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Chapter 1 – Preliminaries

Article 1-1 Preliminaries

Division 1-1-1 Title, Purpose, Authority, and Applicability

1-1-1-1 Title; Short Title

1. **Generally.** The regulations of this Land Development Code shall be officially known and cited as the “Arvada Land Development Code.”
2. **Short Title.** The Arvada Land Development Code may be referred to herein as “LDC” or “this Code.”

1-1-1-2 Purpose and Intent

The purpose and intent of this Code is to:

1. Implement the City of Arvada Comprehensive Plan, as that plan may be amended or replaced from time to time;
2. Ensure that all development in the City is consistent with the spirit and intent of other plans and policies adopted by City Council;
3. Promote the public health, safety, convenience, comfort, prosperity, and general welfare;
4. Promote the creation of safe, unique, interesting, inclusive, and economically vibrant places throughout the City;
5. Protect the quality and character of stable residential neighborhoods;
6. Promote the economic development and fiscal sustainability of the City;
7. Encourage efficient and connected multimodal transportation and circulation systems serving drivers, bicyclists, pedestrians, and transit riders;
8. Encourage the conservation and efficient use of water and other natural resources;
9. Ensure the provision of adequate public facilities and services for new development and redevelopment;
10. Provide for the consistent, predictable, and equitable administration of City land use and development regulations;
11. Implement a connected system of parks, trails, and open spaces that promote improved outdoor activity and public health; and
12. Provide protection from nuisances and hazards.

1-1-1-3 Authority

This Code is enacted pursuant to the City of Arvada Home Rule Charter and the powers granted and limitations imposed on municipalities by the Constitution and laws of the State of Colorado, including without limitation C.R.S. § 29-20-101, *et seq.* (The Local Government and Land Use Enabling Act).

1-1-1-4 Applicability

- A. **Generally.** The provisions of this Code shall apply to:
1. All land and land development within the incorporated areas of the City of Arvada;
 2. All buildings, structures, and uses of the land within the incorporated areas of the City of Arvada;
 3. Except as stated herein or as provided by applicable controlling law, all buildings, structures and land owned by the City or its agencies or departments, by Jefferson County or its agencies or departments, or by utilities, school districts, and special or metropolitan districts located within the incorporated areas of the City of Arvada; however, the provisions of this Code shall not require formal subdivision of land as a result of actions taken by the City to acquire land or interests in land, *e.g.*, easements for public purposes; and
 4. All buildings, structures, and land owned by state or federal governmental agencies within the incorporated areas of the City of Arvada, to the greatest extent permitted by law.
- B. **Emergencies.** When an emergency threatening life, safety, or property exists or when an immediate need exists in the aftermath of such an emergency, and appropriately addressing the emergency or its aftermath in a timely manner would be inconsistent with the otherwise applicable procedures and requirements of this Code, the land use activities of the City or any City agency, department, district, or utility responsible for the facility involved in the emergency, may be exempt from the procedural requirements of this Code. When such exemption is applied, the City or agency shall complete any improvements or revegetation that would have been required if normal procedures had been followed as soon as reasonably practicable after the necessary emergency or remedial actions are taken. The City Council shall ratify such exemption after-the-fact at its next regularly scheduled public meeting, and shall base its ratification on specified findings of fact related to the emergency involved.

Division 1-1-2 Minimum Standards and Compliance

1-1-2-1 Minimum Standards

The provisions of this Code shall be considered the minimum requirements necessary for the promotion of the public health, safety, convenience, comfort, prosperity, and general welfare.

1-1-2-2 Compliance

- A. **Use or Occupancy.** No building, structure, or land shall hereafter be used or occupied, and no building or structure or portion thereof shall hereafter be erected, moved, constructed, reconstructed, extended, enlarged, or altered contrary to the provisions of this Code, including without limitation the provisions of Chapter 9 Nonconformities.
- B. **Multiple Use of Space Prohibited.** No part of a yard or other open space or off-street parking or loading space required about or in connection with any building or land use for the purpose of complying with this Code shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building or land use, except as specifically allowed in an approved development or an approved shared parking arrangement.

- C. **Future Reduction or Creation of Lots and Yards.**
 - 1. No yard or lot existing at the time of the adoption of this Code shall be reduced in dimensions or area below the minimum requirements set forth in this Code, except where reduction is specifically authorized by this Code.
 - 2. Yards or lots created after the effective date of this Code shall meet at least the minimum requirements established by this Code.
- D. **Property Annexed to the City.**
 - 1. Any territory annexed to the City shall be zoned pursuant to the applicable procedures and requirements of this Code and of the Arvada City Code. No lands within the corporate limits of the City of Arvada shall be without a zoning district designation for more than ninety (90) days, during which period no building permit shall be issued.
- E. **Nonconforming Uses, Structures, and Lots.**
 - 1. See Chapter 9 of this Code for regulations regarding nonconforming uses, buildings, structures, signs, lots, and residential densities.

Division 1-1-3 Rules of Construction and Interpretation

1-1-3-1 Rules of Interpretation

- A. **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this Code shall be construed according to this Code's stated purpose and intent.
- B. **Text to Govern.** In case of any difference of meaning or implication between the text of this Code and any heading, drawing, table, or figure, the text shall control.
- C. **Figures and Illustrations.** All figures and illustrations in this Code are intended to help the reader understand terminology and concepts used in this Code, unless otherwise indicated. Illustrations are not drawn to scale and are not to be interpreted as examples of character or design that must be matched.
- D. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
- E. **Computation of Time.** Periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other nonbusiness/working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.
- F. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City of Arvada, unless otherwise indicated.
- G. **Delegation of Authority.** Whenever a provision appears requiring the head of a department or division, or another officer or employee of the City to perform an act or duty, that provision shall be construed as authorizing the department/division head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- H. **Rules of Word Usage.**

The following rules of word usage apply to the text of this Code:

 - 1. The word "shall" is always mandatory and not discretionary. The words, "may" or "should" are permissive except that the word "should" as used in specific guidelines contained within the Design Guidelines for Olde Town Arvada, and as used in the guidelines designated as "mandatory" within the Design Guidelines for the Reno Park Addition Historic District, shall be construed as mandatory.

2. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - a. "And" indicates that all connected items, conditions, provisions, or events shall apply;
 - b. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.
3. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.
4. Technical and non-technical words and phrases not otherwise defined in this Code shall be construed according to the common and approved usage of the language, but technical words and phrases not otherwise defined in this Code that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

1-1-3-2 Correction of Obvious Errors

Nothing in this Code shall be construed as a limitation upon the power of the Director of Community and Economic Development to correct obvious typographical or compositional errors, provided:

1. Such corrections shall not change the legal effect of this Code or any part thereof.
2. Such correction will be reported to the Planning Commission and the City Council.

Division 1-1-4 Relationship to Other Codes, Ordinances, and Regulations

1-1-4-1 Conflict with State or Federal Regulations

If the provisions of this Code are inconsistent with those of the state or federal government, the provisions of this Code will control, to the extent permitted by law.

1-1-4-2 Conflict with Other City Regulations

Unless otherwise provided herein, if the provisions of this Code are inconsistent with one another, or if they conflict with provisions found in other adopted codes, ordinances, or regulations of the City of Arvada, the more restrictive provision will control. Notwithstanding the foregoing, where provisions of this Code conflict with the Design Guidelines for Olde Town Arvada, or the Design Guidelines for the Reno Park Addition Historic District such Design Guidelines will control.

1-1-4-3 Conflict with Private Agreements

It is not the intent of this Code to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Code impose a greater restriction than imposed by a private agreement, the provisions of this Code will control. If the provisions of a private agreement impose a greater restriction than this Code, the provisions of the private agreement will control. The City shall not be responsible for monitoring or enforcing private agreements.

Division 1-1-5 Comprehensive Plan

1-1-5-1 Purpose

The purpose of the Comprehensive Plan is to provide city-wide policies to guide major decisions of the City, including decisions on zoning, annexation, and other land use related decisions. The Comprehensive Plan, and the adopted plans which have been incorporated by reference, may include but not be limited to special focus elements such as parks, transit-oriented development, and bicycle connections.

1-1-5-2 Relationship between Comprehensive Plan and this Code

- A. The Comprehensive Plan is the principal document guiding development for the City and the City's planning area. This Code is the primary implementation document of the Comprehensive Plan. Together, these documents establish guidelines and standards, and regulate land use within the City.
- B. When considering amendments to this Code text and/or maps, the Planning Commission and City Council shall pay reasonable regard to the policies of the Comprehensive Plan.

Division 1-1-6 Effective Date, Transitional Provisions, and Severability

1-1-6-1 Effective Date of Code

The effective date of this Land Development Code is May 26, 2020.

1-1-6-2 Transitional Provisions

This Section addresses the applicability of new substantive standards enacted by this Code to activities, actions, and other matters that are pending or occurring as of the effective date of this Code.

- A. **Violations continue.** Any violation of the previous land development regulations of the City shall continue to be a violation under this Code and shall be subject to the penalties and enforcement set forth in Chapter 10 of this Code, unless the use, development, construction, or other activity is clearly consistent with the express terms of this Code.
- B. **Completion of development plans commenced or approved under previous codes.**
 - 1. **Buildings or Developments with Previously Issued Building Permits.**
 - a. Any building or development for which a building permit was granted prior to the effective date of this Code shall be permitted to proceed to construction even if such building or development does not conform to the provisions of this Code.
 - b. If construction is not commenced within 60 days from building permit issuance, and if work is not completed and the intended use not established in accordance with the applicable permit terms within 18 months of building permit issuance, the Planning Commission may, for good cause shown, grant not more than one extension of up to one year. If the building or development is not substantially completed within the 18-month period, or within any extension granted, then the building shall be constructed, completed, used, or occupied only in compliance with the requirements of this Code.
- C. **Developments with PUD Approval.** A development for which a PUD development plan was granted approval prior to the effective date of this Code may be completed in accordance with the approved plan, an approved plat, and any other approved permits and conditions, even if the

development does not comply with one or more general development standards set forth in Chapters 4 and 5 of this Code, per Section 8-3-10-7, PUDs Approved Prior to Effective Date.

1-1-6-3 Severability

- A. If any court of competent jurisdiction declares that any section, Subsection, or provision of this Land Development Code is invalid, such judgment shall not affect the validity of the remaining provisions of this Code.
- B. If any court of competent jurisdiction invalidates the application of any provision of this Code to a development, such judgment shall not affect the application of that provision to any other development not specifically included in the judgment.
- C. If any court of competent jurisdiction invalidates any condition attached to a development approval granted under this Code, such judgment shall not affect the validity of any other condition attached to the approval that is not specifically included in the judgment.

Chapter 2 - Zoning Districts

Article 2-1 Zoning Districts and Lot and Building Standards

Division 2-1-1 Purpose and Application of Article

2-1-1-1 Purpose of Article

- A. **Generally.** The purpose of this Article is to create zones within the City for the application of this Code, introduce the Official Zoning Map, set out the lot and area dimensions for the zoning districts, identify the housing palette, and identify exceptions to the lot, area, and height dimensions.

2-1-1-2 Application of Article

- A. **Generally.** This Article provides the background about how to use this Article, and not to establish substantive requirements or limit the effect of the individual Divisions and Sections of this Article.
- B. **Establishment of Zoning Districts.** Division 2-1-2, Establishment of Zoning Districts, establishes the basic geographic framework for application of most of the other Chapters and Articles of this Code. The Division:
 - 1. Establishes the zoning districts in which various uses of land and intensities of development are allowed;
 - 2. Establishes the Official Zoning Map of the City of Arvada and provides rules for its interpretation of zoning district and overlay zone boundaries;
 - 3. Provides for how land will be zoned upon annexation; and
 - 4. Provides standards for rezoning property from one zoning district to another.
- C. **Zoning Districts and Lot and Building Standards.**
 - 1. **Content.** Division 2-1-3, Parks and Open Space and Residential Districts, through Division 2-1-6, Commercial and Industrial Districts, set out the purpose of each zoning district and the lot and building standards, e.g., building height, setbacks, and minimum lot area, that apply within each zoning district. For residential development, some of the residential and mixed-use zoning districts utilize the housing palette in Division 2-1-8, Housing Palette, for residential bulk standards.
 - 2. **Illustrations and Images.** For each base zoning district, an illustration demonstrates visually how the district's lot and building standards apply to lots, buildings, and structures. The purpose of the illustrations is to show the general character of the district but not necessarily the specific locations or buildings. The illustrations do not necessarily reflect all standards that may apply to development. If an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern. Images, including photographs, are provided to assist readers in envisioning the intent of the Code and do not act as guidelines or standards.
- D. **Housing Palette.** Division 2-1-8, Housing Palette, establishes the bulk standards for a variety of housing types.

- E. **Principal Buildings.** Section 2-1-9-1, One Principal Building per Lot, establishes standards for the number of principal buildings permitted on a lot.
- F. **Arterial Street Setbacks.** Section 2-1-9-2, Arterial Street Setbacks, establishes required minimum setbacks from arterial streets for single-family detached, duplex, townhomes and accessory dwelling units except along Ralston Road located west of Olde Town and east of Oak Street.
- G. **Setbacks and Exceptions.** Division 2-1-10, Exceptions and Adjustments to Lot and Building Standards, establishes the permitted encroachments and exceptions to lot and building standards, the height transition to RA and RN zoning districts or single-family detached units located in unincorporated Jefferson County, double frontage lots, and specific modification of lot area and width standards.

Division 2-1-2 Establishment of Zoning Districts

2-1-2-1 Zoning Districts Established

- A. **Generally.** In order to carry out the provisions of this Code, the City is divided into the following zoning districts, and subdistricts:
 - 1. Parks and Open Space District
 - a. OS Parks and Open Space District
 - 2. Residential Districts
 - a. RA Residential / Agricultural District
 - b. RN Residential Neighborhood District
 - i. RN-32.5 Residential Neighborhood 32,500 Subdistrict
 - ii. RN-12.5 Residential Neighborhood 12,500 Subdistrict
 - iii. RN-7.5 Residential Neighborhood 7,500 Subdistrict
 - iv. RN-6 Residential Neighborhood 6,000 Subdistrict
 - v. RN-4 Residential Neighborhood 4,000 Subdistrict
 - vi. RN-D Residential Neighborhood Single Family and Duplex Subdistrict
 - c. R6 Residential 6 District
 - d. R13 Residential 13 District
 - e. R24 Residential 24 District
 - 3. Mixed-Use Districts
 - a. MX-N Mixed-Use, Neighborhood District
 - b. MX-S Mixed-Use, Suburban District
 - c. MX-U Mixed-Use, Urban District
 - d. MX-T Mixed-Use, Transit-Oriented District
 - 4. Olde Town Zoning District
 - a. OT-E Olde Town East Subdistrict
 - b. OT-EY Olde Town East Yukon Subdistrict
 - c. OT-GV Olde Town Grandview Subdistrict
 - d. OT-OW Olde Town Olde Wadsworth Subdistrict
 - e. OT-RN Olde Town Residential Neighborhood Subdistrict
 - f. OT-RR Olde Town Ralston Road Subdistrict

- g. OT-W Olde Town Webster Subdistrict
- 5. Commercial District
 - a. CG Commercial, General District
- 6. Industrial Districts
 - a. IL Industrial, Light District
 - b. IG Industrial, General District
- 7. Planned Unit Development District
 - a. PUD Planned Unit Development District

2-1-2-2 Official Zoning Map

- A. **Official Zoning Map Adopted.** The boundaries of zoning districts are shown upon the map entitled “Official Zoning Map of the City of Arvada” , referred to herein after as “Zoning Map” , which is incorporated into and made part of this Code by this reference.
- B. **Force and Effect.** The Zoning Map and all notations, references, and other information shown on it are a part of this Code and have the same force and effect as this Code.
- C. **Status of Zoning Map.** The Zoning Map that is on file at the City shall control in the event of a conflict between the map that is on file and any other reproduction of said map.
- D. **Maintenance of Zoning Map.** Amendments to the Zoning Map shall be made administratively to implement all zone boundary changes approved by Ordinance of the City Council. Technical changes to the Zoning Map that are necessary to ensure that the Zoning Map accurately reflects zone boundaries shall also be made administratively.

2-1-2-3 Interpretation of Zoning Map

- A. **Generally.** The precise location of any zone boundary line shown on the Zoning Map shall be defined by the rules of this Section.
- B. **Rezoning Ordinances.**
 - 1. Rezoning ordinances shall be promptly reflected on the Zoning Map. The boundaries of property that are specified in a rezoning ordinance are controlling, except as provided in this Subsection.
 - 2. Conflicts between the zone boundaries on the Zoning Map and the zoning for property provided by an adopted rezoning ordinance dated after the effective date of this Code could result from administrative or scrivener’s errors. In the event of such conflict:
 - a. It is presumed that the adopted rezoning ordinance controls, and the Zoning Map shall be promptly corrected when the conflict is identified. The Director shall provide written notice of the correction to the owners of property that is the subject of a Zoning Map correction.
 - b. The presumption may be rebutted if it is obvious that the error is within the text of the rezoning ordinance, in that:
 - i. The rezoning affects property that was not the subject of the application for rezoning; or
 - ii. The rezoning affects only a portion of the property that was the subject of the application, the application requested rezoning for the entire property, and the

application was granted without conditions that restricted the extent of the rezoning.

3. Any conflict between the boundaries on the Zoning Map and a development approval granted before the effective date shall be resolved as follows:
 - a. If the Zoning Map conflicts with a rezoning ordinance adopted before the effective date, the Zoning Map boundaries control. However, if the rezoning ordinance was tied to a site specific development plan, then the Zoning Map designation shall not interfere with any vested rights created by the site specific development plan.
 - b. If the Zoning Map conflicts with a Planned Unit Development (“PUD”) boundary that was approved before the effective date but is not yet built-out, the PUD controls, unless there is record evidence to show that the Zoning Map was intended to adjust the boundaries of the PUD.
 - c. If the Zoning Map conflicts with an approved PUD that is either expired or built-out, then the Zoning Map controls.
 - d. If the Zoning Map conflicts with a development or annexation agreement, then the conflict shall be resolved according to the terms of the agreement.
- C. **Interpretation of Zoning District Boundaries.** In the absence of a rezoning ordinance that specifies parcel boundaries, where zone boundary lines appear to follow identifiable features, their location shall be determined by applying the following:
 1. *Rights-of-Way.* Boundary lines shown as following, or approximately following, streets, alleys, railroad tracks, or utility lines shall be construed as following the centerline of the right-of-way. Where the location of the actual streets or alleys differs from the location of corresponding streets or alleys on the Zoning Map, the location of the actual streets or alleys controls.
 2. *Property Lines.* Boundary lines shown as following, or approximately following, lot lines or other property lines shown on the Zoning Map shall be construed as following such lines.
 3. *Watercourses.* Boundary lines shown as following, or approximately following, the centerline of streams, canals, or other watercourses shall be construed as following the channel centerline. In the event of a natural change in the location of such streams or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline. However, such movement shall not render existing development nonconforming.
 4. *Parallel to Features.* Boundary lines shown as separated from and parallel, or approximately parallel, to any of the features listed in paragraphs 1. through 4. above, shall be construed to be parallel to such features and at such distances as are shown by the scale on the Zoning Map.
 5. *Unclear Zoning District Boundaries.* In the event that a zoning district boundary is unclear or is disputed, the Director shall determine the location of the zoning district boundary.
- D. **Un-subdivided Land or No Identifiable Feature.** In the absence of a rezoning ordinance that specifies parcel boundaries, on un-subdivided land, or where a district boundary follows no identifiable feature, the location of zone boundaries shall be determined by applying the following rules:
 1. *Text Dimensions.* The boundary shall be located by reference to dimensions shown in text on the Zoning Map, if any.
 2. *Map Scale.* The boundary shall be located using the map scale appearing on the Zoning Map.

- E. **All Land Within City Limits Shall Be Zoned.** It is the intent of the City Council that all land within the City be zoned.

2-1-2-4 Zoning of Annexed Land

- A. **Generally.** Zoning of annexed land or land in the process of annexation is an initial zoning. The standards and procedures that apply to zoning of annexed land are the same as those applied to a rezoning of property within the City limits.
- B. **Timing of Adoption of Zoning Ordinance.** An ordinance proposing zoning of a parcel or parcels to be annexed shall not be finally adopted by the City Council before the date of final adoption of the annexation ordinance, but the annexation ordinance and the zoning ordinance for the annexed property may be processed concurrently, and at the City's discretion may be combined into a single ordinance as may be permitted by state law.
- C. **Compliance with State Law.** All annexations to the City shall meet the requirements of C.R.S. § 31-12-101, *et seq.*, the "Municipal Annexation Act of 1965," as amended.

2-1-2-5 Official Floodplain Maps

- A. **Official Floodplain Maps Adopted.** The location and boundaries of the Regulatory Floodplain designated in Division 4-1-2 Floodplain Regulations of this Code are hereby established as shown on the map prepared by Public Works entitled "Official Floodplain Map," and hereafter referred to as the Official Floodplain Maps, as may be amended. The boundaries of the Regulatory Floodplain, Flood Fringe Sub-Zone, and Floodway Sub-Zone are based upon technical data in scientific and engineering reports produced by the Federal Emergency Management Agency (FEMA) entitled, "Flood Insurance Study, Jefferson County, Colorado and Incorporated Areas," and the accompanying Flood Insurance Rate Maps dated December 20, 2019, and "Flood Insurance Study, Adams County, Colorado and Incorporated Areas" and the accompanying Flood Insurance Rate Maps dated March 5, 2007. This information is incorporated on the Official Floodplain Map of the City of Arvada, which is hereby adopted into this Code. Said map and studies, together with everything shown thereon and all amendments thereto, shall be as much a part of this Section as if fully set forth and described herein. Each change in the Official Floodplain Map shall be subject to the amendment procedure as required in Section 8-3-4 of this Code.
- B. **Adopted by reference.** The Official Floodplain Map, together with all explanatory notations and matter thereon, is hereby adopted by reference and declared to be a part of this Code.
- C. **Status of Official Floodplain Map.** The Official Floodplain Map that is on file at the City shall be the final authority as to the zoning status of all floodplain areas in the City.

Division 2-1-3 Parks and Open Space and Residential Districts

2-1-3-1 OS: Parks and Open Space

- A. **Purpose.** The purpose of the Parks and Open Space (OS) zoning district is to provide for public parks, open space, nature preserves, recreation facilities, golf courses, greenbelts, cemeteries, waterways, trails, protected floodplains, and fields.
- B. **Relationship to the Comprehensive Plan.** The OS zoning district generally implements the “Open Space and Parks” and “Public and Quasi-Public Facilities” land use categories stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the OS zoning district are set out in Table 2-1-3-1A, Parks and Open Space Lot and Building Standards.

Figure 2-1-3-1: Illustrative Parks and Open Space Lot and Building Standards

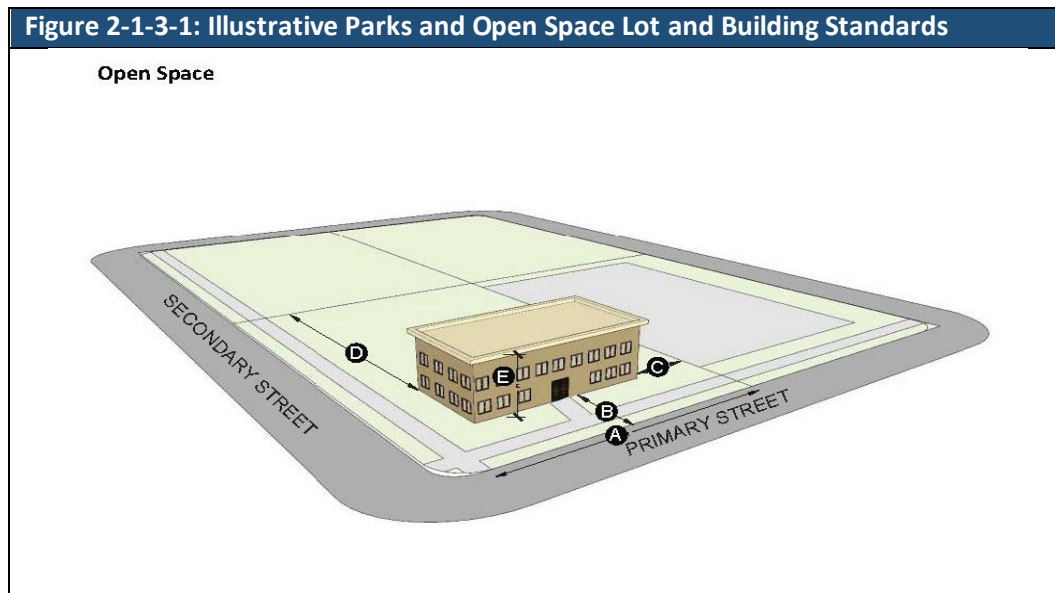


Table 2-1-3-1A: Parks and Open Space Lot and Building Standards		
Standard		All Lot Types
	Min. Lot Area	No Minimum
	Min. Lot Width	No Minimum
	Max. Lot Coverage	No Minimum
Setback Standards		
A	Min. Front	10 ft. ¹
B	Min. Street Side	10 ft.
C	Min. Interior Side	5 ft.
D	Min. Rear Setback	5 ft.
	Min. Front Parking	20 ft. ¹
Building Standards		
E	Max. Height	35 ft.
	Max. Height, Accessory Building	20 ft.
	Max. Height, Mini Structure	12 ft.
TABLE NOTES:		
¹ Setback standards may be modified if the Director determines that a different requirement is appropriate in order to provide desired public amenities.		

- D. **Cross-References.** The cross-references in Table 2-1-3-1B, Cross-References for Parks and Open Space, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-3-1B: Cross-References for Parks and Open Space	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Mini-Structures (e.g., Playground Equipment)	Section 5-1-4-3, Mini-Structures
Accessory Buildings-Nonresidential	Section 5-1-6, Supplemental Standards for Nonresidential
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems

2-1-3-2 RA: Residential / Agricultural

- A. **Purpose.** The purpose of the Residential / Agricultural (RA) zoning district is to provide for “semi-rural” (rural, countryside, or estate) character, in the form of large-lot single-family residential neighborhoods; and agriculture, urban agriculture, greenhouses, stables, or other equestrian uses.
- B. **Relationship to the Comprehensive Plan.** The RA zoning district generally implements the “Low Density Residential” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the RA zoning district are set out in Table 2-1-3-2A, Residential / Agricultural Lot and Building Standards.

Figure 2-1-3-2: Illustrative Residential / Agricultural Lot and Building Standards

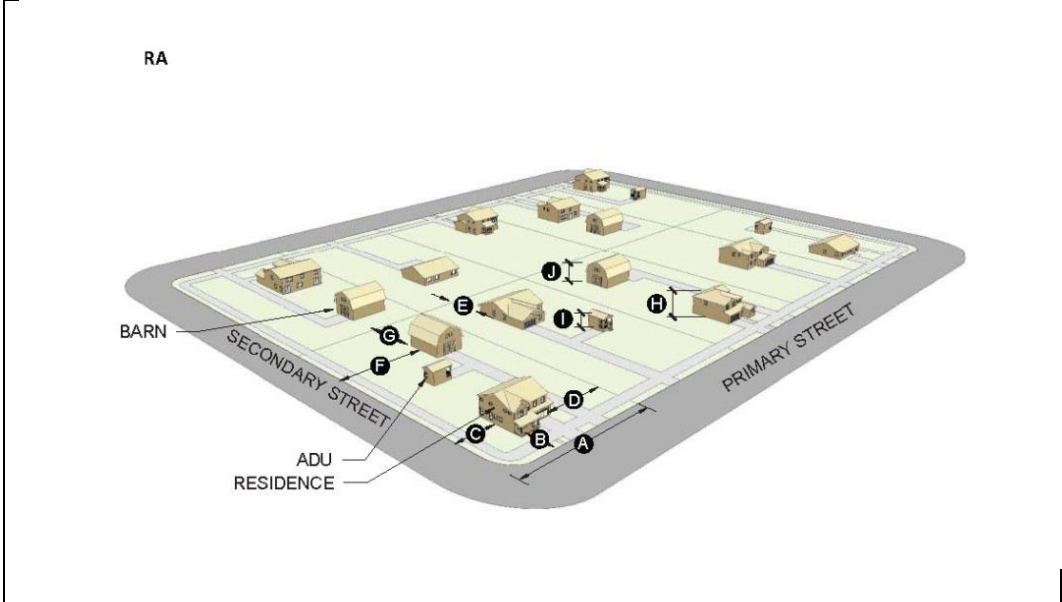


Table 2-1-3-2A: Residential / Agricultural Lot and Building Standards

Standard		Lot Type	
		Residential	Nonresidential
Lot Standards			
	Min. Lot Area	1 acre	2 acres
A	Min. Lot Width	150 ft.	150 ft.
	Min. Lot Width (Corner)	150 ft.	150 ft.
	Max. Lot Coverage	20%	15%
Setback Standards (Principal Buildings)			
B	Min. Front Setback	30 ft.	30 ft.
C	Min. Street Side Setback	25ft.	30 ft.
D	Min. Interior Side Setback	15 ft.	25 ft.
E	Min. Rear Setback	15 ft.	25 ft.
	Min. Arterial Setback ¹	100 ft.	No Minimum

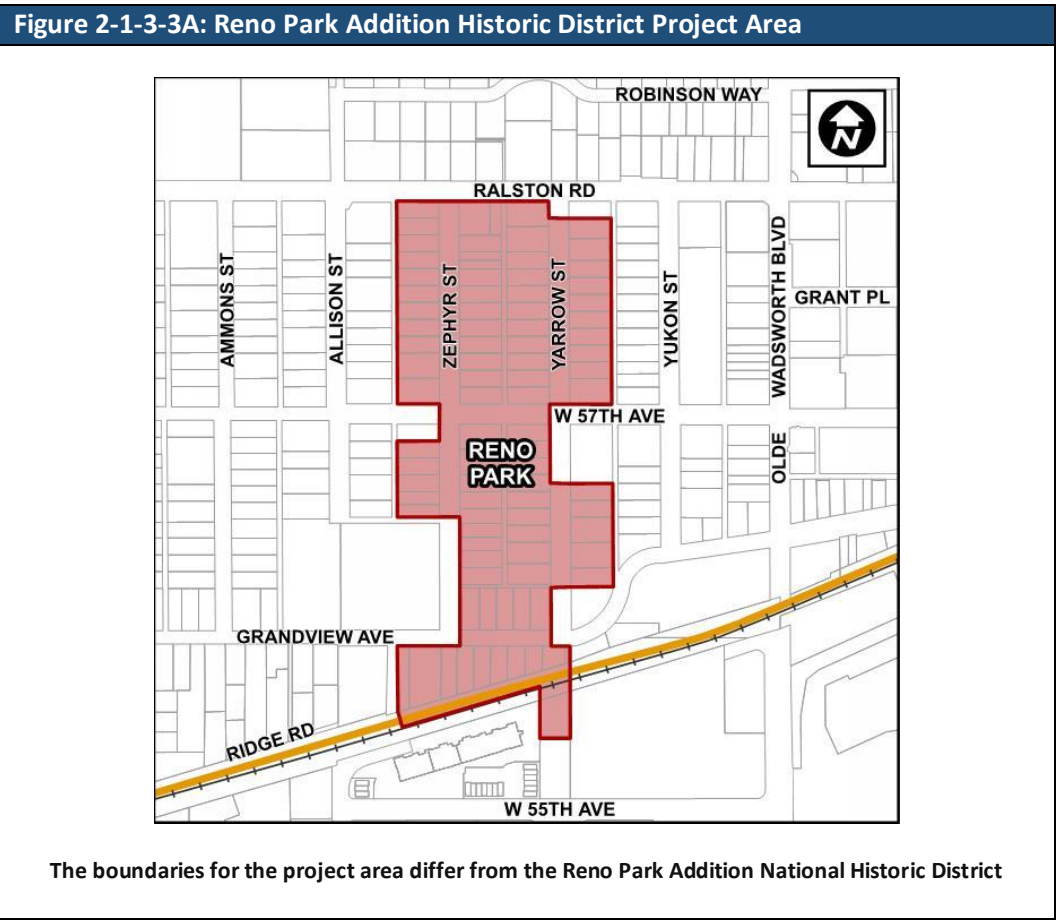
Table 2-1-3-2A: Residential / Agricultural Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
Setback Standards (Barns and Stables)			
	Min. Front Setback	30 ft.	30 ft.
	Min. Interior Side Setback ²	25 ft.	25 ft.
F	Min. Street Side Setback	30 ft.	25 ft.
G	Min. Rear Setback ³	25 ft.	25 ft.
Building Standards			
H	Max. Height, Principal Building	35 ft.	35 ft.
I	Max. Height, ADU (detached)	30 ft.	-
	Max. Height, Accessory Building except Barns & Stables	20 ft.	20 ft.
J	Max. Height, Barns and Stables	35 ft.	-
	Max. Height, Mini Structure	12 ft.	12 ft.
TABLE NOTES: ¹ Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks. ² Minimum interior side setback can be reduced to 15 ft. if lot is adjacent to another lot with a barn or stable. ³ Minimum rear setback can be reduced to 15 ft. if lot is adjacent to another lot with a barn or stable.			

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

Table 2-1-3-2B: Cross-References for Residential / Agricultural	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Business Use of the Home	Division 3-1-5, Business Use of the Home
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Building Design Standards	Division 5-1-2, Building and Structure Design Standards; and Section 5-1-4-1, Decks, Balconies, and Porches
Mini-Structures (e.g., Playground Equipment)	Section 5-1-4-3, Mini-Structures
Accessory Dwelling Units	Section 5-1-5-2, Accessory Dwelling Units
Accessory Buildings (Residential)	Section 5-1-5-3, Accessory Buildings
Satellite Dishes, Antennas, and Amateur Radio	Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Accessory Buildings (Non-Residential and Multifamily)	Section 5-1-6-1.E, Number of Accessory Buildings or Free-Standing Accessory Structures

2-1-3-3 RN: Residential Neighborhood

- A. **Purpose.** The purpose of the Residential Neighborhood (RN) zoning district is to maintain the character of mature, established neighborhoods in locations where residents expect that the character be relatively stable and allow development, redevelopment, and / or public projects that are consistent with a neighborhood’s architectural character.
- B. **Relationship to the Comprehensive Plan.** The RN zoning district generally implements the “Suburban Residential” land use category stated in the Comprehensive Plan.
- C. **Subdistricts.** The Residential Neighborhood zoning district is divided into six subdistricts (RN-32.5, RN-12.5, RN-7.5, RN-6, RN-4, and RN-D) in order to reflect and preserve the existing development patterns within each subdistrict, while allowing for redevelopment and expansions of existing buildings at scales that are not disruptive of the surrounding neighborhood fabric.
- D. **Reno Park Addition Historic District Project Area.** The Reno Park Addition Historic District Project Area is an area of historic and architectural value and modifications to existing buildings types and new development shall adhere to the mandatory Design Guidelines for the Reno Park Addition Historic District Project Area contained in Appendix B of this Code. All projects located within the Reno Park Addition Historic District Project Area affected by the mandatory guidelines shall obtain a Certificate of Compliance with Design Guidelines in accordance with Section 8-3-5-4 prior to the approval of any permit. The boundaries of the Reno Park Addition Historic District Project Area are shown in Figure 2-1-3-3A, Reno Park Addition Historic District Project Area.



- E. **Residential Lot and Building Standards by Subdistrict.** The standards for residential lots and buildings in each RN subdistrict are set out in Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards. The lot and building standards are applied as follows:
1. **Existing Lots and Existing Buildings.** All existing residential lots and existing residential buildings in the RN zoning district that were legally established shall become conforming on the effective date of this Code, regardless of whether they then conform to the standards of this Section.
 2. **Expansion of Existing Residential Buildings.**
 - a. If a proposed building expansion extends beyond the existing foundation and does not comply with one or more of the setback standards of Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards, then the Director may authorize a minor modification pursuant to Section 8-3-11-3, Administrative Minor Modifications.
 - b. If an existing legally established residential building exceeds the height limitations of Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards, all additions to the building shall comply with the standards in Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards.
 3. **New Residential Buildings.** New residential buildings shall comply with all setback, building height, and lot coverage standards in Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards. New residential buildings may be constructed on existing legally established lots that do not conform to the standards of Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards.
 4. **Creation of New Lots.** The lot area and lot width standards in Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards, apply to the creation of new residential lots by subdivision or resubdivision.
- F. **Nonresidential Lot and Building Standards by Subdistrict.** The standards for nonresidential lots and buildings in each RN subdistrict are set out in Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards. The lot and building standards are applied as follows:
1. **Existing Lots.** All existing nonresidential lots in the RN zoning district that were legally established shall become conforming on the effective date, regardless of whether they then conform to the standards of this Section.
 2. **Expansion of Existing Nonresidential Buildings.** No expansion of an existing nonresidential building shall extend beyond the applicable limitations set out in Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards.
 3. **New Buildings.** New buildings shall comply with all setbacks, building height, and building coverage standards in Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards. New buildings may be constructed on existing lots that do not conform to the standards of Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards.
 4. **Creation of New Lots.**
 - a. The lot area and lot width standards in Table 2-1-3-3A, Residential Neighborhood Lot and Building Standards, apply to the creation of new nonresidential lots by subdivision or resubdivision.
 - b. Parks are exempt from minimum lot area and minimum lot width standards.

Figure 2-1-3-3B: Illustrative Residential Neighborhood Lot and Building Standards



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

Standard	Subdistrict						
	RN-32.5	RN-12.5	RN-7.5	RN-6	RN-4	RN-D	
Residential Uses							
Housing Type	Single-Family	Single-Family	Single-Family	Single-Family	Single-Family	Single-Family	Duplex
Lot Standards							
Min. Lot Area	32,500 sf.	12,500 sf.	7,500 sf.	6,000 sf.	4,000 sf.	6,000 sf.	9,000 sf.
A Min. Lot Width	100 ft.	100 ft.	75 ft.	50 ft.	40 ft.	60 ft.	75 ft.
Min. Lot Width (Corner)	100 ft.	100 ft.	85 ft.	60 ft.	40 ft.	75 ft.	85 ft.
Max. Lot Coverage	25%	35%	40%	40%	40%	40%	30%
Setback Standards							
B Min. Front	30 ft.	30 ft.	20 ft.	18 ft.	18 ft.	18 ft.	25 ft.
C Min. Street Side ¹	25ft.	25 ft.	20 ft.	13 ft.	13 ft.	13 ft.	20 ft.
D Min. Interior Side	15 ft.	10 ft.	7.5 ft.	5 ft.	5 ft.	5 ft.	10 ft.
E Min. Rear	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.
Min. Rear, Alley ¹	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Min. Arterial Setback ²	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
Building Standards							
F Max. Height, Principal Building	35 ft.	28 ft.	28 ft.	28 ft.	28 ft.	28 ft.	28 ft.
Max. Height, ADU (detached)	30 ft.	25 ft.	25 ft.	25 ft.	25 ft.	25 ft.	-

Table 2-1-3-3A: Residential Neighborhood Lot and Building Standards							
Standard		Subdistrict					
		RN-32.5	RN-12.5	RN-7.5	RN-6	RN-4	RN-D
G	Max. Height, Accessory Building except for Barns and Stables	20 ft.	16 ft.	16 ft.	16 ft.	16 ft.	16 ft.
	Max. Height, Barns and Stables	35 ft.	30 ft.	-	-	-	-
	Max. Height, Mini Structures	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
Nonresidential Uses							
Lot Standards							
	Min. Lot Area	1 ac.	1 ac.	10,000 sf.	10,000 sf.	10,000 sf.	10,000 sf.
A	Min. Lot Width	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.	100 ft.
	Max. Lot Coverage	25%	25%	40%	40%	40%	40%
Setback Standards							
B	Min. Front	30 ft.	30 ft.	25 ft.	18 ft.	18 ft.	18 ft.
C	Min. Interior Side	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.	10 ft.
D	Min. Street Side	30 ft.	30 ft.	25 ft.	18 ft.	18 ft.	18 ft.
E	Min. Rear	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.	10 ft.
	Min. Rear (Alley)	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.	0 ft.
Building Standards							
F	Max. Height, Principal Building	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.	35 ft.
G	Max. Height, Accessory Building	20 ft.	16 ft.	16 ft.	16 ft.	16 ft.	16 ft.
	Max. Height, Mini Structure	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.	12 ft.
TABLE NOTES:							
¹ For driveway access must be 18 ft.							
² Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks.							

G. **Subdivision of lots in the RN-D Subdistrict.** When a lot is to be subdivided for a duplex, the minimum area after subdivision shall be 3,000 square feet, the minimum lot width shall be 30 feet and the duplex must meet or exceed a combined 9,000 square feet. There shall be no setback required along the common lot line.

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

Table 2-1-3-3B: Cross-References for Residential Neighborhood	
Topic	Reference
Max. No. of Principal Building	Section 2-1-9-1, One Principal Building per Lot
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Business Use of the Home	Division 3-1-5, Business Use of the Home
Parking	Article 4-5, Parking and Loading

Table 2-1-3-3B: Cross-References for Residential Neighborhood	
Topic	Reference
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Building Design Standards	Division 5-1-2, Building and Structure Design Standards; and Section 5-1-4-1, Decks, Balconies, and Porches
Mini-Structures (e.g., Playground Equipment)	Section 5-1-4-3, Mini-Structures
Accessory Dwelling Units	Section 5-1-5-2, Accessory Dwelling Units
Accessory Buildings- Residential	Section 5-1-5-3, Accessory Buildings
Satellite Dishes, Antennas, and Amateur Radio	Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Accessory Buildings (Non- Residential and Multifamily)	Section 5-1-6-1.E, Number of Accessory Buildings or Free- Standing Accessory Structures
Design Guidelines for the Reno Park Addition Historic District	Appendix B

2-1-3-4 R6: Residential 6

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

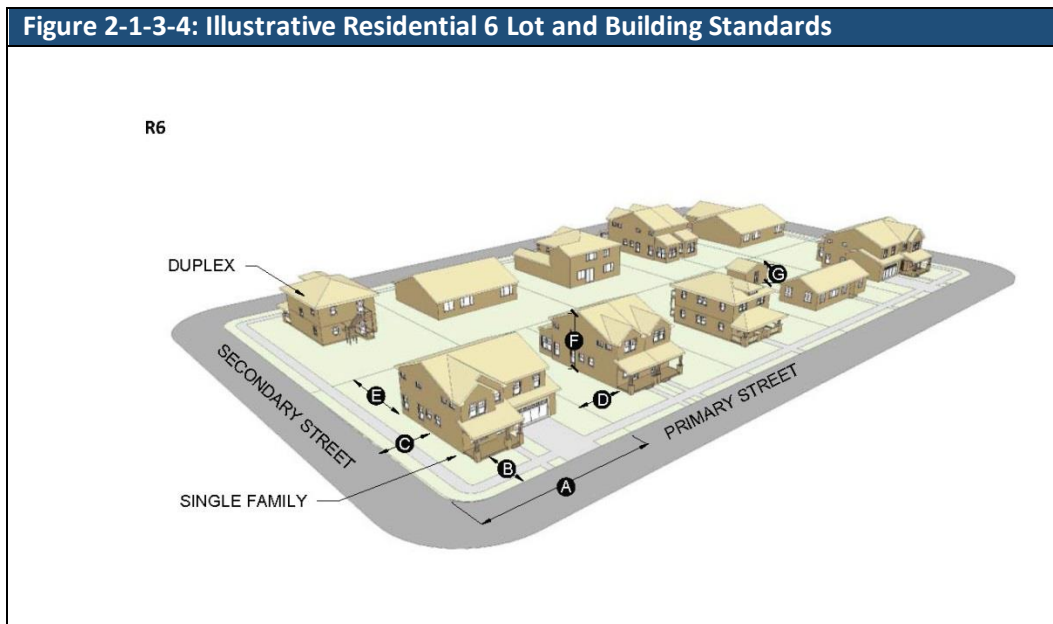


Table 2-1-3-4A: Residential 6 Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
Lot Standards			
	Min. Lot Area	See Subsection D., below, and Division 2-1-8, Housing Palette	10,000 sf.
A	Min. Lot Width		100 ft.
	Max. Lot Coverage		40%
Building and Parking Siting Standards			
B	Min. Front	See Subsection D., below, and Division 2-1-8, Housing Palette	25 ft.
C	Min. Street Side		25 ft.
D	Min. Interior Side		10 ft.
E	Min. Rear		15 ft.
	Min. Arterial Setback ¹	100 ft.	No Minimum
	Min. Parking Setback	20 ft. ²	20 ft.

Table 2-1-3-4A: Residential 6 Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
Building Standards			
F	Max. Height, Principal Building	35 ft.	35 ft.
	Max. Height, ADU (detached)	30 ft.	-
G	Max. Height, Accessory Building	18 ft.	18 ft.
	Max. Height, Mini-structure	12 ft.	12 ft.
Site Standards			
	Min. Landscape Surface Area	20%	30%
Density Standards			
	Max. Density	6 u/a	-
TABLE NOTES:			
¹ Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks.			
² Except for driveways associated with single family and duplex units and multiplex buildings.			

D. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the R6 zoning district:

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

E. **Cross-References.** The cross-references in Table 2-1-3-4B, Cross-References for Residential 6, are provided for the reader's convenience and are not necessarily exhaustive of applicable regulations.

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

Table 2-1-3-4B: Cross-References for Residential 6	
Topic	Reference
Renewable Energy Systems (<i>e.g.</i> , Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Accessory Buildings (Non-Residential and Multifamily)	Section 5-1-6-1.E, Number of Accessory Buildings or Free-Standing Accessory Structures

2-1-3-5 R13: Residential 13

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

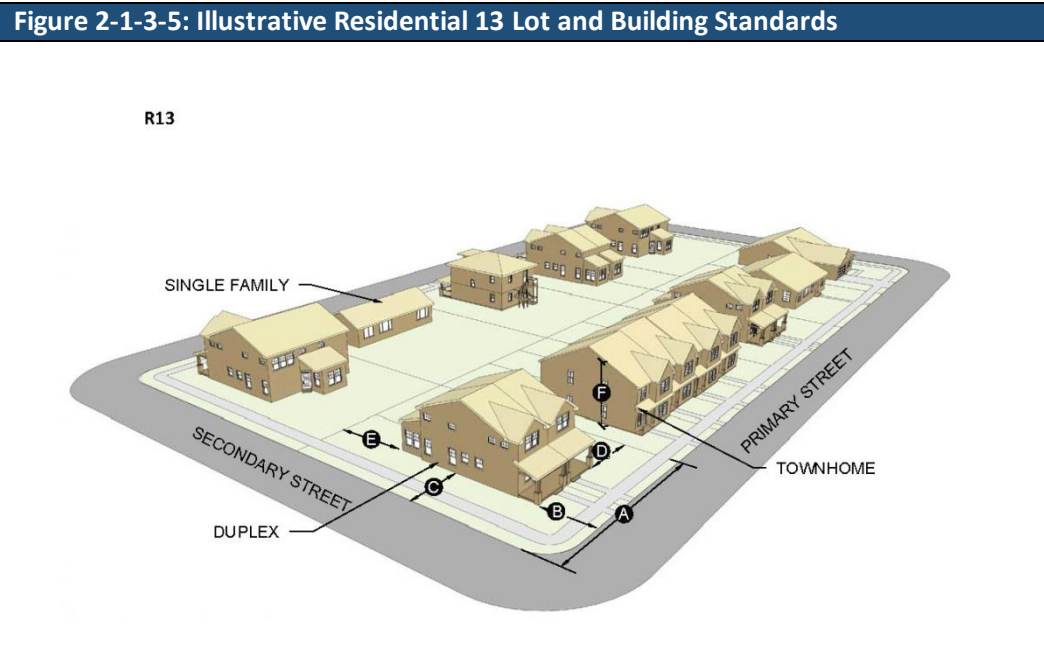


Table 2-1-3-5A: Residential 13 Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
Lot Standards			
	Min. Lot Area	See Subsection D., below, and Division 2-1-8, Housing Palette	10,000 sf.
A	Min. Lot Width		100 ft.
	Max. Lot Coverage		40%
Setback Standards			
B	Min. Front	See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

Table 2-1-3-5A: Residential 13 Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
	Max. Height, ADU (detached)	30 ft.	-
	Max. Height, Accessory Building	18 ft.	18 ft.
	Max. Height, Mini-structure	12 ft.	12 ft.
Site Standards			
	Min. Landscape Surface Area	20%	30%
Density Standards			
	Max. Density	13 u/a	-
TALE NOTES:			
¹ Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks.			
² Except for driveways associated with single family and duplex units and multiplex buildings.			

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

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

Table 2-1-3-5B: Cross-References for Residential 13	
Topic	Reference
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Accessory Buildings (Non-Residential and Multifamily)	Section 5-1-6-1.E, Number of Accessory Buildings or Free-Standing Accessory Structures

2-1-3-6 R24: Residential 24

- A. **Purpose.** The purpose of the Residential 24 (R24) zoning district is to allow for new residential development of a variety of moderate to higher density housing products, up to a density of 24 units per acre.
- B. **Relationship to the Comprehensive Plan.** The R24 zoning district generally implements the “High Density Residential” land use category stated in the Comprehensive Plan.

Lot and Building Standards. The standards for lots and buildings in the R24 zoning district are set out in Table 2-1-3-6A, Residential 24 Lot and Building Standards and Division 2-1-8, Housing Palette.

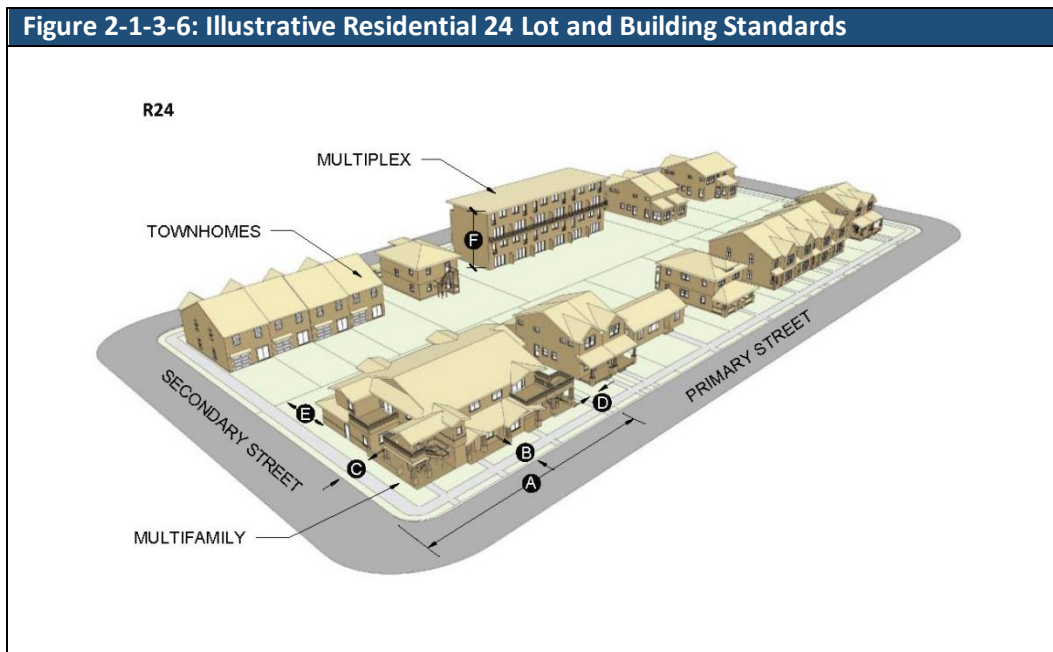


Table 2-1-3-6A: Residential 24 Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
Lot Standards			
	Min. Lot Area	See Subsection D., below, and Division 2-1-8, Housing Palette	10,000 sf.
A	Min. Lot Width		100 ft.
	Max. Lot Coverage		40%
Building and Parking Siting Standards			
B	Min. Front	See Subsection D., below, and Division 2-1-8, Housing Palette	20 ft.
C	Min. Street Side		20 ft.
D	Min. Interior Side		10 ft.
E	Min. Rear		15 ft.
	Min. Arterial Setback ¹		100 ft.
	Min. Parking Setback	20 ft. ²	20 ft.

Table 2-1-3-6A: Residential 24 Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
Building Standards			
F	Max. Height, Principal Building	35 ft.	35 ft.
	Max. Height, ADU (detached)	30 ft.	-
	Max. Height, Accessory Building	18 ft.	18 ft.
	Max. Height, Mini-structure	12 ft.	12 ft.
Site Standards			
	Min. Landscape Surface Area	20%	30%
Density Standards			
	Max. Density	24 u/a	-
TABLE NOTES:			
¹ Measured from the centerline of the arterial. See Section 2-1-9-2, Arterial Street Setbacks.			
² Except for driveways associated with single family and duplex units and multiplex buildings.			

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

Table 2-1-3-6B: Cross-References for Residential 24	
Topic	Reference
Max. No. of Principal Building	Section 2-1-9-1, One Principal Building per Lot
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Business Use of the Home	Division 3-1-5, Business Use of the Home
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design Standards	Division 5-1-2, Building and Structure Design Standards; and Section 5-1-4-1, Decks, Balconies, and Porches
Mini-Structures (e.g., Playground Equipment)	Section 5-1-4-3, Mini-Structures
Accessory Dwelling Units	Section 5-1-5-2, Accessory Dwelling Units
Accessory Buildings	Section 5-1-5-3, Accessory Buildings

Table 2-1-3-6B: Cross-References for Residential 24	
Topic	Reference
Satellite Dishes, Antennas, and Amateur Radio	Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Accessory Buildings (Non-Residential and Multifamily)	Section 5-1-6-1.E, Number of Accessory Buildings or Free-Standing Accessory Structures

Division 2-1-4 Mixed-Use Districts

2-1-4-1 MX-N: Mixed-Use, Neighborhood

- A. **Purpose.** The purpose of the Mixed-Use, Neighborhood (MX-N) zoning district is:
1. To allow for and promote adaptive re-use of residential buildings on collector or arterial streets that are not necessarily desirable residential locations due to traffic patterns or volumes or other contextual factors; and
 2. To provide for new commercial and residential uses on blocks or corners in neighborhoods where such uses are desired and consistent in scale and height with the adjacent neighborhoods; and
 3. To accommodate a mix of lower-density, walkable, mixed-use and residential development along corridors near low- and medium-density residential neighborhoods.
- B. **Relationship to the Comprehensive Plan.** The MX-N zoning district generally implements the “Mixed Use” and “Mixed-Use: Residential Emphasis” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the MX-N zoning district are set out in Table 2-1-4-1A, Mixed-Use, Neighborhood Lot and Building Standards and Division 2-1-8, Housing Palette.

Figure 2-1-4-1: Illustrative Mixed-Use, Neighborhood Lot and Building Standards



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

Table 2-1-4-1A: Mixed-Use, Neighborhood Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
Site Standards			
	Min. Landscape Surface Area	15%	20%
Density Standards			
	Max. Density	None	
Height Transition Zone			
	Min. Height Transition Zone Depth abutting RA and RN districts	See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts.	
TABLE NOTES: ¹ For the development parcel. ² For driveway access must be 18 ft. ³ Except for driveways associated with single family and duplex units and multiplex buildings.			

- D. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the MX-N zoning district:
1. Single-Family Detached: Small Urban; Urban; Small General; General; Small Suburban (See subsection 3-1-3-2A.)
 2. Duplexes: Side-By-Side; Over-Under
 3. Townhomes: Suburban; Urban
 4. Multiplexes
 5. Multifamily: General; Urban.
- E. **Cross-References.** The cross-references in Table 2-1-4-1B, Cross-References for Mixed-Use, Neighborhood, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-4-1B: Cross-References for Mixed-Use, Neighborhood	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2 Building and Structure Design Standards
Mini-Structures (e.g., Playground Equipment)	Section 5-1-4-3, Mini-Structures
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Accessory Dwelling Units	Section 5-1-5-2, Accessory Dwelling Units
Accessory Buildings	Section 5-1-5-3, Accessory Buildings
Accessory Buildings (Non-Residential and Multifamily)	Section 5-1-6-1.E, Number of Accessory Buildings or Free-Standing Accessory Structures
Drive-Through Facilities	Section 5-1-6-2, Drive-Through Facilities

Table 2-1-4-1B: Cross-References for Mixed-Use, Neighborhood	
Topic	Reference
Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas
Signs	Chapter 6, Signs

2-1-4-2 MX-S: Mixed-Use, Suburban

- A. **Purpose.** The purpose of the Mixed-Use, Suburban (MX-S) zoning district is to provide for a variety of residential and nonresidential uses, in vertically mixed-use, horizontally mixed-use, or single-use configurations. The MX-S zoning district may be used to, among other things:
 - 1. Provide for neighborhood and community-serving centers, such as suburban office, research, or medical campuses, shopping centers, or developments with a mix of residential and nonresidential uses; and
 - 2. Promote redevelopment of outmoded commercial centers to accommodate mixed-use development with walkable active streetscapes.
- B. **Relationship to the Comprehensive Plan.** The MX-S zoning district generally implements the “Mixed-Use”, “Mixed-Use Residential Emphasis” and “Neighborhood and Community Commercial/Office” land use categories stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the MX-S zoning district are set out in Table 2-1-4-2A, Mixed-Use, Suburban Lot and Building Standards and Division 2-1-8, Housing Palette.
- D. **Restriction on Single-Family Detached Residential Units.** Single-family detached residential units shall be prohibited on any MX-S zoned property within 250 feet of the centerline of Marshall or Lamar Streets.

Figure 2-1-4-2: Illustrative Mixed-Use, Suburban Lot and Building Standards

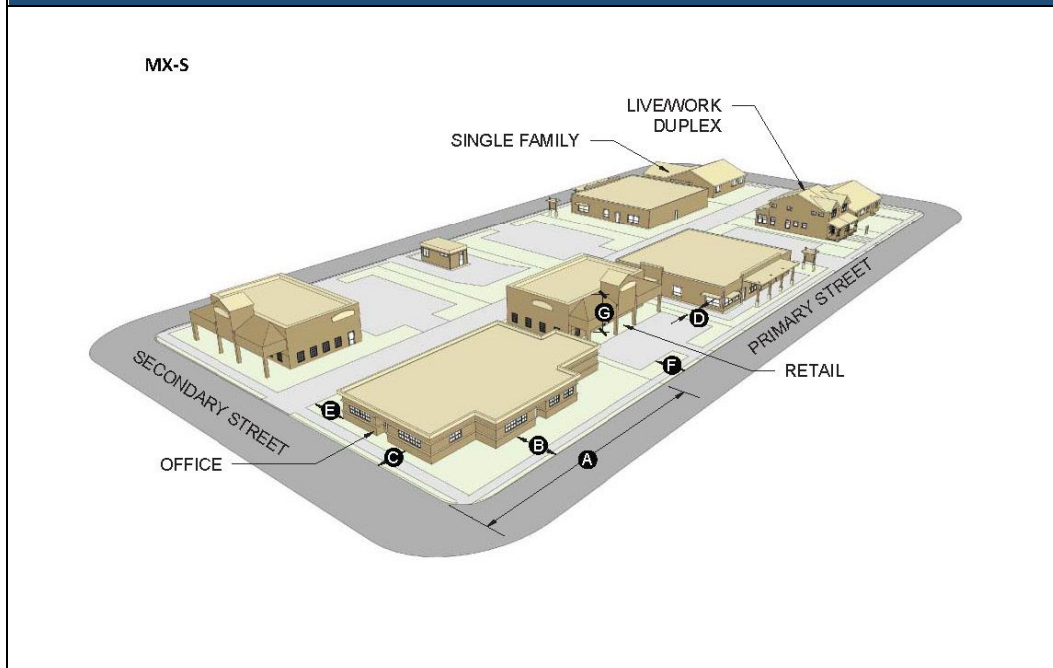


Table 2-1-4-2A: Mixed-Use, Suburban Lot and Building Standards			
Standard		Lot Type	
		Residential or Mixed-Use that Includes Residential	Nonresidential or Non-Residential Mixed-Use
Lot Standards			
	Min. Lot Area	See Subsection D., below, and Division 2-1-8, Housing Palette	-
A	Min. Lot Width	See Subsection D., below, and Division 2-1-8, Housing Palette	-
	Max. Lot Coverage ¹	60%	60%
Building and Parking Siting Standards			
B	Frontage Zone (min. / max.)	For min. refer to Division 2-1-8, Housing Palette / 35 ft.	10 ft. / 35 ft.
	Min. Front Building Façade within Frontage Zone	20%	20%
C	Min. Street Side Setback (min. / max.)	See Subsection D., below, and Division 2-1-8, Housing Palette	10 ft. / 35 ft.
D	Min. Interior Side Setback		10 ft.
E	Min. Rear Setback		20 ft.
F	Min. Parking Setback (front)	20 ft. ²	20 ft.
	Min. Arterial Setback	See Section 2-1-9-2, Arterial Street Setbacks	None
Building Standards			
G	Max. Height	45 ft.	45 ft.
	Max. Height, ADU (detached)	30 ft.	
	Max. Height, Accessory Building	18 ft.	
	Max. Height, Mini-structure	12 ft.	12 ft.
		-	
Site Standards			
	Min. Landscape Surface Area	25%	25%
	Max. Outdoor Display	-	5% of enclosed retail floor area
	Min. Area for Small Urban Parks (Lot Area less than 1 ac.) ^{1,3}	2,500 sf.	
	Min. Area for Small Urban Parks (Lot Area 1 ac. or more) ^{1,3}	10 percent of the net parcel area	5,000 sf. or 5 percent of the net parcel area, whichever is greater
Density Standards			
	Max. Density	None	
Height Transition Zone			
	Min. Height Transition Zone Depth abutting RA and RN districts	See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts.	See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts.

TABLE NOTES:

¹ For the development parcel.

² Except for driveways associated with single family and duplex units and multiplex buildings.

³ In addition to principal buildings, Small Urban Parks may count toward the Front Building Facade within Frontage Zone requirement.

- E. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the MX-S zoning district:
1. Single-Family Detached: Small Urban; Urban; Small General; General; Small Suburban (See subsection 3-1-3-2A.)
 2. Zero Lot Line: Small General; General
 3. Duplexes: Side-By-Side; Over-Under
 4. Townhomes: Suburban; Urban
 5. Multiplexes
 6. Multifamily: General; Urban.
- F. **Cross-References.** The cross-references in Table 2-1-4-2B, Cross-References for Mixed-Use, Suburban, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-4-2B: Cross-References for Mixed-Use, Suburban	
Topic	Reference
Max. No. of Principal Building	Section 2-1-9-1, One Principal Building per Lot
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Increased Building Height	Division 2-1-10-4, Incentives for Increased Building Height
Small Urban Parks	Division 4-3-3-4, Mixed-Use
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2, Building and Structure Design Standards
Mini-Structures (e.g., Playground Equipment)	Section 5-1-4-3, Mini-Structures
Accessory Dwelling Units	Section 5-1-5-2, Accessory Dwelling Units
Accessory Buildings	Section 5-1-5-3, Accessory Buildings
Satellite Dishes, Antennas, and Amateur Radio	Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Drive-Through Facilities	Section 5-1-6-2, Drive-Through Facilities
Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas
Signs	Chapter 6, Signs

2-1-4-3 MX-U: Mixed-Use, Urban

- A. **Purpose.** The purpose of the Mixed-Use, Urban (MX-U) zoning district is to:
 - 1. Provide for a variety of residential and nonresidential uses, in vertically mixed-use, horizontally mixed-use, or single-use configurations with an urban character.
- B. **Vertical and Horizontal Buildings.** Encourage vertical and horizontal mixed-use multi-story buildings with pedestrian-friendly streetscapes, public amenities, and good access to public transportation.
- C. **Relationship to the Comprehensive Plan.** The MX-U zoning district generally implements the “Mixed-Use” and “Neighborhood and Community Commercial/Office” land use categories stated in the Comprehensive Plan.
- D. **Lot and Building Standards.** The standards for lots and buildings in the MX-U zoning district are set out in Table 2-1-4-3A, Mixed-Use, Urban Lot and Building Standards and Division 2-1-8, Housing Palette.
 - 1. **Maximum Heights.** The maximum heights permitted are:
 - a. MX-U-45: Maximum height of 45 feet;
 - b. MX-U-65: Maximum height of 65 feet.

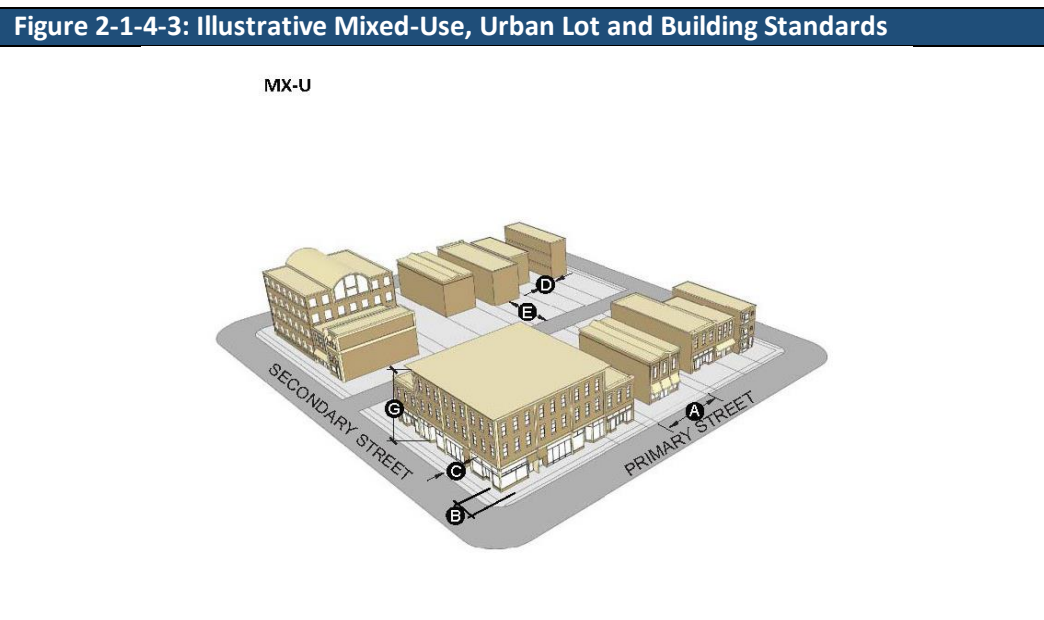


Table 2-1-4-3A: Mixed-Use, Urban Lot and Building Standards			
Standard		Lot Type	
		Residential or Mixed-Use that includes Residential	Nonresidential or Non-Residential Mixed-Use
Lot Standards			
	Min. Lot Area	See Subsection E.,	None
A	Min. Lot Width	below, and Division 2-1-8, Housing Palette	None
	Max. Lot Coverage ¹	75%	75%
Building and Parking Siting Standards			
B	Frontage Zone (min. / max.)	For min. refer to Division 2-1-8, Housing Palette/20 ft.	0 ft. / 20 ft.
	Min. Front Building Façade within Frontage Zone	35%	35%
C	Min. Street Side Setback (min. / max.)	See Subsection E., below, and Division 2-1-8, Housing Palette	0 ft. / 20 ft.
D	Min. Interior Side Setback		0 ft.
E	Min. Rear Setback		0 ft.
F	Min. Parking Setback (front)	20 ft. ²	20 ft.
	Min. Arterial Setback	See Section 2-1-9-2, Arterial Street Setbacks	—
Building Standards			
G	Max. Height, Principal Building	as identified on the Official Zoning Map	as identified on the Official Zoning Map
	Max. Height, ADU (detached)	30 ft.	
	Max. Height, Accessory Building	18 ft.	
	Max. Height, Mini-structure	12 ft.	12 ft.
Site Standards			
	Min. Landscape Surface Area	15%	15%
	Max. Outdoor Display	-	5% of enclosed retail floor area
	Min. Area for Small Urban Parks (Lot Area less than 1 ac.) ^{1,3}	2,500 sf.	
	Min. Area for Small Urban Parks (Lot Area 1 ac. or more) ^{1,3}	10 percent of the net parcel area	5,000 sf. or 5 percent of the net parcel area, whichever is greater
Subdivision Standards			
	Max. Density	None	
Height Transition Zone			
	Min. Height Transition Zone Depth abutting RA and RN districts	See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts.	
<p>TABLE NOTES:</p> <p>¹ For the development parcel.</p> <p>² Except for driveways associated with single family and duplex units and multiplex buildings.</p> <p>³ In addition to principal buildings, Small Urban Parks count toward the Front Building Façade within Frontage Zone requirements.</p>			

- E. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the MX-U zoning district:
1. Single-Family Detached: Small Urban; Urban (See subsection 3-1-3-2A.)
 2. Duplexes: Side-By-Side; Over-Under
 3. Townhomes: Suburban; Urban
 4. Multiplexes
 5. Multifamily: General; Urban.
- F. **Cross-References.** The cross-references in Table 2-1-4-3B, Cross-References for Mixed-Use, Urban, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-4-3B: Cross-References for Mixed-Use, Urban	
Topic	Reference
Max. No. of Principal Building	Section 2-1-9-1, One Principal Building per Lot
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Increased Building Height	Division 2-1-10-4, Incentives for Increased Building Height
Small Urban Park	Division 4-3-3-4, Mixed-Use
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2 Building and Structure Design Standards
Mini-Structures (e.g., Playground Equipment)	Section 5-1-4-3, Mini Structure
Accessory Dwelling Units	Section 5-1-5-2, Accessory Dwelling Units
Accessory Buildings	Section 5-1-5-3, Accessory Buildings
Satellite Dishes, Antennas, and Amateur Radio	Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Drive-Through Facilities	Section 5-1-6-2, Drive-Through Facilities
Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas
Signs	Chapter 6, Signs

2-1-4-4 MX-T: Mixed-Use, Transit

- A. **Purpose.** The purpose of the Mixed-Use, Transit (MX-T) zoning district is to provide for urban-scale, higher density residential and nonresidential uses, in vertically or horizontally mixed-development on a single parcel or in a master planned area, and located along corridors with frequent bus and rail transit service. The MX-T district is intended to encourage higher-density infill development in appropriate locations.
- B. **Relationship to the Comprehensive Plan.** The MX-T zoning district generally implements the “Mixed-Use” and “Transit Framework Plan” land use categories stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the MX-T zoning district are set out in Table 2-1-4-4A, Mixed-Use, Transit Lot and Building Standards and Housing Palette.
 - 1. **Maximum Heights.** The maximum heights permitted are:
 - a. MX-T-45: Maximum height of 45 feet;
 - b. MX-T-65: Maximum height of 65 feet;
 - c. MX-T-80: Maximum height of 80 feet;
 - d. MX-T-120: Maximum height of 120 feet.
- D. **Grandview Avenue Height Restriction.** For properties in the MX-T zoning district located on the south side of Grandview Avenue between Wadsworth Bypass and Lamar Street, the maximum height shall be 35 feet above the grade of the centerline of Grandview Avenue for a distance of 150 feet from centerline of Grandview Avenue.
- E. **52nd Avenue Height Restriction.** For properties in the MX-T zoning district located on the south side of W 52nd Avenue between Saulsbury Court and Quay Street, the maximum height shall be 65 feet above the grade of the centerline of W 52nd Avenue for a distance of 150 feet from W 52nd Avenue.

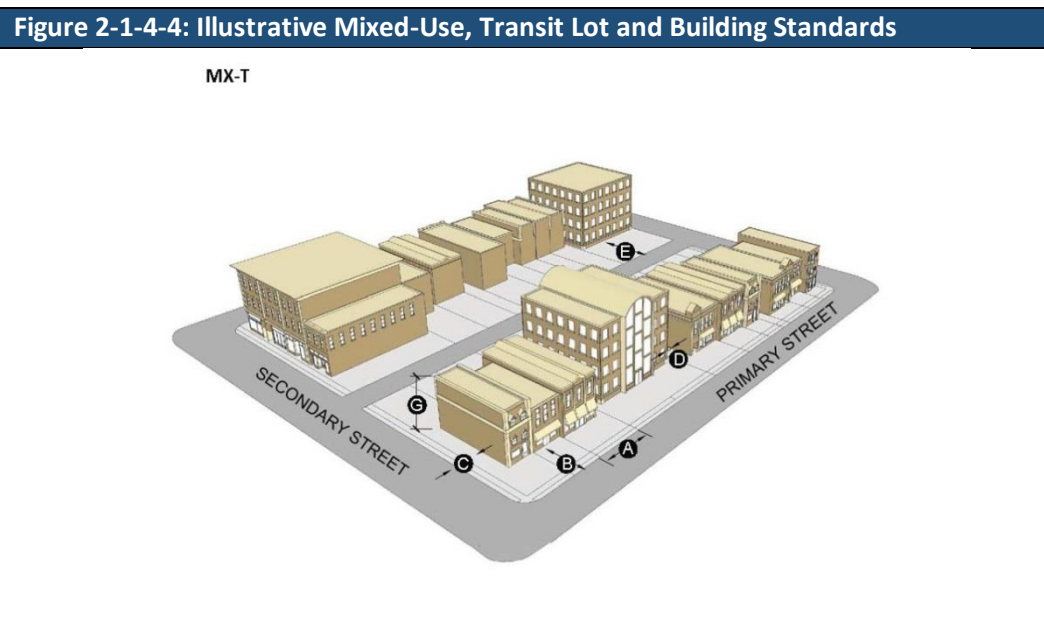


Table 2-1-4-4A: Mixed-Use, Transit Lot and Building Standards			
Standard		Lot Type	
		Residential	Nonresidential
Lot Standards			
	Min. Lot Area	See Subsection E.,	None
A	Min. Lot Width	below, and Division 2-1-8, Housing Palette	None
	Max. Lot Coverage	80%	80%
Building and Parking Siting Standards			
B	Frontage Zone (min. / max.)	For min. refer to Division 2-1-8, Housing Palette / 20 ft.	0 ft. / 20 ft.
	Min. Front Building Façade within Frontage Zone	60%	60%
C	Street Side Setback (min. / max.)	See Subsection E., below, and Division 2-1-8, Housing Palette	0 ft. / 20 ft.
D	Min. Interior Side Setback		0 ft.
E	Min. Rear Setback		0 ft.
F	Min. Parking Setback (front)		20 ft. ⁶
	Min. Arterial Setback	See Section 2-1-9-2, Arterial Street Setbacks	—
Building Standards			
	Min. Height	-	1 story ²
G	Max. Height	As identified on the Official Zoning Map	As identified on the Official Zoning Map
	Max. Height, Accessory Building	18 ft.	
	Max. Height, Mini-structure	12 ft.	12 ft.
	Min. Ground Floor Height ⁴	13 ft. 6 in.	13 ft. 6 in. ³
Site Standards			
	Min. Landscape Surface Area ⁴	10%	10%
	Max. Outdoor Display	-	5% of enclosed retail floor area
	Min. Area for Small Urban Parks (Lot Area less than 1 ac.) ^{1,5}	2,000 sf.	2,000 sf.
	Min. Area for Small Urban Parks (Lot Area 1 ac. or more) ^{1,5}	8 percent of the net parcel land area	3,000 sf. or 4 percent of the net parcel land area, whichever is greater
Subdivision Standards			
	Max. Density	None	
Height Transition Zone			
	Min. Height Transition Zone Depth abutting RA and RN districts	See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts.	
TABLE NOTES:			
¹ For the development parcel.			
² See Section 5-1-3-1, Pedestrian Priority Streets, for minimum height requirement.			
³ For areas required by Section 5-1-3-1, Pedestrian Priority Streets.			
⁴ Rooftop and upper level deck amenities (except individual private balconies) may be counted towards the landscape surface ratio requirement.			
⁵ In addition to principal buildings, small urban parks count toward the Front Building Façade within Frontage Zone requirements.			
⁶ Parking is not allowed in the frontage zone.			

- F. **Housing Palette.** The following housing types identified in Division 2-1-8, Housing Palette, are allowed in the MX-T zoning district:
1. Townhomes: Suburban; Urban
 2. Multiplexes
 3. Multifamily: Urban.
- G. **Cross-References.** The cross-references in Table 2-1-4-4B, Cross-References for Mixed-Use, Urban, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-4-4B: Cross-References for Mixed-Use, Transit	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Increased Building Height	Division 2-1-10-4, Incentives for Increased Building Height
Small Urban Parks	Division 4-3-3-4 Mixed-Use
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2 Building and Structure Design Standards
Pedestrian Priority Streets	Division 5-1-3-1, Pedestrian Priority Streets
Mini-Structures (e.g., Playground Equipment)	Section 5-1-4-3, Mini Structure
Satellite Dishes, Antennas, and Amateur Radio	Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Drive-Through Facilities	Section 5-1-6-2, Drive-Through Facilities
Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas
Signs	Chapter 6, Signs

2-1-5-1 OT: Olde Town

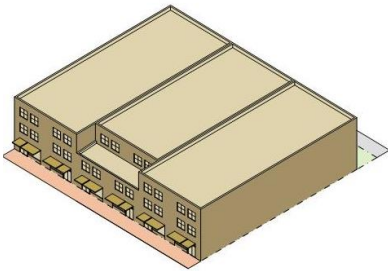
- A. **Purpose.** The purpose of the Olde Town (OT) form-based zoning district is to protect the established historic character of Olde Town Arvada based on the City’s adopted plans and design guidelines for the area. The purpose of this Division is to establish lot, building, and form standards for buildings in the OT zoning district. This Division is applied in conjunction with the Design Guidelines for Olde Town Arvada.
- B. **Relationship to the Comprehensive Plan.** The OT zoning district generally implements the “Transit Framework Plan” land use category stated in the Comprehensive Plan.
- C. **Application of Division.**
 - 1. Section 2-1-5-2, Building Types, describes eight different building types that are permissible in the OT zoning district. The section includes a matrix that indicates which building types are allowed in each OT subdistrict.
 - 2. Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, explains each of the standards and measures that are used in the tables in Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards, through Section 2-1-5-11, Civic Building Type Lot and Building Form Standards, inclusive.
 - 3. Section 2-1-5-4, Mixed-Use Lot and Building Form Standards, through Section 2-1-5-11, Civic Building Lot and Building Form Standards, inclusive, set out the specific standards that apply to each of the permissible building types.
- D. **Future Expansion of Structure.** Notwithstanding the build-to or frontage zone requirements established in this Division, enlargement, alteration, or expansion in the Olde Town Zoning District shall occur in the most historically appropriate location as determined through design review.
- E. **Subdistricts.** The Olde Town zoning district is divided into seven subdistricts that have different form, characteristics, and allowable land uses and the subdistricts contain form-based standards tailored to the distinct character of each area where the subdistrict is applied:
 - 1. OT-E: Olde Town East Subdistrict
 - 2. OT-EY: Olde Town East Yukon Subdistrict
 - 3. OT-GV: Olde Town Grandview Subdistrict
 - 4. OT-OW: Olde Town Olde Wadsworth Subdistrict
 - 5. OT-RN: Olde Town Residential Neighborhood Subdistrict
 - 6. OT-RR: Olde Town Ralston Road Subdistrict
 - 7. OT-W: Olde Town Webster Subdistrict.
- F. **Cross-References.** The cross-references in Table 2-1-5-1, Cross-References for Olde Town, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-5-1: Cross-References for Olde Town	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Exterior Lighting	Article 4-8, Exterior Lighting
Satellite Dishes, Antennas, and Amateur Radio	Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas
Signs	Chapter 6, Signs
Design Guidelines for Olde Town Arvada	Appendix A

2-1-5-2 Building Types

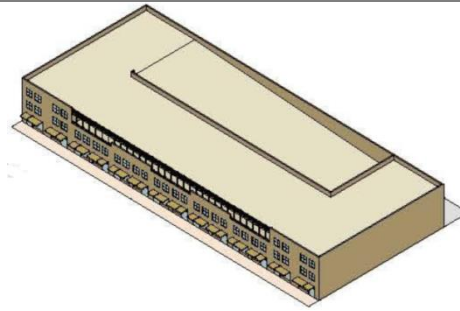
- A. **Building Types.** The building types that may be permissible in the OT zoning district are set out in Figure 2-1-5-2, Olde Town Building Types.

Figure 2-1-5-2: Olde Town Building Types



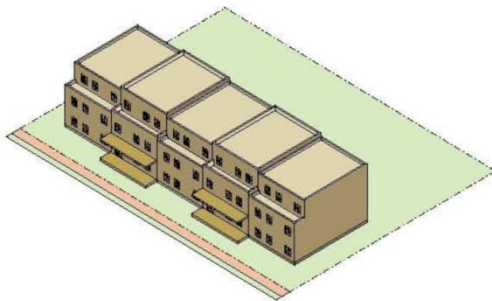
Mixed-Use

A building type that accommodates commercial, office or employment uses, and may include residential uses in upper stories.



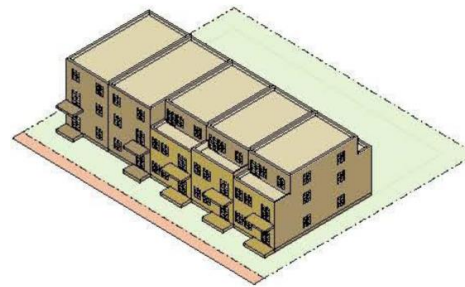
Mixed-Use Parking Structure

A building type that accommodates a parking structure with ground floor commercial use.



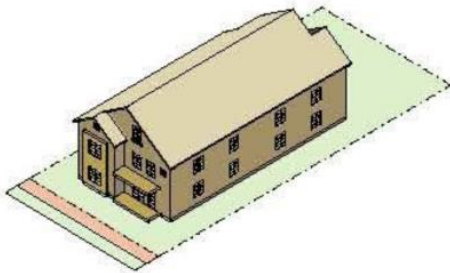
Apartment

A building type that accommodates three or more dwelling units vertically and horizontally integrated. This form may include a parking structure.



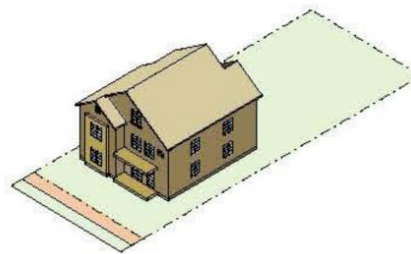
Townhouse

A building type that accommodates three or more dwelling units side by side, and where each unit is separated vertically by a party wall.



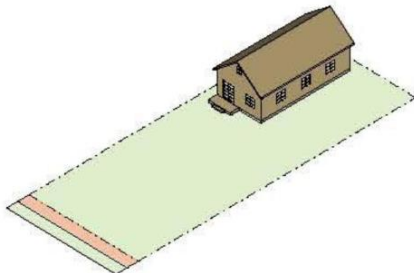
Multiplex

A building type that accommodates three to six dwelling units consolidated into a single structure.



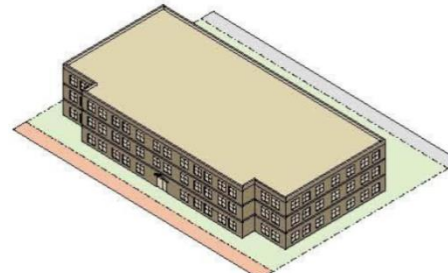
Single-Family Dwelling or Duplexes

A building type that accommodates one or two dwelling units consolidated into a single structure.



Detached Accessory Dwelling Unit or Accessory Building

A detached building that may accommodate a dwelling small accessory dwelling unit. The dwelling unit may be located above a garage.



Civic Building

A building type that includes libraries, public buildings and buildings constructed as churches, civic, institutional or public uses only.

- B. **Allowed Building Types by Sub-District.** The building types that are allowed within each sub-district of the Olde Town zoning district are set out in Table 2-1-5-2, Building Types by Sub-District.

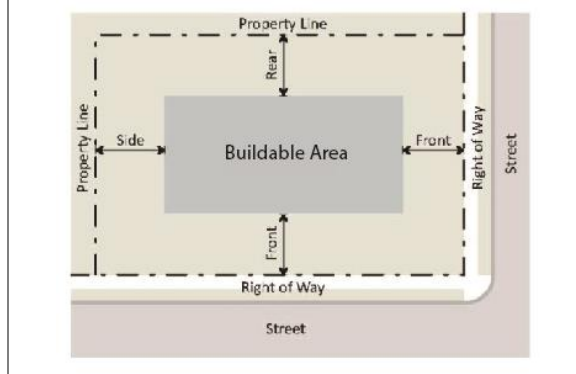
Table 2-1-5-2: Building Types by Sub-District							
Key: ■ = Allowed * = Allowed as Provided in Table Note Blank Cell = Not Allowed							
Building Type	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W
Mixed Use	■	■	■	■	* ¹	■	■
Mixed Use Parking Structure	■	■		■		■	■
Apartment	■	■				■	■
Townhouse	■	■				■	■
Multiplex	■				■		■
Single Family Dwelling or Duplexes	* ¹		■	■	■	* ¹	
Detached Accessory Dwelling Unit or Accessory Building	■	■	■	■	■	■	
Civic Building	■	■	■	■		■	■

TABLE NOTES:
¹ This permitted building type designation is intended to only address existing buildings. Existing buildings of this type shall be considered conforming for the purposes of expansion, modification, or alteration in a manner that is consistent with the standards established in Sec. 2-1-5-4, Mixed-Use Lot and Building Form Standards, and the Design Guidelines for Olde Town Arvada. In the event of demolition of an existing building of this type, new development shall be limited to the other building types that are allowed in this sub-district. In the event of damage or destruction of an existing building of this type, the provisions of Chapter 9, Nonconformities, shall apply.

2-1-5-3 Generally Applicable Lot and Building Form Standards

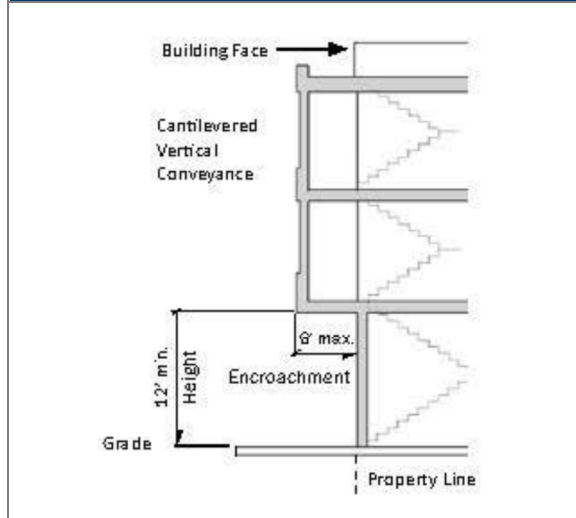
- A. **Generally.** The provisions of this Section apply to individual building types as provided in Sections 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards, to 2-1-5-5, Mixed-Use Parking Structure Building Lot and Building Form Standards, inclusive.
- B. **Front Yard Landscaping.** Front yard landscaping may include both live plant materials and hardscape plaza or sidewalk areas, but in no case shall the front yard landscaping include areas for vehicle parking.
- C. **Setback Measurement.**
1. *Front Setbacks.* Front setback requirements apply along all street frontages and along the boundaries of McIlvay Park and Olde Town Plaza. See Figure 2-1-5-3C, Front Setbacks, below.

Figure 2-1-5-3C: Buildable Area



1. *Side and Rear Setbacks.* Side and rear setbacks are measured from side and rear property lines.
 2. *Protected area:* A protected area is a property in the OT zoning district which contains a single family or duplex building type, or is adjacent to the R6, R13, or CG zoning districts.
- D. **Setback Encroachments.** The setback encroachments allowed in Section 2-1-10-1, Exceptions to Setback Standards, apply in the OT zoning district, except as specifically modified by this Subsection.
1. A cantilevered vertical conveyance system such as steel-framed stairs is allowed to encroach into the front setback, provided that:
 - a. The system will not cause accumulation of snow and ice on or over the public right-of-way;
 - b. The encroachment does not exceed six feet;
 - c. There is 12 feet of clearance from the surface of the sidewalk to the underside of the first structural member. See Figure 2-1-5-3D, Setback Encroachments; and
 - d. A revocable permit is approved by the City, applicable.
 2. A protected area is a property in the OT zoning district which contains a single-family or duplex building type or is a property adjacent to the R-N, R13, or CG zoning districts.

Figure 2-1-5-3D: Setback Encroachments

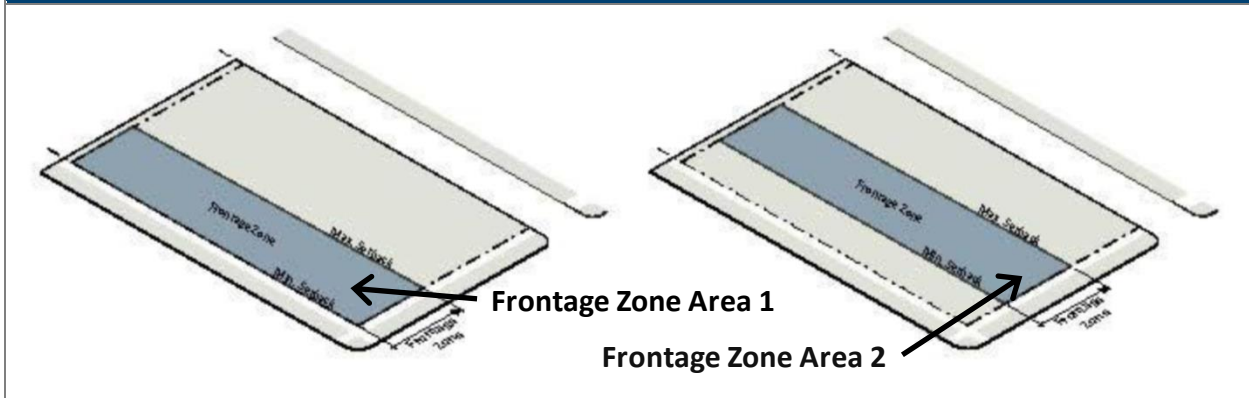


3. Setback encroachments are not allowed between the front property line and the frontage zone, except for a Cantilevered Vertical Conveyance Systems and as permitted in Section 2-1-10-1, Exceptions to Setback Standards and as permitted in Section 2-10-1, Exceptions to Setback Standards.

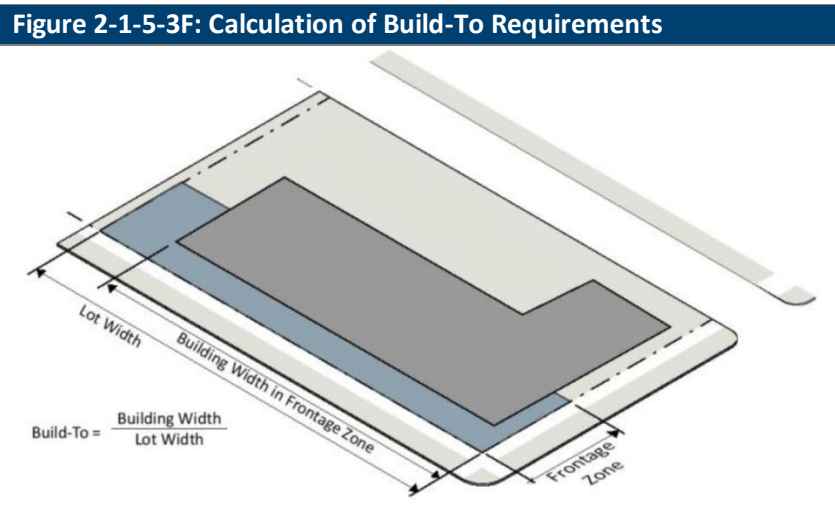
E. Frontage Zone.

1. *Generally.* The frontage zone is an area of the subject property within which build-to requirements and additional height limitations may apply, based on subdistrict, building type, and context. See Figure 2-1-5-3E, Frontage Zone. Generally, frontage zone requirements apply along streets, McIlvoy Park and Olde Town Plaza boundaries.
2. *Landscape / Hardscape Requirement.* The area of the frontage zone that is located between the building and the sidewalk must be landscaped or hardscaped.
3. *Variation.* In some circumstances, the frontage zone is composed of two distinct areas, which may provide for different requirements for build-to lines or building height, depending upon the distance from the property line. In such cases, the two areas are described as "Area 1," which is the portion of the frontage zone that is closest to the street, and "Area 2," which is the portion of the frontage zone that extends from the interior boundary of Area 1 towards the interior of the subject property.

Figure 2-1-5-3E: Frontage Zone

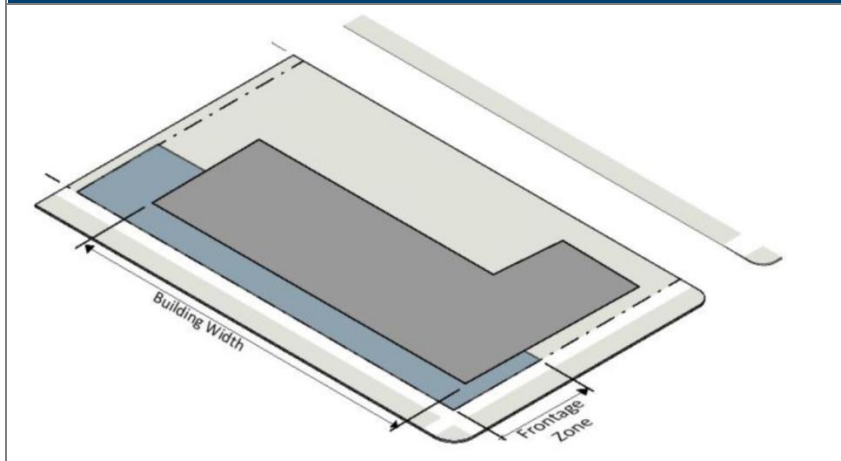


- F. **Build-To.** The required build-to percentage specifies the proportion of the width of the frontage zone (see Subsection E. above), that must include a portion of the front building facade. It is measured as a percentage of the property frontage width of the building within the frontage zone divided by the length of the property line along which the frontage zone is established. A recessed entry, covered patio or other similar element that does not affect the fundamental relationship of the building to the street (even if it is not located within the frontage zone) may also be counted in the calculation of this proportion. See Figure 2-1-5-3F, Calculation of Build-To Requirements.



- G. **Building Width.** Building width is the total building width that is allowed on a lot along a specified elevation. See Figure 2-1-5-3G, Building Width.

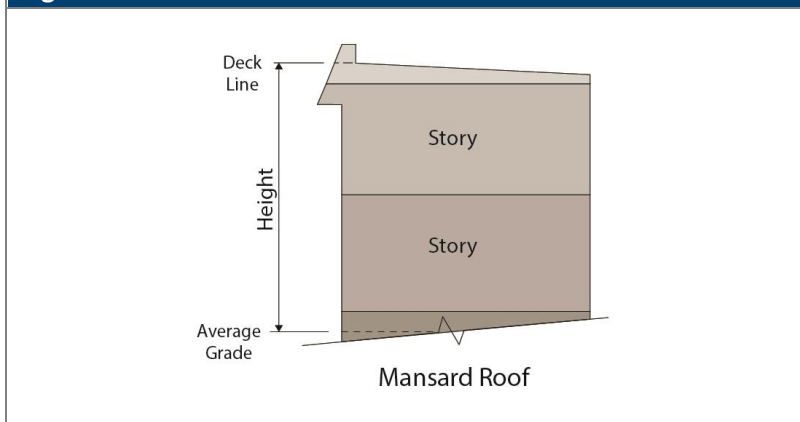
Figure 2-1-5-3G: Building Width



H. Building Height.

1. *Measurement.* Building height is measured as defined in Article 11-1-1.

Figure 2-1-5-3H1: Number of Stories

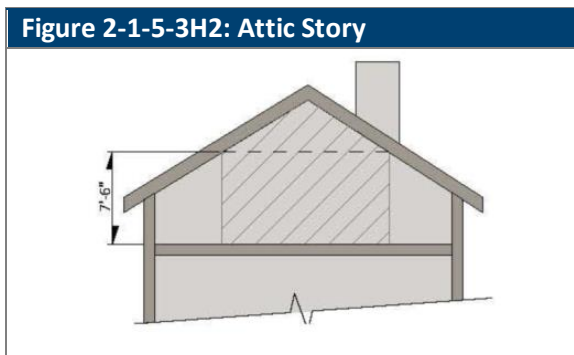


2. *Number of Stories.*

- a. In addition to the building height, the number of stories permitted are established. Section 2-1-5. For the purposes of this Division, the relationship between stories and feet is set out in Table 2-1-5-3H, Olde Town Number of Stories. All height specifications in this Division that refer to "story" or "stories" also incorporate the "feet" measurements of Table 2-1-5-3H, Olde Town Number of Stories. Notwithstanding the dimensional height limits established in Table 2-1-5-3H, maximum height shall be historically accurate as determined through application of the Design Guidelines for Olde Town.

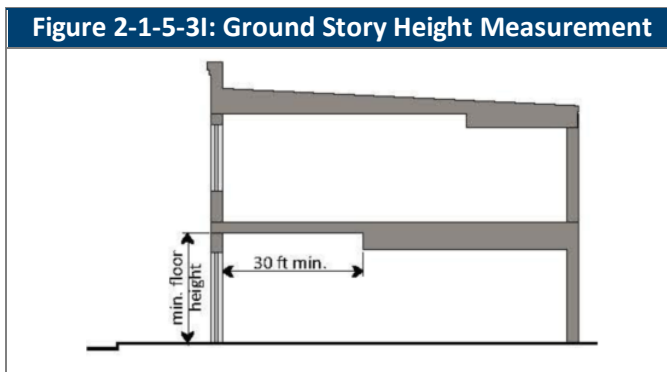
Table 2-1-5-3H: Number Stories	
Stories	Feet
1 story	15 ft.
2 stories	28 ft.
3 stories	35 ft.
4 stories	55 ft.
5 stories	65 ft.

- b. Space within a roof form counts as a story if 50 percent or more of the floor area has a clear height of seven and one-half feet or more, measured from the finished floor to the finished ceiling. See Figure 2-1-5-3H2, Attic Story.



I. **Floor Height.**

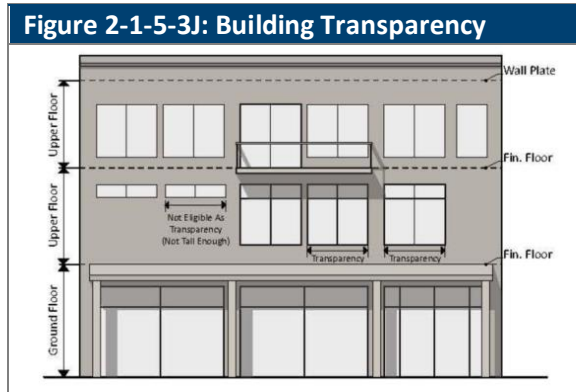
1. Ground floor elevation is measured from the average sidewalk level to the top of the finished ground floor.
2. Ground story floor height is measured from the top of the finished floor to the ceiling above.
3. Minimum ground story floor height applies only to the first 30 feet of building depth. See Figure 2-1-5-3I, Ground Story Height Measurement.



J. **Transparency.**

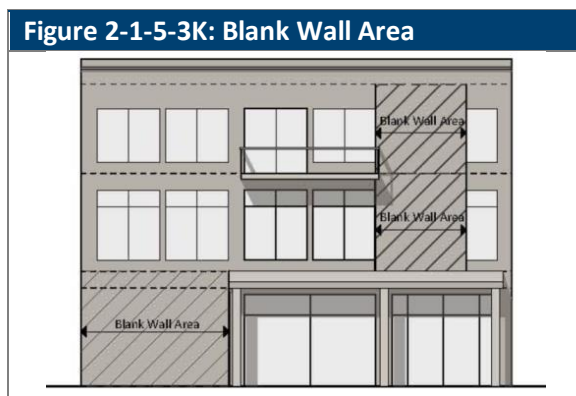
1. Transparency refers to the minimum percentage of a building's width devoted to transparent windows and doors (clad or opaque windows and doors do not count toward the transparency requirements).

2. This standard does not count ground story windows or doors that do not equal at least one-half of the floor height, or upper story windows or doors that do not equal at least one-third of the floor height. See Figure 2-1-5-3J, Building Transparency.
3. The standard applies only on street-facing, Mcllvoy Park-facing, and Olde Town Plaza-facing facades (as provided in the individual sections of this Division), and not interior or rear-facing facades.



K. Blank Wall.

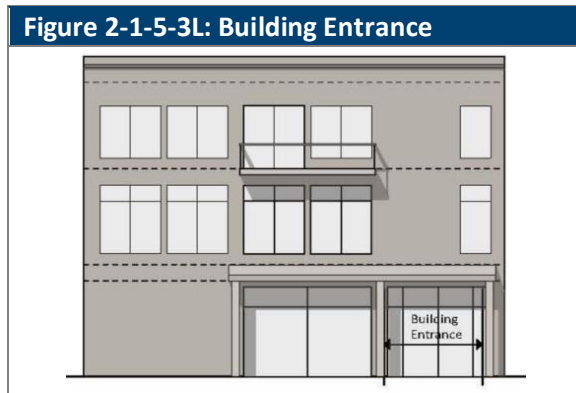
1. Blank wall area means the width of any story of a street-facing wall that does not include a:
 - a. Substantial material change (paint color is not considered a substantial change);
 - b. Window or door; or
 - c. Column, pilaster, or other articulation greater than 12 inches in depth. See Figure 2-1-5-3K, Blank Wall Area.
2. Blank wall area standards apply to ground story and upper story facades that face adjoining streets, Mcllvoy Park, or Olde Town Plaza, as provided in the individual sections of this Division.



L. Building Entrances.

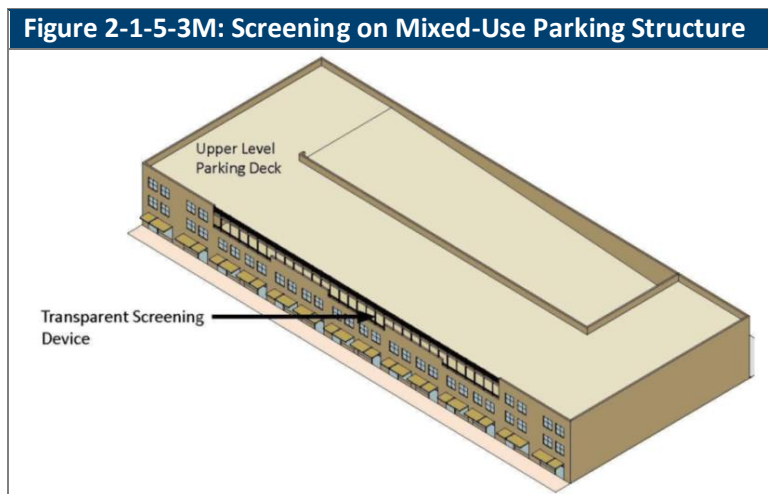
1. An entrance providing both ingress and egress, operable to residents or customers at all times, is required if a street-facing, Olde Towne Plaza facing or Mcllvoy Park-facing entrance is required. See Figure 2-1-5-3L, Building Entrance.

2. Additional entrances from another street, pedestrian area or internal parking area are also permitted.
3. An angled entrance that is provided at the corner of a building at the intersection of two streets or of a street and McIlvay Park or Olde Town Plaza meets the entrance requirements for both streets, or the street and park or plaza.



M. Transparent Screening Device.

1. A Transparent Screening Device is a mostly transparent device used to screen parking on an upper levels of a Mixed-Use Parking Structure building type. See Figure 2-1-5-3M, Screening on Mixed-Use Parking Structure.



2-1-5-4 Mixed-Use Building Type Lot and Building Form Standards

- A. **Generally.** The lot and building form standards that apply to mixed-use building type are set out in this Section. See Section 2-1-5-2, Building Types, as to which sub-districts of the OT zoning district allow mixed-use building types
- B. **Lot Standards.** Lot standards are as provided in Table 2-1-5-4B, Mixed-Use Lot Standards.

Table 2-1-5-4B: Mixed-Use Building Type Lot Standards	
Lot Standard	Percent
Max. Lot Coverage	-
Min. Front Yard Landscaping	-

- C. **Building Setbacks.** Building setbacks are as provided in Table 2-1-5-4C, Mixed-Use Building Setbacks.

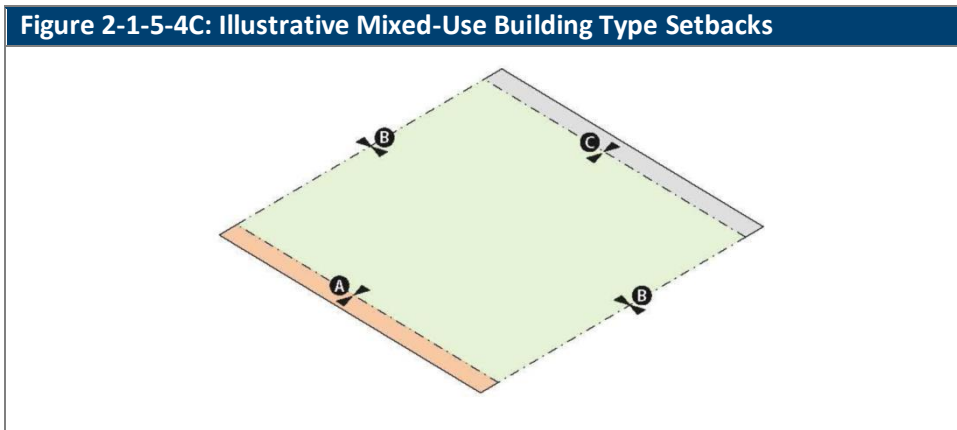


Table 2-1-5-4C: Mixed-Use Building Type Setbacks			
Setback Standard		Context	Min. Distance
A	Front Setback	Generally, except as specified below	0 ft.
A	Front Setback	Ralston Road, McIlvoy Park, Robinson Way, or Yukon Street	10 ft.
A	Front Setback	Wadsworth Bypass	20 ft.
B	Side	Generally, except as specified below	0 ft.
B	Side	Adjoining a single-family or two-family building type	5 ft.
C	Rear	No alley, not adjoining a single-family or duplex building type	0 ft.
C	Rear	No alley, adjoining a single-family or duplex building type	5 ft.
C	Rear	Alley	0 ft.
-	Side or Rear	Adjoining Protected Area	10 ft. ¹
	Front or Rear Parking	Generally, except as specified below	5 ft.
	Front or Rear Parking	Wadsworth Bypass, or Ralston Road	20 ft.

TABLE NOTES:
¹This setback supersedes other side or rear setbacks where the subject building is adjacent to a protected area.

- D. **Building Placement and Building Width.** Building placement and building width shall be as provided in Table 2-1-5-4D, Mixed-Use Building Type Placement and Building Width.

Figure 2-1-5-4D: Illustrative Mixed-Use Building Type Placement and Building Width

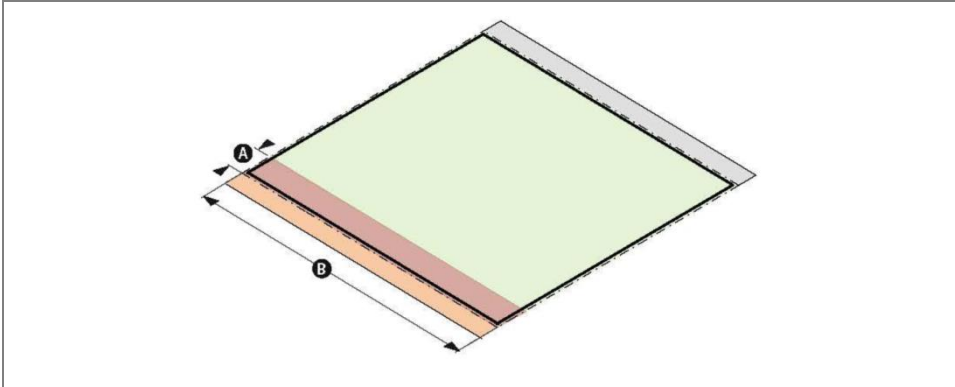


Table 2-1-5-4D: Mixed-Use Building Type Placement and Building Width

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV	OW	RN ¹	RR	W	
A	Frontage Zone (min / max)	Generally, except as specified below	ft.	0 / 15	0 / 15	0 / 15	0 / 15	0 / 15	0 / 15	0 / 15
A	Frontage Zone (min / max)	Ralston Road frontage	ft.	10 / 25	10 / 25	-	10 / 25	10 / 25	10 / 25	10 / 25
A	Frontage Zone (min / max)	Robinson Way or Yukon Street frontage	ft.	10 / 25	10 / 25	-	10 / 25	10 / 25	10 / 25	-
A	Frontage Zone (min / max)	Mcllvoy Park frontage	ft.	10 / 20	10 / 20	10 / 20	10 / 20	10 / 20	10 / 20	10 / 20
A	Frontage Zone (min / max)	Olde Town Plaza frontage	ft.	-	-	-	0 / 20	-	-	0 / 20
B	Build-to (min)	Building Façade at Front Setback Line	% ²	75	85	85	75	75	75	85
B	Total Building Width (max)	Generally, except as specified below	ft.	150	180	60	60	180	120	180
B	Total Building Width (max)	Wadsworth Bypass frontage	ft.	240	-	-	-	-	240	-
B	Total Building Width (max)	Mcllvoy Park frontage ³	ft.	120	-	35	-	-	-	120

TABLE NOTES:

¹ The Mixed-Use building form is allowed in this subdistrict only as provided in Section 2-1-5-2, Building Types.

² Percent of lot width. See Section 2-1-5-3, Generally Applicable Lot and Building Standards.

³ Applies where property is directly adjacent to or across the street from Mcllvoy Park.

E. Building and Floor Height. Building height, floor height, and building width shall be as provided in Table 2-1-5-4E, Mixed-Use Building Type Height and Floor Height.

Figure 2-1-5-4E: Illustrative Mixed-Use Building Type Requirements

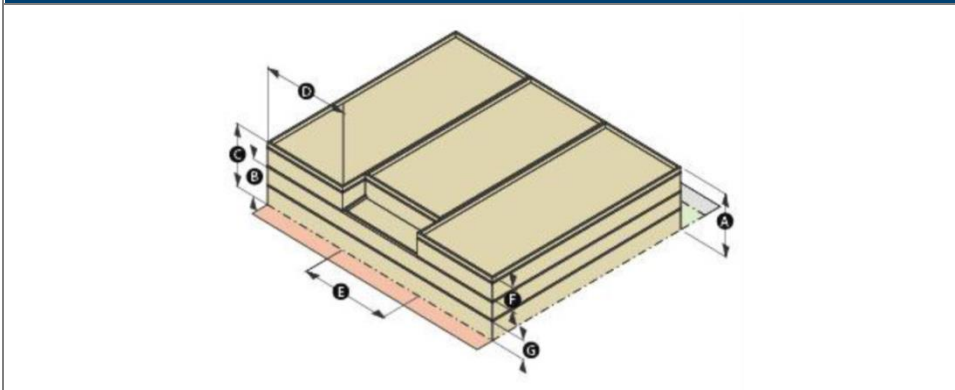


Table 2-1-5-4E: Mixed-Use Building Type Height and Floor Height⁴

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV	OW	RN ¹	RR	W	
A	Height (max)	Outside Frontage Zone	stories ¹	5	3	2	3	2	3	3
B	Height (max)	Inside Frontage Zone	stories	5	2	2	2	2	2	2
B	Height (max)	Inside Frontage Zone, McIlvoy Park, Ralston Road frontages	stories	2	2	2	2	2	2	2
-	Height (min)	Generally	stories	2	-	-	-	-	-	-
C	Height of Vertical Accent (max) ²	Inside Frontage Zone	stories	3	3	-	3	-	3	3
D	Width of Vertical Accent (max) ²	Inside Frontage Zone	% ³	40	40	-	40	-	40	40
E	Width Between Roofline Offsets (max)	-	ft.	60	60	-	60	-	60	60
F	Height Change for Roofline Offsets (min)	-	ft.	2	2	-	2	-	-	2
G	Ground Story Floor Height (min)	-	ft.	12	12	12	12	12	12	12

TABLE NOTES:

¹ See Section 2-1-5-3, Generally Applicable Lot and Building Standards, Subsection H.

² Vertical accent is not allowed along McIlvoy Park.

³ Maximum percent of building width.

⁴ Notwithstanding the height limits established in Table 2-1-5-4E, maximum building and floor height shall be historically accurate as determined through application of the Design Guidelines for Olde Town.

F. **Building Form.** Building form shall be as provided in Table 2-1-5-4F, Mixed-Use Building Type Form.

Figure 2-1-5-4F: Illustrative Mixed-Use Building Type Requirements

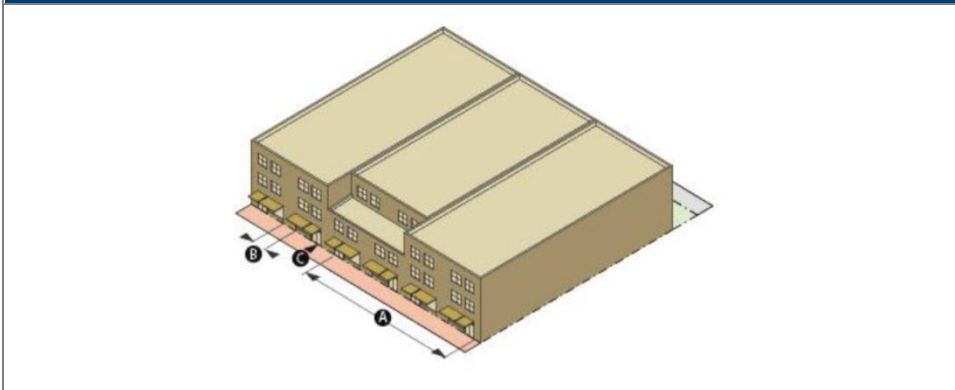


Table 2-1-5-4F: Mixed-Use Building Type Form

	Transparency, Blank Wall, or Building Entrance	Standard
A	Ground Story Transparency (min)	60%
A	Upper Story Transparency (min)	30%
A	Blank Wall Width (Street-Facing) (max)	30 ft.
C	Street-Facing Entrance	Required
C	Park-Facing Entrance (when fronting on McIlvoy Park)	Required
C	Plaza-Facing Entrance (when fronting on Olde Town Plaza)	Required

2-1-5-5 Mixed-Use Parking Structure Type Lot and Building Form Standards

- A. **Generally.** The lot and building form standards that apply to mixed-use parking structure type buildings are set out in this Section. See Section 2-1-5-2, Building Types, as to which sub-districts of the OT zoning district allow mixed-use parking structure type buildings. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, regarding the application of the standards that are set out in this Section.
- B. **Lot Standards.** Lot standards are as provided in Table 2-1-5-5B, Mixed-Use Parking Structure Type Lot Standards.

Table 2-1-5-5B: Mixed-Use Parking Structure Type Lot Standards

Lot Standard	Percent
Max. Lot Coverage	-
Min. Front Yard Landscaping	-

- C. **Building Setbacks.** Building setbacks are as provided in Table 2-1-5-5C, Mixed-Use Parking Structure Building Type Setbacks.

Figure 2-1-5-5C: Illustrative Mixed-Parking Structure Building Type Setbacks

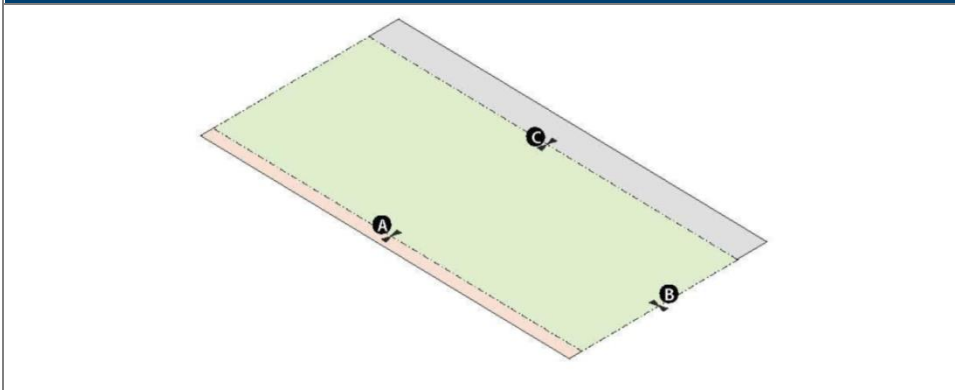


Table 2-1-5-5C: Mixed-Use Parking Structure Building Type Setbacks

Setback Standard	Context	Min. Distance	
A	Front Setback	Generally, except as specified below	0 ft.
A	Front Setback	Ralston Road, McIlvroy Park, or Robinson Way	10 ft.
A	Front Setback	Wadsworth Bypass	20 ft.
B	Side	Generally	0 ft.
C	Rear	No Alley	0 ft.
C	Rear	Alley	0 ft.
	Side or Rear	Adjoining Protected Area	10 ft. ¹
	Front or Side Parking	Generally, except as specified below	5 ft.
	Front or Side Parking	Wadsworth Bypass, or Ralston Road	20 ft.

TABLE NOTES:

1 This setback supersedes other side or rear setbacks where the subject structure is adjacent to a protected area.

- D. **Building Placement and Building Width.** Building placement and building width shall be as provided in Table 2-1-5-5D, Mixed-Use Parking Structure Type Building Placement and Building Width.

