



Legal Notice

Date: 10/05/2023

Subject: An ordinance of the City of Littleton, Colorado, approving amendments to Title 10, known as the Unified Land Use Code (ULUC) of the Littleton City Code, and to the zoning map

Passed/Failed: Passed on second reading and public hearing

CITY OF LITTLETON, COLORADO

**ORDINANCE 20
SERIES 2023**

CITY OF LITTLETON, COLORADO

ORDINANCE NO. 20

Series, 2023

**AN ORDINANCE OF THE CITY OF LITTLETON,
COLORADO, APPROVING AMENDMENTS TO TITLE 10,
KNOWN AS THE UNIFIED LAND USE CODE (ULUC), OF
THE LITTLETON CITY CODE AND TO THE ZONING MAP**

WHEREAS, the City Council of the City of Littleton, Colorado passed Ordinance 24-2021 in October of 2021, which enacted the Littleton City Code, Title 10, the “Unified Land Use Code;” and

WHEREAS, Section 10-9-3.2.A.4 of the Unified Land Use Code authorizes the Director of Community to initiate a code text amendment and zoning map amendment; and

WHEREAS, since October 2021, City staff members, property owners, business owners, applicants, and the general public have had the opportunity to follow the Unified Land Use Code with site-specific applications; and

WHEREAS, city staff has been tracking errors, inconsistencies, and ambiguities discovered within the Unified Land Use Code since implementation; and

WHEREAS, city staff completed a series of four study sessions with the Planning Commission from April to July, 2023, where proposed code text and zoning map amendments were proposed to refine the Unified Land Use Code, as it relates to functionality, clarity, consistency, and mitigation of risk; and

WHEREAS, on August 14, 2023, the Planning Commission of the City of Littleton, Colorado held a public hearing and unanimously recommended adoption of the code text and zoning map amendments proposed herein; and

WHEREAS, on September 19th, 2023, the City Council of the City of Littleton, Colorado held a public hearing to consider the adoption of the code text and zoning map amendments; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1: Title 10 of the Littleton City Code is hereby amended as shown in Exhibit “A,” Unified Land Use Code text amendments, attached hereto and fully incorporated herein by this reference.

Section 2: The Official Zoning Map for the City of Littleton is hereby amended as

Ordinance No. 20

Series, 2023

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47 shown in Exhibit "B," zoning map amendment, attached hereto and fully incorporated herein by
48 this reference.

49
50 **Section 3:** Severability. If any part, section, subsection, sentence, clause or
51 phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the
52 validity of the remaining sections of this ordinance. The City Council hereby declares that it would
53 have passed this ordinance, including each part, section, subsection, sentence, clause or phrase
54 hereof, irrespective of the fact that one or more parts, sections, subsections, sentences, clauses or
55 phrases may be declared invalid.

56
57 **Section 4:** Repealer. All ordinances or resolutions, or parts thereof, in conflict
58 with this ordinance are hereby repealed, provided that this repealer shall not repeal the repealer
59 clauses of such ordinance nor revive any ordinance thereby.

60
61
62 INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council
63 of the City of Littleton on the 19th day of September, 2023, passed on first reading by a vote of 7
64 FOR and 0 AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the
65 Municipal Courthouse and on the City of Littleton Website.

66 PUBLIC HEARING on the Ordinance to take place on the 3rd day of October, 2023,
67 in the Council Chamber, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the
68 hour of 6:30 p.m., or as soon thereafter as it may be heard.

69 PASSED on second and final reading, following public hearing, by a vote of 6
70 FOR and 0 AGAINST on the 3rd day of October, 2023 and ordered published by posting at
71 Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

72 ATTEST:
DocuSigned by:
73 Callen L. Norton
74 Callen L. Norton
75 CITY CLERK

DocuSigned by:
76 Gretchen Rydin
77 Gretchen Rydin
78 MAYOR PRO TEM

79 APPROVED AS TO FORM:
80 Reid Betzing
Reid Betzing
CITY ATTORNEY



Exhibit A Document Review Guide:

