explained the current and proposed traffic and pedestrian flow, along with the screening of the site.

Mr. Griffith closed public comment.

QUESTIONS FROM THE COMMISSION

The Commission discussed the project with staff and the applicant addressing the following concerns:

- A. Traffic impacts and accessibility
- B. Pedestrian access to the front of the building
- C. Parking agreement with the property owner to the north
- D. Grading elevation and the stormwater plan
- E. Building and height restrictions and materials
- F. Landscape placement and maturity
- G. Size of the development parcel
- H. ADA Accessibility
- I. Retaining wall at the drive through for screening

The applicant responded by explaining the following:

- A. The proposed site plan with pedestrian access locations, landscaping plans including initial planting size, stormwater plans for underground detention and building exterior materials
- B. Traffic studies that have been done on previous In-N-Out sites and provided to the City for review, along with on site traffic mitigation elements, such as the extra long stacking lanes

Staff explained the following:

- A. Traffic analysis and impact studies will be required through the site plan application process and that Colorado Department of Transportation will be a reviewer on this project
- B. Current parking agreement is a private agreement between business owners and the landlord and will need to be addressed as part of the site plan process
- C. Use of the retaining walls to limit the visual impact of the drive through lane and cars using the lane

MOTION:

It was moved by Mr. Magee, that a Major Modification from the Land Development Code subsection 4-5-3-6.C.2 to allow vehicle stacking in the side setback when the LDC prohibits vehicle stacking in the front and side street setbacks, generally located at 7370 W. 52nd Ave. be recommended to the City Council for approval subject to the condition stated in the staff report, Item 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

DISCUSSION OF MOTION

Commissioners requested the following items be looked at closer during the site plan process if approved:

- A. Traffic impact
- B. Increasing pedestrian and bike access
- C. Parking agreement
- D. Possibility of expanding the project site size

Those voting Yes: Griffith, Hanna, Magee, Aljinovich

Those voting No: Knapp

Those absent: Gay, Figliolino

The motion carried: 4-1

MOTION:

It was moved by Mr. Magee, a Major Modification from the Land Development Code subsection 2-1-5-3.F to allow a 32.5% building facade located within the Frontage Zone when the LDC requires a 60% building facade to be located within the Frontage Zone, generally located at 7370 W. 52nd Ave. be recommended to the City Council for approval subject to the condition stated in the staff report, Item 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

DISCUSSION OF MOTION

Those voting Yes: Hanna, Griffith, Knapp, Magee, Aljinovich

Those voting No:

Those absent: Gay, Figliolino

The motion carried: 5-0

MOTION:

It was moved by Mr. Magee, a Major Modification from the Land Development Code subsection 5-1-3-1 to allow a single usable floor on a Pedestrian Priority Street when the LDC requires two usable floors on a Pedestrian Priority Street, generally located at 7370 W. 52nd. Ave. be recommended to the City Council for approval subject to the condition stated in the staff report, Item 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

DISCUSSION OF MOTION

Those voting Yes: Hannan, Griffith, Aljinovich, Magee, Knapp

Those voting No:

Those absent:

The motion carried: 5-0

MOTION:

It was moved by Mr. Magee, a Major Modification from the Land Development Code subsection 5-1-6-2.3.C to allow a drive-through lane not to be fully enclosed within the envelope of the building with one visible drive-through through window on a public street when the LDC requires a drive-through lane to be fully enclosed within the envelope of the building with drive-through windows not visible to public streets, generally located at 7370 W. 52nd Ave., be recommended to City Council for approval subject to the condition stated in the staff report, Item 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

DISCUSSION OF MOTION

Those voting Yes: Hannan, Knapp, Griffith, Magee, Aljinovich

Those voting No:

Those absent: Gay, Figliolino

The motion carried: 5-0

MOTION:

It was moved by Mr. Magee that a Major Modification from the Land Development Code subsection 5-1-2-6-F requiring transparency for buildings located within a frontage zone., be recommended to City Council for approval subject to the condition stated in the staff report, Items 1, Page 8. This motion is based on the finds of fact and approved criteria on Page 7 & 8 of the staff report.

DISCUSSION OF MOTION

Those voting Yes: Hannan, Knapp, Griffith, Magee, Aljinovich

Those voting No:

Those absent: Gay, Figliolino

The motion carried

8. **WORKSHOP**

Mr. Smetana presented the proposed updates to the Land Development Code regarding:

- A. Public Notice Radius
- B. Conditional Use Approval
- C. Fleet Vehicles
- D. Heavy Truck Trips
- E. Appeals Process
- F. Call up by City Council
- G. Appeals since the adoption of Land Development Code
- H. Short Term Rentals

QUESTIONS FROM THE COMMISSION

Commissioners discussed the updates with the following concerns:

- A. Further definition of fleet vehicles and roadway standard and enforcement
- B. Further review the fleet truck definition by weight and required reporting for onsite vehicles being stored overnight
- C. Longer timeline for call ups by City Council
- D. Qualifying conditions for Conditional Use Approvals
- E. Review Short Term Rental regulation for duplex units

9. **OTHER ITEMS**

10. **ADJOURNED** at 9:08 P.M.

Michael P. Griffith, Chair

Tim Knapp, Secretary

Abigail Ogg, Recording Secretary



REPORT TO PLANNING COMMISSION

AGENDA ITEM
8.A.