Figure 2-1-5-5D: Illustrative Mixed-Use Parking Structure Building Type Placement and Building Width

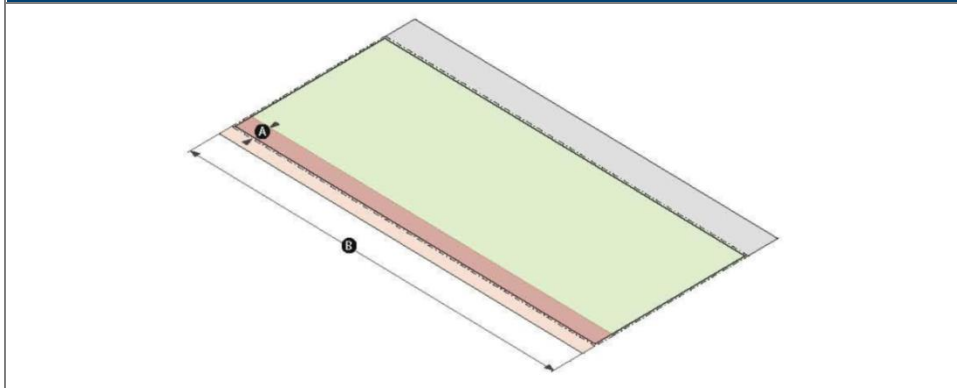


Table 2-1-5-5D: Mixed-Use Parking Structure Building Type Placement and Building Width

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV ¹	OW	RN ¹	RR	W	
A	Frontage Zone (min / max)	Generally, except as specified below	ft.	0 / 15	0 / 15	-	0 / 15	-	0 / 15	0 / 15
A	Frontage Zone (min / max)	Ralston Road or Robinson Way frontage	ft.	10 / 25	10 / 25	-	10 / 25	-	10 / 25	10 / 25
A	Frontage Zone (min / max)	Mcllvoy Park or Olde Town Plaza frontage	ft.	10 / 20	-	-	10 / 20	-	-	10 / 20
B	Build-to (min)	Building at front setback	% ²	75	85	-	85	-	85	85
B	Total Building Width (max)	Generally	ft.	300	300	-	300	-	300	300
B	Total Building Width (max)	Mcllvoy Park frontage ³	ft.	120	-	-	-	-	-	120

TABLE NOTES:

¹ The Mixed-Use Parking Structure building type is not allowed in this subdistrict.

² Percent of lot width. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards.

³ Applies where property is directly adjacent to or across the street from Mcllvoy Park.

E. **Building and Floor Height.** Building height, floor height, and building width shall be as provided in Table 2-1-5-5E, Mixed-Use Parking Structure Type Building Height and Floor Height.

Figure 2-1-5-5E: Illustrative Mixed-Use Parking Structure Building Type Height and Floor Height

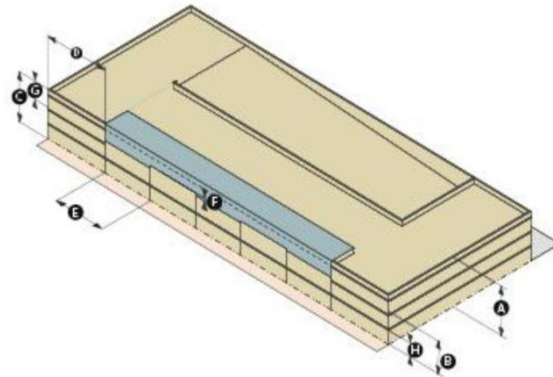


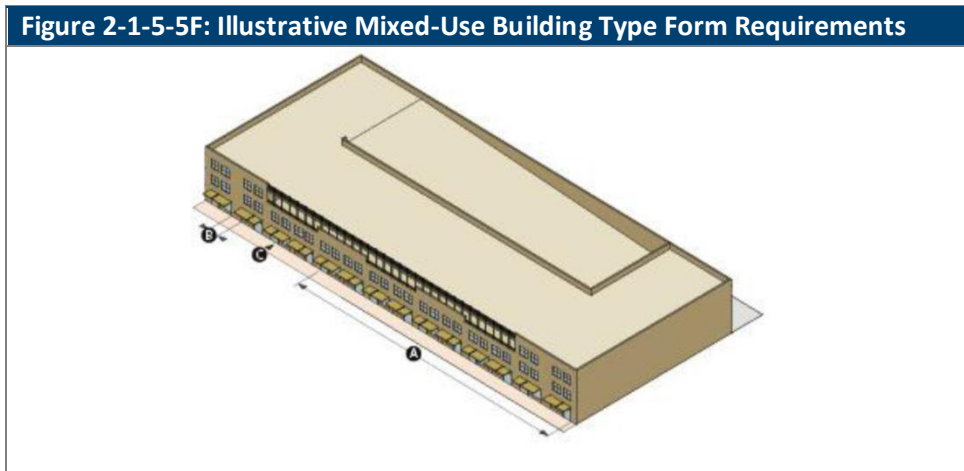
Table 2-1-5-5E: Mixed-Use Parking Structure Type Building Height and Floor Height

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV ¹	OW	RN ¹	RR	W	
A	Height (max)	Outside Frontage Zone	stories ²	5	3	-	3	-	3	3
B	Height (max)	Inside Frontage Zone	stories	5	2	-	2	-	2	2
B	Height (max)	Inside Frontage Zone, McIlvoy Park ⁵ , Olde Town Plaza, or Ralston Road frontages	stories	2	2	-	2	-	2	2
C	Height of Vertical Accent (max) ³	Inside Frontage Zone	stories	3	3	-	3	-	3	3
D	Width of Vertical Accent (max) ³	Inside Frontage Zone	% ⁴	40	40	-	40	-	40	40
E	Width Between Roofline Offsets (max)	-	ft.	60	60	-	60	-	60	60
F	Height Change for Roofline Offsets (min)	-	ft.	2	2	-	2	-	2	2
G	Height of Transparent Screening Device	Inside Frontage Zone	ft.	32 to 42	32 to 42	-	32 to 42	-	32 to 42	32 to 42
	Ground Floor Elevation (min)	Inside Frontage Zone	ft.	-	-	-	-	-	-	-
H	Ground Story Floor Height (min)	-	ft.	12	12	-	12	-	12	12

TABLE NOTES:

- ¹ The Mixed-Use Parking Structure building type is not allowed in this subdistrict.
- ² See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, Subsection H.
- ³ Vertical accent is not allowed along McIlvoy Park.
- ⁴ Maximum percent of building width.
- ⁵ Applies where property is directly adjacent to or across the street from McIlvoy Park.

- F. **Building Form.** Building form shall be as provided in Table 2-1-5-5F, Mixed-Use Parking Structure Building Type Form.



Transparency, Blank Wall, or Building Entrance		Standard
A	Ground Story Transparency (min) ¹	60%
A	Upper Story Transparency (min)	30%
A	Blank Wall Width (Street-Facing) (max)	30 ft.
C	Street-Facing Entrance	Required
C	Park-Facing Entrance (when fronting on McIlvoy Park)	Required
C	Plaza-Facing Entrance (when fronting on Olde Town Plaza)	Required

TABLE NOTES:
¹ Not applicable on parking component when fronting on Wadsworth Bypass

2-1-5-6 Apartment Building Type Lot and Building Standards

- A. **Generally.** The lot and building standards that apply to apartment building types are set out in this Section. See Section 2-1-5-2, Building Types, as to which sub-districts of the OT zoning district allow apartment type buildings. See Section 2-1-5-3, Generally Applicable Lot and Building Standards, regarding the application of the standards that are set out in this Section.
- B. **Lot Standards.** Lot standards are as provided in Table 2-1-5-6B, Apartment Building Type Lot Standards.

Lot Standard	Percent
Max. Lot Coverage	-
Min. Front Yard Landscaping	-

- C. **Building Setbacks.** Building setbacks are as provided in Table 2-1-5-6C, Apartment Building Type Setbacks.

Figure 2-1-5-6C: Illustrative Apartment Building Type Setbacks

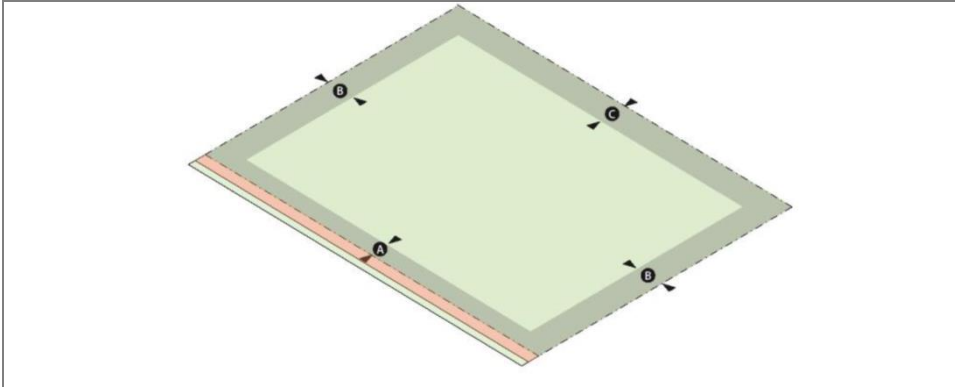


Table 2-1-5-6C: Apartment Building Type Building Setbacks

Setback Standard	Context	Min. Distance	
A	Front	Generally, except as specified below	10 ft.
A	Front	Mcllvoy Park	5 ft.
A	Front	Ralston Road	10 ft.
A	Front	Wadsworth Bypass	20 ft.
B	Side	Generally	10 ft.
C	Rear	No alley	10 ft.
C	Rear	Alley	0 ft.
	Side or Rear	Adjoining Protected Area	10 ft. ¹
	Front or Side Parking	Generally, except as specified below	5 ft.
	Front or Side Parking	Wadsworth Bypass, or Ralston Road	20 ft.

TABLE NOTES:

¹ This setback supersedes other side or rear setbacks where the subject property is adjacent to a protected area.

- D. **Building Placement and Building Width.** Building placement and building width shall be as provided in Table 2-1-5-6D, Apartment Building Type Placement and Building Width.

Figure 2-1-5-6D: Illustrative Apartment Building Type Placement and Building Width

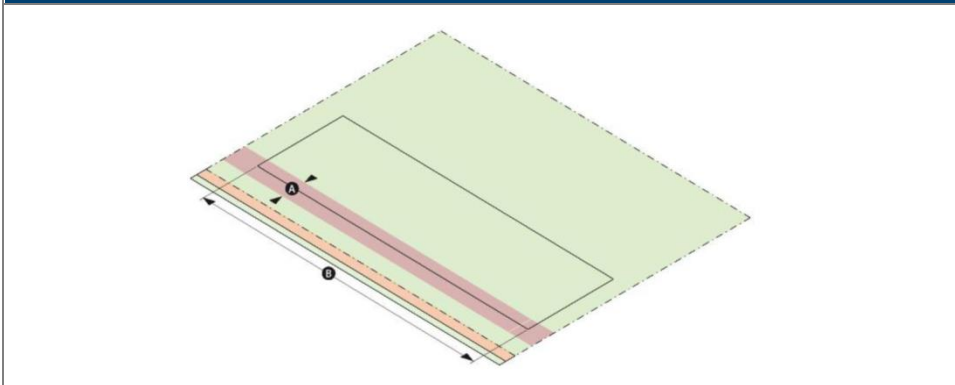


Table 2-1-5-6D: Apartment Building Type Placement and Building Width										
Standard	Context	Unit	Sub- District							
			E	EY	GV ¹	OW ¹	RN ¹	RR	W	
A	Frontage Zone, Generally		10 / 25	10 / 25	-	-	-	10 / 25	10 / 25	
A	Frontage Zone (min / max)	Generally, except as specified below	ft.	10 / 25	10 / 25	-	-	-	10 / 25	10 / 25
A	Frontage Zone (min / max)	Mcllvoy Park, Area 1	ft.	5 / 10	-	-	-	-	-	-
A	Frontage Zone (min / max)	Mcllvoy Park, Area 2	ft.	10 / 25	-	-	-	-	-	-
B	Building Width (max)	Inside Frontage Zone, Mcllvoy Park Area 1	%	78 ²	-	-	-	-	-	-
B	Building Width (min)	Inside Frontage Zone, Mcllvoy Park Area 2	%	75 ²	-	-	-	-	-	-
B	Total Building Width (max)	Generally, except as specified below	ft.	180	180	-	-	-	180	180
B	Total Building Width (max)	Wadsworth Bypass frontage	ft.	475	-	-	-	-	475	-
B	Total Building Width (max)	Mcllvoy Park frontage ³	ft.	400	-	-	-	-	-	180
B	Total Building Width (max)	Ralston Road frontage	ft.	180	120	-	-	-	180	120

TABLE NOTES:
¹The apartment building type is not allowed in this subdistrict.
² Percent of lot width. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards.
³ Applies where property is directly adjacent to or across the street from Mcllvoy Park.

E. **Building and Floor Height.** Building height, floor height, and building width shall be as provided in Table 2-1-5-6E, Apartment Building Type Height and Floor Height.

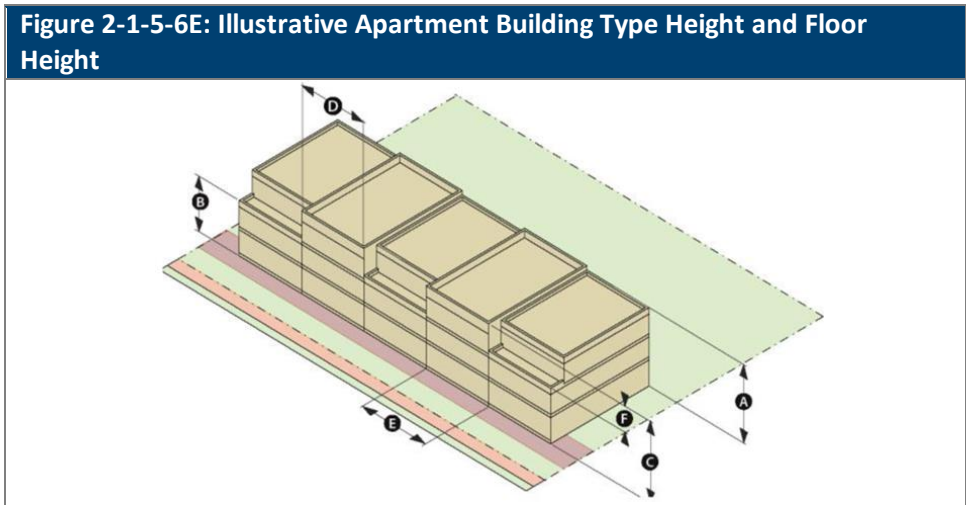


Table 2-1-5-6E: Apartment Building Type Height and Floor Height

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV ¹	OW ¹	RN ¹	RR	W	
A	Height (max)	Outside Frontage Zone	Stories ²	5	3	-	-	-	3	3
B	Height (max)	Inside Frontage Zone, except as specified below	stories	5	2	-	-	-	2	2
B	Height (max)	Inside Frontage Zone, Ralston Road and Mcllvoy Park Area 1	stories	2	-	-	-	-	-	2
B	Height (max)	Inside Frontage Zone, Mcllvoy Park Area 2	stories	3	-	-	-	-	-	3
B	Height (max)	Inside Frontage Zone, Olde Town Plaza	stories	-	-	-	-	-	-	2
B	Height (min)	Generally	stories	2	-	-	-	-	-	-
C	Height of Vertical Accent (max)	Inside Frontage Zone generally, except as specified below	stories	3	3	-	-	-	3	3
C	Height of Vertical Accent (max)	Inside Frontage Zone, Mcllvoy Park Area 1	stories	3	-	-	-	-	-	-
C	Height of Vertical Accent (max)	Inside Frontage Zone, Ralston Road and Mcllvoy Park Area 2	stories	5	5	-	-	-	5	-
D	Width of Vertical Accent (max)	Inside Frontage Zone generally, except as specified below	% ³	40	40	-	-	-	40	40
D	Width of Vertical Accent (max)	Inside Frontage Zone, Mcllvoy Park Area 1	% ³	88	-	-	-	-	-	-
D	Width of Vertical Accent (max)	Inside Frontage Zone, Mcllvoy Park Area 2	% ³	68	-	-	-	-	-	-
D	Width of Vertical Accent (max)	Inside Frontage Zone, Ralston Road	% ⁴	55	55	-	-	-	55	55
E	Width Between Roofline Offsets (max)	-	ft.	60	60	-	-	-	60	60
F	Height Change for Roofline Offset (min)	-	ft.	2	2	-	-	-	2	2
	Ground Floor Elevation (min)	Inside Frontage Zone	ft.	-	-	-	-	-	-	-
	Ground story, floor to ceiling (min)	-	ft.	-	-	-	-	-	-	-

TABLE NOTES:

¹ The apartment building type is not allowed in this subdistrict.

² See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, Subsection H.

³ Maximum percent of building width.

⁴ Maximum percent of lot width. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards.

F. **Building Form.** Building form shall be as provided in Table 2-1-5-6F, Apartment Building Type Form.

Figure 2-1-5-6F: Illustrative Apartment Building Type Form Requirements

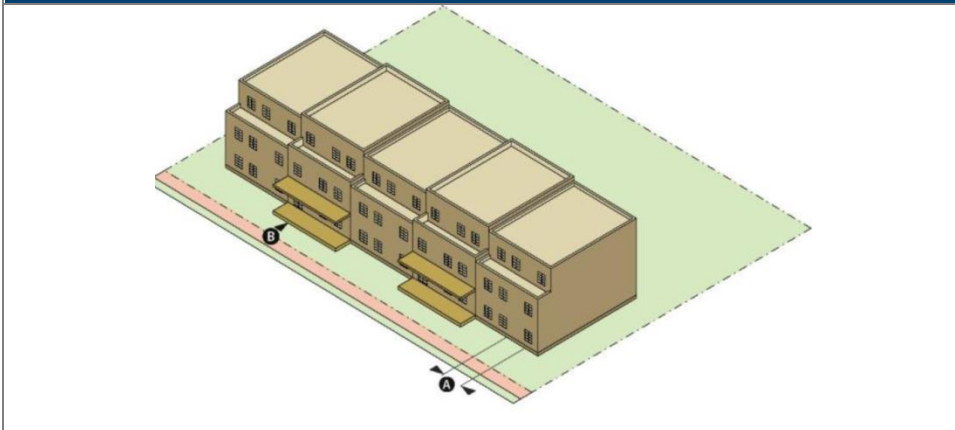


Table 2-1-5-6F: Apartment Building Type Form

Transparency, Blank Wall, or Building Entrance		Standard
	Ground Story Transparency (min)	-
	Upper Story Transparency (max)	-
A	Blank Wall Width, Street-Facing (max)	35 ft.
B	Street-facing entrance	Required
B	Park-facing entrance, when fronting McIlvoy Park	Required
B	Plaza-facing entrance, when fronting Olde Town Plaza	Required

2-1-5-7 Townhouse Building Type Lot and Building Standards

- A. **Generally.** The lot and building standards that apply to townhouse building types are set out in this Section. See Section 2-1-5-2, Building Types, as to which sub-districts of the OT zoning district allow townhouse building types. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, regarding the application of the standards that are set out in this Section.
- B. **Lot Standards.** Lot standards are as provided in Table 2-1-5-7B, Townhouse Building Type Lot Standards.

Table 2-1-5-7B: Townhouse Building Type Lot Standards

Lot Standard	Percent
Max. Lot Coverage	-
Min. Front Yard Landscaping	-

- C. **Building Setbacks.** Building setbacks are as provided in Table 2-1-5-7C, Townhouse Building Type Setbacks.

Figure 2-1-5-7C: Illustrative Townhouse Building Type Setbacks

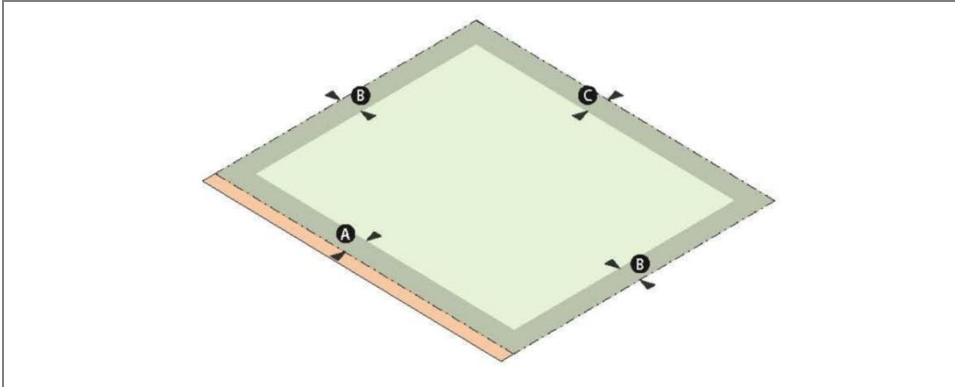


Table 2-1-5-7C: Townhouse Building Type Setbacks

Setback Standard	Context	Min. Distance	
A	Front	Generally, except as specified below	10 ft.
A	Front	Wadsworth Bypass	20 ft.
B	Side	Generally	10 ft.
C	Rear	No alley	10 ft.
C	Rear	Alley	0 ft.
-	Side or Rear	Adjoining Protected Area	10 ft. ¹
	Front or Side Parking Setback	Generally, except as specified below	5 ft.
	Front or Side Parking Setback	Wadsworth Bypass, or Ralston Road	20 ft.

TABLE NOTES:

¹ This setback supersedes other side or rear setbacks where the subject property is adjacent to a protected area.

- D. **Building Placement and Building Width.** Building placement and building width shall be as provided in Table 2-1-5-7D Townhome Building Type Placement and Building Width.

Figure 2-1-5-7D: Illustrative Townhouse Building Type Placement and Building Width

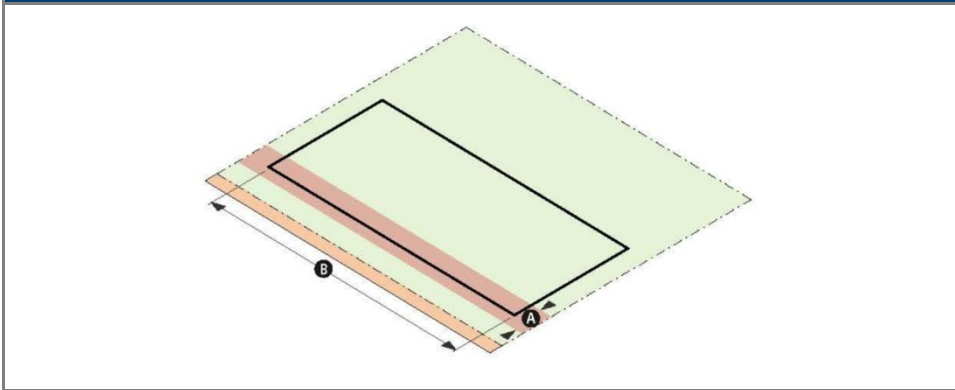


Table 2-1-5-7D: Townhouse Building Type Placement and Building Width

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV ¹	OW ¹	RN ¹	RR	W	
A	Frontage Zone (min / max)	Generally, except as specified below	ft.	10 / 25	10 / 25	-	-	-	10 / 25	10 / 25
A	Frontage Zone (min / max)	Mcllvoy Park	ft.	10 / 20	-	-	-	-	-	-
B	Building Width (min)	Inside Frontage Zone	% ²	75	75	-	-	-	75	75
B	Total Building Width (max)	Generally, except as specified below	ft.	180	180	-	-	-	180	180
B	Total Building Width (max)	Wadsworth Bypass frontage	ft.	240	-	-	-	-	240	-
B	Total Building Width (max)	Mcllvoy Park frontage ³	ft.	120	-	-	-	-	-	120

TABLE NOTES:
¹ The townhome building type is not allowed in this subdistrict.
² Percent of lot width. **See** Section 2-1-53, Generally Applicable Lot and Building Form Standards.
³ Applies where property is directly adjacent to or across the street from Mcllvoy Park.

E. **Building and Floor Height.** Building height, floor height, and building width shall be as provided in Table 2-1-5-7E, Townhouse Building Type Height and Floor Height.

Figure 2-1-5-7E: Illustrative Townhouse Building Type Height and Floor Height

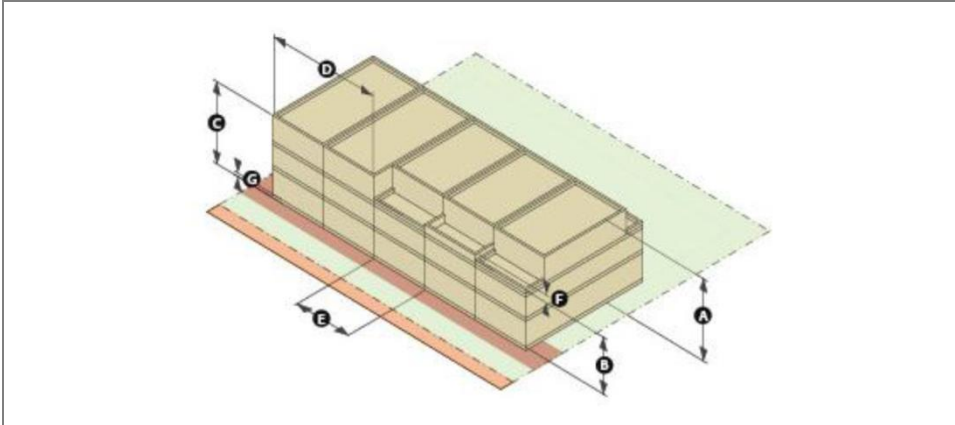


Table 2-1-5-7E: Townhouse Building Type Height and Floor Height

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV ¹	OW ¹	RN ¹	RR	W	
A	Height (max)	Outside Frontage Zone	Stories	5	3	-	-	-	3	3
B	Height (max)	Inside Frontage Zone, except as specified below	Stories	5	2	-	-	-	2	2
B	Height (max)	Inside Frontage Zone, McIlvoy Park	Stories	2		-	-	-		
B	Height (max)	Inside Frontage Zone, Ralston Road	Stories	2	2	-	-	-	2	2
B	Height (min)	Generally	Stories	2		-	-	-		
C	Height of Vertical Accent (max) ²	Inside Frontage Zone	Stories	3	3	-	-	-	3	3
D	Width of Vertical Accent (max)	Inside Frontage Zone	% ³	40	40	-	-	-	40	40
E	Width Between Roofline Offsets (max)	-	ft.	60	60	-	-	-	60	60
F	Height Change for Roofline Offset (min)	-	ft.	2	2	-	-	-	2	2
	Ground Floor Elevation (min)	Inside Frontage Zone	ft.	2	2	-	-	-	2	2
	Ground story, floor to ceiling (min)	-	ft.	-	-	-	-	-	-	-

TABLE NOTES:

¹ The townhouse building type is not allowed in this subdistrict.

² Not allowed on McIlvoy Park frontages.

³ Maximum percent of building width.

F. **Building Form.** Building form shall be as provided in Table 2-1-5-7F, Townhouse Building Type Form.

Figure 2-1-5-7F: Illustrative Townhouse Building Type Form Requirements

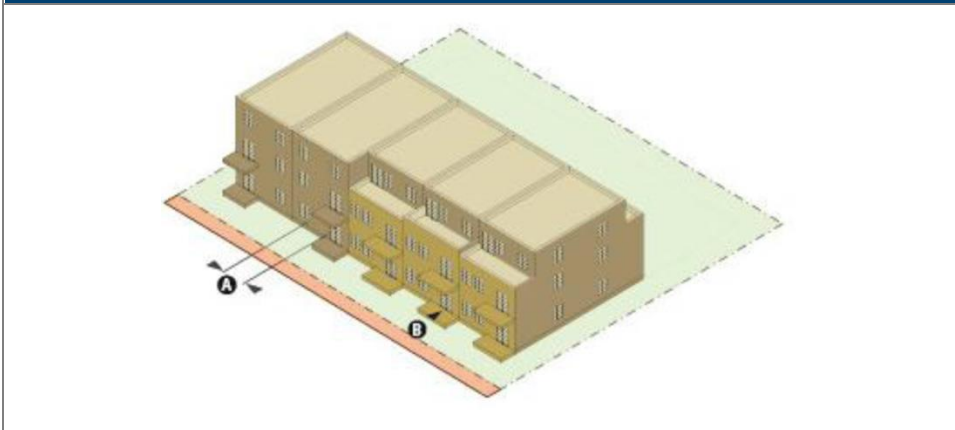


Table 2-1-5-7F: Townhouse Building Type Form

Transparency, Blank Wall, or Building Entrance		Standard
A	Blank Wall Width, Street Facing (max)	30 ft.
B	Street-Facing Entrances, Each Unit	Required
B	Park or Plaza-Facing Entrances, Each Unit That Fronts McIlvoy Park or Olde Town Plaza	Required

2-1-5-8 Multiplex House Lot and Building Standards

- A. **Generally.** The lot and building standards that apply to multiplex house building types are set out in this Section. See Section 2-1-5-2, Building Types, as to which sub-districts of the OT zoning district allow multiplex house building types. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, regarding the application of the standards that are set out in this Section.
- B. **Lot Standards.** Lot standards are as provided in Table 2-1-5-8B, Multiplex House Building Type Lot Standards.

Table 2-1-5-8B: Multiplex House Building Type Lot Standards

Lot Standard	Percent
Max. Lot Coverage	-
Min. Front Yard Landscaping ¹	100%
TABLE NOTES: ¹ Exclusive of driveways	

- C. **Building Setbacks.** Building setbacks are as provided in Table 2-1-5-8C, Multiplex House Building Type Setbacks.

Figure 2-1-5-8C: Illustrative Multiplex House Building Type Setbacks

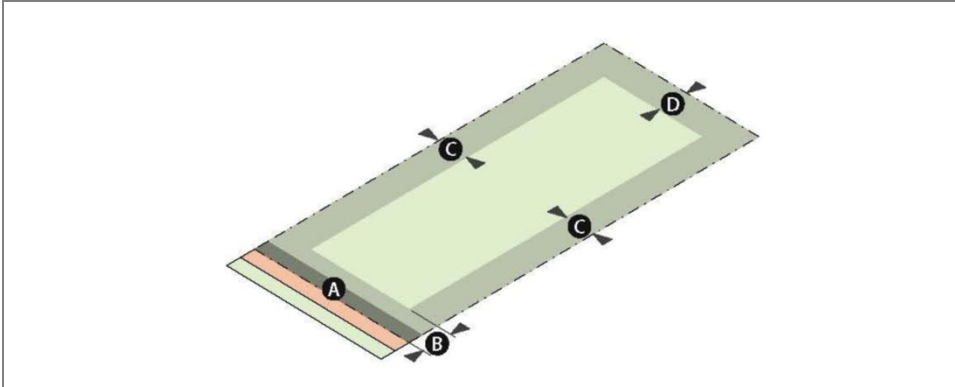


Table 2-1-5-8C: Multiplex House Building Type Setbacks

Setback Standard	Context	Min. Distance	
B	Front	Generally, except as specified below	10 ft.
B	Front, McIlvoy Park	McIlvoy Park	10 ft.
B	Front, Wadsworth Bypass	Wadsworth Bypass	20 ft.
C	Side	Generally	10 ft.
D	Rear	No alley	10 ft.
D	Rear	Alley	10 ft.
-	Side or Rear	Adjoining Protected Area	10 ft. ¹
	Front or Side Parking	Generally, except as specified below	5 ft.
	Front or Side Parking	Wadsworth Bypass, or Ralston Road	20 ft.

TABLE NOTE:

¹ This setback supersedes other side or rear setbacks where the subject property is adjacent to a protected area.

- D. **Building Placement and Building Width.** Building placement and building width shall be as provided in Table 2-1-5-8D, Multiplex House Building Type Placement and Building Width.

Figure 2-1-5-8D: Illustrative Multiplex House Building Type Placement and Building Width

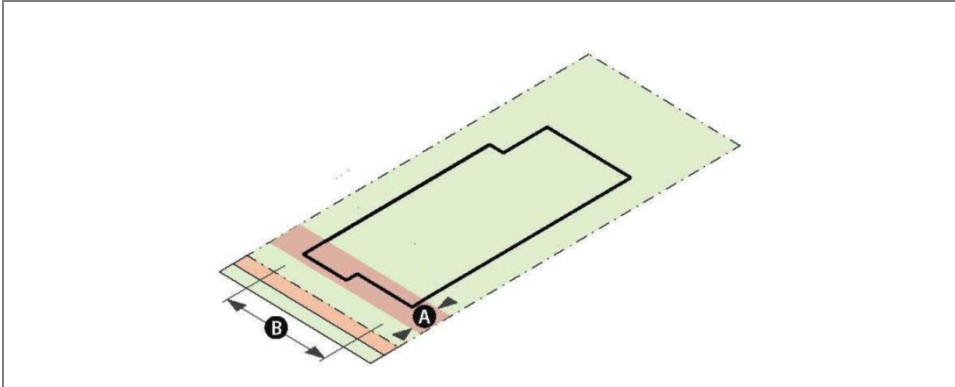


Table 2-1-5-8D: Multiplex House Building Type Placement and Building Width

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY ¹	GV ¹	OW ¹	RN ¹	RR ¹	W ¹	
A	Frontage Zone (min / max)	ft.	10 / 20	-	-	-	-	10 / 20	-	10 / 20
B	Total Building Width (min)	% ²	75%	-	-	-	-	75%	-	75%
B	Total Building Width (max)	ft.	40	-	-	-	-	35	-	40

TABLE NOTES:

¹ The Multiplex House building type is not allowed in this subdistrict.

² Percent of lot width. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards.

- E. **Building and Floor Height.** Building height, floor height, and building width shall be as provided in Table 2-1-5-8E, Multiplex House Building Type Height and Floor Height.

Figure 2-1-5-8E: Illustrative Multiplex House Building Type Height and Floor Height

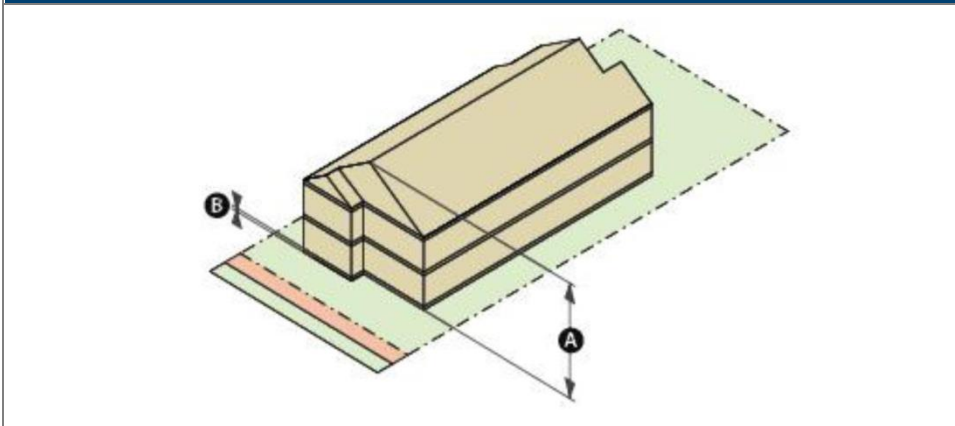


Table 2-1-5-8E: Multiplex House Building Type Height and Floor Height

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY ¹	GV ¹	OW ¹	RN	RR ¹	W	
A	Height (min)	Generally	Stories	2	-	-	-	2	-	2
B	Ground floor elevation (min)	Inside Frontage Zone	ft.	2	-	-	-	2	-	2
-	Ground story, floor to ceiling (min)	Generally	ft.	-	-	-	-	-	-	-

TABLE NOTES:
¹ The Multiplex House building type is not allowed in this subdistrict.

F. **Building Form.** Building form shall be as provided in Table 2-1-5-8F, Multiplex House Building Type Form.

Figure 2-1-5-8F: Illustrative Multiplex House Building Type Form Requirements

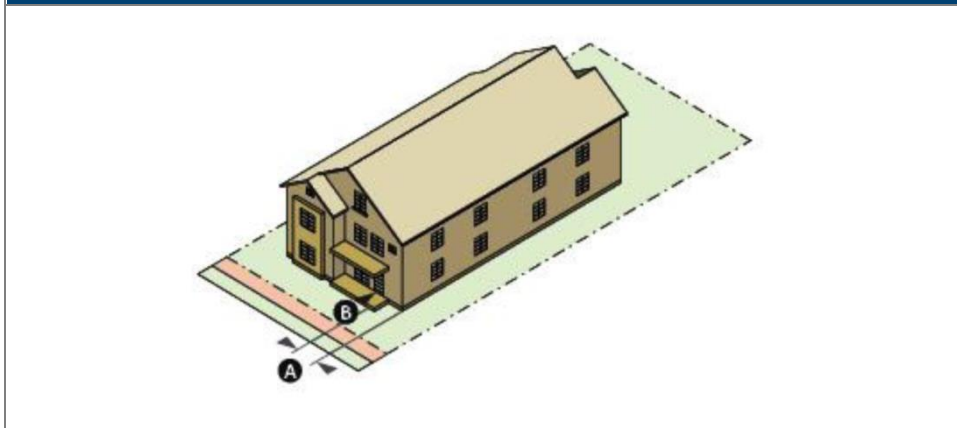


Table 2-4-3-8F: Multiplex House Building Type Form

	Blank Wall or Building Entrance	Standard
A	Blank wall width, street facing (max)	10 ft.
B	Street-facing entrance, each unit	Required
B	Park-facing entrance, each unit when fronting McIlvoy Park	Required

2-1-5-9 Single-Family Dwelling or Duplex Building Type Lot and Building Standards

- A. **Generally.** The lot and building standards that apply to single-family or duplex dwelling unit building types are set out in this Section. See Section 2-1-5-2, Building Types, as to which sub-districts of the OT zoning district allow single-family or duplex dwelling building types. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, regarding the application of the standards that are set out in this Section.
- B. **Lot Standards.** Lot standards are as provided in Table 2-1-5-9B, Single-Family or Duplex Building Type Lot Standards

Table 2-1-5-9B: Single-Family or Duplex Building Type Lot Standards	
Lot Standard	Percent
Max. Lot Coverage	50%
Min. Front Yard Landscaping	100% ¹
TABLE NOTES: ¹ Exclusive of driveways.	

- C. **Building Setbacks.** Building setbacks are as provided in Table 2-1-5-9C, Single-Family or Duplex Building Type Setbacks.

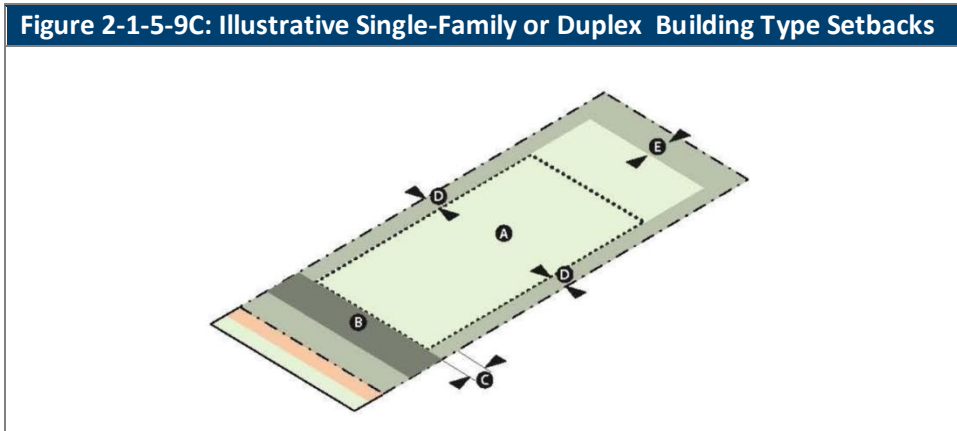


Table 2-1-5-9C: Single-Family or Duplex Building Type Setbacks			
Setback Standard		Context	Min. Distance
A	Front	Generally	15 ft.
B	Side	Generally	5 ft.
C	Rear	No alley	10 ft.
C	Rear Alley	Alley	10 ft.
-	Side or Rear	No alley, Adjoining Protected Area	5 ft.

- D. **Building Placement and Building Width.** Building placement and building width shall be as provided in Table 2-1-5-9D, Single-Family or Duplex Building Type Placement and Building Width.

Figure 2-1-5-9D: Illustrative Single-Family or Duplex Building Type Placement and Building Width

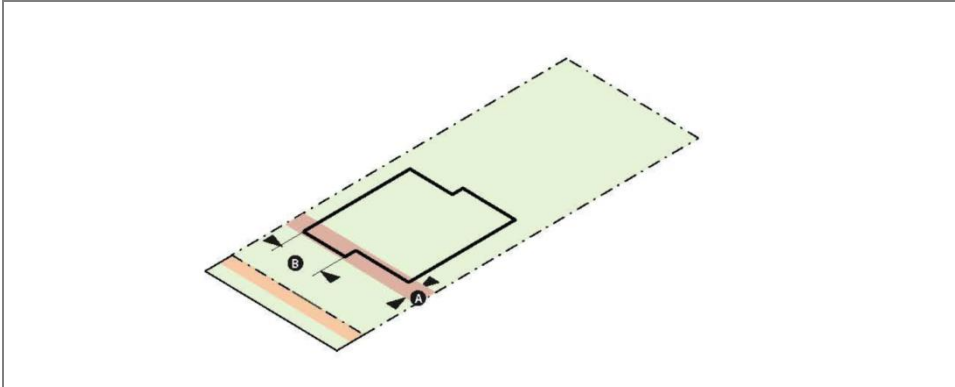


Table 2-1-5-9D: Single-Family or Duplex Building Type Placement and Building Width

Standard	Context	Unit	Sub-District of OT Zoning District						
			E	EY ¹	GV	OW	RN	RR	W ¹
A	Frontage Zone (min / max)	ft.	15/20	-	15/20	15/20	15/20	15/20	-
B	Total Building Width (max)	ft.	30	-	30	30	30	30	-

TABLE NOTES:

¹ The Single-Family and Duplex building types are not allowed in this subdistrict.

- E. **Building and Floor Height.** Building height, and floor height shall be as provided in Table 2-1-5-9E, Single-Family or Duplex Building Type Height and Floor Height.

Figure 2-1-5-9E: Illustrative Single-Family or Duplex Building Type Height and Floor Height

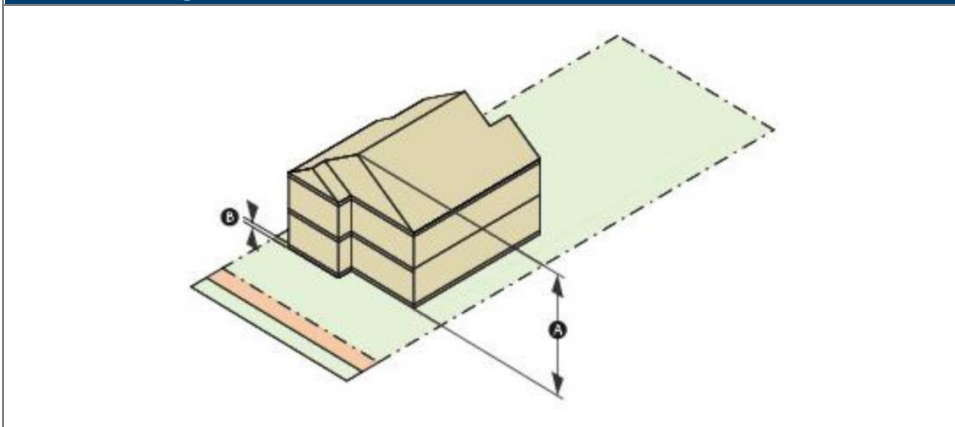


Table 2-1-5-9E: Single-Family or Duplex Building Type Height and Floor Height

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY ¹	GV	OW	RN	RR	W ¹	
A	Height (max)	Generally	Stories	2	-	2	2	2	2	-
B	Ground floor elevation (min)	Inside Frontage Zone	ft.	2	-	2	2	2	2	-
-	Ground story, floor to ceiling (min)	Generally	ft.	-	-	-	-	-	-	-

TABLE NOTES:

¹ The Single-Family and Duplex building types are not allowed in this subdistrict.

- F. **Building Form.** Building form shall be as provided in Table 2-1-5-9F, Single-Family or Duplex Building Type Form.

Figure 2-1-5-9F: Illustrative Single-Family or Duplex Building Type Form Requirements

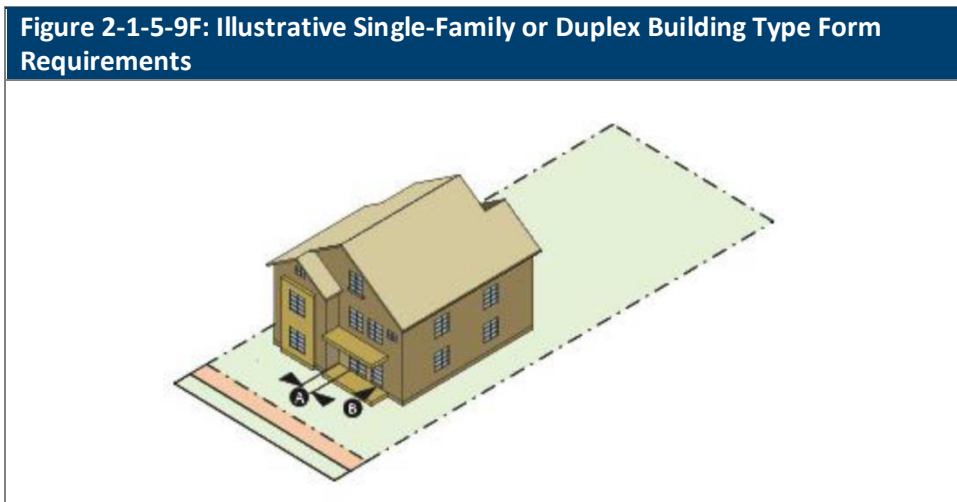


Table 2-1-5-9F: Single-Family or Duplex Building Type Form

	Blank Wall or Building Entrance	Standard
A	Blank wall width, street facing (max)	10 ft.
B	Street-facing entrance	Required
B	Park-facing entrance, when fronting McIlvoy Park	Required

2-1-5-10 Detached Accessory Dwelling Unit or Accessory Building Type Standards

- A. **Generally.** The standards that apply to detached accessory dwelling unit or other accessory building types are set out in this Section. See Section 2-1-5-2, Building Types, as to which sub-districts of the OT zoning district allow these types of buildings. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, regarding the application of the standards that are set out in this Section.
- B. **Lot Standards.** Lot standards are as provided in Table 2-1-5-10B, Accessory Dwelling Unit or Accessory Building Type Lot Standards.

Table 2-1-5-10B: Accessory Dwelling Unit or Accessory Building Type Lot Standards	
Lot Standard	Percent
Max. Building Footprint Allowed per principle building	Lesser of 800 sf. or 40% of the footprint of the principal building
Min. Front Yard Landscaping, West 57th Avenue ¹	100% ¹
TABLE NOTES: ¹ Exclusive of driveways	

- C. **Building Setbacks.** Building setbacks are as provided in Table 2-1-5-10C, Accessory Dwelling Unit or Accessory Building Type Setbacks.

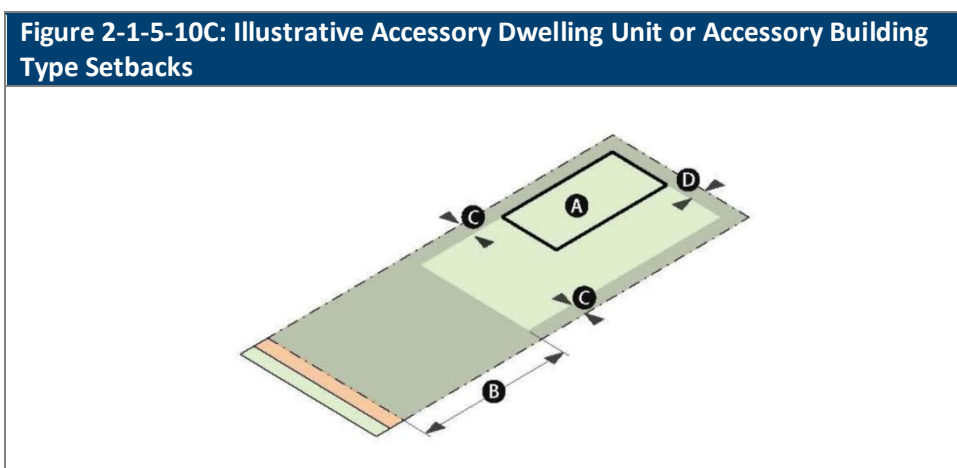


Table 2-1-5-10C: Accessory Dwelling Unit or Accessory Building Type Setbacks			
Setback Standard		Context	Min. Distance
A	Front	Generally, except as specified below	50 ft.
A	Front	West 57th Avenue frontage	10 ft.
A	Front	Mcllvoy Park frontage	50 ft.
B	Side	Generally	5 ft.
C	Rear	No alley	5 ft.
C	Rear Alley	Alley	0 ft.
	Side or Rear	Adjoining Protected Area	5 ft.

- D. **Building and Floor Height.** Building height, and floor height shall be as provided in Table 2-1-5-10D, Accessory Dwelling Unit or Accessory Building Height and Floor Height.

Figure 2-1-5-10D: Illustrative Accessory Dwelling Unit or Accessory Building Type Height and Floor Height

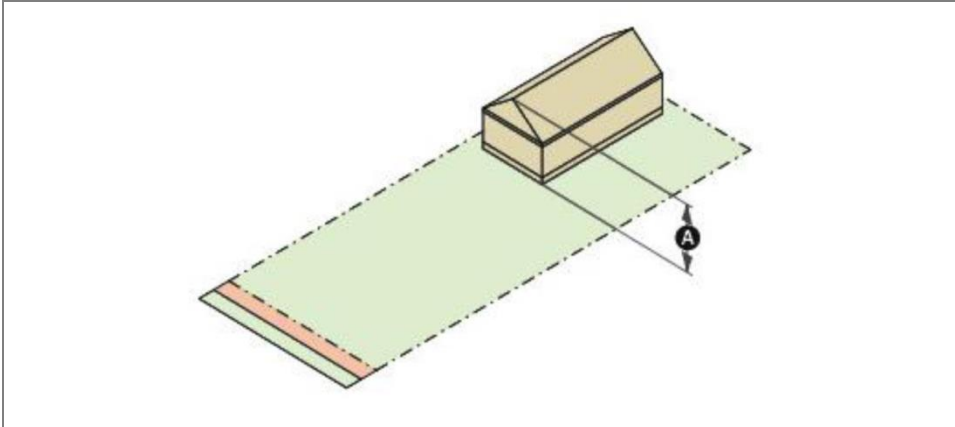


Table 2-1-5-10D: Accessory Dwelling Unit or Accessory Building Type Height and Floor Height

Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV	OW	RN	RR	W	
A	Height (max)	Generally	Stories	1	1	1	1	1	1	1
B	Ground floor elevation in frontage zone (min)	Inside Frontage Zone	ft.	-	-	-	-	-	-	-
-	Ground story, floor to ceiling (min)	Generally	ft.	-	-	-	-	-	-	-

- E. **Building Form.** Building form shall be as provided in Table 2-1-5-10E, Single-Family or Duplex Building Type Form.

Figure 2-1-5-10E: Illustrative Accessory Dwelling Unit or Accessory Building Type Form Requirements

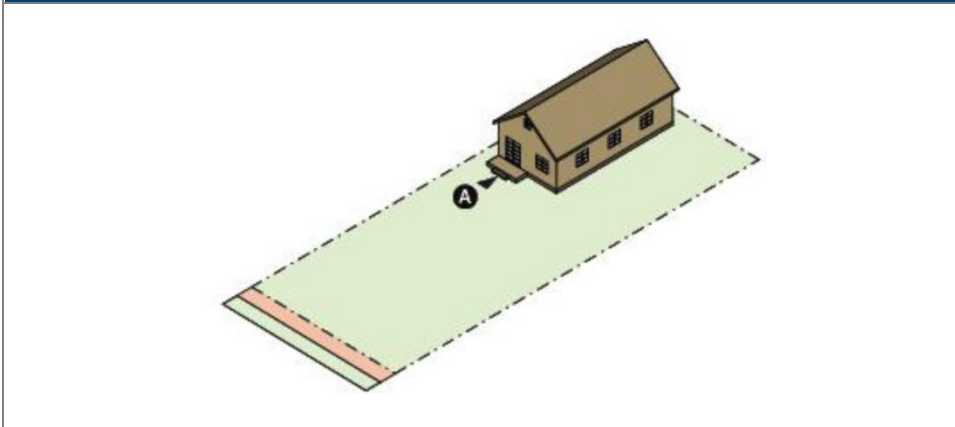


Table 2-1-5-10E: Accessory Dwelling Unit or Accessory Building Type Form		
Blank Wall or Building Entrance		Standard
-	Blank wall, street, Olde Town Plaza or McIlvoy Park facing wall width (max)	10 ft.
A	Street-facing entrance for ADU	Required

2-1-5-11 Civic Building Lot and Building Standards

- A. **Generally.** The lot and building standards that apply to civic buildings are set out in this Section. See Section 2-1-5-2, Building Types, as to which sub-districts of the OT zoning district allow civic buildings. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards, regarding the application of the standards that are set out in this Section.
- B. **Lot Standards.** Lot standards are as provided in Table 2-1-5-11B, Civic Building Lot Standards.

Table 2-1-5-11B: Civic Building Lot Standards	
Lot Standard	Percent
Max. Lot Coverage	-
Min. Front Yard Landscaping	-

- C. **Building Setbacks.** Building setbacks are as provided in Table 2-1-5-11C, Civic Building Setbacks.

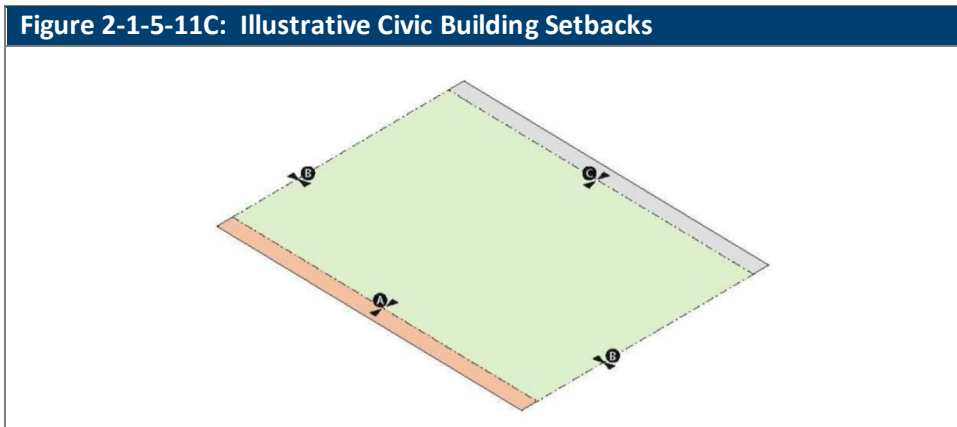


Table 2-1-5-11C: Civic Building Setbacks			
Setback Standard		Context	Distance
A	Front (min / max)	Generally, except as specified below	0 ft. / 20 ft.
A	Front (min / max)	Ralston Road, McIlvoy Park, or Robinson Way	10 ft. / 20 ft.
A	Front (min)	Wadsworth Bypass	20 ft.
B	Side (min / max)	Generally	0 ft. / 10 ft.
C	Rear (min)	No alley	0 ft.
C	Rear (min)	Alley	0 ft.
-	Side or Rear	Adjoining Protected Area	10 ft. ¹
	Front or Rear	Generally, except as specified below	5 ft.

Table 2-1-5-11C: Civic Building Setbacks		
Setback Standard	Context	Distance
Parking		
Front or Rear Parking	Wadsworth Bypass, or Ralston Road	20 ft.

TABLE NOTES:
¹ This setback supersedes other side or rear setbacks where the subject property is adjacent to a property line with a protected area.

D. **Building Placement and Building Width.** Building placement and building width shall be as provided in Table 2-1-5-11D, Civic Building Placement and Building Width.

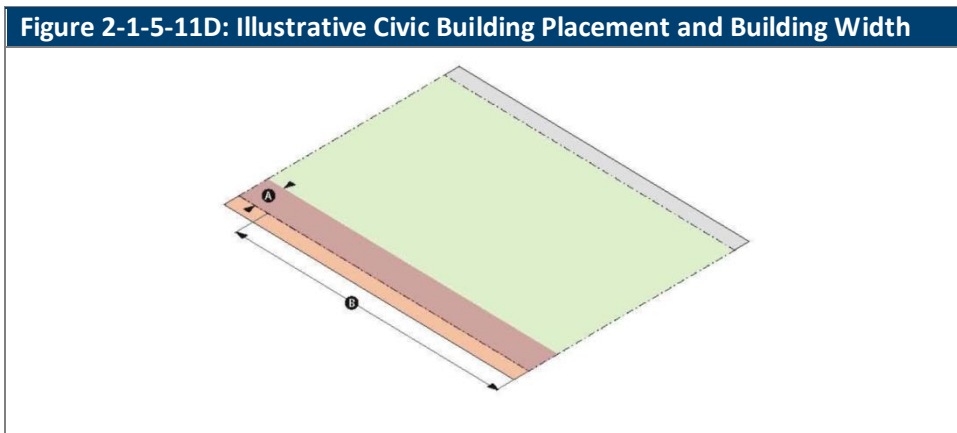
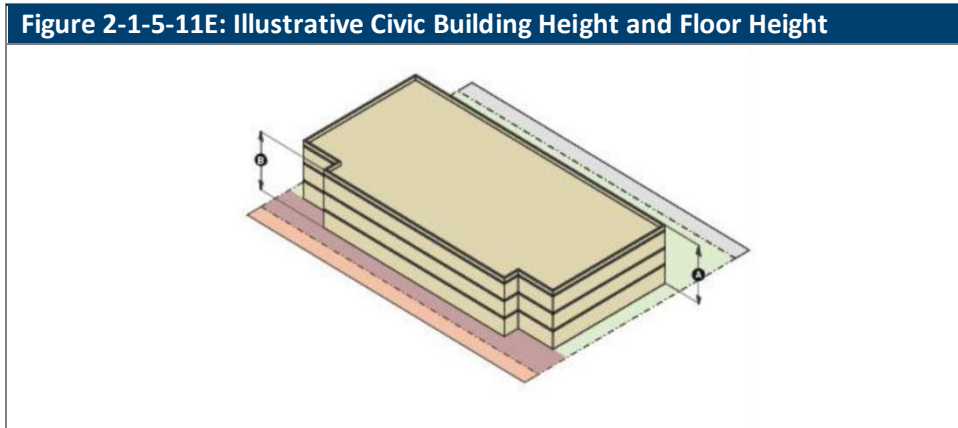


Table 2-1-5-11D: Civic Building Placement and Building Width										
Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV	OW	RN ₁	RR	W	
A	Frontage Zone (min / max)	Generally, except as specified below	ft.	0 / 20	0 / 20	0 / 20	0 / 20	-	0 / 20	0 / 20
A	Frontage Zone (min / max)	Mcllvoy Park, Ralston Road, or Robinson Way frontage	ft.	10 / 20	10 / 20	10 / 20	10 / 20	-	10 / 20	10 / 20
A	Frontage Zone (min / max)	Olde Town Plaza frontage	ft.	0 / 20	0 / 20	0 / 20	0 / 20	-	0 / 20	0 / 20
B	Building Width (min)	Inside Frontage Zone	% ²	75	75	75	75	-	75	75
B	Total Building Width (max)	Generally, except as specified below	ft.	180	180	120	180	-	180	180
B	Total Building Width (max)	Wadsworth Bypass frontage	ft.	240	-	-	-	-	240	-
B	Total Building Width (max)	Mcllvoy Park frontage ³	ft.	120	-	120	-	-	-	180

TABLE NOTES:
¹ The Civic Building form is not allowed in this subdistrict.
² Percent of lot width. See Section 2-1-5-3, Generally Applicable Lot and Building Form Standards.
³ Applies where property is directly adjacent to or across the street from Mcllvoy Park.

- E. **Building and Floor Height.** Building height, and floor height shall be as provided in Table 2-1-5-11E, Civic Building Height and Floor Height.



Standard	Context	Unit	Sub-District of OT Zoning District							
			E	EY	GV	OW	RN ¹	RR	W	
A	Height (max)	Outside Frontage Zone	stories	5	3	2	3	-	3	3
B	Height (max)	Inside Frontage Zone	stories	5	3	2	3	-	3	3
B	Height (max)	Inside Frontage Zone, Mcllvoy Park	stories	2	2	2	2	-	2	2
B	Height (max)	Inside Frontage Zone, Ralston Road, Olde Town Plaza	stories	2	2	-	2	-	2	-
-	Ground Floor Elevation (min)	Generally	ft.	-	-	-	-	-	-	-
-	Ground story, floor to ceiling (min)	Generally	ft.	-	-	-	-	-	-	-

TABLE NOTES:
 1 The civic building type is not allowed in this subdistrict.

- F. **Building Form.** Building form shall be as provided in Table 2-1-5-11F, Civic Building Form.

Figure 2-1-5-11F: Illustrative Civic Building Form Requirements

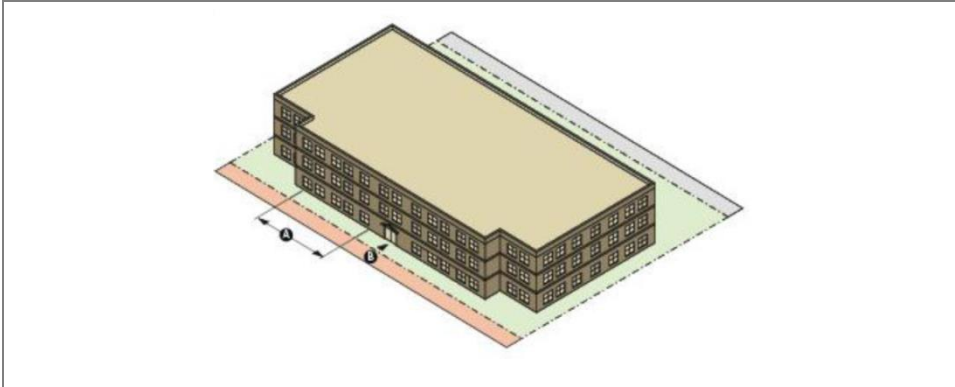


Table 2-1-5-11F: Civic Building Form

	Transparency, Blank Wall, or Building Entrance	Standard
A	Blank Wall Width, Street Facing (max)	30 ft.
B	Street-Facing Entrances	Required
B	Park-Facing Entrances, Fronts McIlvoy Park and Plaza Facing	Required

Division 2-1-6 Commercial and Industrial Districts

2-1-6-1 CG: Commercial, General

- A. **Purpose.** The purpose of the Commercial, General (CG) zoning district is to accommodate a wide variety of general retail and service uses, as well as professional and business offices serving both neighborhood and area-wide needs. This zoning district is typically situated along arterial streets, or where other appropriate high-volume vehicular access is available.
- B. **Relationship to the Comprehensive Plan.** The CG zoning district generally implements the “Neighborhood and Community Commercial/Office” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the CG zoning district are set out in Table 2-1-6-1A, Commercial, General Lot and Building Standards.

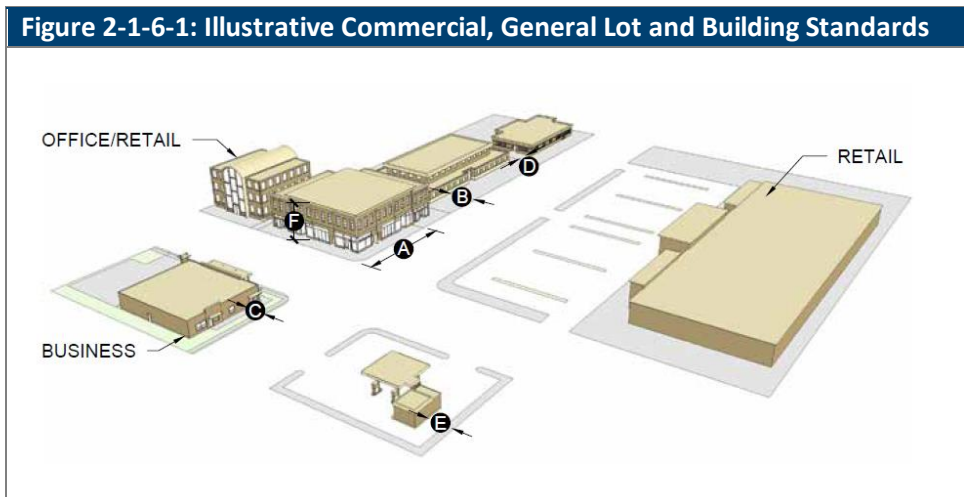


Table 2-1-6-1A: Commercial, General Lot and Building Standards		
Standard		All Lot Types
Lot Standards		
	Min. Lot Area	5,000 sf.
A	Min. Lot Width	50 ft.
	Max. Lot Coverage	35%
Setback Standards		
B	Min. Front	20 ft.
C	Min. Street Side	20 ft.
D	Min. Interior Side	10 ft.
E	Min. Rear	20 ft.
	Min. Front Parking	20 ft.
Building Standards		
F	Max. Height, Principal Building	45 ft.
	Max. Height, Accessory Building	18 ft.
	Max. Height, Mini-structure	12 ft.
Site Standards		
	Min. Landscape Surface Area	20%

Table 2-1-6-1A: Commercial, General Lot and Building Standards	
Standard	All Lot Types
Max. Outdoor Display	5% of enclosed retail floor area
Max. Outdoor Storage	5%
Height Transition Zone	
Min. Height Transition Zone Depth abutting RA and RN districts	See Section 2-1-10-3, Height Transition to RA and RN Zoning Districts.

- D. **Cross-References.** The cross-references in Table 2-1-6-1B, Cross-References for Commercial, General, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-6-1B: Cross-References for Commercial, General	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2, Building and Structure Design Standards
Mini-Structures	Division 5-1-4-3. Mini-Structures
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Drive-Through Facilities	Section 5-1-6-2, Drive-Through Facilities
Outdoor Storage, and Outdoor Retail Display	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display., and Outdoor Dining Areas.
Signs	Chapter 6, Signs

2-1-6-2 IL: Industrial, Light

- A. **Purpose.** The purpose of the Industrial, Light (IL) zoning district is to provide areas for light manufacturing, assembly and fabrication uses, office, research, food and beverage processing, packaging, or bottling, and compatible recreational activities.
- B. **Relationship to the Comprehensive Plan.** The IL zoning district generally implements the “Industrial/Office” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the IL zoning district are set out in Table 2-1-6-2A, Industrial, Light Lot and Building Standards.

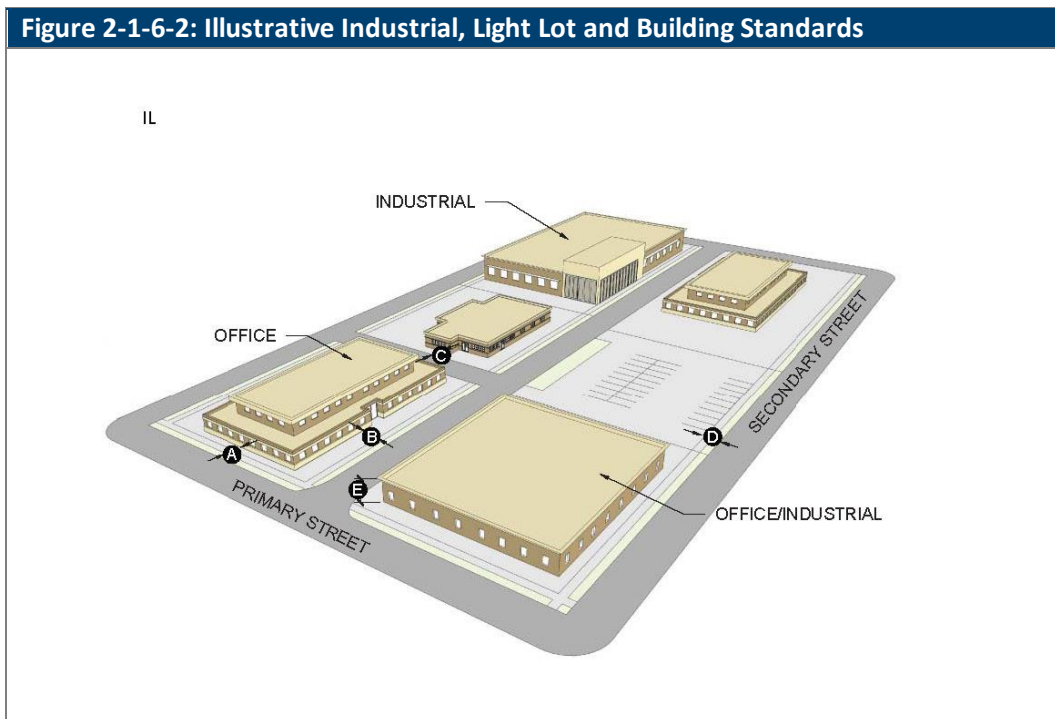


Table 2-1-6-2A: Industrial, Light Lot and Building Standards		
Standard		All Lot Types
Lot Standards		
	Min. Lot Area	None
	Min. Lot Width	None
	Max. Lot Coverage	50%
Setback Standards		
A	Min. Front	20 ft.
B	Min. Street Side	20 ft.
C	Min. Interior Side	5 ft. ¹
D	Min. Rear Setback	5 ft. ¹
	Min. Front Parking	20 ft.
Building Standards		
E	Max. Height, Buildings	40 ft.
	Max. Height, Mini-structures	12 ft.

Table 2-1-6-2A: Industrial, Light Lot and Building Standards		
Standard	All Lot Types	
Site Standards		
Min. Landscape Surface Area	15%	
Max. Outdoor Display	10% of enclosed retail floor area	
Max. Outdoor Storage of Lot Area	35%	
TABLE NOTES:		
¹ Side and rear setbacks shall be 20 ft. where adjacent to a single-family detached use in unincorporated Jefferson County.		

- D. **Cross-References.** The cross-references in Table 2-1-6-2B, Cross-References for Industrial, Light, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-6-2B: Cross-References for Industrial, Light	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2, Building and Structure Design Standards
Mini-Structures	Division 5-1-4-3, Mini-Structures
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display and Outdoor Dining Areas
Signs	Chapter 6, Signs

2-1-6-3 IG: Industrial, General

- A. **Purpose.** The purpose of the Industrial, General (IG) zoning district is to provide areas for a wide variety of industrial, manufacturing and heavy industries, heavy logistics centers, storage yards, and comparable uses and activities, as well as less intensive industries and supporting uses.
- B. **Relationship to the Comprehensive Plan.** The IG zoning district generally implements the “Industrial” land use category stated in the Comprehensive Plan.
- C. **Lot and Building Standards.** The standards for lots and buildings in the IG zoning district are set out in Table 2-1-6-3A, Industrial, General Lot and Building Standards.

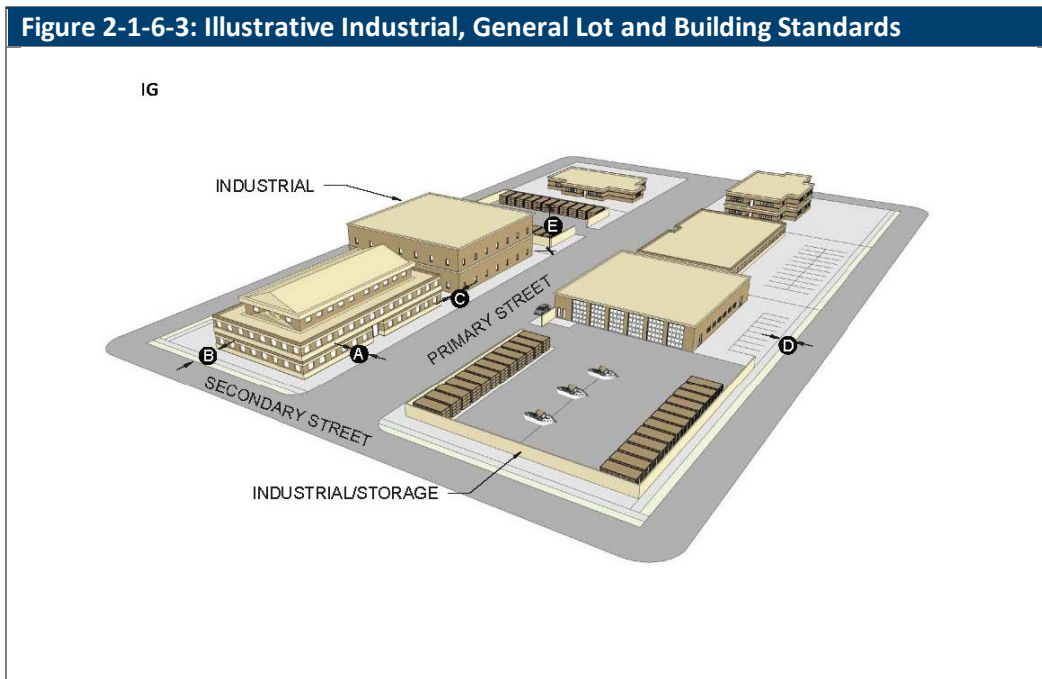


Table 2-1-6-3A: Industrial, General Lot and Building Standards		
Standard		All Lot Types
Lot Standards		
	Min. Lot Area	None
	Min. Lot Width	None
	Max. Lot Coverage	60%
Setback Standards		
A	Min. Front	20 ft.
B	Min. Street Side	10 ft.
C	Min. Interior Side	10 ft. ¹
D	Min. Rear	10 ft. ¹
	Min. Front Parking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

Table 2-1-6-3A: Industrial, General Lot and Building Standards		
Standard		All Lot Types
Site Standards		
	Min. Landscape Surface Area	10%
	Max. Outdoor Display	90% of enclosed retail floor area
	Max. Outdoor Storage	90%
TABLE NOTES:		
¹ Side and rear setbacks shall be 20 ft. where adjacent to a single-family detached use in unincorporated Jefferson County.		

- D. **Cross-References.** The cross-references in Table 2-1-6-3B, Cross-References for Industrial, General, are provided for the reader’s convenience and are not necessarily exhaustive of applicable regulations.

Table 2-1-6-3B: Cross-References for Industrial, General	
Topic	Reference
Land Use Regulations	Division 3-1-2, Land Use by Zoning District
Parking	Article 4-5, Parking and Loading
Landscaping	Article 4-6, Landscaping and Buffering
Fences and Walls	Section 4-7-2-1, Fences and Divisional Walls; and Section 4-7-2-2, Retaining Walls
Exterior Lighting	Article 4-8, Exterior Lighting
Building Design	Division 5-1-2, Building and Structure Design Standards
Mini-Structures	Division 5-1-4-3, Mini-Structures
Renewable Energy Systems (e.g., Solar Panels)	Section 5-1-4-4, Renewable Energy Systems
Outdoor Storage and, Outdoor Retail Display, and Outdoor Dining Areas	Section 5-1-6-3, Outdoor Storage, Outdoor Retail Display, and Outdoor Dining Areas
Signs	Chapter 6, Signs

2-1-7-1 Planned Unit Development

A. Purpose.

1. The purposes of the Planned Unit Development zoning district are:
 - a. To provide for procedures by which a subject property can be uniquely zoned and developed to meet the needs of the City, property owners, residents, and developers.
 - b. To allow for flexibility that results in innovative or exceptional project and site design or for unique and imaginative uses or combinations of uses, where no other zoning district set out in this Land Development Code would allow for a product that is substantially similar to the proposed development, and where the proposed development would result in a net benefit to the community.
2. Once approved by City Council, the PUD zoning district establishes the land use and development standards for the subject property as a separate and distinct zoning district.

B. PUD Zoning Districts That Remain Following Adoption of this Code. Property that is subject to an approved outline development plan, preliminary development plan, or final development plan that was approved prior to the effective date of this LDC may be developed in accordance with the approved plans if the approved plans have not expired. *See Section 8-2-3-14 Effect of Approvals and Division 8-3-12, Vested Rights.*

C. Uses Established. Any proposed use(s) allowed within a PUD zoning district shall be established as part of the approval granted by the Decision-Making Body

D. Thresholds for Rezoning to PUD Zoning District. A subject property may be rezoned to PUD only if the proposed development could not be developed using the conventional zoning districts or standards established in this Code and meets the following criteria:

1. The proposed development provides for a new land use or an innovative implementation of an existing land use, is consistent with the City’s planning objectives, and will reinforce or catalyze economic development or provide innovative housing opportunities.
2. The proposed development incorporates creative and superior quality design in the layout of buildings, common areas, and circulation, includes high-value design features, provides above-average recreational amenities or preserves natural, environmental or scenic resources that exceeds the standards of this LDC.
3. The proposed development assures harmonious integration with surrounding land uses, neighborhood character, and environmental features.
4. The proposed development implements the Comprehensive Plan, an adopted subarea or corridor plan, or an adopted urban renewal plan, or supports the implementation of such plans.

E. Lot and Building Standards. Lot and building standards are established through the PUD process set out in Division 8-3-10, Planned Unit Development.

Table 2-1-7-1: PUD Lot and Building Standards	
Standard	Requirement
Lot Standards	To be established through the PUD Process.
Min. Lot Area	
Min. Lot Width	

Table 2-1-7-1: PUD Lot and Building Standards	
Standard	Requirement
Max. Lot Coverage	
Setback Standards	
Min. Front	
Min. Street Side	
Min. Interior Side	
Min. Rear	
Min. Front Parking	
Building Standards	
Max. Height, Buildings	
Max. Height, Accessory Building	
Max. Height, Mini-structures	
Site Standards	
Min. Landscape Surface Area	
Max. Outdoor Retail Display	
Max. Outdoor Storage	
Density Standards	
Max. Density	

Division 2-1-8 Housing Palette

2-1-8-1 Purpose and Application of Division

- A. **Purpose.** The purpose of this Division is to establish a palette of lot and building types that accommodate a variety of housing types. The purpose of the housing palette is to allow for the creation of subdivisions with a variety of housing types.
- B. **Application of Division.** The housing palette applies in the zoning districts that allow residential uses in single-use buildings, except the RA zoning district, which is subject to Section 2-1-3-2, RA: Residential/Agricultural, the RN zoning district, which is subject to Section 2-1-3-3, RN: Residential Neighborhood, and the OT zoning district, which is subject to Division 2-1-5, Olde Town District. The Sections of this Division are applied as follows:
1. Section 2-1-8-2, Housing Palette Lot Types, describes the residential lot types in the housing palette.
 2. Section 2-1-8-3, Using the Housing Palette, provides instructions on how to apply the housing palette.
 3. Section 2-1-8-4, Single-Family Detached, provides standards for lots that may be developed with single-family detached housing types.
 4. Section 2-1-8-5, Zero Lot Line, provides standards for lots that may be developed with zero lot line homes, and supplemental standards that are applied to the homes and to the subdivision blocks that contain them.
 5. Section 2-1-8-6, Duplexes, provides standards for lots that may be developed with duplex housing types.
 6. Section 2-1-8-7, Townhomes, provides standards for lots that may be developed with townhome housing types.
 7. Section 2-1-8-8, Multiplex and Multifamily, provides standards for lots that may be developed with multiplex or multifamily housing types.

8. Section 2-1-8-9, Clustered Housing Types, provides standards for housing clusters that may be developed with cottages, micro-homes, or cluster duplexes.

2-1-8-2 Housing Palette Lot Types

- A. Lot Types. Definitions of the residential building types in the Housing Palette are shown in Figure 2-1-8-2, Housing Palette, below.




Figure 2-1-8-2: Housing Palette		
Lot Type	Description	Building Type Example
Single-Family Detached	<p>Single-family detached homes are residences for one family that are located on a single lot and that are completely separate from any other building. Single-family detached homes may also be located on property that is covered by a condominium declaration, surrounded by limited common elements for use by residents of the single-family detached home, which would serve the same purpose as a private yard.</p> <p>There are six lot sub-types in this category: Small Urban; Urban; Small General; General; Small Suburban; and Suburban. These range from small lots with urban character to lots that provide a rural or semi-rural character.</p>	
Zero Lot Line	<p>Zero lot-line homes are a single-family detached housing type that differs from the typical single-family detached form in that they are situated on the lot such that one side building wall is located on a side lot line and the other side is designed to provide an expanded and useable private side yard. There are two lot sub-types in this category: Small General and General.</p>	
Duplex	<p>A duplex is a single building with two dwelling units, typically on a single lot, where each dwelling unit has an individual exterior entrance. There are two lot sub-types in this category:</p> <ol style="list-style-type: none"> 1. Side-by-side duplex. The dwelling units are separated by a shared wall with no opening. 2. Over-under duplex. The dwelling units are stacked one over another with the units separated by a floor. 	

Figure 2-1-8-2: Housing Palette




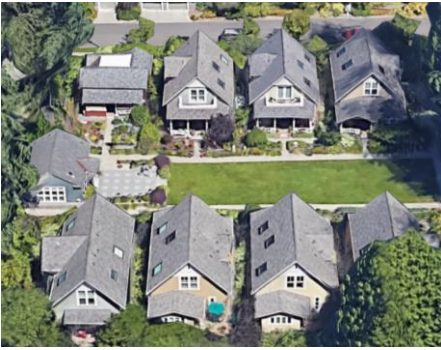
Lot Type	Description	Building Type Example
Townhome	<p>Townhomes are an attached housing type in which units are attached to each other in groups of three to ten, with common side walls that do not have penetrations, and ground floor exterior access to each unit. There are two lot sub-types in this category:</p> <ol style="list-style-type: none"> 1. Suburban townhomes. Suburban townhomes typically are incorporated into a master-planned neighborhood or have design features similar to adjacent single-family detached homes. 2. Urban townhomes. Urban townhomes typically are narrow dwelling units, are characterized by taller building heights, and may or may not have flat roofs. 	
Multiplex	<p>Multiplex buildings are constructed to look like large single-family homes and may have three to six dwelling units.</p>	
Multifamily	<p>Typically, multifamily takes the form of apartments or condominiums that are two or more stories in height, in walk-up or elevator-access configurations. Multifamily units may also be located in mixed-use buildings, but mixed-use buildings are subject to the standards that apply to nonresidential and mixed use buildings and not the standards of this Section.</p> <p>There are two multifamily sub-types:</p> <ol style="list-style-type: none"> 1. General multifamily. Typically, this form of multifamily may be comprised of several buildings set in landscaped grounds and includes a club house and amenity such as a pool. The design may be traditional in character with low to mid-rise buildings (i.e., no more than four stories in height). 2. Urban multifamily. The urban multifamily sub-type may consist of one or several buildings located in a walkable urban center or TOD with amenities located inside the building. The design may be contemporary in character and located directly adjacent to streets, and may be mid- to high-rise in form. 	

Figure 2-1-8-2: Housing Palette

Lot Type	Description	Building Type Example
<p>Clustered Housing</p>	<p>Clustered housing types are small homes that are arranged around a shared open space with common parking areas, and in some cases, a common building that includes amenities such as a shared kitchen, conference room, game room and guest rooms. There are two clustered housing types:</p> <ol style="list-style-type: none"> 1. Micro Homes. Micro homes are detached, building code compliant dwelling units with a 400 gross floor area or less. 2. Cottages. Cottages are detached, building code compliant dwelling units with a floor area typically between 400 and 1,200 gross floor area of building footprint excluding a covered porch. <p>Multiple dwelling units can be located on a single lot, subject to the lot and building standards in Table 2-1-8-9, Clustered Housing Types Site and Building Standards.</p>	

2-1-8-3 Using the Housing Palette

- A. **Generally.** The housing types that are allowed in R6, R13, R24 and MX zoning districts are set out in the description of the zoning district in Division 2-1-3, Parks and Open Space and Residential Districts, and Division 2-1-4, Mixed-Use Districts. The housing palette set out in this Division provides lot and building standards for those housing types. It is applied in the third step of a three-step design process:
1. Calculate the maximum number of dwelling units that are allowed on the subject property within the R6, R13, or R24 zoning districts by multiplying the maximum density standard set out in the applicable section of Division 2-1-3, Open Space and Residential Districts by the number of acres of area of the subject property.
 2. Identify required dedications and landscape surface area.
 3. Within the buildable areas of the property, and subject to the applicable design requirements of Chapter 4, Environmental and Site Design, include any of the housing types that are allowable for the subject property, up to the maximum number of dwelling units that are allowable on the subject property.

2-1-8-4 Single-Family Detached

- A. **Lot and Building Standards.** The lot and building standards for single-family detached homes are set out in Table 2-1-8-4, Single-Family Detached Lot and Building Standards. There are seven lot types, which are classified based on their area, width, and location of vehicular access. To meet the requirements for any lot type, both the lot area and the lot width minimums must be met.

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

Lot Type	Vehicular Access ³	Minimum							Maximum	
		Lot Area	Lot Width	Lot Width, Corner	Front ⁴ Setback (Building / Garage Door)	Street ⁴ Side Setback	Interior Side Setback	Rear ² Setback	Building ¹ Coverage	Height ¹
Small Urban	Alley	2,000 sf.	30 ft.	40 ft.	10 ft. / NA	10 ft.	3 ft.	2 ft.	65%	35 ft.
Urban	Alley	3,800 sf.	40 ft.	50 ft.	10 ft. / NA	10 ft.	5 ft.	2 ft.	65%	35 ft.
	Street	4,000 sf.	40 ft.	50 ft.	15 ft. / 15 ft.	15 ft.	5 ft.	10 ft.	60%	35 ft.
Small General	Alley	4,000 sf.	40 ft.	40 ft.	15 ft. / NA	15 ft.	5 ft.	2 ft.	60%	35 ft.
	Street	5,000 sf.	50 ft.	60 ft.	15 ft. / 17 ft.	15 ft.	5 ft.	10 ft.	65%	35 ft.
General	Any	6,000 sf.	60 ft.	70 ft.	20 ft. / 20 ft.	15 ft.	5 ft.	10 ft.	50%	35 ft.
Small Suburban	Any	7,500 sf.	70 ft.	80 ft.	20 ft. / 20 ft.	15 ft.	7.5 ft.	10 ft.	45%	35 ft.
Suburban	Any	10,000 sf.	80 ft.	90 ft.	20 ft. / 20 ft.	20 ft.	10 ft.	10 ft.	40%	35 ft.

TABLE NOTES:

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

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

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

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

2-1-8-5 Zero Lot Line

- A. **Lot and Building Standards.** The lot and building standards for zero lot-line homes are set out in Table 2-1-8-5, Zero Lot-Line Home Lot and Building Standards.

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

Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side ² Setback (single side)	Street Side Setback	Rear Setback	Building Coverage	Height
Small	Alley	5,000 sf.	45 ft.	12 ft.	10 ft.	10 ft.	0 ft. ¹	60%	35 ft.
General	Street	5,500 sf.	50 ft.	15 ft.	10 ft.	10 ft.	15 ft.	65%	35 ft.
General	Any	6,000 sf.	60 ft.	15 ft.	10 ft.	10 ft.	20 ft. ¹	50%	35 ft.

TABLE NOTES:

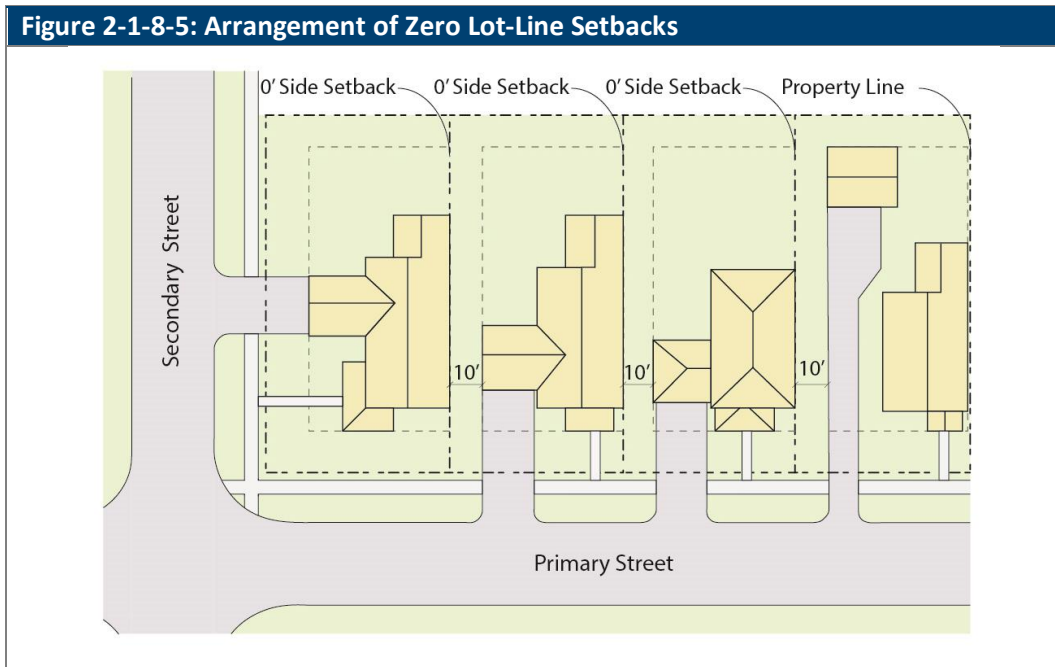
¹ The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.

² Zero setback is on one side only.

- B. **Subdivision Block Layout.** In addition to any other applicable standards from Chapter 4, Environmental and Site Design, the following standards apply to blocks that include zero lot line homes:

1. Lots that are designated for lot-line homes must be configured such that the zero setback (the “zero lot line”) is on one side only, and on the same side of the lot for all of the lots on each street face. Street side setbacks are required where the side lot line borders a public right-of-way or for a lot or tract that is not approved for use as a zero lot-line home. See Figure 2-1-8-5, Arrangement of Zero Lot-Line Setbacks.
2. Appropriate access and maintenance easements shall be provided to ensure that each lot owner is able to access and maintain the side of the building that is constructed upon the lot

line. Easements for overhanging eaves may also be required, as appropriate to the design of the buildings.



- C. **Building Design Standards.** In addition to any other applicable residential building design standards, the following building design standards apply to all zero lot line homes:
1. In order to provide a reasonable level of privacy in the adjoining side yard, no window, glass door, or door that includes windows shall be permitted on the zero lot-line side of the house unless:
 - a. It opens into an enclosed courtyard; or
 - b. It is composed of glass block, privacy glass, or similar treatment (except removable films), and is inoperable.
 2. The lot shall include a usable combined side and rear yard on the opposite of the zero-lot line.

2-1-8-6 Duplexes

- A. **Lot and Building Standards.** Table 2-1-8-6, Duplex Lot and Building Standards, sets out the lot and building requirements for duplexes.

Table 2-1-8-6: Duplex Lot and Building Standards

Lot Type	Vehicular Access	Minimum							Maximum	
		Lot Area	Lot Width	Lot Width, Corner	Front Setback	Street Side Setback (Building / Garage Door)	Interior Side Setback ³	Rear Setback	Building Coverage	Height
Side-by-Side	Alley	2,550 sf. ¹	30 ft. ¹	40 ft.	12 ft.	12 ft.	5 ft.	2 ft. ⁴	65%	35 ft.
	Street	4,000 sf. ¹	35 ft. ¹	45 ft.	20 ft.	15 ft. / 20 ft.	5 ft.	10 ft.	50%	35 ft.
Over-Under	Alley	4,000 sf. ²	40 ft. ²	50 ft.	15 ft.	15 ft.	5 ft.	2 ft. ⁴	55%	35 ft.
	Street	7,000 sf. ²	60 ft. ²	70 ft.	20 ft.	20 ft.	5 ft.	10 ft.	50%	35 ft.

TABLE NOTES:

¹ Per unit.² Per building.³ For outer building walls (does not apply to common wall).⁴ The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.**2-1-8-7 Townhomes**

- A. **Lot and Building Standards.** Table 2-1-8-7, Townhome Lot and Building Standards, sets out the lot and building requirements for townhomes.

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

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

TABLE NOTES:

¹ Where garage access is directly from a side street, the minimum garage setback shall be 18 ft.² The rear setback for alley-loaded garages shall be no less than 2 ft. and no more than 4 ft. or a minimum of 18 ft., at the Applicants discretion.³ Building separation can be reduced to 20 feet if buildings are one or two stories.⁴ If one-half of the units in a townhome building are adjacent to a non-street frontage perimeter, then the minimum setback shall be 15 feet.**2-1-8-8 Multiplex and Multifamily**

- A. **Lot and Building Standards.** Table 2-1-8-8, Multiplex and Multifamily Lot and Building Standards, sets out the lot and building requirements for multiplex and multifamily.

Table 2-1-8-8: Multiplex and Multifamily Lot and Building Standards

Lot Type	Vehicular Access	Minimum						Maximum		
		Lot Area (per building)	Lot Width	Front Setback	Street Side Setback	Interior Side Setback	Rear Setback	Units Per Building	Height ³	Building Coverage ³
Multiplex	Alley or Parking Court	3 unit bldg.: 8,000 sf.	3 unit bldg.: 75 ft.	15 ft.	15 ft.	6 ft.	2 ft. ¹	6	35 ft.	65%
		4 unit bldg.: 8,500 sf.	4 unit bldg.: 80 ft.							
		6 unit bldg.: 10,000 sf.	6 unit bldg.: 100 ft.							
	Street	3 unit bldg.: 8,000 sf.	3 unit bldg.: 80 ft.	20 ft.	18 ft. to building; 20 ft. to garage door, if any	6 ft.	15 ft.	interior lot: 3 corner lot: 4	35 ft.	55%
4 unit bldg.: 10,000 sf.		4 unit bldg.: 100 ft.								
General Multifamily	Any	12,000 sf.	75 ft.	20 ft.	10 ft.	6 ft.	10 ft. ¹	not limited ²	(by zoning)	60%
Urban Multifamily	Any	No minimum	50 ft.	10 ft.	10 ft.	10 ft.	0 ft.	not limited ²	(by zoning)	90%

TABLE NOTES:

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

² The total number of units allowed on the lot is limited by the density of the zoning district in which the property is located (if the zoning district limits density), but the number of units in any individual building is not specifically limited.

³ Maximum height and maximum building coverage may vary based on the underlying zoning district in which the property is located.

2-1-8-9 Clustered Housing Types

- A. **Housing Type Equivalencies.** The clustered housing types may be mixed within a single cluster. For the purposes of the application of density standards and the minimum and maximum number of dwelling units in Table 2-1-8-9, Clustered Housing Types Site and Building Standards:
 1. A micro home is 400 gross floor area of building footprint or less and counted as one-half of a dwelling unit; and
 2. A cottage is between 401 gross floor area and 1,200 gross floor area of building footprint and counted as one dwelling unit.
- B. **Site and Building Standards.** The site and building standards for clustered housing types are set out in Table 2-1-8-9, Clustered Housing Types Site and Building Standards. Standards apply to the subject property upon which the cluster will be developed. Standards for individual lots in a cluster (if the cluster is divided into lots) are not specified.
- C. **Subdivision Standards.** The standards for clustered subdivision are set forth in Division 4-2-2 Cluster Subdivisions.

Table 2-1-8-9: Clustered Housing Types Site and Building Standards

	Standard
Cluster Size	
Min. Number of Dwelling Units (see Subsection A, above)	4
Max. Number of Dwelling Units (see Subsection A, above)	12 ¹

Table 2-1-8-9: Clustered Housing Types Site and Building Standards	
	Standard
Land Area and Open Space	
Min. Lot Area	-
Min. Width of Subject Property	75 ft.
Min. Open Space Ratio	35%
Setbacks (from subject property boundaries to individual buildings)	
Min. Front	15 ft. ²
Min. Street Side	10 ft.
Min. Interior Side	10 ft.
Min. Rear	15 ft.
Parking Setbacks (from subject property boundaries to parking aisle or spaces)	
Min. Front	15 ft.
Min. All Other	5 ft.
Building Height and Spacing	
Max. Building Height (Dwelling Units)	28 ft.
Max. Building Height (Common Building)	28 ft.
Min. Building Spacing (Sides)	10 ft.
Min. Building Spacing (Front and Rear)	18 ft.
TABLE NOTES:	
¹ A maximum of two housing clusters can be included in one development, for a total of 24 dwelling units.	
² When fronting a public street, a front porch can encroach a maximum of 7 ft. into the setback.	

Division 2-1-9 Principal Buildings and Arterial Street Setbacks

2-1-9-1 One Principal Building per Lot

- A. **Principal Building.** In order to qualify as a principal building, all portions of a building must be structurally linked to each other, and not merely connected through the use of patios, breezeways, arcades, or similar devices.
- B. **Generally.** There shall be no limit on the number of principal buildings on an individual lot except as indicated in C., below, and provided that all other requirements in the Code are met.
- C. **Single-Family Dwellings.**
 1. There shall be no more than one principal building, plus permitted accessory buildings or mini-structures, per lot or tract of land within the RA or RN zoning districts, or on single-family detached or duplex lots types as identified in Division 2-1-8, Housing Palette in the R6, R13, R24, MX-N, MX-S, or MX-U zoning districts.

2-1-9-2 Arterial Street Setbacks

- A. **Arterial Street Setbacks.** Except in the Olde Town Zoning District and along Ralston Road between Yukon Street and Oak Street, there shall be a setback of 100 feet for single-family detached, duplex, townhome buildings, multiplex, and accessory dwelling units (ADU) from the centerline of all arterial streets. The following applies for accessory structures and uses:
 1. Parking may be allowed within the arterial street setback;
 2. An attached or detached garage that is accessory to a residential use is considered as a nonresidential structure for the purposes of this provision. Therefore, the setback to the garage would be the standard setback for the zoning district; and

3. If residential square footage is located above the garage, the setback shall be 100 feet from the centerline.

Division 2-1-10 Exceptions and Adjustments to Lot and Building Standards

2-1-10-1 Exceptions to Setback Standards

The structures and features enumerated in Table 2-1-10-1, Permitted Encroachments into Required Setbacks, may encroach into required setbacks as provided in the table.

Table 2-1-10-1: Permitted Encroachments into Required Setbacks	
Structure or Feature	Permitted Locations in Setbacks
Single-story covered front porches	Permitted to extend outward from the building 8 feet into a front setback, but no closer than 12 feet to the front property line. This encroachment shall only apply to the front setback, not the street side setback. ¹
All other covered porches, decks, terraces, and patios and are not enclosed Covered stairs that provide below grade access to a building	Permitted to extend outward from the building 8 feet into a rear setback, but no closer than 8 feet from the rear property line. Permitted to extend outward from the building 4 feet into a side setback, but no closer than 3 feet from the side property line. ¹
Uncovered porches, decks, patios, concrete slabs, and other flatwork, provided that such items are no more than 30 inches in height above grade	Permitted anywhere in setbacks. ¹
Uncovered balconies, decks, and outside stairs of any height more than 30 inches above grade	Permitted to extend outward from building 6 feet into a front or rear setback, but no closer than 12 feet to the front property line and 8 feet to the rear property line. Permitted to extend outward from the building 4 feet into a side setback, but no closer than 3 feet from the property line. ¹
Bay windows, window sills, eaves, cantilevers, cornices, fireplace chimneys, roof overhangs, and architectural and ornamental features	Permitted to extend outward from building up to 2 feet into any setback. ¹
Clotheslines and clothesline poles	Permitted in rear or side setback only, but not closer than 18 inches from any side or rear property line. ¹
Driveways	Permitted anywhere in setbacks.
Trash containers	Permitted in side and rear setbacks when not adjacent to residential use. Not permitted in the OT and MX districts frontage zone.
Fences and walls	See Article 4-7, Fences and Divisional Walls.
Flagpoles, lighting poles, and other poles not otherwise covered in this table	Permitted in any setback, provided that the height of any such pole, except for flagpoles, shall not exceed the distance from the base of the pole to the nearest property line. Flag poles are subject to the height and setback restrictions set forth in Section 6-1-2-3. Amateur radio antennas shall not be located in a front setback.

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

2-1-10-2 Exceptions to Maximum Building or Structure Height

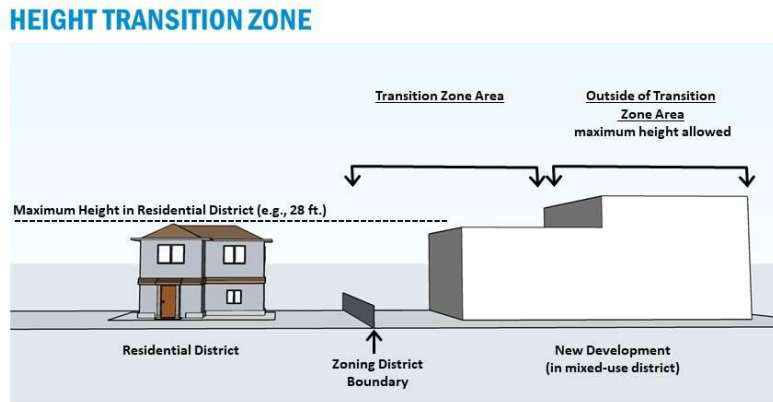
- A. The maximum building or structure height limits established shall not apply to the following structures or structural elements:
 1. Chimneys, cornices without windows, cupolas, domes not used for human occupancy, elevator penthouses, roof top decks, monuments, parapet walls, skylights, spires, stairs, steeples, wireless communication facilities, theater scenery lofts, towers, ventilators, water tanks, and similar structures and necessary mechanical appurtenances, provided they:
 - a. Except for roof top decks, not more than 25 percent of the roof area of the structure to which they are attached shall be covered; and

- b. Comply with applicable screen standards for mechanical equipment and appurtenances in Section 5-1-2-3, General Building Design Standards.
- 2. Antennas, provided they comply with height limits established for the specific use in Section 5-1-5-4.
- 3. Roof-mounted small scale solar energy collection systems, in accordance with standards in Section 5-1-4-4, Renewable Energy Systems.
- 4. Small wind energy conversion systems, provided the maximum height of the system, including any tower and extended blades, is in accordance with the standards in Section 5-1-4-4, Renewable Energy Systems.

2-1-10-3 Height Transition to Requirements

- A. **Generally.** All projects abutting a property in the RA and RN zoning district, or single-family detached units located in unincorporated Jefferson County shall comply with the height standards for the Height Transition Zone, and a PUD zone district with single family detached units that range in size minimum from 4,000 sf. to 32,500 square feet. The height transition zones are illustrated in Figure 2-1-10-3, Example of Height Transition abutting the RA and RN districts.
- B. **Height Transition Zone Standards.**
 - 1. **Transition Zone for MX-N District.** Any portion of a building located in the MX-N district and within 25 feet of a district boundary line for the RA and RN districts shall have a maximum height no greater than the maximum height allowed in the adjacent district.
 - 2. **Transition Zone for MX-S and CG Districts.** Any portion of a building located in the MX-S and CG districts and within 35 feet of a district boundary line for the RA and RN districts shall have a maximum height no greater than the maximum height allowed in the adjacent districts.
 - 3. **Transition Zone for MX-U and MX-T Districts.** Any portion of a building located in the MX-U and MX-T districts and within 45 feet of a district boundary line for the RA and RN districts shall have a maximum height no greater than the maximum height allowed in the adjacent districts.
 - 4. **Transition Zone for IL and IG Districts.** Any property located in the IL and IG districts and adjacent to a single-family detached residential use located in unincorporated Jefferson County shall maintain a 40 foot setback from the abutting lot line if the building height exceeds 35 feet.
- C. **Two or More Abutting Lots.** Where a lot abuts two or more residential districts, the residential district with the lowest maximum building height shall govern.
- D. **Maximum Height.** Any portion of a building located outside of the Height Transition Zone may have the maximum height allowed in the district.

Figure 2-1-10-3: Example of Height Transition



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2-1-10-4 Incentives for Increased Building Height

- A. **Generally.** Within the MX zoning districts, an increased building height of 15 feet shall be allowed for projects that include affordable housing units provided, however, the maximum overall building height shall not exceed 120 feet.
- B. **Affordable Housing.** A development project that includes affordable units that utilize federal low-income housing tax credits (LIHTC), pursuant to Section 42 of the Internal Revenue Code, and include market rate units, shall be allowed the additional height identified in Section 2-1-10-4A above.

2-1-10-5 Double-Frontage Lots

- A. **Generally.** The lot and building standards of this Section apply to the development of double-frontage lots for residential purposes in all zoning districts except the Olde Town zoning district and MX zoning districts.
- B. **Minimum Lot Depth.** Double-frontage lots shall have a minimum lot depth of at least 130 feet (including any landscaped tree lawn).
- C. **Minimum Rear Setbacks.** Buildings and structures on double-frontage lots shall be set back from rear lot lines as provided in Table 2-1-10-5, Rear Setbacks for Double-Frontage Lots. The setbacks may be applied as a single setback for the entire building or structure, or as stepped setbacks that are applicable to portions of the building or structure that are above the stated heights.

Table 2-1-10-5: Rear Setbacks for Double-Frontage Lots	
Height of Building or Structure	Minimum Rear Setback
20 ft. or less	25 ft.
More than 20 ft., up to 25 ft.	30 ft.
More than 25 ft., up to 30 ft.	35 ft.
More than 35 ft.	1 ft. setback per 1 ft. of building or structure height

2-1-10-6 Exception to Frontage Zone Requirements

Where a required frontage zone is encumbered by an easement or other physical constraint that can not be relocated, as determined by the Director, the frontage zone requirement shall be measured from the edge of the easement or constraint, or from a line determined by the Director.

Chapter 3 – Use Regulations

Article 3-1 Primary Land Use Regulations

Division 3-1-1 Purpose and Application of Article

3-1-1-1 Purpose of Article

The purposes of this Article is:

1. To set out the permitted, limited, conditional, and prohibited uses for primary uses in each zoning district;
2. To establish the use-specific standards that apply to limited and conditional land uses;
3. To establish standards for certain temporary uses;
4. To establish standards for the business use of the home;
5. To establish standards applicable to oil and gas operations.

3-1-1-2 Application of Article

- A. **Land Use by Zoning District.** Division 3-1-2, Land Use by Zoning District, provides a set of tables that list the uses that are allowed in each zoning district, identifies the type of approval for a proposed use, and provides a cross-reference to applicable use-specific standards.
- B. **Use-Specific Standards.** Division 3-1-3, Use-Specific Standards for Primary Land Uses, provides standards that are specific to land uses that are set out in Division 3-1-2, Land Use by Zoning District, when the land uses are allowed as limited uses or conditional uses.
- C. **Temporary Uses.** Division 3-1-4, Temporary Uses, provides standards for the location and conduct of certain temporary land uses.
- D. **Business Use of the Home.** Division 3-1-5, Business Use of the Home, provides standards for home occupations, and home-based child care uses.
- E. **Oil and Gas Operations.** Division 3-1-6. Reserved

Division 3-1-2 Land Use by Zoning District

3-1-2-1 Interpretation of Land Use by Zoning District Tables

- A. **Generally.** The tables set out in this Division describe which land uses are permitted “as-of-right,” permitted if certain conditions are met, permitted after public hearing if certain conditions are met, and not allowed in each zoning district. Each listed use is defined in Chapter 11, Measurements, Rules of Construction, and Definitions.
- B. **Legend.** The following symbols are used in the tables in this Division to identify the types of uses allowed:
1. “A” means allowed “as-of-right.” These uses are subject to administrative review for compliance with the general requirements of this Code.
 2. “L” means “limited use.” Limited uses are subject to administrative review for compliance with specific standards that pertain to the use, as well as the general requirements of this Code.
 3. “C” means “conditional use.” Conditional uses are subject to public hearing review for compliance with specific standards that pertain to the use, the general standards for all conditional uses, and the general requirements of this Code.
 4. A blank cell means that the use is prohibited in the specified zoning district.
- C. **Use-Specific Standards.** Regardless of whether a use is classified as allowed by right, allowed as a limited use, or allowed as a conditional use, there may be additional standards applicable to that use. The use-specific standards that would apply are referenced in the right-hand column of the table.
- D. **Multiple Uses.** In instances where a proposed development will combine more than one listed use, each listed use shall be evaluated independently for compliance with applicable standards.

3-1-2-2 Residential Land Use by Zoning District

- A. Residential land uses that are allowed in each zoning district are set out in Table 3-1-2-2, Residential Land Use by Zoning District.

Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Single-Family Detached		A	A	A	A	A	L	C	C				A	A	A						3-1-3-2
Duplex			L ¹	L	L	L	L	C	C						A						3-1-3-2
Townhome				L	L	L	L	C	C	C	A	A				A	A				3-1-3-2
Multiplex				A	A	A	A	C	C	C			A	A	A	A	A				-
Multifamily					A	A	A	C	C	C	A	A	A	A		A	A				-
Cottages, Micro-Homes, or Co-Housing				A	A	A	A	C	C												-

TABLE NOTES:
¹ Duplex units are only allowed in the RN-D subdistrict.

3-1-2-3 Special Residential Land Use by Zoning District

The special residential land uses that are allowed in each zoning district are set out in Table 3-1-2-3 Additional Residential Land Use by Zoning District.

Table 3-1-2-3: Additional Residential Land Use by Zoning District																					
Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Boarding, Lodging, or Rooming House					L	A	A	A	A	A	A	A	A	A	A	A	A				3-1-3-3
Group Home, FFHA		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L				3-1-3-3
Group Home for Juvenile Offenders					C	C	C	C	C	C											3-1-3-3
Group Home, Not Specified Above		C	C	C	C	C	C	C	C	C	C				C	C	C				3-1-3-3
Live-Work Unit					L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	3-1-3-3

3-1-2-4 Hospitality, Recreation, and Entertainment Land Use by Zoning District

The hospitality, recreation, and entertainment land uses that are allowed in each zoning district are set out in Table 3-1-2-4, Hospitality, Recreation, and Entertainment Land Use by Zoning District.

Table 3-1-2-4: Hospitality, Recreation, and Entertainment Land Use by Zoning District																					
Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Adult Entertainment / Adult Retail Sales																			L	L	3-1-3-4
Amusement, Outdoor								L										L	L		3-1-3-4
Bar / Tavern / Nightclub							L	L	L	L	L	L	L	L	L	L	L	L	C	C	3-1-3-4
Bed and Breakfast		C	C	C			L	L			L	L	L	L	L	L					3-1-3-4
Brew Pub / Distillery Pub / Limited Winery							L	L	L	L	L	L	L	L	L	L	L	L	L	L	3-1-3-4
Hotel / Motel									A	A	A	A	A		A	A	A	A			-
Recreation and Amusement, Indoor							A	A	A	A	A	A	A		A	A	A	A	A	A	-
Recreation, Outdoor (playing fields)	A	A	A	A	A	A												A			-
Recreation, Outdoor (other)	A	A	A	A	A	A	A	A	L	L	L	L	L	L	L	L	L	A	A		3-1-3-4
Restaurant							A	A	A	A	A	A	A	L	A	A	A	A	A		3-1-3-4
Restaurant, Fast Food							L	L	L	L	L	L	L	L	L	L	L	L			3-1-3-4
Stables and Riding Academies, Commercial		A																			-

Table 3-1-2-4: Hospitality, Recreation, and Entertainment Land Use by Zoning District

Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference		
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG	
Theater							A	A	A	A	A	A	A	A		A		A				-

3-1-2-5 Commercial Land Use by Zoning District

The commercial land uses that are allowed in each zoning district are set out in Table 3-1-2-5, Commercial Land Use by Zoning District.

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

Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Animal Day Care / Training							L	L	L	L								L	L		3-1-3-5
Animal Hospital (Large Animal)		A																			-
Art Studio / Makerspace		A					A	A	A	A	L	L	L	L	L	L	L	A	A	A	3-1-3-5
Auction House or Yard																			L	L	3-1-3-5
Continuing Care Facility					A	A	A	A	A	A	A	A	A	A		A	A	C			
Kennel		C																	L	A	3-1-3-5
Office, General or Professional							A	A	A	A	A	A	A	A	A	A	A	A	A	A	-
Retail Sales and Services Type 1 ¹							L	L	L	L	L	L	L	L	L	L	L	L	L		3-1-3-5
Retail Sales and Services Type 2 ¹								L	L	L								L	L		3-1-3-5
Veterinary Offices or Clinics		C					L	L	L	L	L	L	L	L		L	L	L	L		3-1-3-5
Workshop							A	A	A	A								A	A	A	3-1-3-5

TABLE NOTES:

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

3-1-2-6 Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District

The community, civic, educational, health care, and institutional land uses that are allowed in each zoning district are set out in Table 3-1-2-6, Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District.

Table 3-1-2-6: Community, Civic, Educational, Health Care, and Institutional Land Use by Zoning District

Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Ambulance Services								C										L	L	L	3-1-3-6
Cemetery	C	C	C																		3-1-3-6
Crematorium																			L	L	3-1-3-6
Day Care Center, Adult or Child			C	C	C	C	L	A	A	A					A	L		A	A		3-1-3-6
Funeral Home / Mortuary							L	L							L			L	L		3-1-3-6
Hospital								A	A	A								A			-
Medical Office							A	A	A	A	A	A	A	A	A	A	A	A			-
Public Lands, Parks, Schools or Buildings	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-
Place of Assembly		A	L	L	L	L	L	A	L	L	L	L	L	L	L	L	L	A	A		3-1-3-6
Private School, Kindergarten, Elementary, Middle, or High		A	A	A	A	A	A	A	A	A					A		A	A			-
Private School, Vocational, Trade, College, or University							A	A	A	A	A	A	A	A		A	A	A	A		-

3-1-2-7 Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zoning District

The industrial, processing, recycling, storage, and disposal land uses that are allowed in each zoning district are set out in Table 3-1-2-7, Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zoning District.

Table 3-1-2-7: Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zoning District

Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Brewery / Winery / Distillery								L										A	A	A	3-1-3-7
Heavy Logistics Center																			C	L	3-1-3-7
Heavy Industry																				C	
Light Industry							C	C	L	L								C	L	L	3-1-3-7
Recycling Drop-Off (Attended)																			L	L	3-1-3-7
Resource Extraction (Minerals)	C	C	C	C	C	C	C	C	C	C								C	C	C	3-1-3-7
Resource Extraction (Oil and Gas)																					3-1-3-7 Reserved
Salvage Yard																				L	3-1-3-7
Self-Storage								C										C	L	L	3-1-3-7
Storage Yard																				L	3-1-3-7
Waste Removal Fleet Storage and Administration																			C	L	3-1-3-7

Table 3-1-2-7: Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zoning District																						
Land Use	Open Space and Residential						Mixed-Use				Olde Town					Commercial and Industrial			Reference			
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG		IL	IG	
Waste Transfer Station																					C	3-1-3-7

3-1-2-8 Motor Vehicle Land Use by Zoning District

The motor vehicle land uses that are allowed in each zoning district are set out in Table 3-1-2-8, Motor Vehicle Land Use by Zoning District.

Table 3-1-2-8: Motor Vehicle Land Use by Zoning District																					
Land Use	Open Space and Residential						Mixed-Use				Olde Town					Commercial and Industrial			Reference		
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG		IL	IG
Fueling / Service Station								L	L	L								L	L	L	3-1-3-8
Motor Vehicle Repairs and Service, Heavy																		C	L	L	3-1-3-8
Motor Vehicle Repairs and Service, Light							C	L										L	L	A	3-1-3-8
Motor Vehicle Storage																			L	L	3-1-3-8
Motor Vehicle Towing Services																			L	L	3-1-3-8
Motor Vehicle Wash								L										L	L	L	3-1-3-8
Parking Lot, Surface as principal use									C	C								C	L	L	3-1-3-8
Parking Lot, Structured as principal use									C	C											3-1-3-8
Vehicle Equipment Sales or Rentals								L	L	L								L	L	A	3-1-3-8

3-1-2-9 Utility and Communications Land Use by Zoning District

The utility and communications land uses that are allowed in each zoning district are set out in Table 3-1-2-9, Utility and Communications Land Use by Zoning District.

Table 3-1-2-9: Utility and Communications Land Use by Zoning District																					
Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Utilities, Major	C	C	C	C	C	C	C	C	C	C								C	C	L	3-1-3-9
Utilities, Minor	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	A	3-1-3-9
Data Center								C										C	A	A	3-1-3-9
Overhead Power Lines (110 kV+)	C	C	C	C	C	C	C	C	C	C								C	C	C	3-1-3-9
Radio or Television Transmission Tower	C							C	C	C								C	C	C	3-1-3-9
Freestanding Towers	C	C		C	C	C		C	C	C								C	C	C	Chapter 7, Wireless Communication Facilities
Other Wireless Communications Facilities	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	Chapter 7, Wireless Communication Facilities
Solar Garden				L	L	L	L	L	L									L	L	L	3-1-3-9
Utility-Scale Wind Energy Conversion System																				C	3-1-3-9

3-1-2-10 Agricultural Land Use by Zoning District

The agricultural land uses that are allowed in each zoning district are set out in Table 3-1-2-10, Agricultural Land Use by Zoning District.

Table 3-1-2-10: Agricultural Land Use by Zoning District																					
Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MX-N	MX-S	MX-U	MX-T	OT-E	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Agriculture	A	L																	A	A	3-1-3-10
Agriculture, Community	L	L	L	L	L	L	L	L										L	L		3-1-3-10
Greenhouses / Nurseries (with retail sales)	C	C					C	C										L	L	L	3-1-3-10
Greenhouses / Nurseries (without retail sales)	A	L																	L	L	3-1-3-10

3-1-2-11 Land Uses That Are Not Allowed in Any Zoning District

The following land uses are not allowed in any zoning district:

1. Criminal Detention facilities;
2. Disposal facilities;

3. Disposal of radioactive wastes;
4. Outdoor shooting ranges;
5. Intensive agriculture; and
6. Any marijuana use identified in Chapter 53, Article II of the Arvada Municipal Code.