This cover page is intended to guide the reader through the proposed changes to the ULUC text. Different review colors were used by different staff members. One reviewer used blue and another used red. Examples of the different changes methods are below:

Language proposed to be removed is struck through:

1. Minor changes to a PD or PDO may be granted through ~~an Administrative Adjustment or Minor Plan Amendment~~, as described in Chapter 9 of this Code, ~~depending upon the scope of the proposed change.~~
2. ~~Plot Plan. Permit applications for the establishment of an accessory building shall include submittal of a scaled plot plan.~~

Language proposed to be added have lines above the text:

- A. Generally.** Varied massing may be used to reduce the perceived scale of a building and to create an interesting building form. For example, in the DNR, DTR, DMU and DMS districts, stepping down the mass of a building adjacent to a pedestrian way or sensitive edge shall be used to provide a smooth transition.

Text in blue with dots underlining it means that there is a hyperlink:

- C. Relationship to Historic Preservation Code.** This special design district applies design standards and restrictions to the alteration, demolition, and relocation of properties noted as Tier 1 and Tier 2, and the demolition or relocation of properties noted as Tier 3 or Tier 4 in the report for the Greater West Littleton Boulevard Corridor. However, this design district differs from a historic district in the applicable design standards and guidelines that shall be utilized. Properties in this design district may also be designated as a Historic Landmark, but that process is separate from that for the Mid-Modern Design District. Properties in this District that are designated as a Landmark or within a Historic District shall be regulated by the regulations set out in CHAPTER 8, Historic Preservation.

Please refer to the updates matrix for an overview of the proposed code changes.

Section 10-1-1.1 Base Districts

ACR LLR MLR SLR MFR NC CM DNR DTA DMS DMU BC IP

A. Applicability. This Section applies to all base zoning districts within the city.

- 1. Zoning Districts.** The zoning districts (districts) are outlined in Table 10-1-1.1.1, *Base Zoning Districts*. The table shows the relationship of each district, the Future Land Use and Character Map designation, and the former zoning designations. The purpose of each district describes the unique characteristics that distinguish it from each of the other base districts.
- 2. Types of Approval.** Depicted in Table 10-1-1.1.2, *Types of Approval*, is how each type of approval applies to the related sections requiring compliance.

B. Land Use, Lot, and Building Type Standards. The allowable [land uses](#), [lot](#) areas, building [setbacks](#), [height](#), [lot coverage](#), and [common open space](#) standards are set out in the following articles of this Code:

- 1. ARTICLE 10-2-2, DT Downtown Districts and Uses;**
- 2. ARTICLE 10-3-2, CMU Corridor Mixed-Use Districts and Uses;**
- 3. ARTICLE 10-4-2, NB Neighborhood Districts and Uses; and**
- 4. ARTICLE 10-5-2, BI Business and Industry Districts and Uses.**

**Table 10-1-1.1
Base Zoning Districts**

District		Future Land Use and Character Map Designation	Purpose	Former Zoning Designation(s) ^{1,2}
Name	Designation			
Downtown				
Downtown Neighborhood Residential	DNR	Urban Downtown Transition	This district is defined by its pedestrian-oriented street edge alongside modest front yards and reflects its existing low-density, single-family heritage while accommodating multi-family building forms.	DT-DNR
Downtown Transition Area	DTA	Urban Downtown Transition	This district is pedestrian-oriented and reflects historic residential form and usage while accommodating a moderately higher- density mix of commercial, restaurant , office , hotel , mixed-use , and residential uses in a variety of different building types.	DT-DTA
Downtown Main Street	DMS	Urban Downtown Main Street	This district establishes a small town feel through a consistent urban form of active, pedestrian-oriented street edge and the small scale and significant historical architecture of Main and Prince Streets. Buildings accommodate a mix of uses within multiple stories and support the walkable town-center character of the downtown. This district includes the locally designated Downtown Historic District and the Main Street National Register Historic District.	DT-DMS

Table Notes:

- The former zoning district designations are from Title 10, *Zoning Regulations*, repealed and replaced on the effective date of this Code.
- Council adopted the DT zoning districts by Ordinance 2020-34 on October 6, 2020. Council rezoned the downtown area by Ordinance 2020-43 on December 15, 2020. This table is not intended to amend, revise, or otherwise affect the DT zoning districts as created and applied by those ordinances.