TO: PLANNING COMMISSION

DATE: June 21, 2022

SUBJECT: Land Development Code Update

Report in Brief

MOTION:

MOVED BY: _____

That LDC2022-0001, An Ordinance Amending the Land Development Code, of the Arvada City Code, be recommended to City Council for (approval) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) 2 & 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	6/6/2022
Josie Suk, Development Systems and Administrative Manager	6/8/2022
Emily Grogg, Senior Assistant City Attorney	6/14/2022
Ryan Stachelski, Director of Community and Economic Development	6/16/2022

Enclosure, exhibits & attachments required to support the report

COUNCIL BILL NO. 22-
ORDINANCE NO.

AN ORDINANCE AMENDING CERTAIN PROVISIONS WITHIN 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 3, Use Regulations, of the Land Development Code, of the Arvada City Code is hereby amended:

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 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. The local contact may be an individual or an organization or company that specializes in such services and otherwise meets the requirements of this Section. Should the local contact 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 property 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 may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director 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.

a. *Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code during a license period, or where the Director has reasonable cause to believe that there exists in a property, dwelling, dwelling unit, or ADUR that is contrary to Arvada City Code that makes the dwelling or property unsafe, dangerous, or hazardous, the Director is authorized to enter the property, dwelling, dwelling unit, or ADUR at reasonable times to inspect, provided that if such property, dwelling, dwelling unit, or ADUR be occupied that credentials be presented to the occupant and entry requested. If such property, dwelling, dwelling unit, or ADUR is unoccupied, the Director shall first make a reasonable effort to locate the owner or local contact person and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.

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

Section 4-5-2-9 Fleet Vehicle Parking is added to read as follows:

“4-5-2-9 Fleet Vehicle Parking

- A. **Generally.** The maximum number of parking spaces allowed for fleet vehicles shall be as set out in this Section. Spaces used for fleet vehicles are in addition to the minimum parking requirements. Uses requiring fewer than 25 fleet parking spaces shall be exempt.
- B. **Maximum Number of Fleet Vehicle Parking Spaces.** The calculation to determine the maximum number of fleet vehicle parking spaces in the allowed zoning districts is as follows:
1. In the CG zoning district, the maximum number shall be no more than 50 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
 2. In the IL zoning district, the maximum number shall be no more than 100 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
 3. In the IG zoning district, the maximum number shall be no more than 200 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.”

The remaining portions of Chapter 4 shall remain unchanged.

Section 3. Chapter 6, Signs, of the Land Development Code, of the Arvada City Code is hereby amended:

Table 6-1-5-1A: Wall Signs is hereby amended in its entirety to read as follows:

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				
Max. #	1 for single family, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	1 per building elevation
Max. Sign Area (Total Per Building Elevation)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.	1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted.	1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation	Residential Building: 1 sf.
				Nonresidential Building: 1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building	1 per building	1 per building	Not allowed
Max. Sign Area	May be allowed on entire elevation subject to the Design Guidelines for OT	May be allowed on entire	May be allowed on entire elevation	-
Allowed Lighting	External	External	External	-
Other Standards	a. Murals shall not be placed on a building that is exclusively for a residential use. b. Murals shall not: i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; and ii. Cover or interrupt major architectural features, such as doors, exits, and windows. c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site.			-
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Building: Not allowed Nonresidential Building: 1 per principal building entrance
Max. Sign Area (Per Sign)	6 sf.	12 sf.	6 sf.	6 sf.
Allowed Lighting	External	External	External	None
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Residential Building: Not allowed Nonresidential Building: Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or multiplex form: 1 per principal building.	Not limited	1 per building elevation	Residential Building: Not allowed Nonresidential Building: 1 per building (dimensional wall sign)

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	All other forms: 1 per establishment			only; cabinet wall signs are not allowed)
Max. Sign Area (Per Sign)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment frontage is less than 30 lf.	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted	32 sf.	Residential Building: Not allowed
		Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the sign is mounted, not to exceed 60 sf.		Nonresidential Building: 12 sf.
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation	Not allowed if primary fin sign is also present on the same building elevation	None
		Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential use	
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance (dimensional wall sign only; cabinet wall signs are not allowed)	1 per principal building entrance	1 per principal building entrance	Not allowed
Max. Sign Area (Per Sign)	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	NA
	No part of the sign shall be located more than 15 ft. above	No part of the sign shall be located more than 15 ft. above	No part of the sign shall be located more than 15 ft. above	

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	adjacent grade	adjacent grade	adjacent grade	
	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	

The remaining portions of Chapter 6 shall remain unchanged.

Section 4. Chapter 8, Development Review Process, of the Land Development Code, of the Arvada City Code is hereby amended:

Section 8-2-3-11 Review by Director is hereby amended to add a subsection J to read as follows:

“J. Call Ups.

1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director’s decision.
2. If the motion passes, the application shall be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC.
3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director. The City Council may also remand the application back to the Director with direction for further consideration.”

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, Notice of Administrative Application, and Administrative Decision (if required), notice shall be mailed to all property owners that are within 1,000 feet of the boundary of the property that is the subject of the application if the property is less than five acres in size, or 1,500 feet of the boundary of the property that is the subject of the application if it is five acres or greater in size, 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. The Director shall have the ability to reduce the notice distance by up to 500 feet for applications determined to have a minimal impact on surrounding properties.
 - 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:
 - a. The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
 - b. The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - i. Building height(s) and location(s),
 - ii. Parking location and number of spaces,

- iii. Landscape areas and bufferyards, and
- iv. Small urban park location(s) (if applicable)."