3-1-2-12 Land Uses That Are Not Listed

A. Generally.

1. If a proposed land use is not listed in any Land Use by Zoning District table, then the Director shall determine whether the proposed use is functionally comparable to a use that is listed in the tables. A proposed use is functionally comparable to a use that is allowed if it is reasonably comparable to the use, and with regard to each of the decision criteria enumerated in Subsection B., below, the proposed use has no greater impacts than the use with which it is functionally comparable.
2. This Section shall not be used to allow land uses that are prohibited by Section 3-1-2-11, Land Uses That Are Not Allowed in Any Zoning District.

B. Decision Criteria. The following decision criteria shall be evaluated when the Director determines whether a proposed use is functionally comparable to an allowed use:

1. Whether the proposed use is similar in terms of hours of operation, traffic impacts, environmental impacts, and the potential for adverse impacts on surrounding properties;
2. Whether the proposed use is typically housed in buildings or structures similar and compatible to those used to house allowed uses in the zoning district; and
3. Whether the proposed use is consistent with the purpose and intent of the particular zoning district.

C. Effect of Determination.

1. If the Director approves an application for a decision pursuant to this Section, then the use is permitted, subject to the same standards and procedures as the use to which it was compared for the purposes of the favorable decision.
2. If the Director determines that a proposed use is not functionally comparable to a use that is permissible in the table in the zoning district that applies to the subject property, then the proposed use is a prohibited use in that zoning district.

Division 3-1-3 Use-Specific Standards for Primary Land Use

3-1-3-1 Purpose and Application of Division

A. Purpose. The purpose of this Division is to set out use-specific standards for primary land uses in those zoning districts in which the uses are classified Limited (“L”) or Conditional (“C”) in the tables of Division 3-1-2, Land Use by Zoning District.

B. Application.

1. Section 3-1-3-2, Residential Standards, to Section 3-1-3-10, Agricultural Standards, inclusive, set out the use-specific standards that apply to each land use in zoning districts in which the land use is classified as Limited (“L”) or Conditional (“C”).

3-1-3-2 Residential Standards

A. Single-Family Detached.

1. In the MX-S and MX-U zoning districts, in order to buffer existing single-family detached dwellings, the single-family detached lot shall only adjoin or be located across a local street from an existing or approved single-family residential subdivision. The lot width that is used for the housing type shall be within 25 percent of the average lot width of the adjoining lots or the lots that are directly across the local street (as applicable) that are developed with single-family detached dwelling units.
2. In the MX-N district, single-family detached units shall not be adjacent to arterial streets.

B. Duplex.

1. Each individual duplex dwelling unit shall have a separate exterior entrance and separate utility meters.

C. Townhome.

1. Each individual townhome dwelling unit shall have direct access to a street, alley, or shared open space.

3-1-3-3 Additional Residential Standards

A. Boarding, Lodging, or Rooming House.

1. In the R13 zoning district, boarding, lodging, or rooming houses shall have not more than six sleeping rooms.

B. Group Home.

Generally: Unless otherwise expressly stated, all group homes shall meet the following standards:

1. The Applicant is licensed by the State of Colorado to operate such facility, or is not required to be licensed. If said license is pending, approval may be conditionally granted, but shall not take effect until licensing becomes final.
2. The group home will not have an adverse effect on the residential character and quality of life in the particular neighborhood. The Director may not deny development approval for a proposed group home solely on the basis of neighborhood opposition, where no valid and substantive evidence has been offered to show that the proposed group home would have such adverse effect.
3. Any proposed new structure or structural changes to an existing structure shall be consistent in architectural design and style with the character of the surrounding neighborhood.
4. The Director shall have the authority to impose reasonable conditions upon the approval which are found necessary to operate the group home in a manner compatible with the neighborhood.
5. No administrative activities of any private or public organization or agency other than those incidental to operation of the specific group home shall be conducted on the premises.

C. Group Home, FFHA.

1. All group homes for developmentally disabled, elderly, or mentally ill persons shall be spaced from each other by the lesser of:
 - a. 750 feet (linear distance from lot line to lot line); or

- b. A spacing that is such that no two group homes are located on the same block or take access from the same street.
2. As authorized by 42 USC § 3604(f)(9), no group home for developmentally disabled, elderly, or mentally ill persons shall provide housing to any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical danger to the property of others.
3. If the group home is to be located in an existing building, the building must comply with all applicable requirements of the Building and Fire Codes before the use is established.
4. The group home shall not include more than one resident who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended.

D. Group Home for Juvenile Offenders.

1. All group homes for juvenile offenders require a conditional use approval and shall be:
 - a. Spaced from each other by at least 750 feet (linear distance from lot line to lot line);
 - b. Located on a lot with a lot area that is at least 1,000 sf. per resident; and
 - c. Provided with 24-hour on-site supervision and security, approved by the Director and the Chief of Police, with input from the placing agency.
2. As authorized by 42 U.S.C. § 3604(f)(9), no group home for juvenile offenders shall provide housing to any individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical danger to the property of others.
3. If the group home is to be located in an existing building, the building must comply with all applicable requirements of the Building and Fire Codes before the use is established.
4. The group home shall not include more than one resident who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended.

E. Group Home (Not Specified).

1. All group homes that do not serve a class or group of residents protected by the Fair Housing Act, shall be allowed only as a conditional use in all zoning districts, provided the number of residents does not exceed 12 persons, including resident supervisory personnel.
2. Conditional use approval for any group home may be granted for the term of the facility's license, or for such shorter period as the Decision-Making Body shall find appropriate under the circumstances of the individual case, but in no event for a period greater than two years.
3. If active and continuous operations are not carried on for a period of 12 consecutive months in a group home approved as a conditional use, the group home shall be considered to be abandoned. The use may be reinstated only after obtaining a new conditional use approval.
4. At the expiration of its term, a conditional use approval for any group home shall automatically renew under the same conditions, including duration, as the original approval, unless the Director or the group home licensing agency has received written complaints concerning the operation of the group home during the term of the conditional use permit. If any such complaint has been received, the application for renewal must be heard by the Decision-Making Body under the same requirements for a new conditional use application.

F. Live-Work Unit.

1. All live-work units shall comply with the following standards:

- a. The R13 and R24 residential portion of the live-work unit shall occupy more than 50 percent of the gross floor area.
- b. The nonresidential portion of the live-work unit shall comply with all applicable nonresidential Building and Fire code requirements.
- c. The number of employees shall be limited to the occupants of the residential portion of the live-work unit plus up to two persons not residing in the residential portion.

3-1-3-4 Hospitality, Recreation, and Entertainment Standards

- A. **Adult Entertainment / Adult Retail Sales.** *See* Arvada City Code, Chapter 22, Article II, “Adult Entertainment Businesses.”
- B. **Amusement, Outdoor.**
 - 1. In the MX-S or IL zoning district:
 - a. The use shall be surrounded by the Option A bufferyard, per Division 4-6-5, Landscape Areas and Bufferyards.
 - b. If the use includes field lighting or small engines (*e.g.*, gas-powered go-karts) that are operational after 9:00 PM or before 7:00 AM, it shall be located not less than 600 feet from any RA and RN zoning district boundary.
- C. **Bed and Breakfast.**
 - 1. All bed and breakfast establishments shall be subject to the following:
 - a. The structure should have architectural significance through an historical style or unique architectural design.
 - b. The renovation and use as a bed and breakfast establishment will facilitate the renovation and/or maintenance of the structure.
 - c. The renovation and use as a bed and breakfast establishment will contribute to the, character, of the neighborhood.
 - 2. **Building Requirements.**
 - a. The architectural and historic integrity and arrangement of the existing exterior and interior of the building shall be maintained, and any modifications shall be only as necessary due to:
 - i. Building or Fire code requirements; or
 - ii. Additions or modifications needed to provide a common guest area (*e.g.*, a dining area or atrium), to enlarge an existing bedroom, or add a bathroom.
 - b. No additions are allowed that would increase the existing number of bedrooms.
 - c. The building may not be enlarged by more than 25 percent of the existing floor area, and any changes must be compatible with the architectural character of the existing building.
 - 3. **Operations.**
 - a. Any meal may be provided; however, it shall be served only to guests taking lodging in the facility.
 - b. Lodging guests may stay for a maximum of 14 consecutive days in any 30-day period.

4. **Parking.**

- a. No more than two parking spaces may be located in the front setback area. Parking in excess of two spaces shall be provided behind the front setback, and must be screened from adjacent residential uses by a six-foot cedar fence or other method approved by the Director upon a determination that it provides a comparable or better screening effect and is consistent with the residential appearance of the bed and breakfast.
 - b. On-street parking may be permitted only if it is located adjacent to the property and if it is determined that its use would not be detrimental to the neighborhood.
5. **Signs.** Signs shall be compatible in material and architectural style with the principal building and shall meet the requirements of Section 6-1-2-4, Sign Districts.

D. **Bar / Tavern / Nightclub.**

1. All bars / taverns / nightclubs shall be subject to the following:
 - a. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - b. These uses may include the retailing of related goods (i.e., shirts, caps, glasses) as an incidental activity.
 - c. When the use is adjacent to a RA, RN or R6 zoning district, a six foot screening wall or fence must be provided along the common lot line.
2. In the OT-RN zoning district:
 - a. The use is allowed only in the mixed-use building type. See Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.
 - b. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.

E. **Brew Pub / Distillery Pub / Limited Winery.**

1. All brew pubs / distillery pubs / limited wineries shall be subject to the following:
 - a. On-premise consumption or retail sales of commodities produced on-site are required.
 - b. The maximum gross floor area for production, bottling, packaging, storing, and other manufacturing related activities shall be 6,000 square feet.
 - c. The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.
 - d. If the use is adjacent to a residential use, exterior loudspeakers and noise from the outdoor patio areas and the interior of the building shall not exceed 45 dbA at the property line of the subject property between the hours 9:00 PM and 7:00 AM. There shall be no outdoor entertainment between these hours.
 - e. If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.
2. In the MX-N and OT-RN zoning districts:
 - a. The maximum gross floor area for the building shall be 4,000 square feet.
 - b. In the OT-RN zoning district, the use is allowed only in the mixed-use building type. See Section 2-1-5-4, Mixed-Use Building Type Lot and Building Form Standards.

F. Recreation, Outdoor, Other.

1. In the MX-U, MX-T, and OT zoning districts:
 - a. Outdoor recreation uses shall be limited to plazas, sculpture gardens, tot lots, playgrounds, skating rinks, and splash pads.

G. Restaurant.

1. Restaurants, General.

If the use adjoins any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 PM and 7:00 AM.

2. Restaurants, Fast Food.

- a. Trash Management Program. All fast food restaurant uses shall have a trash management program for the daily removal of trash and litter on the site and on any adjacent affected property.
- b. For drive-through facilities, reference Sections 5-1-6-2 Drive-through facilities and 4-5-3-6 Vehicle Stacking.

3-1-3-5 Commercial Standards

A. Animal Day Care / Training.

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

B. Art Studio / Makerspace.

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

C. Auction House.

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

D. Kennel.

In the RA and IL zoning districts, a kennel facility shall be subject to the following:

1. Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any adjacent residential zoning district.
2. If the use is located within 300 feet of residentially zoned property, no outdoor activities related to the use shall occur on the subject property between the hours of 9:00 PM and 7:00 AM.
3. The parts of a building where animals are boarded shall be fully enclosed and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
4. All kennels shall be licensed by the City of Arvada pursuant to Article VIII, "Kennel License," of Chapter 14 of the Arvada Code of Ordinances.

E. Retail Sales and Services, Type 1.

1. Retail Sales Uses – General.

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

- a. Outdoor display areas must comply with the minimum street setback requirements of the subject zoning district.

- b. Outdoor display areas may not occupy or use required parking space or drive aisle unless approved by the Director.
- c. Outdoor seasonal temporary sales display requires a temporary use permit.

F. Retail Sales and Services, Type 2.

1. Convenience Lending Operations.

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

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

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

- a. Used merchandise stores that accept donated goods on the premises and used merchandise donation centers shall:
 - i. Coordinate delivery and acceptance of donations, during business hours only, either inside the store or center, or outside the store or center as long as donations are moved inside immediately after drop-off;
 - ii. Sort and store donations only inside the store or center;
 - iii. Patrol the store or center premises as the need arises to remove any donations left outside after hours; and
 - iv. Remove donations left outside of the store or center after business hours no later than 7:00 AM the next morning.
- b. A used merchandise store shall devote more than 50% of its floor area to retail sales.
- c. The arrangement of activities inside a used merchandise store shall be such to preserve a retail character when it is viewed from the outside. Where the building façade includes windows or doors, the areas within the building visible through these openings shall be used for retail sales only.
- d. Used merchandise donation centers shall be limited to a maximum gross floor area of 2,500 square feet and a maximum tenant width of 25 feet.
- e. Donation boxes, trailers, containers, or other structures intended and utilized as an exterior, stand-alone receptacle or depository for the donation of goods are prohibited.
 - i. Based upon the generally mobile, temporary, impermanent, and accessory nature thereof, and notwithstanding the provisions of Chapter 9, Nonconformities of this Code, any such box, trailer, container, or structure, or use of such box, trailer, container, or structure, legally established prior to May 12, 2011 shall be permitted

to continue in place, but such use, and the lawful status of such structure and use, shall terminate upon the occurrence of any of the following:

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

G. Veterinary Office or Clinic.

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

H. Workshop.

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

3-1-3-6 Community, Civic, Educational, Health Care, and Institutional Standards

A. Ambulance Services.

1. The use shall not be located within 300 feet of the boundary of a residential zoning district.

B. Cemetery.

1. All cemeteries shall be subject to the following requirements:
 - a. Crematoriums and alkaline hydrolysis facilities are prohibited.

C. Crematorium and Alkaline Hydrolysis Facilities.

1. In the IL and IG zoning districts, the use shall not be located within 300 feet of the boundary of a residential zoning district.

D. Day Care Center, Adult or Child.

1. The use shall take access from an arterial or collector street, or if possible from a local street if the subject property is located at the corner of the local street and an arterial or collector street and no single-family detached or duplex residential lots take access from the local street between the intersection and the access point to the subject property.

2. In the OT-RR zoning district, the maximum building size shall be no more than 2,500 square feet of gross floor area.

E. Funeral Home / Mortuary.

1. All funeral homes/mortuaries shall be subject to the following requirements:
 - a. The subject property shall take access from an arterial or collector street.
 - b. The use shall not include a crematorium.

F. Place of Assembly.

1. All places of assembly shall take access from an arterial or collector street, or from a local street if the subject property is located at the corner of the local street and an arterial or collector street.
2. In the RN, R6, R13 and MX-N, MX-U, MX-T, OT-E, OT-EY, OT-GV, OT-OW, OT-RN and OT-RR zoning districts, the place of assembly building shall not exceed 40,000 square feet.

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

A. Brewery / Winery / Distillery.

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

B. Heavy Logistic Center Industry

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

C. Light Industry.

1. Bakery.

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

2. Manufacturing, Light Trade and Technical Uses.

- a. In the IL and IG zoning districts, the following shall apply:
 - i. Loading and unloading of shipments shall be permitted.
 - ii. The land uses inside the building shall preserve a commercial, retail or office character viewed from the outside.
 - iii. All industry, manufacturing and production uses shall utilize the best industry standard, maintenance, and control available to maintain the lowest possible measurement of emission of odorous gases.
- b. In the MX-N, MX-S, MX-U, MX-T, and CG zoning districts:
 - i. Primary manufacturing, processing, and fabrication uses shall be completely enclosed within a building.

- c. In the MX-N, MX-S, and MX-U zoning districts:
 - i. If the use is located within 200 feet of a residential district, the use shall not operate between the hours of 9:00 PM and 7:00 AM.
- 3. **Office, General Contractor.**
 - a. Office uses with storage related to construction shall only be permitted in the IL and IG zoning districts, and the following requirement shall apply:
 - i. Any outdoor storage area shall be screened with an Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options.
- 4. **Research, Development, and Testing Laboratories.**
 - a. In the CG, IL and IG zoning districts:
 - i. Laboratories shall not contain or utilize toxic or explosive materials.
 - ii. All facilities shall be completely enclosed.
- 5. **Warehousing and Distribution.**
 - a. In the CG and IL zoning districts, retail sales in conjunction with a permitted warehouse establishment may be allowed subject to the following conditions:
 - i. All retail sales shall be conducted within the same structure housing the principal warehouse use, and no outdoor retail sales activity shall be allowed.
 - ii. Parking for the retail accessory use shall be provided in accordance with the off-street parking standards for retail uses in Section 4-5-2-2, Parking Requirement Tables.
- 6. **Wholesale Establishments.**
 - a. Wholesale establishments with stock may be permitted in the IG zoning district except for the following:
 - i. Live animals;
 - ii. Commercial explosives;
 - iii. Flammable or combustible liquids are permitted provided their use, dispensing, mixing, and storage complies with all the requirements of the currently adopted edition of the applicable Building Code, Fire Code, Plumbing Code, Mechanical Code, and National Electrical Code and all applicable State and Federal laws;
 - iv. Flammable gases are permitted provided their use, dispensing, mixing, and storage complies with all of the requirements of the currently adopted edition of the applicable Building Code, Fire Code, Mechanical Code, Plumbing Code, and National Electrical Code, and all applicable State and Federal laws.
 - b. Retail sales in conjunction with wholesale establishments may be allowed, provided that:
 - i. Not more than 20 percent of floor area or sales volume of any individual user or tenant may be devoted to retail operations. Notwithstanding this 20 percent limitation, furniture and carpet wholesalers may have greater than 20 percent of their floor area or sales volume devoted to retail operations.
 - ii. All retail sales shall be conducted within the same structure housing the principal wholesale use, and no outdoor retail sales activity shall be allowed.

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

D. Recycling Drop-Off (Attended).

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

E. Resource Extraction (Minerals).

The following applies in all zoning districts:

1. Permitting Requirements.

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

2. Mining Operations.

- a. Mining equipment, except for reservoir construction equipment, shall be considered mechanical equipment and, in lieu of the screening standards set forth in Article 4-6, Landscaping and Buffering, such equipment shall be subject to the following requirements:
 - i. All mining equipment and operation areas shall be screened from sight from adjacent properties or right-of-way by the use of berms or by other equivalent means; and
 - ii. All mining equipment shall be located behind building setback lines.
- b. All roadways longer than 100 feet used for ingress and egress from the public roadway to the area of mining operations shall be cleaned and maintained to minimize the fugitive dust which is generated by vehicles.
- c. All mining operations, except for reservoir construction, shall be at least 200 feet from the property line. No open pit mine shall be deeper than 200 feet. No reclaimed open pit mine shall be left deeper than 100 feet.
- d. No finished grade shall exceed slopes of one foot of rise in three feet of horizontal distance. A diverse permanent vegetative cover shall be established on all disturbed areas to achieve erosion control equal to pre-mining levels. The cover shall be predominantly of native species. Disturbed areas shall be kept to a minimum. Reclamation shall commence within one growing season after slopes reach final grade.

- e. Mining, processing, or transporting operations, except for reservoir construction, shall be within the time limits of 7:00 a.m. to 6:00 p.m., with no operations on Sunday. Maintenance operations are not subject to this provision.
 - f. The use of explosives is subject to all state and federal standards and restricted to a maximum of five calendar days per year. All blasting shall be conducted in a manner which will not cause a peak particle velocity on any adjacent property which exceeds one-half inch per second. A blast over pressure shall not exceed 130 db peak measured at 6 Hz or lower flat response at the property line.
 - g. Quarrying of hard rock aggregate is prohibited.
 - h. Sediment caused by accelerated soil erosion shall be removed from runoff water before leaving the site. Runoff shall not be discharged from the site in quantities or at velocities above those occurring before mining.
3. **Exempt Activities.** The following burrowing and hauling of earth material may be done without obtaining a conditional use permit from the City:
- a. Minor projects which have cuts or fills each of which is less than five feet in vertical depth at its deepest point measured from the existing ground surface, which include the following:
 - i. Less than 50 cubic yards of earth material; or
 - ii. The removal of less than 10,000 square feet of vegetation.
 - b. Minimum excavation required in connection with a building or other structure authorized by a valid building permit.
 - c. Grading work being done pursuant to an approved grading plan in conjunction with an approved recorded plat, development plan or over lot grading plan being done on the same property.
 - d. Trenching incidental to the construction and installation of approved underground pipeline, septic tank, disposal lines, electrical or communication facilities, and drilling or excavation for approved wells or fence posts.
 - e. Grading or excavation in accordance with plans incorporated in an approved conditional use permit.
 - f. Maintenance and cleaning of ditches, lakes, ponds, and water storage reservoirs.

F. Resource Extraction (Oil and Gas).

- 1. Reserved.

G. Salvage Yard.

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

- d. Best management practices for stormwater quality must be implemented and maintained on-site.

H. Self-Storage.

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

I. Storage Yard.

1. In the IG zoning districts:
 - a. The use shall not be located closer than 25 feet to an adjacent street right-of-way.
 - b. No storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous materials, or stagnant water, shall be permitted as part of any storage yard use if they exceed the currently adopted fire code requirements. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.
 - c. Suitable containers for rubbish shall be placed on the premises. *See* Section 5-1-6-5, Trash Collection and Compaction.
 - d. There shall be at least one 24 feet access drive that shall be wide enough to accommodate two vehicles side-by-side.
 - e. No storage yards shall be located closer than 300 feet from any lot line that abuts a residential zoning district or single-family detached residential uses in unincorporated Jefferson County.

- f. In areas that adjoin a residential use, there is no height limit on the outdoor storage provided that the storage yard is screened from view from the closest point of the adjacent residential structure or right-of-way.
- g. Permitted hours of operation shall be 7:00 AM to 7:00 PM.
- h. There shall be no height restriction for machinery, vehicles, and cranes licensed, leased, and/or titled to a business conducted on the property.
- i. Storage of customer vehicles for a period not to exceed 90 days is exempt from the screening height restrictions.

J. Waste Removal Fleet Storage and Administration.

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

K. Waste Transfer Station.

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

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

A. Fueling / Service Station.

1. Fueling / Service Station Requirements

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

2. Minimum Lot Dimensions.

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

3. Building and Equipment Setbacks and Buffers.

- i. Fuel pumps, pump islands, detached canopies, compressed air connections, and similar equipment, shall be set back a minimum of 40 feet from all street rights-of-way and from all property lines abutting a residential zoning district or a parcel containing residential uses.
- ii. When the service station use abuts a residential zoning district, use, or property, an Option C or D buffer shall be required, per Section 4-6-5-3, Bufferyard Options.

4. Service Station with Vehicle Repair.

- a. When permitted:
 - i. Hydraulic hoists, pits, and all lubrications, greasing, automobile washing, or repairing equipment shall be entirely enclosed within a building. When any such building or portion of a building faces, abuts, or is adjacent to residentially zoned property, the closest, adjacent building wall or face shall consist of a solid blank wall with no openings other than those required by applicable building codes.
 - ii. All repair work, vehicle washing, lubrication, and installation of parts and accessories shall be wholly performed within an enclosed building or structure.
 - iii. All vehicle parts, dismantled vehicles, and similar materials, and all discarded materials such as tires, cans, and drums, shall be stored within an enclosed building or totally screened from view by a solid, opaque fence. See Division 4-7-2, Fences and Divisional Walls for acceptable fence/wall materials.
 - iv. All vehicles awaiting repair shall be stored onsite in approved parking spaces and under no circumstances shall such vehicles be stored outside in an inoperable condition or stored on or obstruct access to a public right-of-way.

B. Motor Vehicle Repairs and Service, Heavy.

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

C. Motor Vehicle Repairs and Service, Light.

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

D. Motor Vehicle Storage.

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

E. Motor Vehicle Towing Services.

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

F. Motor Vehicle Wash.

1. Motor vehicle wash facilities including automotive detail facilities shall comply with the following conditions:
 - a. **General Requirements.**
 - i. A motor vehicle wash facility is prohibited at the intersection of two arterial streets, unless it is located in a center occupying at least two acres and containing other commercial establishments occupying at least 12,000 square feet gross floor area.
 - ii. The motor vehicle wash facility, including all driveways, entrances and appurtenant structures, must be set back a minimum of 20 feet from any adjacent street. The entire 20-foot setback must be landscaped to provide a buffer from adjacent streets.

- iii. No motor vehicle wash facility shall be located on a corner lot.
 - b. **Open Bay Motor Vehicle Wash Facility.**
 - i. No new motor vehicle wash facility may be located within one-half mile of any other existing motor vehicle wash facility having two or more car wash bays within the city limits of Arvada.
 - c. **Enclosed Motor Vehicle Wash Facility.**
 - i. All enclosed motor vehicle washing bays must have bay doors. No bay door shall face the adjacent street or an adjacent residential district.
 - ii. All enclosed motor vehicle wash facilities must be self-contained, except those services such as drying, polishing or vacuuming which may be performed outdoors. Exterior vacuums must have the machinery located within the main wash building with only vacuum hoses located outside.
- G. **Parking Lot Surface, Stand-Alone.** Where identified as a conditional use, a stand-alone surface parking lot shall be subject to the following requirements:
 - 1. A stand-alone surface parking lot shall not front an arterial or collector street.
 - 2. The stand-alone surface parking lot shall meet all the landscaping requirements of Article 4-6, Landscaping and Buffering.
- H. **Parking Garage, Structured.** Refer to Section 5-1-6-8.
- I. **Vehicle Equipment Sales or Rentals.**
 - 1. **Vehicle Sales and Rentals.**
 - a. In the MX-S, MX-U, MX-T, CG, and IL zoning districts:
 - i. All vehicles used for sales display or inventory must be stored indoors.
 - ii. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
 - iii. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from a residential zoning district boundary.
 - b. In the MX-T zoning district, only automobile rentals shall be permitted and only in principal hotel and motel uses with surface parking limited to a maximum number of 10 parking spaces dedicated to the use.
 - 2. **Equipment Sales and Rentals.**
 - a. In the MX-S, MX-U, MX-T, CG, and IL zoning districts:
 - i. An Option C or D landscape buffer, per Section 4-6-5-3, Bufferyard Options, is required between the use and any adjoining residential zoning district.
 - ii. Overhead bay doors that face residential zoning districts shall be set back at least 60 feet from the residential zoning district boundary.

3-1-3-9 Utility and Communications Standards.

- A. **Utilities, Major.**
 - 1. The use shall not be located within 300 feet of the boundary of a residential use, unless it can be demonstrated that no other location is viable.
- B. **Utilities, Minor.** In the zoning districts where identified as a limited use:

1. An existing use may continue to operate as a conforming use, except that if above-ground utilities are modified or relocated, they shall be relocated underground unless such relocation is physically not feasible or would damage historic buildings.
- C. Data Center.**
1. The use shall not be located within 300 feet of the boundary of a residential zoning district.
- D. Overhead Power Lines.**
1. New transmission lines that are not located within existing utility easements shall be routed 300 feet away from arterial streets and existing or approved noise-sensitive uses to the maximum extent practicable.
 2. To the extent practicable, new transmission lines shall be located within existing transmission easements or routed outside of the City.
- E. Radio or Television Transmission Tower.**
1. The tower shall, to the extent possible, be designed using camouflage or concealment design techniques (e.g., materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the tower to the surrounding natural setting and built environment).
 2. Lighting of towers is not allowed, except as may be required by FAA regulations.
- F. Solar Garden.**
1. Solar Garden shall meet the required height and setback within the respective zoning district.
 2. All solar collector systems shall be in compliance with the Building Code.
 3. Solar collector systems that use concentrator technologies shall incorporate anti-glare measures into the system or shall be placed in areas so that the concentrated solar glare shall not be directed to adjacent residential uses or roadways.
- G. Utility-Scale Wind Energy Conversion System.**
1. The minimum acreage for a utility-scale wind system shall be established based on the setbacks of the turbine(s) and the height of the turbine(s) per Section 5-1-4-4, Renewable Energy Systems.
 2. All turbines located within the same utility-scale wind system shall be of similar tower design, including the type, number of blades, and the direction of blade rotations.
 3. Utility-scale wind systems shall be set back at least one and one-half times the height of the turbine and rotor diameter from the property line and any above ground electrical and telephone lines, and other uninhabitable structures.

3-1-3-10 Agricultural Standards

- A. Agriculture, General.**
1. In the OS zoning district, agriculture uses, including crop production and livestock grazing are allowed provided no dwelling unit is allowed.
 2. In the RA zoning district, agriculture uses, including crop production and livestock grazing are permitted.
 3. Silos, production facilities and other type of buildings shall be setback a minimum of 75 feet from an adjacent residential use.

B. Agriculture, Community.

1. All community gardens shall conform to the following standards:
 - a. Hours of operation are limited to the period from dawn to dusk.
 - b. No buffer landscape is required between adjacent land uses.
 - c. Outdoor lighting is prohibited for crop production.
 - d. Permanent structures are permitted for community supported agricultural farms that are a principal permitted land use, but not an accessory land use.
 - e. There shall be no more than three accessory structures allowed, and such structures may not exceed a combined 1,000 sq. ft. total, and shall comply with the applicable development and design standards of the zoning district.
 - f. Gardeners shall properly tend to the garden during crop season and prepare planting areas for the winter and off-seasons in a manner that creates positive aesthetics in addition to controlling dust, erosion and run-off. This may include but is not limited to removal or tilling of dead plant debris, storing equipment, etc.
 - g. The Director may require off-street parking if there is not adequate on-street parking available. Parking areas and access drives shall be surfaced with durable materials, such as concrete, asphalt, and compacted crushed stone and shall be treated to control dust as necessary.
 - h. Sales of produce on site shall be limited to those grown on site.
 - i. Produce stands may operate for up to a maximum of six months per year. When not in use, temporary produce stand structures must be removed.
 - j. Distribution of produce to individuals who own shares in the farm is generally allowed on site. However, the City reserves the right to limit or prohibit on-site distribution if the Director determines that this practice negatively impacts the surrounding neighborhood.
 - k. The site must be designed and maintained so that water and fertilizer will not drain onto adjacent property.
2. Existing agricultural uses may continue as conforming uses.

C. Greenhouses / Nurseries (with retail sales).

1. The type and location of any bulk materials to be stored on any site shall be determined at the time of approval of the conditional use approval.
2. In the CG, IL and IG zoning districts, the retail use shall not occupy more than 5,000 sf.
3. Any materials approved for bulk outdoor storage shall not cause a hazard or nuisance to the health, welfare or safety of humans or animals.
4. Except for plants, outdoor storage areas shall not be located in the front or side setback and shall be set behind the principal building.

D. Greenhouses / Nurseries (without retail sales).

1. In the RA, IL and IG zoning districts, except for plants, outdoor storage areas shall not be located in the front or side setback and shall be set behind the principal building.

Division 3-1-4 Temporary Uses

3-1-4-1 Purpose and Application of Division

- A. **Purpose of Division.** The purpose of this Division is to set out standards for the temporary use of land in order to ensure that the location and operation of temporary uses does not negatively impact permanent uses, environmental resources, or the safe and efficient operation of transportation networks.
- B. **Application of Division.** Section 3-1-4-2, Temporary Uses by Zoning District, sets out the zoning districts in which various temporary uses are allowed. If a temporary use is allowed in a particular zoning district, the standards and permit requirements that apply to the use are set out in its corresponding section in this Division. See Section 3-1-4-3, Contractor Offices and Temporary Construction Uses, to Section 3-1-4-13, Other Temporary Uses, inclusive.
- C. **Temporary Use Permits.** Some temporary uses require a temporary use permit. Temporary use permits are issued as provided in Chapter 8, Development Review Process.

3-1-4-2 Temporary Uses by Zoning District

- A. **Generally.** The temporary land uses that are allowed in each zoning district are set out in Table 3-1-4-2, Temporary Uses by Zoning District. The “T” indicates that the temporary land use is allowed subject to standards referenced at the end of the row.

Table 3-1-4-2: Temporary Uses by Zoning District

Land Use	Open Space and Residential						Mixed-Use				Olde Town						Commercial and Industrial			Reference	
	OS	RA	RN	R6	R13	R24	MIX-N	MIX-S	MIX-U	MIX-T	OYE	OT-EY	OT-GV	OT-OW	OT-RN	OT-RR	OT-W	CG	IL		IG
Contractor Offices and Temporary Construction Uses	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	3-1-4-3
Farmers Market	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T		T	T		3-1-4-4
Food and Retail Truck Vending	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	3-1-4-5
Natural Disasters and Emergencies	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	3-1-4-6
Produce Stands	T	T																			3-1-4-7
Special Events	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T			3-1-4-8
Temporary Outdoor Sales							T	T	T	T	T	T	T	T	T	T	T	T	T	T	3-1-4-9
Temporary Real Estate Sales Office Including Model Home		T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				3-1-4-10
Transient Merchants (Food)	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	3-1-4-11
Transient Merchants (Not Food) or Entertainment	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	3-1-4-11
Other Temporary Uses	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	3-1-4-12

3-1-4-3 Contractor Offices and Temporary Construction Uses

- A. **Generally.** The use of construction trailers in connection with site construction, or an area used for the temporary storage of building materials and equipment necessary for construction of a permanent use, is allowed as provided in Section 3-1-4-2, Temporary Uses by Zoning District, and the provisions of this Section. This temporary use is authorized by letter from the Director in furtherance of an approved development plan and must meet all building requirements.
- B. **Term of Approval.**
 - 1. Commencement of Temporary Use. A temporary construction trailer, or a temporary construction yard, shall be moved, erected, or established on a construction site no earlier than two weeks prior to the date on which construction actually commences.
 - 2. Expiration of Temporary Use Approval.
 - a. The term of a temporary use approval for construction uses shall automatically expire 30 days after completion of construction, or upon cessation of construction for more than 60 days, or one year after issuance, whichever occurs first.
 - b. If construction is interrupted and ceases for more than 60 days, excluding weather delays, a construction trailer shall be removed until actual construction commences again.
 - 3. Extensions. The Director may grant extensions if the Applicant maintains active and continuous construction on the site or within the subdivision.
- C. **Siting Requirements.**
 - 1. Setbacks.
 - a. A temporary construction trailer, or a temporary construction yard, shall be located on the subject property on which construction is progressing, and shall not be located within 25 feet of any adjoining residential lot that is not part of the subject property.
 - 2. Clearance. All temporary construction trailers shall have at least ten feet on all sides for clearance.
- D. **Operational Standards.**
 - 1. Maintenance. A temporary construction trailer, or a temporary construction yard shall be maintained in good and orderly condition during the time of its use. Construction yards and sites shall be regularly mowed, and weed growth shall be controlled. Trash and rubbish barrels/receptacles shall be provided on-site and trash pick-up and removal shall occur on at least a weekly basis.
 - 2. Enclosure and Security. Fencing up to six feet in height may be installed within the setbacks for the duration of the temporary use permit.
 - 3. Dwelling Prohibited. A temporary construction trailer shall be used only as temporary field offices and for storage of incidental equipment and supplies, and shall not be used as any type of dwelling.
 - 4. Fire Hazards. No flammable materials shall be stored in a temporary construction trailer or construction shed.
- E. **Completion of Temporary Use.** Upon completion of the temporary use, the site shall be cleaned, all evidence of the use(s) removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

- F. **City Public Works Projects.** With the consent of the property owner, City Public Works projects may use private property in the vicinity of a public works project for the siting of construction trailers.

3-1-4-4 Farmers Markets

- A. **Generally.** The standards of this Section apply to farmers markets.
- B. **Where Allowed.**
 - 1. Farmers markets are permissible only on property used for:
 - a. Commercial land uses that are listed in Section 3-1-2-5, Commercial Land Use by Zoning District;
 - b. Places of Assembly;
 - c. Schools (any type); or
 - d. Public spaces, provided that the area that is used for vending and pedestrian circulation is hard-surfaced.
 - 2. Farmers markets shall be set back at least 10 feet from public streets, unless the farmers market is held on a closed street.
- C. **Permit Required.** A temporary use special event permit is required for farmers markets that are expected to have more than 100 attendees at any one time, including vendors).
- D. **Restrooms.** If appropriate to the scale of the event, on-site restroom facilities may be required to serve the expected attendance.
- E. **Waste Containers and Litter Control.** Adequate waste containers shall be required and that all litter generated by the event shall be removed at no expense to the City. This shall include adjoining public rights-of-way.
- F. **Parking.** Adequate parking shall be provided on-site or at an alternative location to accommodate the anticipated vehicular traffic.
- G. **Signs.** All proposed signs shall be specified in the special event permit and shall be in compliance with the Temporary Sign regulations. *See* Division 6-1-6, Temporary Signs.

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

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

- C. **Permit Required.** Except as otherwise provided herein, no person may engage in activities of food or retail truck vending without first obtaining a City of Arvada business license and a Food Truck Permit for food vendors or a Retail Vending Truck Permit. The approved temporary use permit shall be permanently displayed to the public in the food handling area of the food truck vending operation or in the retail area of a retail vending truck.
- D. **Standards.** The following rules and requirements shall apply to all food and retail truck vending:
1. Hours of Operation. Hours of operation shall be between 6:00 a.m. and 11:00 p.m. unless a different time is specified in the temporary use permit.
 2. Location.
 - a. Operations shall not obstruct the visibility of motorists, nor obstruct parking lot circulation or block access to a public street, alley, or sidewalk.
 - b. Operations shall be located at least 50 feet from any residential zoning district or mixed-use zoning districts where residential units are on the first floor as measured from the closest point of the food truck to the nearest property line of the residential unit, except as may otherwise be permitted pursuant to subsection B.1.c., where permitted above.
 - c. Food and retail trucks may operate on private property provided they meet the following requirements:
 - i. The operator must obtain prior written permission from the private property owner.
 - ii. The food or retail truck must be parked on a paved surface outside of the public right-of-way.
 - d. Operations are prohibited on public street rights of way, except for the following:
 - i. Food and retail truck vending may be allowed in a public street right-of-way closed to vehicular traffic when a Special Event Permit has been issued for a special event requiring such closure.
 3. Refuse.
 - a. Operators shall be responsible for the storage and daily disposal of all trash, refuse, and litter. All areas used for food and retail trucks shall be maintained in a safe and clean condition.
 - b. Operators shall not cause any liquid wastes used in the operation, with the exception of clean ice melt, to be discharged from the vehicle or structure.
 - c. The food and retail trucks shall not be washed on location.
 4. Health Department Certificate.
 - a. Operators shall obtain a Health Department Certificate required by the Colorado Department of Public Health and Environment and other state and local agencies to operate a mobile retail food establishment.

3-1-4-6 Natural Disasters and Emergencies

Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies are allowed for the duration of the emergency. No temporary use permit or other review shall be required.

3-1-4-7 Produce Stands

- A. **Generally.** The standards of this Section apply to produce stands. No temporary use permit is required for a produce stand.
- B. **Where Allowed.** Produce stands are allowed as provided in Section 3-1-4-2, Temporary Uses by Zoning District.
- C. **Standards.**
 - 1. Produce stands may operate for up to a maximum of six months per year. When not in use, temporary produce stand structures must be removed.
 - 2. Hours of operation are limited to the period from dawn to dusk.
 - 3. Permanent structures are not permitted.
 - 4. A produce stand may not exceed 50 square feet in size.
 - 5. A produce stand may not encroach into a public right-of-way or obstruct pedestrian access.
 - 6. The produce stand shall maintain general practices to keep the stand clean and maintain produce quality.

3-1-4-8 Special Events

- A. **Generally.** The standards of this Section apply to special events that are not otherwise specified in this Division.
- B. **Permit Required.** A temporary use special event permit is required for an event that:
 - 1. Is expected to have more than 100 attendees at any one time;
 - 2. Involves amplification (of music or speech) and / or lighting;
 - 3. Involves temporary structures (other than canopies and tables) or amusement rides; or
 - 4. Involves traffic control.
- C. **Permitted Locations.** A special event permit may authorize a special event to be held, in whole or in part, on any of the following properties, or a combination thereof:
 - 1. Private property (including private streets) in the zoning districts in which special events are allowed, as provided in Section 3-1-4-2, Temporary Uses by Zoning District;
 - 2. Public property, including public parks owned or maintained by the City or Apex Park and Recreation District, public street rights-of-way, and any other property owned by the City, a special district, or other political subdivision of the State of Colorado (provided that the governmental entity consents to the issuance of the permit).
- D. **Term of Approval/Permit.** A special event authorized pursuant to this Subsection shall be limited to a maximum duration of 14 days, unless otherwise specifically authorized by the Director.
- E. **Restrooms.** If appropriate to the scale of the event, on-site restroom facilities may be required to serve the expected attendance.
- F. **Waste Containers and Litter Control.** Adequate waste containers shall be required and all litter generated by the event shall be removed at no expense to the City. This shall include adjoining public rights-of-way.
- G. **Signs.** All proposed signs shall be specified in the special event permit and shall be in compliance with the Temporary Sign regulations. See Division 6-1-6, Temporary Signs.

3-1-4-9 Temporary Outdoor Sales

- A. **Where Permitted.** Temporary outdoor sales are permitted as provided in Section 3-1-4-2, Temporary Uses by Zoning District.
- B. **Permit Required.** A temporary use permit for temporary outdoor sales is required and shall not exceed a term of 120 days within a calendar year per principal permitted use.
- C. **Standards.** All temporary outdoor sales activity, excluding motor vehicle sales, shall comply with the following standards:
 - 1. The Applicant shall provide a plan for storage of any vending cart or motorized vehicle in a permanent structure during hours when the temporary outdoor sales are not operating.
 - 2. The Applicant shall hold a current City sales tax license.
 - 3. The location and operation of the temporary sales activity shall not affect access to or circulation within an off-street parking area, or the flow of traffic on public streets.
 - 4. The area occupied by the temporary sales activity, plus any adjacent clear area required by the Fire Code, shall occupy no more than 20 percent of any required off-street parking spaces or area. In no event shall any such area occupied by the temporary use be greater than 7,500 cumulative square feet. In all cases, the Applicant shall demonstrate there will be adequate parking for the existing uses as well as the temporary outdoor sales.
 - 5. All trucks or tents and associated parking shall be located on asphalt, concrete, or equivalent surface unless the Applicant demonstrates no adverse effect on drainage, access, landscaping, buffering, or the intent of this Code, as determined by the Director.
 - 6. Temporary sales shall only be allowed if operated by the owner or lessee of a principal permitted use on the subject property.
- D. **Other Required Approvals.** The use of a tent for temporary outdoor sales is subject to approval by the Building Department and Fire District.

3-1-4-10 Temporary Real Estate Sales Office Including Model Home

- A. **Where Permitted.** Temporary real estate sales offices, including model or show homes, are permitted as provided in Section 3-1-4-2, Temporary Uses by Zoning District, provided that the subject property is approved for residential development or mixed-use development with a residential component.
- B. **Commencement of Use.** A real estate sales office shall not be moved, erected, or established on a residential development site until the date on or after construction actually commences.
- C. **Permit Required.**
 - 1. **Term.** The term of a temporary use permit for a temporary real estate sales office shall automatically expire 30 days after completion of construction or one year after issuance, whichever occurs first.
 - 2. **Early Expiration.** All temporary real estate sales offices shall be removed, and all model/show homes closed for viewing, within 30 days after the sale of the last dwelling unit in the development, even if the temporary use permit is still valid.
 - 3. **Extensions.** The Director may grant extensions upon written request if the builder maintains active and continuous construction on the site or within the subdivision.
- D. **Setbacks.** All temporary real estate sales offices, including model or show homes, shall comply with the building setbacks in the zoning district in which the building or structure is located.

E. Usage Allowed.

1. Permitted temporary real estate sales offices shall be used only as temporary field offices and for storage of incidental supplies, and shall not be used as any type of dwelling.
2. Use of the temporary real estate sales office for sales of residential sites or projects located off-site is prohibited.

F. Parking.

1. Except as provided in Subsection F.2., below, a minimum of three off-street parking spaces shall be required for a temporary real estate sales office.
2. The Director may approve a temporary real estate sales office without off-street parking if the following conditions are met:
 - a. There are a minimum of three on-street parking spaces within 75 feet of the temporary real estate office;
 - b. There are no residences existing on that portion of the street that would be using the street for parking; and
 - c. There would be no anticipated adverse parking or traffic impacts.
3. An off-street parking area shall be paved if it is adjacent to the model or show home. Reconstituted asphalt may be used for paving in the winter when asphalt plants are closed.

- G. Restoration after Expiration.** As appropriate, the site of the temporary real estate sales office use shall be returned to its original condition after completion of use.

3-1-4-11 Transient Merchants and Entertainment

- A. Where Permitted.** Transient merchants and entertainment are permitted as provided in Section 3-1-4-2, Temporary Uses by Zoning District.

B. Permit Required; Exceptions.

1. Permit Required. Except as otherwise provided herein, no transient merchant or one providing entertainment may engage in any of the following activities without first obtaining a transient merchant license: ambulatory vendor, entertainment with or without vending, or food or personal service vending.
2. Exceptions. The following are exempt from the temporary use permit requirement that is specific to transient merchants or entertainment, but may require a temporary use permit, or other permit, pursuant to other provisions of this Code, the City Code, or the City Charter:
 - a. Sidewalk sales or similarly-described outdoor sales conducted by an existing business adjacent to its retail operation, which are subject to the provisions of Section 3-1-4-10, Temporary Outdoor Sales.
 - b. Vending or entertainment for special events that are authorized by the City, which are subject to the provisions of Section 3-1-4-9, Special Events.
 - c. Vending or entertainment for recurring organized festivals or events in Olde Town Arvada that are authorized by the City, including, but not limited to, Harvest Festival and Business Improvement District (BID) sponsored events that are approved by the Director.
 - d. Sales associated with outdoor seating for restaurants, bars, taverns, nightclubs, brew pubs, distillery pubs, and limited wineries, which are subject to the provisions of this Code.

- e. Vending by any individual or organization of the following items which have been created, written, composed or otherwise produced by the vendor: books, compact discs, paintings, photographs, or any other item that is inherently communicative and has nominal utility apart from its communication.
 - f. Vending by any individual of newspapers, leaflets, pamphlets, bumper stickers, or buttons.
- C. **Compliance with Regulations.** Notwithstanding any exemption from permit requirements, all transient merchants and those providing entertainment shall comply with the time, place, and manner restrictions and standards established in this Section or other applicable laws or regulations.
- D. **General Rules Applicable to Transient Merchants and Entertainment.** The following rules and standards shall apply to all transient merchants and those providing entertainment, whether vending or entertaining on private property, on the allowed portions of public street rights of way, or on public space:
1. Area of Operations.
 - a. If vending or entertainment is to occur on the sidewalk portion of a public street right-of-way, a minimum clearance of five feet shall be maintained by the transient merchant or one providing entertainment.
 2. Prohibited Locations. Transient merchants and those providing entertainment are prohibited from operating in the following locations:
 - a. Within any City property, unless approved by the City;
 - b. Within 40 feet of any property used for school purposes (elementary to secondary) during school hours, unless written permission is obtained from the entity operating such school;
 - c. Within 40 feet of any driveway entrance to a police or fire station;
 - d. Within six feet of any other driveway, the pedestrian crosswalk at any intersection, or any designated pedestrian crossing point;
 - e. Within 10 feet of any handicapped parking space or access ramp;
 - f. Within a publicly-owned parking lot or publicly-controlled parking space, or within a privately-owned landscape area or parking lot to the extent that such operation would utilize landscape areas or parking spaces required to meet minimum requirements of this Code, unless the Director, considering the nature and duration of the proposed temporary activity, determines that such parking spaces are not necessary or that the landscape area will not suffer a significant permanent detrimental impact;
 - g. Upon any private property without the written approval of the property owner;
 - h. In any location other than the vending area specified in the temporary use permit, if applicable; or
 - i. In any location for which a temporary use permit has been issued to another, except that a violation of such locational restriction shall carry no penalty so long as the violator, upon being advised of the permit, relocates to a vending area in compliance with this Section.
 3. Prohibited Conduct. Transient merchants and those providing entertainment shall be prohibited from engaging in the following conduct:

- a. Soliciting or conducting business with persons in motor vehicles located on traffic lanes of public streets and highways;
 - b. Leaving any vending/performance area without first collecting and properly disposing of all trash and refuse within such area (disposing of trash or refuse, including any byproducts of food preparation such as grease or oil, in City trash receptacles, storm sewers, planters, landscaping, or similar features is specifically prohibited);
 - c. Leaving any inventory, equipment, signage, or other items upon City-owned or City-controlled property or upon the public street rights-of-way overnight or at any other time when not engaged in vending or entertainment; or
 - d. Utilizing any electrical outlet, water faucet or spigot, or other similar source of utility (including those within a public space) without the express written consent of the owner thereof.
4. Required Licensing; Compliance with Public Health Regulations.
- a. Transient merchants engaged in food, merchandise, or personal services vending shall be required to obtain a sales and use tax license from the City of Arvada Finance Department prior to engaging in such vending.
 - b. Transient merchants engaged in food vending shall comply with all applicable regulations of the Colorado Department of Public Health and Environment and other state and local agencies.
 - c. Transient merchants and those providing entertainment shall prominently display on site all required licenses and permits, or photocopies thereof, including temporary use permit, sales and use license, and health permit, as applicable.
- E. **Additional Rules Specific to Public Street Rights of Way and Public Space.** In addition to all other requirements of this Section, vending and entertainment on the public street rights of way or on public space (for the purposes of this Section only, "public space" does not include property owned or controlled by a governmental entity other than the City of Arvada), shall be subject to the following requirements:
- 1. Prohibited Locations. Transient merchants and entertainers shall be prohibited from operating in the following locations:
 - a. Within the boundaries of any sidewalk less than five feet in width;
 - b. Within 15 feet of the main entrance or outdoor patio area to any permanent business establishment, unless written permission is obtained from the establishment's owner;
 - c. Within 40 feet of the main entrance or outdoor patio area to any permanent business establishment that sells or offers for sale the same or substantially similar food, merchandise, or personal services as vended by the transient merchant, unless written permission is obtained from the establishment's owner; or
 - d. Within 15 feet of the principal public entrance to a public library or other government building.
 - 2. Prohibited Conduct. Transient merchants and those providing entertainment shall be prohibited from engaging in the following conduct:
 - a. Vending weapons or facsimiles of weapons, drug paraphernalia, or obscene materials; or
 - b. Entertaining by juggling, casting, throwing, propelling, or otherwise using a burning projectile, knife, or other sharp instrument.

3. Prohibited Devices and Structures. No coin-operated vending devices shall be permitted in the public street right-of-way, except for boxes for the sale of newspapers.

3-1-4-12 Other Temporary Uses

Subject to this Division and the procedures and review criteria set forth in Section 8-3-5-5, Temporary Use Permit, the Director may approve other temporary uses and activities or special events if it is determined that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

Division 3-1-5 Business Use of the Home

3-1-5-1 Home Occupation

- A. **Generally.** Use of dwelling units for home occupation purposes shall conform to the standards of this Section. A home occupation shall be allowed only when it is an accessory use to a residential dwelling unit.

Table 3-1-5-1: Home Occupations Standards	
Topic	Standard
Employees on Site	Inhabitants of the dwelling unit plus up to 1 additional employee who does not reside in the dwelling unit.
Customers, Clients, or Students	Maximum number based on the amount of off-street parking available on the property.
Multiple Home Occupations	More than one Home Occupation may occur, but the provision for the number of employees, customers, clients or students shall be applied to the combined total of all Home Occupation activities and not to each Home Occupation individually.
Hours of Operation as to On-Site Customers, Clients, or Students	7:00 AM to 10:00 PM
Location(s) on Lot	All business activities shall be conducted in the principal building or a permitted accessory building.
Separate Building Entry	Allowed only if required by law or regulation.
Building Alterations or Property Modifications	There shall be no alterations or change in the residential character or external appearance of the dwelling unit and its associated accessory buildings that indicates the presence of the home occupation from off-site.
Stock in Trade or Commodities	Stock in trade or commodities may be sold on the premises if created on the premises; stock in trade or commodities may be sold off-premises (e.g., internet sales) regardless of location of creation.
Outside Work	Any noise caused or generated by conduct of a home occupation shall not create a noise disturbance, as defined in the Chapter 38 of the Arvada Code of Ordinances.
Storage of Materials	There shall be no outdoor storage on the premises of material or equipment used as part of the home occupation.
Parking	All parking requirements shall be met on-site. No more than 60 percent of the front yard area shall be impervious surface or utilized for parking.
Signage	One non-illuminated sign one square foot in area, attached flat against the dwelling, is permitted.

Table 3-1-5-1: Home Occupations Standards	
Topic	Standard
Trip Generation	The use shall not involve significantly greater volumes or frequencies of deliveries or shipments, vehicular traffic, or pedestrian traffic than normally expected in a residential neighborhood.
Loading and Deliveries	Deliveries associated with a home occupation may only be made between the hours of 7:00 AM to 7:00 PM.
Environmental Impacts	The use shall not create any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.

- B. **Prohibited Business Uses of the Home.** The following uses, regardless of whether they meet the standards of this Section, are not permitted as business uses of the home:
1. Veterinary offices or clinics, animal hospitals, or kennels;
 2. Equipment rental;
 3. Funeral homes or mortuaries;
 4. Medical or dental clinics;
 5. Repair or painting of automobiles, motorcycles, trailers, boats, or other vehicles;
 6. Repair of large appliances (*e.g.*, stoves, refrigerators, washers, and dryers);
 7. Repair of power equipment or small engines (*e.g.*, lawn mowers, snow blowers, chain saws, string trimmers, generators, etc.);
 8. Restaurants;
 9. Vehicle sales;
 10. Welding or metal fabrication shops;
 11. Dispatching of vehicles to and from the residential premises (*e.g.*, taxi services or towing services); and
 12. On-site retail sales, except incidental retail sales associated with services.

3-1-5-2 Home Child Care

- A. **Generally.** The standards of this Section apply to the child care uses within dwelling units (hereinafter “home child care uses”) that are listed in this Subsection.
1. Specialized group homes, as defined in Subsection 7.701.2.B., 12 CCR 2509-8, except as provided in Subsection B., below;
 2. Family child care homes, as defined in Subsections 7.707.22.A. and B., 12 CCR 2509-8, and including:
 - a. Three (3) under two (2) family child care homes, as defined in subsection 7.707.22.C., 12 CCR 2509-8;
 - b. Family child care homes with infant/toddler licenses, as defined in subsection 7.707.22.D., 12 CCR 2509-8;
 - c. Experienced child care provider, as defined in Subsection 7.707.22.F., 12 CCR 2509-8; and
 - d. Large child care homes, as defined in Subsection 7.707.22.E., 12 CCR 2509-8.

- B. **Exceptions.** The following child care uses are allowed without a permit in all dwelling units, provided that all licenses (if any) that are required by state law (*see* 12 CCR 2509-8) are obtained prior to establishment of the use, and thereafter maintained:
 - 1. Specialized group homes that are licensed to provide care for three or more children pursuant to C.R.S. § 26-6-102(10), but that are providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.
 - 2. Exempt family child care home providers, as defined in C.R.S. § 26-6-102(12);
 - 3. Foster care homes, as defined in C.R.S. § 26-6-102(14); and
 - 4. Licensed host family homes, as defined in section 7.701.21., 12 CCR 2509-8.
- C. **Standards.** In addition to any state regulatory requirements, the following standards apply to the home child care uses that are subject to this Section:
 - 1. The operator of the home child care use shall reside on the subject property.
 - 2. The home child care use shall not generate, in excess of levels customarily found in residential neighborhoods, any noise that is noticeable at or beyond the property line of the premises upon which the home child care use is located.
 - 3. No additional off-street parking shall be created on the subject property for the home child care use.
 - 4. Commercial vehicles shall not be parked or stored on the subject property.
- D. **Maximum Number of Children.** The number of children that may be cared for in a home child care use is limited by the applicable state license or statutory definition and not this Code.

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. 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.
 - 2. 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. 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. 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. 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 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. 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.* If a lot contains more than one legal Dwelling, Dwelling Unit or ADUR, only one Dwelling, Dwelling Unit or ADUR on such lot is eligible for licensure as a Short Term Rental Unit.
2. *Permitted structures.* Short Term Rental Units are allowed in primary and accessory structures with finished living space. All structures shall comply with the regulations for primary and accessory structures, including maximum size, height, lot coverage, and setbacks, for the property's zoning district. In the case of a multifamily property, the property owner is allowed one (1) Short Term Rental Unit. In the case of condominiums or buildings held in similar common ownership, each owner 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 shall maintain weekly residential trash collection services for the Short Term Rental Unit.
9. *Number of days in use.* 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, the Owner 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.* No applicant may operate more than three individual properties as short term rentals within the City at any one time. 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. If the Director 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. Issue any order reasonably calculated to ensure compliance with this Section.
2. 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 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.
- 4. An applicant or licensee may appeal any decision 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. An applicant 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. 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.

Division 3-1-6 Oil and Gas Operations.

Reserved.

Chapter 4 – Environmental and Site Design

Article 4-1 Environmental Quality

Division 4-1-1 Purpose and Application of Article

4-1-1-1 Purpose of Article

The purpose of this Article is to promote and maintain environmental quality and livability in the City, and to mitigate natural hazards to life, safety, and property using standards that regulate the location and design of development.

4-1-1-2 Application of Article

- A. **Generally.** The Divisions within this Article are applied as follows:
1. Division 4-1-2, Floodplain Regulations, establishes standards for development within the Floodplain Overlay District, in order to reduce and mitigate flood hazards.
 2. Division 4-1-3, Stormwater and Drainage Control, establishes design principles for grading and drainage system design.
 3. Division 4-1-4, Natural Hazards and Environmentally-Sensitive Areas, establishes standards for avoiding or mitigating natural hazard areas and for protecting environmentally-sensitive areas from the impacts of development.
 4. Division 4-1-5, Irrigation Canals and Ditches, establishes standards for development near irrigation canals and irrigation ditches.
- B. **Relationship to Other Standards of this Code.** The standards of this Article, particularly Division 4-1-2, Floodplain Regulations, and Division 4-1-5, Irrigation Canals and Ditches, may restrict development on certain locations of a subject property. When the application of these standards would result in exceptional hardship to the Applicant upon a determination that the variance is the minimum necessary, a variance may be permissible to allow development on other parts of the subject property pursuant to Section 8-3-11-2, Variances.

Division 4-1-2 Floodplain Regulations

4-1-2-1 Statutory Authorization

The Legislature of the State of Colorado has, in C.R.S. Title 29, Article 20, delegated the responsibility of local government units to adopt regulations designated to minimized flood losses. Therefore, the City Council of Arvada, Colorado, does hereby adopt the following floodplain management regulations.

4-1-2-2 Findings of Fact

- A. Flood hazard areas of the City are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and government services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the health, safety, and general welfare of the public.

- B. These flood losses are created by the cumulative effect of obstruction in floodplains which cause an increase in flood heights and velocities, and by the occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed, or otherwise protected from flood damage.

4-1-2-3 Purpose

This Division is intended to provide the means and the regulations to promote the public health, safety, and general welfare of the public, and to minimize public and private losses due to flood conditions in specific areas subject to flood hazards, and to promote wise use of the floodplain. This Division has been established with the following purposes intended:

1. To reduce the hazards of flood to human life, health and property;
2. To alert floodplain occupants, or potential occupants, to flood damages which may result from their own, or others' land use;
3. To minimize damage to critical facilities, infrastructure and other public facilities and utilities such as water, sewer, and gas mains; electrical and communications facilities; and streets and bridges located in the regulatory floodplain;
4. To minimize prolonged business interruptions caused by flooding;
5. To minimize the expenditure of public money for costly flood control projects;
6. To minimize the need for rescue and relief efforts associated with flooding, which are generally undertaken at the expense of the public;
7. To help maintain stable tax base by providing for the sound use and development of the regulatory floodplain, so as to minimize future flood blight areas;
8. To ensure potential buyers are notified if properties are in a regulatory floodplain; and
9. To encourage and facilitate urban water resources management techniques for the reduction of pollution and the enhancement of the urban environment.

4-1-2-4 Methods of Reducing Flood Losses

In order to accomplish its purposes, this Division includes methods and provisions for:

1. Requiring all construction of permitted buildings to be in compliance with the City of Arvada Building Code;
2. Restricting or prohibiting land uses that are 1) dangerous to public life, health, safety and property in times of flooding, or 2) result in damaging increases in erosion, flood heights or velocities;
3. Requiring land uses vulnerable to floods, including facilities that serve such uses, be protected against floods at the time of initial construction or substantial improvements;
4. Regulating the manner in which a structure or building may be constructed in Special Flood Hazard areas;
5. Regulating the method of construction of water supply and sanitation systems so as to reduce disease, contamination and unsanitary conditions;
6. Delineating and describing areas that could be inundated by floods;
7. Regulating the method of construction and pattern of development within all uses in the regulatory floodplain;

8. Regulating the alteration of natural floodplains, stream channels, and natural protective barriers, that help accommodate or channel flood waters;
9. Regulating or prohibiting filling, grading, development, dredging, and unnecessary encroachments that may increase flood damage;
10. Encouraging uses such as greenbelt, open space, agricultural, recreation facilities, and riding trails in floodplain areas; and
11. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards in other areas.

4-1-2-5 Basis for Establishing Areas of Special Flood Hazard

Special Flood Hazard Areas (SFHAs) shall be known as the Regulatory Floodplain and may be referred to as the floodplain.

- A. **Boundaries.** The boundaries of the SFHAs and the floodway shall be determined from information on the Official Floodplain Map and the Flood Insurance Study that are kept on file in Public Works. The boundary lines on the map shall be determined by the use of the scale appearing on the map. For the purpose of final determination of the SFHA boundaries, the base flood elevations on the 100-year flood profile shall control. The base flood elevations shall be shown on the flood profiles and tabulations in the Flood Insurance Study (FIS) as revised, and on the Official Floodplain Map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, the dispute shall be settled according to Section 8-3-11-6-C, Official Interpretations, (Subsection C).
 1. **District Types.** An SFHA is not a separate Zoning District, but is an overlay over an existing Zoning Districts. The SFHA is subdivided into the Flood Fringe Sub-Zone and the Floodway Sub-Zone. In addition to meeting the conditions of the underlying Zoning District, any property to be developed in the SFHA must meet the conditions of the applicable Floodway Sub-Zone and Flood Fringe Sub-Zone. For those areas where base flood elevation has not been determined, including Flood Zone A within the Flood Fringe Sub-Zone, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data from federal, state, or other source as criteria for determining final floodplain areas boundaries and administering rules, regulations and requirements within the floodplain.
 2. The boundaries of the SFHAs and the floodway shall be determined from information presented in the Flood Insurance Study (FIS). In the absence of other information (i.e., site specific studies as provided by the property owner), boundaries shall be determined by scaling distances on the maps provided in the FIS. Where interpretation is needed as to the exact location of the boundaries, the Floodplain Administrator shall make the necessary interpretation. In all cases, the base flood elevation as provided in the FIS shall be the governing factor in locating the boundary on any property.
- B. **Other Areas.** Other areas are subject to inundation by the base flood are delineated in floodplain maps that have been adopted for regulatory use by the City in accordance with Section 2-1-2-5.
- C. **Areas Removed from the SFHA by Fill.** These areas are identified by FEMA by issuance of a Letter of Map Revision based on Fill (LOMR-F). For purposes of this Article, this includes all existing and proposed LOMR-F areas, if the LOMR-F area has not previously been superseded by a standard LOMR.

4-1-2-6 Regulatory Floodplain-General Standards

- A. **Generally.** In all areas within the 100-year floodplain as designated in the Official Floodplain Map which includes the Floodway Sub-Zone and the Flood Fringe Sub-Zone, the general standards of this Section shall apply.
- B. **Anchoring.**
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure, and capable of resisting the hydrostatic and hydrodynamic loads.
 - 2. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces. Specific requirements may be:
 - a. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than 50 feet long requiring only one additional tie per side; and
 - b. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with manufactured homes less than 50 feet long requiring four additional ties per side; and
 - c. All components of the anchoring system be capable of carrying a force of 4,800 pounds; and
 - d. Any additions to the manufactured home be similarly anchored.
- C. **Construction Materials and Methods.**
 - 1. All new construction and substantial improvements shall be constructed with utility equipment resistant to flood damage and using materials and methods that minimize flood damage.
 - 2. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 - 3. New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access, or storage in an area other than a basement and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Colorado Professional Engineer or architect, or meet or exceed the following minimum criteria:
 - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - b. The bottom of all openings shall be no higher than one foot above lowest adjacent grade (LAG).
 - c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

D. Utilities.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
2. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

E. Fences.

1. Fences may be permitted in the SFHA depending on the type and use of the fence. In some cases, fencing is not permitted in the SFHA. Any proposed fence in the SFHAs shall require review by the Floodplain Administrator and issuance of a Floodplain Development Permit, in addition to other required permit(s). Table 4-1-2-4 is provided for assistance with understanding and selecting appropriate fencing in a floodplain.

Table 4-1-2-6: Fence Use Allowed by SFHA Sub-Zone			
FENCE TYPE	FLOOD FRINGE Zones A, AE, and AO	FLOODWAY Zone AE	SHALLOW FLOODING Zone X
Open barbed or barbless wire ¹	Yes	Yes, unless the proposed is to contain livestock within a corral	Yes
Open pipe or rail fencing (i.e. corrals) ²	Yes	Yes, with limited cross fencing ⁴ ; not allowed in main channel	Yes
Other wire, pipe, or rail fencing (i.e. field fence, welded wire, chicken wire) ³	Yes, if elevated to or above the flood height	Case by case review	Yes, if elevated to or above the flood height
Chain link	Case by case review	No	Yes
Picket fencing (50% opaque ⁵)	Case by case review	No	Yes
Alternating board / shadow box (80% opaque)	Case by case review	No	Yes
Solid board fencing or masonry walls	Case by case review – design required	No	Yes, if elevated to or above flood height or adequate openings are provided ⁴
Collapsible or breakaway fencing	Case by case review-design required		
<p>TABLE NOTES: ¹ Barbed or barbless wire is considered open if there is no more than one (1) horizontal strand per foot of height and no more than one (1) vertical wire or post every six (6) feet. ² Open pipe or rail fencing shall be 90% open and have posts placed no closer than eight (8) feet part. ³ Other wire, pipe, or rail fencing that is not considered “open” shall include minimum spacing of not less than six-inch by six-inch (6”x6”) square openings. ⁴ Determination of cross-fencing requirement and/or adequate opening size and number shall be made by the Floodplain Administrator. Adequate openings shall allow the free-flow of floodwaters without increasing the depth of water at all. ⁵ Opacity is the degree to which light or views are blocked. With reference to fencing, it is measured perpendicular to the fence for each fence section between supports.</p>			

F. Subdivision Proposals.

1. All subdivision proposals and other new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether the proposed development will be reasonably safe from flooding. Any such proposals in the SHFA shall be reviewed to assure that:
 - a. The proposal is consistent with the need to minimize flood damage;
 - b. The proposal has public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
 - c. The proposal has adequate drainage provided to reduce exposure to flood damage; and
 - d. Base flood elevation data is provided. All subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is lesser, shall include within such proposals base flood elevation data.

G. Flood-Proofing. All-flood proofing measures mandated in this Section shall be subject to the requirements of this Code regarding Establishment of Floodplain Development Permit, and regarding Nonresidential Structures. A Professional Engineer registered in the State of Colorado shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this Section and the design is consistent with the flood protection elevations for the particular area as shown by the flood profile, flood velocities, and other factors associated with the flood protection elevation. Such certifications shall be provided to the Floodplain Administrator as set forth in subsection 8-1-1-4a Obtain and Maintain Floodplain Information. In addition to the flood-proofing measures described elsewhere in this Section, others may include:

1. Installation of watertight doors, bulkheads and shutters.
2. Reinforcement of walls to resist water pressure.
3. Use of paints, membranes, or mortars to reduce seepage of water through walls.
4. Addition of mass or weight to structures to resist flotation.
5. Installation of pumps to lower water levels in structures.
6. Pumping facilities for subsurface drainage systems of building to relieve external foundation, wall and basement floor pressures.
7. Construction to resist rupture or collapse caused by water pressure or floating debris.
8. Cutoff valves on sewer lines or the elimination of gravity flow basement drains.

H. Construction on Filled Floodplains. No permit shall be issued for the construction of a new building on a property that has been removed from the floodplain by the issuance of a FEMA Letter of Map Revision Based on Fill (“LOMR-F”) with a floor elevation placed below the base flood elevation (including one foot of freeboard) that existed prior to the placement of fill.

4-1-2-7 Flood Fringe Sub-Zone Standards

- A. **Generally.** The Flood Fringe Sub-Zone represents the area that is inundated in the 100-year flood that may serve as a temporary storage area for the flood waters and is the area that lies landward of the floodway.
- B. **Special Provisions.**

1. **Generally.** No fill, structure, deposit or other floodplain uses shall be permitted that adversely affects the efficiency of any channels or floodways of any tributaries to the main stream or river; drainage ditches; or any other drainage facilities or systems.
2. **All Construction.** If a property has been issued a Letter of Map Revision based on Fill (LOMR-F) from FEMA and the property has been filled so as to remove it from the floodplain, no building permit shall be issued for a new structure to be constructed that would result in a finished floor elevation, including basement below the previously existing base flood elevation.
3. **Residential Construction.**
 - a. A residential structure shall be any structure which is designed for human habitation. New construction and substantial improvement of any residential structure within or moved into the SFHA shall have the lowest floor, including basement constructed at or above a point two feet above the base flood elevation, or, if within Flood Zone AO, at or above a point two feet above the depth number specified in feet on the Official Floodplain Map, the depth number shall be at least two feet if it is not specified on the map. Within Zones AH and AO in the SFHA, adequate drainage paths shall be constructed all around structures on slopes to guide flood waters around and away from proposed structures. If neither base flood elevation nor depth number is available, the flood protection elevation shall be at least 4 feet above the highest adjacent grade.
4. **Nonresidential Construction.** New construction and substantial improvements of any commercial, industrial, or other non-residential structure within or moved into the SFHA shall either:
 - a. Have the lowest floor (including basement) constructed at or above a point one (1) foot above the base flood elevation, or at or above a point one (1) foot above the depth number if within Flood Zone AO, and as specified in feet on the Official Floodplain Maps (the depth number shall be at least two (2) feet if it is not specified on the maps). If neither base flood elevation nor depth number is available, the flood protection elevation shall be at least 3 feet above the highest adjacent grade; or.
 - b. Together with attendant utility and sanitary facilities shall:
 - i. Be flood-proofed to or above the Flood Protection Elevation, such that the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - iii. Be certified by a Colorado registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this paragraph. Such certifications shall be provided to the Floodplain Administrator as set forth in subsection 8-1-1-4-4.a Obtain and Maintain Floodplain Information.
 - c. Within Zones AH and AO in the SHFA, adequate drainage paths shall be constructed all around structures on slopes to guide flood waters around and away from proposed structures.
5. **Manufactured Homes.** Manufactured homes shall be anchored in accordance with Subsection 4-1-2-6.B., Anchoring.
 - a. All manufactured homes that are placed or substantially improved on a site in Zones

A1-30, AH, or AE on the FIRM shall be elevated on a permanent foundation such that the lowest floor of the manufactured home, together with mechanical equipment and attendant utilities, is constructed at or above a point two feet above the base flood elevation, and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, if the manufactured home is:

- i. Outside of a manufactured home park or subdivision;
 - ii. In a new manufactured home park or subdivision;
 - iii. In an expansion to an existing manufactured home park or subdivision; or
 - iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood.
- b. All manufactured homes that are placed or substantially improved on sites in existing manufactured home parks or subdivisions that are not subject to the provisions in Subsection a. above, shall be elevated so that either:
- i. The lowest floor of the manufactured home, together with mechanical equipment and attendant utilities, is constructed at or above a point two feet above the base flood elevation; or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement of the foundation from hydrostatic and hydrodynamic loads, including buoyancy.
- c. Any manufactured home park or manufactured home subdivision within the limits of the SFHA shall file an evacuation plan with the appropriate Disaster Preparedness Authority indicating alternate vehicular access and escape routes.

6. Recreational Vehicles.

- a. A recreational vehicle is a vehicle which is:
- i. Built on a single chassis;
 - ii. 400 square feet or less when measured at the largest horizontal projection;
 - iii. Designed to be self-propelled or permanently towable by a light duty truck; and
 - iv. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.
- b. All recreational vehicles (RVs) shall either:
- i. be on the site for fewer than 180 consecutive days;
 - ii. Be fully licensed and ready for highway use (meaning the RV is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities, and has no permanently attached additions); or
 - iii. Meet the permit requirements and elevation and anchoring requirements for a manufactured home for resisting flotation, collapse, and lateral movement from hydrostatic and hydrodynamic loads, including buoyancy.

- 7. Critical Facilities.** New construction and substantial improvements of any facility classified as a critical facility within or moved into the SFHA Zone shall have the lowest floor (including basement) constructed at or above a point two feet above the base flood elevation. New Critical Facilities shall, when practicable as determined by the Floodplain Administrator,

have continuous non-inundated access (ingress and egress for evacuation and emergency services) during a 100-year flood event.

8. **Materials Storage and Processing.** The storage or processing of materials that are buoyant, flammable, explosive, or in times of flooding could be injurious to human, animal or plant life, shall be at or above a point two feet above the base flood elevation for a particular area, or adequately flood-proofed in accordance with provisions in this Division.
 9. **Approvals.** Building plans for any project or construction within the Flood Fringe Sub-Zone must be submitted to the Floodplain Administrator, for approval, in accordance with Section 8-3- 5-6, Floodplain Development Permit, to insure that said project or construction will not adversely affect the Flood Regulatory District.
 10. **Anchoring.** Any structure permitted in the Flood Fringe Sub-Zone pursuant to this Section shall be firmly anchored to prevent the structure or building from floating away and thus threatening to restrict bridge openings and other restricted sections of the stream or river.
- C. **Permitted Uses.** Any uses permitted by the underlying Zoning District, in conformance with the preceding Special Provisions, may be permitted by the Floodplain Administrator, subject to the following conditions:
1. If the Floodplain Administrator disallows a requested use through a Floodplain Development Permit that is permitted in the underlying zoning district, and that is in conformance with the preceding Special Conditions, the Applicant may follow the procedures outlined in Section 8-3-11-6, Floodplain Variance, or Section 8-2-5 Appeals.
 2. The Floodplain Administrator may also require the Applicant to follow the procedure outlined in Section 8-3-5-6, Floodplain Development Permit, for certain uses in the Flood Fringe Sub-Zone, when said action appears to be in the public interest, and where the health, safety, and welfare of the public may be in question.
- D. **Watercourse.** In riverine situations, adjacent communities and the State Coordinating Agency, which is the Colorado Water Conservation Board, should be notified prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA. Ensure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

4-1-2-8 Floodway Sub-Zone Standards

- A. **Generally.** The Floodway Sub-Zone may also be referred to as the “floodway.” The floodway delineates the channel of a gulch or other watercourse and the adjacent land that must be reserved in order to discharge the 100-year flood without cumulatively increasing the base flood water surface elevation more than one-half foot at any one point. Floodways are extremely dangerous areas due to the velocity of floodwaters that carry debris, potential projectiles, and have significant erosion potential.
- B. **Special Provisions.** The following regulations shall apply to all uses within the Floodway Sub-Zone, notwithstanding that such uses may be specifically permitted under the terms of this LDC:
1. The flood protection elevation or height shall correspond to a point one foot (two feet for residential structures) above the base flood elevation shown on or attached to the flood map for a particular area.
 2. No structure or temporary structure, fill, including fill for roads and levees, deposit, obstruction, storage of materials, or other floodplain uses which acting alone or in combination with existing or future floodplain uses, shall be permitted that affects the

efficiency of the floodplains based on the assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

3. No floodplain uses shall affect the efficiency of or restrict the capacity of the channel or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.
 4. No developments or improvements shall be allowed within the Floodway Sub-Zone that would result in any increase in flood levels during the occurrence of the base flood discharge within the City.
 5. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the City may approve certain development in Zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the City, or other appointed entity, first applies for a conditional FIRM revision through FEMA (conditional letter of map revision, CLOMR); fulfills the requirements for such revisions as established under the provisions of Section 65.12; and receives FEMA approval.
- C. **Description of Permitted Uses.** The following open uses shall be permitted within the Floodway Sub-Zone to the extent that they are also permitted in a particular area by the underlying Zoning District.
1. Agricultural uses such as: general farming, pasture, truck farming, sod farming, and wild crop harvesting;
 2. Industrial-Commercial uses such as: parking areas and airport landing strips;
 3. Public and private recreation uses not requiring permanent or temporary structures designed for human habitation, such as: parks, golf courses, driving ranges, picnic grounds, wild life and nature preserves, shooting preserves, target ranges, trap and skeet ranges, hunting, fishing and biking areas;
 4. Utility facilities such as: transmission lines, excluding above ground support facilities; underground pipelines; water monitoring devices; roadways and bridges;
 5. Uses very similar in nature to permitted uses may be allowed provided that they are consistent with the provisions of this Section.
- D. **Description of Permitted Structures.** Temporary and permanent structures accessory to open uses permitted in Subsection C., above, shall be permitted subject to submittal of building plans to the Floodplain Administrator for approval in accordance with Section 8-3-5-6, Floodplain Development Permit, which:
1. Will not be designed for human habitation;
 2. Will have a low flood damage potential;
 3. If permitted, will be constructed and placed on the building site so as to offer the minimum obstruction to the flow waters:
 - a. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of the flow of flood waters, and
 - b. Insofar as feasible, structures will be placed so their longitudinal axis is approximately on the same line as those of adjoining structures; and
 4. Will be firmly anchored to prevent the structure or building from floating away, thus threatening to further restrict bridge openings and other restricted sections of the stream or river.

4-1-2-9 Abrogation and Greater Restrictions

This Division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Division or another Division, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4-1-2-10 Warning and Disclaimer of Liability

The degree of flood protection required by this Division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. On rare occasions greater floods can occur and will occur. Flood heights may be increased by manmade or natural causes.

This Division does not imply that land outside the SFHA or uses permitted within such areas will be free from flooding or flood damages. This Division shall not create liability on the part of the City or any official or employee thereof for any flood damages that result from reliance on this Division or any administrative decision lawfully made thereunder.

4-1-2-11 Severability

This Division and various parts thereof are hereby declared to be severable. Should any section of this Division be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Division as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Division 4-1-3 Stormwater and Drainage Control

4-1-3-1 Purpose

This Division has been established with the following purposes intended:

1. Promote the public health, safety, and welfare by minimizing flood losses and the inconvenience and damage resulting from uncontrolled and unplanned stormwater runoff in the City;
2. Minimize increases in stormwater runoff as a result of development;
3. Reduce pollutants in stormwater discharges from construction activity;
4. Minimize increases in non-point source pollution cause by stormwater runoff;
5. Reduce flooding, siltation, stream bank erosion, and channel degradation; and
6. Ensure that stormwater management controls are properly maintained.

4-1-3-2 Applicability

This Section shall apply to all construction in the City that disturbs 10,000 square feet or more of land surface. Water quality standards and detention apply to all new development and redevelopment that disturbs one acre or more. Erosion control shall apply to all land and efforts to prevent, mitigate, and control accelerated soil erosion shall include the design, installation, and implementation of temporary erosion control measures prior to any earth disturbance activities.

4-1-3-3 Storm Drainage Facilities Design

- A. **Storm Drainage Facilities.** Design of storm drainage facilities, including but not limited to best management practices for permanent stormwater quality, shall be based upon the Urban Storm Drainage Criteria Manual of the Urban Drainage and Flood Control District, the City of Arvada

Engineering Code of Standards and Specifications, and the City's Municipal Separate Storm Sewer System Permit requirements.

- B. **On-Site Drainage Control.** The best management practices for on-site drainage should be selected and designed to avoid or minimize, to the extent practicable, adverse water quality impacts of stormwater discharged from the development. Unless a regional drainage solution is required, the following shall apply:
1. **On-Site Drainage Facilities.** Drainage facilities shall be provided on-site to control drainage, storm and surface waters within the development and all drainage originating off-site traversing or flowing adjacent to the development.
 2. **Detention.** Designs shall provide detention facilities on-site to contain all storm waters generated which are in excess of historic flows. These detention facilities shall be designed so that the peak flow from the property is as nearly equal, as practicable, to that which is deemed historic. Detention shall not be constructed within the 100-year floodplain.
 3. **Underground Water Quality and Detention Facilities.** Although surface stormwater quality and detention is encouraged, in some cases underground appurtenances are desired and allowed. Water quality must meet the City's Municipal Separate Storm Sewer System requirements to be approved for installation. Written verification of successful installation shall be submitted to Director from the manufacturer of the underground appurtenance prior to the first Certificate of Occupancy for the development.
 4. **Management Practices.** Permanent stormwater quality control shall be maintained by the Owner consistent with an Operations and Maintenance Manual (O&M Manual) submitted with the final site plan review. If not maintained, the City can access, maintain and shall receive reimbursement from the Owner for maintenance conducted, or a lien will be placed on the property.
 5. **Regional Drainage Solutions.** Regional drainage solutions may be required for the development as determined by the Director.

4-1-3-4 Limitations on Site Disturbance

- A. **Generally.** Any site disturbances that exceed 10,000 square feet must obtain a Site Disturbance Permit from the City. Limits of disturbance must be defined on the Grading Plan.
- B. **Exemptions.** This Section does not apply to agriculture and irrigation ditch or reservoir maintenance activities (whether routine, such as weed control, or major, such as reshaping a ditch channel or cleaning out a reservoir).
- C. **Limitation on Disturbed Area.** Cuts, fills, grading, excavation, vegetation removal, and building construction shall be confined to the footprint of the proposed building, plus a working area of not more than 30 feet around each such footprint, plus any site disturbance necessary for installation and maintenance of utilities, access ways, trails, irrigation ditches, and fences, and for landscaping, agriculture, and similar activities.
- D. **Erosion Control Plans and State Permits.**
1. All erosion control plans shall comply with applicable standards adopted by the Urban Drainage and Flood Control District, the City of Arvada Engineering Code of Standards and Specifications, and City Code Article IV, Section 50-70 through 79.
 2. A Stormwater Management Plan is required if the development disturbs 10,000 square feet or more of land surface. A permit from the Colorado Discharge Permit System-Stormwater

may be required from the Colorado Department of Public Health and Environment, Water Quality Control Division, prior to start of construction.

4-1-3-5 Low-Impact Development Practices

- A. **Purpose.** The purpose of this Section is to encourage the incorporation of low-impact development (LID) practices into site designs in order to mitigate the impacts of increased runoff and stormwater pollution from new development, redevelopment and infill development as close to the source. LID practices, if designed and constructed correctly, will help preserve permeable surfaces, remove pollutants, regenerate groundwater supply, and encourage the use of native plants.
- B. **Low-Impact Development Options.** The options below are encouraged to implement LID at the time of site development or redevelopment. The options are not intended to be prescriptive or to inhibit creative design. To implement the LID in order to reduce water quality treatment of stormwater runoff, the City's Municipal Separate Storm Sewer System Permit conditions must be met.
- C. Further descriptions and examples of LID options are in the Urban Drainage and Flood Control District, Urban Storm Drainage Criteria Manual, Volume 3 for the following:
 - 1. Bioswales are vegetated swales planted with wet tolerant species of plants or ornamental grasses. They transport, store, and allow infiltration of water, and can be designed as a landscape feature. Bioswales are not grassed, but are planted with a variety of plant species that can withstand occasional water inundation for short periods of time.
 - 2. Grassed swales are designed conveyance devices used to transport water over the surface of the ground to a point of disposal that may be a catch basin, ditch, or water body that will filter, infiltrate, evaporate, and clean water of total suspended solids, solid waste, and other pollutants. Swales are often appropriate along property lines, public streets, and around buildings.
 - 3. Rain gardens are small, shallow depressions planted with a variety of native or ornamental plants than can treat small amounts of runoff to improve water quality. Rain gardens are generally small collections of water-loving plants planted on a low site area to collect rainfall.
 - 4. Permeable pavers and porous surfaces allow water seepage through the joints and the gravel base beneath the pavers. This allows for the infiltration of rainwater, thereby reducing the runoff leaving a site. When used in conjunction with street tree planting, this allows for air circulation around tree roots and can easily be removed in order to trim tree roots and to regrade a walkable surface. Use of permeable pavers or porous pavement shall not be permitted in locations required for fire and emergency access unless specifically allowed by the Director.
 - 5. Sand filters are depressions, trenches, barriers, or sand lenses constructed of porous matter that improves ground water recharge to filter, clean, and trap waterborne pollutants.
 - 6. Other Options.
 - a. Other options include extended detention basins that may be used in open space tracts to treat the runoff from multiple lots, roads, and trails.
 - b. Other LID options may be allowed as approved by the Director.

Figure 4-1-3-5 : Low-Impact Development Options



Bioswale



Grass Bioswale



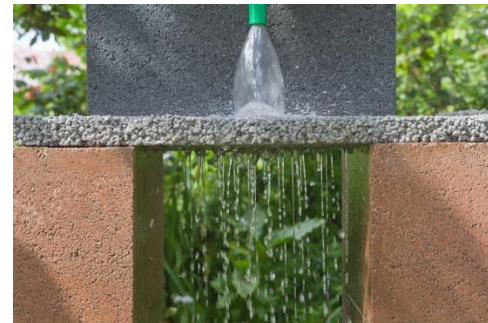
Native Grass Bioswale



Rain Garden



Combined Options



Permeable Pavers

Division 4-1-4 Natural Hazards and Environmentally-Sensitive Areas

4-1-4-1 Purpose

- A. **Generally.** New construction shall comply with the standards of this Division, unless compliance with a particular standard would prevent the construction of any permanent structure for a primary use on the land, or require the construction to violate another requirement of this LDC. Where more than one buildable site exists on a subject property and all buildable sites would violate at least one of the standards of this Division, the construction shall be located so as to comply with as many standards as possible.

- B. **Disclaimer.** These standards are considered reasonable for regulatory purposes and do not create liability on the part, or a cause of action against, the City.

4-1-4-2 Limits of Development

The Limits of Development (“LOD”) shall indicate the specific areas of a subdivision within which the development activity shall be contained in order to avoid areas identified in Section 4-1-4-3, Natural Hazard Areas, and features identified in Section 4-1-4-4, Significant Natural Features. LODs shall be indicated by the Applicant on the plat, and shall be reviewed and approved by the City as part of the development approval process based on:

1. A visual analysis of the location and apparent extent of areas affected by natural hazards and significant natural features;
2. Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, ridgelines, and scenic topographic features;
3. Any recommendations made by any other reviewing agency, including without limitation the U.S. Fish and Wildlife Service or the Colorado Division of Wildlife; and
4. The practical needs of proposed construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.

4-1-4-3 Natural Hazard Areas

If the subject property contains potential areas of natural or geologic hazard (such as unstable or potentially unstable slopes, faulting, landslides, or rockfalls) or soil conditions (including without limitation all expansive soils) unfavorable to development, or floodplains, the Applicant shall:

- A. Identify on the plat the LOD (as defined in Section 4-1-4-2, Limits of Development) and include a plat note that those areas are not available for development; or
- B. Provide a report from a geotechnical engineer licensed in Colorado identifying the mitigation measures or engineering precautions necessary to make such areas safe for development and occupancy, and include a plat note stating that development will be subject to those mitigation measures and engineering precautions; or
- C. Incorporate into the plat some combination of 1. and 2., above.

4-1-4-4 Significant Natural Features

- A. **Generally.** If the subject property contains significant natural features (such as corridors, bluffs, ridges, steep slopes, stands of mature trees, rock outcroppings--including without limitation the Ralston Buttes--wetlands, native upland ecosystems, riparian areas, and wildlife corridors identified by the Colorado Division of Wildlife) or water features (such as drainages, washes, canals, ditches, lakes, natural ponds, and retention and detention ponds), the Applicant shall identify on the plat the Limits of Development (see Section 4-1-4-2, Limits of Development), include a plat note that areas outside the Limits of Development are not available for development, and incorporate measures to mitigate any visual, functional, or environmental impact of nearby development on such features.
- B. **Groundwater Recharge.** Any area providing groundwater recharge to bedrock aquifers shall be identified at the time of the development review, and the design of the proposed development shall preserve the total amount and the quality of naturally occurring recharge.

4-1-4-5 Steep Slopes and Hazardous Building Conditions

- A. **Generally.** New lots shall not be created on lands containing an average slope of 25 percent , as measured from the points with highest and lowest elevation within 25 feet of any portion of a proposed building, unless such lots designate a building envelope located to avoid such steep slope areas, and the location of the principal building is restricted to the building envelope. Roads and driveways leading to any primary or accessory structure may not be located on slopes in excess of 25 percent.
- B. **Unstable Slopes and other Hazards.** No new principal building, and no new accessory structure (except mini-structures), shall be constructed in any location that shows evidence of slope instability, landslides, avalanche, flooding, or other natural or man-made hazards. If the City makes a preliminary determination that such evidence exists, the Applicant shall demonstrate that the slope's ground surface and subsurface are not unstable, that the proposed development will not cause instability or increase the potential for slope failure, and that the development of the slope will not increase the degree of hazards.

4-1-4-6 Ridgeline Protection

Residential dwellings on ridgelines identified through the development review process shall be sited and the buildings designed so as to not be prominent above any such ridgeline. A reduction in bulk or massing of the dwelling may be required, including limiting the height to one story and other suitable methods. Maintaining existing on-lot vegetation to provide a continuous screen or backdrop for the dwelling is also a suitable method.

Division 4-1-5 Irrigation Canals and Ditches

4-1-5-1 Protection of Irrigation Canals and Ditches

Where an irrigation canal or irrigation ditch is adjacent to or traverses a subject property, the City may require the Applicant to install walls, fences, or other methods for protective covering separating the lot or lots therefrom.

4-1-5-2 Agreement Required

- A. **Generally.** The City does not adjudicate the relative interests of landowners and owners of irrigation canals and irrigation ditches (i.e., whether such interests are fee-simple or easement interests). As such, where development has the potential to impact an irrigation canal or irrigation ditch (e.g., by installation of an overhead, surface, or subterranean crossing); installation of infrastructure or improvements that may increase seepage (e.g., detention ponds in close proximity to the canal or ditch, or subsurface drainage systems); grading that could result in changes to the amount of stormwater runoff or pollution that reaches the canal or ditch; or improvements that increase the risk of trespass onto canal or ditch infrastructure or rights-of-way, including service roads), the Applicant shall provide to the City a fully executed agreement between the Applicant and the owner of the canal or ditch that is satisfactory to the City and addresses the impacts of the development on the canal or ditch.
- B. **Street or Water and Sewer Utility Crossings.** Any agreement related to crossing an irrigation canal or ditch for the purpose of providing public street access or accessing or obtaining water or sewer service from the City shall identify the City as an approved assignee and require prior

written approval (or right to cure defaults in the event of provisions that allow for termination in the event of default) by the City for any modification or termination prior to said assignment.

4-1-5-3 Irrigation Ditch or Canal Crossings

Technical design of irrigation ditch or canal crossings shall be approved by the City and unless the City or another entity is exercising its power of eminent domain to acquire the property interests necessary to install the crossing, the affected owner of the irrigation canal or irrigation ditch, prior to commencement of construction of the crossing.

Division 4-1-6 Construction Activities

4-1-6-1 Restrictions on Construction Activities

- A. **Generally.** The standards of this Section shall apply to all construction sites. The Director may modify the requirements of Subsection B.1., E.3., E.4., F., and G., if the Director finds that such modifications are necessary to provide for efficient, expeditious, and safe construction.
- B. **Temporary Facilities.**
 - 1. Temporary structures, portable offices, and other comparable buildings and structures shall be maintained in good repair and arranged in a compact and organized manner on the construction site, in a location that minimizes their visual impacts when viewed from the public street or adjacent properties.
 - 2. The timing of installation and removal of such facilities is subject to Section 3-1-4-3, Contractor Offices and Temporary Construction Uses.
- C. **Tracking Control.**
 - 1. Mud, dirt, or other debris deposited on the public or common roadway at construction access points shall be removed daily to avoid compaction and damage to the roadway and to minimize drainage system impacts.
 - 2. Cleaning of any construction equipment or tools on public streets, rights of way, or other vacant land is strictly prohibited.
- D. **Debris Control.**
 - 1. Construction debris shall be immediately placed into containers and screened to the extent possible during construction. Trash containers shall be emptied when full and on a regular basis, but not less than weekly.
 - 2. Dumping, burial of construction debris, debris pits, and burning of debris at any location is prohibited.
 - 3. After construction is completed, temporary barriers, surplus materials and all trash, debris and rubbish shall be promptly removed from the site.
 - 4. All backfill shall be cleared of building material, stone and rubbish prior to placement.
- E. **Erosion, Siltation, and Dust Control.**
 - 1. Precautions for controlling water and wind erosion and sedimentation are required during construction and shall be conducted as an integral part of the construction operation.
 - 2. Dust from topsoil and fill material that is stockpiled on site, as well as any areas disturbed by construction operations, shall be strictly controlled. All disturbed areas shall be stabilized.

3. The City may require temporary diversion ditches, dikes, silt fences, filter boxes, tackifiers, and comparable facilities, in order to protect the site from erosion prior to completion of construction and establishment of permanent landscaping.
 4. Permanent surface and subsurface drainage systems shall not be used during construction unless entering water has been treated to remove suspended soil particles and other debris. To accomplish this, silting basins shall be installed at all locations necessary to intercept water before it enters catch basins and outfall locations. Silting basins shall be cleaned after each substantial rainstorm.
- F. **Parking.** No construction equipment shall be parked on the streets.
- G. **Materials Storage.** If equipment and materials are stored at the construction site, storage areas shall be unobtrusive when viewed from public streets and adjacent properties.

4-1-6-2 Restoration of Disturbed Areas

Disturbed areas shall be restored as natural-appearing landforms, with curves that blend in with adjacent undisturbed slopes. Abrupt angular transitions and linear slopes shall be avoided. As necessary, cuts and fills shall be supported by retaining walls made of materials permitted in Section 4-7-2-2, Retaining Walls. Areas disturbed by grading shall be contoured so they can be re-vegetated and shall be re-vegetated within one growing season after construction, using native species similar to those growing on the site when such re-vegetation does not contribute to hazards. Topsoil shall be stockpiled and placed on disturbed areas.

Article 4-2 Subdivision Standards

Division 4-2-1 Subdivision Standards

4-2-1-1 Purpose of Article

Generally. These regulations establishes the minimum standards for the land subdivision in order to facilitate the orderly growth and development of the City. The standards of this Article shall apply to all subdivision or re-subdivisions of land or air-space within the City, and any additional lands over which the City has control authority under C.R.S. § 31-23-212. No plat of a subdivision of land, or similar document pertaining to the division of air-space, shall be used for purposes of sale or building development until approved and recorded under the provisions of this Article.

4-2-1-2 Application of Article

A. Applicability and Exemptions.

1. Unless otherwise expressly stated in a valid approved development agreement or annexation agreement, the provisions of this Article shall apply to the review and approval of a subdivision plat whenever any lot, tract, land parcel or air-space is created or divided into two or more lots, tracts, parcels, other land divisions, or air-space units for the purpose of sale or development.
2. The standards of Articles 4-3, Site Design, 4-4, Access, Circulation, Mobility and Utilities, 4-1-4, Natural Hazard Areas and Environmentally-Sensitive Areas may be applicable in the layout and design of the subdivision. In addition, Article 8-4 Required Improvements, Dedications, and Fees may also apply. These Divisions and Article may also apply to a Master Plan that does not involve the subdivision of land if the Director determines that the proposed Master Plan development will create impacts similar to a subdivision of land.

B. Exemptions. Review and approval of a subdivision plat shall not be require for the following:

1. Any division of land to heirs through an estate proceeding.
2. Any division of land created by lien, mortgage, deed of trust or other similar court action.
3. Any division of land for sale as part of an approved cemetery, where the cemetery maintains property records as to the size, location, and ownership of the lots.
4. Any transfer of land required by law.
5. Any division of land by sale and purchase, dedication, eminent domain action, or any other method of conveyance, for the purpose of providing the City with land for street rights-of-way, parks, or other public use.

4-2-1-3 Protection of Existing Vegetation, Wildlife Areas and Natural Features

A. General Requirements.

1. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed in a manner that minimizes land disturbance and preserves existing trees, vegetation, watercourses, wildlife areas and other natural features that would add value to the proposed development. The development standards set forth in Division 4-6-2, Tree Removal and Replacement shall be considered in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such standards difficult or infeasible.

2. **Existing Trees On-Site.** The determination of which existing site trees are to be saved, replaced, or relocated shall be made by the City, pursuant to Division 4-6-2, Tree Preservation and Replacement. No trees shall be removed from any subdivision or any change of grade of the land effected until approval of the plat has been granted. All trees on the platted area required to be retained shall be preserved, and all trees where required shall be welled and protected against change of grade.

B. Geologic Hazard Areas and Protection of Natural Lands.

1. General Requirements.

- a. All subdivisions shall comply with the standards in Division 4-1-4, Natural Hazards and Environmentally-Sensitive Areas.
- b. All subdivision plats shall be laid out with due regard to geologic hazards, including but not limited to existing soils conditions and slope stability. All subdivisions shall evidence design and use compatibility with existing soils, particularly in regard to topography, drainage, bearing capacity, and erosion potential. All subdivision design shall ensure adequate protection from potentially hazardous or undesirable soils or geological conditions on the development site.
- c. No subdivision shall be approved where the design or related facilities clearly constitute the creation of a hazardous circumstance or lack of provision for the public safety.

2. Hazard Areas within Platted Lots.

- a. To the maximum extent feasible, lands that contain steep slopes (an average of 30 percent slope or greater as measured from the points with highest and lowest elevation within 25 feet of any portion of the proposed structure) or that show evidence of slope instability, landslides, avalanches, or other natural or man-made hazards shall not be included in platted lots, or alternately, shall not be included within the plats and/or an individual lot's identified Limits of Development. *See Section 4-1-4-2 Limits of Development.*
- b. Alternately, platted lots may contain such hazard areas only if an acceptable mitigation and remedial plan, prepared by a Colorado-licensed geotechnical engineer, is approved by the Director. Such mitigation plans shall be judged by generally accepted principles of engineering adapted to the particular circumstances of the subdivision site. If approved, the plat shall include a plat note that all development in the subdivision shall be carried out in conformity with such mitigation and remedial plans.

3. Floodplain.

- a. All subdivisions containing lands within the 100-year floodplain, as shown on the Official Floodplain Map, shall comply with Division 4-1-2, Floodplain Regulations.

4-2-1-4 Subdivision Requirements and Standards

A. General Requirements.

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

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

3. For lot splits, shared common access shall be provided to the maximum extent practicable.

H. Block Layout and Length.

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

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

1. Coordination of Streets.

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

2. Street Intersections.

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

3. Street Design Standards.

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

J. Street Naming and Traffic Control Signs.

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

K. Sidewalks, Trails and Bicycle Paths.

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

4-2-1-5 Utility Easements

All utility easements shall conform to the requirements of the appropriate utility company, unless inconsistent with the requirements of the City. Normally, these easements are as follows, unless it is unsuitable due to drainage, irrigation ditches, timber areas, or other obstructions.

1. Non-exclusive utility easements shall be a minimum of eight feet wide within the front property lines running parallel and adjacent to all platted streets in and around the subdivision. Other additional easements, such as side lot line easements, may be required when the developer builds and points of service have become known.
2. Drainage and Utility easements (*eg.*, sewer, water, electricity, telephone, cable and wireless communications facilities) should measure eight feet wide along all rear property lines, five feet wide along the side of lots and eight feet wide along both sides of all streets. Easements adjacent to subdivided property should measure eight feet in width. Easements should normally be 16 feet in width, measuring eight feet on each side of abutting rear lot lines. Sanitary sewer and water line easements should be designed so that sewer and water lines flow under streets and not between lots.
3. Easements required for street lighting should be five feet on all sides of the street light.
4. In all cases, the owner/developer should consult with the utility company regarding requirements for a particular subdivision.

B. Drainage Easements.

1. Where a subdivision is traversed by a watercourse, drainage way, channel, stream or irrigation ditch, dedication of drainage easements or drainage right-of-way shall be required. Such easements shall conform substantially to the lines of such watercourse, and shall be of such width and construction, or both, as will be adequate for the purpose.
2. The owner/developer shall dedicate, either in fee simple via plat or by drainage or conservation easement, land on both sides of existing watercourses, to a distance to be determined by the Director
3. To the maximum extent practicable, the drainage shall be maintained as an open channel with landscaped banks and shall be of adequate width for maximum potential volume of flow and for maintenance.
4. Where topography or other conditions make the inclusion of drainage facilities within street rights-of-way impractical, perpetual and unobstructed easements at least twenty feet in width for such drainage facilities shall be provided across property outside the street lines and with satisfactory access. Easements shall be indicated on the plat. Drainage easements shall be carried from the street to a natural watercourse or other drainage facilities.
5. When a proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured.

4-2-1-6 Alternatives to Subdivision Standards

Alternatives to the standards in this Article shall be subject to approval by the Director prior to approval of the subdivision application pursuant to Section 8-3-11-3, Administrative Minor Modifications.

Division 4-2-2 Cluster Subdivisions

4-2-2-1 Cluster Subdivisions

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

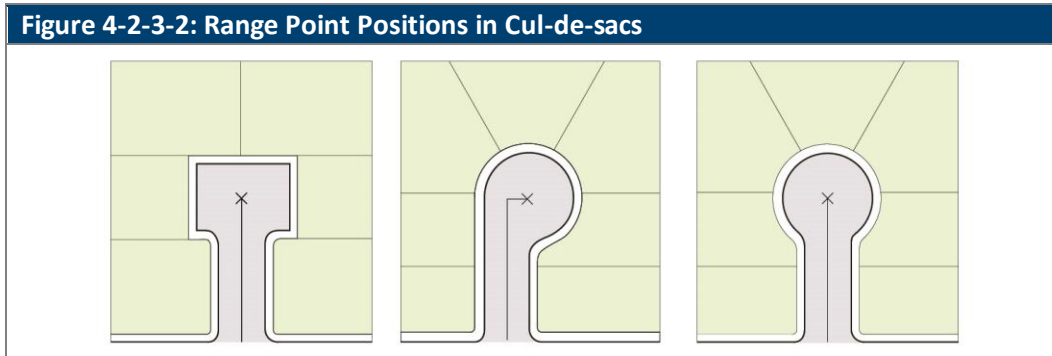
Division 4-2-3 Subdivision Monumentation

4-2-3-1 Subdivision and Boundary Monuments

- A. All subdivision and boundary monumentation shall comply with C.R.S. § 38-51-101, et seq. 4-5-5-2

4-2-3-2 Street Centerline Control Points (Range Points)

- A. **Generally.** The purpose of range point placement is to clearly, simply, and, as permanently as practical, mark the public right-of-way for the citizens of Arvada, the adjoining landowners, and the public at-large. Toward that end, the range points shall be placed so that two other range points are visible, via a line of sight contained entirely within the right-of-way, from any range point. The exception to this general rule shall be points set at the end of a cul-de-sac or a dead end street. These points require the defined visibility with only one other range point.
- B. **Specific Placement Requirements.**
1. A range point shall be set at every intersection of the centerline of any street with the centerline of another street.
 2. One range point shall be set at the end of every cul-de-sac in accordance with Figure 4-2-3-2, Range Point Positions in Cul-de-sacs.



3. If the visibility requirement cannot be met by setting the intersection and cul-de-sac end points, sufficient Points of Curvature along the centerline shall be set to meet the visibility requirement. If all Points of Curvature are set and the visibility requirement is still not met, then sufficient intermediate points shall be set along centerline to meet the visibility requirement.
 4. All points to be monumented shall be described on the plat of the subdivision.
- C. **Monument Types.**
1. **Gravel or Asphalt Streets.** The monument shall be a metallic rod having a 5/8 inch minimum diameter, a minimum length of 18 inches and a 1½ inch minimum diameter metallic cap bearing the registration number of the professional land surveyor responsible for the establishment of the monument. The top of the monument shall be placed six inches below the finish grade of the road surface and inside a City-approved range box, the top of which shall be set flush with said road surface.
 2. **Concrete Streets.** The monument shall consist of a durable metallic disk, with a minimum three-inch stem, set above a metallic rod having a 5/8 inch minimum diameter and a minimum length of 18 inches. The top of the metallic disk shall be flush with the road

surface, shall be firmly and permanently attached to that surface and shall bear the registration number of the professional land surveyor responsible for the establishment of the monument.

- D. **Timing of Installation.** All Range Points shall be set, and inspected and approved by the City, prior to the issuance of any Certificate of Occupancy within the subdivision.

4-2-3-3 Identification and Location of Monuments on Final Plat

- A. **Generally.** The final plat shall identify the exact location of monuments required by this LDC.
- B. **Technical Requirements.** The monument location information shall include the following:

Description of points.

Distance between points.

Bearings on all exterior boundary and street centerline control and angles between all lot lines or repairs of these lines. In the instance of a lot line intersecting the arc of a curve at an angle of other than 90 degrees, an angle shall be given from the lot line to the long chord of the arc involved on the repair of the lot line.

All curve data, including:

- a. Delta;
- b. Radius;
- c. Length of curve; and
- d. Long chord.

4-2-3-4 Replacement of Monuments

Any monument or bench mark as required by this LDC that is disturbed before acceptance of all improvements shall be replaced by the owner/ developer at the owner/developer's expense.

Article 4-3 Site Design

Division 4-3-1 Purpose and Application of Article

4-3-1-1 Purpose of Article

The purpose of this Article is to establish site design standards that address a development's relationship to its surrounding natural features and development patterns. They also address the relationship between key elements within the site. These standards address the physical relationship between the development and adjacent properties, public streets, neighborhoods, and the natural environment, in order to implement the Arvada Comprehensive Plan and the community's shared values and vision to ensure high-quality developments in the City of Arvada.

4-3-1-2 Application of Article

- A. **General Standards.** The standards of Division 4-3-2, General Standards for Site Design, set out design objectives for all new development and redevelopment.
- B. **Specific Standards.** The standards of Division 4-3-3, Standards for Specific Development Types, set out design requirements for specific types of developments, as identified in each Section within the Division.

Division 4-3-2 General Standards for Site Design

4-3-2-1 Design Objectives

- A. **Purpose and Intent.** The design objectives of this Section are intended to result in plans that reflect high quality design that preserves important environmental resources, provides useable open space amenities, provides creative design in the layout of buildings, open space and circulation, design to complements the neighborhood character and social activities, and provides efficiency in the layout and provision of roads, utilities and other infrastructure. The principal objectives of this Division are to ensure that the elements of proposed development that are addressed by this Chapter 4, Environmental and Site Design, are appropriately configured.
- B. **Objectives.** Development shall result in harmonious, interrelated combinations of compatible buildings and uses that:
 - 1. Provide appropriate space for buffers and transitions between:
 - a. Conflicting land uses; and
 - b. Obvious changes in density or intensity between adjacent uses;
 - 2. Provide access and circulation and vehicular and pedestrian linkages among residential uses and recreational, institutional, retail, service, and office uses, with anticipated and planned future linkages to new development;
 - 3. Minimize impacts to water quality from runoff, erosion, or discharge of pollutants; and
 - 4. Recognize environmental constraints that affect the way land is developed by identifying specific areas affected by natural hazards, naturally steep slopes, wetlands, riparian areas, wildlife corridors, and floodplain.

- C. **Contextual Design Objectives.** If there is an identifiable development pattern in the immediate area of the development, then proposed development shall, to the maximum extent practicable, coordinate elements between adjacent sites, including:
1. Reinforce the existing pattern and site features, particularly at the edges where the proposed development is not separated from existing development by a street or physical separation (i.e., railroad tracks, etc.);
 2. Provide shared driveways for accessing adjoining streets;
 3. Provide linkages of internal vehicular circulation systems;
 4. Provide linkages of interior pedestrian systems;
 5. Provide linkage/continuation of open space systems; and
 6. Integrate drainage and detention facilities.

4-3-2-2 Common Open Spaces

- A. **Generally.** Development shall be designed to include common open spaces and amenities for the enjoyment of residents, employees, and the public in a manner that supports the resource values of the open space in terms of its ecological function (e.g., habitat, water quality enhancement, energy efficiency, etc.), aesthetic contribution, recreational value, and buffering value.
- B. **Formal Open Spaces.** Parks, squares, plazas, courtyards, greens, and other formal gathering open spaces, when required, shall be:
1. Situated as focal points; and
 2. Visible and accessible from streets, sidewalks, and / or trails.
- C. **Site Design.** Site design shall be organized to include, protect or enhance the natural open spaces areas and landmark features of the site.
- D. **Enhancement of Open Space / Open Space Corridors.** Open space should be organized so as to create integrated systems that connect with dedicated school lands, parklands, other open spaces, or public lands or trails within the subject property or on adjoining property.
- E. **Natural Resource and Hazard Areas.** Natural resources such as water features including lakes, natural ponds, rivers, streams, wetlands, riparian areas, drainage ways, ditches, and flood hazard areas and vistas of natural features including distant peaks and ridges, steep slopes, existing tree canopy, wildlife habitat areas should be undisturbed.
- F. **Passive and Active Recreational Areas.** Open space areas for passive and active recreational purposes, such as pools, playgrounds, tennis courts, trails, ball fields, and clubhouses, including required public parks and trails should be included in common open space areas.
- G. **Stormwater Management Devices.** Land area occupied by stormwater management including retention and detention ponds and bioretention areas (filters or rain gardens) may be treated as an open space site amenity if the area includes at least one of the following or a combination of the following:
1. Access and pedestrian elements, such as paths and benches, that support passive recreation uses.
 2. Gentle slopes, vegetative landscaping, fountains, or water visible water circulation devices, and visually-attractive low fencing or other elements that make stormwater management a site amenity.

- H. **Formal Plantings and Gardens.** Formally planted and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos and similar structures, and/or roof gardens shall have:
1. At least one direct access to a building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.
 2. Such feature shall be centrally located and compliment the landscape design to the surrounding development.

Division 4-3-3 Standards for Specific Development Types

4-3-3-1 Commercial

- A. **Generally.** The standards of this Section shall apply to retail and office development in the CG zoning district that contains retail buildings with at least 50,000 square feet of cumulative gross leasable area.
- B. **Pedestrian Plaza.** Each such development shall include at least one pedestrian plaza at least 5,000 square feet in area as a visual and functional focal point of the development.
- C. **Pedestrian Connections.** For all uses, sidewalks or walkways serving the site shall be designed so that:
1. Each point at which the system of sidewalks must cross a parking lot or internal street or driveway to make a required connection shall be clearly marked in accordance with the standards from the Manual on Uniform Traffic Control Devices (MUTCD), through the use of change in paving materials height, or distinctive colors; and
 2. Where sidewalks required above are providing pedestrian travel along private streets or drives, those sidewalks shall be detached from such private streets or drives for at least 50 percent of the linear distance of those adjacent sidewalks by a tree lawn at least eight feet in width. Sidewalks adjacent to parking spaces shall not be required to be detached; and
 3. All sidewalks shall be a minimum of five feet wide, or seven feet where there is adjacent perpendicular head-in parking.

4-3-3-2 Residential

- A. **Generally.** The standards of this Section apply to residential developments that include more than 10 dwelling units, located in all residential zoning districts and the MX and OT zoning districts, where single-family, duplexes, townhomes, multiplex, and multifamily are permitted, as provided in the following Subsections.
- B. **Arrangement of Open Space and Buildings.**
1. Open space shall be provided to the extent practicable and situated so that open space and outdoor recreation amenities are centrally located within the development.
 2. Principal buildings, such as club houses and recreational facilities, and landscaping shall, to the extent practicable, be located and designed so that residents can easily observe the buildings, common open spaces, circulation paths, and access points into the development.
- C. **Parking.** For multiplex, townhome and multifamily development, at least 50 percent of required off-street parking shall be provided in garages or carports, rather than surface lots. Where surface parking lots are used, they shall to the extent practicable be located between or behind buildings, rather than adjacent to street frontages.

D. **Single-Family Detached, Duplex, and Multiplex.**

1. **Generally.** Single-family detached, duplex, and multiplex residential subdivisions shall be designed to mitigate the impacts of streets and paved areas on the neighborhood, and to provide comfortable alternative routes for pedestrians and bicyclists, including continuous sidewalks, tree-lined streets, and pedestrian-scaled details.
2. **Creation of Neighborhoods.** Residential development that includes more than 200 dwelling units shall be designed to create identifiable “neighborhoods” of 30 to 100 units.
3. **Configuration of Lots.** Lots shall be configured to maximize the number of lots that are:
 - a. Within close proximity to a “useable” common open space (e.g., playground or trail); and
 - b. Connected by trails or common greens that do not cross streets.

E. **Townhome.**

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

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

1. **Street Connectivity.**

- a. Multifamily sites of 10 acres or more shall include a minimum of one public street (or private drive that is built to City street standards), that is continuous through the subject property, and that connects to a public street on both ends.
- b. The Director may waive this requirement for a through-access street or drive, if it is demonstrated that:
 - i. There are adequate alternatives available for residents and vehicles to travel through the subject property to adjacent properties and developments; or
 - ii. There are no opportunities for a through-street to safely make such connections.

2. **Common Open Space.** Common open space shall be provided as follows:

- a. Large open space should be the fundamental organizing element of the site. Common open space should be well defined by buildings and streets. Buildings should be oriented in such a way as to create courtyards and open space areas.
- b. Large existing trees and other natural features should be integrated into the open space.

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

4-3-3-3 Clustered Small Housing

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

D. Private Entry Yards.

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

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

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

F. Pedestrian Network.

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

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

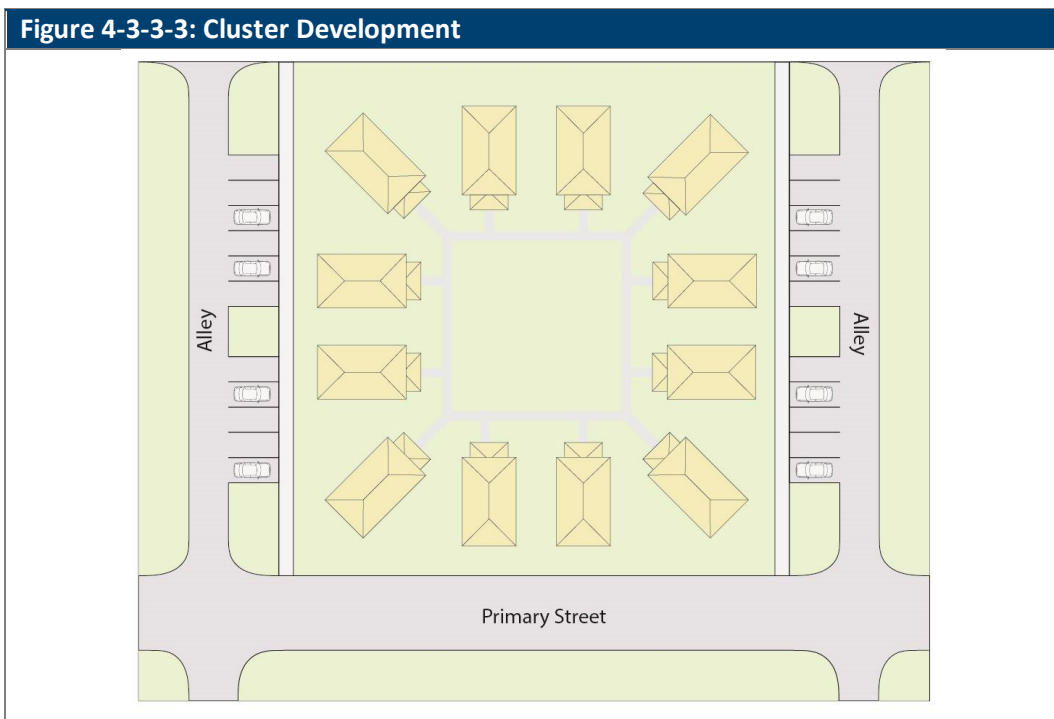
H. Individual Storage Buildings. One individual storage building is allowed for each dwelling unit, provided that:

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

I. Parking Design.

1. **Generally.**
 - a. Required parking shall be provided in shared surface parking lots, covered parking spaces in shared parking lots, shared detached garage buildings, or directly accessed from an alley.

- b. No parking space or drive aisle shall be located between a front building elevation and a common green.
 - c. For alley accessed parking, parking spaces shall be located between the alley and rear building planes, and shall not extend into side or front yards of individual buildings.
2. **Surface Parking and Covered Parking Spaces.**
- a. Surface parking and covered parking spaces shall be set back from streets as provided in Section 2-1-8-9, Clustered Housing Types.
 - b. Surface parking and covered parking spaces shall be screened from the street and the common green(s) and from individual units with a parking lot bufferyard as provided in Section 4-6-6-3 Parking Area Landscape.
 - c. Surface parking spaces shall be distributed on the site to minimize visual impacts and optimize access to individual units.
3. **Shared Detached Garage Buildings.**
- a. Shared detached garage buildings may not exceed four overhead doors per building, and a total floor area of 1,200 square feet.
 - b. Shared detached garage buildings shall be reserved for the parking of vehicles owned by the residents of the development.