Table 10-1-1.1.1
Base Zoning Districts

District		Future Land Use and Character Map Designation	Purpose	Former Zoning Designation(s) ^{1,2}
Name	Designation			
Downtown Mixed-Use	DMU	Urban Downtown Mixed-Use	This district consists of mixed use buildings with an active, pedestrian-oriented street edge. The predominant building form retains a traditional urban scale , design, and mix of uses which complements the Downtown Main Street (DMS) district.	DT-DMU
Corridor Mixed-Use				
Neighborhood Commercial	NC	Corridor Mixed-Use	The NC district provides for continued use of single-family dwellings that may transition into business uses without substantially altering the exterior function or appearance of the structure . The district also provides for commercial land use in areas that are adjacent to or in near proximity to low-density neighborhoods where compatibility is assured through use limitations and good lot and building standards. Buildings are limited in height and scale and sites are designed to mitigate the impacts common to these uses.	T, B-1
Corridor Mixed	CM	Corridor Mixed-Use; Auto-Oriented Commercial	The CM district provides for the broadest range of residential, commercial office, retail and service uses that may include single use sites and multi-tenant centers of varying scales, or horizontal or vertical mixed-use development . The locations of this district along major corridors are either distant to or buffered from low-density neighborhoods with transitions occurring at the rear of lots or with a street/alley separation. The impacts on the surrounding environs are managed by lot and building design.	B-2, B-3
Neighborhood				
Acreage Residential	ACR	Estate Residential	The ACR district provides for large, estate-sized lots for which the principal land use is single-family detached residential, although limited agricultural uses are also allowed.	A-1, R-S, R-L
Large Lot Residential	LLR	Suburban Residential	The LLR district provides for large lots for which the principal land use is single-family detached residential .	R-E, R-1
Multi-Family Residential	MFR	Suburban Residential Attached and Multi-Family; Auto-Oriented Residential Attached and Multi-Family; Residential Mix	The MFR district provides for single-family attached, including multiplex , rowhouse, and townhouse, along with cottage clusters and apartment buildings and complexes. This district is intended to be of the highest residential density in the city, except for the Corridor Mixed (CM) district. The district may also accommodate manufactured home parks , recreational vehicle parks , and tiny home communities by conditional use.	R-3X, R-4, R-5, MH
Medium Lot Residential	MLR	Suburban Residential; Auto-Oriented Residential	The MLR district covers a majority of the community , which provides for single-family detached residential housing in conventional neighborhoods.	R-2

Table Notes:

1. The former zoning district designations are from Title 10, *Zoning Regulations*, repealed and replaced on the effective date of this Code.
2. Council adopted the DT zoning districts by Ordinance 2020-34 on October 6, 2020. Council rezoned the downtown area by Ordinance 2020-43 on December 15, 2020. This table is not intended to amend, revise, or otherwise affect the DT zoning districts as created and applied by those ordinances.

Table 10-1-1.1
Base Zoning Districts

District		Future Land Use and Character Map Designation	Purpose	Former Zoning Designation(s) ^{1,2}
Name	Designation			
Small Lot Residential	SLR	Auto-Oriented Residential; Mixed Character Core Neighborhood	The SLR district covers the residential areas nearest Downtown. <u>Some</u> neighborhoods in this district include <u>alleys</u> while other neighborhoods do not have alleys. The principal land use of this district is single-family detached residential.	R-3
Business and Industry				
Business Center	BC	Suburban Commercial	The BC district provides for office, research and technology use types with limited <u>light industrial</u> uses conducted within the confines of the buildings. This district provides for an upscale corporate office <u>park</u> setting with increased building and lot design standards.	PD-I, IP, B-P, STP
Industrial Park	IP	Suburban Business Park	The IP district provides for the most intensive heavy commercial and industrial land uses, including product <u>assembly, fabrication, manufacturing, and warehousing</u> , with <u>outdoor storage</u> , display and operations conducted outside the building.	I-1, I-2
<p>Table Notes:</p> <p>1. The former zoning district designations are from Title 10, <i>Zoning Regulations</i>, repealed and replaced on the effective date of this Code.</p> <p>2. Council adopted the DT zoning districts by Ordinance 2020-34 on October 6, 2020. Council rezoned the downtown area by Ordinance 2020-43 on December 15, 2020. This table is not intended to amend, revise, or otherwise affect the DT zoning districts as created and applied by those ordinances.</p>				