The remaining portions of Chapter 8 shall remain unchanged.

Section 5. Chapter 11, Measurements, Rules of Construction, and Definitions, of the Land Development Code, of the Arvada City Code is hereby amended:

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

"Fleet Vehicles

A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency, or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities, and businesses that utilize vehicles to deliver goods to customers, provide off-site services, or for sales representatives to travel to clients."

"Heavy Logistics Center

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. "product warehouses"), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. "truck terminals" or "logistics centers"), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least 76 heavy truck trips per day. Warehousing and distribution uses that involve fewer than 50 heavy truck trips per day are classified as Light Industry."

"Heavy Truck

A truck with a gross vehicle weight rating of greater than 16,000 pounds."

"Heavy Truck Trip

A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip."

"Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than 76 heavy truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;

2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
 - c. Limited outdoor storage areas;
3. Food production (*e.g.*, commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
4. Beverage production (non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;
9. Research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products; or
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not light industrial uses.”

The remaining portions of Chapter 11 shall remain unchanged.

Section 6. 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 7. This ordinance shall take effect five days after publication following final passage.

INTRODUCED, READ, AND ORDERED PUBLISHED this_____, 2022.

PASSED, ADOPTED AND APPROVED this day of , 2022.

ATTEST:

Marc Williams, Mayor

City Clerk

APPROVED AS TO FORM:

Rachel A. Morris, City Attorney:

Publication Dates:

BY: _____

REDLINE/STRIKEOVER VERSION

FOR INFORMATION ONLY -- NOT PART OF THE ORDINANCE

Underlined indicates new material
~~Strikethrough~~ indicates deleted material

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 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. The local contact may be an individual or an organization or company that specializes in such services and otherwise meets the requirements of this Section. Should the local contact 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 ~~property~~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 31st 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 ~~OwnerLicensee~~.* 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 31st 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, f the Director may issue any order reasonably calculated to ensure compliance with this Section 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 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.

a. *Right of Entry.* Where it is necessary to make an inspection to enforce the provisions of this code during a license period, or where the Director has reasonable cause to believe that there exists in a property, dwelling, dwelling unit, or ADUR that is contrary to Arvada City Code that makes the dwelling or property unsafe, dangerous, or hazardous, the Director is authorized to enter the property, dwelling, dwelling unit, or ADUR at reasonable times to inspect , provided that if such property, dwelling, dwelling unit, or ADUR be occupied that credentials be presented to the occupant and entry requested. If such property, dwelling, dwelling unit, or ADUR is unoccupied, the Director shall first make a reasonable effort to locate the owner or local contact person and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.

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.

4-5-2-9 Fleet Vehicle Parking

A. Generally. The maximum number of parking spaces allowed for fleet vehicles shall be as set out in this Section. Spaces used for fleet vehicles are in addition to the minimum parking requirements. Uses requiring fewer than 25 fleet parking spaces shall be exempt.

B. Maximum Number of Fleet Vehicle Parking Spaces. The calculation to determine the maximum number of fleet vehicle parking spaces in the allowed zoning districts is as follows:

1. In the CG zoning district, the maximum number shall be no more than 50 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
2. In the IL zoning district, the maximum number shall be no more than 100 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
3. In the IG zoning district, the maximum number shall be no more than 200 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Applied or Painted Wall Sign				
Max. #	1 for single family, duplex or multiplex form: 1 per principal building. All other	Not limited	1 per building elevation	1 per building elevation

Table 6-1-5-1A: Wall Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	forms: 1 per establishment			
Max. Sign Area (Total Per Building Elevation)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted, max. 32 sf.; a minimum of 30 sf., if establishment frontage is less than 30 lf.	1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted.	1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation	Residential Building: 1 sf.
				Nonresidential Building: 1 sf. per 2 lf. of building elevation, minus the area of other wall signs on same elevation
Allowed Lighting	External	External	External	None
Mural Wall Sign				
Max. #	1 per building	1 per building	1 per building	Not allowed
Max. Sign Area	May be allowed on entire elevation subject to the Design Guidelines for OT	May be allowed on entire	May be allowed on entire elevation	-
Allowed Lighting	External	External	External	-
Other Standards	a. Murals shall not be placed on a building that is exclusively for a residential use. b. Murals shall not: i. Project more than 2 in. in the OT sign district and 6 in. in all other sign districts from the plane of the wall upon which it is painted or to which it is affixed and shall not extend above the top of the wall upon which it is painted or to which it is affixed; <u>and</u> ii. Cover or interrupt major architectural features, such as doors, exits, and windows; <u>and</u> iii. Contain text covering more than 3% of the mural area. c. The property owner shall not be compensated for the display of the mural or the right to place the mural on a site.			-
Bulletin Board Attached to Building Wall				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Building: Not allowed
				Nonresidential Building: 1 per principal building entrance
Max. Sign Area	6 sf.	12 sf.	6 sf.	6 sf.