4-3-3-4 Mixed-Use

- A. **Generally.** The standards of this Section apply to all development in the MX-S, MX-U, and MX-T zoning districts.
- B. **Design Principles.**
 - 1. Buildings shall, to the greatest extent practicable, front on and align with streets, including, if applicable, new streets within the development.

2. If the subject property is greater than 30 acres, the development shall be oriented towards a small park, green, plaza, or public square which should serve as a focal point of the development.
3. In locations where mixed-use developments are located adjacent to existing housing, the housing types that adjoin each other should be complimentary to the existing housing types.

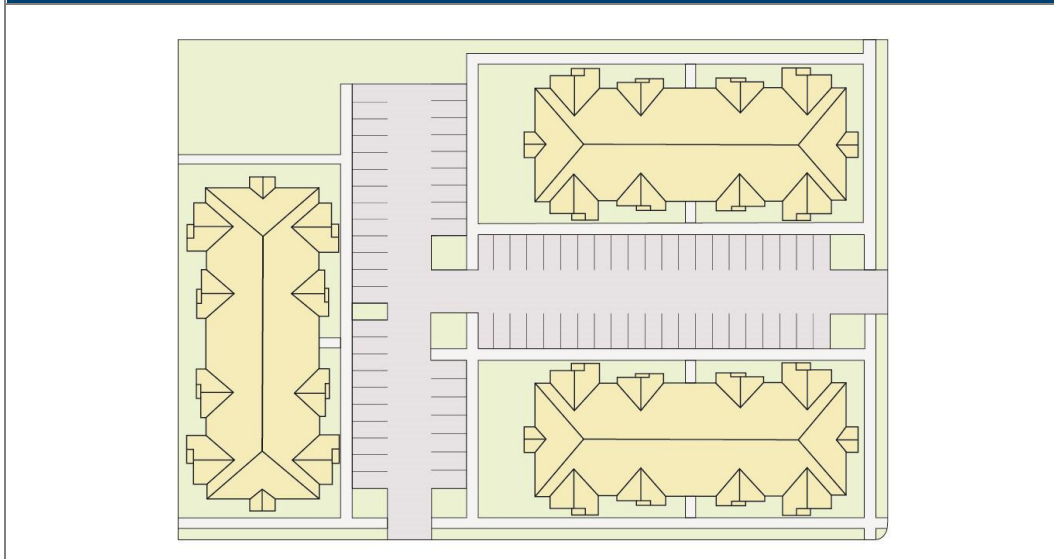
C. Street Network Design Principles.

1. Streets and blocks should be organized in a generally rectilinear pattern. However, a strict grid is not required, and street layout should take into account the following:
 - a. The design and location of streets should minimize the alteration of waterways, natural resources, and significant natural features of the subject property;
 - b. Streets, alleys, sidewalks, and trails should provide multiple travel routes within and through the development; and
2. Streets should provide for a balanced mix of pedestrian, non-automobile, and automobile travel routes.
3. Squares, greens, parks, plazas, and landscape areas should be included in the block patterns of the blocks for all residential areas.

D. Access and Parking.

1. **Access.** Service access to buildings should be in the rear provided by alleys or other service routes.
2. **Parking.**
 - a. New streets should provide for on-street parking.
 - b. Off-street parking for nonresidential and mixed-use buildings should be located behind principal buildings; or between buildings, provided that not more than one parking module separates buildings, and the parking lot is screened from adjacent streets by a parking lot bufferyard, except at points of ingress and egress.
 - c. Above ground parking garages shall meet the following standards:
 - i. The minimum setback for a parking garage shall be the same as what is required for the principal structure.
 - ii. Where the top parking level of a parking garage is not enclosed, lighting for the top parking level may not exceed 12 feet above the parking surface.
 - iii. The façade of the parking structure should use architectural enhancements and façade treatments to reduce the scale and balance building proportions with adjacent structures to minimize visual impact.
 - iv. Each façade facing a public street shall be designed to conceal the view of all parked cars below the hoodline and the view of internal light source, when viewed from the street frontage.

Figure 4-3-3-4: Illustration Off-Street Parking Location



E. Small Urban Parks.

1. **Generally.** Small Urban Parks are typically privately-owned areas intended to provide publicly accessible park space within parts of the City that are planned or developed at an urban scale. These parks are located in urban centers, transit-oriented developments, and infill development parcels where development with higher densities is planned.
2. Small Urban Parks shall complement and integrate with surrounding uses to serve the park needs of the residents:
 - a. To provide a place for social interaction and leisure opportunities; and
 - b. To create focal points and activity nodes within the urban fabric of the area.
3. Small Urban Parks include:
 - a. Open greens/spaces of predominantly lawn areas for unstructured recreational use partially surrounded by streets and the fronts of buildings.
 - b. Squares which adjoin streets on two sides and are surrounded by the fronts of buildings with a prominent feature designed as a centerpiece of the space having formally arranged walks and landscaping.
 - c. Plazas which are predominately paved, open-air spaces enclosed on two or more sides by buildings and bounded by one or two streets.
 - d. Promenades which are set aside as principal means of access to and through an urban setting for pedestrians and bicyclists, facilitating connectivity between public streets, private property and civic destinations.
4. **General Design Standards.**
 - a. Small Urban Parks should be open to public use during typical City park operation hours.
 - b. Small Urban Parks should serve as landmarks, focal points and centers of activity relative to other complementary uses.
 - c. Entry points into the Small Urban Park should be highly visible and inviting.

- d. Small Urban Parks should be appropriately scaled pedestrian-oriented spaces designed to accommodate short-term formal activities.
 - e. Small Urban Parks may be established for commemorative or identity purposes having a central focal point with hardscape and softscape design elements that focus attention on a monument or public art.
 - f. Access to the park should be by walking, bicycling, and public transit.
 - g. When a Small Urban Park is in the vicinity of ground floor residential, retail, office and civic building, the park should be defined by landscaping in beds or planters; low open-style fences; walls functioning as seating space; stairs/steps; or distinct paved surfaces serving as pedestrian zones around its perimeter.
 - h. Expansive paved areas and key pedestrian zones in the park should have a distinctive surface or pattern that provides an organizing framework to the nature of the site and relates it to other public areas in the development.
 - i. Small Urban Parks should be designed and constructed with high quality materials that are durable and convey a consistent visual image and sense of identity for the community as a whole as well as the immediate development area.
5. **Programmatic Elements**
- a. The following programmatic elements shall be provided within all Small Urban Parks.
 - i. ADA-compliant internal circulation;
 - ii. ADA-compliant connections to adjacent trails and right-of-ways;
 - iii. Benches, chairs, or other seating, such as seating walls, to accommodate a minimum of one seated person per 500 sq. ft.;
 - iv. Specialty paving, texture or colored hardscape, general mix of materials to accent entrances;
 - v. Vegetative landscaping in beds, planters, or tree wells to complement hardscaping, to include a mixture of trees, shrubs, grasses, and flowering plants that provide four season interests;
 - vi. Trash receptacle(s) at a minimum of one per 2500 sq. ft.; and
 - vii. Pedestrian-scale lights for visitor safety.
 - b. The following features of a Small Urban Park may count toward satisfaction of park land dedication requirements. For every 2,000 sq. ft. of required park area, at least one of the following shall be provided:
 - i. Enhanced vegetative coverage – one evergreen tree, or two ornamental trees per 1,000 sq. ft. (groupings are allowed) and a minimum vegetative ground cover at maturity of 30 percent including shrubs, perennials, annual plantings, and turf. Pots and planters may include in area calculations.
 - ii. Open turf area with a minimum of 500 sq. ft.
 - iii. Public art –sculpture, wall mural, usable art, such custom artistic benches, planters, or other amenities.
 - iv. Shelter or shade structure –gazebo, arbor, or similar structure.
 - v. Play sculptures or play equipment.
 - vi. Interpretive display – interpretive signs/historic signage/roofed sign.

Figure 4-3-3-5: Small Urban Park Examples



Plaza



Open Green Spaces

- F. **Fueling / Service Station Site Design.** In mixed-use zone districts, a fueling station shall be subject to the following:
1. In the MX-S zoning district, the pump canopy may be located anywhere on the site outside of the required setbacks and landscape areas. The retail building or convenience kiosk associated with the fueling station shall meet the Frontage Zone requirements, per Table 2-1-4-2A.

2. In the MX-U zoning district, the retail building or convenience kiosk associated with the fueling station shall meet the Frontage Zone requirements, per Table 2-1-4-3A, except that the building or kiosk shall only be required to meet 50 percent of the Frontage Zone requirement. The pump canopy shall be located behind or to the side of the building or kiosk.
3. In the MX-T zoning district, a pump canopy shall only be located behind a building, or a convenience store or kiosk associated with the fueling station, that meets the Frontage Zone requirements, per Table 2-1-4-4A.

4-3-3-5 Outdoor Storage.

A. Outdoor Storage, IL and IG Zoning Districts.

1. **Rear and Interior Side Setbacks.** Outdoor storage shall be set back as required for the principal building, except:
 - a. In the IL zoning district, where it may extend into the required rear setback area, up to the inside boundaries of any required bufferyards; and
 - b. In the IG zoning district, where it may extend into any required interior side or rear setback area, up to the inside boundaries of required bufferyards.
2. **Front and Street-Side Setbacks.** Outdoor storage uses in the IL and IG zoning districts shall be set back not less than 25 feet from front and street side property lines.

B. Outdoor Storage, Other Zoning Districts.

1. **Front, Interior Side, and Street Side Setbacks.** Outdoor storage areas shall be located behind the principal building. Outdoor storage shall be set back as required for the principal building.
2. **Rear Setbacks.** Outdoor storage may extend into a rear setback up to the inside boundary of any required bufferyard.

C. Configuration and Screening of Outdoor Storage Areas.

1. Outdoor storage areas shall be screened from view from streets and adjacent property by a Type C or D bufferyard, per Section 4-6-5-3, Bufferyard Options, and/or the principal building. In the IG and IL zoning districts within the area south of West 60th Avenue and east of Lamar Street, the bufferyard is not required along interior property lines.
2. The fence or wall that is used in the required bufferyard may exceed eight feet in height where the difference in grade between the right-of-way and the outdoor storage area makes a taller fence necessary to effectively screen the area.
3. If outdoor storage areas include covered accessory structures, then the covering shall include at least one of the predominant exposed roofing colors of the principal building.
4. Outdoor storage areas shall be accessible using an access drive that is not less than 22 feet in width.

D. Restrictions on Use of Outdoor Storage Areas.

1. Permitted hours of operation shall be 7:00 a.m. to 7:00 p.m.
2. Outdoor storage areas shall only be used for the storage of operable equipment or materials used for the conduct of an approved use located on the same lot.
3. Outdoor storage areas shall not be used for the storage of junk, inoperable vehicles or equipment, hazardous materials, refuse, or waste, except:
 - a. As may be specifically allowed as a component of the approved use of the subject property (e.g., a salvage yard), provided that no storage or accumulation of waste products, including paint, stain, oils, grease, or other flammable, toxic, or hazardous

materials, shall be permitted as part of any storage yard use if they exceed the currently adopted fire code requirements; or

- b. For a period of 10 days, junk, inoperable vehicles or equipment, refuse, or waste may be stored, provided that:
 - i. They were created as a result of the approved use of the subject property;
 - ii. They are kept in appropriate containers to prevent windblown or waterborne debris; and
 - iii. They are permanently disposed of or recycled after the 10-day period elapses (e.g., a contractor may store scrap materials from a job site for up to 10 days, after which they must be transferred to a proper recycling or disposal facility).
4. Flammable liquids or gases in excess of 1,000 gallons may be stored if they are integral to the principal use, and stored underground according to all applicable legal requirements.
5. Outdoor storage areas shall be graded and maintained, and stored items shall be covered or arranged to prevent standing water from accumulating.

Article 4-4 Access, Circulation, Mobility, and Utilities

Division 4-4-1 Purpose and Application of Article

4-4-1-1 Purpose of Article

The purpose of this Article is to promote safe and efficient access to development and circulation within development, to provide for the efficient and hierarchical layout of streets, to provide for connections to transit services, and to ensure that development is served by appropriate utilities.

4-4-1-2 Application of Article

- A. **Generally.** The divisions within this Chapter are applied as follows:
 - 1. Division 4-4-2, Access and Site Circulation, sets out standards for how access to a subject property is to be provided, and how the circulation system within the subject property is to be designed.
 - 2. Division 4-4-3, Streets, establishes standards for the layout of streets.
 - 3. Division 4-4-4, Transit, establishes standards for connectivity to transit stops.
 - 4. Division 4-4-5, Utilities, establishes standards for the provision of utilities and utility easements.
- B. **Fire Codes.** The access standards set out in and referred to by Division 4-4-2, Access and Site Circulation, may be modified by the City where necessary to ensure compliance with the current adopted Fire Code.

Division 4-4-2 Access and Site Circulation

4-4-2-1 Pedestrian and Bicycle Access and Circulation

- A. **Generally.** Pedestrian and bicycle access shall be designed and located as provided in this Section.
- B. **Trails.** Pedestrian, bicycle, and equestrian trails shall be constructed where indicated in the City's adopted Trails Plan and/or Bicycle Master Plan policies, and shall be designed and constructed to adopted City standards. Bicycle lanes shall be constructed where indicated in the City's adopted Bicycle Master Plan, and shall be designed and constructed to adopted City standards. Specific locations on a subject property may be determined at the time of development approval in order to promote the efficient development of the property.
- C. **Pedestrian Connections.**
 - 1. All primary entrances of principal buildings containing nonresidential (except agricultural) or mixed-uses, and each entryway serving dwelling units in a multifamily building, shall have direct accessible connections (access without having to cross a street) to a sidewalk, walkway, or trail that leads to a sidewalk adjacent to each public street that adjoins the subject property, between each principal building in the development, and to all existing or planned transit stop or park-n-ride locations identified by Regional Transportation District (RTD). Each such sidewalk, walkway, or trail shall be a minimum of five feet wide, or a minimum of seven feet wide where it is adjacent to areas where parked cars may overhang the walk or trail.

2. Each proposed development that will include parking areas that extend more than 250 feet from the principal building shall provide a designated walkway from the row of parking furthest from the principal building to a principal building entrance used by residents, employees, or the public, or to a sidewalk leading to such entrance. Such walkways shall be distinguished from surrounding parking areas by changes in color or texture, raised surfaces, or landscaped edges.
- D. **Bicycle Access.** In developments containing nonresidential uses or multifamily uses, bicycle access routes shall be provided between public bicycle lanes or trails and on-site bicycle parking areas. Sites shall be designed to avoid or minimize all conflicting bicycle / motor vehicle and bicycle / pedestrian movements. All bicycle trails connecting to the Arvada park, open space, and trail system shall be constructed of concrete, and shall comply with City trail width requirements.
 - E. **Combined Trails.** If a bicycle access route is combined with a pedestrian sidewalk, the combined path shall be at least ten feet wide if detached from the street, or 12 feet wide if attached to the street.

4-4-2-2 General Vehicular Access and Circulation

- A. **Generally.** Vehicular access and site circulation shall be in accordance with the standards of this Section.
- B. **Vehicular Access.**
 1. Vehicular access to and from public streets is subject to the applicable standards of the City's Transportation Standards in the Engineering Code of Standards and Specifications.
 2. Driveways shall be consolidated to the greatest degree possible to reduce the number of sidewalk / driveway crossing points.
- C. **Site Circulation.** The circulation system (*i.e.*, streets, alleys, service drives, access points, sidewalks, trails, and parking and loading areas) within the subject property and at points of connection to other properties or rights-of-way shall provide for the safe, efficient, convenient, and functional movement of vehicles, bicyclists, and pedestrians. These objectives shall be implemented such that the circulation system:
 1. Provides users the necessary sight distances, stacking space, and traffic control devices to ensure the safest and most predictable system of parking and circulation;
 2. Includes clearly defined points of ingress and egress that promote the orderly, safe, and logical movement of traffic within the subject property and on adjoining streets;
 3. Provides for emergency vehicle access (unobstructed by parking or loading areas), and sufficient areas to allow the staging of emergency rescue or fire-fighting efforts;
 4. Logically connects adjoining properties where appropriate;
 5. Minimizes the number of vehicular turning movements and points of vehicular conflict (particularly at access points); and
 6. Minimizes points of potential conflict between pedestrian and vehicular traffic.

4-4-2-3 Truck and Service Access and Circulation

Truck and service access and circulation routes shall be designed to minimize potential traffic and noise conflicts with adjacent sites, walkways between sidewalks and principal building entrances, and internal circulation routes. Wherever possible, truck and service access to nonresidential uses shall not be from local residential streets.

4-4-3-1 Purpose and Applicability of Division

- A. **Purpose.** The purpose of this Division is to create an adaptable and well-connected transportation system that provides superior access to all sidewalks, trails, bike lanes, transit, and streets, that minimize impacts on air quality, and that reduces reliance on the automobile.
- B. **Applicability.** The standards of this Division shall apply to all development in the City, except insofar as they are in conflict with more specific standards that are applicable to the development.

4-4-3-2 Major Street Plan

- A. **Generally.** The layout of streets, highways, sidewalks, and trails shall comply with the Arvada Comprehensive plan, all adopted transportation plans, and the provisions of this LDC.
- B. **Design Standards.**
 - 1. The design of public streets shall reflect the nature and function of the street in relation to the proposed and existing surrounding land uses.
 - 2. Design and construction of public streets shall comply with the Transportation Standards in the Engineering Code of Standards and Specifications.
 - 3. All streets shall be designed to avoid steep grades and deep cuts to the maximum extent feasible given the site's natural topography.

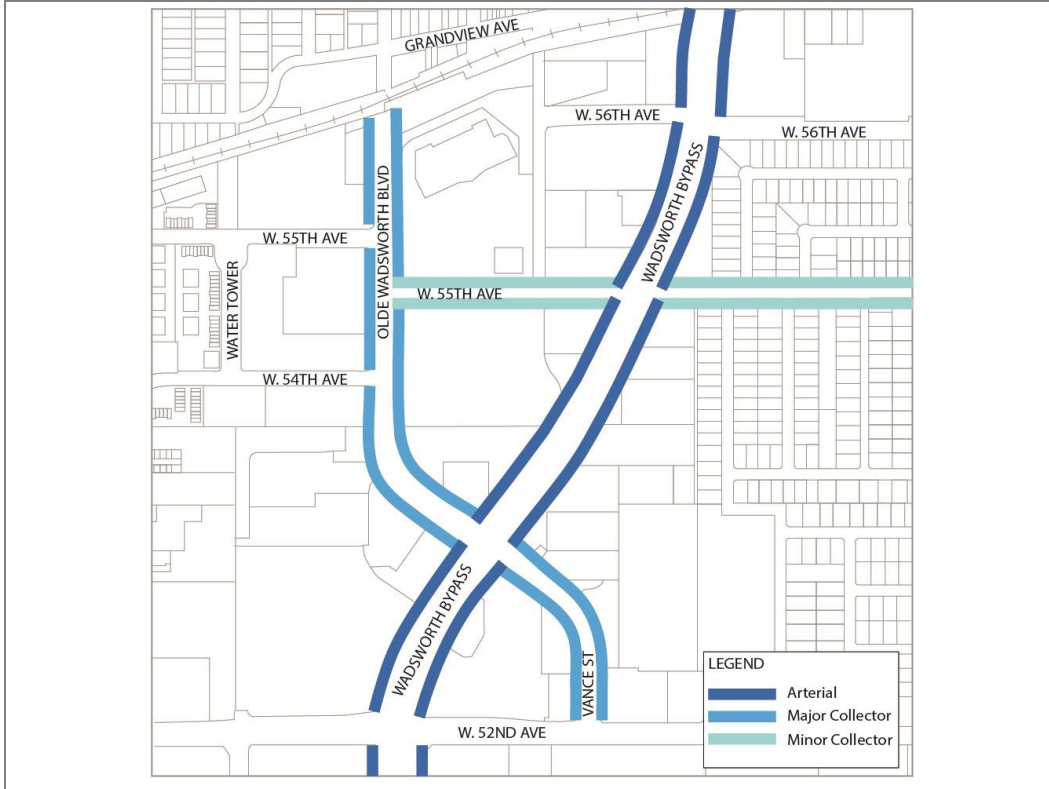
4-4-3-3 Intersection Visibility

- A. **Generally.** In all zoning districts, on any corner lot, nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as materially to impede visibility at the intersection.
- B. **Minimum Sight Distances.**
 - 1. The minimum sight distances shall be in compliance with the Transportation Standards in the Engineering Code of Standards and Specifications and the current standards of the American Association of State Highway and Transportation Officials (AASHTO "Green Book")
- C. **Sight Triangles at Driveways.** On the front property line of any lot or tract, no structure, fence, wall, sign, or planting that will obstruct vision between a height of 24 inches and eight feet above the driveway or above the grade of the approach lane shall be erected, placed, or maintained within the triangular area formed by the edge of the driveway and the front lot line, extending a distance of five feet into the lot along the driveway, and 10 feet along the front lot line away from the driveway.
- D. **Modification of Sight Distances and Sight Triangles.**
 - 1. The Director may modify the minimum sight distances set out in Subsection B., above, where accepted engineering practice would indicate that a modified distance either greater or lesser, would be appropriate or necessary to protect public health, safety or welfare.
 - 2. The Director may modify the provisions of Subsection C., above, during the development approval process in order to allow for fences, walls, or plantings, if the Applicant demonstrates that the movement can be made safely considering sight distance, anticipated pedestrian and bicycle movements, and street geometrics.

4-4-3-4 Street Hierarchy and Connectivity

- A. **Generally.** Street and block patterns shall be consistent with the City's Transportation Plan, and should include a clear hierarchy of well-connected streets that distribute traffic over a multiple number of streets and avoid traffic congestion on major streets. Within each development, the access and circulation system should accommodate the safe, efficient, and convenient movement of vehicles, bicycles, and pedestrians through the development, and provide opportunities to link to adjacent neighborhoods and properties.
- B. **General Distribution of Streets within the Street Hierarchy.** Arterial streets, major collector streets, and minor collector streets shall be arranged generally in accordance with this Subsection (see Figure 4-4-3-4A, Illustrative Distribution of Arterial, Major Collector, and Minor Collector Streets, for illustrative example).
1. **Arterial Streets.** Arterials are located at approximately one mile intervals in both east-west and north-south directions. Within each one-mile segment, arterials will align and connect across intersecting arterials to distribute traffic and provide continuity for designated bicycle routes.
 2. **Major Collector Streets.** Within each one mile segment, at least one collector street shall divide the segment east-west and another shall divide the segment north-south at approximately the half-mile points, and these major collector streets shall intersect the arterials within 110 feet of the half-mile points, resulting in areas of approximately 160 acres.
 3. **Minor Collector Streets.** For residential neighborhoods, within each approximately 160 acre area defined by major collectors, at least one minor collector street giving access to its interior shall be provided on every perimeter street of the area unless prevented by an obstacle. These minor collector streets should connect with each other through such 160 acre area to define four areas of approximately 40 acres each.

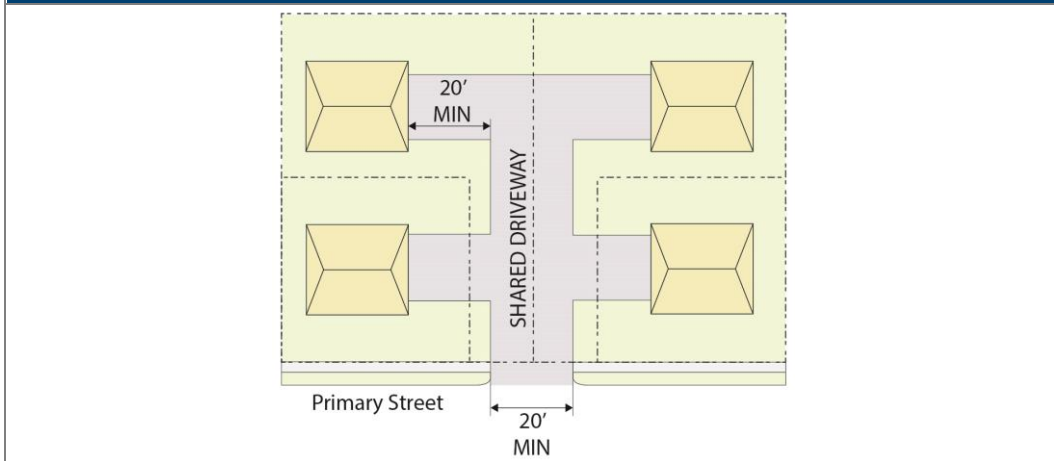
Figure 4-4-3-4A: Illustrative Distribution of Arterial, Major Collector, and Minor Collector Streets



- C. **Local Streets.** For each generally 40-acre area, at least one local street giving access to its interior shall be provided on every perimeter street of the area unless prevented by an obstacle. Such streets should connect across other local streets depending on the land use relationship.
- D. **Connectivity.** Where property is to be developed and streets are stubbed to the property or where arterial, collector, or local streets are designated to connect to the property, the City may require rights-of-way and construction of those streets through and into the area contained within the development application.
- E. **Access to Public Streets.** All new lots shall have direct or indirect access to a public street, through one or more access points approved by the City. Indirect access may be provided through auto courts, loop lanes, or private streets, subject to approval of the fire district with jurisdiction over the subject property.
 - 1. Single-family detached and duplex buildings shall not have individual driveway access to an arterial or collector street, unless no other alternative is reasonably available.
 - 2. All public and private streets shall comply with all applicable design and construction standards adopted by the City.
- F. **Access and Driveways.** All new lots and developments shall have access streets constructed in compliance with the Transportation Standards in the City's Engineering Code of Standards and Specifications. Single-family detached and duplex unit driveways shall not take direct access from arterial streets or collector streets, unless no other alternative is available. All access points shall be constructed so that:

1. Vehicles may safely enter and exit the property;
 2. Interference with the convenient flow of traffic and conflict with pedestrians and bicycles is minimized; and
 3. Driveways shall be hard-surfaced with materials such as asphalt, concrete or other equivalent surface pursuant to the City's Engineering Code of Standards and Specifications. Recycled asphalt, gravel or other similar surfaces are not an approved surface. The surfacing requirements shall not apply to access drives on lots or tracts of three-quarters of an acre or more where the property structure is a single-family home and the access drive is more than 100 feet in length, or the access drive is for an accessory agriculture use.
- G. **Cross-Access between Adjacent Uses.** All multifamily and nonresidential development shall be designed to allow for cross-access to adjacent properties to encourage shared parking and shared access to public and private streets. This may be accomplished by one or more of the following:
1. Connecting streets and drives;
 2. Coordinating parking lot and parking structure entrances;
 3. Providing common service and delivery areas;
 4. Providing shared parking areas; and
 5. Providing share driveways and access points for adjacent lots to minimize curb cuts.
- The Director may allow alternatives to cross-access requirements if providing cross-access is deemed impractical, provided the Applicant provides adequate bicycle and pedestrian connections between adjacent development or land uses.
- H. **Auto Courts.** Up to four single-family detached dwelling units may share a single driveway access to a public street through the use of an auto court layout (*see* Figure 4-4-3-4C, Auto Courts Layout), provided that:
1. The minimum width of the surface of an auto court shall be 20 feet unless a wider width is required by the fire district with jurisdiction over the subject property.
 2. Shared driveways shall be surfaced with concrete, not asphalt.
 3. Individual driveways leading from the shared driveway to each dwelling unit shall be at least 20 feet long, as measured between the front of the garage or carport and the closest edge of the shared driveway.
 4. The design of the auto court shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees using the individual drive or intersecting street.
 5. The auto court design shall comply with all off-street parking requirements applicable to single-family dwellings. In addition, each auto court design shall provide one-half off-street parking space per dwelling unit, in a location other than a private driveway.
 6. The Applicant must provide for private ownership and maintenance of the auto courts. Provisions for the private ownership and maintenance and repair of shared driveways shall be approved by the Director during the development approval process.

Figure 4-4-3-4B: Auto Court Layout



- I. **Loop Lanes.** Up to seven single-family dwelling units may share access to a public street through the use of a loop lane layout provided that:
 1. The surface of the loop lane shall be at least 20 feet wide, and shall be surfaced with concrete, not asphalt.
 2. No portion of the loop lane shall extend more than 250 feet from the public street to which the loop lane gives access.
 3. The common area surrounded by the loop lane shall be at least 60 feet wide.
 4. Individual driveways leading from the loop lane to each home shall be at least 20 feet long, as measured from the closest edge of the loop lane.
 5. Traffic on the loop lane shall be one-way only and shall be adequately signed as a one-way drive.
 6. The design of the loop lane shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction using only the individual driveway, the loop lane, or the intersecting public street.
 7. The loop lane design shall comply with all off-street parking requirements applicable to single-family dwellings. In addition, each loop lane design shall provide one-half off-street parking space per dwelling unit, in a location other than a private driveway.
 8. The Applicant must provide for private ownership and maintenance of the loop lane. Provisions for the private ownership and maintenance of both the loop lane surface and the common area surrounded by the loop lane shall be approved by the Director during the development approval process.
- J. **Private Streets.** The use of private streets is discouraged. Where allowed by the Director, private streets shall comply with all standards for the design of public streets of the same function adopted by the City. The Applicant must provide for private ownership and maintenance of the private streets. Provisions for the maintenance of private streets shall be approved by the Director during the development approval process.
- K. **Alleys.**
 1. The use of alleys is encouraged for development that is residential or predominantly residential in the RA, RN, R6, R13, R-24 MX-S, MX-U, MX-T, and PUD zoning districts. Where alleys are used, they shall comply with the following standards:

- a. The minimum right-of-way width of a residential alley shall be 16 feet.
 - b. The minimum right-of-way width of a commercial or industrial alley shall be 20 feet.
 - c. All platted alleys shall be paved.
 - d. Residential alleys shall connect through the block to a publicly dedicated street on each end and must provide access to at least 50 percent of the garages on lots adjacent to the alley.
- 2. The City may require alleys in the following circumstances:
 - a. Along the rear lot lines of a multifamily development if the area of lots as subdivided will permit three or more dwelling units;
 - b. Along the rear lot lines of all lots fronting on a major arterial street; and
 - c. At any other location the Director or Decision-Making Body deems necessary.
 - 3. The Applicant must provide for private ownership and maintenance of the alley. Provisions for the private maintenance of alleys shall be approved by the Director during the development approval process.
- L. **Cul-de-Sacs.** A cul-de-sac may not exceed 500 feet in length, measured from the center of the intersection to the center of the turnaround. Where a parcel's size or shape makes a 500-foot limitation impractical, the Director may approve a longer cul-de-sac provided that there is no reasonable alternative.
- 1. A "T" or "Y" design, or other acceptable design to provide a turn-around may be used if approved by the Director provided that the street does not exceed 200 feet in length
 - 2. No more than 20 lots may be located on a cul-de-sac. Cul-de-sacs that serve more than 20 lots require approval of the Director and the fire district with jurisdiction over the subject property.
- M. **Utilities.** All street and alley development shall accommodate all utility easements, service, and utility cabinet locations. Utility service cabinets and ground mounted equipment should be located in the least visible and least intrusive locations possible and shall be screened with evergreen shrubs or evergreen trees.

Division 4-4-4 Transit

4-4-4-1 Transit

- A. **Generally.** Nonresidential and multifamily residential developments shall incorporate bus stop locations within their site plan if requested by RTD, and each such bus stop location shall be designed to accommodate a bus shelter and passenger-loading apron complying with RTD design criteria, and may include a passenger shelter sized to accommodate anticipated usage.
- B. **Pedestrian Connection.** All existing and proposed bus stops and Park-n-Ride facilities identified by RTD shall be linked by paved walkways to at least one sidewalk and to at least one internal walkway within each adjacent nonresidential and multifamily development that contains more than one building.
- C. **Timing.** Any bus stop facilities requested by RTD on an existing street shall be constructed during the first phase of development.

4-4-5-1 Required Utilities

- A. **Required Utilities.** The utilities described in this Section shall be provided by the Applicant, at the Applicant's cost, except as provided herein.
- B. **Water and Sewer Lines.**
 - 1. The Applicant shall design and install, at the Applicant's cost, all water and sanitary sewer lines and necessary appurtenances (*e.g.*, fire hydrants, meters, blowoffs, cleanouts, valves, etc.) to serve its proposed development.
 - 2. Where water mains are required, water main sizes shall meet the minimum requirements of City and the fire district with jurisdiction over the subject property.
 - 3. All water and sanitary sewer mains shall be not less than eight inches nominal diameter, unless smaller diameters are permitted by the design criteria of the City.
- C. **Electric Power and Natural Gas.** Electric power and natural gas lines shall be installed underground pursuant to the standards set forth in Section 4-4-5-2, Underground Installation. The Applicant shall make the necessary arrangements, including payment for any construction or installation charges, with each of the serving utilities for the installation of such lines.
- D. **Wired Communications.** The Applicant shall provide for wired communications services, which may be telephone lines, cable lines, or fiber optic lines. The Applicant shall make the necessary arrangements, including payment for any construction or installation charges, with each of the serving utilities for the installation of such lines.

4-4-5-2 Underground Installation

- A. **Generally.** Except as provided in Subsection B., below, all electric and communication utility lines and services, and all street lighting circuits, shall be installed underground.
- B. **Exceptions.** The following utility infrastructure may be installed above ground as provided herein:
 - 1. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts and other facilities necessarily appurtenant to such underground and street lighting facilities, which may be placed above ground within a utility easement, or within a public right-of-way in a location approved by the City.
 - 2. Facilities reasonably necessary to connect underground facilities to existing or permitted overhead or over-ground facilities.
 - 3. Overhead electric transmission lines and distribution feeder lines over 110KV, and overhead communication long distance, trunk, and feeder lines.
 - 4. Existing utility facilities and structures that are not required to be removed or replaced as part of a development.

4-4-5-3 Water Supply

The City shall have the right of first refusal on all ditch and water rights appurtenant to the property being developed. See also Section 8-3-3-4 C, Purchase and Sale of Water Right to the City upon annexation and the Chapter 12.2 Code of Ordinance.

Article 4-5 Parking and Loading

Division 4-5-1 Purpose and Application of Article

4-5-1-1 Purpose of Article

The purpose of this Article is to specify minimum requirements for the provision and design of off-street parking and loading areas, in proportion to the parking, loading, and transportation demands of different land uses throughout the City. The standards in this Article are intended to provide for adequate off-street parking and loading while supporting walkable urbanism in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions. Off-street parking requirements in this Article shall apply to automobile, motorized vehicle, and bicycle parking.

4-5-1-2 Application of Article

The divisions within this Article are applied as follows:

1. Division 4-5-2, Parking and Loading Calculations, sets out standards for calculating the number of required parking and loading spaces based on the anticipated demand for parking and loading generated by the use of the subject property. The Division also provides for certain exemptions from parking requirements, as well as methodologies for reducing the amount of required parking.
2. Division 4-5-3, Parking and Loading Design, sets out standards for the design of parking and loading areas.
3. Division 4-5-4, Use and Maintenance of Parking Areas, sets out standards for how parking areas may be used, as well as minimum standards for their ongoing maintenance.

Division 4-5-2 Parking and Loading Calculations

4-5-2-1 Calculation of Required Parking Spaces

- A. **Generally.** Section 4-5-2-2, Parking Requirements Tables, sets out the number of parking spaces that are required for additions, significant redevelopment, and new developments for each land use that is listed in Division 3-1-2, Land Use by Zoning District.
- B. **Rounding.** When the calculation of required parking spaces results in a fractional parking space, the result of the parking calculation shall be rounded up to the nearest whole number.
- C. **Tandem Parking Spaces.** Tandem spaces are not counted towards the parking requirements of this Division, except as indicated in Section 4-5-3-5, Tandem Parking.
- D. **Expansions to Buildings.**
 1. Any expansion of the gross floor area of an existing principal building by more than 25 percent shall provide additional parking for the expansion areas, including accessible parking.
 2. Additional parking may be required for an expansion of the gross floor area of an existing principal building by 25 percent or less if the Director determines that the expansion to the

building is likely to result in significant increases in on-street parking in any surrounding residential neighborhood.

E. Change in Permitted Use.

1. When a change of use results in an increase in required off-street parking above that required for the prior use, the requirements of this Division shall apply to the increase in required parking.
2. The provisions of Subsection E.1., above, do not apply to any change in use in a commercial center, mixed-use development, or industrial building larger than 50,000 square feet in gross floor area, unless the Director determines that the change of use is likely to create a significant increase in on-street parking in any surrounding residential neighborhood.

F. Maximum Parking in Commercial Centers.

1. For commercial centers containing more than 50,000 square feet of retail and/or office space, the maximum number of off-street parking spaces allowed shall be 115 percent of the requirements shown in Section 4-5-2-2, Parking Requirements Tables.
2. Upon the Applicant's written request, the Director or Decision-Making Body may approve a greater amount of off-street parking spaces if the greater number of spaces provides a greater service to prospective users of the center and a greater benefit to the community as a whole, while minimizing any aesthetic and visual impacts of additional paved parking areas on the surrounding areas. In determining whether to approve a greater number of parking spaces, the Director or Decision-Making Body shall consider the number of employees occupying the buildings or land use, the number and timing of expected customers or clients, the availability (if any) of nearby on-street parking, the availability (if any) of shared parking with abutting, adjacent, or surrounding land uses, the provision of purchased or leased parking spaces in a municipal or private parking lot meeting the requirements of the City, and any other factors unique to the Applicant's development request.

G. Parking Reductions. Generally, the total number of required parking spaces is equal to the sum of the required parking for each use of a subject property. However, parking requirements may be reduced according to the methodology of Section 4-5-2-4, Shared Parking, and the provisions of Section 4-5-2-5, Parking Credits and Reductions.

4-5-2-2 Parking Requirements Tables

A. Residential Land Uses. The required off-street parking for residential land uses is set out in Table 4-5-2-2A, Residential Land Use Parking Standards.

Table 4-5-2-2A: Residential Land Use Parking Standards	
Land Use	Minimum Required Parking
Standard Housing Types	
Single-Family Detached	2 sp. / du ¹
Duplex or Townhome	2 sp. / du ¹
Multifamily and Multiplex	efficiency units: 1.4 sp. / du 1 BR units: 1.6 sp. / du 2 BR units: 2.1 sp. / du ¹ 3+ BR units: 2.5 sp. / du ¹

Table 4-5-2-2A: Residential Land Use Parking Standards	
Land Use	Minimum Required Parking
Multifamily, Affordable ²	efficiency units / 1 BR units: 1.4 sp. / du 2 + BR units: 2.0 sp. / du ¹
Multifamily, Senior ³	1 sp. / du
Clustered Housing Types	
Micro Home	1.25 sp. / du
Cottage	2.25 sp. / du
TABLE NOTES:	
¹ Tandem spaces may be counted towards this requirement.	
² Projects that receive Low Income Housing Tax Credits.	
³ Age restricted projects for residents 62 years and older.	

- B. **Special Residential Land Uses.** The required off-street parking for special residential land uses is set out in Table 4-5-2-2B, Additional Residential Land Use Parking Standards.

Table 4-5-2-2B: Additional Residential Land Use Parking Standards	
Land Use	Minimum Required Parking
Boarding, Lodging, or Rooming House	1 sp. / BR
Group Home for Developmentally Disabled, Elderly, or Mentally Ill Persons	5 sp. / group home
Group Home for Juvenile Offenders	5 sp. / group home
Group Home, Not Specified Above	5 sp. / group home
Live-Work Unit	3 sp. / du (one may be on-street)
Nursing Home	1 sp. / 4 beds

- C. **Hospitality, Recreation, and Entertainment Land Uses.** The required off-street parking for hospitality, recreation, and entertainment land uses is set out in Table 4-5-2-2C, Hospitality, Recreation, and Entertainment Land Use Parking Standards.

Table 4-5-2-2C: Hospitality, Recreation, and Entertainment Land Use Parking Standards	
Land Use	Minimum Required Parking
Adult Entertainment / Adult Retail Sales	4 sp. / 1,000 sf.
Amusement, Outdoor	3 sp. / 1,000 sf. (GFA + active outdoor area)
Bar / Tavern / Night Club	5 sp. / 1,000 sf.
Bed and Breakfast	2 sp. + 1 sp. per guest room
Brew Pub / Distillery Pub / Limited Winery	5 sp. / 1,000 sf.
Campground / RV Park	1 sp. / designated campsite or RV space
Hotel / Motel	1 sp. / guest room

Table 4-5-2-2C: Hospitality, Recreation, and Entertainment Land Use Parking Standards	
Land Use	Minimum Required Parking
Recreation and Amusement, Indoor	5 sp. / 1,000 sf.
Recreation, Outdoor (playing courts and fields)	2 sp. / tennis, racquetball, or shuffleboard court + 5 sp. / basketball court + 25 sp. / play field
Recreation, Outdoor (pools, ice-skating)	8 sp. / 1,000 sf. pool or ice skating surface
Recreation, Outdoor (golf course or miniature golf)	5 spaces per hole
Recreation, Outdoor (not listed above)	3 sp. / 1,000 sf. of playground or other active outdoor recreation area + 1 sp. / picnic table
Restaurant	Generally: 5 sp. / 1,000 sf. Fast-Food with Drive-Through: 6 sp. / 1,000 sf.
Stables and Riding Academies, Commercial	1 sp. / 2 horses + 1 sp. / seat in arena
Theater	5 sp. / 1,000 sf.

- D. **Commercial Land Uses.** The required off-street parking for commercial land uses is set out in Table 4-5-2-2D, Commercial Land Use Parking Standards.

Table 4-5-2-2D: Commercial Land Use Parking Standards	
Land Use	Minimum Required Parking
Generally (Free-Standing Use)	
Animal Day Care / Training	4 sp. / 1,000 sf.
Animal Hospital (Large Animal)	2.5 sp. / 1,000 sf.
Art Studio / Makerspace	2.5 sp. / 1,000 sf.
Auction House or Yard	1 sp. / 250 sf. GFA used for office
Assisted Living Facilities/ Congregate Care	1 sp. / 4 beds
Kennel	2.5 sp. / 1,000 sf.
Office, General or Professional	3 sp. / 1,000 sf.
Retail Sales and Services, Type 1 or Type 2	4 sp. / 1,000 sf.
Workshop	2 sp. / 1,000 sf.
Veterinary Offices or Clinics	3 sp. / 1,000 sf.
Commercial Centers (Combinations of Commercial Uses in Multi-Tenant Buildings Over 10,000 sf. in GFA), for uses identified in Tables 4-5-2-2C, D, and E	
10,000 to 50,000 sf. GFA	4 sp. / 1,000 sf.
50,001 to 250,000 sf. GFA	4 sp. / 1,000 sf. ¹
250,000+ sf. GFA	3.5 sp. / 1,000 sf. ¹
TABLE NOTES:	
¹ The maximum number shall be 115 percent of minimum required.	

- E. **Community, Civic, Educational, and Institutional Land Uses.** The required off-street parking for community, civic, educational, and institutional land uses is set out in Table 4-5-2-2E, Community, Civic, Educational, and Institutional Land Use Parking Standards.

Table 4-5-2-2E: Community, Civic, Educational, and Institutional Land Use Parking Standards	
Land Use	Minimum Required Parking
Ambulance Services	3 sp. / 1,000 sf. + 1 sp. / ambulance
Cemetery	1 sp. / employee + 1 sp. / acre
Crematorium	1 sp. / 1,000 sf.
Day Care, Adult or Child	2sp. / 1,000 sf.
Funeral Home / Mortuary	4 sp. / 1,000 sf.
Hospital	5 sp. / 1,000 sf.
Medical Office	4 sp. / 1,000 sf.
Public Lands, Parks, or Buildings	-
Place of Assembly	5 sp. / 1,000 sf.
School, Kindergarten, Elementary, or Middle	1.75 sp. / classroom
School, High	1 sp. / employee + 1 sp. / 10 students
School, Vocational or Trade	1 sp. / employee + 1 sp. / 1,000 sf. classroom area
University or College	1 sp. / employee + 1 sp. / 1,000 sf. classroom area

- F. **Industrial, Processing, Recycling, Storage, and Disposal Land Uses.** The required off-street parking for industrial, processing, recycling, storage, and disposal land uses is set out in Table 4-5-2-2F, Industrial, Processing, Recycling, Storage, and Disposal Land Use Parking Standards.

Table 4-5-2-2F: Industrial, Processing, Recycling, Storage, and Disposal Land Use Parking Standards	
Land Use	Minimum Required Parking
Brewery / Winery / Distillery	3 sp. / 1,000 sf.
Heavy Industry	1 sp. / 1,000 sf.
Light Industry	1.75 sp. / 1,000 sf.
Recycling Drop-Off (attended)	1 sp. / employee
Resource Extraction (minerals)	1 sp. / employee
Resource Extraction (oil and gas)	1 sp. / employee during drilling or reworking operations; 1 sp. thereafter
Salvage Yard	-
Self-Storage	1 sp. / 10,000 sf., but not less than 5 sp.
Storage Yard	-
Waste Removal Fleet Storage and Administration	1 sp. / 1,000 sf.
Waste Transfer Station	1 sp. / per employee

- G. **Motor Vehicle Land Uses.** The required off-street parking for motor vehicle and transportation land uses is set out in Table 4-5-2-2G, Motor Vehicle Land Use Parking Standards.

Table 4-5-2-2G: Motor Vehicle Land Use Parking Standards	
Land Use	Minimum Required Parking
Fueling / Service Station	5 sp. / 1,000 sf.
Heavy Logistics Center	0.2 sp. / 1,000 sf.
Motor Vehicle Repairs and Service, Heavy	1 sp. / 1,000 sf.
Motor Vehicle Repairs and Service, Light	3 sp. / service bay (not including space within bay)
Motor Vehicle Storage	1 sp. / 1,000 sf.
Motor Vehicle Towing Services	1 sp. / 1,000 sf.
Motor Vehicle Wash	2 sp. / 1,000 sf. retail, office, and waiting area
Parking Lot (Surface or Structured)	-
Vehicle / Equipment Sales or Rentals	3 sp. / 1,000 sf.

- H. **Utility and Wireless Telecommunications Land Uses.** The required off-street parking for utility and wireless telecommunications land uses is set out in Table 4-5-2-2H, Utility and Wireless Telecommunications Land Use Parking Standards.

Table 4-5-2-2H: Utility and Wireless Communications Land Use Parking Standards	
Land Use	Minimum Required Parking
Utilities, Major	1 sp. / 1,000 sf.
Utilities, Minor	-
Data Center	Greater of 0.5 sp. / 1,000 sf. or 2 sp. / employee
Overhead Power Lines (110 kV or more)	-
Radio or Television Transmission Tower	-
Freestanding Towers	-
Other Telecommunications Facilities	-

- I. **Agricultural Land Uses.** The required off-street parking for agricultural land uses is set out in Table 4-5-2-2I, Agricultural Land Use Parking Standards.

Table 4-5-2-2I: Agricultural Land Use Parking Standards	
Land Use	Minimum Required Parking
Agriculture	-
Agriculture, Community	-
Greenhouses / Nurseries (with retail sales)	5 sp. / 1,000 sf. of building or covered area used for retail sales

Table 4-5-2-21: Agricultural Land Use Parking Standards	
Land Use	Minimum Required Parking
Greenhouses / Nurseries (without retail sales)	1 sp. / 2,500 sf. of greenhouses

- J. **Unlisted Uses.** For uses not listed in Section 4-5-2-2, Parking Requirements Tables, the Director shall have the authority to establish minimum and maximum parking standards based on similar uses to the proposed use.

4-5-2-3 Required Accessible Parking Spaces

- A. **Generally.** All “places of public accommodation”, as defined in the Americans with Disabilities Act (42 U.S.C. 12101 et. seq) (ADA), must comply with the requirements of the ADA. Parking spaces that are accessible to disabled persons (“accessible parking spaces”) shall be provided as set out in this Section. Accessible parking spaces shall be counted toward the total number of parking spaces that are provided for compliance with Section 4-5-2-2, Parking Requirements Tables, after applicable reductions pursuant to Section 4-5-2-4, Shared Parking, and Section 4-5-2-5, Parking Credits and Reductions.
- B. **Number of Required Spaces.** Accessible parking spaces shall be provided as set out in Table 4-5-2-3, Number of Accessible Parking Spaces, or as indicated in C. below, whichever requires more parking spaces and more van accessible parking spaces for disabled persons.

Table 4-5-2-3: Number of Accessible Parking Spaces		
Number of Parking Spaces Required by this Division	Number of Accessible Spaces	Number of Spaces that Must be Van Accessible
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
501 to 1,000	2 percent of total number of parking spaces	1 out of 6 accessible parking spaces, rounded up
1,001 and over	20, plus 1 for each 100 parking spaces in excess of 1,000 parking spaces	1 out of 6 accessible parking spaces, rounded up

- C. **Use-Specific Standards.** In addition to the requirements of Table 4-5-2-3, Number of Accessible Parking Spaces, office uses, hospital outpatient facilities, rehabilitation facilities or outpatient physical therapy facilities, and residential uses are subject to additional requirements as indicated by the ADA Standards for Accessible Design, ADAAG Section 208, as amended.

4-5-2-4 Shared Parking

- A. **Generally.** The City encourages the sharing of parking for its potential to reduce impervious surfaces or enhance the efficiency of land use. Thus, where a mix of uses creates synergy with respect to the utilization of parking spaces due to differences in peak parking demand periods, the City may reduce the required number of spaces according to the provisions of this Section.
1. **Shared Parking Reduction Table.** Shared parking allows a reduction in the total number of required parking spaces when a subject property is occupied by two or more uses that typically do not experience peak parking demands at the same time. When any land or building is used for two or more uses that are listed in Table 4-5-2-4A, Shared Parking Reduction Table, the minimum number of parking spaces required may be reduced by the percentage indicated for each column of five time periods as shown below.

Table 4-5-2-4A: Shared Parking Reduction Table					
Use	Weekday			Weekend	
	Night (12 AM to 6 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)	Day (6 AM to 6 PM)	Evening (6 PM to 12 AM)
Residential	0%	40%	10%	20%	10%
Office	95%	0%	90%	90%	95%
Retail / Commercial	95%	30%	10%	0%	30%
Hotel / Motel	20%	20%	0%	30%	0%
Restaurant	90%	50%	0%	30%	0%
Entertainment	90%	60	0%	20%	0%
All Others	0%	0%	0%	0%	0%

B. **Shared Parking Study.**

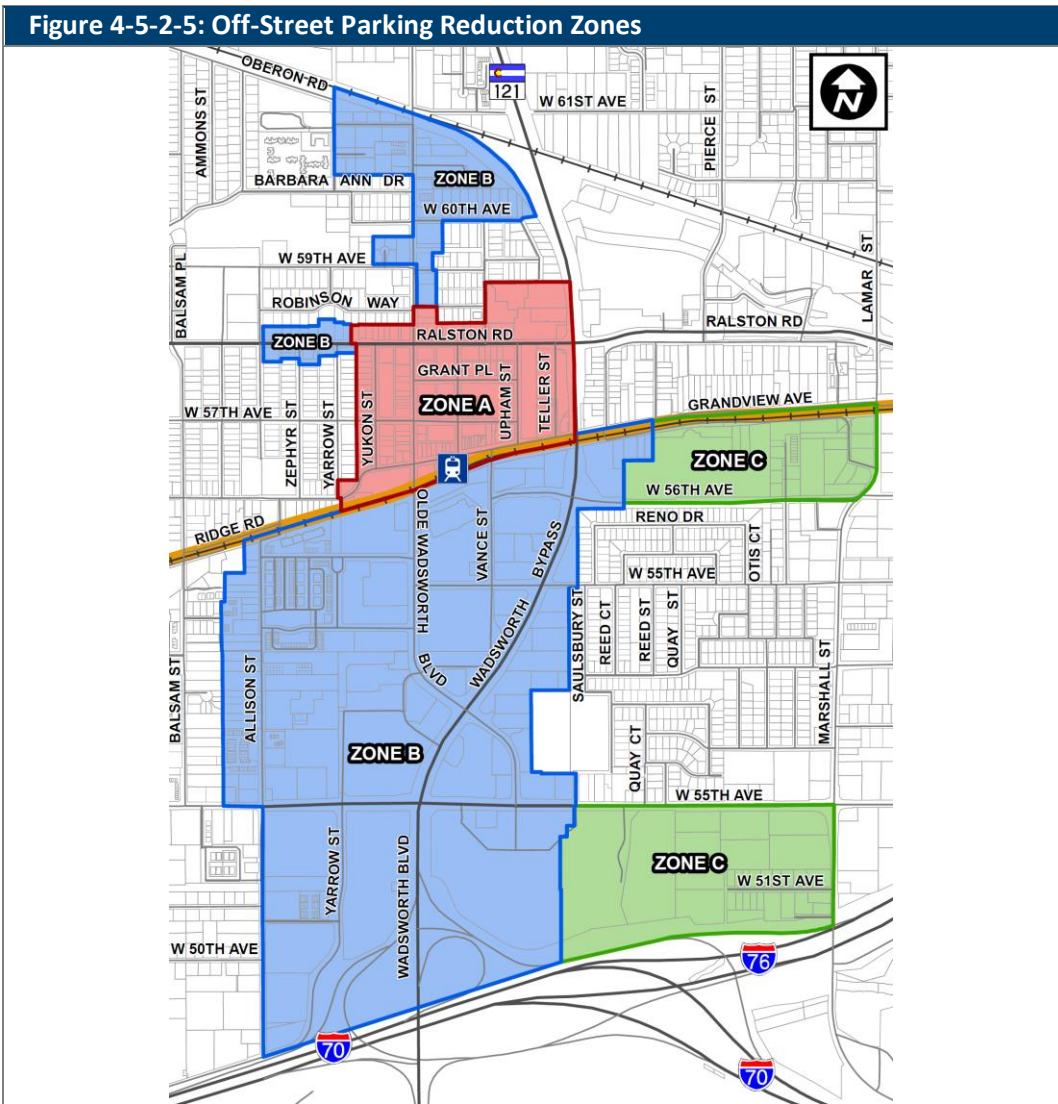
1. As an alternative to the methodology in Subsection A., above, an Applicant may submit to the Director a shared parking study to demonstrate that the parking that is required to serve mixed uses is less than the sum of the parking requirements for each individual use.
2. The shared parking study shall:
 - a. Address the size and type of the proposed development, the composition of tenants, and the anticipated peak parking and traffic loads for all uses that that will be sharing the off-street parking spaces;
 - b. Review peak parking demand periods for the proposed uses during a 24-hour weekday and each weekend day, and shall propose a required number of parking spaces based on the combined maximum peak hour demand for parking; and
 - c. Provide data on the following:
 - i. The sensitivity of the proposed uses to change, *e.g.*, a shopping center with no restaurant could have significant changes in parking if a restaurant was added;
 - ii. Similar mixes of uses in other areas of the community; and
 - iii. Degree of variability of parking for individual uses (average, range, and standard deviation).

3. The City may require a reserved open area (which shall not be counted as open space) if it finds that the risk of parking needs changing over time so warrants. Once the project is occupied and well established, if there is a surplus of parking, the Applicant may request the Director in writing for additional development capacity and parking using the reserved area.
 4. The shared parking study that is allowed by this Subsection B shall be conducted by a qualified transportation planner or traffic engineer at the Applicant's expense.
- C. **Shared Parking Among Different Lots.** When a shared parking reduction is to be applied to uses on several different lots, the following shall be provided:
1. **Location Plan.** A plan that provides for a pedestrian circulation system that conveniently connects the land uses and parking areas among the lots and meets the following:
 - a. **Location of Shared and/or Off-Site Parking.**
 - i. For nonresidential uses, every shared and/or off-site parking space shall be located within 500 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared and/or off-site parking is provided.
 - ii. For multifamily uses, every shared and/or off-site parking space shall be located within 300 feet (measured along a legal pedestrian route) of the entrance to each building for which the shared and/or off-site parking is provided.
 - iii. Shared and/or off-site parking is not permitted for single-family detached, single-family attached, and duplex dwelling uses.
 - b. **Ineligible Activities.** Accessible parking (ADA parking) shall not be permitted off-site.
 2. **Shared Parking Easements and Shared Parking Agreement.** Recorded shared parking easements, approved as to form by the City Attorney, that provide, at a minimum, for:
 - a. Cross-access among the shared parking areas and connections to allow parking by the different uses in areas that are used for shared parking;
 - b. Allocation of maintenance responsibilities;
 - c. Terms for reallocating parking spaces upon redevelopment or re-use of any of the affected properties;
 - d. A right of enforcement by the City; and
 - e. Termination of the shared parking arrangement only if all required off-street parking spaces are provided in accordance with the requirements of Section 4-5-2-2, Parking Requirements Tables, for all participating properties.
 3. As an alternative to the establishment of an easement, a recorded shared parking agreement may be provided. The agreement shall include provisions indicated in Subsection C.2. above, unless otherwise approved by the Director.

4-5-2-5 Parking Credits and Reductions

- A. **Generally.** This Section sets out several ways to reduce the number of off-street parking spaces that must be provided pursuant to Section 4-5-2-2, Parking Requirements Tables. If used in conjunction with shared parking (*see* Section 4-5-2-4, Shared Parking), these reductions may be applied to one type of use to reduce the parking requirement for the use prior to calculating the shared parking reduction.
- B. **On-Street Parking Credits.** In an approved development that includes new on-street parking along internal streets in locations approved by the Director or Decision Making Body, on-street parking may be credited to adjacent uses.

- C. **Off-Street Parking Reduction Zones.** Parking reductions may be permitted in Transit-Oriented Development and Urban Center areas. The zones, shown in Figure 4-5-2-5, Off-Street Parking Reduction Zones, may have parking reductions based on the Parking Reduction Options identified in Subsection D., below. The maximum reduction for off-street parking requirements from all credits and reductions combined shall be subject to the following standards:
1. **Zone A.** The minimum off-street parking requirements in Zone A are as follows:
 - a. **Residential Uses.** The minimum off-street parking requirement for residential buildings or residential portions of mixed-use buildings is one off-street parking space per unit.
 - b. **Nonresidential Uses.** Buildings identified by the City as historically significant for preservation, existing and new commercial buildings, and commercial portions of mixed-use buildings are not required to meet minimum off-street parking requirements.
 2. **Zone B.** The required minimum off-street parking in Zone B may be reduced as follows:
 - a. **Residential Uses.** The maximum reduction in the minimum off-street parking requirements for residential uses from all credits and reductions combined shall not exceed 20 percent.
 - b. **Nonresidential Uses.** The maximum reduction in the number of off-street parking requirements for nonresidential uses from all credits and reductions shall not exceed 25 percent.
 3. **Zone C.** The maximum reduction in off-street parking in Zone C for both residential and nonresidential uses from all credits and reductions combined shall not exceed 15 percent.



D. **Parking Reduction Options.** The options below are intended to allow parking reductions at the time of site development or redevelopment. The options can be cumulative, but shall not exceed the maximum reductions in Subsection C., above.

1. **Valet and Tandem Parking.** An alternative parking plan may propose the use of valet and tandem parking to meet a portion of the off-street parking spaces as required in Section 4-5-2-2, Parking Requirements Tables, in accordance with the standards below.

- a. **Maximum Valet or Tandem Spaces.**
 - i. No more than 20 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for hotels, where up to 50 percent of parking spaces may be designated for valet parking.
 - ii. Tandem and valet spaces shall be designed to accommodate not more than two vehicles per tandem / valet parking space.
 - iii. Drop-Off and Pick-Up Areas. Should an owner or their agent elect to use valet or tandem parking, the development shall provide a designated drop-off and pick-up

area. The drop-off and pick-up area may be located adjacent to the building served, but may not be located in a fire lane, where its use would impede vehicular and/or pedestrian circulation, or where it could cause queuing in a public right-of-way or internal drive aisle serving the development.

- iv. **Valet Parking Agreement.** An approved valet parking plan shall be established in conjunction with a written agreement. The agreement shall include provisions ensuring that a valet parking attendant will be on duty during the hours of operation of the uses served by the valet parking. The agreement shall be submitted to the Director for review and approval.
2. **Proximity to Transit.** The minimum number of off-street parking spaces required for new development or redevelopment may be reduced if the proposed development or redevelopment is located within one-quarter mile, measured by the most direct walking route, of any RTD, or publicly authorized transit agency transit stop as follows:
 - a. Up to 30 percent reduction with a peak frequency of 15 minutes or less.
 - b. Up to 15 percent reduction with a peak frequency of between 16 and 30 minutes.
 3. **Transportation Demand Management.** The Director may, through approval of a Transportation Demand Management (TDM) plan, authorize up to a 15 percent reduction in the minimum number of off-street parking spaces required for nonresidential or mixed-use developments having a floor area of at least 25,000 square feet, in accordance with the standards below.
 - a. **TDM Plan Requirements.** The TDM plan shall include facts and/or projections including the type of development, proximity to transit and/or other multi-modal systems, anticipated number of employees and/or patrons, minimum parking requirements, and indicate the types of transportation demand management activities that will be instituted to reduce single-occupant vehicle use and ease traffic congestion. The TDM plan shall be approved by the Director prior issuance of a building permit or certificate of occupancy for the development to be served by the plan.
 - b. **TDM Activities.** The TDM plan shall provide at least three of the following TDM activities:
 - i. Establishment of a development-specific website that provides multi-modal transportation information such as real-time travel/traffic information, bus schedules and maps, and logging of alternative commutes, *e.g.*, bicycle, pedestrian, carpool, and vanpool.
 - ii. Written disclosure of transportation information and educational materials to all employees and/or residents.
 - iii. Formation of transportation demand reduction programs such as carpooling, vanpooling, ridesharing, guaranteed ride home, and shuttle service programs.
 - iv. Creation of a preferential parking management plan that specifically marks spaces for registered carpool and/or vanpool vehicles that are located near building entrances or in other preferential locations.
 - v. Institution of off-peak work schedules that allow employees to arrive and depart at times other than the peak morning commute period, defined as 7:00 a.m. to 9:00 a.m., and peak evening commute period, defined as 5:00 p.m. to 7:00 p.m.

- vi. Establishment of an office staffed by a transportation coordinator that makes transportation and ride-sharing information available to employees, residents, and nonresidents.
- vii. Any other TDM activity as may be approved by the Director as a means of complying with the parking reduction provisions of this Subsection.
- c. **TDM Program Coordinator.** The Applicant shall appoint a TDM program coordinator to oversee TDM activities with the following qualifications:
 - i. The TDM program coordinator shall be a licensed engineer or a traffic consultant that is also a qualified or trained TDM professional.
 - ii. The TDM program coordinator shall be appointed prior to issuance of a Building Permit or Certificate of Occupancy for the buildings to be served by the TDM program.
- d. **TDM Annual Report.** The TDM program coordinator shall submit to the Director an annual report that details implementation of the approved TDM plan.
- e. **Amendments.** The Director may approve amendments to an approved TDM plan following the same process required for the initial approval.
- f. **Parking Required if TDM Terminated.** If the Applicant and / or successors in interest in the property covered by the TDM plan stop implementing the plan or fail to submit a TDM annual report to the Director in a timely fashion, the TDM plan shall be considered terminated. Any such termination of the TDM plan shall not negate the parties' obligations to comply with parking requirements and shall constitute a violation of this Code. No use served by the TDM plan may be continued unless another TDM plan is approved or all required off-street parking spaces are provided in full within 120 days of termination of the TDM plan or determined by the Director.
- 4. **Carpool, Vanpool, and Shuttle Parking Credit.** For each carpool, vanpool, or shared vehicle parking space provided, the minimum number of required off-street parking spaces may be reduced by four. Each shared vehicle, carpool, or vanpool space shall be signed for such use and shall count toward the minimum number of required parking spaces.
- 5. **Bicycle Parking Credit.** The number of required off-street parking spaces may be reduced at a ratio of one motor vehicle parking space for each two additional secured bicycle parking spaces above the minimum bicycle parking requirements, up to a maximum of five percent of the required off-street parking spaces.
- E. **Discretionary Parking Reduction.** The Director may allow application of an alternative parking standard, provided that the Director determines the following:
 - 1. The reduction in the number of required parking spaces is not more than 20 percent; and
 - 2. The Applicant has demonstrated that:
 - a. Site-specific physical constraints do not allow for the parking requirements to be met, and necessitate application of the alternative standard, and such constraints will not allow a reasonable use of the property without application of such alternative standard; or
 - b. A shared parking study indicates that parking needs of the use will be adequately served and can be accommodated through shared use of parking space with varying time periods of use; or

- c. The alternative standard achieves the intent of the parking standard, *i.e.*, to ensure that the subject property provides adequate parking to avoid overflows onto other properties or backups onto adjacent streets, to the same or greater degree than the parking standard, and results in equivalent or greater benefits to the community as would compliance with the parking standard.

4-5-2-6 Parking Studies

A. Generally.

1. Parking studies are a method to establish parking standards or to reduce parking requirements associated with a particular use. There are several reasons why an Applicant may seek approval of a parking study:
 - a. Some of the uses that are listed in the tables in Section 4-5-2-2, Parking Requirements Tables, have nonlinear or widely varying parking demand characteristics, and Applicants for approval of those uses may have cause to seek an alternative parking standard.
 - b. The Applicant has proposed a use that is not listed in Division 3-1-2, Land Use by Zoning District, no parking standard is provided in Section 4-5-2-2, Parking Requirements Tables, and therefore a parking standard must be established using a parking study.
 - c. The Applicant has submitted a request to reduce the number of required parking spaces to less than that set out in Section 4-5-2-2, Parking Requirements Tables, due to the nature of the operations and/or location of a proposed use.
2. Parking studies shall include and support all requested reductions in parking. Further parking credits and reductions that are otherwise available pursuant to Section 4-5-2-4, Shared Parking, and Section 4-5-2-5, Parking Credits and Reductions, shall not be applied when parking reductions are granted pursuant to this Section, unless such reductions are supported by the parking study.

B. Parking Study Requirements.

1. A parking study shall be conducted by a qualified transportation planner or traffic engineer at the Applicant's expense.
2. The parking study shall provide:
 - a. A peak parking analysis of at least five functionally comparable uses/projects.
 - b. Documentation regarding the comparability of the referenced uses/projects, including: name, function, location, gross floor area, parking availability, access to transportation network (including vehicular, bicycle, pedestrian, and transit), use restrictions, and other factors that could affect the parking demand.

C. Abbreviated Parking Study Requirements. The analytical requirements set out in Subsection B., above, may be reduced to two functionally comparable uses/projects if:

1. The uses/projects are located in the City;
2. The proposed use/project to which the parking study is to be applied has less than 5,000 square feet of floor area; or
3. The parking study is used to justify a reduction in required parking and the requested reduction is 20 percent or less.

D. Approval of Parking Study.

1. The Director may rely upon the parking study or may request additional information or analysis, including, but not limited to: alternative or new data points, or consideration of

- additional or alternative factors related to comparability or peak demand, as supported by sound traffic engineering principles.
2. As a condition of approval of a parking study, the Director may require that land be reserved or land-banked for additional parking if there is a demonstrably high probability the use could change, resulting in a higher demand for parking. Such additional land shall not be counted as open space.

4-5-2-7 Off-Street Loading Areas

- A. **Generally.** Off-street loading areas shall be required for multifamily, mixed-use, and non-residential uses that require goods, merchandise, or equipment to be routinely delivered to or shipped from the subject property. Ridesharing services pick-up and drop-off areas should also be provided on site.
- B. **Minimum Required Loading Spaces.** Unless additional loading space is necessary to meet the requirements of the use, loading spaces for nonresidential uses described in Subsection A., above, including nonresidential components of mixed-use development, shall be provided according to the standards in Table 4-5-2-7, Minimum Loading Requirements.

Table 4-5-2-7: Minimum Loading Requirements	
Gross Floor Area of Building	Minimum Number of Loading Spaces
Up to 10,000 sf.	0
10,001 sf. to 25,000 sf.	1
25,001 sf. to 80,000 sf.	2
80,001 sf. to 150,000 sf.	3
More than 150,000 sf.	3; plus 1 per 100,000 sf. or fraction thereof
Multifamily – 50 units or more	2

- C. **Adjustment of Loading Requirements.** The Director may reduce loading requirements if it is demonstrated that the loading requirements of a particular land use may be adequately met even if fewer spaces than are required by Table 4-5-2-7, Minimum Loading Requirements, are provided.

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.

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 visible dirt surface.

4-5-3-2 Parking Space and Aisle Standards

- A. **Generally.** Parking spaces and access aisles shall be designed according to the standards of this Section.
- B. **Arrangement.**
 - 1. All parking spaces located across from each other, on the opposite side of a drive lane, shall be located at the same angle to the drive lane, except that parallel parking may be provided on one side of the drive lane in order to enhance accessible access.
 - 2. Angle parking located on a drive lane with a dead-end is not allowed unless:
 - a. The angle of the parking space is 90 degrees to the direction of travel; or
 - b. The geometry of the subject property requires such a configuration for an efficient parking layout and the Director determines that the design provides for safe circulation.
- C. **Dimensions.** The size of a parking stall, its angle, and the width of the access aisles shall conform to the standards set out in Table 4-5-3-2, Parking Area Dimensions.

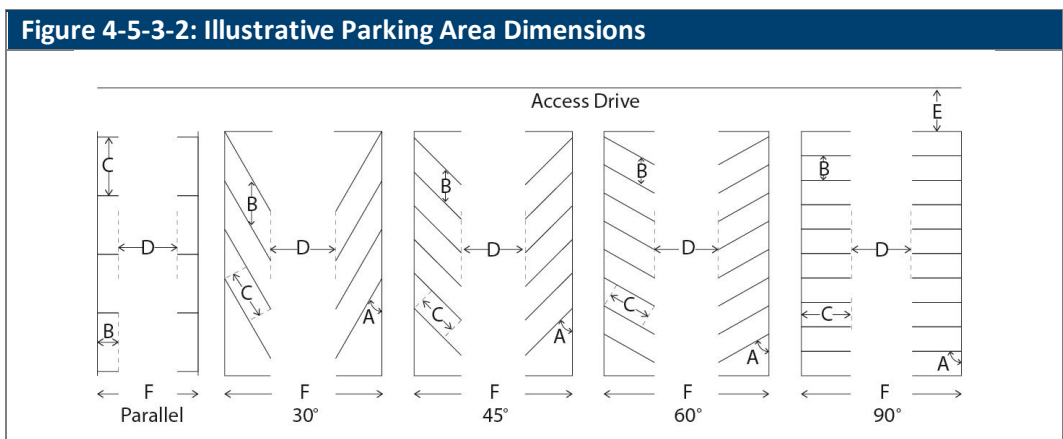


Table 4-5-3-2: Parking Area Dimensions¹

A Parking Angle (in degree)	B Stall Width		C Stall Length	D Aisle Width		E Width of Access Drive	F Module Width ³		Vertical Clearance
	Standard	Accessible ²		One-Way	Two-Way		One-Way	Two-Way	
30°	9 ft.	13 ft.	18 ft.	13 ft.	18 ft.	20 ft.	48 ft. 7 in.	53 ft. 7 in.	8 ft. 2 in.
45°	9 ft.	13 ft.	18 ft.	20 ft.	20 ft.	20 ft.	58 ft. 2.2 in.	58 ft. 2.2 in.	8 ft. 2 in.
60°	9 ft.	13 ft.	18 ft.	20 ft.	22 ft.	20 ft.	60 ft. 2.1 in.	62 ft. 2.1 in.	8 ft. 2 in.
90°	9 ft.	13 ft.	18 ft.	24 ft.	24 ft.	24 ft.	60 ft.	60 ft.	8 ft. 2 in.

TABLE NOTES:

¹ For key to lettering in each column, see Figure 4-5-3-2, Illustrative Parking Area Dimensions.

² Van spaces 11 ft. and 5 ft. wide access aisle.

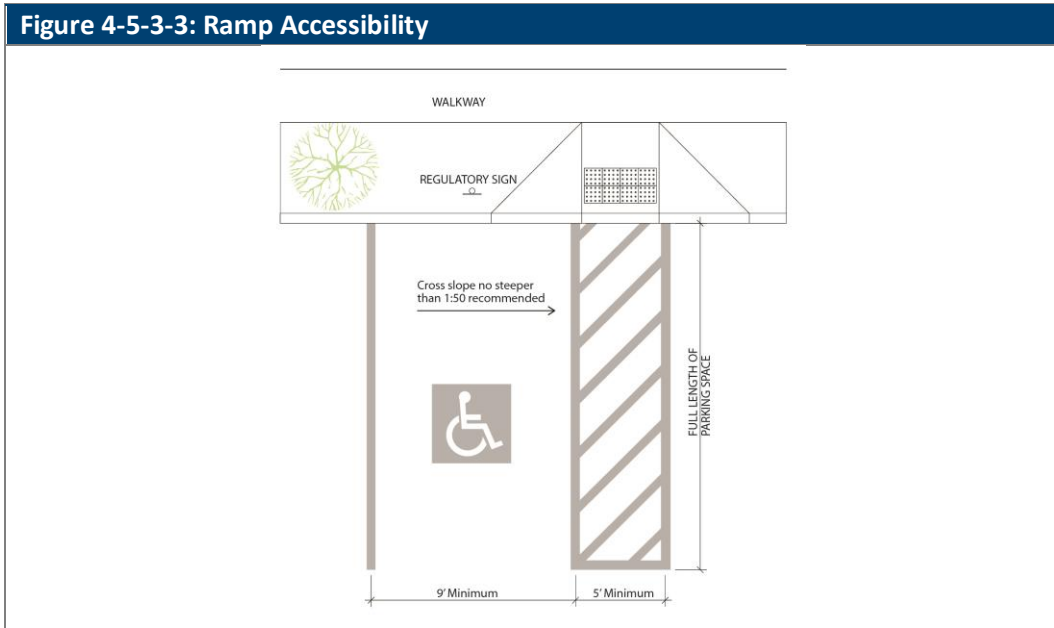
³ Calculated values provided for informational purposes. These values assume “double-loaded” modules (parking spaces on both sides of the aisle) with the same parking angle on both sides. These values may be reduced as assumptions change, for example: (i) as provided in Subsection D., (ii) where parking spaces are located on only one side of the module, or (iii) where one side of the module is parallel parking and the other side is angled parking (see Subsection B.1., above).

- D. **Landscape.** Landscape islands must be provided as indicated in Section 4-6-6-3, Parking Area Landscaping.
- E. **Alternative Parking Dimensions.** The Director may approve angles and dimensions that are different from those set out in Table 4-5-3-2, Illustrative Parking Area Dimensions, provided that the Applicant demonstrates that the angles and dimensions will provide for safe circulation and parking within the parking lot based on an AASHTO 2011 (US) - P design vehicle template, or such other template as the Director determines is appropriate based on the proposed land use.
- F. **Overhangs.** The length of standard parking spaces may be reduced by up to two feet where the adjacent sidewalk or landscape area is protected by a curb and not less than seven feet in width, allowing for vehicle overhang and an unobstructed walkway or landscape area of at least five feet in width. The use of wheel barriers in such locations is prohibited.

4-5-3-3 Accessible Parking Standards

- A. **Generally.** Parking for persons with disabilities shall be provided as required in Table 4-5-2-3, Required Accessible Parking Spaces, or as required by the Americans with Disabilities Act (ADA). Where provisions of this Section conflict with ADA, ADA shall control unless this Section provides for better access and such requirement is not prohibited by the ADA. Where the ADA provides design standards that are not included in this Section, such design standards shall control.
- B. **Design of Accessible Parking Spaces.** Required disabled parking spaces shall be:
 1. Situated so that they adjoin an accessible parking access aisle, and such that van-accessible parking spaces adjoin the access aisle on the passenger side of the vehicle;
 2. Paved with asphalt, concrete or other approved material;
 3. Designed so that slope, measured in any direction does not exceed a one foot rise to a 48 foot run;

4. Designed so that whenever there is more than a one-half inch change in the elevation of the surface between an accessible route and the accessible parking space, a ramp is provided within 26 feet, connecting the route to the parking spaces. See Figure 4-5-3-3A, Ramp Accessibility.



- C. **Location.** The location of accessible parking spaces shall be:
 1. As close as possible to principal accessible entrance(s);
 2. Dispersed in a multi-building development or shopping center to ensure easy access, and to minimize the travel distance for the disabled.
- D. **Marking.**
 1. Each accessible parking space shall be identified with a sign that includes:
 - a. The International Symbol of Accessibility Parking Space marking per the MUTCD and ADA standards;
 - b. The phrase "Accessible Parking"; and
 - c. The statement "Van Accessible," if the space is a van-accessible parking space.
 2. Signs shall be printed with green lettering and symbols on a white background and shall conform to MUTCD standards.
 3. Signs shall be one foot wide by 18 inches high, and installed at least five feet, but not more than seven feet, above the finished floor (for parking structures) or ground surface (for surface parking), measured to the bottom of the sign.
 4. Signs shall be permanently mounted, with anchor bolts, on a post or on an adjacent structure or wall within ten feet of the disabled parking space, oriented to the center of the front of each handicapped parking space, facing the rear of the space.
 5. The symbol of accessibility shall be painted on the pavement of each disabled parking space.

- E. **Accessible Routes.** All accessible routes shall serve as emergency exits for disabled individuals and shall be free from obstructions. Required ramps shall be identified with a sign and be made with a permanent material which will provide all-weather access.

4-5-3-4 Off-Site Parking

- A. **Generally.** In lieu of locating parking spaces required by Division 4-5-2, Parking and Loading Calculations, on the lot that generates the demand for the required parking, parking spaces may be provided on any lot or premises controlled, *i.e.*, by fee-simple ownership, easement interests, lease interests, or participation in a parking district or other joint venture to provide centralized off-street parking, by the owner of the use that generates the parking demand, provided that:
 1. The parking spaces are within 300 feet of the boundaries of the property generating such parking requirements; and
 2. The parking spaces are not already counted towards the parking requirements of another use after application of Section 4-5-2-4, Shared Parking, Section 4-5-2-5, Parking Credits and Reductions, or Section 4-5-2-6, Parking Studies, as may be applicable.
- B. **Exceptions.** Off-site parking is not allowed in:
 1. Residential zoning districts, except that manufactured home parks and clustered housing types may utilize centralized parking; and
 2. Locations in which a street with more than two lanes separates the off-site parking area from the subject property.

4-5-3-5 Tandem Parking

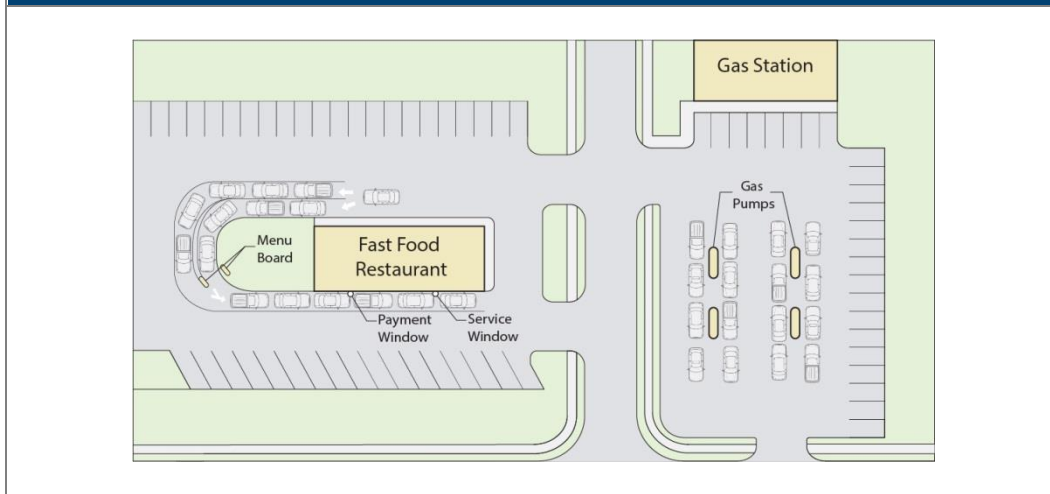
- A. **Generally.** Tandem parking spaces are counted towards required parking only if they meet the standards of this Section.
- B. **Residential Uses.** For single-family detached, duplex, townhome, multiplex and multi-family uses, tandem parking spaces are counted, provided that they are located on the same lot as the dwelling unit that they serve (or in the case of condominium or comparable ownership, are located on land adjacent to the unit and under exclusive control of the unit owner) and no more than half of the required parking spaces for each unit (rounded down) are tandem spaces.
- C. **Bed and Breakfast.** Off-street guest parking for bed and breakfast uses may be tandem.
- D. **Motor Vehicle Repairs and Service, Light.** For light motor vehicle repairs and service uses, on-site tandem parking spaces are counted, provided that no more than 30 percent of the required parking spaces are tandem spaces.
- E. **Valet Parking.** Valet parking spaces may be configured as tandem spaces.

4-5-3-6 Vehicle Stacking

- A. **Generally.** Vehicle stacking spaces are used to measure the capacity of a drive-through lane to hold cars while transactions are taking place at drive-through stations. Adequate space must be provided for on-site stacking, storage and queuing of vehicles.
 1. The required stacking distance for the site may be distributed between access points serving the site, provided a minimum stacking of 20 feet is provided at all access points.
 2. Stacking spaces must be a minimum of 8.5 feet in width and 20 feet in length.

3. Electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be audible beyond the property line adjacent to a residential zone district.
 4. Stacking spaces for internal drive-through services shall be measured from the point of service and within a designated drive aisle.
 5. Required vehicle stacking spaces shall not interfere with access to parking spaces.
- B. **Drive-Through.** Uses that include drive-through service shall provide the following minimum number of stacking spaces:
1. **Financial institutions, drive-through convenience retail, fueling stations, and pharmacies.** Three stacking spaces.
 2. **Drive-through restaurants.**
 - a. If two service windows are provided (one for payments and one for pick-up):
 - i. Four stacking spaces to each menu board;
 - ii. Three stacking spaces between the menu board and the first window, including the position at the first window; and
 - iii. Two spaces between the first window and the second window, including the position at the second window (*See Figure 4-5-3-6, Illustrative Stacking Requirements*).
 - b. If one service window is provided, for both payments and pick up:
 - i. Six stacking spaces to the menu board; and
 - ii. Three stacking spaces between the menu board and the service window.
 3. **Drive-through only uses in buildings with less than 300 square feet of gross floor area and no separate menu board.** Three stacking spaces per service window.
 4. **Dry cleaners.** Two stacking spaces per service window.
 5. **Vehicle wash.**
 - a. Two stacking spaces for each bay in a self-service vehicle wash facility;
 - b. Five stacking spaces for each in-bay or conveyor vehicle wash facility; and
 - c. If the facility provides detailing, manual drying or polishing, and / or vacuuming, sufficient area to provide those services without creating additional demand for stacking at the vehicle wash entrance.
 6. **Other Uses.** The determination by the Director of stacking spaces necessary for other uses may require a queuing study conducted by a qualified transportation planner or traffic engineer at the Applicant's expense.
- C. **Design.**
1. Stacking lanes shall be clearly marked, and shall not interfere with on-site or off-site traffic circulation, or access to parking spaces.
 2. Stacking areas shall not be located in the front setback or side street setback unless there is a grade change of at least five feet between the centerline of the street and the stacking area or alternatively, a Bufferyard Option in Division 4-6-5-3 is installed between the stacking lane and the street.

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



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

- A. **Generally.** All required off-street loading spaces shall be designed, constructed, and maintained in accordance with the standards and requirements of this Section.
- B. **Location.**
 - 1. Loading spaces shall be located on the same lot as the building or structure to which they relate.
 - 2. No loading space shall be located in any front setback area.
 - 3. Except where alley loading or over-the-curb loading is allowed, loading areas shall be located and designed to ensure adequate on-site maneuvering area for delivery vehicles.
 - 4. No loading area shall be designed in a manner that would allow any vehicle to extend into any front setback area or adjacent to any residential zone district while being loaded or unloaded.
 - 5. Trucks parked in loading areas shall not encroach into required parking spaces or building setbacks.
 - 6. Parked trucks loading or unloading materials shall not block travel lanes in parking lot or fire lanes.
- C. **Buffering.** Drive-through stacking areas and loading areas, including overhead doors, oriented so to face a residential zone district or a public right-of-way shall be screened from view from all property lines and adjacent streets to the greatest extent possible, as determined by the Director, by the following:
 - 1. By an opaque fence or wall between 6 feet and 8 feet in height that incorporates at least one of the predominant materials and one of the predominant colors used in the principal building. The fence or wall may exceed 8 feet in height when there is a difference in grade between the street and loading area to effectively screen the area.
 - 2. A landscape berm may be used instead or combined with the required fence or wall.
 - 3. If such areas are covered, then the covering shall include at least one of the predominant exposed roofing colors on the principal building.

- D. **Surfacing.** All required off-street loading spaces and access drives shall be improved with an asphaltic, concrete, or equivalent surface and shall be graded and drained in order to dispose of all surface water accumulation within such areas, as well as any associated parking area.
- E. **Alleys.** All alleys that are used for loading shall meet the City of Arvada Engineering Code of Standards and Specifications.

4-5-3-8 Bicycle Parking Design

- A. **Generally.** The bicycle parking spaces that are required by Section 4-5-2-8, Bicycle Parking, shall be designed according to the standards of this Section. The purpose of these design standards is to ensure that bicycle parking is convenient to bicyclists and provides security from theft and damage.
- B. **Standards.**
 - 1. **Generally.** Bicycle parking shall be designed so that bicycles may be securely locked and safeguarded from accidental or intentional damage. Bicycle parking shall be provided using bicycle racks that meet the following standards:
 - a. A U-shaped bike rack or variation thereof that allows for the bike to be locked to the rack by the frame and at least one wheel;
 - b. A bicycle that is six feet long can be securely held with its frame supported so that the bicycle cannot be pushed or fall in a manner that will damage the wheel components; and
 - c. The racks are securely anchored to a hard surface.
 - 2. Each required bicycle parking spaces shall be accessible without moving another bicycle.
- C. There shall be an aisle at least five feet around the perimeter of all bicycle parking areas to allow room for bicycle maneuvering.
- D. **Short-term Bicycle Parking.** Short-term bicycle parking facilities or racks shall accommodate securing a bicycle using an industry-standard bike lock.
 - 1. Short-term bicycle parking spaces shall be located within 50 feet of the main entrance to the building. Where there is more than one main entrance to a building, short-term spaces should be split between building entrances.
 - 2. **MX Zoning Districts.** Multifamily Residential, mixed-use, and office uses in the MX-N, MX-S, MX-U and MX-T zoning districts shall provide bicycle parking in locations that are covered, secure, and illuminated. Such bicycle parking areas shall be maintained by the property owner, a property owners' association, or a metropolitan district.
 - 3. **OT and CG Zoning Districts.** Multifamily, schools, retail, and office uses in the OT and CG zoning districts shall provide bicycle parking locations that are secure, illuminated and along traveled ways.
- E. **Long-term Bicycle Parking.** Long-term bicycle parking shall be a secure and weather-protected place to park bicycles. Long-term parking does not have to be provided on site; however long-term bicycle parking must be within a reasonable distance of a site in order to encourage bicycle use.
 - 1. Long-term bicycle parking is not required on a site when:
 - a. Non-residential gross building area is less than 5,000 square feet; or
 - b. There are ten or fewer residential units in a development or redevelopment.

2. Long-term bicycle parking, when required, shall be located on the site, either in the building or parking garage.
 - a. Covered bicycle parking may be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. When covered bicycle parking is not located within a building or locker, the cover shall be:
 - i. Designed to protect bicycles from precipitation;
 - ii. High enough to provide at least ten feet of clearance above the floor or ground; and
 - iii. Posted with a sign indicating the location of the bicycle parking when not directly visible at a transit facility or main building entrance.
3. To provide security, a long-term facility bicycle parking shall be in at least one of the following locations:
 - a. In a locked room;
 - b. In an area that is enclosed by a fence with a locked gate;

F. Surfacing and Clear Area.

1. The surface of bicycle parking spaces shall be of hardscape material such as asphalt, concrete, or other materials approved by the Director.
2. Racks shall be bordered by physical barriers or located a sufficient distance from motor vehicles to prevent damage to parked bicycles.
3. Racks shall be installed with sufficient clearance from obstructions so that they can be used according to their design.
4. A clear area of three feet minimum shall be maintained on the parking side of the bicycle rack (both sides if the rack is designed and installed to be accessed from both sides). The clear area is measured away from the rack, from the furthest point of the back wheel of a six-foot long bicycle parked in the fashion for which the rack is designed.

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

4-5-3-9 Snow Storage

- A. **Generally.** Parking lots and adjacent or integrated landscaped areas shall be designed and configured so that snow can be efficiently plowed into storage areas on the subject property.
- B. **Standards.** Snow storage areas shall be located and designed so that:
 1. The amount of parking on the site is not reduced below the number of spaces required by Division 4-5-2, Parking and Loading Calculations, when snow is stored on-site;
 2. Storage of snow does not interfere with circulation on the site or with visibility at points of ingress or egress or at street intersections;
 3. The location of the snow storage area does not create an unreasonable risk of snow being pushed into public streets or sidewalks;
 4. The snow storage area is located and configured so that snow can be removed from the site during periods of heavy snowfall that are combined with sub-freezing temperatures; and
 5. Runoff from snowmelt is directed through stormwater best management practices (“BMPs”) to slow water and improve its quality.

4-5-4-1 Use of Parking and Loading Facilities

- A. **Generally.** Required off-street parking spaces shall be available for operable passenger vehicles of the residents, customers, patrons, and / or employees of the use to which they relate.
- B. **Storage.**
 - 1. **Parking Spaces and Parking Aisles.** Storing materials, boats, campers, recreational vehicles, or inoperable vehicles, or overnight parking of trucks or trailers is prohibited in parking areas of multifamily, nonresidential, and mixed-use developments, unless:
 - a. The outdoor storage use is permitted in the applicable zone and approved for the subject property;
 - b. The areas that are set aside for such parking are not counted towards the parking requirements for the use; and
 - c. The areas that are set aside for such parking comply with the requirements for outdoor storage (*e.g.*, buffering or screening of outdoor storage areas).
 - 2. **Loading Spaces.** The long-term storage of trailers or shipping containers in loading spaces is prohibited. Such spaces shall be available for routine use by delivery vehicles.
- C. **Prohibited Use of Parking Areas.** No designated off-street parking facilities shall be used for the repair, display, service, or sales of any good or service unless expressly and specifically approved by the City. However, this Subsection does not apply to single-family detached and single-family attached driveways when they are used for garage sales or for minor repairs to vehicles owned by the resident of the property.
- D. **Blocking of Access Prohibited.**
 - 1. Blocking of loading spaces or parking spaces is prohibited, except as may be allowed by Section 3-1-4-13, Other Temporary Uses.
 - 2. Loading spaces or parking spaces shall not be designed or located in a manner that blocks access to other loading spaces, parking spaces (except permitted tandem spaces), parking aisles, fire lanes, ingress or egress points, or building entrances.
 - 3. Parking, loading, and access areas shall be kept free of any type of permanent or movable structures that block access (*e.g.*, trash receptacles or compactors). Parking within or otherwise obstructing a driveway approach or a public sidewalk is prohibited.

4-5-4-2 Surfacing and Maintenance of Off-Street Parking Areas

- A. **Surfacing.**
 - 1. Vehicle drive aisles, parking areas, stacking areas, and loading areas shall be graded and surfaced with concrete, bituminous asphalt, or other material approved by the Director. The surfacing material shall protect against potholes, erosion, and dust.
 - 2. Parking spaces shall be defined on the pavement surface with striping and color delineation.
 - 3. The Director may approve an alternative surface for low-turnover uses or overflow parking if:
 - a. Use of the alternative surface will not cause undue airborne dust;
 - b. The perimeter of the parking area is defined by curb and gutter, bricks, stones, or other similar devices; and

- c. Surfaces with loose materials are set back at least 25 feet from the edge of pavement of the connecting public street.
- B. **Maintenance.** Off-street parking surfaces shall be kept in good condition, free of weeds, dust, trash or debris, and parking space lines or markings shall be kept clearly visible and distinct.

Article 4-6 Landscaping and Buffering

Division 4-6-1 Purpose and Application of Article

4-6-1-1 Purpose of Article

- A. The purpose of this Article is to:
- B. Encourage the preservation, protection and enhancement of the character of the City by:
 - 1. Adding aesthetic value to the urban landscape through a balance of buildings, paved areas, and landscaping; and
 - 2. Buffering uses that tend to create disproportionate impacts on adjacent properties in terms of noise, dust, lighting, and other factors that may be mitigated using landscaping, fencing, berms, distance, and / or divisional walls.
- C. Encourage consistent, attractive streetscapes that provide a sense of continuity with deciduous trees that provide shade in the summer and solar access in winter months.
- D. Encourage the preservation, protection and enhancement of the environmental quality of the City by:
 - 1. Preserving natural features such as stream corridors, wetlands and riparian areas, wildlife corridors, mature trees, ditches, and natural ponds;
 - 2. Using landscape materials to improve air quality, slow stormwater runoff, and prevent soil erosion;
 - 3. Moderating the heat island effect of urban areas;
 - 4. Promoting landscape designs that conserve energy and water resources;
 - 5. Preserving or limiting the removal of native grasses, healthy mature trees, and other desirable vegetative cover and ensuring the replacement of trees; and
 - 6. Providing stormwater water systems including low impact development (LID).
- E. Encourage the conservation of water resources by providing for the efficient use of irrigation, appropriate plant materials and regular maintenance of landscaped areas.
- F. Encourage the protection and enhancement of property values by:
 - 1. Enhancing the aesthetic appearance of development through the City; and
 - 2. Landscaping parking lots and other designated areas.

4-6-1-2 Application of Article

- A. **Tree Protection.** Division 4-6-2, Tree Preservation and Replacement, sets out standards for preserving certain trees on-site, and for protecting trees that are designated for preservation.
- B. **General Standards.** Division 4-6-3, General Landscaping Standards, sets out the applicability for the standards and the general landscaping standards.
- C. **Calculations.** Division 4-6-4, Calculation of Landscape Requirements, sets out the standards for calculating the landscape requirements of this Article.
- D. **Landscape Areas and Bufferyards.** Division 4-6-5, Landscape Areas and Bufferyards Landscape Areas and Bufferyards, identifies the landscaping area types and the options for bufferyards.
- E. **Other Landscape Areas.** Division 4-6-6, Requirements by Landscape Area, sets out standards for street trees, plazas, parking lots, and certain other interior portions of a subject property.

- F. **Additional Technical Requirements.** Division 4-6-7, Additional Technical Requirements, sets out technical standards for certain elements of the landscape, including planting beds and berms.
- G. **Maintenance and Warranties.** Division 4-6-8, Maintenance and Warranties, sets out standards for how landscaping is to be maintained and warrantied.

Division 4-6-2 Tree Preservation and Replacement

4-6-2-1 Tree Survey

- A. **Generally.** The determination that existing trees are to be preserved, replaced, or relocated pursuant to this Division shall be made by the Director based on professional tree analysis provided by the Applicant.
- B. **Contents of Tree Survey.** The tree survey shall be prepared by a professional forester, arborist, or a registered landscape architect, and shall include an analysis of existing trees with two-inch or greater calipers, including:
 - 1. A site plan locating each tree and recommending trees intended for preservation in place, transplanting on site, or replacement;
 - 2. Species and size of each tree (caliper/height);
 - 3. Condition, indicating overall health of each tree with an evaluation of structure, pests, disease, or other factors affecting each tree; and
 - 4. Recommendation for removal of all trees that are in a condition hazardous to the proposed development.
- C. **Modification of Tree Survey Requirements.** The Director shall establish the level of detail required for the tree analysis based on site conditions (*e.g.*, for large sites with large stands of trees, the Director may allow delineation of tree canopy and estimates of the number of trees in each size category based on sampling, rather than comprehensive counts).
- D. **Tree Removal Prior to Application Submittal.** Applicants/owners are not permitted to remove trees two inches or larger, within 6 months prior to submittal of a development application, unless prior written approval of the Director has been obtained. Any development application for a site where such removal has occurred without permission shall be required to install 200 percent of the number of trees and shrubs otherwise required for the site.

4-6-2-2 Tree Removal and Replacement

- A. **Generally.** Existing healthy trees shall be incorporated into new developments to the maximum extent feasible.
- B. **Penalty.** If an Applicant fails to comply with the minimum provisions to preserve trees, the Applicant shall be required to replace each tree that is damaged beyond remedy or destroyed at the rate required in Table 4-6-2-2, Tree Preservation, Transplantation, and Removal. If an owner does not choose to replace irreparably damaged or destroyed trees intended for preservation, the Applicant will be penalized an amount equal to the caliper inch replacement cost plus 100 percent for those trees. The Applicant is required to spend the amount of the penalty for trees at the project. If the Applicant does not choose to plant trees on the project site, the City may choose to plant the trees on a nearby public property or park.
- C. **Tree Preservation, Transplantation, and Removal.**

1. Trees shall be preserved, transplanted, or removed, based on their diameter at breast height, as provided in Table 4-6-2-2, Tree Preservation, Transplantation, and Removal. Trees that are preserved, transplanted, or replaced according to this Section may be credited towards development landscaping as provided in Section 4-6-4-2, Tree Preservation Credits.

Table 4-6-2-2: Tree Preservation, Transplantation, and Removal				
Caliper	Preserve in Place⁴	Transplant^{1,4}	Replace^{1,2}	Remove
Less than 2 inches	Allowed	Allowed	Allowed	Allowed
More than 2 inches or greater	Allowed	Allowed ³	Allowed	Not Allowed
TABLE NOTES: ¹ Location for planting transplanted or replacement tree is subject to Director approval. ² Replacement trees shall at least equal the total number of caliper inches removed from the site (<i>e.g.</i> , four 5-inch caliper replacement trees satisfy the removal of one 20-inch caliper tree). ³ Transplantation is subject to Director approval, upon demonstration that there is a reasonable probability of successful transplantation. Director may require escrow to ensure that if transplantation is not successful, tree may be replaced on a 1:1 basis in terms of caliper inches. ⁴ Trees preserved or transplanted on site may satisfy tree replacement requirements.				

2. The Director shall determine through consultation with the City Forester when it is not feasible to preserve and retain protected tree(s) or to transplant them to another on-site location. If it is determined that it is not feasible to preserve or transplant protected tree(s), the Applicant shall replace such tree(s) according to this Section. Replacement trees shall be used to satisfy the tree planting standards of this Section.
3. At the discretion of the Director, a fee-in-lieu may be determined that considers the size and value of any tree(s) that may need to be removed.
4. Trees that meet one or more of the following removal criteria shall be exempt from the requirements of this Subsection as follows:
 - a. Dead, dying or naturally fallen trees, or trees determined by the City to be a threat to public health, safety, or welfare;
 - b. Trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;
 - c. Trees included on the Colorado Department of Agriculture noxious weed list, unless the tree is deemed a significant specimen tree by the Director.

4-6-2-3 Tree Protection

- A. **Tree Protection Specifications.** The following tree protection specifications should be followed to the maximum extent feasible for all projects with protected existing trees.
 1. Prior to and during construction, barriers shall be erected around all protected existing trees with such barriers to be of orange fencing a minimum of four feet in height, secured with metal T-posts, no closer than six feet from the trunk or one foot for every inch of diameter whichever is greater (for example, a ten-inch diameter tree will have a fence no closer than ten feet from the trunk). There shall be no storage or movement of equipment, material, debris or fill within the fenced tree protection zone unless previously approved by the Director.

2. During the construction stage of development, the Applicant shall prevent the cleaning of equipment or material or the storage and disposal of waste material such as paints, oils, solvents, asphalt, concrete, motor oil or any other material harmful to the life of a tree within the fenced tree protection zone.
3. No damaging attachment, wires, signs or permits may be fastened to any protected tree.
4. Large property areas containing protected trees and separated from construction or land clearing areas, road rights-of-way and utility easements may be "ribboned off," rather than erecting protective fencing around each tree. This may be accomplished by placing metal t-post stakes a maximum of 50 feet apart and tying ribbon or rope from stake-to-stake along the outside perimeters of such areas being cleared.
5. The installation of utilities, irrigation lines or any underground fixture within the fence tree protection zone shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches.

Division 4-6-3 General Landscaping Standards

4-6-3-1 Applicability

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

- D. **Parking lot Reconfiguration.** Modifications to any existing parking lot in an amount greater than 20 percent, or expansions of an existing parking lot by 25 spaces or more shall meet the landscaping requirements of this Article for the area being modified or expanded.

4-6-3-2 General Landscaping Standards

- A. **Landscape Plan Required.** A landscape plan with designated landscaped areas shall be submitted as a part of all development applications where landscaping, buffering, or screening is required, unless the applicable Decision-Making Body determines that compliance with the provisions of this Article can be demonstrated without the use of a landscape plan. Final landscape plans shall be stamped, signed and dated by a State of Colorado Registered Landscape Architect for all projects except residential minor subdivisions as defined in Subsection B.4 above or where the Director determines the scope of the project does not warrant such plans.
- B. **Landscape and Open Space Requirements.** Landscaped areas may count toward satisfying usable open space requirements specified for the MX-N, MX-S, MX-U, MX-T, CG, IL, and IG zoning districts (See Division 2-1-4, Mixed-Use Districts, and Division 2-1-6, Commercial and Industrial Districts).
- C. **Minimum Landscape Area.** Landscaped areas shall be covered with shrubs in combination with lower water consuming ground-level plants, ornamental grasses, or turf for at least 75 percent of the landscape area, at maturity.
- D. **Detention and Retention Ponds.** Detention and retention ponds shall be physically, functionally and visually integrated into adjacent landscape uses through the use of topography, building and parking lot placement, plantings, permanent water features, recreational or open space amenities, or other methods. Slopes shall not exceed a 4:1 ratio or be flatter than 2 percent.
- E. **Steep Slopes.** Grading in landscaped areas shall not exceed slopes greater than 6:1 in Small Urban Parks and 4:1 for all other areas, except that public maintained shrub beds and native grass areas shall not exceed 3:1 slope.
- F. **Alternative Requirements for Hardscape Features.**
 - 1. In mixed-use and nonresidential districts, pedestrian walks and other hardscape landscape features and amenities, such as Small Urban Parks, outdoor seating areas, and plazas with recreation and entertainment areas, water features, and public art, may comprise up to 50 percent of the landscape area.
 - 2. The Director may approve a greater percentage of hardscape features based on the consideration of the proposed development, mix of uses, and the quality of the proposed landscape design.

Division 4-6-4 Calculation of Landscape Requirements

4-6-4-1 Approved Plant Lists

- A. **Generally.** Only those plants on the approved City's plant list may be used to meet the standards of this Article. Plants that are listed on the City's prohibited plant list shall not be installed, and the City may require their removal as a condition of development approval. Applicants may request that plants that are not listed be included on the approved plant list, and the Director may add them according to the standards in Subsection B.3., below.

B. Approved Plant List.

1. The Director shall maintain a list of approved plants by type and water demand.
2. The Director may approve proposed plantings that are not on the approved plant list for use in a specific development, based upon evidence presented that the alternative plantings:
 - a. Meet the intent and purpose of the proposed landscaping; and
 - b. Are suitable to the local climate.

Such plantings will be counted as “approved plants” for the purposes of the proposed developments compliance with the standards of this Division.

4-6-4-2 Tree Preservation Credits

- A. **Generally.** Existing trees that are preserved on a subject property, excluding existing, individual residential lots, count towards the tree replacement requirements of this Article, provided that:
1. They are either:
 - a. On the approved plant list; or
 - b. Deemed of significant community value by the Director; and
 2. They are not:
 - a. Diseased;
 - b. Poor in form;
 - c. Leaning heavily over buildings;
 - d. Too close to building foundations;
 - e. Damaging sidewalks and driveways; or
 - f. Impacting utilities.
- B. **Credit for Preservation of Trees.** Healthy, mature trees that are preserved on-site may count only towards trees removed.

Table 4-6-4-2A: Tree Preservation Credits (Deciduous Trees)		
Diameter of Tree to be Preserved	Tree Preservation Credit (# of trees)	Landscape Area Where Credit May Be Applied
Small Trees		
1.5 inches or greater	1	Location of preserved tree
Large Trees and Street Trees		
1.5 inches – 9.9 inches	1	Location of preserved tree
10 inches – 14.9 inches	2	Location of preserved tree
15 inches – 19.9 inches	3	Location of preserved tree, or any other location except a street tree or bufferyard
20 inches or greater	5	Location of preserved tree, or any other location except a street tree bufferyard

Table 4-6-4-2B: Tree Preservation Credits (Evergreen Trees)		
Height of Tree to be Preserved	Tree Preservation Credit (# of trees)	Landscape Area Where Credit May Be Applied
Min. Height		
5 ft. - 7.9 ft.	1	Location of preserved tree
8 ft. – 14.9 ft.	2	Location of preserved tree
15 ft. - 19.9 ft.	3	Location of preserved tree, or any other location except a street tree or bufferyard
20 ft. or greater	4	Location of preserved tree, or any other location except a street tree or bufferyard

4-6-4-3 Size and Quality of Landscape Plants

- A. **Generally.** In general, plant materials that are installed according to the requirements of this Article shall meet the standards that are set out in this Section.
- B. **Minimum Size of Landscape Materials.** The minimum sizes of landscape materials used to satisfy the requirements of this Article are set out in Table 4-6-4-3, Minimum Size of Landscape Materials. Larger sizes may be required to ensure survival or to implement a condition of approval of a planned unit development or conditional use.

Table 4-6-4-3: Minimum Size of Landscape Materials	
Type of Plant Material	Minimum Caliper, Height, or Container Size
Large Trees and Street Trees	2 in. caliper
Small Trees	1.5 in. caliper
Evergreen Trees	6 ft. height
Shrub	5 gallon container minimum, and 2 ft. height; except that ornamental grasses may be 2 quart containers. If used in bufferyards, estimated growth to 3 ft. in height within 2 years
Groundcover (except turfgrass)	1 gallon container with 12 inch spread

- C. **Specification of Landscape Materials.**
 1. All new plant material shall meet specifications of the American Standard for Nursery Stock (ANSI Z60.1) and 8 CCR § 1203-5, Rules Pertaining to the Administration and Enforcement of the Colorado Nursery Act.
 2. Plant materials shall be true to name and type, and first class representatives of their species or varieties.
 3. Container and bare root tree plantings are not permitted without the written permission of the Director upon good cause shown.

4-6-4-4 Biodiversity

- A. **Generally.** Diversity of the genus and species of trees and shrubs is required in order to prevent monocultures that could result in large-scale losses in the event of disease or blight.

B. Standards.

1. Within each of the large tree and shrub categories, not more than 30 percent of the trees or evergreens installed on a subject property shall be of a single genus, and not more than 20 percent of the trees or evergreens installed on a subject property shall be of a single species.
2. A minimum of ten percent of the trees shall be evergreen.
3. The Director may require biodiversity of street trees that are planted in public rights-of-way in order to serve the purpose of this Section.

- C. Exceptions.** Exceptions may be made with written permission of the Director upon good cause shown, provided that the Director finds that the exception does not materially undermine the purpose of this Section.

Division 4-6-5 Landscape Areas and Bufferyards

4-6-5-1 Identification of Landscape Areas

- A. Generally.** This Section sets out several different areas of a subject property in which specific quantities or techniques of landscaping may be required.

B. Identification of Landscape Areas in All Development Types.

1. Bufferyards are areas of a subject property that must be used for buffering the subject property from adjoining lots, parcels, or public rights-of-way. Bufferyards are generally situated along (or close to) property lines, outside of the public right-of-way.
2. Streetscape areas are areas of a subject property adjacent to right-of-way, or the adjoining right-of-way itself that are used for the planting of street trees and other plant material.
3. Parking lot landscape areas are those areas within surface parking lots that must be landscaped. Such surface parking areas include access aisles and off-street parking spaces.
4. Building foundation landscape areas are those areas within 10 feet outward from the exterior walls of principal buildings barring soil restrictions that are identified in the recommendation in a geotechnical report.
5. Privately-owned open spaces are the areas that qualify as “open space,” and which are subject to an easement or dedication that restricts future development to open space uses.
6. Residential lot landscape areas are the yards on lots that are intended for individual ownership, or, in the case of common maintenance communities or condominiums, areas around dwelling units that would be located within private lots if the subdivision were platted for fee-simple ownership.

4-6-5-2 Purpose and Applicability

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

B. Applicability.

1. **Uses Requiring a Bufferyard.** The following uses require a bufferyard per 4-6-5-3, Bufferyard Options:

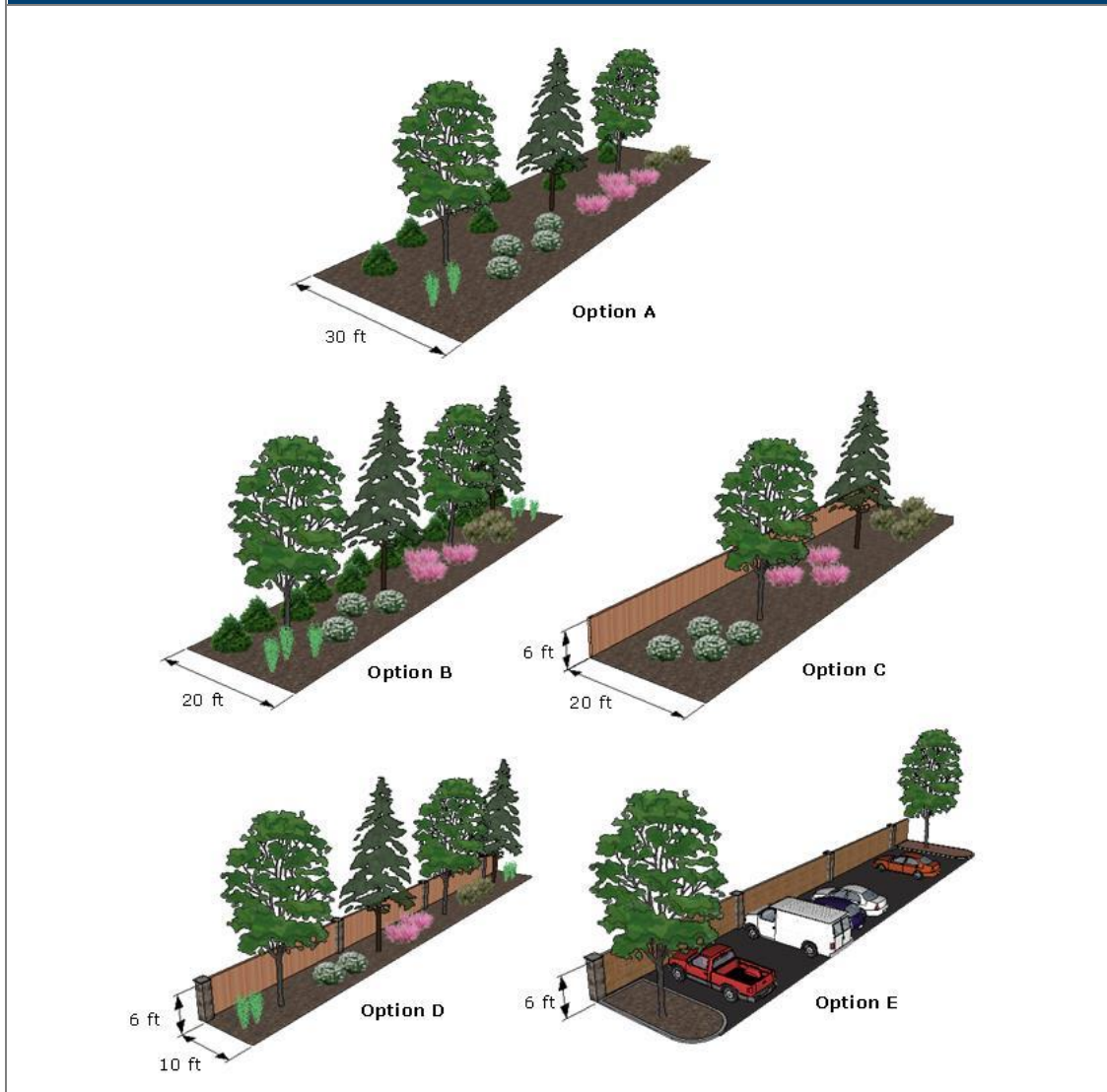
2. Where directly adjacent to single-family detached dwelling or duplex dwelling, or a RN zoning district:
 - a. Multifamily and other attached residential buildings;
 - b. Mixed-use buildings;
 - c. Nonresidential buildings;
 - d. Drive-through facilities; and
 - e. Industrial manufacturing, processing uses, and storage uses in the IL and IG zoning districts.
 - f. Where directly adjacent to a multifamily or other attached residential building or a mixed-use building with residential component:
 - i. Drive-through facilities; and
 - ii. Industrial manufacturing, processing uses, and storage uses in the IL and IG zoning districts.

4-6-5-3 Bufferyard Options

- A. One of the following bufferyard options shall be installed along any non-street frontage or alley when required by Section 4-6-5-2, Purpose and Applicability, and landscape material shall be from the City's approved plant list to include acceptable buffer trees and shrubs. The options are identified below:
 1. **Option A.** A landscaped bufferyard with a minimum width of 30 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Three trees and 20 shrubs per 100 lineal feet of adjacency. A minimum 20 percent evergreen trees.
 2. **Option B.** A landscaped bufferyard with a minimum width of 20 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Four trees and 24 shrubs per 100 lineal feet of adjacency. A minimum 40 percent evergreen trees.
 3. **Option C.** A landscaped bufferyard with a minimum width of 20 feet shall be provided along the property line. The bufferyard shall include a six-foot tall solid fence or wall along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Two trees and ten shrubs per 100 linear feet of adjacency plus six-foot tall solid fence or wall along the property line. A minimum 20 percent evergreen trees.
 4. **Option D.** A landscaped bufferyard with a minimum of ten feet shall be provided along the property line. The bufferyard shall include a six-foot tall solid fence or wall along the property line. Brick or stone columns shall be incorporated into the fence or wall design and spaced at least every 30 feet. Canopy shade trees, evergreen trees, and shrubs shall be provided as follows:
 - a. Four trees and ten shrubs per 100 lineal feet of adjacency. A minimum 40 percent evergreen trees.
 5. **Option E.** Option E shall be permitted only in the MX-N and OT zoning districts. A six-foot tall solid wall constructed of brick, stone or other comparable materials with brick or stone

columns spaced at least every 30 feet may be installed in-lieu of landscaping for sites containing 25 or fewer parking spaces.

Figure 4-6-5-3: Bufferyard Options



Division 4-6-6 Requirements by Landscape Area

4-6-6-1 Street Trees

- A. **Generally.** Deciduous street trees must be installed between the curb and detached sidewalk in street rights-of-way in locations approved by the Director or within ten feet of street rights-of-way with approval by the Director in cases where the Director determines that it is impractical to plant the street trees within the right-of-way. Street trees shall be located and spaced in accordance with the standards of this Section.

B. Installation Requirements.

1. **Street Trees.** All development shall provide at least one street tree for each 40 feet of street frontage unless the Director determines that a different number of trees is warranted because of existing conditions.
2. **Planting Locations.**
 - a. Generally, street trees shall be installed in a streetscape area with a minimum width of eight feet between back of curb and sidewalk.
 - b. As an alternative to a streetscape area, tree grates or cutouts in sidewalks may be allowed in the MX, and OT zoning districts. Tree cutouts in sidewalks shall be of sufficient size to support healthy tree growth as determined by the Director.
 - c. Alternative locations are allowed by approval of the Director according to the standards set out in Subsection A., above.

C. Setbacks.

1. The trunks of street trees shall be set back from driveways and alleys outside of the sight triangle.
2. Street trees shall be planted so that:
 - a. Their eventual growth can be reasonably controlled so as to avert interference with or obstruction of any improvements installed for public benefit; and
 - b. Nearby overhead and underground utilities such as water, wastewater, gas, communications, and electrical, will not be disrupted or materially affected by branches or roots.
3. No street trees that are more than 25 feet in height at maturity shall be planted under or within 10 feet (measured horizontally) of any overhead power line, except street light or service lines.

- D. Maintenance.** Maintenance of street trees shall be the responsibility of the adjacent property owner, unless the Applicant has provided for an alternative perpetual maintenance arrangement that is acceptable to the Director (*e.g.*, via a property owners' association or special district).

4-6-6-2 Street Bufferyards

A. Street Bufferyards in Setbacks.

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

4-6-6-3 Parking Area Landscaping

- A. Generally.** Surface parking lots shall be landscaped to reduce the apparent size of the parking area; prevent views of long rows of parked cars; create an impression of smaller, connected parking lots; provide shade for parked cars; reduce the heat island effect of an urbanized area; and define pedestrian access ways, according to the standards of this Section.

B. Exceptions.

1. The surface parking lot landscape requirements of this Section do not apply to:
 - a. Parking lots in the IL and IG zoning districts if the subject property is located south of West 60th Avenue and east of or adjacent to Lamar Street; or
 - b. Surface parking lots with 24 or fewer parking spaces and with 12 or fewer parking spaces in a row.
2. The access point landscape requirements of this Section do not apply to driveways that provide access to individual single-family detached, duplex, multiplex, or townhome lots.