Table 10-1-1.2
Types of Approval

Symbol	Types of Approval	Required Compliance				
		Section 10-1-1.3, Land Use Matrix	Section 10-1-1.4, Land Use Standards	Section 10-9-5.11-4.5, Conditional Use Standards	Section 10-1-1.6, Accessory Uses, Buildings and Structures	Section 10-1-1.8, Temporary Uses and Structures
		♦ Applicable		○ Not Applicable		
P	Permitted	♦	○	○	○	○
S	Specially Permitted	♦	♦	○	○	○
C	Conditional	♦	♦	♦	○	○
A	Accessory	♦	○	○	♦	○
T	Temporary	○	○	○	○	♦
--	Prohibited	○	○	○	○	○

(Ord. [18, Series of 2022](#))

Subsec. 10-1-1.2.A Planned Overlay District

A. Purpose. This Subsection is intended to facilitate development within existing Planned Developments (PDs) or Planned Development Overlays (PDOs) of parcels approved for development but dormant or otherwise undeveloped, by expanding options with respect to the development standards and regulations that may apply to such development.

B. Applicability. This Subsection applies to all land that, prior to the effective date of this Code, was subject to regulations previously established as part of a PD or PDO designated on the Official Zoning Map.

C. Overlay Established.

1. A planned overlay district, abbreviated as PL-O on the [Official Zoning Map](#), is established to allow for properties, previously entitled under a PD or PDO and rezoned to a new underlying zoning district designation in conjunction with the adoption of this Code, to develop under either the provisions of the entitled PD or PDO or, upon compliance with paragraph E, Development in Accordance with Underlying Zoning District, below, the standards of the applicable underlying zoning district.

2. The PL-O district shall overlay the base districts within the boundaries of the former PD and PDO districts. Any development standards not specifically described in graphic or written form within an approved PD or PDO are established by the underlying zoning district.

D. Developing in Accordance with Approved PD or PDO.

1. Minor changes to a PD or PDO may be granted through ~~an Administrative Adjustment or~~ Minor Plan Amendment, as described in Chapter 9 of this Code, ~~depending upon the scope of the proposed change.~~

2. The following constitute major changes to a PD or PDO and are prohibited:

a. The addition of new land uses;

b. An increase in the density or gross floor area by more than 10 percent;

c. A decrease in common open space by more than five percent;

d. An increase in building height of more than one story than the previously approved PD regulations if the lot shares a common property line with, or the building is within 50 feet of, an ACR, LLR, MLR, or SLR district;

e. A substantial increase or decrease in public rights-of-way; or

f. Proposed changes to the distribution of land use types

E. Development in Accordance with Underlying Zoning District.

1. To utilize the standards and regulations of the underlying zoning district for non-residential or multi-family residential developments, written notice of such decision shall be provided to the Director, and any such development shall be subject to the requirements of Section 10-9-5.7, Master Development Plans, and paragraph F below.

2. Single family residential properties may utilize the standards and regulations of the underlying zoning district by receiving approval of a Site Plan from the Planning Commission, in accordance with the Decision Criteria of 10-9-5.4, the additional Decision Criteria set forth below, and subject to the requirements of paragraph F below.

a. Decision Criteria. The Planning Commission may approve or deny a request to utilize the standards and regulations of the underlying zoning district based on the following criteria:

1. *Compatibility.* The plan will be compatible with the properties in the immediate vicinity of the subject property;

2. *Adequate Public Facilities.* Facilities and services are available to serve the subject property without compromising provisions for adequate levels of service to other properties; and

3. *Zoning District Conformance.* The plan demonstrates compliance with the applicable zoning district and design principles.