Table 6-1-5-1A: Wall Signs

	Sign District			
Type of Sign / Standards	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
(Per Sign)				
Allowed Lighting	External	External	External	None
Other Standards	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Not allowed above an elevation of 8 ft. above adjacent grade	Residential Building: Not allowed
				Nonresidential Building: Not allowed above an elevation of 8 ft. above adjacent grade
Cabinet Wall Signs or Dimensional Wall Signs (Primary)				
Max. #	Dimensional wall sign only; cabinet wall signs are not allowed. Single family detached, duplex or multiplex form: 1 per principal building. All other forms: 1 per establishment	Not limited	1 per building elevation	Residential Building: Not allowed
				Nonresidential Building: 1 per building (dimensional wall sign only; cabinet wall signs are not allowed)
Max. Sign Area (Per Sign)	Single family detached, duplex or multiplex form: 8 sf. max. All other forms: 1 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted max. 32 sf.; a minimum of 30 sf. if establishment frontage is less than 30 lf.	Dimensional wall signs: 1.5 sf. per 1 lf. of establishment frontage of the building elevation upon which the sign is mounted	32 sf.	Residential Building: Not allowed
		Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the sign is mounted, not to exceed 60 sf.		Nonresidential Building: 12 sf.
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Not allowed on building elevations that are located within 10 feet of a property line of a single-family detached or duplex residential use	Not allowed if primary fin sign is also present on the same building elevation	Not allowed if primary fin sign is also present on the same building elevation	None
		Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached or duplex residential	

Table 6-1-5-1A: Wall Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
		use	use	
Cabinet Wall Signs or Dimensional Wall Signs (Secondary)				
Max. #	1 per principal building entrance (dimensional wall sign only; cabinet wall signs are not allowed)	1 per principal building entrance	1 per principal building entrance	Not allowed
Max. Sign Area (Per Sign)	4 sf.	48 sf.	6 sf.	NA
Allowed Lighting	External or halo	External or internal	External or internal	None
Other Standards	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	Must be located above ground floor principal building entrance	NA
	No part of the sign shall be located more than 15 ft. above adjacent grade	No part of the sign shall be located more than 15 ft. above adjacent grade	No part of the sign shall be located more than 15 ft. above adjacent grade	
	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	Not allowed if secondary fin sign is also present above the same entrance	

8-2-3-11 Review by Director

J. Call Ups.

1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director's decision.
2. If the motion passes, the application shall be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC.
3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director. The City Council may also remand the application back to the Director with direction for further consideration."

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,~~ and Administrative Decision (if required), notice shall be mailed to all property owners that are within 1,0500 feet of the boundary of the property that is the subject of the application if the property is less than five acres in size, or 1,500 feet of the boundary of the property that is the subject of the application if it is five acres or greater in size, 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. The Director shall have the ability to reduce the notice distance by up to 500 feet for applications determined to have a minimal impact on surrounding properties.
 - 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~~.
 9. If the application includes residentiall uses and was granted Conditional Use approval:

- a. The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
- b. The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - i. Building height(s) and location(s),
 - ii. Parking location and number of spaces,
 - iii. Landscape areas and bufferyards, and
 - 8-iv. Small urban park location(s) (if applicable).

Section 11-3-3 Definitions

Fleet Vehicles

A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency, or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities, and businesses that utilize vehicles to deliver goods to customers, provide off-site services, or for sales representatives to travel to clients.

Heavy Logistics Center

A wholesaling, warehousing, and/or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. “product warehouses”), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. “truck terminals” or “logistics centers”), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least ~~7650 semi-trailer~~heavy truck trips per day. Warehousing and distribution uses that involve fewer than 50 ~~semi-trailer~~heavy truck trips per day are classified as Light Industry.

Heavy Truck

A truck with a gross vehicle weight rating of greater than 16,000 pounds.

Heavy Truck Trip

A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.

Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than ~~7650 semi-trailer~~heavy truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
 - c. Limited outdoor storage areas;
3. Food production (*e.g.*, commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
4. Beverage production (non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;
9. Research, development, and testing laboratories (*e.g.*, for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (*e.g.*, window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);
13. Manufacture or compounding of pharmaceutical products, dietary supplements, health and beauty products, and herbal products;
14. Packaging of products; or
15. Storing, selling, and/or distributing merchandise for or to retailers; industrial, commercial, institutional, or professional business users; or wholesalers, except that wholesale membership clubs that offer memberships to the general public are not light industrial uses.

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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 thirty (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 (1) 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.** The licensee must designate on the application a local contact who shall be available to respond within one hour of being notified by the City of a complaint about the condition of the property or conduct of short term tenants. The local contact must be available to respond as set forth herein 24 hour 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. The local contact may be an individual or an organization or company that specializes in such services and otherwise meets the requirements of this Section. Should the local contact 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~~

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~~Unit is occupied by a short term tenant, the owner and/or the local contact person designated by the owner shall be available twenty four (24) hours per day, seven (7) days per week, for the purpose of responding within one (1) 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 (5) business days. For the purposes of this section, "local contact person" means an individual located within thirty (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.