C. Perimeter Landscape Buffer.

1. **Required Perimeter Landscape Buffer.**
 - a. Parking lots adjacent to single-family detached, duplex, multiplex, or townhome uses shall meet the Option C or D bufferyard in Division 4-6-5-3, Bufferyard Options.
2. **Exceptions.**
 - a. The requirements for perimeter landscaping do not apply at points of ingress or egress to the surface parking lot, or to points of cross-access among properties that share a parking lot.

D. Required Surface Parking Lot Landscape Areas.

1. Landscaping shall be installed in the following required landscape areas:
 - a. Landscape islands are required at the end of each row of parking spaces in each parking module;
 - b. Landscape islands are required and must be distributed throughout the parking lot, at a rate of at least one landscaped island for each 12 consecutive parking spaces;
 - c. Vegetated entry medians are required with a minimum of at least 300 square feet in surface area and a minimum five feet in width (not including curbs), if the surface parking lot contains 180 or more parking spaces;
 - d. Landscape strips are required at least 12 feet in width (not including curbs) that separate groups of parking modules (along their long edges) into "cells" as provided in Table 4-6-6-3, Parking Module Separation Requirements.

Figure 4-6-6-3: Parking Module Separation Diagram

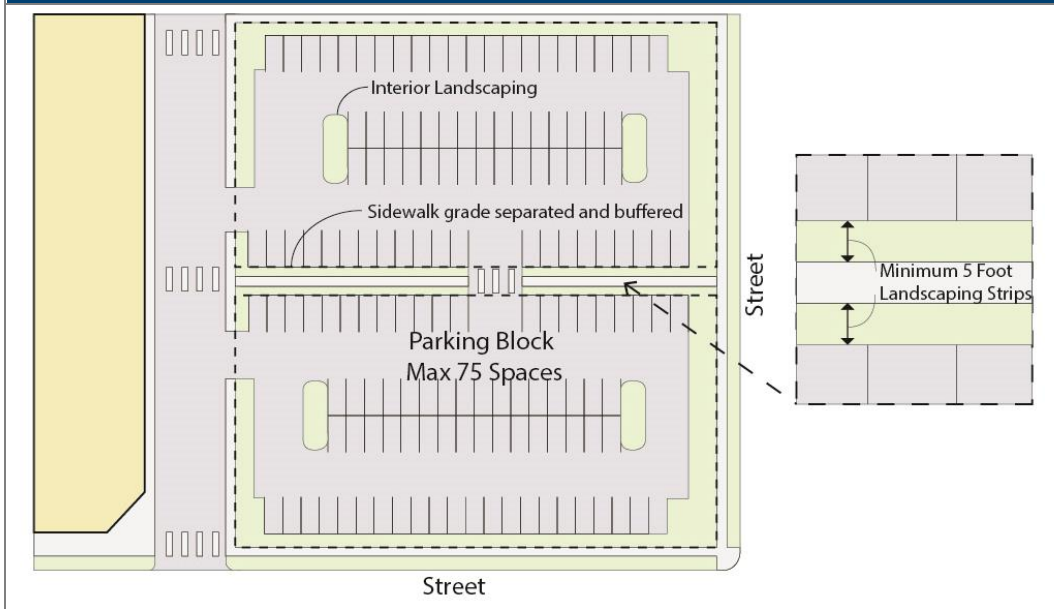


Table 4-6-6-3: Parking Module Separation Requirements

Predominant Type of Land Use	Maximum Number of Parking Spaces in Cell
Residential	50
Nonresidential (except Industrial)	75
Industrial	100 if the parking area is located within 300 feet of a public street; otherwise, no maximum

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

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

4-6-6-4 Foundation Plantings

- A. **Generally.** The foundation planting area is the area of ground that extends 10 feet outward from street-facing principal building elevations, and wrapping five feet around the corners of street-

facing principal building elevations. The foundation planting area does not extend into adjacent rights-of-way. Foundation plantings are required for all principal buildings as provided in this Section, except as provided in Subsection B., below.

B. Exceptions. Foundation plantings are not required:

1. For principal buildings used for:
 - a. Multi-tenant nonresidential buildings that are designed with an adjacent sidewalk that provides principal public access to the individual tenant entrances;
 - b. Land uses set out in Section 3-1-2-10, Agricultural Land Use by Zoning District.
2. On lots that are developed with single-family, duplex, multiplex, clustered small housing types, and manufactured homes.
3. For principal buildings located less than five feet from the property line.

C. Planting Requirements.

1. Foundation planting areas shall be planted with 1 shrub per 5 linear feet of building façade.
2. Foundation plantings shall be used to accent the principal public entry to the building. Foundation plantings may be clustered for this purpose, and to provide interest and accent to other parts of the building, or to provide a foreground object to mitigate the appearance of building mass.
3. Foundation planting areas may include areas with impervious surfaces; however, the area within the foundation planting area that is used for the installation of required landscape materials shall be large enough to support the healthy growth of the plant material.

4-6-6-5 General Landscape Areas

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

4-6-6-6 Single-Family Detached, Duplex, Multiplex, and Townhome Front Yards

Prior to the issuance of a certificate of occupancy, single family, duplex, multiplex, and townhome dwelling units shall be landscaped as follows:

- A. Front yards shall be landscaped with trees, turf, low ground covers, shrubs, or flowers .
- B. At least one tree (shade, ornamental, or evergreen) shall be provided for each front yard area.

4-6-6-7 Variations of Landscape Area Requirements

The Director may authorize variations from the planting requirements of this Division if, based on documented soil conditions, the Director determines that the soils are unsuitable for such plantings in the required locations because they either:

- A. Will not support plant growth; or
- B. Require moisture control in order to prevent damage to the building foundation.

Division 4-6-7 Additional Technical Requirements

4-6-7-1 Water-Wise Requirements

- A. **Generally.** Water-wise landscaping techniques shall be used as provided in this Section.
- B. **Restrictions on High-Water-Demand Landscapes.**
 - 1. High water-demand landscapes (such as irrigated cool season turf grass) are limited to areas of high pedestrian activity, streetscape areas, primary entrance features, clubhouse grounds, wetland plantings, or in yards on single-family, duplex, multiplex, manufactured home, and cluster housing lots.
 - 2. High-water-demand turf shall be minimized to the extent practicable and not exceed 50 percent of the total common landscaped area in residential projects and 35 percent of the landscaped area in nonresidential or mixed-use projects.
 - 3. High-water-demand turf is specifically prohibited in the following (unless approved by the Director after reviewing evidence of a water-efficient irrigation system):
 - a. Parking lot islands;
 - b. Slopes greater than 4:1;
 - c. Street medians;
 - d. Stormwater detention ponds, unless designed for active recreation or needed as part of required wetlands; and
 - e. Any space less than eight feet wide.
- C. **Grouping Plants According to Water Needs.** All plantings should be grouped according to their water needs to minimize water use.
- D. **Soil Amendments.** The Director shall maintain a list of approved soil amendments, or classes or characteristics of soil amendments, which shall be incorporated into landscape planting areas as follows:
 - 1. Prior to planting, all sites for plantings shall be prepared with soil amendments at a rate of three cubic yards per 1,000 square feet, to a minimum depth of six inches. A lesser amount shall be allowed if a soil test shows that such amendment is not necessary for water retention and deep rooting of plant materials.
 - 2. If the specified plant material requires less fertile soil, those areas may have less soil amendments installed if approved by the Director. Such areas shall be identified on the landscape plan.

- E. **Existing Topsoil.** Existing topsoil shall be salvaged and stockpiled for use as soil amendments or topsoil. No topsoil shall be removed from the subject property unless the City approves the transfer of topsoil to a City-owned park or open space area, or to another location owned by the owner of the subject property.
- F. **Irrigation.** The landscape plan shall label or note the type of irrigation to be applied to each plant hydrozone to ensure that plants receive only the needed water. In addition, the plan shall include:
 1. A rain sensor with automatic shut-off of the system during periods of high moisture;
 2. A drip, sub-surface, bubbler or low volume irrigation system for all planting strips less than eight feet wide, and all planting beds involving trees, shrubs, perennials, and groundcover; and
 3. An irrigation clock that allows programming to meet the differential needs of the specified planting plan.
- G. **Restrictive Covenants Regarding Turf.** Any restrictive covenant that becomes effective after July 15, 2003 shall not prohibit the use of water-wise landscaping or require more than 50 percent high-water-demand turf. This provision shall not restrict the individual and voluntary use of a greater percentage of high-water-demand turf.

4-6-7-2 Groundcovers and Planting Beds

- A. **Generally.** The standards of this Section apply to ground covers and planting beds.
- B. **Inorganic Ground Cover.** Inorganic material such as river rock, cobble rock, gravel, artificial turf, artificial plant material, concrete, or asphalt paving may not be used as a permanent, primary ground cover within the landscaped area, except where:
 1. Rock is utilized as an integral part of the landscape design, and does not exceed 25 percent of the front yard and is part of an approved plan;
 2. Drainage or soil conditions require a non-irrigated and / or surface pan at finished grading adjoining the building's foundation;
 3. Artificial turf is used as part of an approved plan for recreational fields or common amenities such as a clubhouse;
 4. Artificial turf is used for backyard and side yard applications that are not in public view. Public view includes any area viewable from areas with public access such as streets, sidewalks, parks, and trails. Artificial turf for a putting green not larger than 400 square feet may be placed in side or rear yard even if in public view; or
 5. Concrete, rock or asphalt materials are used for walkways, driveways or patios.
- C. **Inorganic or Organic Mulch.** Where inorganic or organic mulches are used, they shall be applied at a minimum depth of two inches and covered with plant materials such that the mulched area will be at least 75 percent covered at maturity.
- D. **Plant Beds.** Plant beds shall include landscaping, mulch over a weed barrier, and edging along turf areas.

4-6-7-3 Berms

Where used, berms shall be created and maintained to have a natural appearance, with variations in the berm ridge line and in the berm height. Berms shall have a maximum slope of 4:1 and shall be planted to prevent erosion with appropriate trees, shrubs, groundcovers, and / or grasses as determined by the Director.

Division 4-6-8 Landscape Maintenance and Warranties

4-6-8-1 Landscape Maintenance

- A. **Generally.** All plants shall be maintained continually in a healthy condition in accordance with generally accepted professional horticultural standards and practices. Plants that die or are unhealthy shall be replaced according to the approved landscape plan.
- B. **Pruning and Trimming.** Regular pruning and trimming shall be performed to maintain health and an attractive appearance and to permit the plants to achieve their intended form and height.
- C. **Groundskeeping.** All landscape areas shall be kept free of weeds, litter and trash and all irrigation systems shall be properly maintained.

Article 4-7 Fences and Walls

Division 4-7-1 Purpose and Application of Article

4-7-1-1 Purpose of Article

The purpose of this Article is to provide reasonable regulations for the appearance, location, type and maintenance of fences and walls to ensure the safety of residents and the high-quality character and appearance of the City.

4-7-1-2 Application of Article

- A. **Fences and Divisional Walls.** Division 4-7-2, Fences and Divisional Walls, provides a set of standards and tables establish heights and materials for fences, divisional walls, and retaining walls.

Division 4-7-2 Fences and Divisional Walls

4-7-2-1 Fences and Divisional Walls

- A. **Generally.** All fences and divisional walls shall comply with the requirements of this Division.
1. If a proposed fence or divisional wall is located directly adjacent to a zoning district boundary or on a shared property line, the less restrictive standards shall apply.
- B. **Permits Required.** All fences and divisional walls require fence permits, except for the following:
1. Repair of a fence section not greater than eight linear feet in length.
- C. **Height.** All fences and divisional walls shall comply with the maximum heights shown in the following Table 4-7-2-1, Maximum Height of Fences and Divisional Walls Within Required Setback Areas, unless a different maximum height is explicitly permitted:
1. By this Code or approved through the Minor or Major Modification, or PUD approval process;
 2. For an activity field (*i.e.*, tennis court, baseball, football, soccer fields) at the discretion of the Director; or
 3. For fences associated with a Utility, Major for security purposes, at the discretion of the Director.
- D. **Location.** All fences and divisional walls may encroach into required yards and setbacks. Fences and wall shall not:
1. Be constructed within a public right-of-way or areas to be dedicated for public right-of-way unless a revocable permit is approved;
 2. Conflict with sight distance visibility of intersections or points of ingress/egress;
 3. Block or divert a natural drainage flow onto or off of any other property;
 4. Block access within an access easement; and
 5. Encroach into a utility easement, unless the easement holder has provided written consent. (This specific requirement shall only apply to masonry walls.)

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

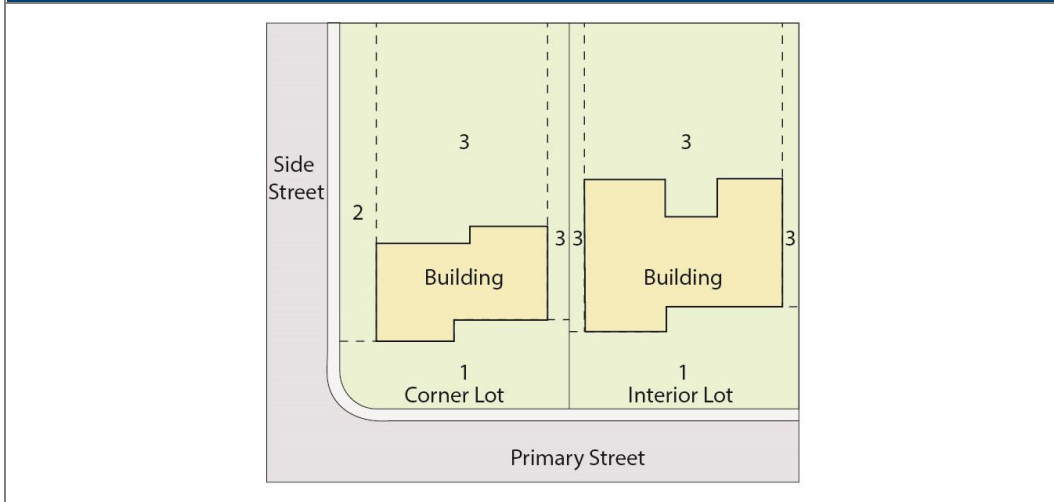


Table 4-7-2-1 : Maximum Height of Fences and Divisional Walls Within Required Setback Areas

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

TABLE NOTES:

¹ See Figure 4-7-2-1, Fence and Divisional Wall Location Diagram.

² Height may be increased to 4 ft. if the fence is at least 50 percent transparent when viewed at a perpendicular angle.

³ Height may be increased to 6 ft. (regardless of opacity) if the fence is set back at least 6 ft. from the property line or 6 ft. from the back of adjacent sidewalk, whichever is greater.

⁴ Height may be increased to 8 ft. for divisional walls that face arterial streets.

⁵ Height may be increased to 6 ft. if a minimum of 50% open for school yards.

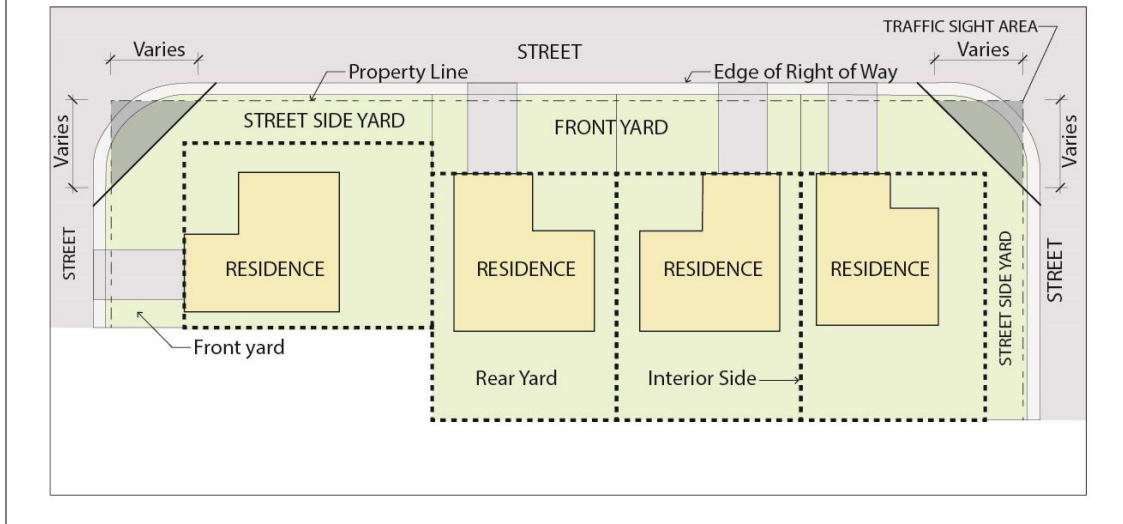
⁶ Height may be increased to 4 ft. if a minimum of 50% open for single-family, duplex or multiplex building types.

⁷ Height may be increased to 4 ft. if a minimum of 50% open for mixed-use building type outdoor dining areas.

⁸ Height may be increased to 6 ft. except within any McIlvoy Park Frontage zone or any side or rear setback adjacent to McIlvoy Park or Olde Town Plaza, or where it would extend in front of a building within any frontage zone.

⁹ Maximum height is 6 ft. for rear yards on double frontage lots.

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



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

1. No solid fence or divisional wall that is between four and eight feet in height shall be installed closer than:
 - a. Eight feet from the flowline of a street; and
 - b. Five feet to the nearest edge of a sidewalk, open space, trail, or multi-use pathway.
2. No solid fence or divisional wall that is more than eight feet in height shall be installed closer than:
 - a. Ten feet from the flowline of a street; and
 - b. Eight feet to the nearest edge of a sidewalk, trail, or multi-use pathway.
3. Fences that exist in the condition identified in Subsection E1 and E2 above prior to the adoption of this Code shall be considered conforming.
4. The area between the fence or divisional wall and the street, sidewalk, trail, or multi-use pathway shall be landscaped with shrubs, groundcover, perennials, ornamental grasses, or turf materials that provide contrast with the sidewalk. Inorganic ground cover such as river rock, cobble rock, or gravel may be used as part of the landscape provided that the ground cover, ornamental grasses or turf which are planted achieve 50 percent coverage at maturity. Hardscape materials are allowed only at points of access through the fence or divisional wall.
5. Fences shall comply with the sight triangle requirements of Section 4-4-3-3, Intersection Visibility.

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

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

- G. **Perimeter Fence and Walls.** Perimeter fences and walls along arterial streets or railroad tracks may be constructed up to eight feet in height. Perimeter fencing shall be constructed of Western Red Cedar wood or other material approved by the Director, or masonry. Masonry fence posts two foot by two foot in size, shall be located at property corners but no further than 100 feet apart on-center, and with sloped column caps to drain water to the sides of the posts.
- H. **Security Fencing.**
1. No barbed wire or other sharp-pointed fences or similar security devices on divisional walls shall be installed on any property, except:
 - a. In the IL or IG zoning districts that is used for industrial purposes, upon demonstration to the Director or the Decision Making Body that a substantial security need justifies the installation; or
 - b. In the RA or OS zoning districts on property that is used for agricultural purposes.
 2. Electrically charged fences are not allowed unless necessary for livestock control in an RA zoning district.
- I. **Relationship to State Statutes or Regulations.**
1. Where the Colorado statutes or implementing administrative regulations require fencing or divisional walls that are taller than those that are allowed by Table 2-3-6-2, Maximum Height of Fences and Garden Walls within Required Setback Areas, the Director may approve the increased fence or divisional wall height in accordance with the statutes or implementing administrative regulations.
 2. If the fence or divisional wall is located within Area 1 or Area 2 as shown in Figure 2-3-6-2, Fence and Divisional Wall Location Diagram, then where feasible and consistent with the statute or regulation, the Director shall require landscaping or design treatments to mitigate the visual impacts of the increased height of the fence or garden wall when viewed from the public streets. Mitigation measures may include, but are not limited to, tree, shrub, or hedge plantings; material and color selections that de-emphasize the fence or garden wall; transparency; and additional setbacks for the fence or divisional wall.
- J. **Fence and Wall Materials.**
1. Fences and divisional walls shall be made of high quality, durable materials that require low maintenance and are complementary with the overall design of the principal building and site landscape. The following materials are allowed:
 - a. Wood and composite wood;
 - b. Non-reflective plastic and vinyl fencing;
 - c. Natural stone, stacked stone, brick, stucco, decorative concrete masonry blocks that replicate the appearance of brick, stone, stucco and CMUs;
 - d. Metal iron, metal picket and other metals simulating the appearance of wrought iron, chain-link fencing or aluminum or wrought iron decorative fencing;
 2. The Director may approve other materials that are equal to or surpass the materials listed in this Subsection J. in terms of durability, maintenance, and aesthetics.
 3. Prohibited Material. Sheet plastic, sheet metal, chicken wire, fabric materials, fiberboard, garage door panels, snow fencing, rope, plywood fences, PVC pipes, and miscellaneous materials not commonly used with residential fences are not allowed.
- K. **Maintenance.** All fences and divisional walls shall be maintained in good condition at all times.

4-7-3-1 Retaining Walls

- A. **Generally.** All retaining walls shall meet the requirements of this Section. The purpose of these standards is to avoid large, flat, unbroken retaining wall planes by creating visual interest that is compatible with the architectural character of the surrounding area, creating texture and relief in walls, encouraging human scale detailing, and promoting the use of materials that are durable and of high quality.
- B. **Maximum Height.**
1. The maximum height of a retaining wall shall be:
 - a. Four feet; or
 - b. Six feet, if attached to a principal building and necessary to compensate for a change in grade.
 2. Where additional height is necessary, a series of low retaining walls, none exceeding four feet in height, shall be used wherever possible. Where multiple retaining walls are used, a minimum of one foot of horizontal spacing is required for every one foot of tallest wall height. In such cases, walls shall be spaced from each other a horizontal distance equal to the height of the taller of the walls in each pair that are spaced.
 3. The Director may waive or modify the maximum height requirements of this Subsection if an alternative design is proposed that will achieve the design objectives set out in Subsection A., above, in a comparable or more favorable manner.
- C. **Railing Required.** Where the construction of a retaining wall results in a downward vertical drop of more than 30 inches within four horizontal feet of a sidewalk, walkway, or other public circulation area, a railing at least 42 inches in height shall be placed along the top edge of the retaining wall to prevent pedestrians from falling over the edge of the retaining wall.
- D. **Retaining Wall Materials.**
1. Retaining walls shall be composed of any the following materials:
 - a. Dry-stacked stone;
 - b. Decorative (e.g., glazed, textured, split-face, etc.) pre-cast concrete masonry units;
 - c. Masonry block with stone, brick, or stucco facing;
 - d. Cast in place concrete with design features that improve its aesthetics including, but not limited to, surface treatments or integral colors; or
 - e. Gabion walls as approved by the Director.
 2. Treated timber or railroad ties shall not be used except on lots with a single-family detached dwelling unit.
 3. The Director may waive or modify the materials requirements of this Subsection if it is demonstrated that:
 - a. The wall is effectively screened from view due to its location and orientation and / or the presence of landscaping; or
 - b. An alternative material is proposed that offers equal or better quality, durability, maintenance characteristics, and aesthetics.

Article 4-8 Exterior Lighting

Division 4-8-1 Purpose and Application of Article

4-8-1-1 Purpose of Article

The purpose of this Article is to regulate exterior lighting to ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site, limit light impacts, glare and curtail light pollution, to conserve and promote energy efficiency and provide security for persons and property for crime prevention.

4-8-1-2 Application of Article

- A. **General Standards.** Division 4-8-2. General Lighting Standards, provides general design standards for light fixtures, standards for different land use categories, outdoor recreation lighting standards, and standards for the lighting curfew.

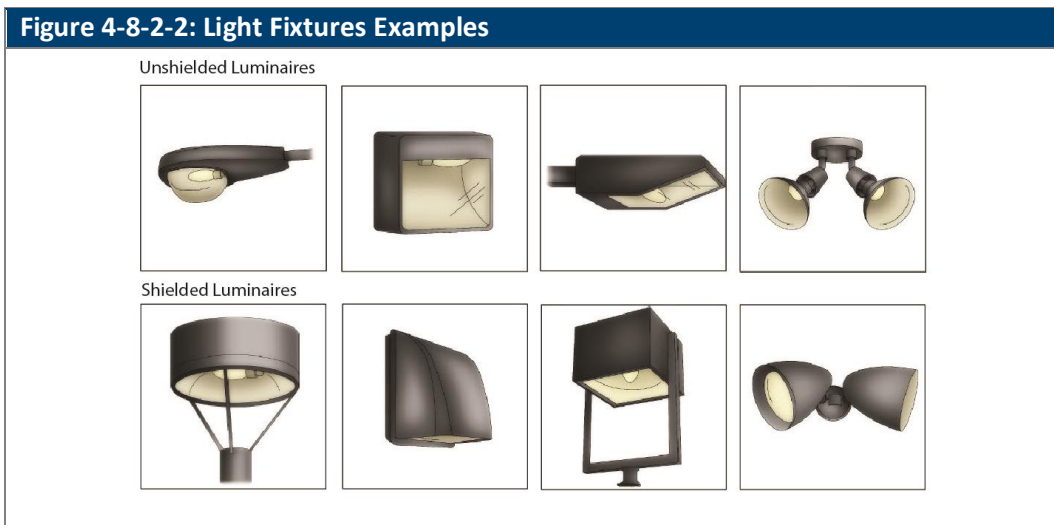
Division 4-8-2 General Lighting Standards

4-8-2-1 Applicability

- A. **Generally.** The following standards apply to all new development in the City and existing lighting system modifications, alterations, relocations or renovations to exterior fixtures after the effective date of this Code.
- B. **Exceptions.** The following are specifically exempted from the requirements of this Article:
 - 1. Public street lighting and other lighting providing by local governmental, state, federal agencies;
 - 2. Existing lighting that remains unchanged (including ongoing standard maintenance such as bulb lamp replacement provided that the replacement lamp is of equivalent luminance level, and / or painting of existing poles or fixtures as required by Section 4-8-2-2);
 - 3. Seasonal holiday lighting;
 - 4. Lighting of governmental flags and public monuments and statuary;
 - 5. Lighting for public art;
 - 6. Temporary lighting of construction sites provided such lighting is discontinued upon completion of the construction activity and night time use is limited to address security;
 - 7. Temporary lighting for emergency situations provided such lighting is discontinued upon abatement of the emergency situation; and
 - 8. Underwater lighting in swimming pools, fountains and other water features.
- C. **Prohibited Lighting.**
 - 1. Aerial lasers, searchlights and /or rotating beacons; unless part of a special event, for a maximum of five days;
 - 2. Flashing or blinking lights, or lighting with changing intensity;
 - 3. Light fixtures that imitate official highway or traffic control lights or signs that are not authorized by a state, federal, or city government; and
 - 4. Signage lighting that has not been approved by the City.

4-8-2-2 General Design Standards

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



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

Table 4-8-2-2A: Maximum Spill Light Illumination Levels	
Type of Use Abutting a Lot Line	Maximum Illumination level at Lot Line (Foot Candles)
Single-family dwelling and duplex residential property line in RA, RN, R6, R13, R24, OT districts (-single-family, duplex, multiplex building types), and OS	0.5
Attached dwelling and multifamily residential property line (except mixed-use dwelling)	1.0

Table 4-8-2-2A: Maximum Spill Light Illumination Levels	
Type of Use Abutting a Lot Line	Maximum Illumination level at Lot Line (Foot Candles)
Mixed-use buildings and non-residential property lines	2.0
Industrial	3.0

1. **Maximum Illumination and Lighting Uniformity.**
 - a. Lighting of pedestrian and vehicular use areas (e.g., parking lots, plazas, and sidewalks) shall have a uniformity ratio of three to one (maximum to minimum).
 - b. No single lamp shall exceed 20,000 lumens.

- C. **Maximum Height.** The height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 4-8-2-2B, Maximum Height for Exterior Lighting.

Table 4-8-2-2B: Maximum Height for Exterior Lighting	
Base Zoning District	Maximum Height ¹
OS, RA, RN, R6, R13, R24, OT, MX-N, MX-S	22 feet
CG, MX -U, MX-T, IL, IG	35 feet
TABLE NOTES: ¹ Porch and balcony lights on residential buildings are exempt from the maximum height. Lighting	

- D. **Motion-Activated Security Lighting.**
 1. Motion-activated security lighting may emit up to 3,000 lumens per fixture.
 2. Not more than one motion-activated security light fixture is allowed per 60 linear feet of building elevation.
 3. Security lighting shall be timed to turn off after not more than five minutes after motion activation.

- E. **Outdoor Sports or Performance Venue.** Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.
 1. Lighting fixtures may not be more than 40 feet in height.

- F. **Parking Lot Lighting.**
 1. Maintained average horizontal illuminance values in parking lots during times when the parking lot is in use shall not exceed four foot candles.
 2. The average horizontal illuminance within the parking area shall not exceed 3.5 foot candles when the associated business(es) is closed.

G. Pedestrian Area Lighting.

1. Light fixtures for plazas, small urban parks, sidewalks, walkways, trails, and bicycle paths outside of vehicular surface areas (i.e., parking lots) shall:
 - a. Provide at least 1.5 foot candles of illumination, but not exceed three foot candles; and
 - b. Have a maximum height of 15 feet.
2. Pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp.

H. Wall Pack Lights. Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and have a maximum of 1600 lumens.

I. Awnings. Awnings used for building accents over doors and windows shall not be internally illuminated (i.e., from underneath or behind the awning) unless the awning material is entirely opaque.

J. Canopy Lighting. Canopy lighting for uses that shelter outside work, service areas or porte-cocheres shall have:

1. All light fixtures flushed mounted or recessed into the canopy and equipped with flat lenses; and
2. A light distribution that does not exceed a 10:1 ratio between the average light levels under the canopy and the average light levels of the area outside the canopy.

K. Decorative lighting.

1. Decorative lighting shall be permitted to enhance the appearance of a building and / or landscape feature provided that:
 - a. All light is cast against the building surface or downward onto a landscape feature;
 - b. All decorative lighting is directed away from residential uses located within 50 feet of the building façade on which the decorative lighting is mounted and is shielded to reduce light trespass on adjacent uses.
 - c. The lamp is not visible from adjacent properties, pedestrian or vehicular traffic; and
 - d. The decorative lighting does not exceed 1600 lumens.
2. Unshielded Tivoli and patio string lighting with no more than 200 lumens per foot provided that the lighting is turned off between 11:00 PM and 6:00 AM.

L. Pole and Fixture Color.

3. 1. All poles and fixtures (luminaires) shall be of dark colors including, but not limited to, black, dark gray, dark green or brown. Reflective or light colored poles and fixtures are not allowed.

4-8-2-3 Single-Family Detached, Duplex, and Multiplex Lighting Standards

- A. **Generally.** Exterior lighting on single-family detached, duplex, and multiplex uses shall conform to the requirements of this section.
- B. **Exterior Fixture Type and Configuration.** Fixtures shall emit no more than 850 lumens.

4-8-2-4 Townhome, Multifamily, Mixed-Use, and Nonresidential Lighting Standards

- A. **Generally.** Exterior lighting on multifamily, mixed-use and nonresidential uses shall conform to the requirements of this section.

B. Exterior Fixture Types.

1. "No cut-off" fixtures may be used for:
 - a. Decorative purposes, provided that their luminaires produce no more than 1,500 lumens per fixture, and they are not installed more than eight feet above adjacent grade; and
 - b. Illumination of individual balconies, decks (including rooftop), or porches, provided that their luminaires produce no more than 1,500 lumens per fixture.

4-8-2-5 Outdoor Recreation Lighting Standards

- A. **Generally.** Ball diamonds, playing fields, driving ranges, tennis courts, and similar amusement or recreation uses have unique requirements for nighttime visibility and, generally, have limited hours of operation.
- B. **Maximum Freestanding Fixture Height.** No freestanding light fixture shall be greater than 40 feet in height, except that greater heights may be approved by the Director if it is demonstrated that the greater height improves site lighting compared to fixtures that are 40 feet in height or less.
- C. **Maximum Illumination.**

Field and court lighting shall be designed so that any overspill of lighting onto adjacent single-family, duplex, multiplex, or townhome property shall not exceed one-half foot-candle, one foot-candle adjacent onto multifamily properties, and two foot-candles onto adjacent non-residential properties measured horizontally, at the property line.

Buffering may be used to reduce impacts of outdoor recreation lighting in order to achieve compliance with the requirements of this Subsection C.

4-8-2-6 Lighting Curfew

- A. **Generally.** Lighting shall be reduced or turned off as provided in this Article.
- B. **Minimum Reduction.** One hour after the close of business, all illumination shall be reduced by at least 70 percent, and remain in that state until at least one hour prior to open of business. This reduction in illumination may be achieved by dimming the lamps within a light fixture (luminaire), and/or turning off a luminaire or a portion of a multi-luminaire assemblage.
- C. **Exemptions and Special Conditions.**
 1. Residential uses (including residential units in mixed-use buildings).
 2. Lighting that is subject to Section 4-8-2-5, Outdoor Recreation Lighting Standards, shall be reduced by 50 percent immediately after the end of play and shall be fully turned off:
 - a. One hour after the end of play; and
 - b. When the facility is not in use.
 3. Lighting in excess of the minimum reduction may be used for security lighting provided that it is equipped with an adjustable distance / ranged setting and an amicible detector set to minimize nuisance trips from normal passing traffic and is to be timed to turn off after not more than 15 minutes after motion activation.

Chapter 5 – Building Design

Article 5-1 Building Design

Division 5-1-1 Purpose and Application of Article

5-1-1-1 Purpose of Article

The purpose of this Article is to provide standards for the design and placement of buildings and other improvements on individual lots.

5-1-1-2 Application of Article

- A. **Generally.** This Article provides standards related to individual lots, buildings, and structures.
- B. **Building Design Standards.** Division 5-1-2, Building and Structure Design Standards, establishes minimum standards for the design of various types of buildings.
- C. **Supplemental Standards.** Division 5-1-4, Supplemental Standards for All Land Uses, Division 5-1-5, Supplemental Standards for Residential Land Uses (Except Multifamily), and Division 5-1-6, Supplemental Standards for Nonresidential and Multifamily Land Uses, sets out standards for decks, balconies, porches; swimming pools; mini-structures; accessory buildings; accessory dwelling units; accessory structures; outdoor displays of merchandise; outdoor storage; refuse, recycling, and compost containers; renewable energy systems; satellite dishes and antennas; drive-through facilities; unattended donation drop-off boxes; gasoline and fuel sales service stations; motor vehicle storage; and other land uses.

Division 5-1-2 Building and Structure Design Standards

5-1-2-1 Purpose and Application of Division

- A. **Purpose.**
 - 1. **Generally.** The purpose of this Division is to ensure that all principal buildings in the City reflect the following design goals.
 - a. **Visual Interest.** New buildings should create visual interest in ways that reinforce or complement the architectural character of the surrounding area, through the use of similar elements such as rooflines, materials, colors, window design, building articulation, and other architectural details.
 - b. **Building Orientation.** Primary structures should be arranged so that the primary facade, or each facade with a main pedestrian entry, orients onto a public or private street, a public park, open space or common green, a plaza, courtyard, a private street-like drive, or a pedestrian passage.
 - c. **Human-Scale Detailing.** Massing and articulation of buildings should contribute to a sense of human-scale by incorporating elements such as street facing entries, 360-degree architecture; pedestrian oriented ground floor design elements; horizontal and vertical articulation; reveals, belt courses, or cornices; expression of structural or architectural bays, recessed windows, strongly expressed mullions, recessed doors, or

door entry features; various materials or material module changes, and colors to avoid massive or long, monolithic building shapes and surfaces.

- d. **Texture and Relief.** All buildings should incorporate texture and relief in facades, should avoid large, flat, unbroken, wall planes, and should take advantage of the sun to bring out changes in planes, materials, and details through light and shadow.
 - e. **Cladding Materials.** All buildings should use materials to enhance architectural character and promote overall building longevity; materials should be durable, economical to maintain, and of a quality that will retain their appearance over time.
 - f. **Roof Design and Form.** All buildings should incorporate roof forms that convey a mass and scale consistent with the building's architectural style, that add visual interest, and are appropriate to a building's use.
 - g. **Building Color.** Large areas of wall should be subdued in color and not reflective. Bright and neon colors should be used sparingly and limited to building accents, and should not be used to create "sign buildings." Monotonous color palettes are strongly discouraged.
 - h. **Entryways.** Primary public entries of buildings should be emphasized through the use of differing colors or materials, arches, arcades, covered porches, or other architectural treatments. Building entrances used by residents or the public shall be visible from an adjacent street, where possible.
 - i. **Overhead and Garage Doors.** Overhead and garage doors should complement the architectural style of the building, and should not be the visually dominant feature of street-facing facades.
 - j. **Mechanical Equipment.** Rooftop, wall-mounted, and ground-mounted mechanical equipment and appurtenances should be screened so that they are not visible when viewed from public streets or the ground level of adjacent properties.
2. **Purposes Are Not Standards.** The purposes that are set out in this Subsection A. shall not be considered standards in their own right, but shall be considered in:
 - a. The application of the specific standards of this Division; and
 - b. The evaluation of requests to deviate from the standards of this Division pursuant to Section 8-3-11-3, Administrative Minor Modifications.

B. Application.

1. **Generally.** The standards of this Division are applied based on the type and location of the proposed new development, building façade redesign, and all expansions of the gross square footage of any principal building. Standards shall only apply to those portions of the building or site being modified as part of the expansion.
2. **Modifications of Building and Structure Design Requirements.** Except for the OT Zoning District and the Reno Park Addition Historic District Project Area, the standards of this Division may be modified through the design review process as provided in Section 8-3-11-3, Administrative Minor Modifications. In the Olde Town Zoning District and Reno Park Addition Historic District Project Area, the standards of this Division may be modified through the design review process, based on the standards in Division 2-1-5, Generally Applicable Lot and Building Form Standards, Appendix A, the Design Guidelines for Olde Town Arvada, and Appendix B, the Design Guidelines for the Reno Park Addition Historic District.

5-1-2-2 Evaluation of Aesthetic Consistency

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

5-1-2-3 General Building Design Standards

- A. **Building Orientation.** All buildings shall emphasize the location and importance of the entryways.
 - 1. The main entrance or a courtyard leading to the main entrance of each principal building shall be located on the front facade.
 - 2. On corner lots, the main entrance shall face one of the streets or be oriented to the corner.
- B. **Massing.** Buildings shall be designed to avoid a monolithic appearance when viewed from the street.
- C. **Facade Materials and Design.**
 - 1. **General Requirements.**
 - a. All building exterior finish materials shall be durable and consistent with the architectural style for that building.
 - b. Where lap siding is used, it shall have a maximum nine-inch exposed board face.
 - c. Siding material shall be continued down to within nine inches of finished grade on any elevation, except that siding shall be allowed to step to follow grade:
 - i. Between six to 24 inches; or
 - ii. Within 24 inches maximum from finished grade.
 - 2. **Prohibited Materials.** The following materials are prohibited:
 - a. Highly reflective opaque materials;
 - b. Natural cinder block, unfinished or smooth concrete block / masonry units or concrete wall;
 - c. Metal panels with a corrugated appearance with exposed fasteners; and
 - d. Vinyl siding.
 - e. Unlisted materials that are unsuitable for exterior building applications as determined by the Director.

3. **Other Materials.** The Director may permit materials that are not listed in this Section as either allowed or limited, provided that the Director finds that they have comparable aesthetic qualities, durability, and maintenance characteristics. The Director may prohibit materials that are not listed in this Section if the Director finds that they do not have aesthetic qualities, durability, and maintenance characteristics that are comparable to the materials that are allowed or limited under this Section.
4. **Side and Rear Facade Design.** Where a side or rear facade of a residential building abuts streets, parks, or open spaces, the facade shall be designed to provide human scale by the use of all of the following:
 - a. At least one change in the vertical or horizontal wall plane within 20 feet above grade;
 - b. At least one change in the color or material of the wall;
 - c. Provision of windows, a porch, or a balcony; and
 - d. Detailing the wall with reveals, belt courses, cornices, projections, or other devices.
5. **Rear Facade Design for Double-Frontage Lots.**
 - a. Double-frontage lots shall be required to meet the standards in Section 2-1-10-5, Double-Frontage Lots, for building setbacks or stepped setbacks for taller buildings.
 - b. Structures of two stories or more shall incorporate at least one of the following rear elevation treatments:
 - i. The building façade on the rear elevation shall have brick, stone, or stucco cladding in a minimum amount equivalent to 50 percent of the façade, (excluding windows, doors, trim and vents) from the average grade to the highest eave or 9'-6" above the average grade, whichever is lowest; or
 - ii. At least 50 percent of the area of the building facade shall have a minimum four-foot horizontal difference (plan view) in the rear wall plane at the height of one of the floors.
6. **360-Degree Architecture.** All buildings shall incorporate the following design standards to create architectural interest.
 - a. **Materials.**
 - i. Where brick, stone, or stucco cladding is used, they must be applied to the building facade in a manner which begins and ends at edges related to the structure of the building (such as a window sill level, floor plane lines, or interior corners of projection or similar elements). All brick, stone or stucco cladding shall wrap around all outside building corners a minimum of two feet, and must wrap all sides of a column on which it is used. An architectural treatment shall be used to transition from brick, stone, or stucco to other materials.
 - b. **Windows and Doors.**
 - i. Windows are required on all elevations, except as provided in Division 2-1-8-5 Zero Lot Line and unless restricted by the Building Code. On facades facing streets, parks, or open space, a minimum of 20 percent of the façade shall be windows.
 - ii. Window and door openings shall be articulated on all elevations of the building through the use of:
 - a. Shutters, awnings or canopies;
 - b. Decorative lintels and/or sills (such as projecting, recessed, those constructed of materials other than the principal building material or ornamentation);

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

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

- iv. All rooftop and wall vents and flues on a pitched roof or extending above the top of the nearest parapet shall be painted with one of the predominant colors used in the primary structure.
 - v. Wall-mounted utility equipment and meters shall be screened from view from a public street and shall be painted a color to blend with the building façade.
- b. **Noise attenuation.** Equipment that generates noise perceptible at the adjacent street or property line shall be baffled or otherwise attenuated to direct unavoidable noise upward.

5-1-2-4 Building Design Standards Applicable to Single-Family Detached, Duplex, and Multiplex

- A. **Generally.** In addition to Section 5-1-2-3, General Building Design Standards, the following standards shall apply to new development or redevelopment of single-family detached, duplex, and multiplex units in all zoning districts.
- B. **Front Façade Design.** In new development of single-family detached and duplex buildings, the front façade shall have significant variation as defined below:
- 1. No identical home elevation shall be repeated directly across the street or adjacent to the other home.
 - 2. No identical model elevation shall be repeated more than once every three lots.
 - 3. Distinct elevations shall be provided by incorporating at least three of the following:
 - a. The use of different materials and color on the front facade;
 - b. Variations in the front wall plane;
 - c. Vary the size and location of the front porch;
 - d. A variation of building types;
 - e. The overall width of the front façade elevation differs by more than four feet;
 - f. The overall height of the front façade elevation differs by more than four feet; and
 - g. Windows size and shapes are substantially different.
- C. **Garages.** All garages for single-family detached and duplex buildings shall comply with Section 5-1-2-2, Evaluation of Aesthetic Consistency, and are subject to the following:
- 1. For each new development containing ten or more single-family or duplex dwelling units in all zoning districts, 50 percent of the total number of lots in the subdivision that have a street-accessed garage shall use at least one of the following garage variations:
 - a. Recessed garage doors facing the street shall be recessed a minimum of four feet behind the front wall plane of the house.
 - b. Side-loaded garages shall be located at a right angle to the street. The design of the garage wall facing the street shall have the same predominate materials used on the front façade.
 - c. Rear garages shall be located to the rear of the property either as a detached structure or part of the house. If constructed as part of the house, the part of the house, the front wall of the garage shall be setback at least 15 feet behind the front façade of the house.

2. Front loading, front-facing garages shall not constitute more than 50 percent of the total width of the building.
3. No more than three garage bays shall face the street, except when the bays are located behind the principal buildings.
4. When more than two garage bays exist, all garages doors that face a street shall include at least one two-foot-wide column or a two-foot façade setback separating each garage door.

5-1-2-5 Building Design Standards Applicable to Townhomes and Multifamily

- A. **Generally.** In addition to Section 5-1-2-3, General Building Design Standards, the following standards shall apply to new development or redevelopment of multifamily and townhome units in all zoning districts.
- B. **Building Orientation and Configuration.**
 1. **Single-Building Development.** The primary entrance of a single-building development shall face the street.
 2. **Multi-Building Development.** All buildings shall be configured so that principal building entrance are oriented towards one of the following, in order of priority:
 - a. Public streets;
 - b. Internal streets;
 - c. Courtyards; or
 - d. Open space areas.
- C. **Building Design.**
 1. All sides of a building shall display a similar level of quality and architectural detailing as on the front elevation.
 2. There shall be no blank walls. Façades shall incorporate wall offsets, in the form of projections or recesses in the façade plane of at least a two-foot depth.
 3. For projects with more than one building, a variety of front façade elevations shall be provided.
- D. **Horizontal and Vertical Articulation.**
 1. **General Standards.** All multifamily buildings shall be designed to include horizontal and vertical articulation with at least two of the methods listed below for each interval of 50 feet or less on each street-facing building façade.
 2. **Articulation Methods.**
 - a. Visual breaks in the façade by incorporating a horizontal wall plane offset or projection of at least three feet extending for at least 20 percent of the average width of the primary façade.
 - b. A change in materials, colors, textures, or patterns.
 - c. A change in window sizes, styles, or placement across the façade.
 - d. A change in roof or parapet height of a least three feet, or a change in roof form.
 - e. Incorporation of a wall notch in combination with at least one option from above (a.-d.). Wall notches shall be a minimum of three feet deep and eight feet wide and shall total at least 20 percent of the façade length.
 - f. Use of masonry such as brick, stone, or other durable material to delineate the ground floor.

- g. Use of an arcade, gallery, or colonnade to accentuate the ground floor.
 - h. Use of enhanced architectural detailing or fenestration.
 - i. Use of cornices or projecting roof lines.
- E. **Wall Offsets.** Townhome buildings shall be designed to differentiate the individual townhome units. Appropriate treatments include, but are not limited to, offsets, changes in cladding material and color, changes in window shape and placement, and changes in roof line.
- F. **Entryway Design.** The front entry of at least one townhome, and at least one front entry of each multifamily building, adjacent to a public or private streets shall be emphasized by the use of at least one of the following:
- 1. A covered front porch with a minimum area of 24 square feet, extending at least six feet beyond the front wall plane of the home;
 - 2. An elevation of at least one foot above the grade of the nearest sidewalk;
 - 3. The inclusion of side-lights or transom-lights in the entry design; or
 - 4. The installation of taller or denser landscaping than would otherwise be required by Section 4-6-6-6, Single-Family Detached, Duplex, Multiplex, and Townhome Front Yards.
- G. **Balconies, Porches, and Stairways.**
- 1. Multifamily residential buildings shall provide at least 75 percent of the total dwelling units with at least one private outdoor yard, patio, or balcony with a minimum dimension of at least six feet along one dimension, and a minimum area of 24 square feet.
 - 2. The use of exterior staircases is discouraged without integration into the overall design.
- H. **Roof Design, Materials, and Equipment.**
- 1. **Roof Design.**
 - a. Multifamily residential buildings shall include elements to avoid long, flat roof surfaces, by incorporating at least one of the following, with a minimum spacing of 100 feet:
 - i. Projecting gables;
 - ii. Dormers;
 - iii. Hips;
 - iv. Vertical elevation change in roof height of at least two feet; or
 - v. Other similar techniques approved by the Director.
 - b. All sloped roofs shall have overhanging eaves of at least one foot in depth, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall.
 - c. On all structures exceeding three stories in height, all pitched roofs shall be internally drained, and external scuppers and wall drains shall be prohibited.
 - 2. **Roof Materials.** Visible roofs of multifamily residential buildings may be constructed of conventional asphalt (3-tab) roofs, architectural metal, or other acceptable material, but roofs constructed of clay or concrete tiles, slate, Masonite, or heavy duty/hail resistant dimensional composition are preferred. All composition shingle roofing shall be constructed using high-profile, textured shingles.
- I. **Garage and Carport Design**
- 1. Garages and carports shall be designed to comply with Section 5-1-2-2, Evaluation of Aesthetic Consistency.

2. Except as provided in Section 5-1-6-6, Single-Story Detached Garages as Perimeter Walls, detached garages or carports shall be located to the side or rear of the residential building(s).
3. Freestanding garages or carports visible from public streets outside the development shall be oriented perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features contained in Section 5-1-6-6 Single-Story Detached Garages as Perimeter Walls.
4. Except as provided in Section 5-1-6-6, Single-Story Detached Garages as Perimeter Walls detached garages shall not project beyond the front façade of the multifamily building.

5-1-2-6 Nonresidential and Mixed-Use Design Standards

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

- d. Frame and emphasize other site improvements as approved by the Director.
 - 2. Developments composed of multiple buildings totaling 100,000 square feet or more of gross floor area shall be configured to break up the site into a series of smaller blocks.
- E. **Building Design.** The following building design standards are intended to provide architectural interest.
- 1. **Design of Facades.**
 - a. The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features.
 - b. Architectural features and treatments shall not be limited to a single façade. All visible sides of a building, whether viewed from public or private property, shall display a similar level of quality and architectural interest, with elements such as windows, awnings, a variety of exterior materials, reveals, and other similar features.
 - 2. **Horizontal and Vertical Articulation.**
 - a. **General Standards.** All buildings shall be designed to include horizontal and vertical articulation by incorporating elements such as:
 - i. Single story commercial buildings shall use at least three of the horizontal articulation methods listed below at an interval of 50 feet or less on each façade.
 - ii. Single story industrial buildings shall use at least two of the horizontal articulation methods listed below at an interval of 100 feet or less on each.
 - iii. All multi-story commercial, mixed-use, and multifamily buildings, and industrial buildings in the I-L zoning district, shall use at least two of the horizontal articulation methods listed below at an interval of 50 feet or less on each street-facing building façade.
 - b. **Articulation Methods.**
 - i. Visual breaks in the façade by incorporating a horizontal wall plane offset or projection of at least three feet extending for at least 20 percent of the average width of the primary façade.
 - ii. A change in materials, colors, textures, or pattern.
 - iii. A change in window sizes, styles, or placement across the façade.
 - iv. A change in roof or parapet height of at least three feet, or a change in roof form.
 - v. Incorporation of a wall notch in combination with at least one option from (i.-iv.) above. Wall notches shall be a minimum of three feet deep and eight feet wide and shall total at least 20 percent of the façade length.
 - vi. Use of masonry such as brick or stone, or other durable material to delineate the ground floor.
 - vii. Use of an arcade, gallery or colonnade to accentuate the ground floor.
 - viii. Use of enhanced architectural detailing or fenestration.
 - ix. Use of cornices or projecting roof lines.

Figure 5-2-1-6: Horizontal and Vertical Articulation



- F. **Building Transparency.** The ground floor of all buildings located within the building frontage zone that faces a public or private street shall provide transparency to increase pedestrian interest by incorporating window and door openings so that the uses are visible from and to the street. The following shall apply:
1. At least 40 percent of the façade between two feet and 10 feet above grade, must be transparent.
 2. Up to 20 percent of the building transparency requirement may be satisfied with permanent art displays.
- G. **Roofs Materials and Roof Form.**
1. **Roof Materials.** Visible roofs may be constructed of conventional asphalt (3-tab) roofs, architectural metal, or other acceptable material, but roofs constructed of clay or concrete tiles, slate, Masonite, or heavy duty/hail resistant dimensional composition are preferred. All composition shingle roofing shall be constructed using high profile, textured shingles.
 2. **Roof Form.**
 - a. Where sloped roofs are used, at least one of the following elements shall be incorporated into the design for each 100 linear feet of roof to avoid long, flat roof surfaces:
 - i. Projecting gables,
 - ii. Dormers,
 - iii. Hips,
 - iv. Vertical elevation change in roof height of at least two feet, or
 - v. Other similar techniques as approved by the Director.
 - b. Where flat roofs are used, the design or height of the parapet shall include at least one change in setback or height of at least two feet along each 100 linear feet of façade.
 - c. On all structures exceeding three stories in height, all pitched roofs shall be internally drained, and external scuppers and wall drains shall be prohibited.
 - d. All sloped roofs shall have overhanging eaves of at least one foot in depth, and roofs with a pitch of less than 2:12 shall be screened by a parapet wall.

5-1-2-7 Standardized Nonresidential Buildings

- A. **Generally.** Nonresidential buildings that propose to utilize a standardized corporate architecture are subject to the standards of this Subsection.
- B. **General Standards.**
 - 1. New principal buildings that express a standardized corporate identity shall incorporate at least two of the following elements to create a facade and building design that is consistent with those on an existing principal building that is visible from the proposed building and located within 500 feet:
 - a. A comparable roofline or roof material;
 - b. Comparable or complimentary facade colors and materials;
 - c. Comparable pedestrian entry locations or entryway architecture; or
 - d. Comparable amounts and proportions of glazing on street-facing facades.

5-1-2-8 Industrial, Self-Storage, or Distribution

- A. **Generally.** In addition to the standards in Division 5-1-2, Building and Structure Design Standards, the following standards shall apply.
- B. **Building Design.**
 - 1. No facade of an industrial structure may exceed 40 feet in height without a change in cladding material or surface plane.
 - 2. Each primary entrance for employees or visitors that faces a public right-of-way shall be emphasized through the use of differing colors or materials, arches, arcades, or other architectural treatments.
 - 3. Except in the IG zoning district, all front facades of primary structures, and all side wall facades within 40 feet of the front facade, shall be of masonry (brick, stone, and/or stucco).
 - 4. All primary structures with flat roofs shall include a parapet or fascia around all sides of the building.
 - 5. Except in the IG zoning district, walls other than the front facade of a principal building may be clad with architectural metals, but when such metals are used on side wall facades they shall not extend closer than 40 feet to the front facade of the building.
 - 6. Facades of the primary structure shall incorporate architectural relief through the use of at least two of the following tools:
 - a. Reveals or visible joint patterns;
 - b. Projected sills;
 - c. Belt courses, reporting brick header and stretcher courses; or
 - d. Differing colors and textures.
 - 7. Wherever consistent with the standards above, the design of primary structures shall reflect the activities conducted within the building, or the mechanical or structural systems of the building, through the use of special roof shapes (such as skylights) or special corner treatments.
- C. **Additional Standards for IL and IG Zoning Districts.** Self-storage located in IL and IG zoning districts shall be contained within an enclosed building or buildings. All buildings shall be architecturally compatible with the surrounding zoning. Architectural compatibility shall be measured as follows:

1. Buildings constructed abutting a residential zone district shall employ sloped roofs and shall display wall relief features and colors commonly found in residential construction .
 2. Buildings abutting CG zone district may employ less variation.
- D. **Additional Standards for CG and MX-S Zoning Districts.** Self-storage buildings identified as a conditional use in the CG and M-X zoning districts shall also meet the following standards:
1. **Vertical Dimensions.** All self-storage buildings shall be multi-story. Self-storage buildings shall be designed with a "Primary Corner Element. The Primary Corner Element must consist of an area that is between 15 and 40 percent of the building print which appears to have a variation in height as follows:
 - a. The Primary Corner Element must contain at least one offset in building or parapet height of at least 2.5 feet; and
 - b. The Primary Corner Element shall be designed so that it is a prominent feature of the front and, if present, a street-side elevation. If there is more than one street frontage, then this requirement applies only to the primary street frontage.
 2. **Horizontal Dimensions.**
 - a. Vertical planes of building elevations shall be horizontally offset at least one foot at intervals not to exceed 50 feet. Such offsets shall have a horizontal dimension of at least five feet. Such offsets are not required on the ground floor. The roofline shall be differentiated for each interval (e.g., variations in parapet design, vertical articulation, changes in materials, changes in forms, etc.).
 - b. Vertical planes of the Primary Corner Element shall be offset outward from other vertical planes of the building by at least two feet, regardless of the horizontal distance to the next vertical plane offset.
 3. **Transparency**
 - a. In the CG and MX-S zoning districts, street facing walls of the Primary Corner Element shall include windows or glass doors of not less than 25 percent, and all other building elevations shall include windows (or translucent cladding materials that closely resemble windows) of not less than 15 percent.
 4. **Building Access.**
 - a. The principal public entrance to the building shall be incorporated into the Primary Corner Element as a prominent feature. All other doors (overhead doors and standard doors) that are visible from outside the building, directly or through the windows, shall be de-emphasized through the use of colors that closely resemble the colors of the surrounding walls or façade. Bright, primary, and fluorescent colors are not allowed.
 - b. No overhead doors shall be located within:
 - i. Fifty feet of a residential property line; or
 - ii. Ten feet of a major building corner of a building elevation.
 - c. In the CG and MX-S zoning districts:
 - i. Not more than one overhead door may be located on the front building elevation.
 - ii. All other exterior overhead doors shall be screened from view from abutting streets and residential zone districts with a bufferyard type in Section 4-6-5-3 or equivalent screening approved by the Director.

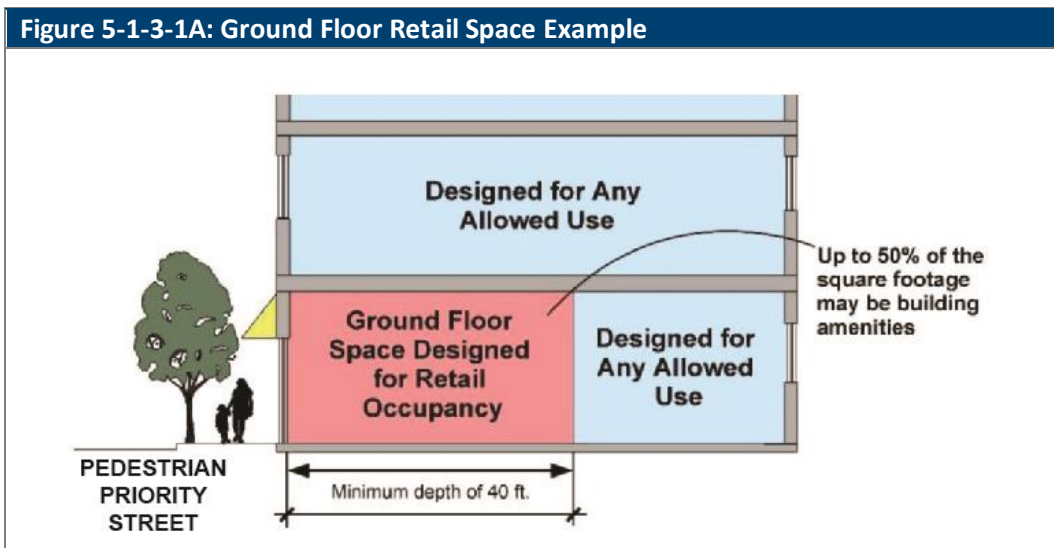
- d. Elevated truck loading docks shall not be located on the primary street frontage or on elevations that abut a residential property line.
- E. **Cladding Materials.** Buildings shall be clad with a mix of durable, low maintenance materials that convey an appearance of quality.
1. Allowed cladding materials include:
 - a. High grade metal composite panels with a durable, factory-applied finish, provided that colors or textures are varied to prevent a monolithic appearance;
 - b. Brick, brick veneer, stone, simulated stone, or stucco;
 - c. Cement fiberboard; or
 - d. Concrete masonry units (“CMUs”) with integrated color, provided that the outer surface of the CMUs is either split face or ground face.
 2. Prohibited cladding materials include:
 - a. Un-backed, non-composite sheet metal products (e.g., standing-seam metal or flat panels that may oil-can or easily dent);
 - b. Smooth face CMUs that are painted or unfinished;
 - c. Board and batten siding;
 - d. Plastic or vinyl siding; or
 - e. Unfinished wood.
 3. Other cladding materials that are not listed above may be approved by the Director based on a determination of their durability, quality, and appearance compared to the allowed cladding materials as described above.

Division 5-1-3 Pedestrian Priority Streets

5-1-3-1 Pedestrian Priority Streets

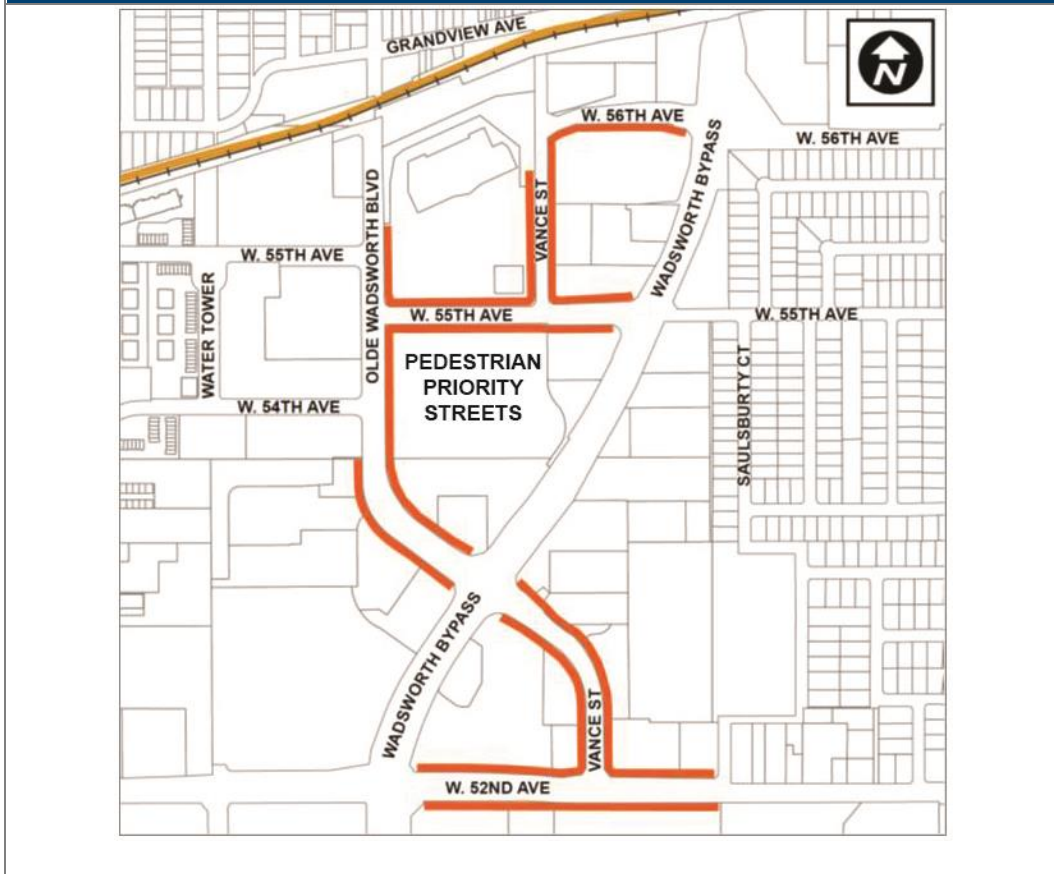
- A. **Generally.** Certain streets in the MX zoning districts shall have the designation of “Pedestrian Priority Street” and principal buildings fronting these pedestrian-oriented streets shall have building standards to encourage ground floor activation and commercial uses. See Figure 5-1-3-1B.
- B. **Standards.** All buildings located adjacent to a Pedestrian Priority Street shall meet the following requirements:
 1. A minimum of 50 percent of the ground floor frontage of the building shall be designed to accommodate commercial uses and shall meet comply with the current International Building Code requirements for commercial occupancy.
 2. Buildings within the frontage zone required per Table 2-1-4-4A shall be a minimum of 25 feet in height and have at least two usable floors for allowable uses.
 3. The minimum first floor height measured from grade to the second story finished floor level floor shall be 13.5 feet.
 4. The minimum retail depth on the first floor shall be 40 feet. See Figure 5-1-3-1A, Ground Floor Retail Space.
 5. Amenities associated with the building may occupy up to 50 percent of the space designated for commercial occupancy.

6. At least 50 percent of the wall area on street facing façade between two and 10.5 feet above grade shall be occupied by windows and/or entry doors. These windows and doors shall meet the following requirements:
 - a. Utilize clear transparent glass in order to provide clear views of building interiors from the street and to allow natural surveillance of the street and adjacent outdoor spaces.
 - b. Tint, internal screening, patterns or mirrored coatings are prohibited.
 - c. Coatings shall be limited to those necessary to meet the minimum U-factor requirement in the latest addition of the International Energy Conservation Code.
 - d. Be of commercial grade and design.
 - e. The surface shall not be covered or obstructed by products, signs in excess of those permitted by Section 6-1-5-1, Additional Standards for Attached Permanent Signs, or other opaque materials placed behind the window, except for typical interior furnishings.
7. All ground floor users shall provide a primary entrance facing the street, placed at an angle not more than 45 degrees from the adjacent street or within 50 feet of the street with a direct pedestrian connection from the priority street.
8. All principal building entrances located along priority streets shall be at grade.
9. Recessed entrances shall not be wider than one third of the entire frontage along the streets.
10. Parking garage facilities located adjacent to a Pedestrian Priority Street must be designed according to the requirement of Section 5-1-6-10, Parking Garage Structured.



- C. **Location.** Pedestrian Priority Streets are located in the MX-T zoning districts where pedestrian-oriented and “main streets” are desirable as shown in Figure 5-1-3-1B, Pedestrian Priority Streets in MX-T Zoning District.

Figure 5-1-3-1B: Pedestrian Priority Streets in MX-T Zoning District.



Division 5-1-4 Supplemental Standards for All Land Uses

5-1-4-1 Decks, Balconies, and Porches

- A. **Generally.** The standards of this Section apply to decks, balconies, and porches in all zoning districts.
 - 1. Certain decks, balconies, and porches may encroach into required setbacks as permitted by Section 2-1-10-1, Exceptions to Setback Standards.
 - 2. Decks, balconies, and porches shall not encroach upon utility easements, access easements, ditch easements, public rights-of-way, or adjacent property unless the Applicant provides proof of consent from the owner of the affected easement or property.
- B. **Decks and Balconies.** No deck shall have a surface that is elevated higher than the floor level line or roofline of the second floor of the principal building. Balconies may be located above the second floor.
- C. **Covered and/or Enclosed Porches or Patios.** Covered and/or enclosed porches are subject to the same requirements as the building to which they are attached except Section 2-1-10-1, Exceptions to Setback Standards.
- D. Decks, balconies and porches shall be aesthetically consistent with the principal building.

5-1-4-2 Swimming Pools, Hot Tubs, and Spas

- A. **Generally.** Outdoor swimming pools, hot tubs, and spas shall comply with the standards of this Section.
- B. **Location and Setbacks.**
 - 1. No swimming pools, hot tubs, or spas shall be located in a front yard or street side yard setback area.
 - 2. Swimming pools, hot tubs, and spas shall be set back ten feet from property lines.
- C. **Enclosure.** All swimming pools, hot tubs, and spas shall be enclosed as required by Section 303 of the International Property Maintenance Code (“IPMC”). Such enclosures shall be set back from property lines as may be required by Article 4-7, Fences and Divisional Walls.

5-1-4-3 Mini-Structures

“Mini-Structures,” including small sheds, playhouses and gazebos, are allowed as provided in Table 5-1-4-3, Mini-Structure Standards.

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

5-1-4-4 Renewable Energy Systems

- A. **Generally.** Renewable Energy Systems shall comply with the applicable standards of this Section.
 - 1. **Photovoltaic Arrays and Solar Water Heaters.**
 - a. Photovoltaic arrays and solar water heaters may be roof-mounted on buildings and roofed structures in all zoning districts, or installed on building facades.
 - b. Ground-mounted photovoltaic arrays and solar water heaters shall conform to the following standards:
 - i. The installation shall be in a location and configuration that prevents glare that interferes with the use and enjoyment of adjacent property.
 - ii. If the highest point on the panels is more than six feet above grade, the panels shall be set back as if they were detached accessory buildings.

- B. **Small Wind Energy Conversion Systems.** Small wind energy conversion systems (“SWECs”) shall comply with the requirements set out in Table 5-1-4-4, Small Wind Energy Conversion System (“SWEC”) Standards.

Table 5-1-4-4: Small Wind Energy Conversion System (“SWEC”) Standards			
Standard	Nameplate Capacity		
	Less than 1 kW	1 to 10 kW	More than 10 kW, up to 100 kW
Zoning District	Any, as an accessory use	Any, as an accessory use	I-L or I-G, or Subject Property is within a PUD and is approved for industrial use
Minimum Lot Area, Horizontal Axis Turbine	Any	1 acre	20 acres
Minimum Lot Area, Vertical Axis Turbine	Any	1/2 acre	10 acres
Maximum Height, Horizontal Axis Turbine	35 ft.	60 ft.	150 ft.
Maximum Height, Vertical Axis Turbine	30 ft.	30 ft.	120 ft.
Minimum Setbacks, All Property Lines	Same as principal building; not allowed in front yards of residential property	Height of tower ^{1,2}	Height of tower ^{1,2}
Minimum Setbacks, Overhead Utility Lines	-	Height of tower ¹	Height of tower ¹
Access Restrictions	-	Access to the SWEC shall be limited by: A six-foot tall fence around the base of the tower provided it meets the requirement fence Section 4-7-2-1; A design that limits tower climbing apparatus to at least 12 feet above grade; or A design that does not include climbing apparatus because the turbine is lowered for service. All access doors or panels to wind turbine towers and electrical equipment shall be secured.	
Maximum Noise at Property Line	40 dBA		
Finishes	Turbines shall be a non-reflective, non-obtrusive color. Towers shall have galvanized steel, brushed aluminum, or white finish, unless FAA standards require otherwise.		
Controls and Wiring	Electrical controls, control wiring, and power-lines shall be located underground.		
Electromagnetic Interference	Generators shall not create electromagnetic interference on adjacent properties.		
TABLE NOTES: ¹ The height of horizontal axis wind turbines is measured from grade to the top of the structure (including generator with rotor at highest point). The height of vertical axis wind turbines is measured from grade to the top of the tower or highest point on the turbine). ² Minimum setback may be substituted with a fully-executed easement from the owners of property within the setback radius, in which no principal structures will be constructed.			

Division 5-1-5 Supplemental Standards for Residential Land Uses (Except Multifamily)

5-1-5-1 General Limitations

- A. **Generally.** The standards of this Section apply to all accessory buildings and accessory structures on lots that are developed with residential uses (except vertically mixed-use buildings and multifamily buildings, which are subject to Division 5-1-6, Supplemental Standards for Nonresidential and Multifamily Land Uses).
- B. **Timing of Construction or Installation.** No accessory buildings or accessory structures shall be allowed on a subject property until after all required permits and approvals for the principal use or activity have been issued.
- C. **Relationship to Other Standards.** Accessory buildings and accessory structures shall comply with all applicable zoning districts standards where located and the building design standards in Division 5-1-2-3, General Building Design Standards, except as expressly allowed or exempted in this Division.
- D. **Location.**
 - 1. No accessory building or accessory structure shall be located within any public easement, utility easement, or ditch easement, except as otherwise expressly agreed to in writing by the entity that holds the easement rights.
 - 2. Walls of detached accessory buildings or accessory structures that are identified in this Division shall be set back at least five feet from any principal building or other accessory structure. Nothing in this Section shall prohibit an accessory garage that is located five feet or more from the principal dwelling unit from being attached to the principal building by a breezeway or similar open structure.
- E. **Maximum Coverage.** Except as otherwise expressly allowed in this Division, and except for accessory recreational facilities (e.g., swimming pools or tennis courts), accessory structures shall not cover cumulatively more land than the principal building.
- F. **Maximum Height.** Except for antennas and as otherwise expressly allowed in this Division, the height limitations set forth in the underlying zoning districts shall apply to all accessory buildings and structures.
- G. **Dwelling Unit Prohibited.** Except as expressly allowed by Section 5-1-5-2, Accessory Dwelling Units, no dwelling unit shall be located in any accessory structure or accessory building.
- H. **Limits on Mobile Homes, Manufactured Homes, and Recreational Vehicles.** No mobile home, manufactured home, or recreational vehicle shall be used for an accessory use.
- I. **Fabric Accessory Structures.** Fabric accessory structures are not allowed, except in the cases of:
 - 1. Mini-structures; and
 - 2. Shade structures in rear yards of single-family residential, duplex, multiplex, or townhome buildings.

5-1-5-2 Accessory Dwelling Units

- A. **Generally.** Accessory Dwelling Units (“ADUs”) are allowed in conjunction with all single-family detached dwellings in residential, OT and MX zoning districts, subject to the standards in this Section.

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

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

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

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

5. The above restrictions are binding upon any successor in ownership of the property;
 6. The deed restrictions shall lapse upon removal of the ADU. To effect this intent, and upon verification of such removal, the Director shall record appropriate documentation releasing such encumbrance. The property owner shall pay all required recording fees, and it shall be the Applicant's responsibility to ensure that such recording was successfully completed.
- M. **Existing Development on Lot.** A single-family detached dwelling unit must exist as a principal dwelling unit on the lot or be constructed simultaneously with the ADU. A certificate of occupancy will only be issued for an ADU after it has been issued for the principal dwelling unit.

5-1-5-3 Accessory Buildings

- A. **Generally.**
1. Storage sheds, studios, cabanas, stables, loafing sheds, barns, and detached garages requiring a building permit shall comply with the standards of this Section. Accessory dwelling units are subject to Section 5-1-5-2, Accessory Dwelling Units, and not this Section.
 2. Stables, loafing sheds, and barns are allowed only in RA and RN-32.5 zoning districts.
 3. Except for barns and stables, each Accessory Building shall have a square footage area that is less than the footprint of the living area of the principal dwelling unit.
- B. **Number.** The maximum number of Accessory Buildings that may be constructed or installed upon a residential lot is based on the zoning district and lot size, and shall be as set forth in Table 5-1-5-3A, Maximum Number of Accessory Buildings.

Table 5-1-5-3A: Maximum Number of Accessory Buildings	
Zoning District	Maximum Number of Accessory Buildings
RN-4	2
RN-6, RN-7.5, RN-D	3
RN-12.5	4
RN-32.5	6
RA: lot less than 5 acres	6
RA: lot 5 acres or larger	7
R6, R13, R24, OT Form, and MX Zoning Districts and Lot Type	
Small Urban, Urban	-
Small General	2
General, Small Suburban, Suburban,	3
Cluster	1

- C. **Building Coverage.** Accessory Buildings are counted towards the combined square footage of the principal building footprint and accessory structure(s) and shall not exceed the zoning district maximum lot coverage limitations.
- D. **Height.** Accessory Buildings shall not exceed the maximum height for accessory buildings identified in the zoning districts in Chapter 2, Zoning Districts.
- E. **Location.**
1. **All Zoning Districts except RA.** Accessory Buildings shall be:
 - a. Located outside of the setbacks identified in the zoning districts. (See Chapter 2, Zoning Districts); and
 - b. Set back on the same plane as the nearest front façade of the principal building.

2. **RA Zoning District.** Accessory Buildings may be located in any yard, and must meet the required setbacks.
 3. **Accessory Buildings.** With the exception of non-residential gas station canopies, gas station or car wash facilities where allowed, and security/entry booths, accessory buildings shall not be in the front or side yards.
- F. **Design.** The design of detached garages shall be aesthetically consistent with the design of the principal building. See Section 5-1-2-2, Evaluation of Aesthetic Consistency, for applicable standards.

5-1-5-4 Satellite Dishes and Antennas; Amateur Radio Antennas

- A. **Generally.** The standards of this Section apply to satellite dishes and antennas that the Federal Communications Commission (“FCC”) has designated as “over-the-air-reception-devices” (“OTARD”), which are typically associated with residential uses; and to amateur (“HAM”) radio antennas. These standards are not applicable to facilities that are used for commercial purposes or the provision of personal wireless telecommunication services to people who do not reside on the lot on which the dish or antenna is located.
- B. **TV Antennas, DTV Antennas, Wireless Cable Antennas, and Satellite Dishes One Meter or Less in Diameter.**
1. The following OTARD are permitted if they are attached to a building or mounted on a mast that extends not more than 12 feet above the highest peak of the roof:
 - a. TV antennas;
 - b. Wireless cable antennas; or
 - c. Satellite dishes that are one meter or less in diameter.
 2. Unless such location is unreasonable in that it does not offer acceptable quality reception or transmission, or it would present an unreasonable expense compared to an alternative location, OTARD shall be mounted on rear building elevations. If the rear building elevation is unreasonable, OTARD shall be mounted on interior side building elevations, as far towards the rear of the building as will not make the location unreasonable. If the interior side building elevation is unreasonable, OTARD shall be mounted on street side building elevations or masts that are as low as possible so as not to be unreasonable. Masts that are not mounted on the building shall be set back from property lines as required for principal buildings.
 3. OTARD shall be mounted as inconspicuously as possible.
 4. Only one satellite dish per dwelling unit is permitted.
 5. Dishes and antennas no longer in use shall be promptly removed.
 6. Subject to operational requirements, the satellite dish color shall be a neutral color (i.e., white or gray), and blend in with the surroundings. No additional signage is permitted on the satellite dish other than the logos of the satellite dish service provider or dish manufacturer.
- C. **Satellite Dishes That Are More Than One Meter in Diameter.** Satellite dishes that are more than one meter in diameter are permitted if:
1. They are located on the ground in the rear yard and are not visible from ground-level views from public rights-of-way or adjoining properties; or

2. If the dish cannot be located in the rear yard, it is located on the ground within the permitted building envelope on the side of the building, and the dish or antenna is fully screened from view from public rights-of-way with:
 - a. A screen fence or wall; or
 - b. Evergreen shrubs or trees.
 3. Where feasible, all cabling must be run internally (or underground, as appropriate), securely attached, and as inconspicuous as practicable.
- D. **Amateur Radio Antennas.** Amateur radio antennas are permitted if the following standards are met:
1. Height, setbacks, and screening for the antenna structure shall be as provided in Table 5-1-5-4, Amateur Radio Antennas.
 2. Support structures that are not attached to the antenna structure shall be treated as accessory structures for the purposes of height, setbacks, and screening.

Table 5-1-5-4: Amateur Radio Antennas					
Height of Antenna	Minimum Lot Area	Min. Front Setback	Min. Street Side Setback	Min. Side and Rear Setback	Required Screening
120 ft.	Greater than two acres	Height of antenna	Height of antenna	Height of antenna	Continuous evergreen hedge around sides of base that face lot lines; Three small trees, located to maximize interruption of views from adjacent property and public rights-of-way. Existing vegetation that provides comparable screening may be applied toward this requirement.
72 ft.	12,000 sf.	Height of antenna	Height of antenna	Height of antenna	
40 ft.	Under 12,000 sf.	Height of antenna			None

Division 5-1-6 Supplemental Standards for Nonresidential and Multifamily Land Uses

5-1-6-1 General Limitations

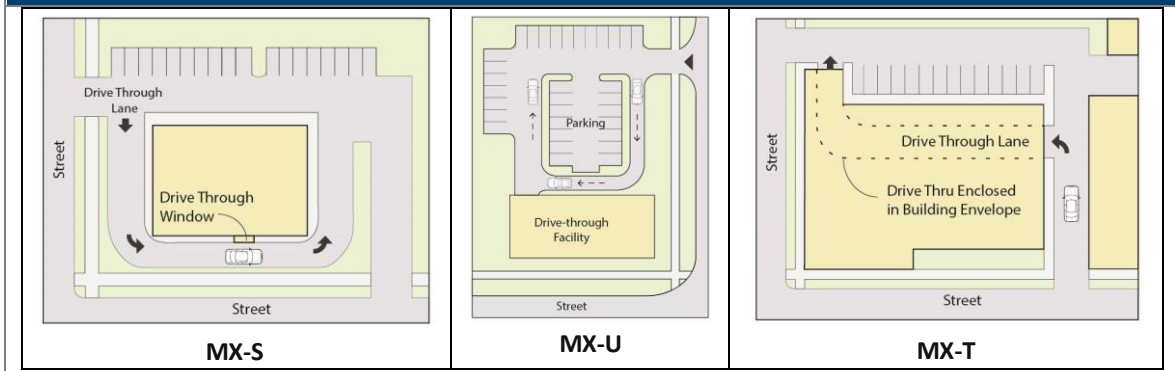
- A. **Generally.** The standards of this Section apply to all lots that are developed with nonresidential uses, vertically mixed-use buildings, and multifamily buildings.
- B. **Applicable Standards.** All buildings shall comply with the standards in all the applicable zoning districts where located and the design standards in Division 5-1-2-3, General Building Design Standards, imposed on the associated principal building or principal use, except as expressly allowed or exempted in this Section.
- C. **Limits on Mobile Homes, Manufactured Homes, and Recreational Vehicles.** No mobile home, manufactured home, or recreational vehicle shall be used as a principal building.
- D. **Fabric Accessory Structures.** Fabric structures are not allowed, except in the cases of:

1. Mini-structures;
2. Uses that are located in IL or IG zoning districts;
3. Temporary uses that are approved according to the standards of Division 3-1-4, Temporary Uses;
4. Shade structures that cover public recreational uses.

5-1-6-2 Drive-Through Facilities

- A. **Generally.** Drive-through facilities are subject to the standards of this Section.
- B. **Design Standards.**
 1. **Location.** Uses with drive-through facilities shall be located on properties with frontage on an arterial or collector street. Drive-through facilities are prohibited in the OT zoning district.
 2. **Speakers.**
 - a. Speakers shall not be oriented towards an adjacent residential zone district unless an intervening building exists. Where an intervening building does not exist, the following shall also apply to minimize the speaker noise impact on an adjacent property:
 - i. If the speaker is located within 15 feet or more of the property line, a solid wall with a minimum height of 6 feet shall be installed on the property line.
 3. **MX Zoning Districts.** In MX zoning districts, a drive-through facility shall be subject to the following:
 - a. In MX-S zoning district, a drive-through lane may be located in the area between a building and a public street. The drive-through lane shall be screened from the public street by landscaping or a low decorative wall to a minimum height of 48 inches. If a low screen wall is installed, the construction material shall be aesthetically consistent with the first floor exterior color and materials used on the principal building or provide a comparable level of quality.
 - b. In the MX-U zoning district, a drive-through lane shall not be located in the area between a building and a public street. The drive-through windows shall not face a public street.
 - c. In the MX-T zoning district, a drive-through lane shall be designed so that it is enclosed within the envelope of the building, the drive through windows are not visible from adjacent public streets and the drive-through lane shall not be located in the area between a building and a public street.

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



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

5-1-6-3 Outdoor Storage, Retail Display, and Outdoor Dining Areas

- A. **Generally.** Outdoor storage, outdoor retail display, and outdoor dining areas are subject to the standards of this Section.
- B. **Location.**
1. Outdoor storage areas are not allowed in Olde Town zoning district.
 2. Outdoor storage areas shall not be located within 300 feet of a RA or RN zoning district, except within the area south of West 60th Avenue and east of Lamar Street.
 3. Outdoor retail display and outdoor dining areas shall not be located within 100 feet of a RA or RN zoning district.
 4. No outdoor retail display may be located on a required parking area except for approved temporary outdoor sales.
 5. No outdoor retail may be located on a required landscape area.
- C. **Setbacks.**
1. **Outdoor Retail Display and Outdoor Dining.** Outdoor retail display and outdoor dining areas are allowed and shall be set back as required for the principal building, except that within the Olde Town zoning district, such areas may be extended onto the adjacent sidewalk or plaza if the City approves such extension using a revocable right-of-way license.

5-1-6-4 Unattended Donation Collection Boxes

- A. At a minimum, each bin shall display the name, address and telephone number for the person, business, or organization responsible for placing and maintaining the bin.
- B. Only one bin is permitted per lot, and each bin shall not exceed a footprint of 25 square feet or be taller than six feet in height. Bins shall be made of metal, steel, or similar durable product.
- C. No donation collection bin shall be located on property zoned for residential use, except for places of assembly and public or private elementary, vocational or secondary schools.

- D. Each bin shall be located on an improved durable, drainable surface. If placed in a parking area, the bin shall not reduce the number of available parking spaces below the minimum number required for the lot.
- E. No bin shall be placed in the following locations:
 - 1. Within a required building setback;
 - 2. Within a site visibility triangle;
 - 3. Within an access easement;
 - 4. In a driveway, sidewalk, or other pedestrian circulation area;
 - 5. Within five feet of any fire hydrant;
 - 6. Within any fire lane;
 - 7. Within required landscaped areas;
 - 8. In whole or in part upon any portion of a public-right-of-way or projecting onto or over any part of a public right-of-way; or
 - 9. On an undeveloped parcel of land.
- F. Each donation collection bin shall be serviced and emptied as needed or within 24 hours of a request by the property owner or city.
- G. Each bin shall be enclosed by use of a one-way receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.
- H. Each bin shall clearly display a sign indicating that no donated items, garbage or other debris is to be left outside of the bin.
- I. At the time the bin is removed, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

5-1-6-5 Trash Collection and Compaction

- A. **Generally.** Nonresidential, mixed-use, multifamily, and clustered small housing development shall include a designated trash collection and / or compaction area, which shall be located and designed to ensure adequate on-site maneuvering area for trash collection vehicles. Residential subdivisions may include designated trash collection and / or compaction areas, which, if provided, must also comply with the standards of this Section.
- B. **Location.**
 - 1. Each trash collection, including recycling bins, or compaction area shall be located not less than 20 feet away from lots used for single-family detached, duplex, multiplex, or townhome uses, and at least 20 feet away from streets, sidewalks, and internal pedestrian circulation systems. Such areas shall be located on the site in the following order of priority (highest priority listed first, and higher order priorities are eliminated only if infeasible):
 - a. In a screened enclosure that is connected to or adjacent to the rear of the principal building;
 - b. In the rear yard; or
 - c. In the interior side yard;

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

5-1-6-6 Single-Story Detached Garages as Perimeter Walls

- A. **Generally.** Single-story detached garages may be constructed as perimeter walls of townhome and multifamily sites as provided in this Section.
- B. **Height.** The height of the garage building, measured from the finished grade at the outside building line of the garage shall not exceed:
 1. Six feet to bottom of the eave line on the outside face of the garage building; and
 2. 12 feet to the highest point on the ridge line of the roof.
- C. **Offsets.** The outside-facing walls of the garage buildings ("perimeter walls") shall be interrupted or offset by a distance of at least two feet at intervals of at least 60 feet in facade width. The offset or interruption shall have a width of at least 12 feet.
- D. **Location.** If the outside walls of the garages are used as part of a required bufferyard, they shall be installed on the inside boundary of the bufferyard, with landscaping installed between the garage building and the property line.

5-1-6-7 Custodial Unit

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

5-1-6-8 Parking Garage, Structured.

- A. A freestanding garage parking structure or structure that is incorporated into a residential or nonresidential building shall include:
 1. Façade openings that face a public street or open space shall be vertically and horizontally aligned and all floors fronting on those façades shall be level, not inclined.

2. The first floor façade of a parking garage located adjacent to a public street shall be designed to encourage and complement pedestrian-scale interest and activity through the inclusion of at least three architectural elements such as arcades, windows, awnings, overhangs, screens, grills, louvers or other similar non-opaque features.
 3. Parking garage shall be designed so that motorized vehicles parked on all levels of the structure are screened to a minimum height of 42 inches.
- B. Within the MX-U zoning district, the ground floor façade of a structured parking facility that abuts a public sidewalk, street, or open space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed with a minimum unfinished floor to ceiling height of 13.5 feet in order to allow occupancy by uses other than parking that are allowed in the underlying zone district. Within the MX-T zoning district, parking garage facilities located adjacent to a pedestrian priority street shall contain retail or office uses on the first floor fronting the street, or be wrapped with development of equal or greater height than the parking structure. At least 50 percent of a street-level facing a public sidewalk, street, or open space area shall contain retail or office uses to a minimum depth of 60 feet. *See* Division 5-1-3, Pedestrian Priority Streets.

Chapter 6 – Signs

Article 6-1 Signs

Division 6-1-1 Purpose; Public Interests; Findings; and Relationship to Other Regulations

6-1-1-1 Purpose of Article

The purpose of this Article is to set out reasonable regulations for the design, location, installation, operation, repair, maintenance, and removal of signs in a manner that advances the City’s legitimate, important, substantial, and compelling interests, while simultaneously safeguarding the constitutionally protected right of free speech.

6-1-1-2 Public Interests

The City has a legitimate, important, substantial, or compelling interest in:

1. Preventing the proliferation of signs of generally increasing size, dimensions, and intrusiveness (also known as “sign clutter”) that tends to result from property owners competing for the attention of passing motorists and pedestrians, because sign clutter:
 - a. Creates visual distraction and obstructs views, potentially creating safety hazards for motorists, bicyclists, and pedestrians;
 - b. May involve physical obstruction of streets, sidewalks, bike lanes or trails, creating public safety hazards;
 - c. Degrades the aesthetic quality of the City, making the City a less attractive place for residents, business owners, visitors, and private investment; and
 - d. Dilutes or obscures messages on individual signs due to the increasing intensity of competition for attention.
2. Maintaining and enhancing the historic character of Olde Town Arvada, a unique historic resource of exceptional quality and vibrancy;
3. Protecting the health of its tree canopy, an important community asset that contributes to the character, environmental quality, and economic health of the City and the region ;
4. Maintaining a high quality aesthetic environment to protect and enhance property values, leverage public investments in streets, sidewalks, trails, plazas, parks, and landscaping, and enhance community pride; and
5. Protecting minors from speech that is harmful to them as provided by state or federal law, by preventing such speech in places that are accessible to and used by minors.

6-1-1-3 Findings

The City finds that:

1. Content-neutrality, viewpoint neutrality, and fundamental fairness in regulation and review are essential to ensuring an appropriate balance between the important, substantial, and compelling interests set out in Section 6-1-1-2, Public Interests, and the constitutionally-protected right to free expression.
2. The regulations set out in this Article are unrelated to the suppression of constitutionally-protected free expression, do not relate to the content of protected messages that may be displayed on signs, and do not relate to the viewpoint of individual speakers.

3. The incidental restriction on the freedom of speech that may result from the regulation of signs pursuant to this Article is no greater than is essential to the furtherance of the important, substantial, and compelling interests that are advanced herein.
4. Regulation of the location, number, materials, height, sign area, form, and duration of display of temporary signs is essential to preventing sign clutter.
5. Temporary signs may be degraded, damaged, moved, or destroyed by wind, rain, snow, ice, and sun, and after such degradation, damage, movement, or destruction, such signs harm the safety and aesthetics of the City's streets if they are not removed.
6. Certain classifications of speech are not constitutionally protected due to the harm that they cause to individuals or the community.
7. This Article represents the City's best effort to advance the City's legitimate, important, substantial, and compelling interests while ensuring consistency with an evolving legal framework. This Article is based on extensive public involvement and legal research so that on the date of adoption it is calibrated to community consensus regarding aesthetics and consistent with controlling law.

6-1-1-4 Relationship to Other Regulations

- A. **Generally.** In addition to the regulations set out in this Article, signs may also be subject to applicable State laws and regulations (*e.g.*, 2 CCR 601-3, *Rules Governing Outdoor Advertising in Colorado*), Federal laws and regulations, and applicable adopted building and electrical codes. Exemptions and partial exemptions from this Article that are set out in Section 6-1-2-2, Exemptions and Partial Exemptions, and exceptions to the sign permit requirement that are set out in Section 6-1-2-3, Permit Exceptions, do not constitute exceptions or exemptions from other applicable codes or permit requirements.
- B. **No Defense to State or Federal Enforcement.** Where any provision of this Article covers the same subject matter as other regulations of the State of Colorado or the United States, the Applicant is advised that nothing in this Article shall be construed as a defense to a violation of applicable state or federal law except as may be provided in the state or federal law.
- C. **Construction.** Where any provision of this Article covers the same subject matter as other regulations of the City, the more specific regulation shall control the more general one, unless the City determines that the more restrictive regulation is clearly unenforceable as a matter of law.
- D. **Olde Town Zoning District.** All signs within the Olde Town zoning district must comply with the Design Guidelines for Olde Town Arvada, except that the Design Guidelines for Olde Town Arvada shall not be interpreted to limit the message content of the sign.

Division 6-1-2 Applicability; Exemptions; Permit Exceptions; Sign Districts; and Measurements

6-1-2-1 Applicability

- A. **Generally.** The provisions of this Article shall apply to the display, construction, installation, erection, alteration, use, location, maintenance, and removal of all signs within the City that are not specifically exempt from such application pursuant to Section 6-1-2-2, Exemptions and Partial Exemptions.

- B. **Permit Requirement.** No sign shall be displayed, constructed, installed, erected, or altered within the City limits until the City has issued a sign permit, unless the sign qualifies as an exception to the permit requirements pursuant to Section 6-1-2-3, Permit Exceptions.

6-1-2-2 Exemptions and Partial Exemptions

- A. **Exemptions.** This Article does not apply to signs of any type installed or posted (or required to be installed or posted) by the Federal government, the State of Colorado, Jefferson County (within its jurisdiction), Adams County (within its jurisdiction), the City, the Regional Transportation District, or a School District (collectively, "Governmental Entities") that are located in whole or in part within the City, on property owned or controlled by the Governmental Entity. Such signs include but are not limited to street signs and permanent traffic control devices, temporary signs that are used in conjunction with traffic control, and other signs that said entities display, require, or license to be displayed upon property that they own or control.
- B. **Partial Exemptions.** The following signs are subject only to Subsections D., E.1., E.2., E.3., and F. of Section 6-1-3-1, Prohibited Signs and Sign Elements, and to Section 6-1-3-2, No Regulation Based on Content; Exceptions, and shall not require a sign permit:
 - 1. Signs that are not visible from any of the following areas due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located: residential lots, abutting property not under common ownership, public rights of way, or property located at a higher elevation than the property upon which the sign is displayed.
 - 2. Signs that are not legible from abutting property or rights-of-way due to the configuration of the building(s) or structure(s) or the topography of the site upon which the signs are located or the orientation or setback or typeface of the sign, provided that the sign area is not more than 32 square feet.
 - 3. Signs that are applied to or painted on a utility cabinet or pedestal, provided that:
 - a. The cabinet or pedestal is in use for its principal purpose as a utility cabinet or pedestal and the sign does not interfere with such use;
 - b. The cabinet or pedestal is not larger than four feet in horizontal dimension and five feet in vertical dimension; and
 - c. The owner of the utility cabinet or pedestal consents to the installation of the sign.

6-1-2-3 Permit Exceptions

- A. **Signs Maintenance.** No permit is required for routine sign maintenance, painting, replacing a panel in a cabinet sign (except that the installation of a new manual changeable copy message center or electronic message center does require a permit), or replacing light sources with lighting of comparable character and brightness.
- B. **Exceptions by Sign Type.** The following signs may be displayed without a sign permit, but are not exempt from other applicable provisions of this Article.
 - 1. **Required Signs.** Signs that are required by applicable building codes (e.g., address numbers) or health and safety regulations (e.g., the Occupational Safety and Health Act ("OSHA")); or to comply with other laws or regulations.
 - 2. **Optional Residential Signs.** One wall sign, affixed to a residential building on its front elevation, provided that the sign area does not exceed four square feet.

3. **Flags.** All flags that are hung from not more than three rigid, straight, building-mounted or ground-mounted flagpoles per 100 feet of property frontage or fraction thereof, provided that:
 - a. No more than three flags are flown from any one flagpole;
 - b. No flag obstructs pedestrian, bicycle, or vehicular traffic, or a required sight triangle;
 - c. No flag exceeds 32 square feet in area; and
 - d. The maximum height of any flagpole is 20 feet for residential and 40 feet for nonresidential or mixed-use.
4. **Small Signs.**
 - a. Signs that are affixed to a building or structure, that do not exceed one square foot in sign area, provided that only one such sign is present on each elevation that is visible from public rights-of-way or neighboring property; and
 - b. Signs that are less than one square foot in area that are affixed to machines, equipment, fences, gates, walls, gasoline pumps, public telephones, or utility cabinets.
5. **Temporary Seasonal Decorations.** Decorations and signs that are clearly incidental, customary, and commonly associated with a holiday.
6. **Small Temporary Signs.** Temporary signs that are in compliance with the applicable requirements for permit-exempt temporary signs, set out in Division 6-1-6, Temporary Signs.

6-1-2-4 Sign Districts

- A. **Generally.** In recognition that the City is a place of diverse physical character, and that different areas of the City have different functional characteristics, this Article includes standards for signs that are based on the sign district in which the signs are located.
- B. **Sign Districts Created.** The following sign districts are created:
 1. Olde Town (OT)
 2. Mixed-Use/Commercial/Industrial (MX,C,I)
 3. Multifamily Residential (RM)
 4. Single-Family Residential (RS)
- C. **Relationship to Zoning Districts.** Sign districts shall correspond to zoning districts as provided in Table 6-1-2-4, Sign Districts.

Table 6-1-2-4: Sign Districts	
Sign District	Corresponding Zoning Districts or Areas
Olde Town (OT)	OT-E; OT-EY; OT-GV; OT-OW; OT-W; OT-RR; OT-RN (except for the purposes of Section 6-1-6-2, Additional Standards for Detached Temporary Signs); MX-U façade in frontage zone ; MX-T façade in frontage zone; nonresidential and mixed-use areas of Planned Unit Developments where buildings are set back less than 5 feet from rights-of-way
Mixed-Use/Commercial/Industrial (MX,C,I)	MX-N; MX-S; MX-U façade outside frontage zone ; MX-T façade outside frontage zone; CG; IL; IG; nonresidential and mixed-use areas of Planned Unit Developments, where buildings are set back 5 feet or more from rights-of-way
Multifamily Residential (RM)	R13; R24; multifamily residential areas of Planned Unit Developments with 6+ unit buildings

Single-Family Residential (RS)	RA; RN; R6; OS; single-family, duplex, townhome, or multiplex areas of Planned Unit Developments; OT-RN (only for the purposes of Section 6-1-6-2, Additional Standards for Detached Temporary Signs).
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- D. **Relationship to Planned Unit Development.** Planned unit developments that are approved after the effective date of this LDC shall include sign district designations as set out in Table 6-1-2-4, Sign Districts, or shall be processed with an application for a sign design program pursuant to Section 8-3-7-2, Alternative Sign Programs.

6-1-2-5 Measurements

- A. **Sign Clearance.** Sign clearance is the distance between the bottom of a sign face or structural element that is not affixed to the ground and the nearest point on the ground-level surface under it.



- B. **Sign Height.** Sign height is the vertical distance to the top of the sign face or sign structure, whichever is higher, measured from the elevation of the average grade in the area within the required landscape area around the base of the sign. If said average grade is more than two feet lower than the average grade of the nearest abutting street (if two streets are equidistant, the higher of the two), then the height of the detached sign shall be measured from the elevation of said street to the top of the higher of the sign face or sign structure.

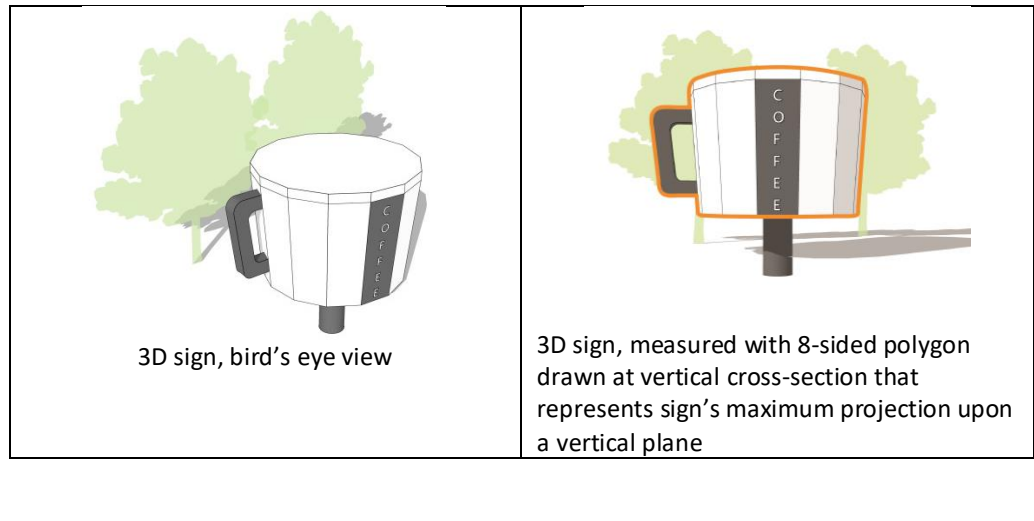
Figure 6-1-2-5-B: Sign Height



C. Sign Area.

1. The sign area is the area within a continuous polygon with up to eight straight sides that completely encloses the limits of text and graphics of a sign, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign's contents from the background against which they are placed.
2. The sign area does not include the structure upon which the sign is placed (unless the structure is an integral part of the display or used to differentiate it), but does include any open space contained within the outer limits of the display face, or between any component, panel, strip, or figure of any kind composing the display face, whether this open space is enclosed by a frame or border or not, except that wall signs that are separated by a distance of more than three (3) feet shall be considered separate signs.
3. Free-standing and projecting signs may have multiple faces or contain three-dimensional objects. The area of such signs is measured using the vertical cross-section that represents the sign's maximum projection upon a vertical plane.

Figure 6-1-2-5-C: Sign Area



D. Property Frontage

1. Property frontage is measured as the length of each property boundary that abuts a street right-of-way. For the purposes of this measurement, street right-of-way includes public streets, private streets, and access easements.
2. The measurement of property frontage may be combined across abutting properties if the owner of each of the affected properties executes an agreement in a form acceptable to the City that:
 - a. Aggregates the properties for the purposes of the application and enforcement of this Section as to signage that is permitted or sized based on measurements of property frontage;
 - b. Either provides a limited power of attorney to one of the property owners for the purposes of making application for signage, or sets out which property owners must approve of sign applications; and
 - c. Prohibits the termination of the agreement without the approval of the Director, which shall be withheld if such termination would result in noncompliance with this Section with respect to any affected property.

Division 6-1-3 Prohibitions

6-1-3-1 Prohibited Signs and Sign Elements

- A. **Generally.** The prohibitions in this Section apply to temporary and permanent signs in all areas of the City.
- B. **Prohibited Sign Structures.** The following sign structures are not allowed, whether temporary or permanent:
 1. Portable signs, except as specifically permitted in Section 6-1-6-2, Additional Standards for Detached Temporary Signs.
 2. Abandoned signs.

- C. **Prohibited Design Elements.** The following elements shall not be incorporated as an element of any sign or sign structure, whether temporary or permanent:
1. Animated or moving parts, including any moving, swinging, rotating, or spinning parts or flashing, blinking, scintillating, fluctuating, or otherwise animated light, except electronic message centers, standard flags, feather flags, banners, temporary holiday displays, and clocks that are in compliance with this Article.
 2. Cardboard, card stock, or paper, except when laminated or used as a window sign.
 3. Motor vehicles, unless:
 - a. The vehicles are operational, and either:
 - i. Automobile dealer inventory; or
 - ii. Regularly used as motor vehicles, with current registration and tags;
 - b. The display of signage on the motor vehicle would not interfere with the immediate operation of the motor vehicle (*e.g.*, signs that are held in place by an open hood or trunk are not allowed; signs that cover windows are not allowed; and signs that would fall off of the vehicle if the vehicle were in motion are not allowed); and
 - c. The motor vehicle is legally parked in a designated parking space.
 4. Semi-trailers, shipping containers, or portable storage units, unless they are:
 - a. Are structurally sound and capable of being transported;
 - b. Are used for their primary purpose (*e.g.*, storage, pick-up, or delivery);
 - c. If subject to registration, have current registration and tags;
 - d. Display signage only incidentally to their primary purpose; and
 - e. Are parked or placed in a designated loading area or on a construction site in an area that is designated on an approved construction staging plan.
 5. Stacked products (*e.g.*, tires, soft drink cases, bagged soil or mulch).
 6. Unshielded bare light bulbs that are larger than C9 format or brighter than fifty (50) lumens per bulb, except that neon tubing shall not be considered a “bare light bulb” for the purposes of this standard (note that illumination of signs in any manner is subject to Division 6-1-4, Illumination and Message Centers).
 7. Materials with a high degree of specular reflectivity, such as polished metal, installed in a manner that creates substantial glare from headlights, street lights, or sunlight. This prohibition does not include retroreflective materials that comply with the standards set forth in the Manual on Uniform Traffic Control Devices (“MUTCD”).
- D. **Prohibited Obstructions.** In no event shall a sign, whether temporary or permanent, obstruct the use of:
1. Building ingress or egress, including doors, egress windows, and fire escapes.
 2. Operable windows (with regard to movement only; obstruction of transparency is allowed within the limits set out in Table 6-1-5-1B, Window Signs, in Section 6-1-5-1, Additional Standards for Attached Permanent Signs).
 3. Equipment, structures, or architectural elements that are related to public safety, building operations, or utility service (*e.g.*, standpipes, downspouts, fire hydrants, electrical outlets, lighting, vents, valves, and meters).
 4. Any required sight distance triangle.

- E. **Prohibited Mounts.** No sign, whether temporary or permanent, shall be posted, installed, mounted on, fastened, or affixed to any of the following:
1. Any tree or shrub.
 2. Any utility pole or light pole, unless:
 - a. The sign is a banner or flag that is not more than 10 square feet in area;
 - b. The owner of the utility pole or light pole consents to its use for the display of the banner or flag;
 - c. The banner or flag is mounted on brackets or a pole that extend not more than 30 inches from the utility pole or light pole;
 - d. The banner or flag is either situated above an area that is not used by pedestrians or vehicles, or the bottom of the banner or flag has a clearance of at least eight feet; and
 - e. The requirements of Subsection F. are met, if applicable.
 3. Utility cabinets or pedestals (except signs that are applied by or with the consent of the owner of the utility cabinet or pedestal).
 4. An exposed metal pole that is more than six feet in height, except in the MX,C, I sign district. This standard does not apply to flags that are flown from flagpoles.
- F. **Prohibited Locations.** In addition to applicable setback requirements, and the other restrictions of this Section, signs shall be subject to the following locational restrictions:
1. No sign shall be located in or over public rights-of-way (which, in addition to streets, may include sidewalks, parkways, trails, bike lanes, multi-use pathways, retaining walls, utility poles, traffic calming devices, medians, and center islands that are within public rights-of-way), except:
 - a. Signs painted on or affixed to transit shelters and bus benches as authorized by the provider of the shelter or bench, but not extending beyond the physical structure of the shelter or bench; or
 - b. Signs that are the subject of a revocable license agreement with the City, installed and maintained in accordance with the terms of that agreement.
 2. Wall signs shall not be located within 12 inches from building corners, cornice or eave lines, or ground planes, or within six inches of doors, windows, downspouts, or dimensional architectural details, except that a sign located within a sign band that is 18 inches or less in height may extend to within two inches of the border of the sign band.

6-1-3-2 No Regulation Based on Content; Exceptions

- A. **Generally.** Except as provided in this Section, no sign shall be approved or disapproved based on the content or message it displays.
- B. **Prohibition on Certain Types of Unprotected Speech.** The following content, without reference to the viewpoint of the individual speaker, shall not be displayed on signs:
1. Text or graphics that is harmful to minors as defined by state or federal law;
 2. Text or graphics that advertise an activity or transaction that is unlawful under state or federal law;
 3. Text or graphics that are obscene, fighting words, defamation, incitement to imminent lawless action, or true threats, as such words and phrases are defined by controlling law; or

4. Text or graphics that present a clear and present danger due to their potential confusion with traffic control signs; or signs that provide false information related to public safety (*e.g.*, signs that use the words “Stop,” “Yield,” “Caution,” or “Danger,” or comparable words, phrases, symbols, or characters that are presented in a manner as to confuse motorists or imply a safety hazard that does not exist).
- C. **Severability.** The narrow classifications of content that are prohibited from display on signs by this Section are either not protected by the United States and Colorado Constitutions, or are offered limited protection that is outweighed by the substantial and compelling governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each Subsection or paragraph of this Section (*e.g.*, Subsections B.1., B.2., B.3., or B.4.) be individually severable in the event that a court holds one or more of them to be inconsistent with the United States Constitution or Colorado Constitution.

Division 6-1-4 Illumination and Message Centers

6-1-4-1 Illumination

- A. **Generally.** The illumination of signs shall be in accordance with the requirements of this Section.
- B. **Illumination.** The illumination of signs, where permitted, shall comply with the standards of this Section and applicable provisions of Article 4-8 Exterior Lighting.
1. No internal sign lighting shall include any exposed light source, except that neon or comparable tube lighting is permitted in the MX, C, I sign district (*see* Section 6-1-2-4, Sign Districts).
 2. External illumination of attached permanent signs in the OT sign district (*see* Section 6-1-2-4, Sign Districts) shall only be provided from above the sign (*e.g.*, using “gooseneck” or comparable fixtures) and subject to the Design Guidelines for Olde Town Arvada.
 3. All externally illuminated signs shall have their lighting directed in such a manner as to illuminate only the face of the sign, and not to create glare or sky glow.
 4. When external light sources are used to illuminate detached signs, the light source must be concealed from view from on and off-site vehicular and pedestrian use areas and from within existing buildings.
 5. In general, illuminated signs shall be turned off by 10:00 PM. However, signs may be illuminated in the OT and MX, C, I sign districts after 10:00 PM if:
 - a. The operating hours of the use to which the sign relates extend past 10:00 PM, in which case the sign shall be turned off when operating hours end each day; and
 - b. The sign is dimmed by at least 30 percent between midnight and 6:00 AM.
 6. External illumination of signs shall not exceed the following illuminance:
 - a. MX, C, I Sign District: 600 lux
 - b. OT Sign District: 500 lux
 - c. RM and RS Sign Districts: 400 lux
 7. Between sunset and the time set out in Subsection B.5., above, internally lit signs (including electronic message centers) shall not exceed 600 nits of luminance.
 8. No sign or associated luminaire shall create light spillover of more than one lux at any property line within or bounding an RM or RS sign district.

6-1-4-2 Message Centers

- A. **Generally.** The use of manual changeable copy message centers or electronic message centers shall be in accordance with the requirements of this Section.
- B. **Manual Changeable Copy Message Centers.**
1. **Design.**
 - a. Manual changeable copy message centers shall appear integrated into the sign face of a permanent sign that also includes text and graphics that are not part of the manual changeable copy message center.
 - b. No manual changeable copy message center may be constructed using face or screen materials such as expanded metal or other types of mesh; any type of corrugated plastic such as Filon, V3 or Styrene; or other types of materials that are commonly used for “portable” or “homemade” signs, unless the use of such materials for sign construction is permitted under any uniform code or ordinance adopted by the City.
 - c. If any part of the changeable copy portion of a sign or the track type system or other method of attachment (i) is absent from the sign, or (ii) deteriorates so that it is no longer consistent with the style or materials used in the permanent portion of the sign, or (iii) is altered in such a way that it no longer conforms to the approved plans and specifications, the sign shall be in violation of this Code.
 2. **Dimensions.** No manual changeable copy message center shall occupy more than 30 percent of the sign area of a sign.
 3. **Operations.** No changeable copy sign or portion of a sign may have changeable copy that is nailed, pinned, glued, taped, or comparably attached.
- C. **Digital Electronic Message Centers.** Digital electronic message centers (“EMCs”) may be incorporated into signs in the MX, C, I sign district (see Section 6-1-2-4, Sign Districts) and operated only as provided in this Subsection.
1. **Number, Design, and Dimensions.**
 - a. Not more than one sign per property may incorporate an EMC.
 - b. EMCs shall appear to be incorporated into the face of a permanent sign that includes text or graphics that are not part of the EMC.
 - c. EMCs shall not have a pixel pitch that is greater than 20 mm.
 - d. Not more than 40 percent of a permitted sign may be occupied by digital electronic message centers.
 2. **Operations.**
 - a. The displayed message shall not change more frequently than once per eight seconds.
 - b. The sign shall contain static messages only, changed only through dissolve or fade transitions that do not exceed one second.
 - c. The sign shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing and variations in daytime ambient light. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare.

Division 6-1-5 Permanent Signs

6-1-5-1 Additional Standards for Attached Permanent Signs

- A. **Generally.** The standards of this Section apply to signs that are attached to buildings (wall signs, window signs, projecting signs, and roof signs), based on the form of the sign. These standards are applied in conjunction with all other applicable standards of this Article.
- B. **Wall Signs.** Wall signs are allowed according to the standards in Table 6-1-5-1A, Wall Signs. The location of wall signs on a building is restricted by Subsection F. of Section 6-1-3-1F, Prohibited Signs and Sign Elements.

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
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: <ol style="list-style-type: none"> 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 			-

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)
	shall not extend above the top of the wall upon which it is painted or to which it is affixed; ii. Cover or interrupt major architectural features, such as doors, exits, and windows; and 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 (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. 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 Cabinet wall signs: 1 sf. per 2 lf. of establishment frontage of the building elevation upon which the sign is	32 sf.	Residential Building: Not allowed Nonresidential Building: 12 sf.

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)
		mounted, not to exceed 60 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 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	

C. **Window Signs.** Window signs are allowed according to the standards in Table 6-1-5-1B, Window Signs.

Table 6-1-5-1B: Window Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use, Commercial-Industrial (M-X,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Window Signs				
Max. #	Not limited	Not limited	1 per window	1 per window
Max. Sign Area	25% of the area of windows larger than 8 sf. may be covered with signs	25% of the area of windows larger than 8 sf. may be covered with signs	3 sf. per sign	6 sf. per elevation
	75% of the area of windows smaller than 8 sf. may be covered with signs	75% of the area of windows smaller than 8 sf. may be covered with signs		
	For the purposes of the standards above, the area of the window is calculated as the total area of window panes that are situated within six inches of each other	For the purposes of the standards above, the area of the window is calculated as the total area of window panes that are situated within six inches of each other		
Allowed Lighting	External or internal	External or internal	External or internal	None
Other Standards	Permanent applied window signs shall be affixed to the window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.)	Permanent applied window signs shall be affixed to the window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.)	Permanent applied window signs shall be affixed to the window in a professional manner (e.g., without wrinkles, bubbles, tape, etc.)	NA

D. **Projecting Signs.** Projecting signs include awning signs, marquee signs, hanging signs, and fin signs. Projecting signs are allowed according to the standards in Table 6-1-5-1C, Projecting Signs. Projecting signs shall not extend into the public right-of-way, except that the City may grant a revocable license to allow projecting signs to encroach into the right-of-way.