3. Once the underlying zoning district is utilized for a specific property, the PL-O designation on the Official Zoning Map shall be removed.

F. No Abrogation. Nothing in this Subsection is intended to supersede or abrogate any requirements, obligations, limitations, or encumbrances applicable to a property within a PL-O district including, but not limited to, the governing documents of a common interest community established pursuant to C.R.S. 38-33.3-101 et seq. It shall be the responsibility of the owner of any property seeking to develop such property under the standards and regulations of the underlying zoning district (as opposed to the previously established PD or PDO), and/or to withdraw such property from a common interest community, to establish to the city's satisfaction, before proceeding, that such action will comply with all applicable requirements of C.R.S 38-33.3-101 and any governing documents to which the property is subject. The city may withhold further consideration of any necessary approvals including, but not limited to, plans, plats, amendments, and permits, until in the Director's discretion adequate assurance of such compliance has been provided.

G. Legal Status. Any use, property, building or other structure approved in accordance with either the standards and regulations of the entitled PD or PDO or the standards and regulations of the applicable underlying zoning district, and thereafter continued and, as applicable, constructed, maintained, and utilized in compliance with the standards and regulations to which such use, property, building or structure is subject shall be considered legal and conforming.

(Ord. [18, Series of 2022](#))

Section 10-1-1.3 Land Use Matrix

A. Key. Table 10-1-1.3, *Land Use Matrix*, uses the following symbols:

1. "P" means the use is permitted by right and is not subject to further review.
2. "C" means the use requires a public hearing and conditional use approval subject to [Section 10-1-1.5, Conditional Use Standards](#), and [Section 10-9-5.1, Conditional Use Permit](#).
3. "A" means the use is permitted as an [accessory use](#) subject to standards in [Section 10-1-1.6, Accessory Uses, Buildings and Structures](#), and in [some](#) instances additional standards.
4. If there is an "S", that means the use is subject to the special standards cited in the "Standards" column of Table 10-1-1.3, *Land Use Matrix*.
5. "--" means the use is prohibited.

B. New and Unlisted Uses. Refer to [Section 10-1-2.1, Unlisted and Functionally Similar Uses](#).

C. Land Use Standards. The conditional and special standards for the land uses denoted with a "C" or "S" in Table 10-1-1.3, *Land Use Matrix*, below, include cross-references which may generally be found among the standards for all districts in [Section 10-1-1.4, Land Use Standards](#). More specific standards are provided in Chapters 2-5.

Table 10-1-1.3.1 Land Use Matrix																
Category	Specific Use	Downtown (DT)				Corridor Mixed-Use (CM)		Neighborhood (NB)					Business and Industry (BI)		Open Space (OS)	Standards
		DNR	DTA	DMS	DMU	NC	CM	ACR	LLR	MLR	SLR	MFR	BC	IP	OS	
Agriculture and Animal-Oriented Uses																
Agriculture-Oriented Uses	Community Garden	A	--	--	A	A	A	P	P	P	P	A	--	--	A	10-1-1.6.A
	Plant Nursery, Greenhouse, and Landscaping Business	--	--	--	--	C	C	C	--	--	--	--	P	P	--	--
	Agriculture-Oriented Uses (other than listed)	--	--	--	--	--	C	A	A	--	--	--	--	--	P	--
Animal-Oriented Uses	Kennel, Indoor	--	--	--	--	--	CS	--	--	--	--	--	CS	PS		10-1-1.4.B
	Veterinary Clinic or Hospital (with animal boarding)	--	--	--	--	--	CS	--	--	--	--	--	P	P	--	10-1-1.4.B 10-2-3.2
	Veterinary Clinic or Hospital (without animal boarding)	--	CS	PS	PS	--	PS	--	--	--	--	--	P	P	--	10-1-1.4.B 10-2-3.2 10-4-2.2
Table Notes: 1. Detached Accessory Dwelling Unit (ADU) is permitted with alley access only and could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs). 2. A tiny home community may occupy up to 10 percent of a development subject to Master Development Plan approval. 3. Duplex or twin home dwellings are not permitted in the SLR district south of W. Caley Avenue. 4. Could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).																