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E. **Licensing Requirements.**

1. *Number of Short Term Rentals Units per lot.* Licensees are limited to one Short Term Rental per property. If a ~~lot~~property 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 ~~(1)~~ Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each owner licensee shall be limited to one ~~(1)~~ 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. By December 31st of each calendar year, Upon renewal of the license,~~ 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 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 the requirement on each application submitted to the City. By December 31st 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.* If In addition,~~ the Director may issue any order reasonably calculated to ensure compliance with this Section. ~~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;~~
 - ~~(ii) For the second violation of the same provision, \$300; and~~
 - ~~(iii) For the third violation of the same provision, \$1,000.~~
 - b. ~~Revoke the license;~~
 - c. ~~1. 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,~~

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~~without delay, upon request. Refusal to allow an inspection may result in the license being revoked subject to the following Subsection 5.~~

4.3. **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.

5.4. **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 Appeals~~ 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 may inspect the property, dwelling, dwelling unit, or ADUR prior to the issuance of a license or a license renewal to ensure compliance with the provisions of this Section or with any other applicable local, state, or federal laws. The Director 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.~~ ▲

a. **Right of Entry.** ~~Where it is necessary to make an inspection to enforce the provisions of this code during a license period, or where the Director has reasonable cause to believe that there exists in a property, dwelling, dwelling unit, or ADUR that is contrary to Arvada City Code that makes the dwelling or property unsafe, dangerous, or hazardous, the Director is authorized to enter the property, dwelling, dwelling unit, or ADUR at reasonable times to inspect, provided that if such property, dwelling, dwelling unit, or ADUR be occupied that credentials be presented to the occupant and entry requested. If such property, dwelling, dwelling unit, or ADUR is unoccupied, the Director shall first make a reasonable effort to locate the owner or local contact person and request entry. If entry is refused, the Director shall have recourse to the remedies provided by law to secure entry.~~ ▲

G-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.~~

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Division 3-1-6 Oil and Gas Operations.

Reserved.

4-5-2-8 Bicycle Parking

- A. **Generally.** Bicycle parking shall be provided as set out in this Section, and designed according to the requirements of Section 4-5-3-8, Bicycle Parking Design.
- B. **Exceptions.** Bicycle parking is not required for the following uses:
 - 1. The land uses that are set out in Section 3-1-2-10 Agriculture Land Use by Zoning District;
 - 2. The land uses that are set out in Section 3-1-2-9, Utility and Communications Land Use by Zoning District;
 - 3. Waste transfer station;
 - 4. Salvage yard;
 - 5. Heavy industry;
 - 6. Heavy logistics center;
 - 7. Waste Removal Fleet Storage and Administration;
 - 8. The land uses that are set out in Section 3-1-2-3 Additional Residential Land Use by Zoning District
 - 9. Single-family detached, duplex, townhome, or multiplex dwelling units.
- C. **Minimum Number of Bicycle Parking Spaces.** Except as provided in Subsection B., above, bicycle parking shall be provided as follows:
 - 1. **Multifamily.** One space for every four dwelling units. Twenty percent shall be for long-term.
 - 2. **Elementary School.** One space for every five students. Twenty five percent shall be long-term.
 - 3. **Middle School.** One space for every five students. Twenty five percent shall be long-term.
 - 4. **High School.** One space for every ten students. Twenty five percent shall be long-term.
 - 5. **College or University.** One space for every ten students. Twenty five percent shall be long-term. **Personal Services.** Personal services, if related to personal fitness (e.g., boxing or kickboxing instruction; fitness centers; martial arts instruction; swim instruction; or yoga instruction). One space for every ten required motor vehicle spaces. Ten percent shall be for long-term
 - 6. **All Other Uses.**
 - a. **Generally.** One space for every 20 required motor vehicle parking spaces. Ten percent shall be long-term.
 - b. **MX-T Zoning District.** One space for every ten required motor vehicle parking spaces.
 - c. **Olde Town District.** One space for every five required motor vehicle parking spaces. For historic buildings that are not required to provide off-street parking, five spaces per building.
 - d. **MX-S, MX-U and CG Zoning Districts.** One space for every 15 required motor vehicle parking spaces.

4-5-2-9 Fleet Vehicle Parking

- A. **Generally.** The maximum number of parking spaces allowed for fleet vehicles shall be as set out in this Section. Spaces used for fleet vehicles are in addition to the minimum parking requirements. Uses requiring fewer than 25 fleet parking spaces shall be exempt.

B. Maximum Number of Fleet Vehicle Parking Spaces. The calculation to determine the maximum number of fleet vehicle parking spaces in the allowed zoning districts is as follows:

1. In the CG zoning district, the maximum number shall be no more than 50 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
2. In the IL zoning district, the maximum number shall be no more than 100 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.
3. In the IG zoning district, the maximum number shall be no more than 200 percent of the minimum required parking spaces, as identified in Section 4-5-2-1, Calculation of Required Parking Spaces.

Division 4-5-3 Parking and Loading Design

4-5-3-1 General Design Principles

- 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

Review Advisory Committee agenda. The Design Review Advisory Committee shall consider and decide the application within 45 days after the referral.

3. The Building Official shall process building permit applications that are required to erect or install signs simultaneously with the Director or Design Review Advisory Committee, as applicable.

3.J. Call Ups

- 4.1. Prior to the effective date of any decision by the Director on a Track 1 application, any member of the City Council may move to call up the development application for consideration within seventeen days of the Director's decision.
2. If the motion passes, the application shall be brought before the City Council as a public hearing as soon as practicable following the date on which the decision was made for review and consideration in accordance with the criteria provided in this LDC.
3. The City Council shall have the authority to approve, approve with conditions, modify, or reverse the decision of the Planning Director. The City Council may also remand the application back to the Director with direction for further consideration.