Table 6-1-5-1C: Projecting Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Awning Signs				
Max. #	Not limited	Not limited	Not limited	Not allowed
Max. Sign Area (Total Per Building Elevation)	50% of awning face upon which sign is attached, max 32 sf.	Not limited	50% of awning face upon which sign is attached	NA
Allowed Lighting	External	External or internal	External	NA
Min. Sign Clearance	8'	8'	8'	NA

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Other Standards	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area	Principal function of awning must be to provide shelter for a window, a door, or an outdoor seating area	Principal function of awning must be to provide shelter for a building entrance	NA
	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	Awning signs shall not extend over parking aisles, parking spaces, fire lanes, or loading areas	
	Awning signs must be applied to, or printed or painted on the awning; rivets and comparable fasteners are not allowed	Awning signs must be stitched to, applied to, or printed or painted on the awning; rivets and comparable fasteners are not allowed	Awning signs must be stitched to, applied to, or printed or painted on the awning; rivets and comparable fasteners are not allowed	
Marquee Signs				
Max. #	Not allowed	1 per building	Not allowed	Not allowed
Max. Sign Area (Total Per Building Elevation)	NA	1 sf. per lf. of building elevation upon which the sign is mounted, not to exceed 150 sf.	NA	NA
Allowed Lighting	NA	External or internal	NA	NA
Min. Sign Clearance	NA	8 ft.	NA	NA
Other Standards	NA	Sign must be located over a principal building entrance	NA	NA
		Sign shall not extend over any vehicular use area		
		Sign shall not extend above the roof line		
Hanging Signs				
Max. #	1 per building entrance	1 per building entrance	1 per building entrance	Residential Building: Not allowed Nonresidential Building: 1 per building entrance
Max. Sign Area (Total Per Building Elevation)	6 sf.	10 sf.	8 sf.	Residential Building: NA Nonresidential Building: 5 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.
Other Standards	Must be installed under a canopy or	Must be installed under a canopy or	Must be installed under a canopy or	Must be installed under a canopy or

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	awning that shelters a building entrance or patio area	awning that shelters a building entrance or patio area	awning that shelters a building entrance or patio area	awning over a principal building entrance
Fin Signs (Primary)				
Max. #	1 per street-facing building elevation	1 per building	1 per street-facing building elevation	Residential Buildings: Not allowed Nonresidential Buildings: 1 per street-facing building elevation
Max. Sign Area (Total Per Building Elevation)	12 sf.	1 sf. per 1 lf. of street-facing building elevation, not to exceed 150 sf.	12 sf.	Residential Buildings: NA Nonresidential Buildings: 12 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft., or in the alternative, may extend to ground level	8 ft.	8 ft.
Other Standards	None	Not allowed if primary cabinet wall sign is also present	Not allowed if primary cabinet wall sign is also present	None
Fin Signs (Secondary)				
Max. #	1 per principal building entrance	1 per principal building entrance	1 per principal building entrance	Residential Buildings: Not allowed Nonresidential Buildings: 1 per principal building entrance
Max. Sign Area (Total Per Building Elevation)	4 sf.	8 sf.	8 sf.	2 sf.
Allowed Lighting	External	External or internal	External	None
Min. Sign Clearance	8 ft.	8 ft.	8 ft.	8 ft.
Other Standards	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance	Must be located over a principal building entrance, or within 2 feet on either side of the entrance
	Not allowed if hanging sign is installed in front of the building entrance	Not allowed if hanging sign or secondary cabinet wall sign is installed above the building entrance	Not allowed if hanging sign or secondary cabinet wall sign is installed above the building entrance	Not allowed if hanging sign is installed above the building entrance
	Top of sign shall not be higher than 14 feet above ground level or the top of the building	Top of sign shall not be higher than 14 feet above ground level or the top of the building	Top of sign shall not be higher than 14 feet above ground level or the top of the building	Top of sign shall not be higher than 9 feet above ground level or the top of the building

Table 6-1-5-1C: Projecting Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	wall to which the sign is mounted, whichever is lower	wall to which the sign is mounted, whichever is lower	wall to which the sign is mounted, whichever is lower	wall to which the sign is mounted, whichever is lower

E. **Roof Signs.** Roof signs are allowed according to the standards in Table 6-1-5-1D, Roof Signs.

Table 6-1-5-1D: Roof 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 Roof Signs				
Max. #	1 per building elevation	1 per building elevation	1 per building elevation	Not allowed
Max. Sign Area (total)	1 sf. per 3 lf. of building elevation, not to exceed 15 sf.	1 sf. per 3 lf. of building elevation, not to exceed 75 sf.	1 sf. per 3 lf. of building elevation, not to exceed 50 sf.	NA
Allowed Lighting	None	External or internal	External or internal	NA
Other Standards	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	Allowed only above lower eave lines of buildings with multiple eave lines, and shall not extend above next higher eave line on same elevation. Not allowed on buildings with one eave line	
	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	Roof sign shall be designed such that: It is composed of channel letters or other three-dimensional forms; and The mounting hardware and supporting structures are concealed from view	
	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached	Not allowed on building elevations that are located within 24 feet of a property line of a single-family detached	

Table 6-1-5-1D: Roof Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed- Use, Commercial-Industrial (MX, C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	or duplex residential use	or duplex residential use	or duplex residential use	
	Notwithstanding anything to the contrary Article 9, any roof sign that exists on the effective date, if damaged to any extent and for any reason, may be rebuilt, restored, or repaired to its prior condition and location within one year after the damage is discovered	Notwithstanding anything to the contrary in Article 8, an existing roof sign, if damaged to any extent and for any reason, may be rebuilt, restored, or repaired to its prior condition and location within one year after the damage is discovered		

F. **Canopy Signs.** Canopy signs are allowed according to the standards in Table 6-1-5-1E, Canopy Signs.

Table 6-1-5-1E: Canopy 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 Canopy Sign				
Max. #	Not limited	Not limited	1 per principal building entrance	Residential Building: Not allowed Nonresidential Building: 1 per principal building entrance
Max. Sign Area (Total Per Building Elevation)	60% of the surface area of the plane of the canopy upon which the sign is located, max 32 sf.	60% of the surface area of the plane of the canopy upon which the sign is located	40% of the surface area of the plane of the canopy upon which the sign is located	Residential Building: NA Nonresidential Building: 40% of the plane of the canopy upon which the sign is located
Allowed Lighting	External or halo	External or internal	External or halo	Not allowed
Min. Sign Clearance	Unless a lower clearance is allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas	Unless a lower clearance is allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas	Unless a lower clearance is allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas	Unless a lower clearance is allowed by an applicable building code: 8 ft. over pedestrian use areas; 14 ft. over vehicular use areas

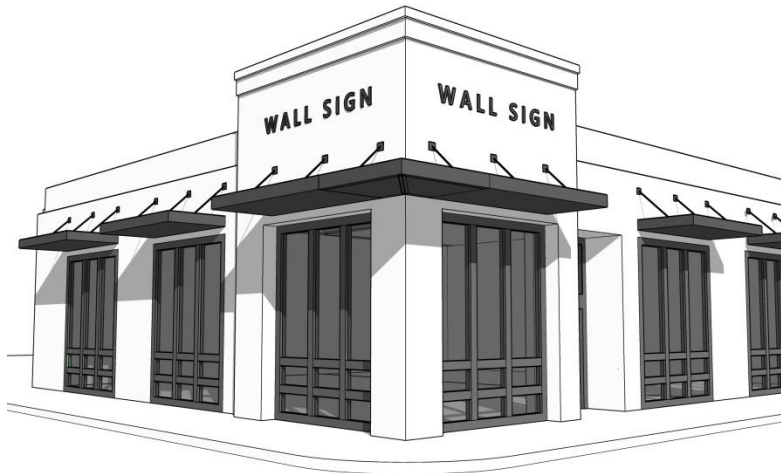
Table 6-1-5-1E: Canopy Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers	that are not intended for use by semi-trailers; and 16 ft. over vehicular use areas that are intended for use by semi-trailers
Other Standards	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames	Canopy signs shall not be in the form of cabinet signs or banner frames
	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy, or mounted on the top of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy	Canopy signs shall be painted on, applied to, embossed upon, or affixed to the fascia of the canopy
	Canopy signs shall not extend more than 4 inches from the canopy fascia	Canopy signs that are affixed to the fascia shall not extend more than 4 inches from the front of the canopy fascia	Canopy signs shall not extend more than 4 inches from the canopy fascia	Canopy signs shall not extend more than 4 inches from the canopy fascia
	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy	Canopy signs that are mounted to the top of the canopy shall be designed such that: (i) they are composed of channel letters or other three-dimensional forms; and (ii) the mounting hardware and supporting structures are concealed from view; and (iii) the sign does not extend more than 2 feet above the top of the canopy; and (iv) the sign does not extend above the nearest roof line of the principal building	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy	Canopy signs shall not be mounted to the top of the canopy or extend above the canopy
	Canopy signs may be installed on attached canopies only		Must be located above the principal building entrance on an attached canopy	Must be located above the principal building entrance on an attached canopy

Figure 6-1-5-1A: Sign Examples



Figure 6-1-5-1B: Sign Examples



6-1-5-2 Additional Standards for Detached Permanent Signs

- A. **Generally.** The standards of this Section apply to permanent signs that are not attached to buildings. These standards are applied in conjunction with all other applicable standards of this Article.

- B. **Detached Permanent Signs.** Detached permanent signs are allowed according to the standards in Table 6-1-5-2, Detached Permanent Signs. The location of detached permanent signs may be restricted by Section 6-1-3-1, Prohibited Signs and Sign Elements.

Figure 6-1-5-2 Sign Examples

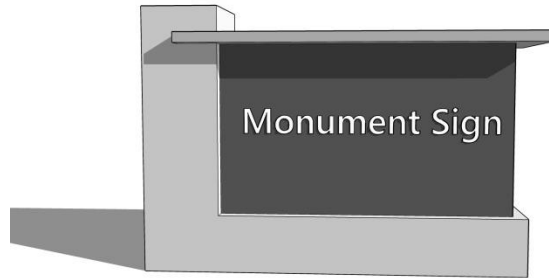


Table 6-1-5-2: Detached Permanent Signs

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

Table 6-1-5-2: Detached Permanent Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed- Use, Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (R)
Max. Sign Area	4 sf.	600 lf. of property frontage or less: 4 sf. More than 600 lf. of property frontage: 8 sf.	4 sf.	NA
Max. Sign Height	3.5 ft.	600 lf. of property frontage or less: 3.5 ft. More than 600 lf. of property frontage: 6 ft.	3.5 ft.	NA
Allowed Lighting	External	External or internal	External	NA
Setbacks and Spacing	At least 2 ft. from property lines Not more than 4 ft. from inside of curb of vehicular ingress or egress point	At least 2 ft. from property lines Not more than 4 ft. from inside of curb of vehicular ingress or egress point	At least 2 ft. from property lines Not more than 4 ft. from inside of curb of vehicular ingress or egress point	NA

Division 6-1-6 Temporary Signs

6-1-6-1 Additional Standards for Attached Temporary Signs

- A. **Generally.** The standards of this Section apply to temporary signs that are attached to buildings. Temporary signs that are not attached to buildings are subject to the standards of Section 6-1-6-2, Additional Standards for Detached Temporary Signs. The standards of this Section are applied in conjunction with all other applicable standards of this Article. Duration of display is limited by Section 6-1-6-3, Duration of Display of Temporary Signs.
- B. **Attached Banners.** Banners may be installed on building walls or railings as provided in Table 6-1-6-1, Attached Banners. All attached banners are also subject to the following requirements and limitations:
 - 1. Attached banners (whether or not framed) are considered “other wall signs” for the purposes of the sign area allowed for painted or applied wall signs in Table 6-1-5-1A, Wall Signs. Banners are not allowed if they would result in a violation of the sign area standards in Table 6-1-5-1A, Wall Signs.
 - 2. Attached banners must be fastened to the building in a manner that obscures the fasteners and ties.
 - 3. Banner frames that are permitted pursuant to Table 6-1-6-1, Attached Banners, are subject to the following limitations:
 - a. Banner frames must be designed to visually blend into the surface upon which they are mounted (for example, a banner frame mounted on a building wall should be the same color as the wall, and a banner frame mounted on a building railing should appear to be integrated into the railing).

- b. Banners that are installed in banner frames shall be sized to fit the banner frame so that there are no visible gaps between the edges of the banner and the banner frame.
- 4. Attached banners are not allowed if:
 - a. One or more detached banners are present on the property; or
 - b. An electronic message center larger than 6 sf. is present on the property.
- 5. Attached unframed banners are not allowed if:
 - a. One or more feather flags are present on the property; or
 - b. One or more banner frames are present on the same building elevation.

Table 6-1-6-1: Attached Banners

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use Commercial-Industrial (MX, C, I)	Multifamily Residential (RM)	Single-Family Residential (RS)
All Attached Banners				
Max. # (on each building elevation)	1	Unframed: 1 per 300 lf. of building elevation or fraction thereof, but not more than 3 banners per building	1	Residential Building: Not allowed
		Installed in banner frame: 1 per 150 lf. of building elevation or fraction thereof, but not more than 3 banners per building		Nonresidential Building: 1
Max. Sign Area (per banner)	40 sf.	40 sf.	40 sf.	Residential Building: NA
				Nonresidential Building: 40 sf.
Allowed Lighting	None	External	None	None
Other Standards	None	If more than one banner is allowed on a building elevation, banners may be clustered	None	None

- C. **Temporary Sign Covers.** Temporary sign covers are permitted in all sign districts, provided that they are used during a period not to exceed 45 days in which a new permanent sign or sign component that is permitted by this Article is being fabricated and installed in accordance with this Article.
- D. **Window Signs.**
 - 1. Temporary window signs are allowed in all locations where permanent window signs are allowed, provided that the standards of Table 6-1-5-1B, Window Signs, are met as to the combination of temporary and permanent window signs.

2. Temporary window signs shall be affixed to the window such that the fastener (e.g., tape) is not highly visible, or shall be mounted vertically inside of the building for viewing through the window.

6-1-6-2 Additional Standards for Detached Temporary Signs

- A. **Generally.** The standards of this Section apply to temporary signs that are not attached to buildings. Temporary signs that are attached to buildings are subject to the standards of Section 6-1-6-1, Additional Standards for Attached Temporary Signs. The standards of this Section are applied in conjunction with all other applicable standards of this Article. Duration of display is limited by Section 6-1-6-3, Duration of Display of Temporary Signs.
- B. **Detached Temporary Signs.** Detached temporary signs are allowed according to the standards in Table 6-1-6-2, Detached Temporary Signs.

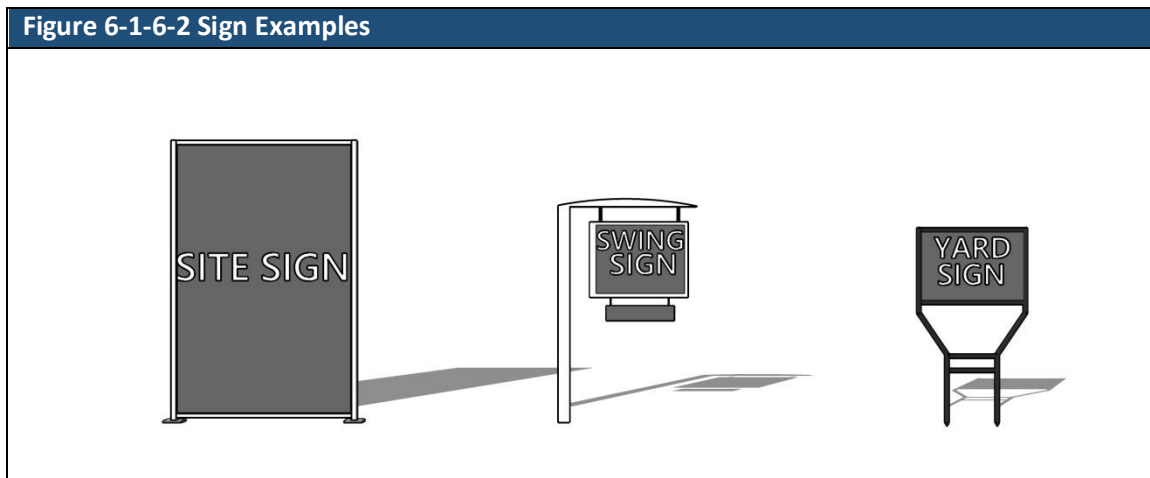


Table 6-1-6-2: Detached Temporary Signs				
Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Yard Signs				
Max. #	2	2 per vehicular access point	Residential Building: Not limited	Residential Building: Not limited
			Nonresidential Building: 1 per 80 ft. of property frontage or fraction thereof	Nonresidential Building: 1 per 80 ft. of property frontage or fraction thereof
Max. Sign Area (per sign)	NA	8 sf.	8 sf.	6 sf.
Max. Sign Height	4 ft.	4 ft.	4 ft.	4 ft.
Allowed Lighting	None	None	None	None
Setbacks and Spacing	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs	2 ft. from property lines; 2 ft. from all other signs

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Other Standards	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension, not more than 10 feet from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension, not more than 10 feet from vehicular access point	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension	Must be installed in permeable landscaped area that is at least 8 sf. in area and 2 lf. in any horizontal dimension
Site Signs				
Max. #	1 per property	1 per 600 lf. of property frontage or fraction thereof	1 per 600 lf. of property frontage or fraction thereof, provided that the area of the property is at least 2 acres; properties that are less than 2 acres shall not display site signs	1 per 600 lf. of property frontage or fraction thereof
Max. Sign Area (per sign)	16 sf.	32 sf.	32 sf.	32 sf.
Max. Sign Height	6 ft.	6 ft.	6 ft.	6 ft.
Allowed Lighting	External	External	External	External
Setbacks and Spacing	2 ft. from front property lines	2 ft. from front property lines	2 ft. from front property lines	2 ft. from front property lines
	10 ft. from all other property lines	10 ft. from all other property lines	10 ft. from all other property lines	10 ft. from all other property lines
	10 ft. from all other signs	10 ft. from all other signs	10 ft. from all other signs	10 ft. from all other signs
	12 ft. from building walls	12 ft. from building walls	12 ft. from building walls	12 ft. from building walls
Other Standards	Where allowed, site signs shall be installed in permeable landscaped areas or hardscaped areas (other than vehicular use areas and sidewalks) that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area	Where allowed, site signs shall be installed in permeable landscaped areas that are at least 5 lf. in every horizontal dimension and at least 40 sf. in area
Swing Signs				
Max. #	Not allowed	Not allowed	1 per property frontage	1 per property frontage
Max. Sign Area (per sign)	NA	NA	5 sf., including riders	5 sf., including riders

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Height	NA	NA	5 ft.	5 ft.
Allowed Lighting	NA	NA	None	None
Setbacks and Spacing	NA	NA	2 ft. from all property lines	2 ft. from all property lines
Other Standards	NA	NA	Swing signs shall be installed in permeable landscaped areas that are at least 4 lf. in every horizontal dimension and at least 20 sf. in area	Swing signs shall be installed in permeable landscaped areas that are at least 4 lf. in every horizontal dimension and at least 20 sf. in area
Sidewalk Signs				
Max. #	1 per principal building entrance	1 per principal building entrance	Not allowed	Not allowed
Max. Sign Area (per sign)	8 sf.	8 sf.	NA	NA
Max. Sign Height	4 ft.	4 ft.	NA	NA
Allowed Lighting	None	None	NA	NA
Setbacks and Spacing	Must provide at least 5 ft. clear sidewalk for pedestrian use	Must provide at least 5 ft. clear sidewalk for pedestrian use	NA	NA
Other Standards	Must be placed on sidewalk or hard-surfaced pedestrian plaza; not allowed in vehicular use areas or permeable landscaped areas	Must be placed on sidewalk, hard-surfaced pedestrian plaza, or level landscaped area; not allowed in vehicular use areas	NA	NA
	Must not obstruct pedestrian travel path or building entrance	Must not obstruct pedestrian travel path or building entrance		
	Placement in public right-of-way or public sidewalk, multi-use path, or trail easement requires revocable license agreement	Placement in public right-of-way or public sidewalk, multi-use path, or trail easement requires revocable license agreement		
Banners				
Max. #	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted	1 per property frontage; or 1 per 100 lf. of property frontage if secured to temporary construction fencing related to permitted	Not allowed

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
	construction (may be clustered)	construction (may be clustered)	construction (may be clustered)	
Max. Sign Area (per sign)	48 sf.	48 sf.	48 sf.	NA
Max. Sign Height	6 ft.	6 ft.	6 ft.	NA
Allowed Lighting	None	None	None	NA
Setbacks and Spacing	Banner must be mounted in a freestanding banner frame that is installed within a permeable landscaped area	Banner must be mounted in a freestanding banner frame, or on retaining wall, fence, or screen wall	Banner must be mounted in a freestanding banner frame, or on retaining wall, fence, or screen wall	NA
	Mounting hardware shall be concealed from view	Mounting hardware shall be concealed from view	Mounting hardware shall be concealed from view	
	Banner shall be stretched tightly to avoid movement in windy conditions	Banner shall be stretched tightly to avoid movement in windy conditions	Banner shall be stretched tightly to avoid movement in windy conditions	
		Not allowed if any of the following are present on the property: feather flag or EMC	Not allowed if any of the following are present on the property: feather flag or EMC	
Feather Flags				
Max. #	Not allowed	1 per property	1 per property	Not allowed
Max. Sign Area (per sign)	NA	45 sf.	45 sf.	NA
Max. Sign Height	NA	15 ft.	15 ft.	NA
Allowed Lighting	NA	None	None	NA
Setbacks and Spacing	NA	Must be spaced not less than 50 ft. from any other temporary sign	Must be spaced not less than 50 ft. from any other temporary sign	NA
Other Standards	NA	Not allowed if sidewalk sign is present Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	Must be installed in a permeable landscaped area with a radius that extends not less than 3 ft. from the flag pole	NA
Inflatables				
Max. #	Not allowed	1 per property	Not allowed	Not allowed

Table 6-1-6-2: Detached Temporary Signs

Type of Sign / Standards	Sign District			
	Olde Town (OT)	Mixed-Use Commercial-Industrial (MX,C,I)	Multifamily Residential (RM)	Single-Family Residential (RS)
Max. Sign Area (per sign)	NA	225 sf.	NA	NA
Max. Sign Height	NA	15 ft.	NA	NA
Allowed Lighting	NA	None	NA	NA
Setbacks and Spacing	NA	All parts of the sign must be set back 10 ft. from all property lines, pedestrian use areas, and vehicular use areas	NA	NA
Other Standards	NA	Sign must be tethered to prevent movement in windy conditions	NA	NA

6-1-6-3 Duration of Display of Temporary Signs

- A. **Generally.** The purpose of temporary signs is to display messages for a temporary duration. Temporary signs shall not be used as a subterfuge to circumvent the regulations that apply to permanent signs or to add permanent signage to a property in addition to that which is allowed by this Article.
- B. **Classification of Temporary Sign Materials.** Temporary signs are constructed from a variety of materials with varying degrees of durability. Common materials are classified in Table 6-1-6-3A, Classification of Temporary Sign Materials.

Table 6-1-6-3A: Classification of Temporary Sign Materials

Material	Material Classification				
	1	2	3	4	5
Paper, card stock, foam core board, or cardboard	X				
Laminated paper or cardstock, polyethylene bags		X			
Cloth, canvas, nylon, polyester, burlap, flexible vinyl, or other flexible material of comparable durability			X		
Inflexible vinyl, hard plastic, composite, or corrugated plastic ("coroplast")				X	
Wood or metal					X

C. Duration of Display.

- 1. In general, a temporary sign shall be removed as of the earlier of the date that:
 - a. It becomes an Abandoned Sign; or
 - b. It falls into disrepair (see Section 6-1-7-1, Sign Maintenance); or
 - c. If the sign is located in the MX, C, I district or OT sign district (except the OT-RN zoning subdistrict), the number of days set out in Table 6-1-6-3B, Duration of Temporary Signs by Material Classification, expires.

2. Temporary signs that are required due to governmental regulation (e.g., public notices) shall be removed as required by the applicable regulation.

Table 6-1-6-3B: Duration of Temporary Signs by Material Classification						
Material	Material Classification					Max. Posting Days / Year
	1	2	3	4	5	
Yard Sign	Not Allowed	45 days	Not Allowed	150 days	180 days	180 days
Site Sign	Not Allowed	Not Allowed	Not Allowed	150 days	180 days	180 days ¹
Swing Sign	Not Allowed	Not Allowed	Not Allowed	60 days	180 days	180 days ¹
Sidewalk Sign, OT sign district	Not Allowed	Not Allowed	Not Allowed	6 AM to 10 PM daily ²		365 days
Sidewalk Sign, MX, C, I sign district	Not Allowed	Not Allowed	Not Allowed	6 AM to 10 PM daily for up to 10 consecutive days		60 days
Banner, Unframed	Not Allowed	Not Allowed	30 days	Not Allowed	Not Allowed	120 days
Banner, Framed	Not Allowed	Not Allowed	60 days	Not Allowed	Not Allowed	365 days
Window Sign	90 days	90 days	Not Allowed	90 days	365 days	365 days
Inflatable Sign / Feather Flag	Not Allowed	Not Allowed	21 days	Not Allowed	Not Allowed	42 days

TABLE NOTES:
¹ Alternatively, the sign type may be displayed for 360 days every two calendar years.
² May be modified by revocable right-of-way license.

D. **Administrative Interpretations.** Materials for signage that are not listed in this Section may be introduced into the market. When a material is proposed that is not listed in this Section, the Director shall determine the class of materials with which the new material is comparable, based on the new material’s appearance, durability, and colorfastness. No temporary sign shall be displayed for a longer period than the longest permitted period in this Section, regardless of the material.

Division 6-1-7 Maintenance; Historic Signs

6-1-7-1 Sign Maintenance

- A. **Generally.** Signs and sign structures of all types (attached, detached, and temporary) shall be maintained as follows:
 1. *Paint and Finishes.* Paint and other finishes shall be maintained in good condition. Peeling finishes shall be repaired. Signs with running colors shall be repainted, repaired, or removed if the running colors were not a part of the original design.
 2. *Mineral Deposits and Stains.* Mineral deposits and stains shall be promptly removed.

3. *Corrosion and Rust.* Permanent signs and sign structures shall be finished and maintained to prevent corrosion and rust. A patina on copper elements (if any) is not considered rust.
 4. *Damage.* Permanent signs that are damaged shall be repaired or removed within one year, unless the damage creates a material threat to public safety, in which case the Chief Building Official may order prompt repair or removal. Temporary signs that are damaged (e.g., broken yard signs) shall be removed within 24 hours.
 5. *Upright, Level Position.* Signs that are designed to be upright and level, whether temporary or permanent, shall be installed and maintained in an upright and level position.
 6. *Code Compliance.* The sign must be maintained in compliance with all applicable building, electrical, and property maintenance codes (including any exceptions that may apply to existing sign structures).
- B. Quality of Repairs.** Repairs to signs shall be equal to or better in quality of materials and design than the original sign.
- C. Altering or Moving Existing Signs.**
1. Any alteration to an existing sign structure (except for alterations to changeable copy, replacement of a panel in a cabinet sign, replacement of a light source with a comparably bright light source, application of paint or stain) shall require a new permit pursuant to Section 8-3-7-1, Sign Permits, prior to commencement of the alteration. Alterations requiring a new permit shall include, without limitation:
 - a. Changes to the area of manual changeable copy center on a sign, including the installation of a new manual changeable copy center where one was not previously present;
 - b. Changing the size of the sign;
 - c. Changing the shape of the sign;
 - d. Changing the material of which the sign is constructed;
 - e. Changing or adding lighting to the sign (except as provided above);
 - f. Changing the location of the sign; or
 - g. Changing the height of the sign.
 2. Except as specifically provided in Section 6-1-5-1, Additional Standards for Attached Permanent Signs, Subsection E., nonconforming signs are subject to the applicable provisions of Chapter 9, Nonconformities.
 3. No sign permit is required for removal of sign displays from supporting structures for maintenance, provided that they are replaced on the same support in the same configuration and the maintenance did not involve work that requires a permit.

6-1-7-2 Historic Signs; Exceptions to Nonconformity and Abandonment

- A. Designation of Historic Sign.** The Director may designate a sign as an historic sign if it is demonstrated that:
1. The Applicant provides credible documentation that the sign has been at its present location for a minimum of 50 years.
 2. The sign is structurally safe or capable of being made structurally safe without substantially altering its historic character. The property owner is responsible for making all structural repairs and restoration of the sign to its original condition.

3. The sign is representative of signs from the era in which it was constructed and provides evidence of the historic use of the building or premises.
4. The property owner consents to the designation.

B. Effect of Designation.

1. Historic signs are not subject to Division 9-1-4, Nonconforming Signs, except for Section 9-1-4-3, Relocation of Nonconforming Signs.
2. Designated historic signs will not be considered abandoned as long as they continue to meet the conditions of Subsection A, above.
3. In the Olde Town (OT) sign district, historic signs may be retained on a site in addition to new signs permitted by this Article, provided that the new signs meet the criteria established in the Design Guidelines for Olde Town.

Chapter 7 - Wireless Communications Facilities

Article 7-1 Wireless Communication Facilities

Division 7-1-1 Purpose; Public Interests; Findings; and Relationship to Other Regulations

7-1-1-1 Purpose and Objectives

- A. **Purpose.** The purpose of this Article is to establish requirements for the siting and design of Wireless Communications Facilities (“WCFs”).
- B. **Objectives.** The objectives of the provisions of this Article are to:
 - 1. Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the City with the fewest number of WCFs to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services including all of those who install, maintain, operate, and remove WCFs.
 - 2. Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the greatest extent technically feasible through techniques including but not limited to camouflage/concealment design techniques and undergrounding of WCFs and the equipment associated therewith.
 - 3. Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs.
 - 4. Encourage the use of wall mounted panel antennas.
 - 5. Encourage roof mounted antennas only when wall mounted antennas will not provide adequate service or are not otherwise feasible.
 - 6. Encourage the location of WCFs in non-residential areas, in a manner that minimizes the total number of WCFs needed throughout the community.
 - 7. Encourage strongly the collocation of WCFs on new and existing sites.
 - 8. Encourage owners and providers of WCFs to locate them, to the extent possible, in areas where the adverse impact on the community is minimized.
 - 9. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently.
 - 10. Effectively manage Small Cell Facilities in the public right-of-way.
 - 11. Manage Amateur Radio Facilities and Over the Air Receiving Devices within the City.

7-1-1-2 Applicability; Exemptions

- A. **Generally.** The requirements set forth in this Article shall apply to all WCF applications for Base Stations (including Alternative Tower Structures), Small Cell Facilities located within Rights-of-Way, and Towers as defined in Article 11-3 and further addressed herein.
- B. **Exemptions.** The requirements set forth in this Article shall not apply to:
 - 1. *Amateur Radio Antennas.* Amateur radio antennas that are owned and operated by a federally licensed amateur radio station operator or are used exclusively for receive-only antennas are subject to Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas, and not this Article, except all Amateur radio antennas and OTARD devices shall comply with the Operational Standards in Division 7-1-2 below.

2. *Pre-existing WCFs.* Any WCF for which a permit has been issued prior to the effective date of these regulations (a “pre-existing WCF”), shall not be required to meet the requirements of this Article, other than the requirements of the Operational Standards in Division 7-1-2 below. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of this Article. Notwithstanding the foregoing, any modification qualifying as an eligible facilities request shall be evaluated under this Article.
3. *Miscellaneous Antennas.* Antennas used for reception of television, multi-channel video programming and radio (e.g., OTARD antennas, television broadcast band antennas, and broadcast radio antennas) are subject to Section 5-1-5-4, Satellite Dishes and Antennas; Amateur Radio Antennas, and not this Article, except all OTARD devices shall comply with the Operational Standards in Division 7-1-2 below.
4. *Emergency WCFs.* A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of public necessity by the City.
5. *Temporary WCFs.* A temporary WCF installed for providing coverage of a special event such as a news coverage or sporting event, must be included in the special event permit application.

C. Permits Required.

1. No person, firm, or corporation shall construct, establish, build or cause to be constructed, established or built a WCF without first having obtained land use approvals as required in this Code, a lease (as applicable), pole attachment agreement or license (as applicable), and a building permit or right-of-way permit for this purpose.
2. All WCF permits shall expire and be of no further force and effect 180 days following the date of City approval unless, pursuant to the discretion of the Director, prior to the date of expiration:
 - a. Construction has been diligently pursued towards completion of the project; or
 - b. Approval has been extended in accordance with subsection 3 below.
3. Prior to the expiration of a WCF permit, one (1) 180-day extension of the permit may be authorized by the Director upon a written request by the Applicant. An extension may be granted if a review of the permit shows that no major changes in the City's applicable development or land use regulations or in the development pattern of the surrounding properties has occurred, as determined by the Director. If a WCF permit expires, no further development of the facility may occur until a new permit application is submitted, reviewed and approved in accordance with this Code, subject to all application and processing fees.

Division 7-1-2 Operational Standards

7-1-2-1 Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (“FAA”), the Federal Communications Commission (“FCC”), and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Article shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner’s expense.

7-1-2-2 Permission to Use Right-of-Way

For WCFs in the right-of-way, the Applicant shall execute a Master License Agreement with the City. In this, the City is able to grant a non-exclusive license to the Applicant to use the right-of-way for Small Cell Facilities. Attachment of WCFs on an existing street light pole, traffic signal, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner.

7-1-2-3 Collocation

No WCF owner or operator shall unreasonably exclude a wireless communications competitor from using the same facility or location. Upon request by the Director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

7-1-2-4 Signal Interference

- A. **Generally.** All WCFs shall be designed and sited so as not to cause interference with the normal operation of:
 - 1. Radio, television, telephone and other communication services utilized by adjacent properties; or
 - 2. Any public safety communications.
- B. **Notice of New Signal Transmission or Change in Signal Transmission.** The WCF owner or operator shall notify the City at least ten calendar days prior to the introduction of new service signal transmission or changes in existing signal transmission and shall allow the City to monitor interference levels with public safety communications during the testing process.

7-1-2-5 Hazardous Materials

No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

7-1-3-6 Noise

Noise generated on the site must not exceed the levels permitted in the City Code, except that a WCF owner or operator shall be permitted to exceed City Code noise standards for a reasonable period of time during repairs, not to exceed two hours, without prior authorization from the City.

7-1-2-7 Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable building and safety codes. If upon inspection, the Director determines that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the Director may extend such compliance period not to exceed 90 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the Director may remove such WCF at the owner's expense.

7-1-2-8 Abandonment and Removal

- A. **Generally.** If a WCF has not been in use for a period of 90 days, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing 90 days.

Any WCF that is not operated for a continuous period of 180 days shall be considered abandoned.

- B. **Removal of Abandoned WCF.** The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30 days of receipt of written notice from the City. If such WCF is not removed within said 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired.

Division 7-1-3 Generally Applicable Design Standards

7-1-3-1 Purpose and Application of Division

- A. **Purpose.** The purpose of this Division is to ensure that WCFs are designed and located to minimize the impact on the surrounding neighborhood, and to maintain the character and appearance of the City, consistent with other provisions of this Code.
- B. **Application.** The requirements set forth in this Division shall apply to the location and design of all WCFs governed by this Article as specified herein; provided, however, that the City may waive these requirements if it determines that the goals of this Division are better served thereby. Such determination shall be in writing, identify the relevant goals, and specify how such goals are better served by a waiver.

7-1-3-2 Collocation of Facilities

Wireless Communications Facilities may be required to be designed and constructed to permit the facility to accommodate WCFs from at least two wireless service providers on the same WCF unless the City approves an alternative design to the extent reasonably feasible based upon construction, engineering and design standards. Collocation shall not be required when it would materially compromise the camouflage design intent of the WCF. Upon request by the Director, the owner or operator shall provide evidence explaining why collocation is not possible at a particular facility or site.

7-1-3-3 Camouflage or Concealment

- A. **Generally.** All WCFs and any Related Accessory Equipment (including Transmission Equipment) shall, to the greatest extent technically feasible, use camouflage / concealment design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, equipment location (e.g. RRUs/RRHs located on rooftops below and behind parapet walls), or other design options that will blend the WCF to the surrounding natural setting and built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on sites located on the same parcel and on adjacent parcels.
- B. **Priority Locations.** Camouflage/concealment design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.
- C. **Alternative Tower Structures.** The camouflage design may include the use of Alternative Tower Structures should the Director determine that such design meets the intent of this Article, and the community is better served thereby.

- D. **Non-Reflective Materials.** All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).

7-1-3-4 Location, Setbacks, and Separation

- A. **Generally.** No portion of any WCF may extend beyond the property line. WCFs shall be located and designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness. The height and size of WCFs should be minimized as much as possible. All WCFs shall comply with the setbacks of the underlying zoning district.
- B. **No Impact on Required Parking.** WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel (if any) below the standards set out in Article 4-5, Parking and Loading (including, if applicable, parking reductions), or applicable Planned Unit Development approval.
- C. **No Unreasonable Interference with the Use of the Right of Way .**
 - 1. The WCF shall not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way.
 - 2. The WCFs must comply with the Americans with Disabilities Act and every other local, state, and federal law and regulations.
 - 3. No WCFs may be located or maintained in a manner that causes “unreasonable interference” of use of the right-of-way. For the purposes of this subsection, unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.
- D. **No Impact on Required Landscape Areas.** WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel (if any), below the standards of Article 4-6, Landscaping and Buffering, or applicable Planned Unit Development approval.
- E. **Adjacent Uses.** WCFs shall be sited in a manner that evaluates the proximity of the facility in relation to nearby properties and the compatibility of the facility to those uses. WCFs shall not be placed on residential buildings excluding multi-family and mixed use buildings. Applications for multi-family and mixed use buildings shall be evaluated on a case-by-case basis to assess potential community and aesthetic impacts
- F. **Ingress/Egress.** Visual impacts of the proposed ingress and egress shall be minimized.
- G. **Electric Distribution Structures.** Small Cell Facilities attached to electric distribution alternative tower structures should be located at the minimum height necessary to provide the safety clearance required by the utility (if applicable) and technically provide adequate service.

7-1-3-5 Landscaping and Fencing

- A. **Generally.** WCFs, excluding Small Cell Facilities in the right-of-way unless otherwise required by the Director, shall be landscaped with a buffer of plant materials that effectively screens the view of the WCF from adjacent properties. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.

- B. **Reduction of Landscape Requirement.** In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the Director.
- C. **Tree and Landform Preservation.**
 - 1. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
 - 2. No trees larger than four inches diameter at breast height may be removed, unless authorized by the Director. To obtain such authorization the Applicant shall show that tree removal is necessary, the Applicant's plan minimizes the number of trees to be removed, and any trees removed are replaced at a ratio of one caliper inch for one caliper inch.
- D. **Concealment.** Landscaping for concealed WCFs shall be compatible with the type of camouflage or concealment technique.

7-1-3-6 Lighting

WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Required lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences. Any lights needed for emergency repairs must be brought to the site and shall be limited to only that needed for safety during the repair. Said lights must be removed immediately upon completion of repair work.

Division 7-1-4 Additional Standards by Facility Type

7-1-4-1 Purpose and Application

- A. **Purpose.** In addition to the Generally Applicable Design Standards in Section 7-1-3-1 above, the purpose of this Division is to identify the specific design standards applicable to the various types of WCF's while continuing to minimize the impact on surrounding community, consistent with this Code.
- B. **Application.** The specific design standards set forth in this Division shall apply to each of the various types of WCF's governed by this Article as specified herein; provided, however, that the City may waive these requirements if it determines that the goals of this Division are better served thereby. Such determination shall be in writing, identify the relevant goals, and specify how such goals are better served by a waiver.

7-1-4-2 Base Stations including Alternative Tower Structures and Small Cell Facilities Not in the Right-of-Way

- A. **Generally.** Antennas, Alternative Tower Structures, Small Cell Facilities not in the Right-of-Way and Related Accessory Equipment installed as a Base Station facility, shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or use other camouflage/concealment design techniques so as to make the antenna, alternative tower structure, and related facilities as visually unobtrusive as possible. Such facilities shall be architecturally compatible with respect to attachments and colored to match the building or structure to which they are attached.

- B. **Non-conformity.** If placed on a structure or building which is non-conforming due to setbacks or height, the addition of antennas or equipment must not increase the non-conformity.
- C. **Façade mounted.** Façade mounted WCFs, including the antenna, support structures and screening, shall not protrude out from the building face more than two feet, nor shall it extend above the top of the building or the parapet wall, or, in the case of a pitched roof, above the fascia. Façade mounted WCFs may allowed on rooftop penthouses provided these same criteria apply.
- D. **Roof Mounted.** Roof mounted WCFs shall be approved only where an Applicant demonstrates a façade mounted WCF is inadequate to provide service and evaluated for approval based upon the following criteria:
 - 1. Roof mounted whip antennas shall extend no more than 12 feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - 2. Roof mounted panel antennas shall extend no more than seven feet above the parapet of a flat roof or ridge of a sloped roof to which they are mounted
- E. **Alternative Tower Structures.** Alternative Tower Structures (ATS) shall be designed and constructed to look like a building, facility, structure, or other natural feature or man-made structure typically found in the area.
 - 1. An ATS shall be compatible with the surrounding architecture, topography, and landscape.
 - 2. An ATS shall be the maximum size needed to obtain coverage objectives while maintaining compatibility with the context and character of the surrounding area. Height or size of the proposed ATS should be minimized as much as possible.
- F. **Related Accessory Equipment.** Related Accessory Equipment shall be located to be as unobtrusive as possible. Equipment such as RRUs/RRHs shall be placed behind the parapet or located near the center of the rooftop such that it will not be visible from the surrounding area. Any equipment that will be visible shall be screened from view using camouflage/concealment techniques. No Related Accessory Equipment shall be permitted on a sloped roof.

7-1-4-3 Small Cell Facilities in the Right-of-Way

- A. **Generally.** Small Cell Facilities within the right of way shall comply with the design standards specified in this Code and any administrative regulations adopted by the City related to facility design. The number of poles within the right of way shall be limited as much as possible. Small Cell Facilities in the right-of-way shall be designed and constructed to look like a facility or utility pole typically found nearby in the right-of-way and shall comply with the following design standards.
- B. **Placement Priorities.** Small Cell Facilities in the public right-of-way shall be installed based on the following priorities unless specified differently in the MLA.
 - 1. Highest priority is given to collocations using metal third-party poles (such as street light or distribution poles)
 - 2. Metal street light poles in the right-of-way, purchased and maintained by the owner or provider
 - 3. Traffic signal poles may be allowed provided no other reasonable opportunity for attachments exists and provided the detailed requirements of Small Cell Design Guidelines and the applicable MLA are met.
 - 4. New facilities placed on new wooden poles are prohibited, unless authorized through the MLA
 - 5. Small Cell Facilities strung on wires between existing poles are given the lowest priority and are highly discouraged.

- C. **Camouflage and Concealment.** The small cell facility shall be camouflaged / concealed consistent with other existing natural or manmade features in the Right-of-Way near the location where the WCF will be located.
1. All antennas shall be concealed within the vertical pole or within a cantenna mounted to the top of the pole structure or behind a shroud.
 2. Equipment shall be located within the pole base or screened from public view by the use of various screening techniques which may include undergrounding.
- D. **Location and Scale.** The Small Cell Facility shall be:
1. Sited to minimize the negative aesthetic impacts to the right-of-way; and
 2. Designed such that all facilities are sized and located to minimize visual clutter.
 3. Limited to no more than ten feet higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within 600 feet of the pole or structure.
 4. Limited to 40 feet (from base of pole to highest element (cantenna, light fixture, related accessory equipment, etc.), unless such pole is already existing at a greater height.
 5. Any transmission equipment placed on an existing pole shall not extend more than eight(8) feet above such pole.
 6. When placed near a residential property, the WCF should be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two intersecting streets. The Director may grant a waiver of these requirements if it is determined that such placement is not reasonably feasible from a construction, engineering or design perspective.
- E. **Spacing.**
1. No new freestanding Small Cell Facility shall be within 600 feet of another freestanding Small Cell Facility. These separation requirements do not apply to attachments made to collocation on existing structures.
 2. The Director may exempt an application from these separation requirements if (1) the Applicant demonstrates through technical network documentation that the minimum separation requirement cannot be satisfied for technical reasons, or (2) the Director determines, when considering the surrounding topography; the nature of adjacent uses and nearby properties; and, the height of existing structures in the vicinity, that placement of a WCF at a distance less than 600 feet from another Small Cell Facility will meet the intent of reducing visibility and visual clutter of Small Cell Facilities to the extent possible.
- F. **Design and Materials.** All collocated Small Cell Facilities shall, to the extent reasonably feasible, utilize metal poles that are consistent with the size and shape of the pole-mounted equipment installed by utility companies on utility in the surrounding area. In instances where collocation is intended for existing street lights mounted on wooden poles with overhead wires, the replacement design will be evaluated on a case by case basis with metal poles being the desired outcome.
- G. **Ground-Mounted Equipment and Enclosures.**
1. Ground mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns.
 2. Equipment enclosures shall be located out of view as much as possible
 3. Technical, construction, and engineering requirements may require a flush-to-grade underground equipment vault, where appropriate and reasonably feasible as determined by the reasonable discretion of the Director.

7-1-4-4 Towers

- A. **Generally.** Freestanding Towers shall be compatible with the surrounding area and shall meet the requirements of this Section. All applications for Towers shall demonstrate that other alternative design options such as Base Stations or ATs are not viable options as determined by the Director.
- B. **Finish.** Towers shall either maintain a galvanized steel finish or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City.
- C. **Screening.** Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment.
- D. **Monopoles.** Monopole support structures shall taper from the base to the tip.
- E. **Enclosure.** All Towers shall be enclosed by security fencing or a wall at least six feet in height, and shall also be equipped with an appropriate anti-climbing device.
- F. **No New Towers.** No new Towers shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the Applicant proposes to address with its Tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - 1. No existing WCFs with a suitable height are located within the geographic area required to meet the Applicant's engineering requirements;
 - 2. Existing WCFs do not have sufficient structural strength to support Applicant's proposed WCF and it is not economically feasible to replace such;
 - 3. The proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the Applicant's proposed WCF; and
 - 4. The Applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.
- G. **Setbacks and Separation.** The following minimum setbacks and separation requirements shall apply to all Towers except provided, however, that the City may reduce standard setbacks and separation requirements if the Applicant demonstrates that the goals of this Section can be better met by reduced setback and separation requirements that protect the public health and safety, view corridors, or minimize adverse impact. Towers shall meet the greater of the following minimum setbacks from all property lines:
 - 1. The setback for a principal building within the applicable zoning;
 - 2. Twenty-five percent of the facility height, including WCFs and Transmission Equipment;
 - 3. The WCF height, including antennas, if the Tower is in or adjacent to a residential district; and
 - 4. Towers over 90 feet in height shall not be located within one-quarter mile from any existing WCF that is over 90 feet in height, unless the Applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the Applicant's needs.
- H. **Related Accessory Equipment.** Related Accessory Equipment shall be located to be as unobtrusive as possible.
 - 1. Related Accessory Equipment such as RRUs/RRHs shall be placed behind parapet walls or within an enclosure such that it will not be visible from the surrounding area.

2. Any equipment that will be visible shall be screened from view using camouflage/concealment techniques.
3. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible
4. The total footprint coverage area of the WCF's Related Accessory Equipment shall not exceed 350 square feet.
5. No Related Accessory Equipment or accessory structure shall exceed 12 feet in height.

Chapter 8 – Development Review Process

Article 8-1 Development Review Bodies

Division 8-1-1 City Staff and Referral Agencies

8-1-1-1 Director of Community and Economic Development

- A. **Generally.** The Director of Community and Economic Development (“Director”) is the member of the City Staff who carries out the planning and zoning functions of the City. The Director shall designate staff members to manage applications through the review process and be points of contact for Applicants. The Director may also delegate review responsibilities to managers or other professional-level staff, or, as appropriate, to consultants selected by the City.
- B. **Duties and Responsibilities.** The Director shall be responsible for the administration of this LDC and the regulations contained herein.
1. The Director shall have the authority to:
 - a. Interpret and apply the provisions set forth in the LDC, other regulations adopted by the City and planning and engineering best practice. The Director shall have the authority to prepare and update Development Procedures, which may include a checklist for each type of development application, setting forth the information that Applicants must submit in order for the City to review development applications, permits and other developmental approvals under this Code, an application review schedule, fees and other relevant and appropriate materials related to the administration of this Code.
 - b. Make district boundary interpretations when uncertainty as to the district boundaries exists.
 - c. Make each of those decisions shown as a decision of the Director in 8-2-2-2, Decision-Making Tracks by Application Type.
 - d. Review and make recommendations on development applications reviewed and acted upon by the Planning Commission, City Council or other Decision Makers, as applicable, as shown in 8-2-2-2, Decision-Making Tracks by Application Type.
 - e. Review all land-use activities, plans involving land-use activity, or applications for land-use activity that are subject to either the Design Guidelines for Olde Town Arvada or the guidelines designated as "mandatory" within the Design Guidelines for the Reno Park Addition Historic District, and take final action to approve, approve with conditions, or deny the issuance of a (CCDG), as appropriate.
 2. The Director shall:
 - a. Review applications for Sign Permits and taking final action to approve, approve with conditions, or deny on such applications.
 - b. Maintain the Official Zoning Map, including updates to reflect rezonings.
 - c. Administer the provisions of this LDC and approvals granted hereunder, and coordinate with the Code Enforcement, Neighborhood Services and the City Attorney with regard to enforcement of this LDC.
 - d. Make recommendations regarding amendments to this LDC and to the Comprehensive Plan and other land use or strategic plans approved or adopted by the City.

- e. Develop or supervise the development of master plans, special area plans, or strategic plans, however titled, as directed by the Planning Commission.
 - f. Provide expertise and technical assistance to the advisory and decision making bodies under this Code, upon request, and as appropriate.
3. The Director shall also determine:
- a. Whether the proposed development creates a need for off-site public improvements;
 - b. Whether required development-related agreements (*see* Division 8-4-5, Development-Related Agreements and Covenants) comply with the requirements of this LDC and the Arvada Municipal Code with respect to the identification of required public improvements and the security provided for said public improvements; and
 - c. Whether proposed public improvements and drainage plans comply with applicable engineering standards.
 - d. Review applications for revocable right-of-way permits and determine as to whether and to what extent the requested encroachment will or could interfere with municipal or public use of the right-of-way.

8-1-1-2 Chief Building Official

- A. **Generally.** The Chief Building Official is the member of the City Staff who is principally responsible for the administration of adopted building codes. In addition to the duties and responsibilities set out in Chapter 18, Arvada Municipal Code, the Chief Building Official shall have the duties and responsibilities set out in this Section.
- B. **Duties and Responsibilities.** The Chief Building Official shall allocate and supervise staff from the Building Department to provide the following functions:
 - 1. *Building Permits.* The Chief Building Official shall be responsible for reviewing applications for Building Permits and taking final action to approve, approve with conditions, or deny on such applications.
 - 2. *Miscellaneous Structure Permits.* The Chief Building Official shall review applications for Miscellaneous Structure Permits (fences, walls, decks, patios, sheds) and take final action to approve, approve with conditions, or deny such applications.
 - 3. *Compliance with Design Guidelines.* Prior to permit issuance within the Olde Town Historic District or Reno Park Addition Historic District Project Area, the Chief Building Official shall confirm with the Director that, with respect to the land-use activity for which a permit is sought, a Certificate of Compliance with Design Guidelines has been issued, a waiver granted, or the Guidelines determined to be inapplicable.

8-1-1-3 Director of Public Works

- A. **Generally.** The Director of Public Works is the Director of the City of Arvada Public Works Department.
- B. **Duties and Responsibilities.** In addition to such other responsibilities as are specified in the Arvada Municipal Code or assigned by the City Manager:
 - 1. The Director of Public Works may allocate staff from the Department of Public Works to review applications for development approval that are required by this LDC.

8-1-1-4 Floodplain Administrator

- A. **Generally.** The Director of Public Works, or his or her designated representative, shall be the Floodplain Administrator and shall administer the floodplain regulation set forth in Division 4-1-2, Floodplain Regulations.
- B. **Duties and Responsibilities.** The Floodplain Administrator's powers and duties under this LDC are set out in this Subsection.
 1. *Floodplain Development Permits.* The Floodplain Administrator shall review Floodplain Development Permit applications to determine if the applicable permit requirements of Division 4-1-2, Floodplain Regulations, have been satisfied and take final action to approve, approve with conditions, or deny such applications. In so doing, the Floodplain Administrator shall ensure that all other necessary permits have been obtained from those governmental agencies from which prior approval is required by Federal or State law and make a determination that the proposed building site, including placement of mobile homes, will be reasonably safe from flooding.
 2. *Mapping and Boundary Interpretations.* The Floodplain Administrator shall make interpretations regarding Official Floodplain Map boundaries of the Flood Regulatory Floodplain, Floodway, and Flood Fringe Sub-Zones and regarding final floodplain boundaries.
 - a. When base flood elevation data has not been provided in accordance with these regulations, the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer the applicable provisions of this Code.
 - b. For waterways with base flood elevations for which a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one-half foot at any point within the community.
 3. *Reports to Hearing Officer on Appeals and Variances.* The Floodplain Administrator shall prepare reports to assist the Floodplain Hearing Officer in his or her consideration of Administrative Reviews (appeals) and Floodplain Variances.
 4. *Other Matters.* The Floodplain Administrator shall have the following other duties and responsibilities:
 - a. Obtain and Maintain Floodplain Information.
 - i. Obtain and record the actual elevation (in relation to mean sea level) of all new or substantially improved structures within the Special Flood Hazard Area, whether or not the structure contains a basement.
 - ii. For all new or substantially improved flood-proofed structures:
 - a. Verify and record the actual elevations (in relation to mean sea level) to which the structure has been flood-proofed.
 - b. Maintain the flood-proofing certification required in Section 4-1-2-6, Regulatory Floodplain General Standards.

- iii. Maintain for public inspection all records pertaining to the provisions of the floodplain regulations, including appeals and variances.
 - I. a. Report variances to FEMA upon request.
- b. For Any Alteration of Watercourses:
 - i. Notify the Colorado Water Conservation Board, Urban Drainage and Flood Control District (“UDFCD”), U.S. Army Corps of Engineers (“USACE”), and adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (“FEMA”).
 - ii. Require that maintenance is provided within the altered or relocated portion of said watercourse so that flood-carrying capacity is not diminished.
 - iii. Ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.
 - iv. Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, the City may approve certain development in zones A1-30, AE, AH, on the City's FIRM which increases the water surface elevation of the base flood by more than one-half foot, provided that the City first applies for a conditional FIRM revision through FEMA (conditional letter of map revision); fulfills the requirements for such revisions as established under the provisions of Section 65.12; and receives FEMA approval.

8-1-1-5 Floodplain Hearing Officer

- A. **Generally.** For purposes of administering the floodplain regulations set forth in Division 4-1-2, Floodplain Regulations, the Director of the Department of Public Works shall appoint a qualified Floodplain Hearing Officer.
- B. **Duties and Responsibilities.**
 - 1. *Administrative Reviews.* The Floodplain Hearing Officer shall be responsible for conducting an Administrative Review of all allegations of error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of the floodplain regulations.
 - 2. *Variances from Floodplain Regulations.* The Floodplain Hearing Officer shall be responsible for reviewing floodplain variance applications seeking hardship relief from application of the floodplain regulations and shall take final action to approve, approve with conditions, or deny such application.
- C. **Conduct of Administrative Review Proceedings.** The Floodplain Hearing Officer shall conduct all Administrative Reviews and requests for a variance in accordance with the provisions governing the conduct of administrative hearings set forth in Chapter 2, Article V, Division 3, Arvada City Code.

8-1-1-6 Referral Agencies

- A. **Generally.** The Director shall maintain a list of referral agencies, including but not limited to: the Colorado Department of Transportation (“CDOT”), Jefferson County, Adams County, special districts, fire protection districts, school districts, ditch and / or reservoir companies, irrigation districts, and utility providers that may be affected by land use and development within the City.

The Director shall refer applications to affected referral agencies as required by this Code or, if not required by this Code, as the Director may determine appropriate.

- B. **Referral Agency Review.** The Applicant for development approval shall be responsible for the payment of review fees and escrows charged by referral agencies, if any. Failure to pay referral agency fees in a timely manner may result in delays in application processing.

Division 8-1-2 Elected and Appointed Officials

8-1-2-1 City Council

- A. **Powers.** With respect to the implementation of this LDC, the City Council shall have all powers conferred upon it by the City of Arvada Home Rule Charter and the constitution and laws of the State of Colorado and the United States.
- B. **Delegations.** The City Council may delegate authority as provided in this LDC, the Arvada City Code, and the City of Arvada Home Rule Charter.
- C. **Appointments.** The City Council shall appoint members of the Planning Commission, Board of Adjustment, and Design Review Advisory Committee, as provided in this Division and the City of Arvada Home Rule Charter.
- D. **Schedule of Fees, Charges and Expenses**
 - 1. The City Council shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, appeals, amendments, and other administrative and review matters pertaining to this Code. The schedule of fees shall be available in the Community and Economic Development Department and may be altered or amended only by the City Council.
- E. **Decisions.**
 - 1. The City Council shall decide applications or petitions for approval of:
 - a. Annexations;
 - b. LDC Text Amendments;
 - c. Zoning and Rezoning;
 - d. Formation of Reimbursement Assessment Districts; and
 - e. Right-of-Way Vacations of Existing Rights-of-Way.
 - 2. The City Council shall decide applications for approval or major amendment of:
 - a. Conditional Uses;
 - b. PUD Development Plans;
 - c. Height Exceptions;
 - d. Major Subdivision Preliminary Plats;
 - e. Major Modification;
 - f. Free-standing Towers;
 - g. Creation or Extension of Vested Rights;
 - h. Revocable Right-of-Way License Agreements;
 - i. Vacation of Right-of-Way and Access Easements; and
 - j. Out-of-City Utility Requests.

3. The City Council shall hear and decide administrative appeals as identified Subsection 8-2-5-2C.
4. City Council shall also ratify, as it determines appropriate, the Comprehensive Plan and other plans for the physical development of the City. If the City Council decides to adopt or approve the Comprehensive Plan or other plans for the physical development of the City, then subsequent amendments to said plans shall be subject to City Council adoption or approval.

8-1-2-2 Planning Commission

A. Powers and Duties; Generally.

1. *Decisions.* The Planning Commission shall hear and find facts as to whether the following types of applications comply with the requirements of this LDC:
 - a. Alternative Sign Programs
2. *Recommendations.* The Planning Commission shall consider and recommend to the City Council approval, approval with conditions, or disapproval of the following types of applications or petitions:
 - a. Annexations;
 - b. Height Exceptions;
 - c. Major Subdivision Preliminary Plats;
 - d. Major Modifications;
 - e. Zoning and Rezoning;
 - f. Conditional Uses;
 - g. PUD Development Plans / Final Development Plans (Planned Unit Developments); and
 - h. Vacation of Right-of-Way and Access Easements.

B. Powers and Duties; Initiated Land Development Code Amendments and Other Duties. The Planning Commission may also initiate proposed changes to the LDC and advise the City Council on such proposed changes, and shall perform such other duties as the City Council may be ordinance, resolution or motion prescribe.

C. Powers and Duties; Comprehensive Plan.

1. *Comprehensive Planning.* Upon request by the City Council, the Planning Commission shall have the power to prepare a Comprehensive Plan as a guide for future zoning and rezoning and shall have lawful and comprehensive studies made in conjunction therewith. Any plan so prepared shall be made with the general purpose of carrying out the objective of providing for the considered planning and orderly physical development of the City and applicable surrounding areas. The Planning Commission shall also actively promote implementation of any such Comprehensive Plan and other adopted plans, through its powers and duties as set out in this Section.
2. *Other Plans.* Upon request by the City Council or the Director, the Planning Commission shall be responsible for adopting other land use plans, open space/parks/trails plans, special area plans, corridor plans, and similar plans, and any updates or amendments to such plans. The Planning Commission shall also actively promote implementation of the Comprehensive Plan and other adopted plans, through its powers and duties as set out in this Section.

8-1-2-3 Board of Adjustment

- A. **Generally.** There is established a Board of Adjustment consisting of seven members.
- B. **Qualifications of Board Members.** All members shall be selected from among the duly qualified - residents of the City.
- C. **Appointment of Board Members.** Members of the Board of Adjustment shall be appointed by the City Council.
- D. **Term of Membership.** The term of each appointed board member shall be four years.
- E. **Powers and Duties; Generally.**
 - 1. *Appeals; Exceptions.* The Board of Adjustment shall have the power and duty to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the application or enforcement of this LDC, except:
 - a. The Floodplain Hearing Officer shall have the authority to hear administrative appeals where it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the application or enforcement of the floodplain regulations. See Sec. 8-1-1-5, Floodplain Hearing Officer.
 - b. The Planning Commission shall have the authority to hear appeals from the Director's final decisions. See Sec. 8-1-2-2, Planning Commission.
 - c. The Community and Economic Development Director shall have the authority to render written interpretations of this Code as provided in Section 8-1-1-1, Director of Community and Economic Development, which are appealable to the City Council pursuant to Section 8-2-5-2, Appellate Body.
 - 2. *Variances.* The Board of Adjustment shall be empowered to grant variances from certain standards set forth in this LDC according to the standards set out in Section 8-3-11-2, Variances.
- F. **Chair; Rules; Meetings; Records.**
 - 1. The Board of Adjustment shall establish its own rules of procedure and bylaws.
 - 2. *Records.* The Board of Adjustment shall keep a record of its motions, findings, and determinations which shall be a public record maintained by the Community and Economic Development Department.

8-1-2-4 Design Review Advisory Committee

- A. **Generally.** City Council shall appoint a Design Review Advisory Committee ("DRC") consisting of seven members appointed by City Council, to review applications that may be delegated to it of land-use activities and plans that are subject to the Design Guidelines for Olde Town Arvada, for compliance therewith.
- B. **Duties.** Based upon its review, the DRC shall make recommendations to the Director including, but not limited to, recommendations concerning compliance with the Design Guidelines, conditions of approval, or whether or not a waiver from Design Guidelines would be in accordance with the provisions of the Design Guidelines. The DRC is an informal, advisory and consultative body whose determinations, including recommendations, are not binding upon the Director.

Article 8-2 General Review Procedures

Division 8-2-1 Purpose and Application of Article

8-2-1-1 Purpose of Article

The purpose of this Article is to set out a standardized process for development review and administrative appeals.

8-2-1-2 Application of Article

- A. **Generally.** All procedures for obtaining development approvals and for appealing decisions of the Director or the Planning Commission are set out in this Article.
- B. **Required Development Approvals.** Division 8-2-2, Required Development Approvals, sets out the approvals and permits required by the City for the use and development of real property. Section 8-2-2-2, Decision-Making Tracks By Application Type, establishes eight decision-making tracks for approval of development applications.
- C. **Standardized Decision-Making Procedures.** Division 8-2-3, Standardized Decision-Making Procedures, sets out the steps in the standardized procedures for development review.
- D. **Required Notices.** Division 8-2-4, Required Notices, details the notice requirements for each type of application that requires one or more public notices.
- E. **Appeals.** Division 8-2-5, Administrative Appeals, sets out the process for appealing a decision of the Director or the Planning Commission.

Division 8-2-2 Required Development Approvals

8-2-2-1 Development Approval Required

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

8-2-2-2 Decision-Making Tracks by Application Type

- A. **Generally.** Different types of development applications and land use approvals are subject to different decision-making procedures.
- B. **Decision-Making Tracks.** Table 8-2-2-2A, Decision-Making Tracks, sets out eight procedural tracks for review and approval of development applications.

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

TABLE NOTES:

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

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

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

⁴ Notice required for Track 1 reviews only as required by Section 8-2-3-8, Notice of Administrative Application.

- C. **Decision-Making Tracks by Application Type.** Table 8-2-2-2B, Decision-Making Track by Application Type, provides:
1. A brief purpose and description for each application type;
 2. A reference to where more information can be found regarding each application type;

3. The decision-making track required for each application type; and
4. The submittal type.

Table 8-2-2-2B: Decision-Making Tracks by Application Type					
Application Type	Required For	Exceptions	Reference	Decision-Making Track	Submittal Type
1. Annexation, Zoning, and Rezoning					
Annexation	Annexing property into the City	-	Division 8-3-3, Annexation and Disconnection	Track 5 ¹	Project
Disconnection	Removing property from the City limits	-	Division 8-3-3, Annexation and Disconnection	Track 5 ¹	Project
Zoning or Rezoning	Changing the zoning designation of land within the City or establishing initial zoning for land being annexed into the City	-	Division 8-3-4, Zoning and Rezoning	Track 5	Project
2. Land Use					
Limited Use	Establishing a limited use	-	Division 3-1-3, Use-Specific Standards for Primary Land Uses, as applicable to the use	Track 1	Project
Conditional Use	Establishing a conditional use	-	Division 3-1-3, Use-Specific Standards for Primary Land Uses, as applicable to the use; and Section 8-3-5-1, Conditional Use	Track 5	Project
Temporary Use / Special Event	Commencing / conducting certain temporary uses on a subject property	-	Division 3-1-4, Temporary Uses, as applicable to the temporary use or special event; and Section 8-3-5-5, Temporary Use Permit	Track 1	Permit
3. Certificate of Compliance, Site Plans and Site Development					
Certification of Compliance with Design Guidelines	Verifying compliance with or waiver from applicable Design Guidelines, if	As provided in the applicable design guidelines document; see Appendix A:	Applicable design guidelines document; see Appendix A: Design Guidelines for	Track 1, if not processed with another application type; otherwise same track as related application. See Sec.	Project

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

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

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

Application Type	Required For	Exceptions	Reference	Decision-Making Track	Submittal Type
Miscellaneous Structure Permit	Authorizing the construction or installation of fences, walls, decks, retaining walls, garden walls, accessory buildings, accessory structures or sheds	Mini-structures less than 200 square feet	Section 8-3-5-7, Miscellaneous Structure Permit-	Track 1	Permit
Revocable Right-of-Way License Agreement	Authorizing encroachments within public rights-of-way (e.g., signs, outdoor dining areas, etc.)	Temporary structures that are approved by Temporary Use or Special Event Permits	Section 8-3-5-7, Revocable Right-of-Way License Agreements	Track 4	Project
4. Wireless Communications Facilities					
Small Cell Facilities Permit	Authorizing the co-location of wireless communications facilities; authorizing small-cell facilities in the right-of-way	-	Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications Facilities	Track 1, as modified by Division 8-3-6, Wireless Communications Facilities	Permit
Base Stations and Alternative Tower Structures	Authorizing the installation of a new wireless communications facility on private property	-	Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications Facilities	Track 1, as modified by Division 8-3-6, Wireless Communications Facilities	Project
Free-standing Towers	Authorizing the new installation of a freestanding wireless communications tower	-	Chapter 7, Wireless Communications Facilities; and Division 8-3-6, Wireless Communications Facilities	Track 5, as modified by Division 8-3-6, Wireless Communications Facilities	Project
5. Signs					
Sign Permit	Installing or displaying a sign (may also require Certification of Compliance with Design Guidelines)	Exceptions and exemptions listed in Sec. 6-1-2-2, Exemptions and Partial Exemptions; and Sec. 6-1-2-3, Permit	Chapter 6, Signs, or an approved Alternative Sign Program; and Section 8-3-7, Sign Permits	Track 1	Permit

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

Application Type	Required For	Exceptions	Reference	Decision-Making Track	Submittal Type
		Exceptions			
Alternative Sign Program	Establishing a specific signage program for a particular subject property or development, which may modify some of the standards of Chapter 6, Signs	-	Chapter 6, Signs; and Section 8-3-7-2, Alternative Sign Programs	Track 2	Project
6. Subdivisions, Plats, and Vacations					
Major Subdivision Concept Plan	Providing the City with a generalized land use plan and layout for the area proposed to be included within a subdivision	This review process is available at the Applicant's option	Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities	Track 9	Project
Major Subdivision Preliminary Plat	Establishing the preliminary layout of lots, streets, utilities, and open spaces within a subdivision, prior to approval of a major subdivision final plat for 10 or more lots.	-	Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities	Track 5	Project
Major Subdivision Final Plat	Establishing the final layout of the lots, tracts, streets, alleys, and easements within a subdivision for 10 or more lots	-	Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9, Nonconformities	Track 1	Project
Minor Subdivision Plat	Establishing the specific layout of the lots, tracts, streets, alleys, and easements within a subdivision that including nine	-	Applicable standards of Chapter 2, Zoning Districts; Chapter 4, Environmental and Site Design; and Chapter 9,	Track 1	Project

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

Application Type	Required For	Exceptions	Reference	Decision-Making Track	Submittal Type
	or fewer new lots or tracts		Nonconformities		
Vacation of Right-of-Way	Extinguishing Right-of-Way that is held by the City	-	Division 8-3-9, Vacation of Rights-of-Way; Termination of Easements	Track 4	Project
Vacation of Easement	Extinguishing an easement that is held by the City	-	Division 8-3-9, Vacation of Rights-of-Way; Termination of Easements	Track 1	Project
7. Infrastructure Development and Public Improvements					
Public Improvement Construction Drawings	Approving construction drawings for wastewater, water, stormwater, street, and landscaping improvements	Landscaping on individual lots used for single-family detached and duplex housing types	Engineering Code of Standards and Specifications; Division 8-4-4, Public Improvements, Warranties and Utilities	Track 1 (see footnote 1 of Table 4-3-2-2A., above)	Project
Development Agreement	Setting out the timing and terms for the installation of public and private improvements, and providing for security to ensure that the improvements are constructed and warranted	-	Division 8-4-5, Development-Related Agreements and Covenants-	Track 1	Project
Formation of Reimbursement Assessment District and Metropolitan District	Creating reimbursement assessment districts for financing public improvements	Development that does not require a reimbursement assessment district, as determined by the Applicant	-	Track 4	Project
Out-of-City Utility Request	Any request for City provision of utility service to property outside City limits	-	Section 8-3-5-8	Track 5	Project
8. Planned Unit Developments					

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

Application Type	Required For	Exceptions	Reference	Decision-Making Track	Submittal Type
PUD Sketch Plan	Providing the City with an early, informal, and generalized land use/site plan for the area proposed to be included within a PUD	This review process is available at the Applicant's option	Section 8-3-10-5, PUD Sketch Plan	Track 9	Project
PUD Development Plan	Establishing the types and total amount of development proposed within a PUD (dwelling units, land uses, and nonresidential floor area), as well as the proposed general plan for pedestrian and vehicular circulation within and connecting to the PUD; may run concurrently with preliminary plat application	-	Section 8-3-10-6, PUD Development Plan	Track 5	Project
PUD Final Development Plan	Establishing or modifying the physical layout of a subject property, including infrastructure, development and architectural standards, parking and loading, landscaping, lighting, grading, drainage, , major structure footprints, and building footprints in accordance with		Section 8-3-10-6, PUD Unit Development Plan	Track 1	Project

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

Application Type	Required For	Exceptions	Reference	Decision-Making Track	Submittal Type
	an approved PUD Development Plan				
9. Interpretations, Variances, Modifications, Exceptions, and Interpretations					
Administrative Minor Modifications	Authorizing a minor variation to the standards of this LDC	-	Section 8-3-11-3, Administrative Minor Modifications	Track 1	Project
Major Modification	Authorizing a major variation to the standards of the LDC	-	Section 8-3-11-4, Major Modifications	Track 5	Project
Reasonable Accommodations	Authorizing a minor variation to the standards of this LDC	-	Section 8-3-11-5, Reasonable Accommodations	Track 1	Project
Official Interpretations	Providing an official written interpretation of the provisions of this LDC	-	Section 8-3-11-7, Official Interpretations	Track 1	Project
Height Exception	To exceed building or structure height standards in the LDC	-	Section 8-3-11-1, Height Exceptions	Track 5	Project
Variance or Exception to Standards	Authorizing a departure from the strict application of the standards in the LDC	Where other methods exist for authorizing the modification, such as an administrative minor modification, floodplain variance; or where standards are statutory requirements (e.g., state-mandated subdivision monumentation standards)	Section 8-3-11-2, Variances	Track 8	Project
Floodplain Variance	Authorizing a departure from the strict application of Division 4-1-2,	-	Section 8-3-11-6, Floodplain Variances	Track 7	Project

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

Application Type	Required For	Exceptions	Reference	Decision-Making Track	Submittal Type
	Floodplain Regulations				
10. Vested Rights					
Early Vested Rights	Obtaining vested rights prior to the approval of a site-specific development plan	-	Section 8-3-12-1, Early Vested Rights	Track 4	Project
Vested Rights (and Extension)	Obtaining vested rights in accordance with Article 68 of Title 24, C.R.S., as amended	-	Section 8-3-12-2, Vested Rights	Track 4	Project
11. Amendments and Terminations					
Annexation Agreement Amendment	Amending an annexation agreement	-		Track 4	Project
Major Comprehensive Plan Amendment	Amending text or Future Land Use Map, where amendment does not fall within the category of “minor”	-	-	Track 3	Project
Minor Comprehensive Plan Amendment	Correcting obvious errors (either text or mapping), and updating outdated data without changing policy	-	-	Track 1	Project
Major LDC Amendment	Changing procedures or standards in the LDC, where amendment does not fall within the category of “minor”	-	-	Track 5	Project
Minor LDC Amendment	Correcting non-substantive clerical or formatting errors in the LDC text or maps, or adding	-	Section 8-3-2-2, Text Amendment Requirements	Track 1	Project

Table 8-2-2-2B: Decision-Making Tracks by Application Type					
Application Type	Required For	Exceptions	Reference	Decision-Making Track	Submittal Type
	or correcting illustrations				
Abandonment of Development Approval	Terminating a development approval without a replacement development approval	-	-	Track 1 if development never commenced and there is no development agreement	Project
TABLE NOTES: ¹ As modified by Colorado law pertaining to annexation and disconnection.					

Division 8-2-3 Standardized Decision-Making Procedures

8-2-3-1 Decision-Making Process Overview

- A. **Generally.** This Division sets out the steps in the decision-making process for applications decided by the Director, the Planning Commission, the Board of Adjustment, or the City Council.
- B. **Decisions by the Director or Other City Staff.**
 - 1. Applications that are decided by the Director without fact-finding by the Planning Commission (see Section 8-2-2-2, Decision-Making Tracks By Application Type), or by other City staff, require the following process:
 - a. Pre-application meeting (if applicable) (Section 8-2-3-3, Pre-Submittal Meeting);
 - b. Neighborhood meeting (if applicable) (Section 8-2-3-4, Neighborhood Meetings);
 - c. Formal application (Section 8-2-3-5, Formal Application);
 - d. Completeness review (Section 8-2-3-7, Completeness Review);
 - e. Notice of application (Section 8-2-3-8, Notice of Application);
 - f. Administrative review (Section 8-2-3-11, Review by Director);
 - g. Agency referrals (Section 8-1-1-6, Agency Referrals);
 - h. Design Review Advisory Committee review (if applicable) (Section 8-1-2-4, Design Review Advisory Committee);
 - i. Effect of approvals (Section 8-2-3-14, Effect of Approvals); and
 - j. Effect of denial; successive applications (Section 8-2-3-15, Effect of Denial; Successive Applications).
 - 2. All development review procedures involving a decision by the Director (but not involving fact-finding by the Planning Commission) are subject to Section 8-2-3-2, Burden of Proof and Persuasion.
- C. **Procedures Involving the Planning Commission and City Council.**
 - 1. Procedures involving the Planning Commission or City Council are subject to Section 8-2-3-3, Pre-Application Meeting, through Section 8-2-3-15, Effect of Denial; Successive Applications, inclusive.

2. If a procedure requires a recommendation of the Planning Commission before a decision of the City Council, then the public hearing notice requirements of Section 8-2-3-12, Public Hearing Notice and Schedule, and the hearing procedures requirements of Section 8-2-3-13, Hearing Procedures, shall apply to the Planning Commission hearing and the City Council Hearing.
 3. All development review procedures (except as to legislative matters) involving the Planning Commission or City Council are subject to Section 8-2-3-2, Burden of Proof and Persuasion.
- D. **Special Provisions.** The following provisions apply to specific situations that may arise during development review, whether processed under Subsection B., above, or Subsection C., above:
1. Section 8-2-3-9, Inactive Applications, applies to applications that are not diligently pursued by the Applicant.
 2. Section 8-2-3-10, Withdrawal of Applications, applies to situations where the Applicant seeks to withdraw an application.
 3. Section 8-2-3-6, Simultaneous Processing of Applications, allows the Director to approve the simultaneous processing of related applications for development approval under certain conditions.

8-2-3-2 Burden of Proof and Persuasion

The burden of demonstrating that an application complies with applicable review and approval criteria is on the Applicant.

8-2-3-3 Pre-Application Meeting

- A. **Generally.** A pre-application meeting is required for various application types, as determined by the Director. The Director may establish and post a regular schedule for pre-application meetings and for intake of required materials.
- B. **Waiver.** The Director may waive the pre-application meeting if it is determined that the meeting is not necessary.
- C. **Purpose.** The purpose of the pre-application meeting is threefold:
 1. To review the Applicant's conceptual plans and to identify application requirements;
 2. To ensure the Applicant is familiar with the procedural and substantive requirements of this LDC;
 3. To meet with City staff, and representatives from agencies and departments, to discuss details, and potential impacts of the proposed development, and to establish points of contact for the development review process.
- D. **Required Materials.** A pre-application meeting shall be requested on a pre-application form approved by the Director, which may include requirements for supplemental materials based on the type of application to which the pre-application meeting relates. At a minimum, unless waived by the Director for good cause shown, the request shall include sufficient supporting materials to explain:
 1. The location of the proposed project;
 2. The proposed uses (in general terms);
 3. The proposed general arrangement of buildings, parking, access points, open spaces, and drainage facilities (including water quality and stormwater detention facilities);

4. The relationship to existing development; and
5. Such other preliminary materials that the Applicant or the Director believes will be pertinent to the application.

E. Staff Opinions and Written Comments.

1. Staff opinions presented during and after pre-application meetings are informational only and do not represent a commitment on behalf of the City regarding the acceptability of the proposed development. Materials submitted for review at a pre-application meeting shall not constitute an “application” for purposes of C.R.S. § 24-68-101, *et seq.*, or any other purposes.
2. The Director shall provide written comments to the potential Applicant following the meeting.

F. Formal Application Timing. If a development application is not submitted within 180 days of the pre-application meeting, or if there are substantial changes to the design concept, the Applicant may be required to schedule and attend another pre-application meeting before submitting any application.

8-2-3-4 Neighborhood Meetings

A. Purposes and Intent.

1. *Purposes.* The purposes of the neighborhood meeting are:
 - a. To educate and inform City residents, businesses and organizations of pending development proposals in and near their neighborhood;
 - b. To encourage an Applicant to pursue early and effective communications with the affected parties in conjunction with the proposed development prior to submitting applications, giving the Applicant an opportunity to understand and attempt to mitigate any documentable adverse impact of the proposed development on the community;
 - c. To provide residents and property owners a forum to work together to resolve potential concerns at an early stage of the process; and
 - d. To facilitate ongoing communication between the Applicant, interested residents and property owners, businesses and organizations, the Director, and City officials throughout the development review process.
2. *Intent.* Neighborhood meetings are forums in which the Applicant and community members should strive to work together in good faith. However, they are not required to achieve consensus on all aspects of the applications, nor to supplant or add to or subtract from the standards of this LDC. The Applicant is primarily responsible for describing the development and answering questions about the development and potential impacts on the community. City staff is primarily responsible for describing applicable review procedures and opportunities for public input.

B. Notice. Notice of the neighborhood meeting shall be prepared by the Applicant per the requirements of Division 8-2-4, Required Notices. Notification of the neighborhood meeting shall be sent by mail and electronically to those registered neighborhood groups that have boundaries within one-half mile of the project site, and to property owners within 500 feet of the project site at least 15 calendar days before the meeting date.

C. **Conduct of Meetings.**

1. The Applicant shall be responsible for scheduling the neighborhood meeting at a time when a Director's staff member can attend, coordinating the meeting, and if necessary retaining an independent facilitator. All neighborhood meetings shall be convened at a place in the vicinity of the proposed development.
2. At the meeting, the Applicant or Applicant's representative shall present information about the land uses, site layout, building size and height.

D. **Neighborhood Meeting Summary.** If a neighborhood meeting is required, the Applicant shall include a written neighborhood meeting summary on the results of the neighborhood meeting with the formal application. At a minimum, the neighborhood meeting summary shall include the following information:

1. Proof of mailing notification for the dates and locations of all meetings where participants were invited to discuss the Applicant's proposal;
2. Copies of the sign-in sheets;
3. A summary of topics discussed by the Applicant and concerns, issues, and problems expressed by participants; and
4. A summary of:
 - a. How the Applicant has addressed identified issues; and
 - b. Issues that cannot or should not be addressed, and why those issues cannot or should not be addressed.

8-2-3-5 Formal Application

- A. **Generally.** Applications shall be submitted in a format approved by the Director. Submittal requirements for every type of development application required by this LDC may be established and amended by the Director without action by the City Council, provided that each such submittal shall be an item reasonably required to evaluate compliance with this LDC, City of Arvada Engineering Code of Standards and Specification, and the Comprehensive Plan, and shall be accompanied by the corresponding development review fee (*see* Section 74-31, Arvada Municipal Code).
- B. **Waiver of Application Requirements.** The Director may waive specific submittal requirements if the Director determines that such requirements are unnecessary for the processing of the application for which the waiver is requested. However, if the Director subsequently finds that such information is pertinent to the evaluation of compliance with the standards of this LDC, the Director may require the Applicant to supplement the application with the necessary information.
- C. **Schedule.** The Director is authorized, but not required, to establish regular intake days for any or all classifications of applications for development approval, except sign permits and administrative appeals.
- D. **Authority to File Application.**
1. An application for review or approval under this Code shall be filed by the person having legal authority to take action in accordance with the approval sought. That person is presumed to be the record owner, purchaser under a sale, or the duly authorized agent of the record owner in the absence of satisfactory proof to the contrary.

2. In the case of variance or conditional use applications, the express authorization of the property owner shall be included with the application if the Applicant is not the owner.
3. The Director, Planning Commission or City Council may initiate code amendment action under this Code with or without an application from affected property owners.

8-2-3-6 Simultaneous Processing of Applications

- A. **Generally.** The Director may approve, at the Director's discretion, an Applicant's request for the simultaneous processing of otherwise sequential applications for development approval in order to shorten the total review and processing time.
- B. **Applicant to Assume All Risk and Cost of Delay.** The Applicant bears all risk that:
 1. If the application that normally is considered first is denied, the other associated application(s) will become moot; and
 2. If the application that normally is considered first is either modified during the approval process or approved with conditions, then the application that is normally considered following the first application may have to be modified in order to conform to the resulting requirements. Such situations may create processing delays and increased costs to the Applicant.
- C. **Effect on Timing.** Where a proposed development requires more than one type of development approval required by this LDC, all of the applications can be processed simultaneously, but none of the required approvals shall be considered final until the last of the related approvals has been approved.

8-2-3-7 Completeness Review

- A. **Generally.**
 1. The Director, Chief Building Official or Floodplain Administrator, as appropriate, shall review each application to verify that it is complete.
 2. Applications for sign permits shall be reviewed for completeness within three business days of the date on which they are filed.
 3. Applications for Wireless Communications Facilities and Small Cell Facilities shall be reviewed for completeness according to the applicable "shot clocks" set out in Division 8-3-6, Wireless Communications Facilities.
- B. **Complete Applications.**
 1. A complete application is an application that :
 - a. Contains all of the information and materials required by the Director and this Code (except any items waived by the Director);
 - b. All supporting documents required by the application form (except any items waived by the Director);
 - c. All supporting documents requested by the Director as a result of the pre-application meeting; and
 - d. All required fees. Fees shall not be required for applications initiated by Director,, Planning Commission, City Council, or other City department head for City projects.
 2. Complete applications shall be processed according to the applicable procedures of this LDC.

C. **Incomplete Applications.**

1. Except with respect to sign permits, Wireless Communications Facilities and Small Cell Facilities (which are subject to special provisions in Division 8-3-6, Wireless Communications Facilities):
 - a. Incomplete applications shall not be processed or reviewed. The Director shall provide written notice of the submittal deficiencies. The Applicant may correct the deficiencies and resubmit the application for determination of application completeness. The written notice shall be delivered to the Applicant by electronic mail.
2. Incomplete applications for sign permits, Wireless Communication Facilities and Small Cell Facilities shall be returned Subsection after they are determined to be incomplete pursuant to Section 8-2-3-7, Completeness review.

8-2-3-8 Notice of Administrative Application

A. **Purpose and Intent.**

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

- B. **Notice.** The notice of application shall be prepared by the Applicant per the requirements of Division 8-2-4, Required Notices, for Master Development Plans, Site Plans and Minor Subdivision Final Plats.

8-2-3-9 Inactive Applications

- A. **Generally.** Applications for development approval shall be diligently pursued by the Applicant. This section is intended to delete applications that become inactive due to inaction by the Applicant.
- B. **Expiration of Inactive Applications.** When an action by the Applicant is required for further processing of an application the application shall become void 180 days after the date that the action is requested if the Applicant either fails to take action or fails to request an extension of time pursuant to Subsection C., below.
- C. **Extension of Time.** The Director may extend the time for expiration of an application by up to 180 additional days upon written request of the Applicant before the end of the period set out in Subsection B., above.

8-2-3-10 Withdrawal of Applications

An application may be withdrawn by the Applicant at any time. To reinstate review, the Applicant shall resubmit the application, which in all respects shall be treated as a new application for purposes of review and scheduling.

8-2-3-11 Review by Director

- A. **Generally.** Upon determination that an application is complete, the Director shall cause the application to be reviewed for compliance with the applicable requirements of this LDC and other requirements.

B. Referrals to Out of City Agencies.

1. As part of the review process, out of City referral agencies may be notified and provided the opportunity to comment on the application.
2. The Director shall refer applications to out of City referral agencies.

C. Referral Agency Review Fees. Applicants are advised that referral agencies may charge a fee or require reimbursement for their review. The Applicant shall be responsible for the payment of agency review fees and reimbursements or escrows for reimbursements. The City does not establish or regulate fees charged by referral agencies that are not part of the City.

D. Referral Period.

1. The referral period shall be established with the notification sent by the City, and shall commence upon delivery of the application and any applicable review fee to the referral agency.
2. Failure of an agency to respond within the prescribed time period (or extended period) may be interpreted as consent by that agency to the contents of the application. However, if the agency's failure to respond is due to the Applicant's failure to pay required review fees, the failure to respond shall not be interpreted as consent.

E. Extension of Referral Period. Upon written request by the Applicant or referral agency, the Director may extend the referral period or suspend the development review process in order to allow time for the Applicant and the referral agency to resolve conflicts (including conflicts with respect to the payment of review fees).

F. Notice and Comment Period. If the application type requires a public notice and comment, the Applicant shall provide notice as required by Division 8-2-4, Required Notices and the Director shall thereafter collect and review public comments during the notice and comment period.

1. During the notice and comment period, the Director shall make application materials available at reasonable times for inspection, and shall accept written comments from the public regarding the application's compliance with this LDC.
2. The Director shall not consider public comments that are not pertinent to the evaluation of whether the application complies with the requirements of this LDC.
3. The notice and comment period shall be in accordance with Section 8-2-4-3, Specific Requirements by Notice Type.

G. Recommended Revisions.

1. After the neighborhood meeting, referral period, or applicable notice and comment periods, and upon completion of the Director's review, the Director shall provide to the Applicant the comments from City staff, and if applicable, referral agencies and/or the public. The Applicant shall respond to the comments and make the required revisions to all applicable materials and/or by providing a response that describes why revisions are not necessary.
2. The Director may refer a revised application or response to comments to referral agencies again if changes substantially affect the interests of the agency in ways not anticipated by the agency's original comments, if the response requires the agency's technical expertise for adequate review, or if requested by the referral agencies.

H. Director Decision or Recommendation. After submittal of an application that appropriately addresses comments pursuant to Subsection G., above, or promptly after the Director determines that no revisions to an original application are necessary:

1. If the application is subject to a Track 1 approval process (see Section 8-2-2-2, Decision-Making Tracks by Application Type), then the Director shall approve, approve with conditions, or deny the application, as appropriate.
2. If the application is subject to a Track 2 approval process (see Section 8-2-2-2, Decision-Making Tracks by Application Type), then the Director shall approve, approved with conditions, or deny the application, as appropriate after a recommendation by the Planning Commission.
3. If the application is subject to a Track 3, Track 4, and Track 5, or Track 8 approval process (see Section 8-2-2-2, Decision-Making Tracks By Application Type), then the Director shall make a recommendation regarding the application and forward the recommendation to the next body that will consider it for further recommendation or approval. The recommendation shall include the comments of the referral agencies and the public, if such comments are provided.
4. If the application is subject to a Track 6 approval process (see Section 8-2-2-2, Decision-Making Tracks by Application Type), then the Floodplain Administrator shall approve, approve with conditions, or deny the application, as appropriate.
5. If the application is subject to Track 7 approval process (see Section 8-2-2-2, Decision-Making Tracks by Application Type), then the Floodplain Administrator shall make a recommendation regarding the application and forward the recommendation to the Floodplain Hearing Officer. The recommendation shall include the comments of the referral agencies and the public, if such comments are provided.
6. If the application is subject to Track 9 review (see Section 8-2-2-2, Decision-Making Tracks by Application Type), then the Planning Commission and City Council shall provide informal, non-binding comments regarding the request to the Applicant.

I. Special Provisions for Sign Permits.

1. If a Design Review Advisory Committee review is not required (Track 1), then the Director shall approve or deny a sign permit within seven business days after it is determined to be complete pursuant to Section 8-2-3-7, Completeness Review, unless the Applicant agrees to an extension of time. If the Director fails to timely decide the sign permit, it shall be deemed approved. Denial of a sign permit shall be in writing, which shall include the reasons for the denial.
2. If a Design Review Advisory Committee review is required (certain Track 1 approvals), then within five days after the submittal, the Director shall place the application on a Design 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.

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.
 - b. At the conclusion of the public hearing, recommend approval of the application, approval with conditions, or deny the application.
 - c. If the decision-maker is the Director, the Director shall decide the application following the Planning Commission hearing, based on the facts found by the Planning Commission.
 - 2. If the hearing is before the Board of Adjustment, the Board of Adjustment shall:
 - a. Apply the approval criteria for review and approval as stated in the LDC when considering an application.
 - b. At the conclusion of a public hearing, approve the application as presented, approve with conditions, or deny the application.
 - 3. If the hearing is before the City Council, the City Council shall:
 - a. Apply the approval criteria for review and approval as stated in the LDC when considering an application.
 - b. At the conclusion of the public hearing, approve the application as presented; approve with conditions, or deny the application. The City Council may also defer its decision to obtain additional information, or it may remand the application to the Planning Commission for further consideration.

8-2-3-14 Effect of Approvals

- A. **Generally.** Approval of an application authorizes only the particular use, plan, or other specific activity for which the approval was granted. Approvals run with the land that is the subject of the approval, except that LDC Text Amendments and Comprehensive Plan Text Amendments do not run with the land.

- B. **Writing and Findings Required.** If the application is for an administrative approval, the Director shall provide written notification and shall include findings that support the final decision via personal delivery, electronic mail or first-class mail to the Applicant and make the decision available to the public via the on-line development application. The decision and findings shall be signed by the Director. If the application requires a quasi-judicial hearing, the Director shall provide written notification after a final decision on the application via personal delivery, electronic mail or first-class mail to the Applicant and make the decision available to the public via the on-line development application.
- C. **Expiration of Approvals.** An entitlement shall be valid and shall expire as indicated in Table 8-2-3-13, Time Limitations, for the particular type of application, unless the building permit has been issued. A change in ownership of the land shall not affect the established expiration time period of an approval.

Table 8-2-3-13: Time Limitations	
Approval Type	Time Limitation
Conditional Use	5 years
Temporary Use Permit / Special Event Permit	as specified in the permit
Certificate of Compliance with Design Guidelines	3 years, 1 year for signs
Site Plan and Master Development Plan	3 years
Floodplain Development Permit	24 months
Free-Standing Tower	24 months; or as specified in the permit
Miscellaneous Structure Permit	6 months
Sign Permit	1 year
Alternative Sign Program	3 years
Major Subdivision Preliminary Plat	3 years
Public Improvement Construction Documents	2 years
Development Agreement	as specified in development agreement
Reimbursement Assessment District	as specified in documents establishing Reimbursement Assessment District
PUD Development Plan/Final Development Plan	5 years or as specified by development agreement
Height Exception	3 years
Variance	2 years ¹
Minor Modifications from Zoning District and General Development Standards	as specified in approval documents
Minor Modification	as specified in the approval documents
Major Modification	as specified in the approval documents
Floodplain Variance	24 months
Vested Rights (and Extension)	36 months ²
Base Station, Alternative Tower Structure and Freestanding Tower	1 year if site not constructed
Small Cell Facility	Specified as defined in the MLA for each carrier-
TABLE NOTES: ¹ Or at such alternative time specified in the approval. In addition, a variance that has been not been utilized shall automatically lapse and have no further effect if the rights granted by it are discontinued for 180 consecutive days.	

² Unless specified otherwise in the approval or by development agreement.

- D. **Extensions.** The Director may grant extensions of the expiration time period upon written request prior to the expiration date. The request shall include reasonable cause. One extension may be granted by the Director for a period not to exceed the original approval period. Failure to submit an application for an extension within the time limits established by this Section shall result in the expiration of the approval as provided above.
- E. **Appeals.** If there is an appeal or litigation during the time period that is not brought by the Applicant, and limits the Applicant's ability to proceed, the appeal or litigation may suspend the expiration date if approved by the Director, and the date may be recalculated when the appeal or litigation is complete. The new expiration date shall be established by adding the number of days that the approval remained valid before the appeal or litigation commenced to the date the appeal or litigation was completed by a final, non-appealable order. This subsection does not apply if the litigation relates to City enforcement of a violation of this LDC.

8-2-3-15 Recording of Approvals and Agreements

- A. **Generally.** The following types of approval documents and agreements shall be recorded:
 - 1. Annexation Agreements and Annexation Maps;
 - 2. Cost-Sharing or Reimbursement Agreements;
 - 3. Development Agreements;
 - 4. Major Subdivision Final Plats;
 - 5. Minor Subdivision Final Plats;
 - 6. Vacations of Easements; and
 - 7. Vacations of Rights-of-Way.
- B. **Responsibility for Recording.** The City shall record the documents listed in Subsection A., above, in the office of the County Clerk and Recorder for the County in which the subject property is located. Such recording shall be at the Applicant's expense. At the request of the Applicant, the City may allow for a title company to record the documents for the City provided that a recorded copy of the documents are given to the City with 10 days of recordation.

8-2-3-16 Effect of Denial; Successive Applications

- A. **Generally.** It is the policy of the City not to allow successive applications for the same development approval after an application is denied. The provisions of this Section as intended to limit the consideration of successive applications.
- B. **Minimum Interval between Submittal of Substantially Similar Applications.** If an application is denied, the City shall not accept any application that is substantially similar to the denied application as determined by the Director for a period of 12 months, unless:
 - 1. After the application is denied, the City amends the applicable provisions in this LDC in a manner that could reasonably allow for approval of the application; or
 - 2. The City Council waives the minimum interval requirement of this Section for good cause shown; or
 - 3. The denied application is for a sign permit, Wireless Communication Facility, or Small Cell facility.

8-2-4-1 General Notice Requirements

- A. **Computation of Time.** In computing any period of time prescribed for the purpose of giving notice under this Division, the day of the publication, mailing, or posting shall be included. The day of the meeting or hearing shall not be counted. Saturdays, Sundays, and legal holidays shall be counted as any other day.
- B. **Notice Cost.**
 - 1. All costs for providing mail and posted notice as required by this Division shall be the direct responsibility of the Applicant.
 - 2. The City shall provide published notice. The cost of such notice shall be included in the development review fee.
- C. **Applicant's Certification.** Prior to the event that is the subject of a public notice, the Applicant shall provide the Director with an executed affidavit certifying that the requirements as to the Applicant's responsibility for the applicable forms of notice under this Division have been met. The Director shall make available sample certifications that address all applicable forms of public notice required by this LDC.
- D. **Failure to Provide Notice; Defective Notice.**
 - 1. Failure to timely provide the required affidavit, or evidence that a mailing list or notice letter was defective, may be cause to suspend the review process until proper notice is provided. Such suspension may be ordered by the Director or body that is responsible for the meeting, hearing, or decision (*e.g.*, neighborhood meeting, public hearing, or staff decision) that is the subject of the notice.
 - 2. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a *bona fide* attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication or the notice to affected parties. However, in all cases, the requirements for the timing of the notice and for specifying the time, date, and location of a hearing shall be correctively conveyed.
- E. **Continuation of Hearings and Neighborhood Meetings.** A hearing or neighborhood meeting for which proper notice was given may be continued to a later date without again complying with the public notice requirements of this Division (unless required by Director), provided that the date, time, and location of the continued hearing or meeting is announced to the public at the time of continuance.

8-2-4-2 Required Notice by Application Type

Public notice of administrative applications, neighborhood meetings, or scheduled public meetings or public hearings shall be provided as set out in Table 8-2-4-2, Notice Requirements by Application Type.

Table 8-2-4-2: Notice Requirements by Application Type				
Table Key: — Not Required or Not Applicable ✓ Required				
Application Type	Notice Type			
	Published	Posted	Mailed²	Internet³
1. Annexation, Zoning and Rezoning				
Annexation or Disconnection ¹	✓	✓	✓	✓
Zoning or Rezoning	✓	✓	✓	✓
City Initiated Remapping	✓	—	—	—
2. Land Use				
Conditional Use	✓	✓	✓	✓
3. Site Plans and Site Development				
Master Development Plan	—	—	✓	✓
Site Plan	—	—	✓	✓
4. Wireless Communications Facilities				
Major Wireless Communications Facility Permit	—	✓	✓	✓
5. Signs				
Alternative Sign Program	✓	✓	✓	✓
6. Subdivisions, Plats, and Vacations				
Major Subdivision Preliminary Plat	✓	✓	✓	✓
Vacation of Right-of-Way and Public Easements	✓	✓	✓	✓
7. Infrastructure Development and Public Improvements				
Formation of Reimbursement Assessment District	✓	—	✓	✓
8. Planned Unit Developments				
PUD Preliminary Development Plan	✓	✓	✓	✓
9. Variances, Modifications, Exceptions, and Conversions				
Height Exception	✓	✓	✓	✓
Variance	✓	✓	✓	✓
Major Modification	✓	✓	✓	✓
Floodplain Variance	—	—	✓	✓
10. Vested Rights				
Vested Rights (and Extension)	✓	✓	✓	✓
11. Amendments				
Land Development Code Text Amendment	✓	—	—	✓
Major Comprehensive Plan Amendment	✓	—	—	✓
Major PUD Amendment	✓	✓	✓	✓
TABLE NOTES: ¹ As required by applicable provisions of C.R.S § 31-12-101, et seq. ² See Subsection 8-2-4-4, Statutory Mineral Estate Notices ³ See Subsection 8-2-4-3D, Internet Requirements				

- A. **Generally.** Contents of the public notice will be determined by the Director.
- B. **Public Notice Contents.** All notices required by this Section shall:
1. Indicate the time and place of the public hearing or meeting, if necessary, except for a Notice of Administrative Application;

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

8-2-4-3 Specific Requirements by Notice Type

A. Mailed Notice.

1. *Mailing List.* The Applicant shall submit a mailing list to the Director, including the names and addresses of all property owners of record of all properties within the Area of Notification described below. If there are homeowners associations and/or neighborhood organization registered with the City within the Notice Area, the Applicant shall also notify them. The list shall be compiled from the names and addresses that appear in the records of the applicable County Assessor not more than 30 days before the date the list is submitted to the Director.
2. *Method of Mailing.* Mailed notice shall be mailed first-class, postage pre-paid by the Applicant, at the Applicant's expense, to all property owners on the mailing list.
3. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the mailing notice requirements shall be provided to the Director prior to the decision or public hearing to which the notice relates.
4. *Preparation/Timing of Notice.* When the provisions of this Code require that written or mailed notice be provided, the Applicant shall be responsible for preparing the written notice, and for mailing the notice at the Applicant's expense. All written notice shall be mailed at least fifteen days prior to the public hearing. Notices shall be prepared pursuant to a written notice form provided by the City.
5. *Deadlines.* For decision-making Tracks 2 through 5 and Track 8 , mailed notices shall be postmarked no later than 15 days before a neighborhood meeting, a public hearing, or an appeal hearing. For decision-making Tracks 1, 6, or 7, mailed notice of administrative application shall be postmarked no later than five days after acceptance of an application.
6. *Notice Area.*
 - a. For purposes of public hearings before the City Council or the Planning Commission, and Notice of Administrative Application, notice shall be mailed to all property owners that are within 500 feet of the boundary of the property that is the subject of the application, except as otherwise provided herein. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is

owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property. For street and alley right-of-way and public vehicular access easement vacations, mailed (written) notice shall be sent to all owners of property abutting the right-of-way or access easement to be vacated. Written notice shall also be mailed to any homeowners associations and other neighborhood organization with a known interest in the subject area, or to others who have filed a timely request to receive written notice.

- b. *Notices for Board of Adjustment.* For purposes of public hearings before the Board of Adjustment, notice shall be mailed to all property owners that are adjacent to the property that is the subject of the application. Ownership information shall be obtained from the applicable County Assessor's Office(s). Where an adjacent property is owned by a subdivision or condominium association, notification shall be to the board of directors of such association, and in addition, to the owners of all units immediately adjacent to the subject property.
- c. *Changes to Notification Area.* The Director shall have the sole discretion to expand or contract the notification area based on a consideration of the complexity of the project, the geographic reach of potential adverse impacts, the extent of neighborhood compatibility issues, and similar factors.

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

C. **Posting Requirements.**

- 1. *Signs to be Posted by Applicant.* Posted notice shall be provided on signs provided by the City at the Applicant's expense. It is the Applicant's responsibility to post the sign(s) on the subject property and ensure that they remain in place from the date of posting to the date of the public hearing.
- 2. *Minimum Requirements.* Posted notice shall be provided with one sign per street frontage of the applicable property. Additional posting may be required at the Director's discretion. Signs shall be located so that they are clearly visible from the adjoining street. Applicants shall remove all notification signs within one week after the public hearing.
- 3. *Deadline for Posting.* Notices shall be posted not less than 15 days before the public hearing date.
- 4. *Affidavit of Compliance.* An affidavit of the Applicant's compliance with the posted notice requirements shall be provided to the Director prior to the public hearing.
- 5. *Posting Log/Maintenance of Signs.* The Applicant shall be responsible for checking the posted signs each day of the posting period and for keeping a log, to be filed with the City at the time of, or prior to, any public hearing on the matter. If a sign has been removed, destroyed, or has fallen, the sign shall be replaced by the Applicant within 48 hours or by the close of the next business day, whichever period is longer. The Applicant shall sign a statement that the sign(s) were checked daily by the Applicant or the Applicant's representative, and the above-stated procedures were followed. Failure to comply with the required posting procedure may require the public hearing to be rescheduled. Such delays

shall not prejudice the City regarding the City's compliance with required times to act set forth in this Code.

6. *City-Initiated Rezoning That Affects Multiple Ownership.* The posting of signs shall not be required when an amendment to the Official Zoning Map is initiated by the City and affects multiple ownerships. At the City's option, notice of a rezoning that affects multiple ownerships may be posted at City Hall.

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

8-2-4-4 Statutory Mineral Estate Notices

The notification of mineral estate owners of the property which is the subject of a public hearing may be given by the Applicant in accordance with the law prior to the public hearing in accordance with the Colorado Notification of Surface Development Act, C.R.S. § 24-65.5-101, *et seq.*

Division 8-2-5 Administrative Appeals

8-2-5-1 Purpose

The purpose of administrative appeals is to provide an opportunity for eligible parties to seek review of a final decision of the Director or Planning Commission (The Decision).

8-2-5-2 Appellate Body

- A. **Generally.** Administrative appeals shall be heard by the Planning Commission or the City Council, as provided in this Section.
- B. **Planning Commission.** The Planning Commission shall hear administrative appeals from final decisions of the Director, except:
 1. Minor Modification, Base Station including Alternative Tower Structure, and Small Cell Facility;
 2. Director approvals that are issued based on Planning Commission findings of fact;
 3. Director interpretations of the provisions of this LDC Subsection; and
 4. Those items identified in Subsection C1 below.
- C. **City Council.**
 1. The City Council shall hear appeals from:
 - a. Final decisions issued by the Director for the following types of applications:
 - i. Certificate of Compliance with Design Guidelines;
 - ii. Master Development Plan;
 - iii. Minor Subdivision Plat; and
 - iv. Site Plan
 - b. Final decisions issued by the Director based on Planning Commission findings of fact; and

2. The City Council shall not hear administrative appeals from decisions made in the Planning Commission's role as an appellate body.

8-2-5-3 Floodplain Administrator

A. Appeal to Floodplain Hearing Officer:

1. Any person who disputes any determination made by or on behalf of the City pursuant to and by authority of the Floodplain Administrator, which determination adversely affects such person, may petition the Director of Public Works for a hearing concerning such determination no later than twenty (20) business days after having been notified of and such determination by the procedure described below.
2. The Floodplain Hearing Officer shall hear and decide requests for variances from the requirements of this Code.
3. The Floodplain Hearing Officer shall hear and decide appeals, when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Code.
4. Upon consideration of the factors of this Section and the purposes of this Code, the Floodplain Hearing Officer may attach such conditions to the granting of variances as deemed necessary to further the purposes of this Section.
5. The City shall maintain the records of all appeal actions, including technical information, and report any variances to the federal emergency management agency in perpetuity.

8-2-5-4 Eligible Parties to Appeals

- A. **Generally.** Administrative appeals of decisions under this Code may be brought only by eligible parties.
- B. **Automatic Eligibility.** A person or entity is an "eligible party" if the person or entity submits credible evidence to the City that such entity is:
 1. The Applicant, or the owner of the subject property (if different);
 2. Any contiguous property owner;
 3. Any owner of property that is located directly across a street or alley from the subject property, unless the street right-of-way is 76 feet or greater in width;
 4. Any property owner who received mailed notice of an application for which a neighborhood meeting was required, and 1) attended the neighborhood meeting; 2) provided written comments to the Director before the Director's decision; or 3) received mailed notice of public hearing and either participated in the public hearing or provided written comments to the Director at or before the public hearing.
- C. **Discretionary Eligibility.** The Director may determine that any other person or entity is an "eligible party" if, after consultation with the City Attorney, the Director finds that sufficient credible information has been presented to the City that the person or entity would be more likely than not to have standing to bring an action under C.R.C.P. 106 with respect to the decision of the Appellate Body.

8-2-5-5 Standard and Scope of Review

- A. **Standard of Review.** Administrative appeals shall be decided according to the same standards that applied to the Decision.

- B. **Scope of Review.** The scope of review of an administrative appeal is limited to the relevant issues raised in the request for appeal. Issues that are not described or obviously implied by the petition will not be considered on appeal. Evidence that was not offered in the proceeding below shall not be admitted or considered on administrative appeal.

8-2-5-6 Review Procedures

An eligible party may appeal an administrative decision by filing a request for appeal within seven calendar days following the Decision. The appeal request shall include the name and address of the appellant, how the appellant meets the eligibility for appeal, and reason(s) the appeal is being requested. The Director shall determine if the appeal has standing under Section 8-2-5-4, Eligible Parties to Appeals, within five calendar days. If the appellant is determined to have standing, the appeal will be heard within 45 calendar days by the appellate body identified in Section 8-2-5-2, Appellate Body above.

8-2-5-7 Decision on Appeal

- A. **Generally.** Upon review of the record evidence together with the arguments advanced on appeal, the Appellate Body shall determine whether the Decision was correct based on the evidence presented to the original Decision-Maker and the applicable provisions of this LDC.
- B. **Nature of Relief on Appeal.**
 - 1. If the Decision is determined to be incorrect, the Appellate Body shall reverse and correct the Decision, and approve the original application, approve the original application with conditions, or deny the original application.
 - 2. If the Decision is determined to be correct, the Appellate Body shall affirm it.
 - 3. If the Decision is determined to be partially correct, the Appellate Body may affirm in part, deny in part, or place conditions on the original application.
 - 4. If the Decision was not supported by substantial competent evidence, but the Appellate Body finds that such evidence could reasonably be presented, the Appellate Body may remand the original application to the original Decision-Maker with instructions as to what additional information must be provided.
- C. **Decisions Reduced to Writing.** The decision of the Appellate Body shall be promptly reduced to writing and shall include findings of fact and conclusions of law. The written decision shall be reviewed and executed by a member of the Appellate Body (as appropriate) who is designated by the members who cast votes in the majority.
- D. **Further Appeal.** For purposes of further appeal, the decision of the Appellate Body shall be considered a final quasi-judicial decision of the City that may be appealed to a court pursuant to the applicable Colorado Rules of Civil Procedure. The date of execution of the written decision shall be considered the date the appeal was adjudicated.

Division 8-2-6 Studies and Reports

8-2-6-1 Traffic Impact Analysis

- A. **Generally.** A traffic study may be required with applications for development review and approval. Depending on trip generation estimates, a Trip Generation Letter or a Traffic Impact Analysis (TIA) shall be prepared for the development when required by the Director. Estimates of

trip generation shall be based on data found in the Institute of Transportation Engineers (ITE) Trip Generation Manual (latest edition). All studies shall be prepared in accordance with the City of Arvada's Engineering Code of Standards and Specifications.

- B. **Additional, Supplementary, or Amended Studies.** When access points are not defined or a site plan is not available at the time the TIA is prepared, additional studies, supplementary studies, or amendments to the previously submitted TIA may be required when a site plan becomes available or the access points are defined. Additionally, if a TIA for a development is outdated, a revised study may be required.

8-2-6-2 Heavy Truck Routing Plans

- A. **Generally.** A heavy truck routing plan is required for uses as specifically identified in this LDC and for uses that the Director determines will involve the use of semi-trailers, dump trucks, trash hauling trucks, or comparable heavy vehicles at a frequency of more than 25 heavy truck trips per week. The heavy truck routing plan shall be followed once approved.
- B. **Updates.** Heavy truck routing plans shall be updated when:
 - 1. New routes are proposed by the Applicant;
 - 2. The Applicant proposes to increase heavy truck traffic by more than 20 percent compared to that set out in the approved heavy truck routing plan;
 - 3. Routes are changed by the City or other relevant transportation authority in a manner that affects the approved heavy truck routing plan; or
 - 4. The nature of an existing land use changes in such a way that requires the use of a larger design vehicle, or an alternative method for maneuvering trucks.
- C. **Contents.** The heavy truck routing plan shall include, at a minimum:
 - 1. The type or class of heavy trucks that will be associated with the proposed land use;
 - 2. The anticipated frequency of delivery and departures of heavy trucks;
 - 3. The hours of heavy truck traffic;
 - 4. A map illustrating the route(s) to and from a limited access highway (or to and from anticipated destinations in the City, if traffic is not anticipated to be inter-city), of all heavy trucks associated with the proposed land use; and
 - 5. A map illustrating the routing and flow of heavy trucks within the subject property.

8-2-6-3 Drainage Studies and Plans

- A. **Generally.** Drainage studies and reports are required as provided in this Section.
- B. **Preliminary Drainage Study and Plan.** All applications for Preliminary Plat or Preliminary Development Plan approval shall include a preliminary drainage study encompassing all of the land involved in the development and indicating how the Applicant proposes to handle onsite and offsite drainage.
- C. **Final Drainage Report and Plan.** All applications for Final Plat, Final Development Plan, or Site Plan approval shall include a final drainage study and plan that includes detailed engineering plans for handling onsite and offsite drainage.
- D. **Technical Requirements for Studies and Plans.** The City Engineer shall promulgate and maintain technical requirements for drainage studies and plans, pursuant to the rulemaking procedures set out in Chapter 2, Article V, Division 2, Arvada Municipal Code.

8-2-6-4 Utility Studies and Plans

- A. **Generally.** Utility studies and reports are required as provided in this Section.
- B. **Preliminary Utility Study and Plan.** All applications for Preliminary Plat or Preliminary Development Plan approval shall include a preliminary utility study encompassing all of the land involved in the development and indicating how the Applicant proposes to handle onsite and offsite utilities.
- C. **Final Utility Report and Plan.** All applications for Final Plat, Final Development Plan, or Site Plan approval shall include a final utility study and plan that includes detailed engineering plans for handling onsite and offsite utilities.
- D. **Technical Requirements for Studies and Plans.** The Director shall promulgate and maintain technical requirements for utility studies and plans, pursuant to the rulemaking procedures set out in Chapter 2, Article V, Division 2, Arvada Municipal Code.

8-2-6-5 Master Plan for Minerals Extraction

Reserved

8-2-6-6 Environmental Site Assessments

Environmental site assessments may be required as provided in Chapter 74, Article V, Arvada Municipal Code.

Article 8-3 Specific Review Provisions

Division 8-3-1 Purpose and Application of Article

8-3-1-1 Purpose of this Article

The purpose of this Article is to set out specific review provisions for certain types of applications that have application-specific approval criteria. Not all application types that are set out in Section 8-2-2-2, Decision-Making Tracks by Application Type, are listed in this Article. For application types that are not listed, the review procedures and cross-referenced standards in Section 8-2-2-2, Decision-Making Tracks by Application Type, apply without modification.

8-3-1-2 Application of Article

This Article is organized into Divisions that are set out in an order that roughly corresponds to the table subheadings in Table 8-2-2-2, Decision-Making Tracks by Application Type. The Divisions include purpose standards and specific application requirements, approval criteria, procedural modifications, and / or other special considerations for various application types.

Division 8-3-2 Land Development Code Text Amendments

8-3-2-1 Purpose

The purpose of this Division is to set out the procedures and review provisions for amending the LDC, when such amendments are warranted.

8-3-2-2 Text Amendment Requirements

A. **Generally.**

1. Initiation of Land Development Code (Text) Amendments may be initiated by the Director, Planning Commission, City Council, or by application from any individual, business, or community group. Except for Minor Text Amendments (*see* Table 8-2-2-2B.11), Text Amendments shall be processed in accordance with subparagraphs 2 and 3, below.
2. Planning Commission's Review and Recommendation. Should the Planning Commission determine to proceed with further consideration of a proposed Text Amendment, it shall hold a public hearing thereon and, at the close of the public hearing, make a recommendation to the City Council based on the Approval Criteria. Notwithstanding the foregoing, the Planning Commission shall not be compelled to act upon any proposed Text Amendment initiated by application, but may, in an open meeting prior to scheduling a public hearing, determine to terminate any further consideration thereof.
3. City Council Review and Decision. After receiving the recommendation of the Planning Commission, the City Council shall consider the proposed Text Amendment ordinance in accordance with the requirements of the City Charter with respect to the adoption of ordinances. At the close of all required public hearings, the City Council shall act to approve, approve with conditions, or deny the proposed Text Amendment, based on a determination that all the following Approval Criteria have been met:

- a. The proposed amendment is consistent with the Arvada Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan; and
 - b. The proposed amendment is consistent with the Purposes of this Code.
- B. Adoption of Ordinance. Land Development Code (Text) Amendments, except for Minor Text Amendments, shall be approved in the form of ordinances.

Division 8-3-3 Annexation and Disconnection

8-3-3-1 Purpose

The purpose of this Division is to set out the policies and special procedures for annexing property into the City limits or disconnecting property from the City. Annexation is a discretionary, legislative act. The City shall never be compelled to annex, unless otherwise required by state law, even if the requirements of Section 8-3-3-2, Annexation Requirements; State Law References, are met.

8-3-3-2 Annexation Requirements; State Law References

- A. **Generally.**
- 1. Annexation of property into the City and disconnection of property from the City shall be in accordance with the constitution and laws of the State of Colorado in effect at the time of the petition. Annexations shall also be processed in accordance with this Division (which is intended to supplement Colorado law), except to the extent of any irreconcilable conflict with Colorado law.
 - 2. In the event that additional requirements are imposed by applicable Colorado law, the Director shall modify the annexation process or standards to add any additional requirements of Colorado law.
- B. **Annexation References.** As of the effective date of this LDC, annexation is controlled by C.R.S. § 31-12-101, *et seq.* (the Municipal Annexation Act of 1965) and Article II, Section 30 of the Colorado Constitution.
- C. **Disconnection References.** As of the effective date of this LDC, applications for disconnection shall be processed according to the standards and procedures set out in C.R.S. §§ 31-12-501 to 31-12-503, inclusive except with respect to the effective date of a disconnection ordinance adopted pursuant thereto, which shall be governed by Section 5.8 of the City of Arvada Home Rule Charter.

8-3-3-3 Approval Criteria

- A. **Generally.** All annexations shall be reviewed for compliance with the following criteria:
- 1. Whether the annexation is in accord with the Comprehensive Plan and the best interests of the City would be served by annexation of the subject property;
 - 2. Whether the subject property is capable of being integrated into the City and developed in compliance with all applicable provisions of this Code, the Arvada City Code, and the terms of an annexation agreement that is simultaneously approved with the annexation;
 - 3. Whether, at the time any development of the subject property is completed, there will be capacity to adequately serve residents of such area with all necessary utilities, facilities, and public services.

8-3-3-4 Required Annexation Agreement

A. Generally.

1. Except as to a unilateral annexation or annexation upon election, the requirements of this Section and any additional requirements determined by the City Council shall be contained in a written annexation agreement among the landowner, developer (if applicable), and the City, to be approved by the City and executed by the landowner and developer (if applicable) prior to the final hearing on annexation, and to be executed by the Mayor and attested by the City Clerk promptly after the annexation is effectuated.
2. Any requirement of this Section as to the contents of an annexation agreement may be waived by the City Council during negotiation of the agreement if the City Council finds that extraordinary circumstances justify the waiver.

B. Dedication of Floodplain. Upon annexation, any portion of the area to be annexed situated within the 100-year floodplain for Leyden Creek, Ralston Creek, Van Bibber Creek, Little Dry Creek, Big Dry Creek, or Clear Creek, shall be dedicated to the City.

C. Purchase and Sale of Water Rights; Generally.

1. *Past Annexations.* With respect to all property annexed to the City prior to the effective date of this Code, which has or has had at any time after August, 1970, tributary water rights appurtenant thereto, no such property shall be permitted to be connected to public water or sewer service unless and until all such water rights have been conveyed to the City at their current market value, provided; however, that this prohibition shall not apply with respect to any water rights to which the City was given a right of first refusal prior to the effective date of this Section, which it declined to exercise.
2. *Annexations upon Petition or Election.* With respect to all property hereafter annexed to the City upon petition or election, the Annexation Agreement shall contain:
 - a. A description of the water rights appurtenant to said property, warranting merchantable title, and an agreement to convey such water rights to the City immediately upon annexation for a stated price, which price shall represent the agreed present market value of such water. Upon the approval of both parties, such agreement may also provide for the lease-back of such water for a stated annual rental until the property is developed; or
 - b. An agreed statement that the property has had tributary water rights appurtenant after June 1, 1974, but that they were sold without offering the City a right of first refusal and that the property is not eligible to receive City water service; or
 - c. An agreed statement that no tributary water rights have been appurtenant since June 1, 1974, to which the City has not been offered a right of first refusal and the property is, therefore, eligible for public water service.
3. *Unilateral Annexations.* With respect to all property hereafter annexed to the City by unilateral annexation, no new water taps shall be given to such property until all tributary water rights appurtenant to such land at any time after June 1, 1974 have been conveyed to the City at their current market value; provided, however, this prohibition shall not apply to any water rights sold prior to the effective date of this Section as to which the City was given a right of first refusal that it declined to exercise.
4. *Determination of Value.* The current market value of the water rights to be conveyed to the City pursuant to this Subsection C. shall be as agreed between the property owner and the

City; however, in the event that they are unable to agree, they shall jointly designate a qualified and disinterested third-party whose determination shall be final.