**Table 10-1-1.3.1
Land Use Matrix**

Category	Specific Use	Downtown (DT)				Corridor Mixed-Use (CM)		Neighborhood (NB)					Business and Industry (BI)		Open Space (OS)	Standards
		DNR	DTA	DMS	DMU	NC	CM	ACR	LLR	MLR	SLR	MFR	BC	IP		
	Animal-Oriented Uses (Other than listed)	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--
Residential Uses																
Household Living	Cottage Court Community	--	--	--	--	--	PS	--	--	PS	PS	PS	--	--	--	10-4-3.2.A
	Dwelling, Multi-Family (Apartment)	--	PS	--	PS	--	PS	--	--	--	--	PS	--	--	--	10-1-1.4.A 10-2-3.2.M 10-3-3.2 10-4-3.2.E
	Dwelling, Single-Family Attached / Duplex / Twin Home ³	PS	PS	--	PS	PS	P	--	--	--	CS	PS	--	--	--	10-2-3.2.J 10-3-3.2 10-4-3.2.B
	Dwelling, Single-Family Duplex / Twin Home Conversion ³	PS	PS	--	PS	PS	PS	--	--	--	CS	PS	--	--	--	10-1-1.4.A 10-4-3.2.B
	Dwelling, Single-Family Detached	PS	PS	--	PS	P	--	P	P	P	P	--	--	--	--	10-2-3.2.I 10-3-3.2
	Live-Work	--	PS	--	PS	P	P	--	--	--	--	--	CS	--	--	10-2-3.2.N 10-3-3.2
	Manufactured Home Park	--	--	--	--	--	--	--	--	--	--	CS	--	--	--	4-4-11 10-4-3.2.D
	Mixed-Use Building (upper floor residential units)	--	PS	PS	PS	CS	P	--	--	--	--	PS	CS	--	--	10-2-3.2.O 10-3-3.2 10-3-3.2.B
	Multiplex	PS	PS	--	PS	--	P	--	--	--	--	P	--	--	--	10-2-3.2.K
	Slot Home	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	Tiny Home Community	--	--	--	--	--	CS ²	--	--	--	--	CS	--	--	--	10-4-3.2.A
	Townhome	--	PS	--	PS	--	P	--	--	--	--	PS	--	--	--	10-2-3.2.M
Group Living	Foster Family Care Home	P	P	P	P	P	P	P	P	P	P	P	--	--	--	--
	Group Home	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	--	10-1-1.4.A
	Independent Living Facility	P	P	--	P	P	P	--	--	--	C	P	--	--	--	--
	Nursing Home/Congregate Housing	P	P	--	P	P	P	--	--	--	--	P	C	C	--	--
Residential Accessory Uses	Accessory Dwelling Unit (ADU)	see below				see below		see below					see below		--	10-1-1.7
	- Attached ADU	AS	AS	--	AS	AS	AS	AS	AS	AS	AS	AS	--	--		
	- Detached ADU ⁴	AS	AS	--	AS	AS	AS	--	--	AS ¹	AS ¹	--	--	--		
	- Contained ADU	AS	AS	--	AS	AS	AS	AS	AS	AS	AS	AS	--	--		
	Beekeeping	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	AS	--	--	AS	10-1-1.6.A
	Chickens	AS	--	--	--	--	--	AS	AS	AS	AS	AS	--	--	--	10-1-1.6.A
	Cottage Food Operation	AS	AS	--	AS	AS	AS	AS	AS	AS	AS	AS	--	--	--	10-1-1.6.A
	Family Child Care Home	A	A	--	A	A	A	A	A	A	A	A	--	--	--	10-1-1.6.A
Home Occupation	A	A	A	A	A	A	A	A	A	A	A	--	--	--	10-1-1.6.A	
Pigeon Keeping	--	--	--	--	--	--	AS	AS	AS	AS	AS	--	--	--	10-1-1.6.A	

Table Notes:

1. Detached Accessory Dwelling Unit (ADU) is permitted with alley access only and could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).
2. A tiny home community may occupy up to 10 percent of a development subject to Master Development Plan approval.
3. Duplex or twin home dwellings are not permitted in the SLR district south of W. Caley Avenue.
4. Could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).