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8-2-3-12 Public Hearing Notice and Schedule

- A. **Generally.** For applications that require public hearings, Track 2 through Track 8, when administrative review pursuant to Section 8-2-3-11, Review by Director, is complete, the Director shall coordinate with the Applicant to cause notice to be issued according to the requirements of Division 8-2-4, Required Notices, and set the application on the agenda of the next body that will consider the application, consistent with the legal requirements for public notice.
- B. **Special Provisions for Signs, Wireless Communications Facilities, and Small Cell Facilities.**
 1. Applications for Alternative Sign Programs shall be set for hearing within 45 days after the determination of completeness (see Section 8-2-3-7, Completeness Review).
 2. Applications for Wireless Communications Facilities Freestanding Towers shall be processed as required by the applicable "shot clocks" set out in Division 8-3-6, Wireless Communications Facilities.
- C. **Notice to Applicant.** The Director shall notify the Applicant regarding the time and place of public hearings.

8-2-3-13 Hearing Procedures

- A. **Generally.** All applications that are subject to Track 2, Track 3, Track 4, and Track 5, Track 6, Track 7 and Track 8 development review procedures are subject to the requirements of this Section and the applicable rules of the body conducting the hearing.
- B. **Hearing Procedures.**
 1. The Planning Commission, Board of Adjustment, and City Council shall adopt rules of procedure for the conduct of public hearings.
- C. **Continuances.** Requests for continuance may be granted at the discretion of the body holding the public hearing.
- D. **Decision or Recommendation.**
 1. If the hearing is before the Planning Commission, the Planning Commission shall:
 - a. Apply the approval criteria for review and approval as stated in the LDC when considering an application.

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 and Administrative Decision (if required), notice shall be mailed to all property owners that are within ~~500~~1,000 feet of the boundary of the property that is the subject of the application if the property is less than five acres in size, or 1,500 feet of the boundary of the property that is the subject of the application if it is five acres or greater in size, 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. The Director shall have the ability to reduce the notice distance by up to 500 feet for applications determined to have a minimal impact on surrounding properties.
 - 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

- 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
 9. If the application includes residential uses and was granted Conditional Use approval:
 - a. The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
 - b. The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - i. Building height(s) and location(s).
 - ii. Parking location and number of spaces.
 - iii. Landscape areas and bufferyards, and
 - 8-iv. Small urban park location(s) (if applicable).

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8-3-5-4 Certificate of Compliance with Design Guidelines

Family

Any of the following individuals or groups:

1. One or more persons related by blood, marriage, or adoption, living together as a single housekeeping unit;
2. A group of not more than five persons not related by blood, marriage, or adoption, living together as a single housekeeping unit; or
3. A family foster home, licensed by the State of Colorado, or certified by the Jefferson County Department of Human Services or Adams County Department of Social Services, or a state-licensed child placement agency having no more than four foster children.

The term “family” does not include more than one person who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended, unless related to all other members of the same housekeeping unit by blood, marriage, or adoption.

Farmers’ Market

An occasional or periodic market where items such as fresh produce, seasonal fruits, and fresh flowers are offered for sale directly to the consumer. A farmers’ market may also include accessory sales of value-added food products such as jams, jellies, pickles, sauces, or baked goods, arts and craft items, and prepared food and beverages. The phrase “farmers’ market” does not include the sale of second-hand goods or commercially produced or packaged goods.

Federal Register

The official daily publication for rules, proposed rules, and notices of federal agencies and organizations, as well as executive orders and other presidential documents.

Fenestration

The placement and proportion of windows, doors and other exterior openings of a building’s façade.

Fleet Vehicles

A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities and businesses that utilize vehicles to deliver goods to customers, provide off-site services or for sales representatives to travel to clients.

Flood or Flooding

Any of the following:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters; or
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
2. Mudslides (*i.e.*, mudflows) that are proximately caused by flooding as defined in 1, above and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
3. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an

A state-licensed group home serving not more than eight persons exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.

Guest House

An accessory dwelling attached to, or detached from, a principal dwelling used to house guests of the occupant of the principal dwelling, and which shall not be rented or leased, or held in ownership by other than the owner of the principal dwelling.

H

Heavy Industry

Industrial uses that are not specifically defined elsewhere in this Code, which can be described in one of the following three ways:

1. Primary processing, manufacturing, assembly or repair operations not specifically defined elsewhere in this Code or this definition, which involve any of the following:
 - a. A material risk of significant environmental contamination, explosion, or fire;
 - b. Perceptible ground vibration at the property line;
 - c. Excessive noise or dust emissions at the property line and downwind;
 - d. Large-scale outdoor storage of inputs or products;
 - e. Significant outdoor installations of processing equipment;
 - f. Outside emission of objectionable odors;
 - g. More than ~~3060~~ trips by ~~semi-trailer~~ heavy trucks per day; or
2. Processing of minerals (except precious and semi-precious stone cutting for jewelry or precision instruments such as lasers or watches), ores, logs, pulpwood, or fossil fuels; or
3. Activities that are required to undergo New Source Review under the federal Clean Air Act, or are subject to construction or operation permits pursuant to the Colorado Stationary Sources Program or Title V of the federal Clean Air Act.