5. *Waivers.*

- a. In cases of extreme hardship that have not been self-imposed by the property owner, the City Council may allow water and sewer service connections to property where water rights have previously been sold without honoring the City's rights of first refusal.
- b. In the event that the City determines it would not be in the best interest of the City to purchase water rights, but it would be in the best interest of the City to annex a subject property anyway, the City may waive the requirement to convey water rights to the City.

D. **Conveyance of Groundwater Rights.** With respect to all property annexed to the City after January 1, 1985, the Annexation Agreement shall contain:

1. A description of all water rights and well rights associated with or used on said property which diverts water out of the Denver, Arapahoe, and Laramie-Fox Hills aquifers.
2. An agreement to convey to the City immediately upon annexation, at no cost to the City, all water rights associated with or used on the property, including but not limited to rights represented by a well permit, well registration, or judicial decree for the diversion of water out of the Denver, Arapahoe and Laramie-Fox Hills aquifers, and all well rights and all rights to other structures associated with the diversion of water out of the Denver, Arapahoe and Laramie-Fox Hills aquifers underlying the property.
3. An agreement that immediately upon annexation, the owners of land within the annexed property shall, at no cost to the City, convey to the City, the landowners' consent to the withdrawal by the City of all groundwater in the Denver, Arapahoe, and Laramie-Fox Hills aquifers underlying said property.

8-3-3-5 Recording and Filing Requirements

- A. **Generally.** After the final approval of the annexation map and ordinance, the Applicant shall submit to the Director signed mylar maps of the annexed property containing original signatures. The Director may also require a digital copy of the map in a format approved by the Director.
- B. **Referral to City Clerk.** Upon receipt of the documents described in Subsection A., the Director shall forward such documents to the City Clerk. The City Clerk shall:
 1. Cause the annexation map, two copies of the certified annexation ordinance, the annexation agreement, if applicable, and any other written agreements or documents which the Director requires to be recorded, and all other necessary filings as required by C.R.S. § 31-12-113 to be recorded in the County or Counties in which the subject property is located; and
 2. The Applicant shall pay all recording fees.

Division 8-3-4 Zoning and Rezoning

8-3-4-1 Purpose

The purpose of this Division is to identify the process to make amendments to the Official Zoning Map. Initial zonings and rezonings shall be consistent with and implement the planning goals, policies, and

objectives as contained in this LDC and in the Comprehensive Plan. Rezoning should not be used when a minor modification, variance, or conditional use could achieve the same result.

8-3-4-2 Approval Criteria

- A. **Generally.** Rezoning may be approved if the City Council finds that either the rezoning corrects a technical mistake or the rezoning meets all of the following Approval Criteria:
 - 1. The rezoning is consistent with the Arvada Comprehensive Plan, or an adopted sub-area plan, corridor plan, or urban renewal plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan;
 - 2. The intended land use is consistent with the stated intent of the proposed zoning district;
 - 3. Facilities and services (including sewage and waste disposal, water, gas, electricity, police and fire protection, and roads and transportation, as applicable) will, prior to development, be available to serve the subject property while maintaining adequate levels of service to existing development;
 - 4. The intended land use for which the rezoning is sought will not result in significant adverse impacts upon the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated; and
 - 5. The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.

8-3-4-3 Approval Conditions

- A. **Generally.** The Planning Commission may recommend, and the City Council in the ordinance effecting an initial zoning or rezoning of a lot or parcel of land may impose, reasonable conditions on the rezoning. The City Council may apply conditions if it finds they are necessary to ensure compliance with the approval criteria listed in Section 8-3-4-2, Approval Criteria.
- B. **Illustrative Conditions.** Conditions of approval may include, but shall not be limited to:
 - 1. Reduction in the number or types of permitted uses;
 - 2. Reductions or other limits on permitted density or intensity of development;
 - 3. Required review at the end of a specified period of time to determine if the construction of the allowed uses has commenced, and if not, then whether the rezoning should remain in place; or
 - 4. Consistency with any concept plans, architectural plans, landscape plans, and / or site plans submitted by the Applicant as part of the rezoning application.
- C. **Adoption by Ordinance.**
 - 1. Rezoning (Official Zoning Map Amendments) shall be approved by ordinance.

8-3-4-4 Amendments to the Official Floodplain Map

- A. **Generally.** Amendments to the Official Floodplain Map shall be made when errors to the Official Floodplain Map are found, when development of land occurs which changes the floodplain, or when the City, Urban Drainage and Flood Control District (UDFCD), or Federal Emergency Management Agency (FEMA) perform an update of either the hydrology or hydraulics, which changes the floodplain.

B. Applicability.

1. The property owner, his designee, the City, UDFCD, or FEMA may initiate amendments.
2. Applicants shall submit to the Floodplain Administrator all information required by FEMA for a Letter of Map Revision (LOMR) or Letter of Map Amendment (LOMA). The Floodplain Administrator shall review and sign the application and then submit the application to FEMA for review and approval.
3. Map amendments other than to correct errors in the Official Floodplain Maps may be approved by City Council after approval by FEMA of a LOMR, LOMA, or issuance of new Flood Insurance Rate Maps by FEMA.
4. Official Floodplain Map Amendments shall be approved by ordinance, unless otherwise provided in this ordinance.

Division 8-3-5 Site Development and Temporary Uses

8-3-5-1 Conditional Use

- A. **Generally.** The purpose of this Section is to identify the process for all applications for use listed as a conditional use in Division 3-1-2, Land Use by Zoning District. All uses that are listed in the tables of Division 3-1-2, Land Use by Zoning District, as conditional uses (“C”) shall meet the standards of this Section in addition to the standards of Division 3-1-3, Primary Use-Specific Standards, that apply to the proposed use.
- B. **Approval Criteria.** A Conditional Use shall be reviewed for compliance with the following criteria:
 1. The application complies with the applicable standards of this LDC, other adopted City ordinances, resolutions and regulations including but not limited to any use-specific standards for the proposed Conditional Use in Division 3-1-3, any approved Master Development 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 Arvada Comprehensive Plan;
 3. The use is consistent with the purpose and intent of the zoning district in which it is located;
 4. The size, scale, height, density, multi-modal traffic impacts, hours of operation and other similar characteristics of the proposed use are comparable with existing and planned uses in the surrounding area and the zoning district regulations;
 5. Facilities and services including sewer, water, storm water, gas, electricity, police and fire protection, and roads and transportation will, prior to or as part of the development, be available to serve the subject property while maintaining adequate levels of service for existing development; and
 6. The application mitigates any adverse impacts on the surrounding area to the degree practicable.
- C. **Conditions of Approval.** The City may approve a Conditional Use with conditions to mitigate its impacts, in order to ensure continuing compliance with the review standards set out in Subsection B., above.

8-3-5-2 Master Development Plan

- A. Generally.** The purpose of the Master Development Plan is to provide a mechanism by which it can be ensured that phased site development including structure placement, vehicular and pedestrian mobility, infrastructure and amenities are developed and phased to conform to this LDC.
- B. Applicability.** A Master Development Plan shall be required for any site where two or more phases of development are anticipated or when two or more parcels of property are to be developed, unless waived at the discretion of the Director.
- C. Phasing Plan.** A phasing plan for site grading, installation of site improvements, and landscaping and amenities necessary to support each phase of development must be approved as part of the Master Development Plan. The phasing plan is not required to prescribe a timeline or sequence for development, but shall provide for proportionate installation of improvements and amenities that must be included when each phase of development is constructed.
- D. Application Requirements.** At a minimum, the master development plan shall include the following information. Additional information may be required at the discretion of the Director:
 - 1. Uses proposed;
 - 2. Intensity or density of uses proposed;
 - 3. Location of public or private open space;
 - 4. Locations of existing and proposed buildings on the site;
 - 5. Vehicular and pedestrian networks proposed;
 - 6. Architectural and landscape guidelines;
 - 7. Master grading and drainage plan;
 - 8. Master utilities plan; and
 - 9. Master traffic study.
- E. Approval Criteria.** A Master Development Plan shall be reviewed for compliance with the following criteria:
 - 1. The proposed Master Development Plan is consistent with the Comprehensive Plan and other adopted City ordinances, resolutions and regulations.
 - 2. The Master Development Plan establishes logical and orderly development phases that address land use, development, infrastructure, open space and other related improvements, as necessary, in accordance with this LDC.
- F. Modification.** A modification to a previously approved Master Development Plan shall be treated as a new application, except when the following apply:
 - 1. The modification is within the general scope of the purpose and intent of the original approval;
 - 2. The modification does not add more than 20 percent of the square footage of any building in the original Master Development Plan;
 - 3. The modification does not increase the proposed density beyond that allowed in the zone district; and
 - 4. The modification will not require an updated master grading and drainage plan, master utility plan or master traffic study, as determined by the Director.

8-3-5-3 Site Plan

- A. Generally.** The purpose of the Site Plan 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 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 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 zoning districts, multifamily residential uses shall provide appropriate amenities, including recreational facilities, pedestrian facilities, unique aesthetic features and quality design.

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

- A. **Generally.** A Certificate of Compliance with Design Guidelines (CCDG), is required for the erection, alteration, addition to, renovation, restoration, relocation or demolition of the exterior of a building or structure (collectively, "land use activity") within areas of the City that are subject to Design Guidelines, as provided herein.
- B. **Applicability.**
1. *General Rule.*
 - a. Within the Olde Town Zoning District, no land use activity shall be allowed unless the Director has first issued a CCDG, or has otherwise determined pursuant to the provisions of this Section that a waiver from the Design Guideline(s) may be issued.
 - b. Within the Reno Park Design Guidelines Project Area, any land use activity that is subject to the Design Guidelines designated as "mandatory" within the Design Guidelines for the Reno Park Addition Historic District shall be prohibited unless the

Director has first issued a CCDG, or has otherwise determined pursuant to the provisions of this Section that a waiver from the Design Guideline(s) may be issued.

2. *Exceptions.*

- a. This Section shall not apply to “ordinary maintenance or repair”, as defined in Article 11-3, Definitions.
- b. The above exception, however, specifically excludes the following, which shall remain subject to the Design Guidelines for Olde Town Arvada and the issuance of a CCDG or waiver therefrom:
 - i. Installation or replacement of an exterior door;
 - ii. Painting, other than colors substantially similar to those existing;
 - iii. Tuckpointing, restoration, or similar repair of brick surfaces;
 - iv. Installation or replacement of a gutter, downspout, or storm window;
 - v. Installation or replacement of an exterior lighting fixture;
 - vi. Changes to, or replacement of, existing siding material; or
 - vii. Construction or reconstruction of a retaining wall or a divisional or perimeter fence.

C. Form of Application.

1. An application for a CCDG shall be submitted to the Director.
2. Such application shall include a narrative explanation of how the proposed land-use activity complies with the applicable Design Guidelines and the applicable provisions of this Section (or merits a waiver therefrom), along with any renderings, photographs, plans, specifications, or similar information that the Director may deem necessary in order to assess the proposed land-use activity’s compliance with the applicable Design Guidelines.

D. Approval Criteria.

1. The Director shall approve a CCDG application if the Director determines that the proposed land-use activity complies with all Design Guidelines that are specifically applicable to the proposed land-use activity and after consultation with the Design Review Advisory Committee, if a review by the committee is determined to be appropriate by the Director.
2. The Director may grant a waiver from one or more of the Design Guidelines upon a determination of any one of the following:
 - a. The proposed land-use activity is of a nature that will not substantially alter, or erode the authenticity of, any historically significant exterior feature of an existing structure and is compatible with both the distinctive characteristics of the Arvada Downtown Historic District or Olde Town Zoning District, or the Reno Park Design Guidelines Project Area, as applicable, and with the intent and purpose of the applicable Design Guidelines;
 - b. The proposed land-use activity is of a nature that will not undermine, impair, or conflict with the intent of the applicable Zoning District, and is compatible with both the distinctive characteristics of the Arvada Downtown Historic District, Olde Town Zoning Districts, or Reno Park Design Guidelines Project Area, as applicable, and the intent and purpose of the applicable Design Guidelines;

- c. Strict compliance with the Design Guidelines would create an economic hardship, such that the cost to strictly comply would result in an inability to obtain any reasonable economic return on the property; or
- d. The proposed land-use activity is of comparable architectural and historical value and authenticity to that required by the applicable Design Guidelines and is consistent with the intent and purpose of the applicable Design Guidelines.

8-3-5-5 Temporary Use Permit

- A. **Generally.** Temporary Use Permits are required for the temporary uses and special events that are set out in Division 3-1-4, Temporary Uses. No more than one Temporary Use Permit application is required for any organized special event, such as a festival, even if it involves more than one activity or site, or is held over a period of more than one day, provided that the application is otherwise complete as to each such activity, site, or time period. A temporary use permit may provide for temporary signage and temporary lighting, and may waive or modify otherwise applicable City noise restrictions.
- B. **Timing of Application.** An application for a Temporary Use Permit for a special event shall be submitted to the Director at least 60 days, but not more than 12 months, prior to the proposed special event date. The Director shall act upon a request for a Temporary Use Permit within 30 days of submittal of a Complete Application.
- C. **Approval Criteria.**
 - 1. *Generally.* A Temporary Use Permit application shall be approved by the Director if it meets all of the following criteria and any applicable additional approval criteria or requirements of Division 3-1-4, Temporary Uses:
 - a. The proposed temporary use will be located, operated, and maintained in a manner consistent with the policies of the Comprehensive Plan and the provisions of this LDC;
 - b. The proposed temporary use will not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
 - c. The proposed temporary use complies with all applicable specific regulations of subsection 3-1-4-12, Temporary Uses and Structures, unless otherwise expressly stated;
 - d. The particular location requested can reasonably accommodate the proposed temporary use, given the proposed use's nature, size, or duration; and
 - e. The Applicant or operator has obtained and complies with any other required permits.
 - 2. *Special Events.* If the application is for a temporary special event use, the following criteria shall be met in addition to the criteria set out in Subsection C.1., above:
 - a. The proposed event shall not create an unreasonable risk of:
 - i. Significant damage to public or private property, beyond normal wear and tear;
 - ii. Injury to persons;
 - iii. Public or private nuisances;
 - iv. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel; or
 - v. Additional and impractical or unduly burdensome police, fire, trash removal, maintenance, or other public services demands; and

- b. The date, time and location requested for the proposed special event is not already permitted or reserved for other activities.
- D. **Restrictions.** The following restrictions shall apply to all Temporary Use Permits:
 1. Permanent alterations to the site are prohibited;
 2. Permanent signs are prohibited;
 3. All approved temporary signs associated with the temporary use shall be removed promptly when the activity ends; and
 4. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site, if any.
- E. **Approval Conditions.** In approving Temporary Use Permits, the Director shall be authorized to impose such conditions as may be authorized by Division 3-1-4, Temporary Uses, and such conditions upon the premises covered by the permit that may be necessary to mitigate potential adverse impacts upon other property in the area, provided that the condition relates to a situation created or aggravated by the proposed temporary use. For example, the Director is authorized to require:
 1. Provision of temporary parking facilities, including vehicular ingress and egress.
 2. Control of nuisance factors such as, but not limited to, the prevention of glare or direct illumination of adjacent properties, noise, vibrations, smoke, dust, dirt, odors, gases, and heat.
 3. Regulation of temporary buildings, structures and facilities, including placement, height and size, location of equipment and open spaces, including buffer areas and other yards.
 4. Provision of sanitary and medical facilities.
 5. Provision of solid waste collection and disposal.
 6. Provision of security and safety measures.
 7. Use of an alternative location, time or date for the proposed temporary use.
 8. Modification or elimination of certain proposed activities.
 9. Regulation of operating hours and days, including limitation of the duration of the temporary use to a shorter time period than that requested or specified in this Section or in Division 3-1-4, Temporary Uses.
 10. Submission of a performance bond or other financial guarantee to ensure that any temporary facilities or structures used for such proposed temporary use will be removed from the subject property within a reasonable time following the event, and that the property will be restored to its former condition.

8-3-5-6 Floodplain Development Permit

- A. **Generally.** Floodplain Development Permits are required prior to any construction, development, or storage of materials within any Special Flood Hazard Area as established in the Flood Insurance Study (FIS).
- B. **Form of Application.**
 1. Floodplain Development Permit applications shall be submitted on forms promulgated by the Floodplain Administrator and shall include, but are not limited to:

- a. Applications shall include, at a minimum, plans in duplicate, drawn to scale showing the nature, location, dimensions and elevations of the proposed development.
 - b. Location and description of existing or proposed structures, fill, storage of materials, and drainage facilities.
 - c. Elevation in relation to mean sea level of the lowest floor, including the basement, of all structures, as certified by a professional land surveyor registered in the State of Colorado.
 - d. Elevation in relation to mean sea level to which any structure has been flood proofed.
 - e. Certification by a registered Colorado professional engineer that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in this Code.
 - f. Description and analysis prepared by a registered Colorado professional engineer of the extent to which any watercourse, floodplain or floodway will be altered or relocated as a result of the proposed development.
2. The Applicant shall also be required to furnish such of the following additional information as is deemed necessary by the Floodplain Administrator for the evaluation of the effects of the proposal upon flood flows and floodplain storage and to render a decision on the proposed floodplain use including, but not limited to:
 - a. Valley cross sections showing the channel of the stream, the floodplain adjoining each side of the channel, the cross-sectional area to be occupied by the proposed development, and high water information.
 - b. A plan or surface view, showing elevations or contours, of the ground; size, location and spatial arrangement of all proposed and existing buildings and structures on the site; location and elevations of streets, water supply and sanitary facilities; soil types and other pertinent information.
 - c. A profile showing the slope of the bottom of the channel or thalweg of the stream.
 - d. Water surface profiles based on backwater analysis.
 - e. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

C. Review of Floodplain Development Permit.

1. The Floodplain Administrator shall review each Floodplain Development Permit application to determine the specific flood hazard at the site and evaluate the suitability of the development. The Floodplain Administrator shall also:
 - a. Review each application to determine that the permit requirements of this Code have been satisfied.
 - b. Review each application to determine that all necessary permits (e.g., 404 permit, storm sewer outfall permit, FEMA permits, etc.) have been obtained by the Applicant from federal, state or local governmental agencies from which approval is required prior to the City's approval of the floodplain development permit.
 - c. Review each application to determine if the proposed development is located in the floodway. If located in the floodway, assure that the provisions as set forth in Division 4-1-2, Floodplain regulations have been met.
 - d. Review each building permit application to determine whether proposed building sites will be reasonably safe from flooding.

- D. **Floodplain Development Permit for Property Removed from the Floodplain by Fill.** The City will not issue a Floodplain Development Permit for the construction of a new structure or an addition to an existing structure on a property that has been removed from the floodplain by the issuance of a FEMA LOMR-F, unless the elevation of the lowest floor of all buildings in the development is placed one foot above the Base Flood Elevation (BFE) that existed prior to the placement of the approved fill.
- E. **Approval Criteria.** A Floodplain Development Permit application shall be approved by the Floodplain Administrator if it is demonstrated that the application meets all of the following criteria:
 - 1. The proposed development is consistent with the objectives and purposes of the floodplain regulations as set out in Division 4-1-2, Floodplain Regulations, and in particular:
 - a. The proposed development preserves the efficiency and capacity of the watercourse to transmit and discharge floodwaters, and the capacity of the floodplain area to absorb floodwaters; and
 - b. All applicable encroachment provisions, if the development is located in a designated floodway.
 - 2. The Applicant has obtained all necessary permits from Federal, State, or local governmental agencies from which prior approval is required.
- F. **Approval Conditions.**
 - 1. The Floodplain Administrator shall ensure that the proposed development complies with the applicable regulations of Division 4-1-2, Floodplain Regulations. To that end, the Floodplain Administrator is authorized to impose conditions the Floodplain Administrator determines are necessary to ensure compliance with those regulations, including but not limited to:
 - a. Modification of waste disposal and water supply facilities to minimize or eliminate infiltration of flood waters;
 - b. Limitations on periods of use and operations;
 - c. Imposition of operational controls, sureties, and deed restrictions;
 - d. Location and placement of structures and buildings on a site in order to minimize obstruction to flood waters; and
 - e. Adequate flood-proofing measures.
 - 2. The Floodplain Administrator may require that the Applicant submit a plan or document certified by a Colorado registered professional engineer or architect affirming that the flood-proofing measures are consistent with the regulatory flood elevation and associated flood factors for the particular area.

8-3-5-7 Miscellaneous Structure Permit

- A. **Applicability.** Prior to the erection of any fence, wall, shed, deck, or other miscellaneous structure allowed by this Code, a Miscellaneous Structure Permit shall be obtained pursuant to this Section.
- B. **Form of Application.** An application for a Miscellaneous Structure Permit shall be filed with the Chief Building Official. The Chief Building Official shall review the application for completeness in accordance with Section 8-2-3-7, Completeness Review.
- C. **Chief Building Official and Staff Review and Action.** The Chief Building Official shall review the Miscellaneous Structure Permit application in light of the Approval Criteria of D., below, and as

deemed necessary, distribute the application to other reviewers in accordance with Section 8-1-1-2. Based on the results of those reviews, the Chief Building Official shall take final action on the Miscellaneous Structure Permit application and either approve, approve with conditions, or deny such application. The Chief Building Official shall act upon a request for a Miscellaneous Structure Permit within seven days of submittal of a Complete Application.

- D. **Approval criteria.** The Chief Building Official shall approve a Miscellaneous Structure Permit application if it complies with the applicable standards set forth in Section 8-3-11-3 this Code and with the Building Code of the City of Arvada, unless a Variance (*see* Section 8-3-11-2) or a Minor Modification (*see* Section 8-3-11-3) has been previously granted.
- E. **Effect of Approval / Lapse.** A Miscellaneous Structure Permit shall lapse and have no further effect unless the structure has been erected in compliance with the terms and conditions of the permit within six months after the date of the Miscellaneous Structure Permit approval.

8-3-5-8 Revocable Right-of-Way License Agreement

A. Generally.

1. A Revocable Right-of-Way License Agreement may be used to allow for the encroachment of private structures into public property, right-of-way or public easements. Revocable right-of-way license agreements are issued by the City Council, as provided in Section 8-2-2-2, Decision-Making Tracks By Application Type.
2. The City is not obligated to execute a Revocable Right-of-Way License Agreement, even if the approval criteria of this Section are met, and may deny or condition an approval of a Revocable Right-of-Way License Agreement in the lawful exercise of its discretion with respect to the management and control of City property.

B. Approval Criteria. An application to encroach into public property, right-of-way or public easements may be approved if it complies with the following criteria:

1. The Applicant agrees to the terms of a Revocable Right-of-Way License Agreement in a form approved by the City Attorney, including any insurance provisions and provisions that indemnify and hold the City harmless from future damages or liability claims;
2. The proposed sign, structure, or use complies with all applicable use, development, and design standards set forth in this LDC and the City of Arvada Municipal Code that have not otherwise been modified or waived; and
3. The proposed sign, structure, or use shall not interfere with street intersection visibility, materially impede access to utilities or other facilities, or in any other way adversely affect the public health, safety, or welfare.

C. Approval Conditions. The City may impose such conditions on a Revocable Right-of-Way License Agreement as it determines are necessary to protect the City's interest in its rights-of-way or other affected property, and to ensure that the risks and potential costs related to the encroachment are the responsibility of the Applicant.

8-3-5-9 Out-of-City Utility Service Request

- A. **Generally.** No property located outside of the City that is eligible for annexation to the City shall be served either water or sewer service by the City until such property is annexed to the City, except that property located in the old Oberon Water District may have one tap per legal parcel in effect as of 1962.

- B. **Applicability.** It is the general policy of the City not to provide water or sewer service to property outside of the City that is not eligible for annexation, except as may be allowed by the procedures set forth in this Section.
- C. **Exceptions.** Exceptions to Subsections A. and B. above may be granted where prior agreements with areas or previous districts allow utility service.
- D. **Request Filing.** A Request for Out-of-City Utility Service shall be submitted to the Director.
- E. **Director Review and Recommendation.** The Director shall review the Request in light of the Approval Criteria of I., below, and shall distribute the application to the Public Works Director and, as appropriate, to other reviewers in accordance with Section 8-2-3-10, Review by Director. Based on the results of those reviews, the Director shall provide a report to the Planning Commission.
- F. **Planning Commission Review and Recommendation.** The Planning Commission shall review the Request and make a recommendation to the City Council based on the Approval Criteria of I., below.
- G. **Payment of Fees Required.** All water and sewer fees shall be paid in cash or certified funds prior to the City Council consideration of the Request for Out-of-City Utility Service. If the City Council denies the Request, the City will refund the fees to the property owner.
- H. **City Council Review and Decision.** After receiving the recommendation of the Planning Commission, the City Council shall consider the Request based on the Approval Criteria of I., below, and shall act to approve, approve with conditions, or deny the Request.
- I. **Approval Criteria.** The City Council may approve a Request for Out-of-City Utility Service if it complies with the following criteria:
 - 1. It is in the best interests of the City to provide such service;
 - 2. All fees required by subsection G. above have been paid; and
 - 3. The property owner agrees to enter into an agreement to annex to the City as provided below.
- J. **Effect of Approval—Agreement to Annex.** As provided in C.R.S. § 31-12-121, any property owner provided water or sewer service outside of the City shall enter into an agreement to annex to the City which shall include a legal description of the property provided water or sewer service and shall bind the property owner's legal representatives, successors, heirs, and assigns. The agreement to annex shall also include, but not be limited, to the following binding commitments by the property owner:
 - 1. To comply with all applicable ordinances of the City relating to water or sewer services;
 - 2. That all water or sewer service lines and all other facilities required to extend the service to the owner's property will be built to City specifications and will be conveyed to the City, and that the owner shall bear the full cost, including cost of inspections, of extending all such water or sewer service lines and facilities;
 - 3. Not to develop the land without first submitting applicable development applications to the City for approval;
 - 4. Not to build any streets, or other public improvement facilities or buildings, except in accordance with City building, plumbing, electrical, and fire prevention codes, subdivision regulations, and engineering standards and specifications that would be applicable to similar improvements in the City, and to pay the cost of all inspections required by the City;

5. To execute the necessary documents to petition and initiate at the property owner's expense an action to annex to the City;
6. To consent to annexation if initiated by the City;
7. To dedicate all necessary rights-of-way for streets, alleys, highways, and utility easements at no cost to the City at the earlier of the following occurrences: upon annexation, whether initiated by the owner or by the City or at any time upon request of the City to enable the City to proceed with construction of said improvements;
8. To comply with the provisions of this Code and of the Arvada City Code relating to annexations and development as provisions are in effect at the time of annexation;
9. To comply with the provisions of this Code requiring the dedication of open space prior to the time water or sewer services are connected;
10. To include a description of the tributary water rights, if any, appurtenant to the property to be served, warranting merchantable title, and to convey such water rights to the City immediately upon connection to City water or sewer services, for a stated price, which price shall represent the agreed present market value of such water. Upon the approval of both parties, such agreement may also provide for the lease-back of such water at a stated annual rental until the property is developed;
11. In the case of water, to comply with the City regulations or request to prevent waste or conserve water or both;
12. That the City shall have the right to curtail or eliminate service to the area if such is necessary to provide adequate service to customers within the City limits;
13. To not use either property or buildings in any manner that is determined by the City to be detrimental to the health, safety, or welfare of the City;
14. To not participate in the formation of another City or participate in the formation of any special service district, without the consent of the City;
15. To comply with City regulations relative to discharging certain materials and infiltration into the City sewer system;
16. To indemnify and hold the City harmless from any and all damages or liability arising either directly or indirectly from providing water or sewer services to the owner by the City;
17. To convey groundwater rights to the City at the time water or sewer services is provided to the property; and
18. To pay the City all costs, attorney's fees, and related expenses incurred by the City in the event that the property owner breaches any provision of the agreement or if the City is required to enforce an action in specific performance as provided in C.R.S. § 31-12-121.

Division 8-3-6 Wireless Communication Facilities

8-3-6-1 Wireless Communications Facilities General Review Procedures

- A. **Generally.** No new Wireless Communication Facility (WCF) shall be constructed and no collocation or modification to any WCF may occur except after a written request from an Applicant, reviewed and approved by the City in accordance with this Code. All WCFs shall be reviewed pursuant to the following procedures.
- B. **Applicability.** Three types of review processes are available for the various WCF applications as follows:

1. **Base Stations, Alternative Tower Structures, and Small Cell Facilities not in the Right-of-Way.** Applications for Base Station facilities, including Alternative Tower Structures and Small Cell Facilities not in the right-of-way shall be processed administratively and acted upon by the Director, following the Site Plan procedures as set forth in Section 8-3-5-3. Separately, a building permit will be required for these applications along with any applicable right-of-way and street closure permits. The separate permits may be processed at a later date or concurrently once site design has been agreed upon.
 2. **Small Cell Facilities in the Rights-of-Way.** Applications for Small Cell Facilities in the rights-of-way shall follow a combined administrative permit process in which the application is concurrently reviewed by the planning, engineering, traffic, and building. Once the administrative review is complete and the Small Cell Facility permit has been issued, construction may commence without any further permit processing.
 3. **Towers.** Freestanding Towers require review and approval as a conditional use through the public hearing process with Planning Commission and City Council as set forth in Section 8-3-5-1.
- C. **Pre-Submittal Meeting.** Prior to applying for a WCF permit (except Small Cell Facilities), each Applicant is encouraged to hold a pre-submittal meeting for the purpose of identifying the proposed request and any potential conflicts or areas of concern. Should the project warrant a larger discussion, as determined by the sole discretion of the Director, a Pre-Application meeting may be recommended in conformance with Section 8-2-3-3.
- D. **Timelines for Review.** Unless the Applicant and the Director mutually agree otherwise, applications will be processed according to the following timelines:
1. The review period begins to run when the application is filed and may be tolled only by mutual agreement of the Director and the Applicant, or in cases where the Director determines that the application is incomplete.
 2. Final action on complete applications for WCFs other than Small Cell Facilities will be no more than one-hundred and fifty (150) days for a new WCF and ninety (90) days for collocations that do not qualify as an eligible facilities request, provided all standards in this Code are met.
 3. Final action on complete applications for locating or collocating Small Cell Facilities will be in no more than ninety (90) days, provided all applicable standards in this Code are met.
 4. To toll the review period for incompleteness, the Director must provide written notice to the Applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application. The timeframe for review period continues running again when the Applicant makes a supplemental written submission in response to the Director's notice of incompleteness.
- E. **Decision.** Any decision to approve, approve with conditions, or deny an application for a WCF, must be completed within the timeframes of Subsection D above and shall be in writing and supported by a written record. The Applicant shall receive a copy of the decision.
- F. **Compliance with Applicable Law.** Notwithstanding the approval of an application for collocation as described herein, all work done pursuant to and approved WCF application must be completed in accordance with all applicable building and safety requirements as set forth in the City Code, the LDC, and any other applicable laws or regulations. In addition, an Applicant whose WCF application is approved, shall comply as follows:
1. Obtain and comply with any separate permit or license issued by a local, state, or federal agency with jurisdiction of the WCF;
 2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;

3. Ensure maintenance of the WCF in good working condition and to the standards established at the time of application approval; and
 4. Ensure that the WCF remains free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten calendar days from the time of notification by the Director or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on public property may be removed by the City at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within 30 days after receipt of an invoice from the City.
- G. **Post Construction Compliance Report.** Upon request by the Director, the Applicant shall provide a post construction compliance report within 45 days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements and standard regulations.

8-3-6-2 Wireless Communications Facilities Specific Review Procedures

- A. **Review Procedures for Base Stations including Alternative Tower Structures and Small Cell Facilities Not in the Right-of-Way.**
1. It is the intent of the City to provide for approval of WCFs administratively in cases where visual impacts are minimized, view corridors are protected, WCFs utilize appropriate camouflage/concealment design techniques to avoid adverse impacts on the surrounding area, and WCFs are designed, maintained, and operated at all times to comply with the provisions of this Section and all applicable law. Applications for base stations, including Alternative Tower Structures, shall be reviewed by the Director for conformance with this Code following the procedures set forth in Section 8-3-5-3 Site Plan.
 2. Should the Director consider the proposed WCF to have a significant visual impact(e.g. proximity to historic or aesthetically significant structures, view, and/or community features) or otherwise be incompatible with the structure or surrounding area, or not meet the intent of these provisions, the Director may refer the application to City Council for approval after a recommendation by Planning Commission.
- B. **Review Procedures for Small Cell Facilities in the Right-of-Way.** Small Cell facilities are permitted within the right-of-way, subject to approval of a Master License Agreement executed by the City Council, approval of any other legal right or approval to use such structure by its owner, and adherence to the following standards in this Code, and the Small Cell Facilities Design Guidelines.
1. Small Cell Facilities shall be a permitted use by right in City rights-of-way subject to review and approval from the Director.
 2. No new Small Cell Facility shall be constructed in the right-of-way except after a written request from an Applicant is reviewed and approved by the Director in accordance with this Code following the procedures set forth in Section 8-3-5-3.
 3. New Small Cell Facilities shall be contained in a structure that is architecturally compatible with the surrounding area through application of camouflage and concealment design techniques.

- C. **Review Procedures for Towers**
1. All applications for towers shall demonstrate that other alternative design options, such as using base stations or alternative tower structures, are not viable options as determined by the City.
 2. In all zoning districts, applications for towers shall be reviewed by the City for conformance with this Code using the procedures set forth in Section 8-3-5-1 Conditional Use.
- D. **Review Procedures for Eligible Facilities Request.** This section applies to any eligible facilities requests for collocation on, or modification to an existing base station or tower that does not substantially change the physical dimensions of such facility.
1. **Review Required for Eligible Facilities.** No collocation or modification to any existing base station or tower may occur except after a written request from an Applicant is reviewed and approved by the Director.
 2. **Eligibility Verification.** Upon receipt of an application for an Eligible Facilities Request pursuant to this Section, Director shall review such application to determine whether the application so qualifies.
 3. **Review Time.** Subject to the tolling provisions of subparagraph a. below, within 60 days of the date on which an Applicant submits an application seeking approval under this Section, the City shall approve the application unless it determines that the application is not covered by this Section or otherwise in non-conformance with applicable codes.
 - a. **Tolling of the Timeframe for Review.** The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the Director and the Applicant, or in cases where the Director determines that the application is incomplete.
 - b. **Tolling of the Timeframe for Incompleteness.** The Director must provide written notice to the Applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
 - c. **Resuming Review.** The timeframe for review begins running again when the Applicant makes a supplemental written submission in response to the Director's notice of incompleteness.
 - d. **Resubmittal Review.** Following a supplemental submission, the Director will notify the Applicant within ten days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in subparagraph b. above. In the case of a second or subsequent notice of incompleteness, the Director may not specify missing documents or information that were not delineated in the original notice of incompleteness.
 - e. **Failure to Act.** In the event the Director fails to act on a request seeking approval for an Eligible Facilities Request under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The request becomes effective when the Applicant notifies the Director in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
 - f. **Non-Eligible Reviews.** Interaction with Telecommunications Act Section 332(c)(7). If the City determines that the Applicant's request is not an Eligible Facilities Request as delineated in this Chapter, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered

request. To the extent such information is necessary, the City may request additional information from the Applicant to evaluate the application under Section 332(c)(7) reviews.

8-3-6-3 Wireless Communication Facilities- Application Submittal Requirements

A. Form of Application.

1. **All WCFs** - The Director shall prepare, and from time to time revise and make publicly available, an application form and submittal requirements for all WCFs as described below and further defined in the Wireless Communications Facilities Design Guidelines. The City must receive all submittal items in order to be determined a complete application by the Director.
 - a. Application Form
 - b. Project Description – a statement identifying the proposed facility, the collocation status, and code compliance
 - c. Proof of Legal Access
 - d. Photo Realistic Simulation - showing before and after conditions (excluding Eligible Facilities Requests)
 - e. Plans - showing project layout, design, and elevations
 - f. Inventory of Existing Sites (excluding Eligible Facilities Requests)
 - g. Signal Non-Interference Letter
 - h. RF Compliance Report
 - i. FAA Letter (if applicable)
2. **Eligible Facilities Requests.** In addition to the requirements above, the following shall apply to applications seeking approval as an Eligible Facilities Request. Application and submittal requirements shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. The application may not require the Applicant to demonstrate a need or business case for the proposed modification or collocation. Such information may include, without limitation in addition to the applicable requirements for other WCFs above, whether the project:
 - a. Would result in a substantial change, or,
 - b. Violates a generally applicable law, regulations, or other rule codifying objective standards reasonably related to public health and safety
3. **Small Cell Facilities in the Right-of-Way** – In addition to the submittal requirements listed above for all WCFS, the following shall be submitted for Small Cell Facility applications
 - a. Application Form
 - b. Fully executed Master License Agreement for the applicable service provider
 - c. Supplemental Site Permit
 - d. Site survey showing that the proposed location is within the public right-of-way
 - e. Traffic Control Plan
 - f. Contractor Forms

8-3-6-4 Wireless Communication Facilities – Approval Criteria

- A. **Base Stations including Alternative Tower Structures.** The Director may approve or approve with conditions the request for a base station, including alternative tower structures, should it be determined that the application does meet the operational standards, design criteria and all

other applicable elements of this Code. The Director may deny such request, if it is determined by the Director that the application does not meet the operational standards, design criteria or any other applicable elements of this Code.

- B. **Small Cell Facilities.** The Director may approve or approve with conditions the request for a Small Cell Facility should it be determined that the application does meet the operational standards, design criteria and all other applicable elements of this Code. The Director may deny such request, if it is determined by the Director that the application does not meet the operational standards, design criteria or any other applicable elements of this Code.
- C. **Towers.** Applications for freestanding Towers shall be processed through the public hearing process before Planning Commission and City Council based on the approval criteria in Section 8-3-5-1.

Division 8-3-7 Sign Permits and Alternative Sign Programs

8-3-7-1 Sign Permits

- A. **Generally.** Sign Permits are required prior to the installation, construction, or display of certain signs, as provided in Chapter 6, Signs. In some cases, additional building permits may be required to install or construct a sign.
- B. **Form of Application.** Sign Permit applications shall be submitted and processed concurrently with all other building permits that are required (if any) for the erection, construction, or installation of the sign.
- C. **Time Period for Submittal and Action.**
 - 1. The time period within which action shall be taken on a complete sign permit application is set out in Section 8-2-3-11, Review by Director. The timing requirements apply to attached and detached signs that require sign permits.
 - 2. An Applicant may request an extension of the period for processing sign permits, in order to allow for simultaneous processing with a related application for development approval or for any other reason.
- D. **Approval Criteria.** A Sign Permit may only be issued if the Director finds that:
 - 1. The proposed sign complies with all applicable standards set forth in Chapter 6, Signs, or to the extent that it does not so comply:
 - a. An Administrative Minor Modification (see Section 8-3-11-3, Administrative Minor Modifications) or a Variance (see Section 8-3-11-2, Variances) has been previously granted that establishes an alternative standard for compliance; or
 - b. The Director finds that the “other standards” requirement in Section 6-1-5-2, Additional Standards for Detached Permanent Signs, with respect to the applicable zoning district where the sign is located, substantially burdens the Applicant’s ability to display a primary detached permanent sign. In such cases, the Director may waive or modify the “other standards” with respect to a primary detached permanent sign; or
 - 2. An application for an Alternative Sign Program has been approved pursuant to the provisions of Section 8-3-7-2, Alternative Sign Program, and the sign permit application meets the standards set out in the Alternative Sign Program.

8-3-7-2 Alternative Sign Program

A. Purpose.

1. An Alternative Sign Program is intended to provide opportunities for signage that, while not in strict conformance with the standards, requirements, and limitations in Chapter 6, Signs, provides compensating benefits without injury to the purpose and intent of the sign regulations. Such benefits may include, but are not necessarily limited to, enhanced public safety, enhanced visual interest, improved aesthetics, improved place identification, or superior visual integration of signs and related buildings.
2. Alternative Sign Programs may be used to encourage creative, unusual, innovative, or unique design, architecture, construction, or materials, in contrast to conventional or formulaic signage. An approved Alternative Sign Program establishes the standards by which subsequent sign permit applications are evaluated.

B. **Authorization to Modify Requirements.** Signage which is proposed as part of an Alternative Sign Program may deviate from any of the standards in Chapter 6, Signs, subject to compliance with the standards set out in the approved Alternative Sign Program.

C. Form of Application.

1. The application for an Alternative Sign Program shall include, at a minimum, an artist's rendering or similar graphic depiction of all proposed signs, and such plans, elevations, and other documents as necessary to indicate the proposed signs' location, size, height, number, and relationship to related buildings and other nearby buildings, signs and travel ways.
2. The application may also include proposed standards for temporary signage.

D. Time Period for Submittal and Action.

1. At the Applicant's option, proposals may be processed separately (according to the time frames in this Section), or concurrently with Planned Unit Development approvals, final plats, site plans, or conditional use approvals.
 - a. If the proposal is processed concurrently with another type of application, the time frames for approval of signs shall be those that apply to the other type of application.
 - b. If the proposal is not processed concurrently with another type of application, and a subsequent development approval conflicts with an approved Alternative Sign Program (*e.g.*, the location of a sign shown in the Alternative Sign Program is shown on a subsequent site plan as occupied by a building or a parking area), then the subsequent development approval shall control and sign permits shall be denied to the extent of the conflict until the conflict is resolved by amendment to the development approval, Alternative Sign Program, or both.

E. **Approval Criteria.** A proposed Alternative Sign Program may be approved only if the Director finds that, considered as a whole and in comparison to that achievable through strict compliance with all requirements in Chapter 6, Signs, the Alternative Sign Program results in a substantially improved, comprehensive, and unified proposal, as follows:

1. *Modification of Sign Setbacks or Required Landscape Area.* Setbacks or required landscape area for detached signs may be different from the requirements of Chapter 6, Signs, if it is demonstrated that there is no impact on public safety, utility easements, or mature trees, and the aesthetic impact of the modification is appropriately mitigated.

2. *Architectural Theme.* All signs shall be architecturally integrated into or complimentary to the design and materials of the buildings and character of the site, and shall use similar and coordinated design features, materials, and colors. The Alternative Sign Program shall establish or continue an integrated architectural vocabulary and cohesive theme for the development.
3. *Height, Sign Area, Number and Location of Signs.* The height, sign area, type, number and location of signs permitted through the Alternative Sign Program shall be established based on the following factors:
 - a. The overall size of the development and the scale of the use or uses located or anticipated to be located there (larger land areas and scales of use tend to favor larger signs and / or more signs);
 - b. The relationship between the building setback and sign location (higher visibility signage may be appropriate for buildings with lower visibility);
 - c. The property frontage (larger property frontages may justify more or larger signs, particularly if the length of the property frontage tends to prevent sign clutter by allowing additional spacing between signs);
 - d. Access and visibility to the property (limitations on access or visibility may justify relocation or resizing of signs according to an Alternative Sign Program);
 - e. Intended traffic circulation pattern;
 - f. Creation of a more obvious hierarchy of signage;
 - g. Improvement of the relationship between the property and adjacent properties or land uses;
 - h. Proximity of the property to elevated limited access highways; and
 - i. Consistency with the objectives and design policies of the Comprehensive Plan, special area plans, urban renewal plans, and any applicable land use plans, design plans, or design guidelines approved by the City for the area in which the Alternative Sign Program is proposed.

F. **Limitations on Total Sign Area and Sign Height.** Maximum sign area and sign height for the property subject to an Alternative Sign Program shall be established in the Alternative Sign Program (as to particular signs or for the entire site), but shall not exceed the following limits:

1. The total permitted sign area for detached permanent signs shall not exceed:
 - a. For primary detached permanent signs, to a maximum of 50 times the sign area for detached permanent signs that are allowed pursuant to Section 6-1-5-2, Additional Standards for Detached Permanent Signs.
 - b. For secondary detached permanent signs, 2.5 times the sign area allowed pursuant to Section 6-1-5-2, Additional Standards for Detached Permanent Signs.
2. The total permitted sign area for attached permanent signs shall not exceed 2.5 times the sign area for attached permanent signs that would otherwise be allowed if the property were in strict compliance with Section 6-1-5-1, Additional Standards for Attached Permanent Signs. The permitted sign area for painted or applied wall signs, dimensional wall signs, and window signs may be approved up to 100 percent of the surface to which such signs may be painted, applied, or mounted.
3. The permitted sign height for detached permanent signs shall not exceed:

- a. For properties under 20 acres in area: 2.5 times the permitted sign height for the type of sign to which the increase in height is applied.
 - b. For properties that are 20 acres or more in area: 90 feet.
- 4. Attached signs may be allowed to extend above principal roof lines, provided that they do not extend above the roof line more than the maximum allowable height of the building to which they are attached.
- G. **Existing Signs.** In addition to proposed new signage, all existing signs on a property for which an Alternative Sign Program approval is sought shall be addressed in the proposal. Existing nonconforming signs may be made conforming by approval of an Alternative Sign Program. The City may also require removal or modification of any existing signs that reduce the application's level of compliance with the approval criteria as a condition of approval of an Alternative Sign Program.
- H. **Conditions of Approval.**
 - 1. The Planning Commission may recommend, and the Director shall thereafter impose, reasonable conditions on the Alternative Sign Program that are not related to the content or viewpoint of the signs or the nature of the sign users, in order to ensure that the implementation of the Alternative Sign Program complies with the requirements of this Section and any other applicable standards.
 - 2. If an Applicant does not agree to the conditions, the Applicant may terminate the Alternative Sign Program by notifying the Director in writing, provided that either:
 - a. No signs have been installed pursuant to the Alternative Sign Program; or
 - b. The termination of the Alternative Sign Program does not result in the presence of nonconforming signs on the Applicant's property.
- I. **Issuance of Permits.** After approval of an Alternative Sign Program, the Director shall issue sign permits for individual signs within such Alternative Sign Program upon request of the Applicant in accordance with Section 8-3-7-1, Sign Permits.
- J. **Term of Approved Alternative Sign Program.** An Alternative Sign Program approval shall be valid for one year after the date of approval, or such longer period as may be provided in a development agreement. Alternative Sign Programs that are processed concurrently with another approval type (*see* Subsection D., above) shall be valid for the term of the associated development approval (*i.e.*, if an associated approval lapses, then the Alternative Sign Program will simultaneously lapse). If a sign permit is issued according to the Alternative Sign Program within the period during which the Alternative Sign Program is valid, and the sign is thereafter timely constructed, then the Alternative Sign Program shall remain effective until the Applicant requests amendment or termination.
- K. **Existing Alternative Sign Programs.** All Alternative Sign Programs that were approved prior to the effective date of this LDC, which have not lapsed, are hereby ratified as of their original approval date. Such Alternative Sign Programs shall continue in full force and effect according to the terms of Subsection J., above, or Section 8-2-3-14, Effect of Approvals, as applicable.

8-3-8-1 Classification of Subdivisions

- A. **Generally.** There are two types of subdivisions for the purposes of this LDC: minor subdivisions and major subdivisions.
- B. **Minor Subdivision.**
 - 1. A minor subdivision is a subdivision:
 - a. Containing nine or fewer lots or any number of air-space units, where the subject property was not originally subdivided by a Minor Subdivision Plat;
 - b. That is processed in conjunction with a Site Plan regardless of the number of lots; or
 - c. For boundary line / lot line adjustments, correction of errors on an approved Major Subdivision Final Plat or for vacation of utility easements.
 - 2. Minor Subdivisions are processed administratively through a Minor Subdivision Plat.
- C. **Major Subdivision.**
 - 1. A major subdivision is a subdivision:
 - a. Containing 10 or more lots; or
 - b. That involves further subdivision of a lot or tract that was created by Minor Subdivision Plat, regardless of the number of lots or tracts that would be created by the proposed subdivision.
 - 2. Major subdivisions are processed by:
 - a. A Major Subdivision Concept Plan;
 - b. A Major Subdivision Preliminary Plat; and
 - c. A Major Subdivision Final Plat.

8-3-8-2 Major Subdivision Concept Plan

- A. **Generally.** Major Subdivision Concept Plans are an optional step in the major subdivision review process. They are reviewed according to the standards of this Section.
- B. **Form of Application.** The application for Major Subdivision Concept Plan review shall include, at a minimum, the following information:
 - 1. Proposed land uses;
 - 2. Proposed density and / or intensity;
 - 3. General location of public and private open space;
 - 4. General layout of existing and proposed street and pedestrian networks; and
 - 5. General layout of existing or proposed major utility lines / facilities and public services that serve the development.
- C. **Concurrent Planning Commission and City Council Review.** The Director may, in the Director's discretion, place a Major Subdivision Concept Plan on the agenda of a joint workshop session - before Planning Commission and City Council.
- D. **Effect of Review; Disclaimer.** The Major Subdivision Concept Plan is not part of a formal application for approval of a major subdivision and no comments made by the City with regard to a Major Subdivision Concept Plan shall be binding on the City's consideration of any subsequent

major subdivision preliminary or final plat application nor result in a vested property right under this LDC or state statute. The voluntary submission of a Major Subdivision Concept Plan shall constitute a complete waiver of any and all legal claims that are based on, or arise from, Planning Commission or City Council review of, or comment upon, such Major Subdivision Concept Plan. Since the Major Subdivision Concept Plan is conceptual only, it does not lapse.

8-3-8-3 Major Subdivision Preliminary Plat

- A. **Generally.** A Major Subdivision Preliminary Plat is required prior to approval of a Major Subdivision Final Plat. Major Subdivision Preliminary Plats provide preliminary review of 10 or more lots. The subdivision may include the dedication of public right-of-way, open space tracts, and public and private easements. Blocks and tracts are not counted as lots.
- B. **Approval Criteria.** A Major Subdivision Preliminary Plat may be approved only if the City Council finds that all of the following criteria have been met:
 - 1. The proposed subdivision is consistent with the Comprehensive Plan.
 - 2. The proposed subdivision is consistent with and implements the intent of the zoning district in which it is located. If the subject property is in a PUD zoning district, the subdivision is consistent with any previously approved PUD Outline Development Plan, PUD Preliminary Development Plan, and / or PUD Final Development Plan.
 - 3. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools will, prior to development, be available to serve the subject property, while maintaining sufficient levels of service to existing development.
 - 4. The proposed subdivision will not result in significant adverse impacts on the natural environment or the use and enjoyment of adjoining property, including changes in air quality, water quality, noise levels, stormwater runoff, wildlife habitat, and / or natural vegetation, in that such impacts will be substantially avoided or mitigated by design.
 - 5. The proposed subdivision complies with all applicable regulations, standards, requirements, or plans of the federal or state governments and other general or special-purpose governmental entities with jurisdiction, involving (but not limited to) such matters as wetlands, water quality, erosion control, potable water, fire safety, or wastewater regulations.
 - 6. The proposed subdivision complies with all applicable use, development, and design standards set forth in Chapter 2, Zoning Districts Chapter 4, Environmental and Site Design, and other applicable provisions of this Code, except to the extent the same are modified as may be provided in this LDC. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make future compliance with such development and design standards difficult or infeasible.
 - 7. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision is designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees / vegetation and riparian areas, protects critical wildlife habitat, and otherwise accomplishes the purposes and intent of this LDC.
- C. **Effect of Approval; Lapse.**
 - 1. An approved Major Subdivision Preliminary Plat shall lapse and be of no further force and effect if a complete Major Subdivision Final Plat application for the subdivision or a phase of the subdivision has not been submitted within the timeframe identified in Table 8-2-3-13,

Time Limitations. In the case of phased Major Subdivision Final Plat submittals, each complete application for final plat shall extend the approval of the Major Subdivision Preliminary pplat for one additional. A Major Subdivision Preliminary Plat shall not lapse while a complete final plat application within its boundaries is pending.

2. If the owner/developer fails to submit an application for Major Subdivision Final Plat approval within any applicable time period, all proceedings concerning the subdivision are terminated and a new preliminary plat application shall be required.

8-3-8-4 Minor Subdivision Plat

A. **Generally.** The Minor Subdivision Plat creates no more than nine lots within a subdivision. Minor subdivisions may also be used for boundary line / lot line adjustments to an approved plat, correction of errors on an approved final plat and for vacations of utility easements. All necessary construction plans for public improvements shall be ready for approval prior to the Director's decision on the Minor Subdivision Plat. Blocks and tracts shall not be counted as lots.

B. **Approval Criteria.**

1. The Director shall approve an application for Minor Subdivision Plat approval if it meets the following criteria:
 - a. The proposed subdivision is consistent with the Comprehensive Plan.
 - b. The proposed subdivision is consistent with and implements the intent of the zoning district in which it is located. If the subject property is in a PUD zoning district, the subdivision is consistent with any previously approved PUD Development Plan.
 - c. The proposed subdivision will not result in significant adverse impacts on the natural environment or the use and enjoyment of adjoining property, including changes in air quality, water quality, noise levels, stormwater runoff, wildlife habitat, and / or natural vegetation, in that such impacts will be substantially avoided or mitigated by design.
 - d. The proposed subdivision complies with all applicable regulations, standards, requirements, or plans of the federal or state governments and other general or special-purpose governmental entities with jurisdiction, involving (but not limited to) such matters as wetlands, water quality, erosion control, potable water, fire safety, or wastewater regulations.
 - e. Plans and specifications for improvements connected with development of the subdivision comply with the development and design standards set forth in Chapter 2, Zoning Districts, Chapter 4, Environmental and Site Design and other applicable provisions of this Code. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make future compliance with such development and design standards difficult or infeasible.
 - f. Adequate and sufficient public safety, transportation, utility facilities and services, recreation facilities, parks, and schools will, prior to development, be available to serve the subject property, while maintaining sufficient levels of service to existing development.
2. The Applicant has paid or satisfied the following fees and charges (*see* Article 8-4, Required Improvements, Dedications, and Fees and Section 74-31, Arvada Municipal Code), unless the City Council has approved alternative arrangements:
 - a. Land Dedication In-Lieu Fee;
 - b. Park Development Fee;

- c. School Fees;
 - d. Engineering Review Fee; and
 - e. Any other fees or reimbursements due.
3. The Director may approve a utility easement vacation application if no utility provider objects to the proposal and the Director determines that the easement is not currently or foreseeably necessary for the public health, safety, or welfare.

8-3-8-5 Major Subdivision Final Plat

- A. **Generally.** The Major Subdivision Final Plat completes the subdivision process and ensures compliance with the approved Major Subdivision Preliminary Plat and all applicable standards of this LDC. All necessary construction plans for public improvements shall be ready for approval prior to the Director’s decision on the Major Subdivision Final Plat.
- B. **Approval Criteria.** The Director shall approve a Major Subdivision Final Plat if it meets the following criteria:
- 1. The proposed Major Subdivision Final Plat conforms with the approved Major Subdivision Preliminary Plat, except as to variations the Director determines are insignificant and incorporates all recommended changes, modifications, and conditions attached to the approval of the Major Subdivision Preliminary Plat.
 - 2. Plans and specifications for improvements connected with development of the subdivision comply with the development and design standards set forth in Chapter 2, Zoning Districts, Chapter 4, Environmental and Site Design and other applicable provisions of this Code. Applicants shall avoid creating lots or patterns of lots in the subdivision that will make future compliance with such development and design standards difficult or infeasible.
 - 3. The Applicant has either installed all required improvements or has executed a development agreement that adequately addresses and secures the Applicant’s obligation to do so.
 - 4. The Applicant has paid or satisfied the following fees and charges (*see* Article 8-4, Required Improvements, Dedications, and Fees and Section 74-31, Arvada Municipal Code), unless the City Council has approved alternative arrangements:
 - a. Land Dedication In-Lieu Fee;
 - b. Park Development Fee;
 - c. School Fees;
 - d. Engineering Review Fee; and
 - e. Any other fees or reimbursements due.

8-3-8-6 Optional Plat Note Concerning Multi-Family Development

- A. **Generally.** At the specific written request of the Applicant, a Major Subdivision Final Plat or Minor Subdivision Plat containing lots, blocks, or other land intended for the development of owner-occupied, multi-family dwelling units or associated common areas, limited common elements, or improvements within a common interest community (the “Multi-Family Development Area”) will include the following plat note, applicable to such Multi-Family Development Area and the improvements thereon:

THIS PLAT CONTAINS LOTS, BLOCKS, OR OTHER LAND INTENDED FOR THE
DEVELOPMENT OF OWNER-OCCUPIED MULTI-FAMILY DWELLING UNITS OR

ASSOCIATED COMMON AREAS, LIMITED COMMON ELEMENTS, OR IMPROVEMENTS (THE "MULTI-FAMILY DEVELOPMENT AREA"). TO THE EXTENT THAT THE FOLLOWING CLAIMS INVOLVE ANY MULTI-FAMILY DEVELOPMENT AREA (OR THE IMPROVEMENTS THEREON) WITHIN THE PROPERTY COVERED BY THIS PLAT, SUCH CLAIMS SHALL BE SUBMITTED TO BINDING ARBITRATION IN LIEU OF SUBMITTING ANY SUCH CLAIM TO A COURT OF LAW:

ANY AND ALL CLAIMS: (1) THAT, REGARDLESS OF THEORY OF LIABILITY, ALLEGE ONE OR MORE CONSTRUCTION DEFECTS; AND (2) THAT ARE BETWEEN ANY TWO OR MORE OF THE FOLLOWING PERSONS OR ENTITIES: (A) ANY OWNER OF ANY PORTION OF THE MULTI-FAMILY DEVELOPMENT AREA, (B) ANY COMMON INTEREST COMMUNITY ASSOCIATION CREATED WITH RESPECT TO THE MULTI-FAMILY DEVELOPMENT AREA, (C) THE SUBDIVIDER, DEVELOPER, CONTRACTOR, OR ANYONE CLAIMING UNDER OR THROUGH ANY SUCH PERSONS, (D) ANY PARTY THAT CONSTRUCTS OR DESIGNS ANY PORTION OF ANY RESIDENTIAL DWELLING UNITS UPON THE MULTI-FAMILY DEVELOPMENT AREA, AND (E) ANY CONSTRUCTION PROFESSIONAL AS DEFINED IN THE CONSTRUCTION DEFECT ACTION REFORM ACT, C.R.S. § 13-80-802.5, ET SEQ., AS AMENDED ("CDARA"); AND (3) THAT PERTAIN TO ANY OF (A) THE MULTI-FAMILY DEVELOPMENT AREA, (B) ANY DWELLING UNIT, COMMON AREA DEVELOPMENT STRUCTURE, LIMITED COMMON ELEMENTS, OR OTHER IMPROVEMENTS CONSTRUCTED ON THE MULTI-FAMILY DEVELOPMENT AREA, (C) THE COMMON INTEREST COMMUNITY TO BE CREATED FOR THE MULTI-FAMILY DEVELOPMENT AREA OR ANY PORTION THEREOF, OR (D) THE DECLARATION OR OTHER DOCUMENTS GOVERNING SUCH COMMUNITY. "CONSTRUCTION DEFECT" MEANS ANY INSTANCE IN WHICH A STRUCTURE OR PORTION THEREOF DOES NOT CONFORM IN ALL MATERIAL RESPECTS TO THE APPLICABLE SECTIONS OF THE CITY'S BUILDING CODES IN FORCE AT THE TIME OF CONSTRUCTION, OR DOES NOT CONFORM TO THE MANUFACTURER'S SPECIFICATIONS IN FORCE AT THE TIME OF CONSTRUCTION, IF THOSE SPECIFICATIONS ARE STRICTER THAN THE APPLICABLE PROVISIONS OF THE CITY'S BUILDING CODES.

THE FOREGOING SHALL NOT PRECLUDE ANY OF THE PERSONS OR ENTITIES DESCRIBED ABOVE FROM ENDEAVORING TO RESOLVE ANY SUCH CLAIM(S) THROUGH EITHER NEGOTIATION OR MEDIATION BEFORE SUBMITTING SUCH CLAIM(S) TO BINDING ARBITRATION. ADDITIONALLY, THE MULTI-FAMILY DEVELOPMENT AREA MAY ALSO BE SUBJECT TO A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS THAT MAY IMPLEMENT AND EXPAND UPON THE REQUIREMENTS OF THIS PLAT NOTE.

FOR PURPOSES OF THIS PLAT NOTE, BINDING ARBITRATION SHALL MEAN SUBMISSION OF ANY CLAIM DESCRIBED ABOVE TO THE ARBITRATION SERVICE PROVIDER SPECIFIED IN THE DECLARATION OR OTHER GOVERNING DOCUMENTS OF THE COMMON INTEREST COMMUNITY, IF QUALIFIED PURSUANT TO THE UNIFORM ARBITRATION ACT, PART 2 OF ARTICLE 22 OF TITLE 13, C.R.S. AND, IF NOT, AN ARBITRATION SERVICE PROVIDER SO QUALIFIED. IN SUCH ARBITRATION, THE COSTS AND EXPENSES OF ARBITRATION SHALL BE BORNE EQUALLY BY THE

PARTIES.

ALL FUTURE PURCHASERS OF ANY INTEREST IN THE MULTI-FAMILY DEVELOPMENT AREA ARE DEEMED TO HAVE ACCEPTED AND AGREED TO THE TERMS AND CONDITIONS OF THIS PLAT NOTE AND SHALL BE BOUND BY THIS PLAT NOTE, WHICH IS RECORDED IN THE COUNTY CLERK AND RECORDER'S OFFICE, DEEMED TO BE A COVENANT RUNNING WITH THE MULTI-FAMILY DEVELOPMENT AREA, AND BINDING UPON ALL SUCCESSORS IN INTEREST, GRANTEEES, OWNERS, HEIRS, ASSIGNS, AND ALL OTHERS WHO ACQUIRE AN INTEREST IN OR TO THE MULTI-FAMILY DEVELOPMENT AREA, TOGETHER WITH ANY COMMON INTEREST COMMUNITY ASSOCIATION ASSOCIATED THEREWITH.

- B. **Disclosure.** If a plat, pursuant subparagraph A. above, contains the plat note described therein, then the developer, builder, or other person or entity engaged in the initial sale of a lot or dwelling unit within the Multi-Family Development Area of such plat to the intended resident or end user shall be required to include in such contract for purchase and sale a disclosure statement in bold-faced type that is clearly legible and in substantially the following form:

THE RECORDED PLAT OF THE PROPERTY WITHIN WHICH THIS LOT OR UNIT IS SITUATED CONTAINS A RESTRICTION REQUIRING MANDATORY, BINDING ARBITRATION FOR CERTAIN TYPES OF CLAIMS, IN LIEU OF SEEKING REDRESS IN A COURT OF LAW. PURCHASERS SHOULD CAREFULLY READ THE PLAT AND NOTE CONCERNING ARBITRATION, AS THEY ARE DEEMED TO HAVE ACCEPTED AND AGREED TO THE TERMS AND CONDITIONS OF SUCH PLAT NOTE.

- C. **Applicability.** A request for plat note, as provided for in this Section, shall be permitted:
1. Only as to a final plat concerning land for which an application is filed after October 5, 2015. "Application," as used in this Subsection C.1. only, shall mean an application specifically connected to, and submitted to the City as part of, an identified development project and which constitutes the application for the first City approval necessary to such project, excluding annexation and rezoning; and
 2. Only if such request is accompanied by a certification, in form approved by the City Attorney, and executed by the Applicant, that any Declaration of Covenants, Conditions, and Restrictions applicable to the Multi-Family Development Area contains or shall contain a provision or provisions requiring binding arbitration for construction defects claims and prohibiting the amendment or deletion of such provision(s) without the consent of the Applicant.

8-3-8-7 Acceptance of Dedications

- A. **Generally.** All major subdivision final plats and minor subdivision plats shall be executed by all owners of property within the boundaries of such plat, the surveyor, the attorney or title company who examined the title, and any and all lienholders. Following the approval of a major subdivision final plat or a minor subdivision plat, or conditional approval of such plat after all conditions are met, the plat, which shall have all permitted exceptions, waivers, or variances expressly noted thereon, shall be signed by the Director, the City Engineer, and the City Attorney.

Dedication, approval, certification, and signature blocks shall be in a form approved by the City Attorney.

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

Division 8-3-9 Vacation of Rights-of-Way; Termination of Easements

8-3-9-1 Vacation of Rights-of-Way

- A. **Generally.** The City may vacate rights-of-way as provided in this Section. Vacations may be by notice issued by the Director or by ordinance adopted by the City Council, depending on the nature of the property intended to be vacated. Vacation of public vehicular access easements and rights-of-way is not a matter of right, unless such vacation is mandated by the conditions of an enforceable development agreement (however titled).
- B. **Considerations.**
1. The City Council may, in its sole discretion, approve a request for vacation of a public right-of-way or public vehicular access easement by ordinance, if it finds that all of the following criteria have been met:
 - a. The vacation is consistent with the Comprehensive Plan and with any other applicable, adopted City transportation plan or streets/roadway plan;
 - b. The land to be vacated is no longer necessary for the public use and convenience, or the public right-of-way or public vehicular access easement has become useless, inconvenient, or burdensome to the City;
 - c. The vacation will not create any landlocked property;
 - d. The vacation will not restrict access to any lot, tract, or parcel so that the resulting access is unreasonable or economically prohibitive; and
 - e. The vacation will not reduce the quality of public services or the provision of necessary emergency services to any lot, tract, or parcel.
 2. The Director may, in the Director's sole discretion, approve a request to vacate any other easement, including utility easements, fire lane or emergency access easements, and non-vehicular easements (*e.g.*, sidewalk, pedestrian, or trail) or disclaim the City's interest in an easement, by issuance of a notice of vacation or disclaimer, provided that:
 - a. The request is not subject to City Council consideration pursuant to Subsection B.1., above; and
 - b. The Director determines that either:
 - i. The easement is not currently or foreseeably necessary for the public health, safety, or welfare; or
 - ii. Another easement of equivalent utility will replace that which is proposed for vacation.
- C. **Effect of Vacation.** Any document effecting a vacation under this Section shall state to whom title to the vacated land shall vest upon vacation, but failure to do so shall not effect the validity of the vacation. Title to the lands included within a street right-of-way, or so much thereof as

may be vacated, shall vest in accordance with the provisions of C.R.S. § 43-2-302, and the vacation of any other easement shall, by operation of law, result in the vesting of title in the underlying fee owner of the land previously encumbered.

8-3-9-2 Termination of Easements

The City may enter into easement agreements with specified or conditional terms. The City may terminate such easements as provided in the easement documents, or as provided by law.

8-3-9-3 Conditions and Reservations

- A. **Generally.** The conditions and reservations set out in this Section may be applied to any request that is processed pursuant to this Division.
- B. **Vacation of Portion of Request.** Unless otherwise provided by enforceable agreement or applicable law, the City may, in its discretion, refuse any vacation request, or vacate only a portion of the total area that is the subject of a request for vacation.
- C. **Reservation of Rights-of-Way or Easements.** In the event of a vacation in accordance with this Division, alternative rights-of-way or easements may be established or reserved for the use of existing or future streets; water, wastewater, gas, or similar pipelines and appurtenances; overland drainage, drainage facilities or canals and appurtenances; electric, cable television, telephone, and similar lines and appurtenances; or any other public purpose.
- D. **Conditions on Vacation.** The City Council (in the ordinance effecting a vacation) or the Director (in a notice effecting a vacation) may impose reasonable conditions on a vacation, in order to preserve and promote the public health, safety, and welfare of the inhabitants of the City and the public generally.

Division 8-3-10 Planned Unit Development

8-3-10-1 Purpose of Planned Unit Development

- A. **Generally.** The purpose of the Planned Unit Development (PUD) zoning district is to allow for the development of project-specific standards in instances where it is demonstrated that a project of comparable quality and community benefit cannot be approved in any other zoning district or combination of zoning districts that are created by this LDC.
- B. **Purposes.** The PUD is to accommodate innovative site planning for a development that includes significant public benefits. In order that the public health, safety, integrity, and general welfare may be furthered in an era where innovation and responsiveness in real estate development is often needed to meet shifting market demands, the PUD zone is established to provide project variety and diversity through the establishment of project-specific standards in the alternative to those otherwise set out in this LDC, so that maximum long-range neighborhood and community benefits can be gained.

8-3-10-2 PUD Agreements and Covenants

- A. **Generally.**
 - 1. A PUD zoning district approval constitutes a rezoning and an agreement between the City and the owner(s) of the PUD-zoned property for the development of the property in accordance with specific conditions. These conditions of approval shall be filed at the

Community and Economic Development Department and shall be recorded at the office of the County Clerk and Recorder for the County in which the subject property is located.

2. The use of the subject property, and the construction, modification, or alteration of any use or structures within a PUD zoning district shall be governed by the approved PUD documents and related conditions, if any.
 3. The City may require that conditions of approval be set out within recorded covenants.
 4. The Applicant, owner (if different), any subsequent buyers, as well as entities created by the developer such as a homeowners' or property owners' association or an architectural review committee, are subject to the conditions of approval and terms of all recorded documents.
- B. **Property Owners' Association Required.** A property owners' association may be required if the development is designed in anticipation of more than one ownership within the PUD zoning district. See Sec. 8-4-5-4, Property Owners Associations; Covenants, Conditions, and Restrictions.

8-3-10-3 Concurrent Subdivision Process

- A. **Generally.** It is the intent of this Division that subdivision requirements and review procedures (see Division 8-3-8, Subdivisions), may be carried out simultaneously with a PUD application process.
- B. **Effect upon Procedure.** Development plans submitted for subdivision within a PUD zoning district shall meet the requirements for major subdivision preliminary plats and major subdivision final plats, or for minor subdivision final plats, as applicable, except that if a PUD is proposed in an existing subdivision and no changes are proposed in existing lot boundaries, public rights-of-way, or easements, and the proposed development will not require further subdivision of the original subdivision lot, no further subdivision approvals shall be required.

8-3-10-4 Planning and Design Requirements

- A. **Generally.**
1. PUD zoning districts shall have a defined planning and design objective that is based on the locational context and / or natural assets of the proposed PUD zone (e.g., the protection of a unique natural asset).
 2. PUD zoning districts shall provide linkages to abutting development, if appropriate, and shall provide landscaped buffers along property lines in areas where such buffers are appropriate to ensure an appropriate transition between the PUD zoning district boundary and the development on adjoining property.
 3. PUD zoning districts that are located within areas that are subject to design standards or guidelines shall be consistent with such standards or guidelines, unless the PUD zoning district documents provide otherwise.
 4. The development approved through the use of the PUD zoning district must be of demonstrably higher quality or provide greater value to the City than would otherwise be achieved through the application of this LDC. PUD zoning districts shall not be used to avoid the intent of the requirements of this LDC which provide for the protection or enhancement of community character or the reduction of development impacts on nearby properties without providing community benefit that more than offsets the impacts of the development allowed with a PUD zoning district.

8-3-10-5 PUD Sketch Plan

- A. **Generally.** The PUD Sketch Plan is an optional step in the PUD process.
- B. **Disclaimer.** The PUD Sketch Plan is not part of a formal application for approval of a PUD and no comments made by the City with regard to a PUD Sketch Plan shall be binding on the City's consideration of any subsequent application, or result in the vesting of any rights under this LDC or state statute. The voluntary submission of a PUD Sketch Plan shall constitute a complete waiver of any and all legal claims that are based on, or arise from, Planning Commission or City Council review of, or comment upon, such PUD Sketch Plan.
- C. **Contents of PUD Sketch Plan.** At a minimum, the PUD Sketch Plan shall include the following information:
 - 1. Proposed land uses;
 - 2. Proposed density or intensity;
 - 3. General location of public and private open space;
 - 4. General location of existing and proposed buildings;
 - 5. General layout of existing and proposed street and pedestrian networks; and
 - 6. General layout of existing and proposed major utilities and public services for the development.
- D. **Review Considerations.** The review of a PUD Sketch Plan may address the following topics:
 - 1. Whether the PUD Sketch Plan appears to be consistent with the Comprehensive Plan, or reflects conditions that have changed since the adoption of the Comprehensive Plan;
 - 2. Whether the PUD Sketch Plan appears to outline a development that will address a unique situation, confer a substantial benefit to the City, or incorporate creative site design such that it achieves the purposes set out in Section 8-3-10-1, Purpose of Planned Development Zone, and represents an improvement in quality over what could have been accomplished through strict application of otherwise applicable zoning district or development standards;
 - 3. Whether the PUD Sketch Plan appears to represent a high-quality, functional design for the scale and type of land use that is proposed, provides for appropriate integration into the City's street, sidewalk and trail networks, and provides for appropriate transitions to adjoining property; and
 - 4. Whether the PUD Sketch Plan appears , to the extent reasonably feasible, to provide for mitigation of any foreseeable, material adverse impacts on adjoining properties or on the general community.

8-3-10-6 PUD Development Plan

- A. **Generally.**
 - 1. An application for a PUD Development Plan (PDP) is processed and approved concurrently with a rezoning to a PUD zoning district.
 - 2. A PDP must cover all of the land area to be included in the PUD, or an identified phase of a PUD, and identify the type and total amount of development to occur within its boundaries (maximum number of dwelling units and nonresidential floor area), as well as the proposed plan for pedestrian and vehicular circulation within and leading to the PUD.
 - 3. For PUDs that will require subdivision, the Applicant shall submit a Major Subdivision Preliminary Plat application for simultaneous processing with the PUD application. The

Applicant may also choose to submit a Final Development Plan application for concurrent processing with a PDP application, subject to the provisions of subsection 8-3-10-6D, PUD Final Development Plan.

- B. **Form of Application.** At a minimum, the PDP shall include the following information prepared by qualified professionals with experience in land use, transportation, utility planning, and engineering:
1. Proposed land uses;
 2. Proposed density or intensity;
 3. General location of public and private open space;
 4. General location of existing and proposed buildings;
 5. General layout of existing and proposed street and pedestrian networks; and
 6. General layout of existing and proposed major utilities and public services for the development.
- C. **Approval Criteria.** A PDP may be approved if it is demonstrated that:
1. The plan is consistent with the Comprehensive Plan or reflects conditions that have changed since the adoption of the Comprehensive Plan.
 2. The plan is consistent with and implements any previously approved Official Development Plan in effect for the subject property, per Section 8-3-10-7, PUDs Approved Prior to Effective Date.
 3. The plan represents a development that will address a unique situation, confer a substantial benefit to the City, or incorporate creative site design such that it achieves the purposes set out in Section 8-3-10-1, Purpose of Planned Development Zone, and represents an improvement in quality over what could have been accomplished through application of the otherwise applicable zoning district or development standards.
 4. The plan generally complies with the intent of the use, development, and design standards set forth in this LDC.
 5. To the extent reasonably feasible, the plan provides for integration and connection with adjoining development through street connections, sidewalks, trails, and similar features; unless due to the nature of the uses that are allowable in the plan such connections are not desirable.
 6. Sufficient public safety, transportation, and utility facilities and services will, prior to development, be available to serve the subject property, while maintaining sufficient levels of service to existing development.
 7. The proposed uses (or groups of uses) are appropriately located and designed, both within the boundaries of the plan and in relation to adjacent uses, such that the foreseeable, material adverse impacts that may be created by the scale, design, and operating characteristics (e.g., hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts) of the uses are avoided or mitigated.
 8. If the application for plan approval is accompanied by an application for rezoning to the PUD zoning district, the rezoning application is concurrently approved.
- D. **PUD Final Development Plan**
1. **Generally.** Approval of a Final Development Plan (FDP) represents the last stage of PUD approval that is required prior to the issuance of building permits or other permits for

improvements or land uses within a PUD zoning district. Where subdivision approval is also required, the Applicant may submit an application for major subdivision final plat or minor subdivision final plat approval for concurrent processing with the application for approval of the FDP.

2. **Approval Criteria.** The Director shall approve an FDP if it is demonstrated that:
 - a. The FDP conforms to the approved PUD Development Plan (except as to any variations the Director determines are insignificant) and incorporates all recommended changes, modifications, and conditions attached to approval of the PDP.
 - b. The FDP complies in all respects with the applicable dimensional, design and development standards in this LDC, except where waived or modified by the terms of the approved PUD Development Plan.
3. **Failure to Conform to PUD Development Plan.** A proposed FDP that does not conform to the approved PUD Development Plan shall not be approved unless the Applicant first obtains approval of an amendment to the approved PUD Development Plan.

8-3-10-7 PUDs Approved Prior to Effective Date

All PUDs that were approved prior to the effective date of this LDC, including those designated PUD-R, PUD-BP, PUD-BPR, and PUD-I, which were not rezoned to a different zoning district on the effective date of this LDC (collectively, "prior approvals"), and which have not lapsed, shall be rezoned to PUD and be in conformance with the prior approvals.

Division 8-3-11 Exceptions, Variances, Modifications, and Interpretations

8-3-11-1 Height Exceptions

- A. **Generally.** The purpose of a Height Exception is to authorize a building or portion of a building to exceed the height limitations of the zoning district in which the building is located.
- B. **Approval Criteria.** A Height Exception application may be approved only if it is demonstrated that:
 1. There would be demonstrated benefits to the City if the exception is granted.
 2. All other applicable zoning and development regulations have been or will be adhered to by the Applicant, including but not limited to parking, screening, setbacks, lot and area dimensions, and landscaping, unless otherwise modified, waived, or varied through approval of an Administrative Minor Modification or variance.
 3. The proposed structure has minimal effect upon adjacent properties with respect to solar access, visual access, and rights of privacy, light, and air.
 4. The exception will not interfere with the City's ability to provide public services to the subject property at the level currently enjoyed by the area, or at adequate levels per existing City policies and regulations.
 5. The project complies with all currently adopted fire department regulations and standards.
 6. The architecture and character of the proposed building or structure that will exceed the height limitations of the underlying zoning district are (or will be) appropriately related to existing or planned development on surrounding property in that:

- a. The transition to the building or portion of building to which the height exception applies mitigates the appearance of building mass from the street and from adjoining property; or
 - b. The building to which the height exception is applied is designed and intended to be a landmark or focal point for the surrounding area.
- C. **Effect of Approval.** A building permit shall be issued and construction substantially initiated within three years from the date of approval of a Height Exception, unless another time frame applies to the approval of a related application (*e.g.*, a conditional use permit). If construction has not timely commenced within the applicable time frame, the height exception approved shall lapse and become null and void. Amendments to a related approval do not affect the original three-year approval period, unless specifically provided in such amendments.

8-3-11-2 Variances

- A. **Generally.** Variances are potentially available to provide for modifications of the standards of this LDC in specific cases where it is demonstrated that the strict application of the requirements of this LDC create practical difficulties that amount to a manifestly unfair circumstance for the Applicant, based on the criteria set out in Subsection C., below.
- B. **Limitations.**
- 1. Variances may not be used to authorize a use that is not permissible in the zoning district in which the subject property is located; however, variances may be used to modify use-specific standards.
 - 2. Variances may not be used to directly or indirectly authorize increases in residential density.
 - 3. Variances under this section may not be used to authorize modification of the floodplain regulations set forth in Division 4-1-2, Floodplain Regulations. Modifications of floodplain regulations may be authorized by floodplain variance. See Section 8-3-11-6, Floodplain Variances.
- C. **Criteria.** A Variance application may be approved only if it is demonstrated that all of the following criteria have been met:
- 1. By reason of exceptional narrowness, shallowness or shape of a specific piece of property, topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of the regulation would result in peculiar and undue practical difficulties for, or particular and unnecessary hardship on, the Applicant;
 - 2. The extraordinary and exceptional situation or condition on the property that is stated as the reason for the proposed variance is not self-imposed;
 - 3. The proposed variance complies with the purpose and intent of the standard to be varied and generally observes the spirit of this Code;
 - 4. The proposed variance will not substantially impair the appropriate use or development of adjacent property;
 - 5. The proposed variance is the minimum variance that will afford relief with the least modification possible of this Code; and
 - 6. The proposed variance can not be mitigated through some method other than a variance
- D. **Conditions of Approval.** Variance approvals may include such conditions as the decision-maker considers appropriate to substantially secure the objectives of the standard that is varied or modified.

8-3-11-3 Administrative Minor Modifications

- A. **Generally.** The Director may grant Minor Modifications, which are minor modifications or deviations from dimensional or numeric standards of this LDC in accordance with this Section. Minor Modifications are intended to allow for flexibility to make slight modifications without requiring a formal zoning amendment or variance. The Minor Modification procedure is not intended to serve as a waiver of current standards of the LDC or to circumvent the variance procedure.
- B. **Form and Timing of Application.**
1. Applications for Minor Modifications may be filed with respect to other pending applications at any time prior to completion of administrative review (see Section 8-2-3-11, Review by Director) of related pending applications.
 2. Applications for Minor Modifications of previously approved Site Plans, FDPs, Minor Subdivision Plats or Major Subdivision Final Plats may be filed at any time.
- C. **Minor Modifications from Zoning District and General Development Standards.**
1. *General Rule.* The Director shall be authorized to grant the following types of Minor Modifications, subject to the Approval Criteria in Subsection E. or F., below:
 - a. Minor modifications of 20 percent or less of any numeric requirements set out in Chapter 2, Zoning Districts, Chapter 4, Environmental and Site Design or Chapter 5, Building Design.
 - b. Minor modifications of any non-quantitative or non-numeric requirement or standard set forth in Chapter 2, Zoning Districts, Chapter 4, Environmental and Site Design or Chapter 5, Building Design.Minor Modifications shall be cumulative for each requested type of modification of a numeric requirement or standard.
 2. *Prohibitions.* In no circumstance shall the Director approve a Minor Modification of a general development or zoning district standard that is not listed specifically in Subsection C.1. above, or that results in any of the following:
 - a. An increase in building height above the maximum building height established by the underlying zoning district, preliminary development plan, or final development plan;
 - b. An increase in permitted maximum development density or intensity;
 - c. A change in permitted uses or mix of uses;
 - d. A decrease in the amount of common or dedicated open space required; or
 - e. Modification of the standards set out in Article 4-1, Environmental Quality.
- D. **Minor Modifications to Approved Development Plans or Plats.**
1. *General Rule.* The Director shall have the authority to grant minor modifications to approved Site Plans, PUD Final Development Plans, Minor Subdivision Plats and Major Subdivision Final Plats, subject to the approval criteria in Subsection E. or F., below.
 2. *Prohibitions.* In no circumstance shall the Director approve a modification to an approved plan or plat that results in:
 - a. An increase in approved development density or intensity;
 - b. A change in permitted uses or mix of uses, except where, in the determination of the Director, the proposed change is substantially consistent in terms of intent, purpose and impact, with the existing approved plan.

- c. An increase in building height more than 20 percent or that exceeds the maximum building height established by the underlying zoning district, preliminary development plan, or final development plan;
 - d. An increase in the size of the total approved building area by more than 20 percent;
 - e. A change in the size of an accessory building or structure beyond the maximum permitted by this LDC; or
 - f. An expansion of established limits of disturbance greater than 20 percent.
- E. **Minor Modifications for Alternative Compliance.** The Director shall have the authority to grant Minor Modifications to any design standard or numeric requirement set forth in this Code in order to encourage the implementation of alternative or innovative practices that provide equivalent benefits to the public.
- F. **Approval Criteria.** Minor Modifications may be approved by the Director only upon a finding that:
- 1. The modification is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the federal Fair Housing Amendments Act; or
 - 2. All of the following criteria are met:
 - a. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district;
 - b. The requested modification addresses a unique situation or incorporates creative site design;
 - c. The requested modification will not result in incompatible development;
 - d. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public; and
 - e. Any adverse impacts resulting from the Minor Modification will be mitigated to the extent reasonably feasible.
- G. **Effect of Approval.**
- 1. *Noted on Pending Application.* The Director shall specify any approved Minor Modifications from general development or zoning district standards and the justifications for such modification on the pending development application for which the modifications were sought.
 - 2. *Minor Modifications to Approved Plans or Plats.* Unless the Director determines that such modifications are insignificant, Minor Modifications to an approved Site Plan, PUD Final Development Plan, Minor Subdivision Plat or Major Subdivision Final Plat shall be noted on a revised plan or plat, which shall be plainly marked as "Amended," and submitted to the Director. The Director shall affix the Director's signature and the date of approval to such revised plan or plat in a manner that relates such signature to the amendment noted thereon.

8-3-11-4 Major Modification.

- A. **Generally.** The Decision-Making Body may grant Major Modifications, which are major modifications or deviations from dimensional or numeric standards of this LDC in accordance with this Section. Major Modifications are intended to allow for flexibility to make modifications

without requiring a variance. The Major Modification procedure is not intended to serve as a waiver of the intent of the LDC or to circumvent the variance procedure.

- B. **Form and Timing of Application.** Applications for Major Modifications may be filed with respect to other pending applications at any time prior to completion of administrative review (*see* Section 8-2-3-11, Review by Director) of related pending applications.
- C. **Major Modifications from Zoning District and General Development Standards.**
1. *General Rule.* The Decision-Making Body shall be authorized to grant the following types of Major Modifications, subject to the Approval Criteria in subsection D., below:
 - a. Modifications of more than 20 percent of any numeric requirements set out in Chapter 2, Zoning Districts, Chapter 4, Environmental and Site Design or Chapter 5, Building Design.
 - b. Modifications of any regulation set out in Division 3-1-3, Use-Specific Standards for Primary Land Use.
 2. *Prohibitions.* In no circumstance shall the Decision-Making Body approve a modification of a general development or zoning district standard that is not listed specifically in subsection C.1. above, or that results in any of the following:
 - a. An increase in building height above the maximum building height established by the underlying zoning district, preliminary development plan, or final development plan;
 - b. An increase in permitted maximum development density or intensity;
 - c. A change in permitted uses or mix of uses;
 - d. A decrease in the amount of common or dedicated open space required; or
 - e. Modification of the standards set out in Article 4-1, Environmental Quality.
- D. **Approval Criteria.** Major Modifications may be approved by the Decision-Making Body only upon a finding that all of the following criteria are met:
 1. The requested modification is consistent with the Comprehensive Plan and the stated purpose of the applicable zoning district;
 2. The requested modification addresses a unique situation or incorporates creative site design;
 3. The requested modification will not result in incompatible development;
 4. The requested modification will have no significant adverse impact on the health, safety or general welfare of surrounding property owners or the general public; and
 5. Any adverse impacts resulting from the modification will be mitigated to the extent reasonably feasible.
- E. **Effect of Approval.**
1. *Noted on Pending Application.* The Director shall specify any approved Major Modifications from general development or zoning district standards and the justifications for such modification on the pending development application for which the modifications were sought.

8-3-11-5 Reasonable Accommodations

- A. **Generally.** The federal Fair Housing Amendments Act (42 U.S.C. § 3601, *et seq.*, as amended) requires that local governments be prepared to make “reasonable accommodations” in order to

permit housing for certain protected groups to occur in certain types of residential areas. In response to a written application identifying the type of housing being provided and the portions of the Fair Housing Amendments Act that require that reasonable accommodations be made for such housing, the Director is authorized to take any of the following actions in order to provide reasonable accommodations without the need for a rezoning or variance process:

1. Modify any facility spacing, building setback, height, lot coverage, or landscaping requirement by no more than 20 percent;
 2. Modify any limits on the number of non-related occupants allowed in the principal building by no more than 20 percent;
 3. Modify the requirements for dispersal of Group Homes provided that there is a compelling reason to do so;
 4. Reduce any off-street parking requirement by no more than one space; or
 5. Modify any requirement beyond the 20 percent limitations above, or any other requirement if necessary to comply with the federal Fair Housing Amendments Act.
- B. **Limitations.** The Director may approve a type of reasonable accommodation different from that requested by the Applicant if the Director concludes that a different form of accommodation would satisfy the requirements of the Fair Housing Amendments Act with fewer impacts on adjacent areas.
- C. **Decision.** The decision of the Director shall be accompanied by written findings of fact as to the applicability of the Fair Housing Amendments Act, the need for reasonable accommodations, and the authority for any reasonable accommodations approved.

8-3-11-6 Floodplain Variances

A. **Generally.**

1. The procedures of this Section shall apply to requests for variances from the floodplain regulations set forth in Division 4-1-2, Floodplain Regulations, except that Floodplain Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places without compliance with the procedures and criteria set forth in the remainder of this Section, provided:
 - a. The variance is the minimum necessary to preserve the historic character and design of the structure; and
 - b. Granting of the variance does not preclude the structure's continued designation as a historic structure.
2. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in Section 8-3-5-6, Floodplain Development Permit, have been fully considered. As the lot size increases beyond one-half acre, the technical justifications required for issuing the variance increase.

B. **Limitations.**

1. The Floodplain Hearing Officer shall not grant a Floodplain Variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this LDC for the zoning or floodplain district containing the property for which the variance is sought.

2. The Floodplain Hearing Officer shall not grant a Floodplain Variance to property located within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Criteria.

1. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Considerations.

1. Generally. No variance shall be authorized hereunder unless the Floodplain Hearing Officer finds that:
2. The granting of a variance will not:
 - a. Result in an increase in the flood levels in a designated floodway during a base flood discharge;
 - b. Result in an increased risk to public safety;
 - c. Result in substantial increase in public expense or create a nuisance;
 - d. Cause fraud on or victimization of the public; or
 - e. Conflict with existing City laws or ordinances.
3. The variance is the minimum necessary to afford relief considering the flood hazard.
4. The lowest floor, including the basement on any residential structure, will be elevated to a minimum of the Flood Protection Elevation.
5. A showing of good and sufficient cause has been made.
 - a. A determination that failure to grant the variance would result in exceptional hardship to the Applicant
 - b. The granting of a variance will not unreasonably endanger the life, health, safety, welfare, or property of any person in time of floods, or result in the damming of floodwaters or the contribution of potentially damaging debris to floodwaters; and.
6. The use is permitted under the zoning and the Applicant is the owner of the property.

E. Application Filing.

1. Floodplain variance applications shall be submitted to the Floodplain Administrator. The Floodplain Administrator shall review the application to determine completeness and distribute it to other reviewers, as necessary. Based on those reviews, the Floodplain Administrator shall provide a report to the Floodplain Hearing Officer. The Floodplain Administrator shall complete the Administrator's review of the report, including referral to other agencies and bodies, within fifteen business days of receipt of a Complete Application.
2. Each and every application for a variance shall contain adequate technical information, certified by a registered Colorado registered Professional Engineer, which shall include, unless waived in writing by the Floodplain Administrator, the following:
 - a. A topographic survey, certified by a Colorado Licensed Land Surveyor, of the Applicant's property and surrounding areas that may be affected by any proposed change. Such survey data shall include plan, profile, and cross sections showing accurate elevations of all points, based upon North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), within the limits of flooding under both existing and proposed conditions;
 - b. Drawings and descriptions of any proposed change to ground surface, topography or

natural features, and construction or modification of any proposed structure or facility within a regulatory floodplain;

- c. Drawings and descriptions defining the probable behavior of floodwaters across and in the vicinity of the Applicant's property and for a reasonable distance upstream and downstream, under both existing and proposed conditions; together with all supporting hydrologic data and hydraulic analysis, computations, backwater curves, flow quantities and approximate velocities; and
 - d. Any other information either the Applicant or Floodplain Administrator may deem necessary for a thorough and informed evaluation of the proposed activity.
3. Any Applicant for whom a variance is granted shall be given written notice that the structure will not be permitted to be built, added on to, or substantially improved with a lowest floor elevation below the Flood Protection Elevation and the cost of flood insurance will commensurate with the increased risk from the granting of the variance.
- F. **Scope of Review.** In reviewing applications for Floodplain Variances, the Floodplain Hearing Officer shall consider:
1. The floodplain regulations set forth in Division 4-1-2, Floodplain Regulations;
 2. The limitations of Subsection B., above;
 3. All available credible technical evaluations; and
 4. The considerations of Subsection G., below.
- G. **Considerations.** In deciding applications for Floodplain Variances, the Floodplain Hearing Officer shall consider:
1. The danger that materials may be swept onto other lands and cause injury to others;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;
 4. The importance of the services provided by the proposed facility to the community;
 5. The availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
 6. The compatibility of the proposed use with existing and anticipated development;
 7. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 8. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, streets and bridges.
- H. **Conditions of Approval.** Floodplain Variance approvals may include such conditions as the Floodplain Hearing Officer considers appropriate to substantially secure the objectives of the floodplain regulation that is varied or modified.

8-3-11-7 Official Interpretations

- A. **Generally.** Any person or entity may seek an official written interpretation of any provision of this LDC, including but not limited to interpretations as to whether a specific use is deemed to be within a use classification permitted in a particular zoning district, or interpretations regarding the boundaries of the various special flood hazard areas that are shown on the Official Floodplain Map.
- B. **Limitations.** An official written interpretation shall not permit any specific use that is expressly prohibited in a zoning district. If a specific use cannot clearly be determined to be in a use classification permitted in a particular zoning district, such use may be permitted by way of Section 3-1-2-12, Land Uses That Are Not Listed, or officially incorporated into this LDC by an LDC Text Amendment.
- C. **Responsible Staff Member.** Official written interpretations shall be approved by the Director, except that the floodplain regulations set forth in Division 4-1-2, Floodplain Regulations, shall be interpreted by the Floodplain Administrator.
- D. **Official Record of Interpretations.**
 - 1. An Official Record of Interpretations shall be kept on file in the office of the Director. The official record shall include all written interpretations and, as to any interpretations that are administratively or judicially appealed, the results of the appeals.
 - 2. The Official Record of Interpretations shall be available for public inspection in the Department during normal business hours.

Division 8-3-12 Vested Rights

8-3-12-1 Early Vested Rights

- A. **Generally.** Under circumstances deemed appropriate by, and at the sole discretion of, the City Council, a landowner may obtain an early vested right prior to the approval of a site specific development plan. An early vested right is intended to provide a landowner with a reasonable level of certainty with respect to such early matters as zoning, general land-use classifications, or development approvals of a preliminary nature, in reliance upon which substantial expenditures may be made, while minimizing certain potential inflexibilities, risks, and liabilities of the City associated with, and more appropriate to, the later approval of a site specific development plan pursuant to C.R.S. § 24-68-101, *et seq.* Any grant of an early vested right pursuant to this Section is authorized by the home-rule powers of the City, and is separate and distinct from, and independent of, the provisions of C.R.S. § 24-68-101, *et seq.*
- B. **Form of Application.** An early vested right shall be created and granted only by a development agreement, and any action authorizing a development agreement that creates an early vested right shall be considered legislative in nature, and shall be in the form of an ordinance. No formal application for an early vested right shall be required, but a request for an early vested right shall be made in writing and shall include an explanation in justification of the granting of an early vested right. As a matter within the complete discretion of City Council, and legislative in nature, the City shall not be compelled to act upon any request for an early vested right. However, the approval and execution of a development agreement shall result in the requirement that the fee applicable to an application for a vested right be paid.
- C. **Considerations.** In considering an ordinance approving a development agreement that creates an early vested right, the City Council shall review, at a minimum, the following factors:

1. Whether the benefits to the City of granting an early vested right outweigh the associated costs and risks;
 2. Whether the nature of the proposed development, or relevant circumstances including, but not limited to, the size and phasing of the development, financing considerations, economic cycles, market conditions, and benefits to be derived from the project by the City, support the discretionary grant of an early vested right;
 3. Whether the City has received adequate assurances that the development will go forward as planned in return for any vesting of property rights prior to the approval of a site specific development plan; and
 4. Whether the development agreement creating the early vested right incorporates adequate protections for the benefit of the City against risks associated with the creation of vested property rights prior to the availability of details typically provided by a site specific development plan.
- D. **Vesting Period.** The period of vesting pursuant to the grant of an early vested right may be up to 10 years, as agreed to between the City and landowner, and as set forth in a development agreement.
- E. **Effect of Approval and Execution of Development Agreement.**
1. An early vested right, once granted, shall preclude the City from initiating any of the following actions, except as specifically provided in Subsection F., below:
 - a. Rezoning of the property, to the extent the property's zoning is the subject matter of the early vested right;
 - b. Rescinding general land-use designations approved as part of an Outline Development Plan, Concept Plan, or similar document, to the extent such designations are the subject matter of the early vested right; or
 - c. Applying subsequently-enacted standards, such as street standards or architectural standards, if specific standards relating to the same subject matter were an integral and specific part of the matter for which an early vested right was granted.
 2. The effective date of an early vested right shall be five days after publication following final passage of the ordinance authorizing the development agreement creating and granting the early vested right.
- F. **Exceptions to Effect of Approval.** The City may pursue the actions listed in Subsections E.1.a., E.1.b., or E.1.c., with the consent of, or upon the request of, the landowner, or:
1. To the extent that the City reimburses the landowner for all planning, architectural, and engineering costs incurred by the landowner subsequent to the grant of the early vested right which were reasonable and necessary to progress to the next stage of the applicable development approval process; or
 2. If such actions are necessary to avoid a specific and substantial threat to the public health, safety, and welfare.
- G. **Other Limitations.** The grant of an early vested right shall not:
1. Prevent the City, in subsequent actions, from applying new ordinances, rules, regulations, and policies that do not result in those actions set forth in Subsections E.1.a., E.1.b., or E.1.c.;
 2. Create any liability for the City, or claim against the City, with respect to any initiated or referred measure; or

3. Create any entitlement to a subsequent development approval.

8-3-12-2 Vested Rights

- A. **Purpose.** The purpose of this Section is to provide procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended.
- B. **Vested Property Right Created.**
 1. A vested property right shall be deemed to have been created only upon the approval of a site specific development plan in accordance with this Section.
 2. Any approval of a site specific development plan, or amendment to an existing site specific development plan, that creates vested property rights shall be adopted by ordinance as a legislative act and shall be subject to referendum. When creating a vested property right, City Council may expressly exempt, in whole or in part, administrative amendments to a site specific development plan from additional review and approval by City Council under this Section.
 3. The establishment of a vested property right shall not preclude the application of ordinances or regulations which are general in nature and which are applicable to all property subject to land use regulation by the City, including but not limited to the regulations concerning uniform building codes, uniform design standards, regulations concerning subdivision improvements and right-of-way dedications, and regulations establishing requirements and specifications for any public improvements.
 4. The establishment of a vested property right shall not preclude the application of any legislatively adopted fees which are general in nature, uniform in character and applicable to all properties or a similarly situated class of properties.
 5. The City may approve a site specific development plan subject to such terms and conditions as may reasonably be necessary to protect the public health, safety and welfare of the City and its residents.
 6. Any site specific development plan for a multiple-phase development may have separate vesting periods created for each phase. The vesting for any subsequent phase may be contingent upon completion of the preceding phase and review by the City Council. Such review shall include but not be limited to whether the landowner or developer is in compliance with its obligations to the City, including but not limited to the site specific development plan, the improvements agreement and any other agreements between the landowner or developer and the City, as they may have been amended from time to time.
- C. **Notice and Hearing.** Consideration of a site specific development plan for creation of vested property rights must be preceded by the applicable notice and public hearing in compliance with Section 8-2-3-12, Public Hearing Notice and Schedule, and Section 8-2-3-13, Hearing Procedures.
- D. **Notice of Approval.**
 1. Each document constituting a site specific development plan shall contain the following language: "Approval of this document constitutes a vested property right pursuant to Article 68 of Title 24, C.R.S., as amended, and Section 8-3-12-2, Vested Rights, of the Arvada Land Development Code as amended." The failure of the document constituting a site specific development plan to contain the language specified this Subsection shall invalidate and void the creation of the vested property right.

2. A notice stating that a vested property right has been created shall be published once by the City in a newspaper of general circulation in the City not more than 14 days after final adoption of the ordinance approving the site specific development plan. The notice shall include the following information:
 - a. A statement advising the public of the site specific development plan approval, including the name of the project and general location of the specific property or development parcels affected;
 - b. A statement that a vested property right has been created in accordance with Article 68 of Title 24, Colorado Revised Statutes, and Section 8-3-12-2 of the Arvada Land Development Code.

E. Duration of Vested Right.

1. *Generally.* A property right vested pursuant to this Section shall remain vested for a period of three years.
2. *Extended Vesting Periods.* The City Council, in its legislative discretion, may approve an initial vesting period that is longer than three years, in consideration of the following factors:
 - a. The size and phasing of the development, and specifically but not limited to, whether the development can be reasonably completed within three years;
 - b. Economic cycles (including, local, regional, state, and national economic cycles);
 - c. Market conditions, and specifically but not limited to, absorption rates for leasing and sales of similar development projects;
 - d. Consistency with the City of Arvada Comprehensive Plan and other adopted plans;
 - e. Proposed public amenities and benefits that enhance the project and the overall attractiveness of the community, including the degree to which such public amenities and benefits are defined in terms of design, timeframe, and phasing with development;
 - f. Projected public financial benefits or costs anticipated to result from the development, including the timeframe for realization by the City or other public entities and potential costs for operation and maintenance of any new public amenities or infrastructure dedicated to the City or other public entities;
 - g. The breadth and scope of the requested vested property right, including but not limited to, the extent to which such vested property right restricts the City's ability to apply future regulations for the purpose of providing public infrastructure, public services, or public facilities and for the purpose of meeting changing community needs;
 - h. Any proposed modifications to previously approved vested property rights to address changed conditions within the City, consistency with the Comprehensive Plan and other community plans, or performance of previously approved site specific development plans; and
 - i. Any other factors deemed relevant to the City Council.

- F. Extension of Vested Property Rights.** A landowner may request an extension of vested property rights by submitting an application for extension of vested property rights at least 120 days prior to the expiration of the period of vested property rights. The extension request shall be processed in accordance with the procedural requirements of this Chapter, including but not limited to notice, public hearing, adoption by ordinance, and post-approval publication. The criteria in Subsection E., above, shall be considered by City Council when determining whether to grant an extension to a vested property right.

- G. **Forfeiture of Vested Property Rights.** Failure to comply with the requirements of the site specific development plan may result in forfeiture of vested property rights.

Division 8-3-13 Amendments to Existing Approvals

8-3-13-1 Replats and Plat Amendments

Any revision to a previously approved Major Subdivision Preliminary Plat, Major Subdivision Final Plat, or Minor Subdivision Plat (or to any plat or plan that created platted lots, however titled, that was approved prior to the adoption of this LDC), that increases the number of lots, tracts, or parcels, or creates new lots, tracts, or parcels, shall be processed as a new subdivision, and shall comply with the procedures and criteria for a major subdivision in accordance with Section 8-3-8-3, Major Subdivision Preliminary Plat or Section 8-3-8-5, Major Subdivision Final Plat, as applicable. This requirement shall not apply to subdivision applications that are eligible for processing under the Minor Subdivision Plat provisions set out in Section 8-3-8-4, Minor Subdivision Plat.

Article 8-4 Required Improvements, Dedications, and Fees

Division 8-4-1 Purpose and Application of Article

8-4-1-1 Purpose of Article

The purpose of this Article is to set out the required public improvements, dedications, and development-related fees, and to provide a process for waiver, reduction, or deferral of fees in certain cases.

8-4-1-2 Application of Article

- A. **Development Review Fees.** Division 8-4-2, Development Review Fees, authorizes the City to impose fees to offset the City's costs of development review.
- B. **Land Dedications and Fees-in-Lieu.** Division 8-4-3, Land Dedications; Fees-in-Lieu; and Development Fees, establishes standards for land dedication for certain public purposes, or for the payment of fees-in-lieu of land dedication in cases where the dedication of land is not practical.
- C. **Public Improvements.** Division 8-4-4, Public Improvements, , Warranties, and Utilities, sets out the requirements for the installation of public improvements and for the provision of the associated warranties and financial guarantees, provides a process for inspection and acceptance of public improvements, and provides for security and long-term maintenance of drainage improvements and landscaping.
- D. **Development-Related Agreements and Covenants.** Division 8-4-5, Development-Related Agreements and Covenants, establishes minimum requirements for agreements that are related to development (*e.g.*, annexation agreements, public improvements agreements, etc.), and, in certain circumstances, for covenants, conditions, and restrictions on real property that provide for the long-term maintenance of certain improvements.

Division 8-4-2 Development Review Fees

8-4-2-1 Development Review Fees

- A. **Generally.** Development review fees are required in order to offset the cost of processing applications for development approval.
- B. **When Required.** Development review fees shall be paid at the time of application, unless such fees are waived or deferred pursuant to Section 8-4-2-2, Fee Waivers and Deferrals.
- C. **Establishment of Fee Schedule.** The City Council shall establish development review fees by resolution for each type of development approval set out in this LDC.

8-4-2-2 Fee Waivers and Deferrals

- A. An Applicant may submit a written request to the Director for waiver or deferral of all or a portion of development review fees. The letter shall set forth the extent of the waiver or deferral requested and the reasons for the request. The Director shall review the request and forward the request and the Director's recommendation to the City Council, which shall consider the item on its next available regular agenda.

- B. No fee shall be required for an application filed by the Director, the Planning Commission or City Council.

Division 8-4-3 Land Dedications; Fees-in-Lieu; and Development Fees

8-4-3-1 Applicability and Exemptions

A. **Applicability.**

1. This Division applies to the following types of applications:
 - a. Annexation and initial zoning for residential use;
 - b. Rezoning that allows for increased residential uses;
 - c. Subdivision of land into new residential lots;
 - d. Development of existing undeveloped residential lots;
 - e. Development of planned community, condominium, or other similar residential projects involving new multifamily residential dwelling units; and
 - f. Amendments to approved development plans or similar changes affecting the status of a property to the extent that such changes result in an increase in the number of dwelling units.

- B. **Exemptions.** The following general categories of land, or specific uses of land, shall be exempt from the land dedication, payment in-lieu, and park development fee payment requirements of this Division, notwithstanding a zoning classification that may allow for residential use:

1. Existing dwelling units within the City;
2. Dwelling units for which fees have already been paid pursuant to this Division;
3. New dwelling units that replace existing dwelling units that are demolished (on a unit-for-unit basis);
4. Real property that is listed as exempt from real property taxation by the Clerk and Recorder for the county in which the property is located, except as used for residential purposes; and
5. Nursing homes and similar residential accommodations primarily providing care and supervision to persons who are disabled or generally confined to the care facility for medical, physical, or mental reasons.

8-4-3-2 Estimation of Population of Residential Development

- A. **Generally.** The projected population per dwelling unit by housing type that is set out in Table 8-4-3-2, Projected Population Per Dwelling Unit by Housing Type shall be used in all calculations involving population that are set out in this Division.

Table 8-4-3-2: Projected Population Per Dwelling Unit by Housing Type	
Housing Type	Projected Population Per Dwelling Unit
Single-Family Detached, Lot Line, , or Manufactured Home	2.84
Cottage Home, Duplex, Townhome, Multiplex, or Multifamily	1.87
Multifamily within ½ mile of a transit station as shown on the Arvada Transit Station Framework Plan	1.7
Dwelling unit within a development intended for, and qualifying as, “housing for older persons” pursuant to the Federal Fair Housing Act (42 U.S.C. § 3607(b)(2), as amended)	1.5
Micro-Home	1.42

- B. **Change in Status of Housing for Older Persons; Recalculation.** In the event that a development that is proposed as “housing for older persons” fails to qualify for such status under the applicable provisions of the Federal Fair Housing Act or pertinent regulations, or after having achieved such status thereafter relinquishes or otherwise fails to maintain such status, the projected population per dwelling unit shall be adjusted as provided in Table 8-4-3-2, Projected Population Per Dwelling Unit by Housing Type, based on the type of dwelling units that the development then includes. At the time the “housing for older persons” status is lost, additional land dedication or cash-in-lieu payment shall thereafter be required as provided in this Division, based upon the net new projected population.

8-4-3-3 Form of Conveyance; Quality of Title

- A. **Generally.** All lands or interests required to be conveyed under this Division shall be conveyed to the City by proper dedication upon an approved and executed final plat or by special warranty deed, without restriction, at the City’s option.
- B. **Quality of Title; Evidence.**
1. Title shall be free and clear of any and all financial liens and encumbrances, and shall not have any conditions of title (*e.g.*, deed restrictions, covenants, easements, agreements, etc.) that could interfere with the City’s possession and use of the dedicated property.
 2. The City may require a title commitment for the real estate that is proposed for dedication. Said evidence of title shall be current to within 180 days of the application date and updated to close the gap between the initial title commitment and the date of the dedication.

8-4-3-4 Appraisal of Property Value

- A. **Generally.** Where the payment of cash to the City is to be made in lieu of the dedication of land pursuant to this Division, the owner / developer shall provide to the City, at the owner / developer’s cost and expense, a current written appraisal of the fair market value of the subject property. The appraisal shall be performed by a Colorado-licensed real estate appraiser.
- B. **Waiver of Appraisal.**
1. The Director may waive the appraisal requirement where the owner / developer provides to the City documentation evidencing the fair market value of the subject property, provided that the Director finds that the documentation provides a reasonable and credible estimate of the land’s fair market value.
 2. If the Director determines that the documentation is not reasonable and / or credible, then the Director may require submittal of an appraisal as provided in Subsection A., and may

either postpone the decision until such information is provided, or condition the approval on the provision of the appraisal.

8-4-3-5 Use of Fees-in-Lieu and Development Fees

- A. **Generally.** The use of fees-in-lieu and development fees that are collected pursuant to this Division shall be limited as provided in this Section.
- B. **Parks.**
 - 1. Park fee-in-lieu payments paid to the City pursuant to Section 8-4-3-6, Park and Trail Dedications and Fees-in-Lieu, shall be held in an account to be used solely for the acquisition and development of parks, trails, and recreation facilities. Such fees shall be expended in a location that provides tangible benefits to the "Applicable Residential Development".
 - 2. Park development fees paid to the City pursuant to Section 8-4-3-7, Park Development Fees, shall be used solely for the development and improvement of parks, trails, and recreation facilities within or reasonably close to the Applicable Residential Development.
 - 3. Park and open space land dedication requirements for infill development and development within transit station areas, urban centers, and commercial centers shall be as set forth in Section 8-4-3-8. In addition, such developments shall be subject to the following criteria:
 - a. Land provided in conformance with Small Urban Park criteria shall be credited toward satisfying, in whole or in part, the park land dedication requirements.
 - b. Land provided to complete or enhance the system of regional trails or greenways that connect bicyclists and pedestrians to major destinations on the development site and to adjacent properties shall be credited toward satisfying, in whole or in part, park land dedication requirements.
 - c. Such developments shall be exempt from the open space land dedication requirements set forth in Section 8-4-3-8 of this section.
- C. **Schools.** School land fee-in-lieu payments paid to the City pursuant to Section 8-4-3-9, School Land Dedications and Fees-in-Lieu, shall be held in an account to be used solely to pay for school land acquisition or capital projects within the applicable School District. The City shall transfer these funds to the affected School District.

8-4-3-6 Park and Trail Dedications and Fees-in-Lieu

- A. **Generally.** The park and trail dedication and fee-in-lieu requirements are intended to:
 - 1. Provide adequate parks, trails, and associated facilities, which significantly contribute to the community character of Arvada, and provide recreation and mobility opportunities for its residents;
 - 2. Recognize that new residences generate additional demands and burdens on the City's existing parks and trails system and the need for additional such amenities;
 - 3. Recognize that the necessity for, and cost of, new or expanded parks and trails facilities is properly and proportionally attributable to and should be paid for by new residential development, in accordance with the needs and burdens generated by such development;
 - 4. Institute dedication requirements sufficient to meet the need for, and cost to develop and improve, new or expanded parks and trails generated by new residential development; and
 - 5. Provide a dedication methodology that closely approximates the additional park and trail needs and burdens generated by new residential development, links the requirements and

fees to be imposed to the additional needs and demands upon the parks and trails system generated by new residential development; and imposes exactions of land for park and trail purposes (or payment in lieu thereof) and payment of park development fees that are roughly proportional to the demands and burdens created by new residential development.

- B. **Applicability.** Applicants for new residential development shall provide public land dedications for park or trail purposes or payments of fees-in-lieu of such dedications, as provided in this Section.
- C. **Park Land Dedication.** The owner of land to which these provisions apply shall, at the option of the City:
 - 1. Satisfy such combination of dedication and payment in lieu of dedication that, consistent with the provisions of this Section, the City determines appropriate.
 - 2. Pay to the City the cash equivalent of the fair market value of the land otherwise required to be dedicated pursuant to this Section; or
 - 3. Convey to the City in fee simple not less than 10 acres per 1,000 projected population in the new residential development.
- D. **Standards for Dedicated Park Land.** Park land that is dedicated pursuant to the standards of this Section shall be suitable for the purpose for which it is intended, as determined by the City.
- E. **Park Land Fee-in-Lieu.** The park land fee-in-lieu shall be equal to the value of the area of land that would otherwise be required to be dedicated, calculated as provided in Section 8-4-3-4, Appraisal of Property Value.
- F. **Public Trail Land Dedication.**
 - 1. The owner / developer of new residential development shall, at the option of the City, dedicate in fee simple or in the City's discretion grant easements over and across, such land lying within the subject property as may be required, as determined by the City, to provide for the construction and maintenance of public trails that will serve and / or traverse the subject property as referenced in or depicted on the City's approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan.
 - 2. The owner / developer of new residential development shall further be required to construct all public trails that are dedicated pursuant to Subsection F.1., above.
 - 3. Any trail dedication or construction required by the provisions of this Subsection shall comply with all applicable City design and construction standards, and shall conform to the locational requirements of this LDC.
- G. **Credit for Trail Land Dedications.**
 - 1. For purposes of satisfying the park land dedication requirements of Subsection C., above, in those developments where trails referenced in or depicted on the City's approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan are proposed to be located, those trail dedications or grants of easements as are accepted by the City shall be credited against the park land dedication requirements of the development.
 - 2. With respect to dedications or grants of easements for other public trails proposed within the development, but not referenced or depicted on the City's approved Arvada Parks, Trail and Open Space Master Plan, or Comprehensive Plan, the City may in its discretion, grant a credit, in whole or in part, against park land dedication requirements for such trail dedications or grants of easement.

3. Such credits as set forth herein shall not apply to proposed sidewalks or trails within street rights-of-way or on land within the development required to be dedicated for purposes other than park or trail use.

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

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

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

1. As to residential development in general, all requirements with respect to land dedication, payments-in-lieu, or trail easements shall be satisfied in full prior to, or as part of, the approval of the final plat, final development plan, or site plan or at such other time as may be required by the City. As to a non-PUD, but phased, development, the provisions of Subsection H.2., below, shall apply.
2. As to the phased development of a PUD project, all of the following shall apply:
 - a. All park land dedication requirements shall be satisfied at the time of the approval of the site plan, PUD final development plan, minor subdivision plat, or major subdivision final plat for each phase of the development based upon the projected population for that phase, or at such other time as may be required by the City.
 - b. Payments-in-lieu of park land dedication shall be satisfied at the time of the approval of the site plan, PUD final development plan, minor subdivision plat, or major subdivision final plat for each phase, based upon the nature and number of dwelling units contained within such phase and application of the land dedication and payment-in-lieu provisions of this Section, or at such other time as may be required by the City.
 - c. Dedications or grants of easements for trail purposes pursuant to the provisions of this Section shall be satisfied prior to, or as part of, the approval of the minor subdivision plat or major subdivision final plat for each phase involving land which a trail or trails referenced in Subsection F., above, will traverse, or at such other time as may be required by the City.
 - d. No revision or amendment to an approved development plan or final plat pursuant to which the required land dedication has been previously proffered and accepted by the City shall create a credit in favor of, or reduce the land dedication requirements applicable to an owner/developer, nor shall any such revision or amendment require the City to re-convey any portion of a previously accepted dedication, notwithstanding a decrease in the planned density of the development or any portion thereof.

8-4-3-7 Park Development Fees

- A. **Assessment of Park Development Fee.** Based on the annual adjustment of fee per Subsection C. below, a park development fee of \$1,098.10 per single family detached unit and \$922.40 per multifamily or single family attached unit, shall be assessed, which fee shall be due and payable

at the time of the approval of the minor subdivision plat, major subdivision final plat, site plan, or PUD final development plan, as the case may be, containing such dwelling units.

- B. **Annual Adjustment of Fee.** Annually, the park development fee shall be automatically adjusted in accordance with any percentage change in the cost of park development. The park development fee shall be adjusted by the average percentage change, if any, in the Consumer Price Index, the Construction Cost Index, and the Building Cost Index, taken together and as established for the Denver metropolitan area.
- C. **Option to Construct Neighborhood Park Improvements.** Subject to the express approval of the City, the owner / developer of a new residential development may elect, in lieu of payment of park development fees, to develop and construct neighborhood park improvements on land within the development that is dedicated for such purposes, or upon existing park land reasonably proximate to the development. Such development and construction shall comply with all applicable provisions of this LDC and any rules or regulations adopted pursuant thereto.

8-4-3-8 Adjustment of Park Fees-in-Lieu and Park Development Fees

The Director may reduce or waive park fees-in-lieu and/or park development fee requirements for residential development that is located wholly or partially within ½ mile of an RTD G Line transit station, in proportion to the Director's finding that the development substantially contributes to living opportunities that are both urban in character and pedestrian-oriented, through the provision of all of the following:

- A. On-site plazas, squares, green spaces, Small Urban Parks, or other gathering spaces for residents and visitors that are sufficient in number and character to substantially promote transit-oriented, urban mixed-use, pedestrian-oriented living, meeting the requirements of Subsection 4-3-3-4E, Small Urban Parks;
- B. Parking for the development which is at least 50 percent below-structure parking or at least 50 percent structured parking; and
- C. Building forms, the substantial majority of which are more than three stories in height.