Heavy Logistics Center

A wholesaling, warehousing, and / or distribution use that provides a central location for receiving, storing and distributing raw materials, semi-finished goods, or finished goods. Heavy logistics centers may be warehouses in which goods are stored (a.k.a. "product warehouses"), or truck terminals in which goods are transferred between trucks or between trucks and trains or other transportation modes (a.k.a. "truck terminals" or "logistics centers"), or moving warehouses (including indoor storage of portable on-demand storage containers), or wholesaling operations (but not wholesale membership clubs in which memberships are available to the general public). Heavy logistics centers are expected to generate at least ~~5076~~ heavy truck trips per day. Warehousing and distribution uses that involve fewer than ~~7650~~ heavy truck trips per day are classified as Light Industry.

Heavy Truck

A truck with a gross vehicle weight rating of greater than 16,000 pounds.

Heavy Truck Trip

A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.

Historic Structure Any structure that is:

Letter of Map Revision Based on Fill ("LOMR-F")

The Federal Emergency Management Agency's ("FEMA's") amendment, by letter, to an effective Flood Insurance Rate Map ("FIRM") where fill was brought in or used to elevate a property, portion of property, or structure above the Base Flood Elevation ("BFE").

Levee

A man-made embankment, usually earthen, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding. For a levee structure to be reflected on the FEMA FIRMs as providing flood protection, the levee structure must meet the requirements set forth in 44 CFR 65.10.

Little Free Library

A free book exchange for anyone to take and usually the size of a large mailbox.

Light Industry

Uses that involve research and development, assembly, remanufacturing, compounding, packaging, testing, or treatment of products, generally from previously prepared materials or components, with limited outside storage and limited external impacts or risks such that the use is not defined as heavy industry or heavy logistics center. Light industry also includes wholesaling, warehousing, and distribution uses that involve fewer than ~~5076~~ heavy truck trips per day. For illustrative purposes, light industrial uses include:

1. Assembly, testing, repair, or refurbishing of products, instruments, electronics, office and computing machines, and fixtures using pre-manufactured components;
2. Offices of general contractors; specialty subcontractors; tradesmen; or telecommunications providers which include:
 - a. Overhead door access to indoor storage of tools, parts, and materials;
 - b. Parking of commercial vehicles or a fleet of cars, vans, or light trucks that are used in the business; or
 - c. Limited outdoor storage areas;
3. Food production (e.g., commercial kitchen or bakery) and packaging, but not:
 - a. Meat processing involving butchering of large animal carcasses;
 - b. Medical marijuana-infused products manufacture; and
 - c. Restaurants;
4. Beverage production (non-alcoholic) and bottling;
5. Furniture making or refinishing;
6. Manufacture of textiles or apparel;
7. Screen printing of apparel (except low volume screen printing at a retail store);
8. Printing and publishing, except copy centers, and except printing presses that require a Stationary Source permit or Title V of the Clean Air Act permit for air emissions;
9. Research, development, and testing laboratories (e.g., for development of products, equipment, or materials), if not classified as office, general or professional, or heavy industry;
10. Disassembly of consumer electronics and / or appliances into component parts, where all operations and storage are within an enclosed building;
11. Manufacture of glass products (e.g., window panes, bottles and jars), including hand-blown products;
12. Fabrication of building materials such as countertops, drywall, and cut stone (if not classified as heavy industry);

City of Arvada
Community and Economic Development Department
PUBLIC HEARING STAFF REPORT

2022 Land Development Code Amendments
LDC2022-0001

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.

A large package of amendments was approved on March 21, 2022. However, there were a handful of changes that required additional discussion. A workshop with the City Council occurred on April 11, 2022 to discuss the remaining items. Additionally, a workshop with the Planning Commission occurred on June 7, 2022.

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. Revisions to Section 3-1-5-3, Short Term Rentals, for overall clarity, a better definition of the local contact, elimination of specific fees for violations, and clarification of inspection by the City.
2. The addition of Section 4-5-2-9, Fleet Vehicle Parking, to address the maximum number of spaces within a parking area that can be dedication to company-owned or operated vehicles.
3. The addition of Subsection 8-2-3-11I, Call Ups, to allow for City Council review of Administrative Decisions.
4. Revisions to Subsection 8-2-4-3A6, Notice Area, to increase the mailing notice area from property boundaries.
5. The addition of criteria in Subsection 8-3-5-3, Site Plan and Site Plan Amendment, to address previously granted Conditional Use approval.
6. Additional and revised definitions in Chapter 9.

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:

Division 8-3-2 Approval Criteria (05-18-20)	Finding	Rationale
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 the 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	Complies	The proposed LDC amendments are consistent with the intent and purposes of the Code because

the LDC.		the regulations will promote the public health, safety, convenience, comfort, prosperity, and general welfare of the City.
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STAFF RECOMMENDATION

Based upon project analysis and review of the Land Development Code approval criteria, the City team recommends approval of these amendments.

Land Development Code Additional Proposed Amendments Planning Commission Public Hearing

June 21, 2022



We Dream Big and Deliver

WHY THE AMENDMENTS?

Fine-tuning of the Land Development Code was anticipated following adoption in 2020, as new concepts and processes were introduced with the LDC. The bulk of the changes necessary were approved by City Council on March 21st.

Additional discussion on the following items was requested by City Council during the December 13, 2021 workshop. The final proposed changes were discussed with City Council on April 11th.

TOPICS FOR ADDITIONAL DISCUSSION

Radius of Notifications:

- Based on City Council feedback the City team is increasing the notice distance requirement from 500 feet to 1,000 feet for administrative cases, administrative decisions and public hearing cases less than five acres in size and 1,500 feet for cases five acres or more. The City team is also adding a provision in code that would allow the Director to have the ability to reduce the notice requirement for administrative projects that he/she deems to be small, or of limited impact to 500 feet.

TOPICS FOR ADDITIONAL DISCUSSION

Additional Site Plan Criteria for Residential Projects Granted Conditional Use Approval:

- If the application includes residential uses and was granted Conditional Use approval:
 - The number of residential units proposed is within five percent of the number of units presented during the Conditional Use review; and
 - The project shall be substantially similar in design to the conceptual plan presented during the Conditional Use review in terms of the following:
 - Building height(s) and location(s); parking location and number of spaces; landscape areas and bufferyards; and small urban park location(s) (if applicable).

TOPICS FOR ADDITIONAL DISCUSSION

Definition of Fleet Vehicle:

- A group of motor vehicles, such as cars, vans, and/or trucks, excluding semi-trailer trucks, owned or leased by a business, government agency or other organization rather than by an individual or family. Examples are vehicles operated by public utilities, governmental entities and businesses that utilize vehicles to deliver goods to customers, provide off-site services or for sales representatives to travel to clients.
- Limitations:
 - limiting the fleet size to 50% of the minimum parking spaces in the CG zone district, 100% of the minimum parking spaces in the IL zone district, and 200% of the minimum parking spaces in the IG zone district.
 - Fleets with fewer than 25 total vehicles would be exempt.

TOPICS FOR ADDITIONAL DISCUSSION

Heavy Truck Trip:

- Definition: “A heavy truck trip involves the inbound or outbound movement of the truck on a site, with each movement being considered a single trip.”

Company	Average Daily Trips	Peak Daily Trips
Wanco	14	22
Liva Nova	22	34
Prescient	6	10
Sundyne	50	64
Sartorius	15	20
Easter Owens	6	12

TOPICS FOR ADDITIONAL DISCUSSION

Heavy Truck Trip:

- The threshold between Light Industry and Heavy Logistics Center is proposed to be reduced from 100 one way trips to 76 trips. This number of trips will keep all existing businesses conforming under the LDC. Under the current code definition 50 round trips = 100 one way trips.

Appeals Process:

- No changes are proposed, except for the increase in the notice area requirement to 1,000 or 1,500 feet.

TOPICS FOR ADDITIONAL DISCUSSION

Call Up by City Council:

- Following an Administrative Decision by the Director, City Council would be notified of the action in the Weekly Memo.
- Within 17 days, any Councilmember could request review of a case. A majority of the City Council present at a business meeting would need to agree to hear the case.
- Should the City Council agree to hear the case, a public hearing date would be set and notice provided.
- The public hearing would be treated as a new item, with testimony from the public and the applicant allowed.
- City Council could approve, approve with conditions, or deny the application.

TOPICS FOR ADDITIONAL DISCUSSION

Call Up by City Council:

- If an Administrative Decision is not called up at the next City Council business meeting, it shall be deemed approved/denied as determined by the Director.

Reviews Since Adoption of the LDC:

Case Type	Number of Cases Approved	Cases Appealed
Administrative (Site Plan, Master Development Plan, Minor Modification, Plat, Certificate of Compliance)	143	1 (Grandview Station)
Public Hearing (Major Modification, Conditional Use, PUD)	29	0

TOPICS FOR ADDITIONAL DISCUSSION

Short Term Rentals:

- Planning Commission was concerned that “local contact person” was limited to an individual when requiring a response to an issue with the short term rental. The City team recommends adding “management company” to the section describing the contact to clarify who can be responsible for responding.
- Planning Commission also asked for the regulations to delineate between immediate right of entry to inspect for life and safety issues and authority to inspect for compliance prior to issuance of a license. The team recommends that during the license term, the licensee must make the property available for inspection at the request of the Director and refusal to do so could result in the revocation of the license.

TOPICS FOR ADDITIONAL DISCUSSION

Add or revise definitions:

- Heavy Logistics Center (to indicate more than 76 heavy truck trips)
- Light Industry (to indicate up to 76 heavy truck trips)
- Heavy Truck Trip (as defined earlier)

PUBLIC HEARING

Planning Commission public hearing scheduled for June 21st.

Additional Questions?



REPORT TO PLANNING COMMISSION

AGENDA ITEM
9.A.

TO: PLANNING COMMISSION

DATE: June 21, 2022

SUBJECT: Cancellation of July 5, 2022 Planning Commission Meeting

Report in Brief

MOTION:

MOVED BY: _____

That DA2020-0102, NAME OF CASE and LOCATION, be recommended to City Council for (approval subject to the condition stated in the Staff Report, Item ___, Page ___) (denial).

This motion is based on the findings of fact and approval criteria on Page(s) ___ 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:

Josie Suk, Development Systems and Administrative Manager 6/9/2022

Enclosure, exhibits & attachments required to support the report