8-4-3-9 School Land Dedications and Fees-in-Lieu

- A. **Generally.** The school land dedication and in-lieu fee requirements set out in this Section are intended to:
 - 1. Provide adequate new or expanded public schools for the convenience and service of Arvada's residents;
 - 2. Recognize that new residences generate additional demands and burdens on the existing school system and the need for additional facilities;
 - 3. Recognize that the necessity for, and cost of, new or expanded schools be properly and proportionally attributed to and paid for by new residential development, in accordance with the needs and burdens generated by such development;
 - 4. Institute dedication requirements sufficient to meet at least a portion of the need for, and cost to develop and improve, new or expanded schools generated by new residential development; and
 - 5. Provide a dedication methodology that:
 - a. Closely approximates the additional school needs and burdens generated by new residential development;

- b. Links the requirements and fees to be imposed to the additional needs and demands upon the school systems generated by new residential development; and
 - c. Imposes an exaction of land for school facility purposes (or payment in lieu thereof) that is roughly proportional to the demands and burdens created by a new residential development.
- B. **Applicability; Additional Exemptions.** This Section shall apply to all new residential development, except that in addition to the exemptions set out in Section 8-4-3-1, Applicability and Exemptions, the following are also exempt from the application of this Section:
 - 1. Developments within one-half mile of a transit station, as shown on the Arvada Transit Station Framework Plan.
- C. **Land Dedication or Fee-in-lieu Required.** The Applicant shall, at the option of the reviewing School District (see Subsection H., below):
 - 1. Satisfy such combination of dedication and payment in lieu of dedication that, consistent with the provisions of this Section, the School District determines appropriate;
 - 2. Pay to the City the cash equivalent of the fair market value of the land otherwise required to be dedicated pursuant to this Section; or
 - 3. Convey to the City in fee simple not less than four acres per 1,000 projected population in the new residential development.
- D. **Criteria for Acceptable Land Area.** Land area eligible for consideration in the evaluation of the land dedication for public schools shall be based on the intended purposes of the land's use and shall be prioritized in descending order as follows:
 - 1. Buildable lands that do not contain geologic hazard areas or soil conditions, such as unstable or potentially unstable slopes, faulting, landslides, rockfalls, expansive soils, or floodplains;
 - 2. Lands within the low hazard area of the 100-year floodplain; and
 - 3. Lands within geologic or wildfire hazard areas, provided that the Applicant takes all necessary actions, prior to the transfer of the land, or as otherwise agreed upon, to mitigate the geologic or wildfire hazard.
- E. **Payment of Fees In-Lieu of School Land Dedication.** The school land fee-in-lieu shall be equal to the value of the area of land that would otherwise be required to be dedicated, calculated as provided in Section 8-4-3-4, Appraisal of Property Value.
- F. **School District Review of Outline Development Plans, Preliminary Development Plans, Preliminary Plats, or Site Plans.**
 - 1. At the time of City review of an Outline Development Plan, Preliminary Development Plan, Preliminary Plat, or Site Plan (for residential development, including mixed-use development with a residential component), whichever occurs earliest for a particular subject property, the City shall refer the application to the School District(s) within which the subject property is located. The School District(s) shall have the opportunity during the referral period to request a land dedication or fee-in-lieu payment, and if land dedication is requested, the School District shall advise the City regarding the acceptability of land areas that are proposed to fulfill the requirements of this Section.
 - 2. If the School District does not make a request for land dedication or fee-in-lieu, then the City shall collect a fee-in-lieu of land dedication.
 - 3. The provisions of this Subsection F. may be modified by intergovernmental agreement between the City and an affected School District.

G. Method and Timing of Dedication or Payment of Fees-in-Lieu.

1. All school sites that are required pursuant to this Section shall be indicated on the final plat as a tract for school purposes, and shall be conveyed to the City in fee-simple, by dedication on the final plat or by general warranty deed, as determined by the City. The City may approve a direct conveyance to the School District in satisfaction of this requirement.
2. Fees-in-lieu that are required pursuant to this Section shall be paid to the City at the time of final plat, site plan or final development plan approval, whichever is earlier.

8-4-3-10 Deferral of Fees

- A. **Generally.** City Council may allow for the deferral of fees imposed pursuant to this Division on Applicable Residential Development in the manner set out in this Section.
- B. **Deferral Agreements.** City Council may authorize deferral of fee payments by approving by resolution a written deferral agreement entered into with the person or entity from which the fees are payable, which agreement shall contain such terms and conditions as the City Council determines are in the best interests of the City, and provided that the City Council also determines and finds in the resolution that allowing the deferral of fees imposed on new development will serve a public purpose. For the purposes of this Subsection B., a public purpose may include, without limitation, providing the public with significant social, economic or cultural benefits. Deferral agreements may be stand-alone agreements or components of other agreements between the Applicant and the City with respect to the development of the subject property.
- C. **Enforcement Provisions.**
 1. All deferral agreements shall include the following enforcement provisions:
 - a. In the event that any amounts owed under the deferral agreement are not paid when due, and except as otherwise provided in the deferral agreement, such unpaid amounts shall be a perpetual lien upon the real property for which the deferred fees are owed from the date the fees are due under the agreement until paid. Such lien shall have priority over all other liens except those for real property taxes.
 - b. If any deferred fee is not paid when due, the City may pursue all remedies available to it under the law to collect such fee, including, without limitation, by judicially foreclosing the lien. The City Clerk may also certify any delinquent fees and other amounts owed under the deferral agreement to the treasurer of the County in which the subject property is located, and such fees and amounts shall then be collected in the same manner as though they were real property taxes.
 2. A deferral agreement may also provide that the City has the right to withhold or revoke any building permits, certificates of occupancy, and other City approvals relating to the development of the real property for which deferred fees are delinquent in payment.

8-4-4-1 Provision of Adequate Public Facilities

Proposed development shall be reviewed in regard to whether off-site utilities and services, including but not limited to drainage facilities and streets, that are necessary to serve the proposed development are adequate in terms of capacity, configuration, connections, routes, and other relevant considerations. Any deficiencies shall be identified and commitments made by the Applicant to undertake remedial measures.

8-4-4-2 Public Improvement Requirements

- A. **Generally.** All public improvements, including but not limited to streets, curb and gutter, sidewalk, sewer and water lines, irrigation ditch improvements or ditch crossings, storm sewers, storm drainage / water quality structures, bridges, and any other public improvements, shall be constructed in compliance with this LDC, and with the current City of Arvada Engineering Code of Standards and Specifications.
- B. **Irrigation Ditch Crossings or Encroachments.** All crossings of irrigation ditches or encroachments upon irrigation ditch property, easements, or rights-of-way shall be approved by the owner / operator of the irrigation ditch or by a court of competent jurisdiction. Such approvals shall be presented to the City prior to construction. Owners / operators of irrigation ditches may have engineering or design requirements that differ from those of the City. Due to the multiple ways that ditch easements are established under Colorado law, Applicants are advised to consult with the owners / operators of ditches with respect to the extent of their ownerships, easements, or rights-of-way.
- C. **Timing of Construction Plan Approval.** All construction plans for public improvements shall be approved prior to final plat or plan approval. No public improvements shall be made until all plans, profiles, and specifications pertaining to such improvements have been reviewed and approved as required by this LDC, and all improvements shall be constructed as per the approved construction plans.

8-4-4-3 Timing of Building Permits and Certificates of Occupancy

- A. **Generally.** The timing of building permits and certificates of occupancy in relation to the installation of development infrastructure, landscaping, recreational amenities, and utilities shall be as set out in this Section.
- B. **Timing of Building Permits.**
 - 1. Prior to issuance of a building permit for above-ground construction, the owner/developer shall install:
 - a. All utilities, including water, sanitary sewer, storm sewer and storm water detention, and all-weather access; and
 - b. Dedicate all required utility, drainage, and construction easements.
 - 2. Where required by the City, the owner/developer shall dedicate an emergency access easement prior to the issuance of a building permit for the development or any phase of the development.
- C. **Timing of Certificates of Occupancy.** The following events, as applicable, shall occur prior to issuance of a certificate of occupancy:

1. Construction of any required emergency access lane;
2. Widening of existing streets and / or construction of new streets, and construction of sidewalks, ramps for the disabled, noise fencing or other improvements required by this LDC, but not directly related to emergency vehicle access, for any building(s) which would be served or affected by such improvements;
3. Installation, at the owner's / developer's sole expense, of all required landscaping improvements and recreational amenities, including but not limited to seeding or plugging of any landscaped area to be seeded or plugged for establishment of drought tolerant grass, and successful establishment of such grasses;
4. Installation of all fencing shown on an approved, final development plan, or site plan;
5. Installation, signing, and striping of all parking and hard-surface access areas;
6. Screening from view of all roof-mounted and wall-mounted mechanical equipment; and
7. Installation of trash collection and enclosures, recycling bins or compaction areas.

D. Adjustment of Permit Schedule.

1. *Adjustment Authorized.* The Director may adjust the schedule of incomplete improvements upon a finding that the schedule cannot be reasonably met due to extenuating circumstances, and the City is provided with acceptable security to guarantee completion of the improvements.
2. *Security for Landscaping Improvements and Recreational Amenities.*
 - a. If the developer has not completed its obligations under Subsections C.3., above, but is otherwise in compliance with any subdivision agreement or other terms of development approval, the developer may escrow funds to the City, in which case the City may, in its sole discretion, issue certificates of occupancy subject to the provisions set forth in this Subsection.
 - b. The escrow of funds shall be subject to the approval of the Director, in an amount equal to 150 percent of the estimated cost of providing the required landscaping improvements and recreational amenities. The estimates for such costs shall be made by a landscape contractor acceptable to the City. If the City rejects any estimate provided by the owner /developer, the City, in its sole discretion, may obtain an estimate of the costs of the improvements and amenities, which shall be binding on the owner / developer in determining the amount of funds to be escrowed.
 - c. The City shall release any escrowed funds only upon the completion of the landscaping improvements and recreational amenities by the owner / developer.
 - d. In the event of default by the owner /developer, the City may, in its sole discretion, withhold certificates of occupancy for the subject development or, if the City elects to issue certificates of occupancy, the City may retain all escrowed funds and apply all funds toward the completion of the required landscaping improvements and recreational amenities. The manner and method in which the City elects to undertake and complete the obligations of a defaulting owner /developer shall be within the sole discretion of the City; provided, however, that nothing herein shall obligate the City to install or complete the landscaping improvements and recreational amenities and nothing herein shall prevent, prohibit, or limit the remedies available to the City to enforce the owner's / developer's obligations.

8-4-4-4 Required Maintenance and Warranties

- A. **Public Improvements within Rights-of-Way.** Public improvements that are located within existing or proposed rights-of-way are subject to the maintenance and warranty requirements of Chapter 78, Article V, Arvada City Code.
- B. **City acceptance of improvements/warranty.**
 - 1. All improvements constructed by the owner / developer in public rights-of-way, easements, streets, or alleys shall become the property of the City immediately upon acceptance of said improvements by the City, and the owner / developer warrants said improvements for two years from the date of acceptance by the City.
- C. **Landscaping and Fencing.**
 - 1. *Maintenance Responsibility.* The owner / developer, or heirs, successors, assigns or transferees, including any property owners association created by the owner / developer, shall maintain into perpetuity all installed landscaping and fencing that is required by a PUD final development plan, or site plan. This obligation to maintain shall arise regardless whether the landscaping and fencing, as actually installed, fails to specifically conform to the requirements of the final approved plan and regardless whether the owner / developer or the City installs the landscaping and fencing.
 - 2. *Minimum Maintenance Requirements.*
 - a. All plants shall be maintained continually in a healthy condition in accordance with generally accepted professional horticultural standards and practices. Plants that die or are unhealthy shall be replaced according to the approved landscape plan.
 - b. Regular pruning and trimming shall be performed to maintain health and an attractive appearance and to permit the plants to achieve their intended form and height.
 - c. Landscape areas shall remain free of weeds, litter, junk, rubbish and other nuisances and obstructions.

8-4-4-5 Access and Maintenance Easements for Drainage Facilities

- A. **Generally.** Drainage facilities shall be subject to an access easement and maintenance agreement that allows for (but does not require) the City to access drainage facilities for the purposes of inspection, operation, maintenance, repair, or replacement of such facilities.
- B. **Minimum Standards.** The access easement and maintenance requirement may be in a Subdivider's or Development Agreement approved by the City Attorney, shall provide for the operation, maintenance, repair, and replacement of the drainage facilities that are the subject of the agreement by the owner/developer of the affected property, and shall include at least the following terms:
 - 1. That the owner/developer shall operate and maintain the facilities according to the requirements of an approved operations and maintenance manual;
 - 2. That the City shall have access to inspect the drainage facilities;
 - 3. That the City will give notice to the owner/developer if maintenance is necessary, and provide the owner/developer with not less than 21 days to conduct the maintenance (except in emergency situations, which may involve shorter time periods);
 - 4. That the City may operate, maintain, repair, or replace the drainage facilities at the owner/ developer's expense, and that if the City exercises its right to operate, maintain, repair, or

- replace such facilities, the City will not be liable to the owner for any damage to such facilities or the owner's property;
5. That the owner will indemnify the City for any harm to the City caused by the owner's failure to appropriately operate, maintain, repair, or replace the drainage facilities;
 6. That the owner will pay the City for any costs borne by the City in operating, maintaining, repairing, or replacing drainage facilities within 30 days of the date of an invoice provided by the City to the owner;
 7. That the City may charge default interest for payments received after 30 days, with the default rate to be specified in the Subdivider's or Development Agreement; and
 8. That the access easement and maintenance requirements shall run with the affected land.

8-4-4-6 Utilities

- A. **Generally.** Utility plans must be approved prior to issuance of the first building permit. Approval of a major subdivision preliminary plat does not constitute final approval of the utilities to be located within the subdivision.
- B. **Reimbursement for Oversized Lines or Facilities.** The City will reimburse the subdivider for excess costs resulting when the City requires oversized water or sanitary sewer lines in order to serve developing areas around the subject property, to the extent such oversized lines are greater than eight inches nominal diameter.

Division 8-4-5 Development-Related Agreements and Covenants

8-4-5-1 Purpose of Division

Prior to or upon approval of the final plat, the subdivider may, at the Director's discretion enter into a development agreement with the City, which agreement shall contain, at a minimum, provisions as required by this Division.

8-4-5-2 Development Agreements

- A. **Generally.** A development agreement may be used to establish the terms and conditions for the installation of public improvements and landscaping, to provide security and warranties for same, to provide for phasing of development, to provide for vesting of development rights, to provide for the dedication of property and / or the payment of fees-in-lieu, to provide for the payment of other development-related fees, to provide for the terms of a public-private partnership or economic development incentive, or to provide for such other matters as may be lawful and appropriate for inclusion in an agreement between a landowner and the City with respect to development. Development agreements may have a variety of titles, including but not limited to "development agreements," "subdivider's agreements," "vested rights agreements," "early vested rights agreements," or "incentive agreements."
- B. **Major Subdivision Final Plats and Minor Subdivision Plats.** Prior to approval of a major subdivision final plat or minor subdivision plat, the Applicant shall submit an executed development agreement to the City, if required.
 1. The development agreement shall contain any conditions that are required by the Director for the health, safety, and welfare of the community.
 2. The development agreement shall provide, at a minimum, that:

- a. The owner/developer will, at its own expense, furnish and install the streets, water lines, sidewalks, street lights, sanitary sewer mains, storm drains, storm drainage structures, bridge and irrigation ditch structures, and other improvements as may be necessary, in accordance with the procedures, plans, and specifications approved by the City;
 - b. The owner/ developer will file with the City a copy of the as-built construction plans of said public improvements upon completion;
 - c. Any contractor or subcontractor employed by the owner / developer will be licensed by the City before the contractor or subcontractor commences work on any of the improvements contemplated within the agreement;
 - d. Every reasonable effort will be made by the owner / developer to maintain all streets located within the subdivision in which the improvements are to be installed in a reasonably safe and passable condition during the course of contemplated work. If for any reason, the construction of the streets provided for in the development agreement is delayed until the structures or dwelling units are occupied, then the owner / developer agrees to maintain sufficient streets in such subdivision used by the occupants of any such structures or dwelling units in a reasonable, suitable, and proper condition to provide for travel, ingress, and egress, and to continue said maintenance until such time as the hard surface shall be completed and accepted for maintenance by the City;
 - e. All improvements constructed by the owner /developer in public rights-of-way, easements, streets, or alleys shall become the property of the City immediately upon acceptance of said improvements by the City, and the owner /developer shall warrant said improvements for two years from the date of acceptance by the City.
- C. **Other Uses.** A development agreement may be associated with other approvals granted pursuant to this LDC, to the extent that such approvals involve topics described in Subsection A., above.
- D. **Agreement to Run with the Land.** All provisions and conditions contained in a development agreement shall constitute a covenant running with the land and shall be binding upon the heirs, successors and assigns of the parties to the agreement. However, the development agreement may exempt the purchasers of developed lots (or vacant finished lots that are intended for development with single-family or duplex dwelling units) from all or a portion of its terms.

8-4-5-3 Cost-Sharing and Reimbursement Agreements

- A. **Generally.** Cost-sharing and reimbursement agreements are intended to provide a just mechanism to allow Applicants who install certain public improvements to re-capture the windfall to nearby properties that may benefit from the availability of such improvements, and require such properties to share in the expense for a reasonable period of time; or to provide for City or special district reimbursement to the Applicant under comparable circumstances; or both.
- B. **Improvements Subject to Reimbursement.** The owner of any property in the City who installs and dedicates street, sidewalk, water main, sewer main, bicycle trail, bridge, storm drainage facility, or other public improvements, may apply for the identification of a reimbursement area within which reimbursement of a portion of the costs of the public improvements will be required from the owners of property specially benefited by the improvements.

C. Property Eligible for Inclusion.

1. Property is eligible for inclusion in a reimbursement area if it will be specially benefited by a street, sidewalk, bicycle trail, storm drainage facility, bridge, water main, sewer main or other improvement constructed by a private party and dedicated to the City.
2. Property located outside the City limits may be included in a reimbursement area upon the application of the person installing the improvements. Such inclusion, however, shall be contingent and no assessment may be collected with respect to such property unless it has been annexed to the City prior to the time the reimbursement is due.

D. Basis and Methodology for Assessment.

1. Properties within a reimbursement area shall be assessed in such a manner as to equitably apportion the costs of public improvements among all properties specially benefited by them, but no property shall be assessed an amount greater than the special benefit received by it. In the absence of unusual circumstances requiring a different method, improvements, other than bridges, shall be subject to reimbursement on the basis of front footage.
2. The cost to be apportioned within a reimbursement district shall be the reasonable cost of installing the improvement, but not including the cost of any part or portion which solely benefits the Applicant, such as curb cuts or main connections to serve its property. Engineering costs, not to exceed five percent of construction costs, may be included with the cost allocations. Reimbursable construction costs shall be based on the lowest responsible bid of three bids obtained by the Applicant.
3. Except as hereinafter limited, the phrase "special benefit" shall mean only benefit conferred upon a property, which is greater, or different in kind from that conferred upon properties in the City as a whole by an improvement. Among the factors to be considered in determining the existence of a special benefit are:
 - a. Increased market value;
 - b. Improvement in safety or convenience of access;
 - c. Improved drainage;
 - d. Alleviation of health or sanitation hazards;
 - e. Adaptability of the property to a superior or more profitable use;
 - f. Improved availability of public water or sewer service to the property; and
 - g. In the case of undeveloped property, the installation of an improvement which would otherwise be required upon development of the property. When a party must extend an improvement, such as a water or sewer main, in order to make lateral connection to its property, the pre-existing portion of the improvement shall not be deemed to specially benefit that portion of its property served by the extension.

E. Reimbursement Terms.

1. The owner of property included within a reimbursement area may in such owner's discretion pay the reimbursement at any time after it has been allocated, but shall not be required to do so unless and until a building permit is issued, the property connects to the improvement, or the property is platted, whichever occurs first.
2. If said owner elects to defer payment of the reimbursement, the payment shall include interest at the rate provided by C.R.S. § 5-12-102, as amended, for judgments. Such interest shall commence on the effective date of the ordinance designating the reimbursement area.

3. A cost-sharing or reimbursement agreement (and its associated reimbursement area) shall terminate ten years from the effective date of the ordinance approving it, and any property that is platted or connected to the improvement thereafter, shall not be subject to reimbursement assessment.

F. Establishment of Reimbursement Areas.

1. The owner of any property who proposes to install one or more public improvements may file an application with the Director for a reimbursement district on a form provided by the City, upon completion of the improvements.
2. The application shall include the nature, location, and cost of the improvements, a description of the proposed district and individual properties within it, the names and addresses of the property owners within the proposed reimbursement area, the proposed manner of assessment and the amount proposed to be assessed against each property for each improvement. The application shall be accompanied by no less than three construction bids.
3. A notice shall be mailed to the owners of each property within the proposed reimbursement area, together with a copy of the application. The notice shall state that any owner may file a written request for an administrative hearing to contest the proposal. The request for hearing shall state in general terms the grounds of objection.
4. The Director shall schedule a hearing and notify the Applicant and all objecting parties. The City Manager or designee shall conduct the hearing in accordance with Arvada Code provisions pertaining to the conduct of quasi-judicial hearings.
5. After the hearing, the presiding officer shall render an advisory decision summarizing the objections and making recommendations to the City Council.
6. After the hearing or if no hearing is requested, the City Council shall consider the adoption of an ordinance approving the reimbursement agreement and establishing a reimbursement area. A notice of the existence of the reimbursement area shall be recorded against the properties in the reimbursement area in the office of the County Clerk and Recorder in the county in which the properties are located.

G. Applicant Responsibility. After the approval of the cost-sharing or reimbursement agreement, it shall be the responsibility of the party who is entitled to reimbursement (and the party's successor(s)-in-interest) to keep the City informed of its current address. Failure to comply with the developer's responsibilities shall constitute abandonment of all rights of reimbursement and shall be grounds for termination of the cost-sharing or reimbursement agreement (by ordinance) and refund of any assessments received by the City on behalf of the developer after the abandonment.

H. Release. Upon full payment of reimbursement or expiration of the reimbursement term, whichever occurs first, the City will, upon request, issue a written release to the owner of property included within a reimbursement area.

I. Modification by Agreement.

1. In lieu of the procedure set forth herein, a developer, the City and the owners of any property which could be within a reimbursement area may contract for reimbursement in such manner and amount as they deem appropriate, and the City may agree to collect the reimbursement at the time of connection, platting, or as otherwise agreed.
2. In the event that a developer contracts with the owner of a portion of the property which could be within a reimbursement area, such property shall be excluded from the

reimbursement area, but no property within the reimbursement area shall be assessed in an amount proportionally greater than that provided by contract.

- J. **No Preclusive Effect on Other Cost-Sharing Alternatives.** This Section shall not be construed as an exclusive means for reimbursement to a developer for the costs of public improvements that benefit properties other than the developer's property. In addition, this Section shall not be applied to effectuate reimbursements in an amount greater than a benefited property owner's fair share of the costs of said improvements.

8-4-5-4 Property Owners' Associations; Covenants, Conditions, and Restrictions

- A. **Generally.** If open space or other common areas within a subdivision or other development are to be owned and maintained by a property owners' association, the owner/ developer shall file a declaration of covenants, conditions, and restrictions that will govern the association, to be submitted with the application for final development plan or site plan approval.
- B. **Declaration Contents.** The declaration provisions shall include, but not be limited to, the following:
1. The property owners' association shall be established before the homes or lots are sold;
 2. Membership shall be mandatory for each lot or home buyer and any successive buyer;
 3. Any open space restrictions shall be permanent, not just for a period of years;
 4. The property owners' association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities;
 5. Property owners shall pay their pro-rata share of the cost, and the assessment levied by the property owners' association can become a lien on the property; and
 6. The property owners' association shall be empowered to adjust the assessment to meet changed needs and demands.

Chapter 9 – Nonconformities

Article 9-1 Nonconformities

Division 9-1-1 Purpose and Application of Article

9-1-1-1 Purpose of Article

- A. **Generally.** The application of new regulations to an existing legally established development may create circumstances in which existing lot dimensions, density, intensity, land uses, buildings, structures, landscaping and buffering, lighting, parking areas, or signs do not strictly conform to the requirements before the Effective Date of this LDC. For existing lots or development (including uses, buildings, structures, and signs) that are legally nonconforming to the standards in the LDC, this Article sets out equitable rules for whether, when, and how the regulations of this LDC apply.
- B. **Illegal Uses, Buildings and Structures.** Land uses established, and buildings and structures constructed, before the Effective Date of the new regulations that do not meet the requirements, but that were established or constructed without required permits or approvals from the City, are illegal; they are not addressed by this Division and are violations of the Article.

9-1-1-2 Application of Article

- A. **Generally.** This Article applies to uses, buildings, structures, landscaping, buffering, signs, lighting, parking, density, intensity, and lots that were:
 - 1. Lawfully established, constructed, installed, platted, developed, or created prior to the Effective Date, but not currently in conformance with the requirements of this LDC; or
 - 2. Lawfully established, constructed, installed, platted, developed, or created in one zoning district, but no longer conform to the requirements of this LDC after the subject property is rezoned.
- B. **Effect of Article.** Nothing in this Article shall be interpreted to require a change in plans, construction, or designated use of any building in which a building permit was lawfully obtained from the City prior to the Effective Date of this LDC or subsequent amendment, provided that construction:
 - 1. Was commenced before the expiration of the building permit; and
 - 2. Work is proceeding diligently toward completion.
- C. **Changes of Tenancy or Ownership.** Nothing in this Article shall be construed to affect or restrict changes in tenancy or ownership, nor shall changes in ownership affect the application of any of the requirements of this Article.
- D. **Evidence of Status.** Evidence that a nonconforming situation is a legal nonconformity and not a violation of this LDC shall be submitted by the owner of the property or operator of the use upon request of the Director.
- E. **Unlawful Uses, Buildings, or Structures.** This Article does not allow for the perpetuation of unlawful development. Such development is not legally nonconforming, but instead, unlawful, and is subject to all of the provisions of this LDC (including enforcement provisions) and any other applicable law.

9-1-1-3 Exceptions to Article

- A. **Generally.** This Section lists the situations where a technical nonconformity is considered “conforming” for the purposes of this LDC.
- B. **RN Zoning District.** Lots of record within the RN zoning district (all subdistricts), regardless of their area or dimensions, and existing buildings on said lots of record, are deemed to be conforming lots and conforming buildings if legally established, respectively. To the extent they are used for single-family detached residential purposes, they are also deemed to be conforming as to density.
- C. **Partitions.** Lots that are created by judicial partition are deemed to be conforming lots.
- D. **Vested Rights.** This Article does not apply to site-specific development plans for which rights are vested, during the period of vested rights.
- E. **Acquisition for Public Use.** When lot area or set back are reduced as a result of land acquired by Federal, State, or local government, or any other public agency, for a public purpose, and the remaining lot is a least sixty (60) percent of the required minimum standard for the zoning district in which it is located, then the lot or structure is deemed to be in compliance with the minimum standards of this Code.
- F. **Fueling / Service Stations.** Where more than two fueling / service stations exist within 660 feet of the intersection of two arterial streets, they shall not be considered as a nonconforming use due to their proximity to each other.
- G. **Conditional Uses.** Uses that are listed as conditional uses in Division 3-1-2, Land Use by Zoning District, but were established prior to the effective date of this LDC or are the subject of a valid approval that pre-dates the effective date of this LDC shall be deemed to be “conforming uses” under this LDC.

Division 9-1-2 Nonconforming Uses

9-1-2-1 Continuation of Nonconforming Uses

- A. **Generally.** Except as provided in Subsection B., below, nonconforming uses may be continued and maintained in reasonable repair, subject to the standards of this Subsection.
 - 1. *Building or Structure Enlargement.* A building or structure that is put to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the use of the structure to a permitted use.
 - 2. *Expansion of Nonconforming Use.*
 - a. A nonconforming use shall not be enlarged, expanded, or extended, except to occupy any interior parts of the building or structure enclosing such use that were designed or arranged for such use at the time the use was lawfully established.
 - b. No new accessory use, accessory building, or accessory structure shall be established on the site of the nonconforming use if it is accessory to the nonconforming use or expands the footprint of the nonconforming use.
 - 3. *Additional Signs or Uses.* In connection with a nonconforming use, the following are prohibited:
 - a. The attachment on the building or premises of additional signs that are intended to be viewed from off the premises; and

- b. The addition of other uses that are prohibited in the zoning district in which the subject property is located.
- B. Industrial Zoning Districts.** A nonconforming use in the IL or IG zoning district may be continued and maintained in reasonable repair, and if it is listed in Section 3-1-2-5, Commercial Land Use by Zoning District, Section 3-1-2-7 Industrial, Processing, Recycling, Storage, and Disposal Land Use by Zoning District, or 3-1-2-8 Motor Vehicle Land Use by Zoning District, it may be expanded, cumulatively, by up to 25 percent of its footprint on the effective date of this LDC. For the purposes of this Subsection, the extension of a nonconforming use to a portion of an existing building or structure that was designed and constructed for the nonconforming use on the Effective Date of this LDC is not counted towards the limitation on expansion.
- 1. Expansion of a nonconforming building or structure greater than 2,500 square feet shall be exempt if the Director finds that the expansion will not cause an increase in vehicular traffic, thus requiring traffic and roadway improvements to public streets.
 - 2. The degree of expansion shall be determined by the gross floor area as of the Effective Date of the LDC. The expansion may be to an existing building or the addition of a new building.

9-1-2-2 Change of Nonconforming Use

If a nonconforming use is changed to a different use, the new use shall be a use that conforms to the regulations of the zoning district in which it is located. After such change, all future use of the subject property shall comply with applicable use-related provisions of this LDC.

9-1-2-3 Discontinuance of a Nonconforming Use

- A. **Nonconforming Uses that Involve Buildings or Structures.** If a nonconforming use involving a building or structure is discontinued from use for a period of 12 months, further use of the subject property shall conform to the requirements of this LDC.
- B. **Nonconforming Uses that Do Not Involve Buildings or Structures.** If a nonconforming use not involving a building or structure is discontinued for a period of six months, further use of the subject property shall conform to the requirements of this LDC.

Division 9-1-3 Nonconforming Buildings and Structures

9-1-3-1 Nonconforming Drive-In or Drive-Through Facilities

- A. **Nonconforming Due to Design or Configuration.** If a drive-in or drive-through facility is nonconforming because it is not in compliance with the provisions of Section 5-1-6-2, Drive-In and Drive-Through Facilities, then:
 - 1. If the nonconformity involves the location of the drive-in or drive-through facility adjacent to any RA or RN zoning districts or within the OT zoning district, then the use of the drive-in or drive-through facility shall not be resumed if it is discontinued for a period of six consecutive months unless the drive-in or drive-through element of the facility shall be modified to become less nonconforming, as determined by the Director; or
 - 2. For any other nonconformity, the use of the drive-in or drive-through facility may be continued, or resumed after interruption, and the drive-in or drive-through facility is subject to Section 9-1-3-2, Modifications to a Nonconforming Building or Structure, and Section 9-1-3-3, Damage to a Nonconforming Building or Structure.

9-1-3-2 Modifications to a Nonconforming Building or Structure

- A. **Enlargement.** A building or structure (other than a sign) that is located on a subject property that is conforming as to use, but is nonconforming as to height, setback, or lot coverage, may be altered or extended, provided that the alteration or extension does not result in a further violation of this LDC or applicable Building Codes. Except for Olde Town zoning districts and subdistricts, any expansions of the structure that comply with applicable dimensional standards shall be permitted and shall not require a variance. Existing single-family, detached structures on nonconforming lots of record may be enlarged, expanded or extended using an existing non-conforming setback, provided the enlargement (i) is not within a front setback; (ii) is for a single story only; and (iii) is not more than twenty 25 percent of the existing lot coverage.
- B. **Olde Town Zoning District.** Any enlargement, alteration, or expansion of a nonconforming building or structure that increases the degree of nonconformity is prohibited. Expansions of the building or structure that comply with applicable dimensional standards shall be permitted and shall not require a variance. Any expansion of a nonconforming building or structure in the Olde Town zoning district must meet the Design Guidelines for Olde Town Arvada, including expansion of existing single-family detached structures. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Director. Enlargement in the Olde Town zoning district that does not meet the minimum building width at the front setback is permitted provided that the total width of the enlargement area lies within the frontage zone.
 - 1. Notwithstanding the above, enlargement, alteration, or expansion in the Olde Town zoning district shall occur in the most historically appropriate location, without regard to the frontage zone or build-to requirements, as determined through design review.
 - 2. The development standards and limitations applicable to the enlargement, alteration or expansion of a nonconforming multi-family dwelling in the Olde Town zoning district shall be those set forth in Section 2-1-5-4, Mixed-Use Building Type and Building Form Standards, and Section 2-1-5-6, Apartment Building Type Lot and Building Standards, except that no such expansion shall be allowed for a structure over one story (20 feet) in height.

9-1-3-3 Damage to a Nonconforming Building or Structure

- A. **Cost of Repair is 50 Percent or More of Appraised Value.** If a nonconforming building or structure is damaged to the extent that the cost of repair is 50 percent or more of the appraised value of the subject property (including the building or structure) for *ad valorem* tax purposes, then future construction on the subject property shall conform to the requirements of this LDC.
- B. **Cost of Repair is Less than 50 Percent of Appraised Value.** If a nonconforming building or structure is damaged to the extent that the cost of repair is less than 50 percent of the appraised value of the subject property (including the building or structure) for *ad valorem* tax purposes, then restoration is allowed, provided that it is commenced within six months after the damage, and completed within 12 months after commencement.

Division 9-1-4 Nonconforming Signs

9-1-4-1 Alteration of Nonconforming Signs

- A. **Generally.** Nonconforming signs may be altered as provided in this Section, except that this Section does not apply to signs within the OT zoning district (see Section 6-1-7-2, Historic Signs; Exceptions to Nonconformity and Abandonment).
- B. **Limitations on Alterations.** Nonconforming signs may be altered as follows:
 - 1. Except for Certificate of Compliance to the Design Guidelines, the copy of a nonconforming sign may be changed without limitation, provided that the sign area, sign height, background shape, and location of the sign are not changed.

9-1-4-2 Damage to or Destruction of Nonconforming Signs

- A. **Generally.** Nonconforming signs may be repaired after damage only as provided in this Section, except that this Section does not apply to historic signs within the OT zoning district (see Section 6-1-7-2, Historic Signs; Exceptions to Nonconformity and Abandonment).
- B. **Limitations on Repair or Replacement.** In the event that a nonconforming sign is damaged or destroyed, by any means, to the extent of more than 50 percent of its replacement cost prior to such destruction (as determined by the City), such sign shall not be restored except in conformance with the applicable requirements of Chapter 6, Signs.

9-1-4-3 Relocation of Nonconforming Signs

If a nonconforming sign is relocated for any reason, such sign shall conform to the requirements of Chapter 6, Signs, that apply generally and within the sign district to which the sign is relocated. This Section does not apply to the temporary removal of a sign or portion thereof for repair or maintenance, provided that the sign is promptly reinstalled in the location from which it was removed.

Division 9-1-5 Nonconforming Lots or Residential Density

9-1-5-1 Nonconforming Lots

- A. **Generally.** Lots that are nonconforming as to lot area, lot width, lot depth, or lot frontage may be used or developed pursuant to the standards of the zoning district in which they are located, subject to the provisions of this Section.
- B. **Construction on Nonconforming Lots That Do Not Conform to Dimensional Requirements.** A nonconforming lot that does not meet zoning district requirements with respect to lot area or lot width may be built upon if:
 - 1. The lot is a legal lot of record; and
 - 2. The use is permitted in the zoning district in which the lot is located, or is approved as a limited or conditional use that does not specifically require a minimum lot area, width, depth, or frontage to which the lot does not conform.
- C. **When Combination Required.**
 - 1. Where a landowner owns several adjoining lots that do not conform to the area or dimensional requirements of the zoning district in which they are located, the adjoining lots of record shall be combined, reconfigured, or resubdivided in a manner that results in fully

conforming lots or, if full conformity is not possible, the lots shall be combined, reconfigured, or resubdivided in a manner that maximizes the degree of conformity.

9-1-5-2 Nonconforming Residential Density

- A. **Generally.** This Section applies to nonconforming residential density on lots that are legally developed with buildings that include three or more dwelling units, where the housing type is allowed in the zoning district, but the number of units exceeds the number of units that are allowed in the zoning district based on the lot area. Nonconforming density may be continued, subject to the provisions of this Section.
- B. **Repairs and Alterations to Residential Buildings.** If a lot contains more dwelling units that are legally established than are allowed by the zoning district in which the lot is located, then the building or buildings in which the additional dwelling units are located may be maintained and repaired, and may be altered, expanded, or extended as may be otherwise allowed by this LDC. No new bedrooms shall be created unless parking for the lot conforms to the requirements of Article 4-5, Parking and Loading.
- C. **Reconstruction.** Buildings on a lot that contains more dwelling units than are allowed by the zoning district in which the lot is located may be reconstructed after casualty loss, or redeveloped to the nonconforming density, provided that such reconstruction or redevelopment is completed within 36 months after the casualty loss or approval of the redevelopment.

Chapter 10– Enforcement

Article 10-1 Enforcement

Division 10-1-1 Purpose and Application of Article

10-1-1-1 Purpose of Article

- A. **Generally.** The City Council finds that the enforcement of this LDC is an important public service, and that code enforcement is vital to the protection of the public health, safety, and quality of life. The purpose of this Article is to encourage and enforce prompt compliance with the LDC.
- B. **Procedures and Remedies are Not Exclusive.** Nothing in this Article is intended to limit the remedies that are available to the City to prevent, cure, or abate violations of this LDC. This Article shall not be construed to prevent the City from using other enforcement procedures as are lawful and appropriate, nor shall it be construed to elect remedies.

10-1-1-2 Application of Article

- A. **Generally.** This Article provides the general process for enforcing the LDC, and the general remedies that are available to the City. However, as provided in Section 10-1-1-1, Purpose of Article, the City may take any lawful action to remedy violations of this LDC, including seeking any remedy or imposing any penalty that is available under this LDC, State law or administrative rules promulgated thereunder, or Federal law.
- B. **Remedies.** Division 10-1-2, Violations, Remedies, and Penalties, provides a non-exclusive list of defenses and potential consequences of enforcement when a person is found to have violated this LDC.
- C. **Procedures.**
 - 1. Division 10-1-3, Enforcement Procedures, sets out the procedures for enforcing this LDC. The provisions of this LDC may be enforced by any or all of the following methods:
 - a. Requirement of a Building Permit;
 - b. Requirement of a Certificate of Occupancy;
 - c. Inspection and ordering removal of violations;
 - d. Proceedings in any court of competent jurisdiction, including municipal court (to the extent of its jurisdiction), which may involve, but are not limited to:
 - i. Temporary or permanent injunction (including mandatory injunction);
 - ii. Abatement;
 - iii. Declaratory judgment;
 - iv. Civil or criminal fines; or
 - v. Incarceration.
 - 2. In addition to the enforcement provisions of this Article, specific conditions of development approval may provide additional or alternative enforcement procedures or remedies.

10-1-2-1 Violations

- A. **Generally.** It shall be a violation of this LDC to undertake any of the activities listed in this Subsection.
1. *Activities Inconsistent with LDC.* Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in contravention of any zoning, subdivision, sign, or other regulation of this LDC, including all required approvals.
 2. *Land Disturbing Activities Inconsistent with Code.* Excavate, grade, cut, clear, or undertake any other land disturbance activity contrary to the provisions of this LDC, or without first obtaining all requisite land use approvals required by this LDC or other applicable regulations.
 3. *Nonconformities Inconsistent with LDC.* Create, expand, replace, or change a nonconforming use, structure, lot, or sign except in compliance with the applicable provisions of this LDC.
 4. *Creation of Undersized Lots or Setbacks.* Reduce or diminish the lot area, setbacks, or open space below the minimum required by this LDC, or increase the lot coverage above the maximum allowed by this LDC.
 5. *Increasing Intensity of Use.* Increase the intensity of use of any land or structure, except in accordance with the procedural and substantive standards of this LDC.
 6. *Activities Inconsistent with Approval or Permit.* Engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any applicable permit, approval, or other form of authorization required to engage in such activity.
 7. *Activities Inconsistent with Conditions of Approval.* Fail to comply with any terms, conditions, or limitations placed by the Decision-Making Body upon any development approval, or failure to comply with any terms, conditions, or limitations incorporated into an agreement related to such approval, including but not limited to an annexation agreement, development agreement, subdivider's agreement, or public improvements agreement.
 8. *Failing to Remove Signs.* Fail to remove any sign installed, created, erected, or maintained in violation of this Code, or for which the sign permit has lapsed, where removal is ordered by the City.
- B. **Remedies Specific to Landscaping Requirements.**
1. If an Applicant fails to comply with the minimum provisions of this LDC with respect to the preservation of trees, the Applicant shall be required to replace each tree that is damaged beyond remedy or destroyed at the rate set out in Section 4-6-2-2, Tree Removal and Replacement. A landscape plan illustrating the required replacements must be submitted to the City for review and approval.
 2. If an Applicant does not choose to replace irreparably damaged or destroyed trees intended for preservation, the Applicant will be assessed an amount equal to the caliper inch replacement cost plus 200 percent for those trees. The Applicant is required to spend the amount of the assessment for trees at the project. At the City's discretion, the Applicant may choose to plant the trees on a nearby public property in a location agreed to by the City rather than on the project site.

- C. **Continuing Violations.** Each day that a violation occurs or remains uncorrected after receipt of notice shall constitute a separate violation of this LDC.

10-1-2-2 Remedies

- A. **Generally.** This Section sets out the remedies that the City may impose against a violator in the process of code enforcement. These remedies are not exclusive of other remedies that may be available at law or in equity and shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.
- B. **Deny/Withhold Permits.**
 - 1. The City may deny and withhold all permits, certificates, licenses, or other forms of authorization to use or develop any land, structure, or improvements thereon until the alleged violation related to such property, use, or development is corrected. This provision shall apply whether or not the current owner or Applicant for the permit is responsible for the violation.
 - 2. Where a property owner, agent, or other person has a record of an outstanding serious violation or violations of this Code, the relevant Decision-Making Bodies shall be authorized to deny or withhold all permits, certificates, or other forms of authorization for any use or development activity undertaken by such person until the outstanding violation is corrected. This provision shall apply whether or not the property for which the permit or other approval is sought is the property in violation.
- C. **Permits Approved with Conditions.** Instead of withholding or denying a permit or other authorization, the City may grant such authorization subject to the condition that the violation be corrected.
- D. **Revoke Approvals or Permits.**
 - 1. The City may revoke any development approval, permit, or other authorization, after notice and a public hearing by the Decision-Making Body that originally granted the final approval, permit, or other authorization, when it is determined that:
 - a. There is a material departure from the approved plans, specifications, or conditions of approval;
 - b. There is a violation of any provision of this Code;
 - c. The development approval permit, or other authorization was obtained by false representation; or
 - d. The development approval, permit, or other authorization issued in error.
 - 2. Written notice of revocation shall be served upon the owner, the owner's agent, the Applicant, or other person to whom the permit was issued, or such notice may be posted in a prominent location at the place of the violation. No work or construction shall proceed after service of the revocation notice.
- E. **Stop Work Order.**
 - 1. *Issuance of Stop Work Order.* With or without revoking permits, the Director, Chief Building Official or designee may issue an order to stop work on any property on which there is an uncorrected violation of either a provision of this Code or a provision of a permit or other form of authorization issued pursuant to this LDC. The stop work order shall specify the LDC provisions allegedly being violated. After any such order has been served, no work shall

proceed on any building, other structure, or tract of land covered by such order, except to correct such violation or comply with the order.

2. *Timing/Notice.* The stop work order may be issued at the same time as the notice of the initial violation, or subsequent to such notice, and may require immediate cessation of work. The stop work order shall also indicate that failure to comply with the order may subject the violator to civil and / or criminal liability as penalty for the violation(s).
- F. **Injunctive Relief.** The City may initiate injunction proceedings or other appropriate legal action in the District Court, the Arvada Municipal Court, or other court of competent jurisdiction against any person who fails to comply with any provision of this LDC or any requirement or condition imposed pursuant to this LDC. In any court proceeding in which the City seeks a preliminary injunction, it shall be presumed that a violation of this LDC is a real, immediate, and irreparable injury to the public; that the public will be irreparably injured by the continuation of the LDC violation unless the violation is enjoined; and that there is no plain and adequate remedy at law for the subject LDC violation.
- G. **Abatement.** The City may seek a court order in the District Court, the Arvada Municipal Court, or other court of competent jurisdiction, in the nature of abatement, mandatory injunction, or other action to abate or remove a violation or to otherwise restore the premises to the condition which existed before the violation.
- H. **Revoke Licenses.** The City may revoke the license of any City-licensed contractor or City-licensed business operation where there are repeated violations of this LDC. Revocation of licenses shall be processed according to applicable procedures adopted for this purpose by the applicable City Department or entity.

10-1-2-3 Penalties

- A. **Generally.** A person shall be guilty of a misdemeanor upon conviction in any case where a violation of this LDC exists, after notice of violation, including any stop-work order, has been properly served, and such person fails to comply with such notice or stop-work order.
- B. **Penalty.** Persons found guilty of a misdemeanor pursuant to this Section shall be punishable by a fine not to exceed the limits established in Section 1-5, Arvada Municipal Code, or by imprisonment for not more than 180 days, or by both such fine or imprisonment for each such violation.

Division 10-1-3 Enforcement Procedures

10-1-3-1 Complaints Regarding Violations

Any person may file a complaint alleging a violation of this LDC. Such complaint, stating fully the causes and basis thereof, shall be filed with the Code Enforcement Officer. The Code Enforcement Officer shall properly record such complaint, immediately investigate, and take enforcement action as is appropriate.

10-1-3-2 Non-Emergency Matters

- A. In the case of violations of this LDC that do not constitute an emergency or require immediate attention, written notice of the nature of the violation shall be given to the property owner, agent, occupant, or to the Applicant for any relevant permit. Notice shall be given in person, by U.S. Mail, or by posting notice on the premises. The notice shall specify the LDC provisions allegedly being violated, and (unless a shorter time frame is allowed by this Article) shall state

that the individual has a period of 14 days from the date of the receipt of the notice in which to correct the alleged violations before further enforcement action is taken. The notice shall also state any appeal and / or variance procedures that may be available pursuant to this LDC.

- B. The Director may grant an extension of the time to cure an alleged violation, if the Director finds that due to the nature of the alleged violation, it reasonably appears that it cannot be corrected within 14 days.

10-1-3-3 Emergency Matters

In the case of violations of this LDC that constitute an emergency, or violations that will create increased problems or costs if not remedied immediately, the Zoning Enforcement Officer may use the enforcement powers available under this Article without prior notice, but the Officer shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or to the Applicant for any pending application or request for an approval or permit.

10-1-3-4 Options upon Noncompliance

In the event a person fails to comply with a notice of violation or stop work order, or to remedy the violation to the satisfaction of the Code Enforcement Officer within the required time period, then the Code Enforcement Officer shall determine whether to subject the violator to the civil remedies listed in Section 10-1-2-2, Remedies, to criminal liability pursuant to Section 10-1-2-3, Penalties, or to any other remedy available in law or in equity.

10-1-3-5 Forfeiture of Vested Property Rights

- A. **Generally.** Failure to abide by the terms and conditions of a site specific development plan may result in a forfeiture of the vested property rights in accordance with the procedures set forth herein.
- B. **Procedure.**
 - 1. The process to consider forfeiture of vested property rights shall be initiated by passage of a resolution by the City Council stating the grounds therefor.
 - 2. No vested property right shall be deemed forfeited until after notice and a public hearing before City Council.
 - a. Notice shall be provided at least 30 days prior to the date of the public hearing, by publishing notice in a newspaper of general circulation in the City and by mailing notice to the property owner(s), sent to the address of record according the County Assessor's records via first class United States mail.
 - b. A copy of the resolution initiating the process to consider forfeiture of the vested property right shall be included with the mailed notice to the property owner(s).
 - 3. At the hearing, the City Council shall consider all evidence and testimony presented concerning any failure to abide by the terms and conditions of a site specific development plan. The City Council may continue the public hearing to allow additional evidence to be presented.
 - 4. If City Council finds a failure to abide by the terms and conditions of an approved site specific development plan, the City Council may take action by ordinance to declare the vested property rights forfeited.

- a. The forfeiture of a vested property right shall have no effect upon public streets, alleys, rights-of-way, or other lands or easements previously dedicated or conveyed to the City or other public entities pursuant to the terms of a site specific development plan.
- b. Upon forfeiture of vested property rights, the site specific development plan shall be subject to all zoning, land use, and general regulations in effect at the time of forfeiture (as such may be amended from time to time) as well as all applicable regulations thereafter, adopted.

Chapter 11 – Measurements, Rules of Construction, and Definitions

Article 11-1 Measurements

Division 11-1-1 Purpose and Application of Article

11-1-1 Purpose of Article

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

11-1-2 Rules for Measurement

A. Density

1. *Net Density.* Net density shall be calculated by dividing the net acreage of a parcel by the minimum lot area required for each dwelling unit.
2. *Gross Density.* Gross density shall be calculated by dividing the gross acreage of a parcel by the minimum lot area required for each dwelling unit.
3. *Rounding.* When applying a density standard to a parcel land area, all resulting fractions shall be rounded to the next lower whole number.
4. *Maximum Density not Guaranteed.* The number of dwelling units allowed on a site is based on the presumption that all applicable standards shall be met. The maximum density established for a zoning district as identified in Chapter 2 is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

B. Lot Area

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

C. Lot Frontage (Lot Width)

1. Lot frontage or width refers to the horizontal distance between the side lot lines as measured along a straight line parallel to the front lot line – the lot line abutting the street on which the property has its principal access – or the chord thereof. The minimum lot frontage or width shall be measured between the side lot lines along a line that is parallel to the front lot line and located the minimum front setback distance from the front lot line.

D. Lot Coverage

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

E. Street Frontage

1. Street frontage is measured between side lot lines along the street lot line. Lots that do not have frontage at the street right-of-way line will indicate a building setback line by a dashed

line at the point where the lot has the required width, but in no case less than the setback normally required.

F. Setbacks

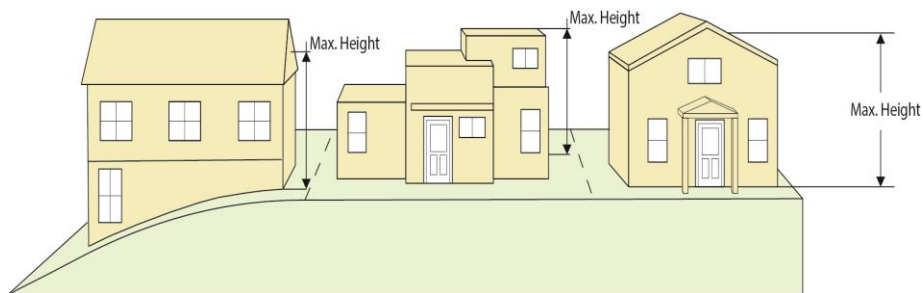
1. *General Rule.* Setbacks are measured between the lot line and the closest projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in Section 2-1-10-1, Exceptions to Setback Standards. Driveway length in the front setback must be a minimum of 18 feet from the back of sidewalk to the face of the garage measured along the centerline of the driveway apron. Parking in a rear setback shall meet the requirements set forth in Division 4-5-3, Parking and Loading Design.
2. *Setback Averaging.* Regardless of the minimum front setback required by the underlying zoning district, front setbacks may be reduced to the average of the existing setbacks of the lots that are on both sides of the subject lot. The following rules apply in calculating the average setback:
 - a. Only the setbacks on the lots that abut each side of the subject lot and are on the same side of the street may be used. Setbacks across the street or along a different street may not be used.
 - b. When one abutting lot is vacant or if the subject lot is a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.

G. Floor Area Ratio (FAR)

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

H. Height

1. *Building Height.* Building height is measured as the vertical distance between the point of measurement on the ground to the highest point of (1) coping of a flat roof, or (2) to the deck line of a mansard roof, or (3) to the mid-point of the highest gable of a pitched or hip roof. The point of measurement may be taken from the highest adjoining sidewalk or ground surface within a five-foot horizontal distance along the exterior wall of the building.
2. *Height, Fence or Wall.* The height of a fence or wall shall be measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.
3. *Height, Tower/Antenna/Other Structures (Not Buildings).* See Chapter 7, Wireless Communications Facilities.
4. *Exceptions to Height Limitations in All Districts.* See Section 2-1-10-2, Exceptions to Maximum Building or Structure Height.



I. Distance or Spacing

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

J. Variation of Residential Dwelling Elevations

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

K. Measurement of Brick and Stone Cladding

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

L. Measurement of Signs

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

Article 11-2 Acronyms

Division 11-2-1 Propose of Article

- A. Generally. The purpose of this Article is provide a convenient reference as to acronyms used in this Code.

Division 11-2-2 Acronyms

Table 11-2-2, Table of Acronyms, sets out the acronyms that are used in this Code.

Table 11-2-2: Table of Acronyms	
Acronym	Meaning
AASHTO	American Association of State Highway Transportation Officials
ac.	Acre
ADA	Americans with Disabilities Act
ADA 502	2010 ADA Standards for Accessible Design § 502, as amended from time to time, and however subsequently titled or numbered
ADT	Average Daily Trips
ADU	Accessory Dwelling Unit
a.k.a	Also Known As
AMI	Area-wide Median Income
Art.	Article
ATM	Automated Teller Machine
ATV	All Terrain Vehicle
BFES	Base Flood Elevations
BMP	Best Management Practice
BoA	Board of Adjustment
BRU	Preceded by a number, "Bedroom Unit" (e.g., 2 Bedroom Unit)
CAFO	Concentrated Animal Feeding Operation
CATV	Cable Television
CCR	Colorado Code of Regulations
CDOT	Colorado Department of Transportation
CDPHE	Colorado Department of Public Health and Environment
CFR	Code of Federal Regulations
CLOMR	Conditional Letter of Map Revision
CLOMR-F	Conditional Letter of Map Revision Based on Fill
CMU	Concrete Masonry Unit
C.O.	Certificate of Occupancy
COGCC	Colorado Oil and Gas Conservation Commission
C.R.S.	Colorado Revised Statutes
dBA	A-weighted Decibels
Div.	Division
DRC	Design Review Committee
e.g.	exempli gratia (translation: "for example"), which is followed by illustrative, non-exclusive examples
EIFS	Exterior Insulated Finishing Systems
EOPC	Engineer's Opinion of Probable Cost
EPA	United States Environmental Protection Agency
FAA	Federal Aviation Administration
FAR	Floor Area Ratio
FBFM	Flood Boundary and Floodway Map
FCC	Federal Communications Commission

Table 11-2-2: Table of Acronyms	
Acronym	Meaning
FEMA	Federal Emergency Management Agency
FES	Flood Elevation Study
FFHA	Federal Fair Housing Act
FHBM	Flood Hazard Boundary Map
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
ft.	Foot or Feet
GFA	Gross Floor Area
i.e.	id est (translation: “that is”), which is followed by an elaboration of the topic
IGA	Intergovernmental Agreement
IPMC	International Property Maintenance Code
lf.	Linear Feet
LAN	Local Area Network
LDC	Land Development Code
LEED	Leadership in Energy and Environmental Design
LOD	Limits of Disturbance
LOMR	Letter of Map Revision
LOMR-F	Letter of Map Revision Based on Fill
LSR	Landscape Surface Ratio
Max.	Maximum
Min.	Minimum
MUTCD	Manual on Uniform Traffic Control Devices
-	Not Applicable
NFIP	National Flood Insurance Program
NPDES	National Pollutant Discharge Elimination System
OGC Act	Colorado Oil and Gas Conservation Act, C.R.S. § 34-60-101, et seq.
OSHA	Occupational Safety and Health Act
OSR	Open Space Ratio
OTARD	Over the Air Reception Devices
PC	Planning Commission
PCS	Personal Communications Services
PUD	Planned Unit Development
RTD	Regional Transportation District
RV	Recreational Vehicle
Sec.	Section
sf.	Square Foot or Square Feet
SFHA	Special Flood Hazard Area
sp.	Parking Space or Parking Spaces
SWECS	Small Wind Energy Conversion System
TIA	Traffic Impact Analysis
TOD	Transit-Oriented Development
U or DU	Dwelling Unit
U/A	Dwelling Units per Acre
UDFCD	Urban Drainage and Flood Control District (a.k.a Mile High Flood District)
U.S.	When preceded and followed by numbers, United States Reports (a Supreme Court Reporter); otherwise United States
USACE	United States Army Corps of Engineers
U.S.C.	United States Code
U.S. DOJ	United States Department of Justice
USDCM	Urban Storm Drainage Criteria Manuals
WCF	Wireless Communications Facilities

Article 11-3 Definitions

Division 11-3-1 Purpose and Application of Article

- A. The purpose of this Article is to define words and phrases used in this Code in order to facilitate its usage.

Division 11-3-2 Interpretation

For words, terms, and phrases used in this Code that are not defined below, or elsewhere in this Code, the Director shall have the authority and power to interpret or define such words, terms, and phrases. (See Section 8-3-11-7, Official Interpretations.) In making such interpretations or definitions, Staff may consult secondary sources related to the planning profession, such as A Planners Dictionary - Planning Advisory Service Report Number 521/522, edited by Michael Davidson and Fay Dolnick (American Planning Association, Chicago, Ill. 2004); The Complete Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 4th ed. 2015), for technical words, terms and phrases; or Merriam-Webster Dictionary (Random House Reference and Information Publishing, New York, 2016), as supplemented, for other words, terms and phrases.

Division 11-3-3 Definitions

100-Year Flood

A Flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (“one-percent-annual-chance flood”). The phrases “one-hundred-year-flood” and “one-percent-annual-chance flood” are synonymous. The phrase does not imply that the flood will necessarily happen only once every 100 hundred years. Mandatory flood insurance requirements may apply.

100-Year Floodplain

The area of land that is susceptible to being inundated due to the occurrence of a 100-Year Flood.

A

Accessory Building

A detached subordinate building located on the same lot as the principal building, the use of which is incidental to the principal building or use of the lot. A detached garage and a detached carport are included as accessory buildings.

Accessory Structure

A detached subordinate structure located on the same lot as a principal building, the use of which is incidental to the principal building or use of the lot. An amateur radio antenna and a renewable energy system are included as accessory structures.

Accessory Dwelling Unit, Live/Work

Accessory dwelling unit that is either within or added to a principal non-residential structure, or in a separate accessory structure on the same lot as the principal non-residential structure, for use only to house the owner, operator, caretaker, or an employee of the principal use, together with his or her immediate family, if applicable.

Accessory Dwelling Unit, Residential

A subordinate dwelling unit added to, created within, or detached from a single-family residence, that contains a dwelling that is subordinate to a primary single-family detached dwelling and that provides basic requirements for living, sleeping, cooking, and sanitation. A mobile home or HUD-Code manufactured home shall not be considered an accessory dwelling unit.

Accessory Use

A use incidental to and customarily associated with a specific principal use, located on the same lot or parcel.

Acreage, Gross

The total area measured to the property lines of a parcel or lot.

Acreage, Net

The total area within the lot lines of a parcel of land after public street right-of-way dedications or other areas to be dedicated for public use are deducted from the parcel.

Adult Entertainment

See Article II, Section 22-33 of the Arvada Municipal Code.

Adult Retail Sales

See Article II, Section 22-33 of the Arvada Municipal Code.

Agriculture

Crop production, silviculture, raising livestock, raising and milking dairy cows or goats, horticulture, floriculture, aquaculture, or viticulture; which may include facilities for the sale of produce, wine, flowers, and/or dairy products produced or grown on-site. The term "agriculture" includes composting (of agricultural byproducts produced on-site for on-site use) and produce stands as accessory uses. The term "agriculture" does not include the phrases "intensive agriculture" or "agriculture, community."

Agriculture, Community

Crop production, horticulture, floriculture, or viticulture; which may include facilities for the sale of produce, plants, and/or flowers produced or grown on-site. The phrase "agriculture, community" is lower in scale than "agriculture" and more restricted in its operations. The phrase "agriculture, community" includes:

1. Community gardens, which are gardens that are maintained and cultivated by non-profit entities or groups of individuals who engage in the activity for their own benefit;
2. Small community-supported farms, which are farms that are less than two acres in area, in which produce, plants, and/or flowers are grown and harvested on behalf of a community of members ("shareholders") who pledge financial support in advance of the growing season; and

3. Market gardens, which are gardens up to one-half acre in area in which produce, plants, and/or flowers are grown for off-site distribution and sale.

The phrase “agriculture, community” includes composting (of agricultural byproducts produced on-site for on-site use) and produce stands as accessory uses. The phrase “agriculture, community” does not include the phrase “intensive agriculture” or the term “agriculture.”

Alley

A public or private street intended to provide secondary access to the rear or sides of lots or buildings and not intended for the purpose of through vehicular traffic. An alley may be used for utility purposes.

Alternative Tower Structure (ATS)

Man-made trees, clock towers, bell steeples, light poles, traffic signals, buildings, and similar alternative design mounting structures that are compatible with the natural setting and/or surrounding structures, and camouflage or conceal the presence of antennas or towers so as to make them architecturally compatible with the surrounding area pursuant to Chapter 7, including height limits, as set forth in this Code. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone monopole (including a replacement pole) in the right-of-way that accommodates Small Cell Facilities is considered an Alternative Tower Structure to the extent it meets the camouflage and concealment standards of this LDC.

Ambulance Services

A facility that provides for the fleet storage, fleet maintenance, and dispatch of ambulances.

Ambulatory Vendor

A pedestrian transient merchant such as a portrait artist or a person selling balloons who engages in vending while moving and operating with a minimum of equipment and without the use of a pushcart or similar device typically used by mobile vendors.

Amusement, Outdoor

An outdoor entertainment facility that includes such facilities as batting cages, mini-golf, bumper cars, bumper boats, go-cart racing, and / or water slides (except that water slides that are incidental to a swimming pool do not result in reclassification of an indoor or outdoor recreation use into an amusement park). Outdoor Amusement may also include indoor or outdoor areas with games, food service, and incidental retail uses (*e.g.*, souvenir shops) that are subordinate to the principal outdoor entertainment uses.

Animal Day Care / Training

A place kept or maintained for the care, grooming, training, exercising, and socializing of dogs or other common household pets by a person other than the owner of the animal. The phrase “animal day care / training” does not include facilities that provide breeding or selling of animals, overnight accommodation of animals, or facilities whose primary source of revenue is licensed veterinary services.

Animal Hospital (Large Animal)

A veterinary hospital for large animals and livestock, such as horses, cows, llamas, alpacas, goats, sheep, and pigs.

Antenna

Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to, panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devised configurations and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

Antenna, Panel

An array of antennas, rectangular in shape, used to transmit and receive telecommunication signals.

Antenna, Whip

A single antenna that is cylindrical in shape and omni-directional.

Applicable Residential Development

Land being annexed and zoned, rezoned, subdivided or developed for residential uses.

Applicant

Unless otherwise specified, an owner or other person with a legal property interest, including heirs, successors, and assigns, or an owner's authorized agent, who has filed an application for subdivision or development. For wireless applications, an Applicant is any wireless provider, infrastructure owner or any other entity that applies for permission to site, install, construct, collocate, modify and/or operate a WCF, and shall include, where the context suggests, its agents, employees and contractors.

Application, Complete

An application form, either electronic or paper, and all accompanying fees, submittal documents, and exhibits required of an Applicant by an approving authority for review of proposed site plans, conditional uses, subdivisions, planned unit developments, and other similar development or land use purposes.

Area of Shallow Flooding

A designated zone AO or AH on a community's flood insurance rate map (FIRM) with a one percent chance or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Art Studio/Makerspace

A center for peer-to-peer learning and knowledge sharing, in the form of workshops, presentations, and lectures, and use of shared workshop space, tools, and equipment, often on a membership basis. The use may involve elements of machine shops, workshops, and/or studios where people can come together to share resources and knowledge to build and make things, including but not limited to works of art, music, crafts, literature, performance art, or other intellectual property; food or beverage; software, robots, and so forth. The use may also involve social activities for members, such as game nights and parties. Art Studio/Makerspace may be a principal use, or it may be a component of another use with an educational mission, such as a school or library. As a principal use, Art Studio/Makerspace may include accessory retail sales and accessory food or beverage sales.

Auction House

A building or outdoor area used for the public sale of goods or property, where purchasers bid against each other until the highest price is reached. The phrase “auction house or yard” does not include facilities used for livestock auctions.

Awning

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework.

B**Bar / Tavern / Nightclub**

An establishment designed for the on-site consumption of alcoholic beverages, and/or evening entertainment such as live music, comedy acts, a floor show, or dancing. The use may include tables and chairs, but does not have fixed theater-style seating. The use includes the sale of light snacks (chips, pretzels, nuts, etc.) and sandwiches (prepackaged pizzas, burritos, subs, etc.) as required by the applicable liquor license. The phrase “Bar / Tavern / Nightclub” does not include the phrases “Adult Entertainment” or “Adult Retail Sales.”

Base Flood Elevation (“BFE”)

The water surface elevation of the one-percent-annual-chance flood event. It is the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplains of coastal and riverine areas. It is also the elevation shown on the FIRM and found in the accompanying Flood Insurance Study (“FIS”) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one-percent chance of equaling or exceeding that level in any given year.

Basement

Any area of a building having its floor subgrade (below ground level) on all sides.

Base Station

A structure or equipment at a fixed location that enables FCC licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not encompass a Tower as defined herein or any equipment associated with a Tower including the defined accessory equipment. Base Station includes, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Code and has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (DAS) and small-cell networks) that, at the time the relevant application is filed with the City under this Code, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the City under the Code, does not support or house equipment described in paragraphs 1 and 2 above.

Bed and Breakfast

An owner-occupied single-family dwelling where up to a maximum of five rooms are rented for overnight lodging. The five lodging rooms may be in addition to bedrooms used by the resident family.

Boarding, Lodging, or Rooming House

A building where lodging, with or without meals, is provided for compensation for five or more persons, but not more than eight persons, not including members of the owner’s or proprietor’s immediate family who might be residing in the same building. For the purposes of this definition, the word “compensation” includes money, services, or anything of value.

Brew Pub / Distillery Pub / Limited Winery

1. A brew pub as defined in C.R.S. § 12-47-103(4);
2. A distillery pub as defined in C.R.S. § 12-47-103(7.3); or
3. A limited winery as defined in C.R.S. § 12-47-103(15).

Brewery / Winery / Distillery

A facility for the production of malt, vinous, or spirituous liquors, for which a “manufacturer’s license” is required pursuant to C.R.S. § 12-47-402. Generally, these land uses operate at a larger scale than “brew pub / distillery pub / limited winery” uses.

Building Façade within the Frontage Zone

The required minimum front building façade percentage specifies the proportion of the width of the frontage zone that must include a portion of the front building façade. It is measured as a percentage of the property frontage width of the building within the frontage zone divided by the length of the property line along which the frontage zone is established. A recessed entry, covered patio or other similar element that does not affect the fundamental relationship of the building to the street (even if it is not located within the frontage zone) may also be counted in the calculation of this proportion.

Building

Any permanent structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

C

Camouflage, Concealment or Camouflage Design Techniques

A WCF is camouflaged or utilizes Camouflage Design Techniques when any measures are used in the design and siting of the WCF with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes Camouflage Design Techniques when it (i) is integrated in an outdoor fixture (such as a flagpole), or (ii) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree; steeple, or silo), or is incorporated into (including without limitation, being attached to the exterior of such facility and painted to match it) or

replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Cantenna

Any can- shaped equipment shroud typically located at the top of small cell poles for the purposes of housing the antenna, antenna mount, cable connections, and other hardware.

Canopy

A roof-like shelter projecting from a building wall and supported by posts or other devices beyond the building wall, typically constructed of non-rigid materials on a supporting frame.

Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes. A funeral home or mortuary or columbarium may be an accessory use to a cemetery, but a crematory is not an accessory use to a cemetery.

Channel

The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

Channelization

The artificial creation, enlargement or realignment of a stream channel.

Clustered Subdivision

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

Code of Federal Regulations (CFR)

The codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government. It is divided into 50 titles that represent broad areas subject to federal regulation.

Co-Housing

A cooperative living arrangement in which people build a cluster of single-family houses around a common building for shared meals, child care, guest rooms and similar amenities.

Collocation

The mounting or installing of a WCF on a pre-existing structure, or modifying a structure for the purpose of mounting or installing a WCF on that structure provided that, for purposes of Eligible Facilities Requests, "collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and /or receiving radio frequency signals for communications purposes.

Commercial Use or Development

An activity involving the sale of goods or services carried out for profit, including office, retail, service business, and other similar development.

Conditional Letter of Map Revision (“CLOMR”)

The Federal Emergency Management Agency’s (“FEMA’s”) comment on a proposed project that would, upon construction, affect the hydrologic and / or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (“BFEs”), and/or the Special Flood Hazard Area (“SFHA”). The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be recognized by the Federal Emergency Management Agency (“FEMA”).

Conditional Letter of Map Revision Based on Fill (“CLOMR-F”)

The Federal Emergency Management Agency’s (“FEMA’s”) comment on a proposed structure or property. The letter does not revise an effective map; it indicates whether the project, if built as proposed, would be removed from the floodplain.

Continuing Care Facility

A facility providing one or any combination of assisted living, nursing home, skilled nursing for the elderly, memory care, or for other individuals incapacitated in some manner for medical reasons, as determined and licensed and/or certified by the State of Colorado.

Crematorium

A building in which human remains are cremated.

Critical Facilities

Facilities that provide essential and emergency services that if damaged, flooded, or disabled during an emergency would cause harm to the community. These facilities include police and fire stations, emergency operation centers, hospitals, ambulance service centers, urgent care centers having emergency treatment functions, designated emergency shelters, main hubs for telephone, cable, satellite dish, cellular, television, radio and other emergency warning systems, electrical substations, water pumping stations, municipal airports and associated infrastructure. Hazardous material facilities, at-risk population facilities, and government operations are also included.

D**Data Center**

A building that is used exclusively for the transmission and exchange of telephone signals; or a facility used by telecommunications carriers, internet access providers, or internet service providers, in which equipment for telecommunications and data processing use (*e.g.*, servers, data storage devices, switches, routers, and other comparable technology infrastructure) is concentrated and physically secured. Equipment in a data center may be owned or operated by more than one entity. The phrase does not include “wireless communications facility.” Data centers may also be commonly referred to as “telephone exchanges,” “telecommunications hotels,” or “server farms.”

Day Care, Adult

A facility, whether non-profit or for-profit, that provides care, social services, protection, and supervision for eight or more adults who are not related to the owner, operator, or manager thereof, on a regular basis away from their primary residence for less than 24 hours per day.

Day Care, Child

A facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes.

Day Care Center, Child

A day care center, child includes, but is not limited to, facilities commonly known as day-care centers, school-age child care centers, before and after school programs, nursery schools, kindergartens, preschools, day camps, summer camps, and centers for developmentally disabled children, and those facilities that give twenty-four-hour care for children, and includes those facilities for children under the age of six years with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school. The phrase "day care center, child" does not mean a kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades or operated as a component of a school district's preschool program (operated pursuant to Article 28 of Title 22, C.R.S.). The phrase "day care center, child" does not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to C.R.S. § 26-6-102(10), but that is providing care for three or fewer children who are determined to have a developmental disability by a community centered board or who are diagnosed with a serious emotional disturbance.

Department

Department means the Community and Economic Development Department or successor department(s) or division(s) of the City of Arvada with comparable functions, as designated by the City Manager.

Duplex

A building containing two dwelling units, located side-by-side and totally separated from each other by an unpicked wall extending from foundation to roof, or located one above the other and totally separated from each other by a floor and separate entry doors. Duplexes are sometimes referred to as "two-family dwellings."

Development

Any manmade change in improved and unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Development Parcel

One or more lots, tracts or parcels that are contiguous to each other and are planned, developed, owned and/or managed as a unit.

DFIRM Database

Database (usually spreadsheets containing data and analyses that accompany DFIRMs). The FEMA mapping specifications and guidelines outline requirements for the development and maintenance of DFIRM databases.

Digital flood insurance rate map (DFIRM)

FEMA digital floodplain map. These digital maps serve as "regulatory floodplain maps" for insurance and floodplain management purposes.

Director

The Director of the Community and Economic Development or designated staff members.

Drive-In or Drive Through Facilities

A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., ATM), or via a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations. Use types that commonly have drive-through service include banks, fast food restaurants, and drugstores.

Duplex

A building containing two dwelling units, located side-by-side and totally separated from each other by an unpierced wall extending from foundation to roof, or located one above the other and totally separated from each other by a floor and separate entry doors.

Dwelling

Any building, or part thereof, occupied, in whole or part, for residential occupancy. Dwelling does not include hotels, motels, tents, recreational vehicles, or other structures designed or used primarily for temporary or transient occupancy.

E**Easement**

A right of use over the property of another for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land, or a license.

Eave

The projecting lower edge of a roof.

Elevated Building

A nonbasement building: (i) built, in the case of a building in zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, to have the top of the elevated floor above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water; and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of zones A1-30, AE, A, A99, AO, AH, B, C, X, and D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwaters.

Eligible Facilities Request

Any request for modification of an Existing Tower or Base Station that does not Substantially Change the physical dimensions of such Tower or Base Station involving:

1. Collocation of new Transmission Equipment;
2. Removal of Transmission Equipment; or
3. Replacement of Transmission Equipment.

Eligible Support Structure

Any Tower or Base Station as defined in Chapter 7, provided that it is existing at the time the relevant application is filed with the City under Chapter 7.

Entertainment

For the purposes of Transient Merchants and Entertainment, a performance or show held outdoors and designed to entertain the public, and includes musical performances and acts by street performers such as jugglers and magicians. For all other purposes, something affording pleasure, diversion, or amusement, especially a performance of some kind (regardless of whether it is indoors or outdoors).

Entertainment with Vending

For the purposes of Transient Merchants and Entertainment, the vending of a recorded performance of an entertainer contemporaneously with a performance by such entertainer.

Existing Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Existing Tower or Base Station

A constructed Tower or Base Station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built. For example, a Tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

Expansion

An increase in floor area of an existing building or structure.

Expansion to an Existing Manufactured Home Park or Subdivision

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

F**Façade**

The front of a building or any of its sides facing a public street or open space.

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.

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 abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in 1., above.

Flood Insurance Rate Map (“FIRM”)

An official map of a community, on which the Administrator has delineated both the Special Flood Hazard Areas (“SFHAs”) and the risk premium zones that are applicable to the community.

Flood Insurance Study (“FIS”) or Flood Elevation Study (“FES”)

An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (*i.e.*, mudflow) and / or flood-related erosion hazards.

Floodplain or Flood-Prone Area

Any land area susceptible to being inundated by water from any source, whether or not identified by FEMA (*see* definition of Flood or Flooding).

Floodplain Development Permit

A City-issued permit or document that is used for any development that occurs within a SFHA identified by FEMA or the City. It is used to address the proposed development to ensure compliance with the requirements of Division 4-1-2, Floodplain Regulations.

Floodplain Administrator

The City official designated by this Code to administer and enforce the floodplain management regulations.

Floodproofing

Any combination of structural and non-structural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. Floodproofing can either be accomplished in the form of dry floodproofing in which the structure is watertight below the levels that need flood protection, or wet floodproofing in permanent or contingent measures applied to a structure that prevent or provide resistance to damage from flooding, while allowing floodwaters to enter the structure or area.

Food and Retail Truck Vending

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

Food Vending

The vending of any type of edible substance (except marijuana-infused edibles) or non-alcoholic beverage.

Freeboard

The vertical distance in feet above a predicted water surface elevation intended to provide a margin of safety to compensate for unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood such as debris blockage of bridge openings and the increased runoff due to urbanization of the watershed.

Freestanding Towers

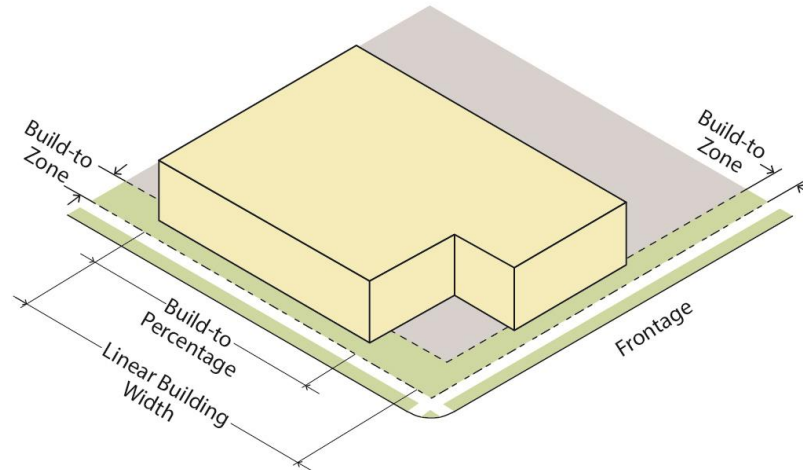
Structures that are designed and constructed to support one or more wireless communications facilities and including all appurtenant devices attached to them. A Freestanding Tower may be designed to be solely supported by attachment to the ground, or supported by direct attachment to the ground and with guy wires, and may be of either lattice or monopole construction.

Frontage

All sides of a lot adjacent to a street shall be considered frontage.

Frontage Zone

The frontage zone is the area on the lot within which the build-to applies. The frontage zone is the area between the minimum and maximum front setback along the public or private streets. The frontage zone must be landscaped or hardscape between the building and the sidewalk.



Fueling/-Service Station

Any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels; Level 3 DC fast-charging of electric vehicles; towing of automobiles and light trucks; and including as an accessory use the sale and installation of lubricants, tires, batteries, brakes, mufflers, and similar vehicle repairs and accessory installations. The phrase “fueling/service station” does not include collision centers, or facilities that provide transmission repair, engine overhauls, or repair of heavy trucks or heavy motorized equipment. If a use that fits this definition also includes the sale of ready-to-eat food products (not intended for on-premises consumption), groceries and sundries, or 3.2 beer, such use shall be classified as a “convenience store.”

Funeral Home/Mortuary

A building that is used principally for: (1) human funeral services; (2) embalming and the performance of other services used in the preparation of the dead for burial; or (3) the performance of autopsies and other tests or surgical procedures on human remains. In addition to these functions, funeral homes may also store caskets, funeral urns, hearses and other vehicles used in funeral processions. A funeral home/mortuary may also include a crematorium as an accessory use.

G

Grade

The lowest point or elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, when the property line is more than five feet from the building, or between the building and a line five foot from the building.

Greenhouses / Nurseries (with retail sales)

The use of land for the propagation and cultivation of trees, shrubs, ornamental plants, flowers, herbs, fruiting plants, and vegetable plants for sale to the public. The phrase “greenhouse or nursery with retail sales” may include: (1) the provision of landscaping services in addition to the propagation, cultivation, and retail sales activities; and / or (2) sales of garden tools and equipment (except motorized equipment), planting pots, mulch, rock, soil, sand, pavers, garden ornaments, and related products as an accessory use.

Greenhouses / Nurseries (without retail sales)

The use of land for the propagation and cultivation of trees, shrubs, ornamental plants, flowers, herbs, fruiting plants, and vegetable plants for sale to landscaping contractors or for use by a specific entity. The phrase “greenhouses / nurseries (without retail sales)” may include: (1) the provision of landscaping services in addition to the propagation and cultivation activities; and/or (2) the sale and delivery of garden tools and equipment, planting pots, mulch, rock, soil, sand, pavers, garden ornaments, and related products to landscaping contractors as an accessory use.

Group Home

A dwelling unit in which six or more individuals live together (but not more than one who is required to register as a sex offender pursuant to C.R.S. § 18-3-412.5, as amended) and receive supportive services and are supervised by persons who live in the residence. A group home does not house more than twelve residents, including supervisory personnel, but not including any children of a resident who are under the age of two years, except as otherwise provided by this Code for a specific type of group home. The phrase “group home” does not include the phrase “detention facilities.”

Group Home for Developmentally Disabled Persons

A state-licensed group home serving not more than eight persons, exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Disabilities Services, and the Colorado Department of Public Health and Environment.

Group Home for Elderly Persons

A group home of up to eight persons who are 60 years of age or older who do not require medical attention associated with a residential health care facility. Group Homes for Elderly Persons are either: (1) licensed as an assisted living residence or alternative care facility by the Colorado Department of Public Health and Environment; or (2) certified as an adult foster care facility by the Jefferson County Department of Human Services or Adams County Department of Social Services.

Group Home for Juvenile Offenders

A group home that is licensed or certified by the State of Colorado, housing residents placed by the Jefferson County Department of Human Services or Adams County Department of Social Services or the Colorado Department of Human Services, Division of Youth Corrections, for purposes of rehabilitation, special care, supervision, or treatment for social, behavioral, or disciplinary problems. A Group Home for Juvenile Offenders shall not have more than 14 residents, plus additional required staff.

Group Home for Mentally Ill Persons

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 30 trips by semi-trailer 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 50 truck trips per day. Warehousing and distribution uses that involve fewer than 50 truck trips per day are classified as light industry.

Historic Structure Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Colorado State Inventory of Historic Places; or

Home Child Care

A facility for child care in a place of residence of a family or person for the purpose of providing less than twenty-four hour care for children under the age of eighteen years old who are not related to the head

of such home. The care may include infant-toddler child care homes, large child care homes, experienced provider care homes (all as defined under State law), and such other types of family child care homes designated by rules of the State board pursuant to CRS §26-6-106(2)(p), as the Colorado Board of Human Services deems necessary and appropriate.

Home Occupation

An activity or occupation occurring within a dwelling by the full-time residents of the dwelling unit and where the home occupation is incidental and subordinate to the use of the dwelling unit as a residence.

Hospital

An institution that is licensed, certified, or approved as a “hospital” by the Colorado Department of Public Health and Environment, where sick or injured persons are given medical care and, in the course of same, are housed overnight, fed, and provided nursing and related services. The term “hospital” also includes related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices.

Hotel/Motel

A building or group of buildings that contain living or sleeping accommodations in guest rooms for transient occupancy.

I

Illuminance

A measure of how much light is falling onto a surface, typically measured in footcandles.

Infill Development

The development of vacant or partially developed parcels which are surrounded by, or in close proximity to, areas that are substantially or fully developed.

Infrastructure

Facilities and services needed for industry, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, streets and roads, communications, and public facilities such as fire stations, parks, schools, etc.

Interference

Physical interference where equipment, vegetation, or a structure causes reduced use of another’s prior mounted equipment, or an obstruction in a necessary line-of-sight path and/or radio frequency interference where the emission or conduction of radio frequency energy (or electronic noise) produced by electrical and electronic devices at levels that interfere with the function of adjacent or nearby operations.

K

Kennel

A facility in which four or more household pets of the same species (except fish) are temporarily housed, groomed, bred, boarded, or trained; and may also be incidentally treated for medical conditions. “Kennel” includes for-profit facilities (*e.g.*, facilities where animals are boarded, or facilities where animals are bred and sold); as well as not-for-profit or public facilities (*e.g.*, facilities at which abandoned

or rescued animals are housed and offered for adoption). The term “kennel” does not include the breeding or boarding of animals as an accessory to an agricultural use. Kennels may be accessory to retail uses that principally involve the sale of pets or pet supplies.

L

Landscape Buffer

An area of landscaping separating two distinct land uses, or a land use and a street, and acts to soften or mitigate the effects of one land use on the other.

Landscape Surface Area

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

Landscaping

The combination of living plant material (including existing living plants), such as trees, shrubs, vines, ground covers, flowers, vegetables, turf or grass; natural features, such as land and water forms; and structural features, including but not limited to landscaped pedestrian plazas, fountains, reflecting pools, screening, walls, fences and benches.

1. Low-Water-Demand Landscapes means landscapes that require approximately 15% of Reference Evapotranspiration or up to 3 gallons water per square foot during the irrigation season in an average year to maintain optimum appearance. Buffalo Grass is a typical turf type.
2. Moderate-Water-Demand Landscapes means landscapes that require approximately 50% of Reference Evapotranspiration or approximately 10 gallons water per square foot during the irrigation season in an average year to maintain optimum appearance. Turf-type Tall Fescue is a typical turf type.
3. High-Water-Demand Landscapes means landscapes that require approximately 100% of Reference Evapotranspiration or up to 20 gallons water per square foot during the irrigation season in an average year to maintain optimum appearance. Kentucky Bluegrass is the typical turf type.

Letter of Map Revision (LOMR)

FEMA's official revision of an effective flood insurance rate map (FIRM), or flood boundary and floodway map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective Base Flood Elevations (BFEs), or the Special Flood Hazard Area (SFHA).

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 50 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.

Live-Work Unit

A building or portion of a building that combines a dwelling unit with an integrated workspace that is principally used by one or more of the residents of the dwelling unit.

Lot

A designated parcel of land, whose boundaries have been established by a legal instrument such as a recorded deed, court order or a recorded plat, which is recognized as a separate legal entity for purposes of transfer title

Lot Area

Lot area refers to the amount of horizontal land area contained inside the lot lines of a lot.

Lot, Corner

A lot abutting two or more streets at their intersection or upon two parts of the same street, and where in either case the interior angle formed by intersection of the street lines does not exceed 135 degrees.

Lot Coverage

The portion of a lot covered by principal and accessory buildings and structures, except for mini-structures, as measured from the outside of the building or structure at ground level and expressed as a percentage of total lot area.

Lot Depth

The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line or to the most distant point on any other lot line where there is no rear lot line. On a flag lot, lot depth shall not include the length of the flagpole portion of the lot. See "Lot, Flag".

Lot, Double Frontage

A lot abutting two non-intersecting streets, as distinguished from a corner lot.

Lot, Flag

A lot not meeting minimum frontage requirements and where the access to the public or private road is by a narrow strip of land, also known as a "flagpole."

Lot Frontage (Width)

The distance between the side lot lines, measured at the required street setback line.

Lot, Interior

A lot other than a corner lot.

Lot (or Property) Line

The property lines along the edge of a lot or site:

1. Front lot line: The lot line separating a lot from a street right-of-way. On a corner lot, each lot line abutting a street right-of-way shall be considered a "front lot line."
2. Side lot line. Any lot line other than a front or rear lot line.
3. Rear lot line: A lot line that is opposite a front lot line, but which does not abut a street. A triangular lot has 2 side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are most nearly opposite the front lot line.

4. Interior side lot line: A side lot line that does not abut a street.
5. Street lot line: Any lot line that abuts a street. Street lot line does not include lot lines that abut an alley. On a corner lot, there are two (or more) street lot lines. Street lot lines can include front lot lines and side lot lines.
6. Street side lot line: A lot line that is both a side lot line and a street lot line.

Lot Split

The division or redivision of a tract or parcel of land into two lots.

Lowest Floor of a Residential Building

For purposes of floodplain regulations only, the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of the floodplain regulations.

Lumen (lm)

The basic unit of measurement of light.

M

Macro Site

A WCF that provides radio coverage served by a high power cell site (Base Stations or Towers). Generally, macrosite provide coverage for larger areas than small cells and consist of up to 12 antennas (arranged into three sectors), remote radio heads, and other associated equipment and may be located on public or private property. The antennas are mounted at a height that provides a clear view over the surrounding buildings and terrain.

Manufactured Home

A building :

1. Built on a permanent chassis;
2. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities;
3. Transportable in one or more sections;
4. Eight feet or more in body width or 40 feet or more in body length when transported, or, when erected on-site, contains 320 square feet or more; and
5. In compliance with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, as amended (42 U.S.C. §§ 5401, *et seq.*).

Manufacturing

Establishments involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site.

Manufactured Home Park or Subdivision

A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Manufactured Home

Is a structure, transportable in one or more sections, that is designed to be used as a dwelling with a permanent foundation. Manufacture Homes shall be connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical.

Manufacturing, Primary

Establishments engaged in the initial processing or treatment of raw material or manufacturing of products which require additional processing, fabrication or assembly for ultimate use by the consumer.

Manufacturing, Secondary

Establishments engaged in the manufacture of products for final utilization or consumption. This usually involves the secondary processing, fabrication, or assembly of semi-finished products from a primary manufacturing industry.

Massage Therapy Facility

A facility that is operated for the purpose of massage therapy performed solely by massage therapists who are licensed or qualified in accordance with City regulations and Colorado statutes. A "massage therapy facility" does not include a "massage parlor" as the latter term is defined and regulated by Chapter 22 of the Arvada City Code.

Mean Sea Level

For purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Medical Office

Office space used for the examination and/or treatment of patients on an outpatient basis (with no overnight stays by patients), generally (but not necessarily) by appointment, by such professionals as:

1. Medical doctors (physicians, pediatricians, obstetricians, gynecologists, radiologists, geriatricians, general and specialist surgeons, podiatrists, ophthalmologists, anesthesiologists, etc.);
2. Dentists;
3. Optometrists and opticians;
4. Midwives;
5. Physical therapists, occupational therapists, and speech therapists;
6. Chiropractors, licensed massage therapists, and acupuncturists;
7. Nutritionists, Ayurvedic practitioners, and homeopaths;
8. Psychiatrists, clinical psychologists, clinical social workers, and marriage and family therapists;
9. Psychiatrists, physiotherapists, orthotics, prosthetics, recreational therapists, audiologists, respiratory therapists, rehabilitation counselors, prosthetic technicians, and personal care assistants; and
10. Other comparable health care professionals.

The phrase "Medical Office" includes medical laboratories to the extent necessary to carry out diagnostic services for the medical office's patients. The phrase "Medical Office" is subsumed by the term "Hospital."

Merchandise Vending

For the purposes of Transient Merchants and Entertainment, the vending of any tangible item that is not a food product, and includes vending associated with entertaining (*see* "Entertainment with Vending").

Mini-Structure

One or more portable or movable accessory structures that are detached from the associated principal structure or building. Mini-structures shall not exceed 12 feet in height, not exceed two-hundred (200) square feet in gross floor area, and shall not be permitted in a required front setback area. Examples of "mini-structures" include storage sheds, prefabricated greenhouses, membrane structures, and elevated or non-elevated play enclosures. A "mini-structure" does not include a structure for garage vehicles. As set forth in Article 5, such "mini-structures" are typically exempt from side and rear setback requirements and are not included in the calculation lot coverage; however, they may not be placed in a manner that interferes with any easement or right-of-way.

Mixed-Use

A tract of land or structure developed for residential and/or non-residential uses. Such uses may be vertically integrated within a multi-story building or integrated horizontally within one or more buildings in a development or on a lot. However, vertical integration design is required for buildings located adjacent to a Pedestrian Priority Street (*see* Section 5-1-3-1).

Monopole

A single, freestanding pole-type structure supporting one or more antennas.

Motor Vehicle Repairs and Service, Heavy

Repair of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts. This use includes auto repair shops, body and fender shops (a.k.a. collision centers), and transmission and engine overhaul shops, as well as shops that service heavy trucks and heavy equipment. This use excludes salvage yards, vehicle dismantling, and tire retreading or recapping.

Motor Vehicle Repairs and Service, Light

Limited repair of automobiles and light trucks that may include tune-ups, brakes, mufflers, automobile glass replacement, and other minor repair customarily done in service stations, but in no case shall minor vehicle repair include auto / truck body and fender work or repair of heavy equipment or trucks or repair shops where vehicles are stored in an inoperable condition for more than 24 hours. The phrase "motor vehicle repairs and service, light" includes repairs and service to motorcycles, scooters, snowmobiles, ATVs, and riding lawnmowers, as well as other vehicles with engines of less than 1500 cc displacement.

Motor Vehicle Storage

A building or parcel of land used for the storage or parking of motor vehicles, but not including repair or service.

Motor Vehicle Towing Services

Establishments primarily engaged in towing light or heavy motor vehicles, both local and long distance. These establishments may provide incidental services, such as vehicle storage and emergency road repair services.

Motor Vehicle Wash

Any area or business using self-service, in-bay automatic, or conveyor equipment for cleaning and washing motor vehicles, whether as a part of another business operation (*e.g.*, as an accessory use to fueling and / or service station, motor vehicle repairs and service (light or heavy), or vehicle / equipment sales and rentals), or as a stand-alone operation, of any type, on a commercial basis.

Multifamily

A building that includes three or more dwelling units, or that is located within a mixed-use building that is not classified as “live-work unit” (*i.e.*, dwelling units above a downtown storefront are classified as multifamily dwelling units, regardless of how many dwelling units are in the building). The term “multifamily” does not include the term “multiplex” or the term “townhome.”

Multiplex

A building containing three to six individual dwelling units that is architecturally designed to resemble a large single-family detached building.

N**National Flood Insurance Program (NFIP)**

FEMA's program of flood insurance coverage and floodplain management administered in conjunction with the Robert T. Stafford Relief and Emergency Assistance Act. The NFIP has applicable federal regulations promulgated in Title 44 of the Code of Federal Regulations. The U.S. Congress established the NFIP in 1968 with the passage of the National Flood Insurance Act of 1968.

New Manufactured Home Park or Subdivision

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming Building or Structure

A building or structure, not including signs, that was legally established prior to the effective date of this Code or subsequent amendment thereof, but that does not comply with the dimensional or other standards that apply within the zoning district in which the building or structure is located.

Nonconforming Lot

A lot that was legally established prior to the effective date of this Code or subsequent amendment thereof, but that does not comply with the dimensional standards that apply within the zoning district in which the lot is located.

Nonconforming Sign

Any sign that was legally established prior to the effective date of this Code or subsequent amendment thereof, but that fails by reason of such adoption, revision, or amendment, to conform to all the present requirements of this Code.

Nonconforming Use

A use that was legally established prior to the effective date of this Code or subsequent amendment thereof, but that no longer complies with the use regulations that apply within the zoning district in which the use is located.

O**Office, General or Professional**

Buildings in which executive, management, professional services, administrative, clerical, brokering, real estate, and limited technical support are provided, or a headquarters of an enterprise or organization, but not including the on-premises sale or retail goods, or any use included in the definitions of personal services.

Open Space

Any parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses and set aside, dedicated, or reserved for public or private use and enjoyment including recreational, scenic, or environmental purposes. Open space may include agricultural uses and natural features located on a site, including but not limited to meadows, forested areas, steep slopes, floodplains, hazard areas, unique geologic features, ridgelines, unique vegetation and critical plant communities, stream corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources.

Open Space, Common

Open space within or related to a development, not individually owned or dedicated for public use but generally owned and maintained by a homeowners association, that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate. Common open space may include trail areas, gardens, small parks, scenic areas, buffer areas, or similar common areas. Common open space may also include active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses. Common open space shall not include driveways, sidewalks, and parking areas.

Ordinary High-Water Mark

The highest point on the bank of a normal stage channel at which the level has been for a sufficient period of time to leave a definite mark.

Ordinary Maintenance or Repair

Any land-use activity undertaken for the purpose of, and in the ordinary course of, maintaining a building, structure, or sign in good condition, and for which a building permit, sign permit, certificate of compliance with design guidelines, or miscellaneous structure permit, is not required by this Code.

OTARD Antenna

An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter or less in diameter; or an antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter or less in diameter or diagonal measurement; or an antenna that is designed to receive television broadcast signals.

Outdoor Retail Display

The temporary outdoor display of goods, materials, or other things for sale or rent during a retail establishment's regular business hours.

Outdoor Storage

Storage of materials, merchandise, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or chattels of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. This definition shall not apply to items for sale to the general public such as new and used cars, recreational vehicles, boats, landscape and building materials, where such items are permitted for sale in the zoning district in which they are located. "Outdoor storage" shall not apply to the storage of wrecked or inoperable vehicles. (See "salvage yard".) In addition, "outdoor storage" does not include outdoor parking of motor vehicles regularly used in connection with the operation of an establishment or parked for less than 48 hours for maintenance service.

Overhead Power Lines (110 kV+)

High voltage (110 kilovolts or more) power lines that are used to transmit electricity over long distances.

P**Parapet**

An extension of the main exterior walls of a building above the roof level.

Parking, Structured.

A structure that is composed of one or more levels that are used exclusively for the parking of motor vehicles. A parking structure may be totally below grade (underground parking structure); or partially or totally above grade (above-ground parking structure); and may be separate from or integrated into a building that is used for other purposes. Parking structures include parking lifts. Parking structures may include facilities for level 1 or level 2 electric vehicle charging.

Parking, Surface

An area, other than a street or alley, designed or used primarily for the temporary parking of vehicles. Surface parking (a.k.a parking lots) may include facilities for level 1 or level 2 electric vehicle charging. The phrase "parking, surface" does not include driveways on individual lots, nor does it include individual garages or carports.

Place of Assembly

A building in which people assemble for civic, educational, religious, or cultural purposes. This use includes facilities used for worship; meeting halls; event centers; fraternal organizations; and private clubs.

Personal Services

An establishment engaged in the provision of informational, instructional, personal improvement, personal care, and similar services, such as portrait shops, photography studios, art and music schools, licensed massage therapists, driving schools, handicraft or hobby instruction, laundry and dry-cleaning retail outlets, beauty and barber shops, shoe repair, and tailor/alterations shops.

Personal Services Vending

For the purposes of Transient Merchants and Entertainment, the vending of personal services, such as a chair massage, on a one-on-one basis which does not involve the vending of food, merchandise, or entertainment.

Porte-cochère

A roofed structure extending from the entrance of a building over an adjacent driveway, used to shelter those getting in or out of vehicles.

Property

Property may be a single lot, parcel, tract, or plot of land or may be a combination of abutting lots or parcels that will be bound by the approval.

Property Frontage

Property frontage means the length of a front, side, or rear property line that abuts a street right-of-way.

Property Line

The legally described boundary line that indicates the limits of a parcel, tract, lot, or block for the purpose of delineating ownership and setback requirements.

Public Building

Any building held, used, or controlled exclusively for public purposes by any department or branch of government: state, county, municipality or special district, without reference to the ownership of the building or of the realty upon which it is situated.

Public Park or Public Land

Any land or park that is held, used, or controlled exclusively for public purposes by any department or branch of government; state, county, municipality or special district, without reference to the ownership of the building or of the realty upon which it is situated.

Public Space

Property, other than street right-of-way, that is owned or controlled by the City or another governmental entity and intended for or appropriate for use and enjoyment by the general public.

Pushcart

A wheeled, non-motorized vehicle propelled solely by a single human and used by a mobile vendor for vending. A pushcart is included within the definition of “vending cart.”

R

Radio or Television Transmission Tower.

Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for radio, television and similar communications purposes, including self-supporting guyed towers, lattice towers or monopole towers.

Recreation and Amusement, Indoor

Uses that provide recreation opportunities indoors for the public (open to the community) or to members, including health clubs, gymnasiums, exercise studios, sports instruction, swimming instruction, martial arts schools, yoga studios, dance instruction studios, indoor swimming pools, indoor tennis, racquetball, and handball courts, and indoor recreation centers. The phrase "Recreation and Amusement, Indoor" also includes uses that provide commercial amusement indoors (except adult entertainment), including, but not limited to: bowling alleys; indoor playgrounds (may include conventional playground equipment, inflatables, trampolines, rock climbing walls, zip lines, and comparable equipment); indoor skating rinks (ice or roller); laser tag; local area network ("LAN") gaming centers; pool / billiard rooms; indoor bumper cars; game arcades (*e.g.*, video games, skee-ball, and comparable amusement machines); and indoor shooting ranges.

Recreation, Outdoor

Uses that provide recreation opportunities outdoors for the public (open to the community) or residents of a subdivision or development, which are generally not commercial in nature (except for golf courses, which may be commercial in nature). The phrase "recreation, outdoor" includes areas for active or passive recreation activities including, but not limited to jogging, cycling, and fitness trails; tot-lots; playgrounds; arboretums, botanical gardens, wildlife sanctuaries, sculpture gardens, forests, and natural areas which may be used for walking or hiking; splash pads; golf courses; picnic areas; plazas; and other passive recreation-oriented parks.

Recycling Drop-Off (Attended)

A location for the collection of material for reuse or recycling (*e.g.*, aluminum cans, electronics, glass, paper, etc.), which is supervised by an attendant during its hours of operation.

Redevelopment

Any proposed expansion, addition, renovation or major change to an existing building, structure or aspect of development.

Regulatory Floodway

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Related Accessory Equipment

Any equipment serving or being used in conjunction with a WCF, including , but not limited to, utility, or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters, or other structures including fences.

Replacement Pole

A newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light poles or other similar structure of proportions and of equal height or such other height that would not constitute a substantial change to a pre-existing pole or structure in order to support a

WCF or Small Cell Facility or to accommodate collocation and removal of the pre-existing pole or structure.

Resource Extraction (Minerals)

The extraction of coal or other mineral resources (including sand and gravel, but not oil and gas) from the land (surface or subsurface). The phrase “resource extraction, (minerals)” does not include cut and fill operations within a property, construction of canals or reservoirs, or the removal and transportation of fill from one property to another as part of an approved development plan, provided that both properties are controlled by the same landowner.

Resource Extraction (Oil and Gas)

Exploration for and production of oil and natural gas.

Restaurant

An establishment engaged in the sale of food and beverages in a ready-to-consume state, and which may include the production and sale of fermented malt beverages, malt, special malt, and vinous and spirituous liquors for consumption on the premises as an accessory use.

Restaurant, Fast Food

A restaurant whose principal business is the sale of pre-prepared or rapidly prepared food to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, and whose design or principal method of operation includes two or more of the following characteristics:

1. The elimination, in whole or in part, of table service, thus requiring customers to place orders at the counter where the orders are filled;
2. The food is served in edible containers or in paper, plastic, foil or other disposable containers; or
3. The facilities for on premises consumption of food are insufficient for the volume of food sold by the establishment.

Retail Sales and Services, Type 1

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

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

Retail Sales and Services Type, 2

The following types of establishments: attended charitable donation collection centers, coin laundries, off-track betting centers, second-hand stores, thrift shops, consignment stores, head shops or drug paraphernalia stores, check cashing stores, payday loan providers, and pawn shops. Retail sales and services, type 2 uses are conducted indoors.

Right-of-Way

An area owned or maintained by the City, County, State, federal government, a public utility, a railroad or a private concern for the placement of such utilities and/or facilities for the passage of vehicles or pedestrians, including roads, streets, pedestrian walkways and trails, utilities or railroads. The term "Right-of-Way" may include areas owned in fee simple for such purposes.

S

Salvage Yard

Any use involving storing, buying, or selling of inoperable, wrecked, scrapped, ruined, or dismantled motor vehicles, motor vehicle parts, or machinery, or storage or processing of scrap metal, wastepaper, construction wastes, industrial wastes or other scrap.

Satellite Dish Antenna

A device, usually parabolic in shape, designed and intended to be used for transmitting or receiving television, radio or microwave signals.

School, Kindergarten, Elementary, Middle, or High

A school that provides general full-time educational curriculum for any or all grades between kindergarten and 12, inclusive.

School, Vocational, Trade, College, or University

An educational facility that primarily teaches skills that directly prepare students for jobs in a trade or profession or provides instruction in language (*e.g.*, art schools, business colleges, trade schools, secretarial colleges, and language schools), or an educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates' or higher degrees.

Secondary Color

A color formed by mixing two primary colors in equal quantities (*e.g.*, green from blue and yellow, orange from yellow and red, and purple from blue and red).

Self-Storage

The provision of individual storage compartments for household or commercial goods within a building. Storage spaces may be accessed from interior hallways or individual outside doors. This use may include quarters for one or more persons employed by and residing at the self-storage facility for the purpose of on-site management and security.

Setback

The required minimum distance between the lot line and the closest projection of a building or structure along a line at right angles to the lot line.

Setback, Front

A setback extending across the full width of the front of a lot or site, the required depth of which is measured from the street right-of-way line.

Setback, Rear

A setback that extends across the full width of the rear of a lot, the depth of which is measured from the rear lot line.

Setback, Side

A setback that extends from the front setback line to the rear setback line, the required depth of which is measured from a right angle from the interior side lot line.

Shroud

A protective covering for small cell antennas and related equipment that conceals these components from public view and is generally mounted at the top of Small Cell Facilities.

Sign

Any advertisement, identification, announcement, direction, or communication produced in whole or in part by the construction, erection, affixing or placing of a structure on any land or on any other structure or produced by painting on or posting or placing any printed, lettered, pictured, figured or colored material on any building, structure or surface.

Sign Face

The surface area of a sign which is designed for placement of text, symbols, or images. The sign face does not include the supporting structure, if any, unless the supporting structure is used for the display of text, symbols, or images. For wall signs, the sign face is equal to the sign area of the wall sign, or the area within any frame or color used to define, differentiate, or mount the wall sign, whichever is larger.

Sign, Applied or Painted

A wall sign that is applied to or painted on a building wall, such that the sign appears flush with, or within not more than one inch of, the surface of the wall.

Sign, Attached

A wall sign, a window sign, a roof sign, or a projecting sign.

Sign, Awning

A projecting sign that is integrated into or applied to an awning that is attached to a building.

Sign, Banner

A temporary sign that is painted or printed on cloth, vinyl, or other flexible material, which is designed to be stretched between poles, fence posts, or wire, mounted in a free-standing frame, or hung on walls with ties, clips, rails, brackets, hooks or frames.

Sign, Banner Frame

A frame that is secured to a building wall and used to stretch banners such that they are tightly stretched and their mounting hardware is hidden from view.

Sign, Cabinet

A sign composed of a frame or external structure with a box-like design that encloses a sign face and other functional elements of the sign, including dimensional or electrical components.

Sign, Canopy

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

Sign, Changeable Copy

A sign or any portion of a sign, which is capable of conveying messages to the public by means of changing the images, letters or numbers, either manually or electronically.

Sign, Detached

A sign that is not attached to or located inside of a building.

Sign, Digital Electronic Message Center

A sign with a display surface that is composed of light emitting diodes (LEDs) that is capable of displaying variable messages and graphics, which are generally created on a computer.

Sign, Dimensional Wall

A three-dimensional sign that is attached to a building wall, such that the elements of the sign do not extend more than eight inches from the building wall. Dimensional wall signs include, but are not limited to, channel lettering.

Sign, Feather Flag

A sign made up of a flexible piece of fabric that is attached to a flexible pole along a long edge such that the pole stretches the fabric taut regardless of wind conditions.

Sign, Fin

A projecting sign that is mounted on, or affixed to a building wall, such that the sign face is generally perpendicular to the building wall. In addition to the wall mount or mounts, a fin sign may include ground-mounted support structures.

Sign, Hanging

A sign that is mounted under an awning or canopy, or under a cantilevered portion of a building. Generally, hanging signs are oriented perpendicular to the building wall.

Sign, Informational

An on-premise sign which gives direction, instructions or facility information and does not contain the name or logo of an establishment or contain any advertising copy, such as: parking, exit or entrance signs.

Sign, Manual Changeable Copy Message

A sign in which letters, numbers, or symbols may be changed manually without altering the face of the sign by placing letters into tracks that are enclosed within the cabinet structure.

Sign, Marquee

A projecting sign that is designed as a canopy structure, which includes a combination of permanent lettering or graphics and either manual changeable copy or electronic message center components.

Sign, Portable

A sign that is designed to be easily moved from one location to another, and when placed, is neither fastened to a permanent structure or building, nor staked or otherwise installed into the ground. Portable signs include signs that are mounted on trailers, wheeled carriers, or frames that are designed to be placed onto a surface without being secured to it.

Sign, Projecting

An attached sign that extends from a building wall, usually perpendicular to the wall's surface. Projecting signs include awning signs, fin signs, marquee signs, and hanging signs.

Sign, Roof

An attached sign that is mounted onto a building's roof structure.

Sign, Sidewalk

A portable sign that is designed to be placed (but generally not anchored) upon a hard surface in order to attract the attention of pedestrians.

Sign, Temporary

A sign that is designed or intended to be displayed for a short period of time.

Sign, Yard

A temporary sign that is constructed of paper, vinyl, plastic, wood, metal or other comparable material, which is mounted on a stake or a frame structure (often made from wire) that includes one or more stakes.

Single-Family Detached

A dwelling that is detached (free-standing and surrounded on all sides by open areas or yards) and occupied by only one family.

Site

For purposes of Chapter 7, the area comprising the base of the structure and other related accessory equipment deployed on the ground including the area to be leased.

Small Cell Facility

A WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures that are not larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications

demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

Small Wind Energy Conversion System

A wind energy conversion system with a nameplate capacity of 100 kilowatts or less.

Solar Garden

A free-standing solar electric generation facility where the beneficial use of the electricity generated by the facility belongs to the subscribers to the solar garden.

Special Event

Any organized event, specifically including, but not limited to, a community event, a circus, carnival, fair, party, or celebration which reasonably may be expected to attract more than 100 persons at any one time, or which otherwise may reasonably be expected to increase the risk of:

1. Damage to public or private property, beyond normal wear and tear;
2. Injury to persons;
3. Public or private disturbances or nuisances;
4. Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
5. Significant additional police, fire, trash removal, maintenance, or other public services demands;
- or
6. Other significant adverse effects upon the public health, safety, or welfare.

Exclusions. The term "special event" shall not include any event sponsored in whole or in part by the City or another political subdivision of the State of Colorado, or any event held at the Arvada Center for the Arts and Humanities and regulated pursuant to the policies and procedures of the Arvada Center, or any organized activities conducted at sites or facilities typically intended and used for such activities.

Examples of such exempt activities include, but are not necessarily limited to, sporting events such as golf, soccer, softball, and baseball tournaments conducted on courses or fields intended and used for such activities; wedding services conducted at reception halls or similar facilities; funeral services conducted at funeral homes or cemeteries; religious services, wedding services, and conferences or seminars conducted at places of assembly; or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multifamily residential development.

Special Flood Hazard Area

The land in the floodplain that is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map ("FHBM"). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, or V1-30, VE, or V. For purposes of this LDC, the phrase "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Stables and Riding Academies, Commercial

A facility that is used to board horses or other domestic animals or livestock and/or to train, test or advance the skills of horses or riders, or for competition.

Storage Yard

A location for outdoor storage of operable equipment and materials for off-site processing, construction projects, or right-of-way maintenance.

Street Tree

Trees generally planted in parkway strips, medians, or along streets to enhance the visual quality of the street.

Street-facing Façade

Those portions of a façade that include the primary entrance to the building which face and are most closely parallel to a street lot line.

Structure

Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground.

Substantial Change

For purposes of Chapter 7, a modification that substantially changes the physical dimensions of an eligible support structure, if after the modification it meets any of the following criteria:

1. For towers other than alternative tower structures in the right-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;
2. For towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six feet;
3. For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;
4. For any eligible support structure, it entails any excavation or deployment outside the current site;
5. For any eligible support structure, it would defeat the concealment elements of the eligible support structure. For the purposes of this Subsection (E), a change which undermines the concealment elements of an eligible support structure will be considered to defeat the concealment elements; or
6. For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in paragraphs (A), (B), and (C) of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure just prior to when the damage occurred.

Substantial Improvement

Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before "start of construction" of the improvement. The value of the structure shall be determined by the local jurisdiction having land use authority in the area of interest. This includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are the minimum necessary improvements; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Subdivision

The division of any lot, tract, or a parcel into two or more lots, tracts, parcels, air-space, or other divisions of land for the purpose of sale, lease, offer, or development, whether immediate or future. The term shall also include the division of residential, office, commercial, industrial, agricultural, or other land, whether by deed, metes and bounds description, lease, map, plat, or other instrument.

Support Structure

A structure designed to support Small Cell Facilities including, but not limited to, monopoles, alternative tower structures, replacement poles, and other freestanding self-supporting pole structures.

T**Tandem Parking Space**

A parking space that is accessible only by passing through another parking space (the standard parking space).

Townhome

A dwelling unit that is located in a building that includes three or more dwelling units that are accessed from the outside and separated by common vertical walls without penetrations.

Tract

See definition for Lot.

Transient Merchant

Any person or entity, whether as owner, lessee, employee, or otherwise, who engages in "vending", including those associating temporarily with any local dealer, trader, merchant or auctioneer, or who conducts such vending in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

Transmission Equipment

Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

U

Use

Any purpose for which a building or other structure or a tract of land may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

Utilities, Major

Includes generating plants, electrical substations, switching buildings, refuse collection facilities, and water or wastewater treatment plants. The phrase “major utility” does not include utility or communications uses that are more specifically defined elsewhere in this Code, such as wireless communications facilities.

Utilities, Minor

Above- and below-ground electrical transmission lines (less than 110 kV); above- and below-ground natural gas lines; flood control or drainage facilities; transportation or communications utilities, and similar facilities of public agencies or public utilities; utilities that are necessary to support legally established uses that involve only minor structures such as electrical distribution lines, poles, or cables; switch boxes; transformer boxes; cap banks; and underground water and sewer lines. Such “minor utility” facilities generally do not have employees on site, and the services may be publicly or privately provided. “Minor utility” does not include uses more specifically defined elsewhere in this Code, such as wireless communications facilities.

V

Vacation

An act that rescinds all or part of a recorded subdivision plat including legal dedications and grants of easements.

Variance

A grant of relief to a person from the requirements of this Code when specific enforcement would result in practical difficulty that amount to a manifestly unfair circumstance to the Applicant. A variance, therefore, permits construction or development in a manner otherwise prohibited by this Code.

Vehicle/Equipment Sales or Rentals

The sale or rental of automobiles, motorcycles, trucks, tractors, trailers, construction or agricultural equipment, mobile homes, boats, and similar equipment, including incidental storage, maintenance, repair, and installation of dealer-installed options.

Vending

Selling, offering for sale, exposing for sale, soliciting offers to purchase, bartering, or requesting or inviting donations in exchange for food, merchandise, or personal services in any publicly-accessible area, by an ambulatory vendor or from a pushcart, stand, or other allowed structure or device, as opposed to the traditional and customary conduct of business activities from a building at a fixed site.

Vending Cart

Any box or container with wheels that is used for vending and is not propelled or moved by an engine. Pushcarts are vending carts. Trailers of any type are not vending carts.

Veterinary Offices or Clinics

A use in which medical care is provided for household pets and which may include short-term boarding for medical treatment and post-operative care. The phrase does not include medical care for wild animals or livestock.

W

Waste Removal Fleet Storage and Administration

The administrative offices of waste removal companies, where such offices also include fleet storage, vehicle wash, or fleet fueling facilities.

Waste Transfer Station

The use of land or a facility, regardless of name or title, to unload municipal solid waste and biodegradable landscape waste (*e.g.*, lawn clippings, trees, and branches) from vehicles, and, with or without intermediate processing such as compaction, sorting, or shredding, subsequently re-load the waste onto other vehicles for delivery to another transfer site, storage site, or disposal site. In addition to transferring solid waste, a waste transfer station may also include facilities for drop-off of recyclable materials (*e.g.*, waste paper, motor oil, scrap metal, polystyrene foam, porcelain, batteries, electronic components, textiles, plastics, discarded shoes, cardboard, and other discarded household materials), where the materials are sorted, temporarily stored, and then shipped in bulk to other locations for processing.

Water Surface Elevation

The height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Wireless Communications Facility

A facility used to provide personal wireless services as defined at 47 U.S.C. § 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. The phrase does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code. The phrase “wireless communications facility” includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, Base Stations, support equipment, Alternative Tower Structures, and Towers. It does not include the support structure to which the facility, equipment, or components thereof are attached if the use of such structures for

such facility, equipment, or components is not the primary use. The phrase does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include antennae that are incidental to residential uses, including residential satellite dish antenna under two feet in diameter, radio or television receivers, or amateur radio (HAM radio) antennae, or other facilities specifically excluded from this Code.

Workshop

A facility wherein goods are produced or repaired by hand, using hand tools or small-scale equipment, by five or fewer employees at maximum shift; including activities such as woodworking, repairing small engines, making, restoring, and upholstering furniture, restoring motorcycles, creating art work such as paintings and sculptures, ceramics, stained glass, and other similar activities, wherein noise, odor, smoke, heat, glare, or vibration produced by such activities are confined within the building.

Y

Yard

The actual open space that is present on a lot that is developed with a principal building, lying between the walls of the principal building and the lot lines, and unoccupied and unobstructed from the ground upward except as otherwise allowed by this LDC.

Yard, Front

The yard that is situated between the front lot line and the front elevation of the principal building, extending from side lot line to side lot line from the corners of said front elevation.

Yard, Rear

The yard that is situated between the rear lot line and the rear elevation of the principal building, extending from side lot line to side lot line from the corners of said rear elevation.

Yard, Side

The yard that is situated between a side lot line and the side elevation of the principal building that faces said lot line, bounded by the front yard and the rear yard.

APPENDICES

Appendix A: Design Guidelines for Olde Town Arvada

The **Design Guidelines for Olde Town Arvada** are maintained on the City's website at:
https://static.arvada.org/docs/Olde_Town_Design_Guidelines-1-201303191143.pdf

Appendix B: Design Guidelines for the Reno Park Historic

The **Design Guidelines for the Reno Park Addition Historic District** are maintained on the City's website at:
https://arvada.org/source/RenoPark_Book_20171120-LOW_2.pdf