**Table 10-1-1.3.1
Land Use Matrix**

Category	Specific Use	Downtown (DT)				Corridor Mixed-Use (CM)		Neighborhood (NB)					Business and Industry (BI)		Open Space (OS)	Standards
		DNR	DTA	DMS	DMU	NC	CM	ACR	LLR	MLR	SLR	MFR	BC	IP		
	Primary Short-Term Rental	A	A	A	A	A	A	A	A	A	A	--	--	--	--	10-1-1.6.A
Commercial and Office Uses																
Entertainment, Indoor	Adult Entertainment	--	--	--	--	--	--	--	--	--	--	--	--	CS	--	City Code Title 3, Chapter 14
	Bar, Brew Pub, or Tavern	--	PS	P	PS	C	PS	--	--	--	--	--	C	--	--	10-2-3.2
	Brewery, Distillery, and Winery	--	PS	PS	PS	PS	PS	--	--	--	--	--	PS	PS	--	10-1-1.4.D
	Convention Center	--	--	--	--	P	P	--	--	--	--	--	P	P	--	--
	Gymnastic, Dance Studio, or Martial Arts Facility	--	PS	PS	PS	--	P	--	--	--	--	--	P	--	--	--
	Health and Fitness Club	--	P	P	C	P	P	--	--	--	--	--	P	--	--	--
	Movie or Other Theater	--	PS	PS	PS	--	P	--	--	--	--	--	P	P	--	10-2-3.2
	Indoor Entertainment (Other than listed)	--	P	P	P	C	P	--	--	--	--	--	C	C	--	--
Entertainment, Outdoor	Amphitheater	--	--	--	--	--	P	--	--	--	--	--	--	--	C	--
	Ballfield or Stadium	--	--	--	--	--	P	C	C	C	C	C	C	--	C	--
	Campground	--	--	--	--	--	C	--	--	--	--	--	--	--	C	--
	Outdoor Entertainment (Other than listed)	--	A	A	A	--	P	--	--	--	--	--	C	C	C	--
Office	Bank or Credit Union (with drive-through)	--	--	--	--	PS	PS	--	--	--	--	--	PS	PS	--	10-3-3.2.B
	Bank or Credit Union (without drive-through)	--	P	P	P	P	P	--	--	--	--	--	P	P	--	--
	Office Uses (8,000 sq. ft. gross floor area or greater)	--	--	--	--	C	P	--	--	--	--	--	P	P	--	10-1-1.4.D 10-2-3.2.O
	Office Uses (Less than 8,000 sq. ft. gross floor area)	PS	PS	PS	PS	P	P	--	--	--	--	--	P	P	--	10-2-3.2.O
	Studio, Commercial	--	P	P	P	P	P	--	--	--	--	--	P	P	--	--
	Office Uses (Other than listed)	--	--	--	--	C	P	--	--	--	--	--	P	P	--	--
Overnight Accommodations	Hotel or Motel	--	P	P	P	C	P	--	--	--	--	C	P	P	--	--
	Overnight Accommodations (Other than listed)	--	P	P	P	C	P	--	--	--	--	C	P	P	--	--

Table Notes:

1. Detached Accessory Dwelling Unit (ADU) is permitted with alley access only ~~and could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).~~
2. A tiny home community may occupy up to 10 percent of a development subject to Master Development Plan approval.
3. Duplex or twin home dwellings are not permitted in the SLR district south of W. Caley Avenue.
4. ~~Could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).~~

**Table 10-1-1.3.1
Land Use Matrix**

Category	Specific Use	Downtown (DT)				Corridor Mixed-Use (CM)		Neighborhood (NB)					Business and Industry (BI)		Open Space (OS)	Standards
		DNR	DTA	DMS	DMU	NC	CM	ACR	LLR	MLR	SLR	MFR	BC	IP		
Retail Repair, Sales, and Personal Services	Drug Store (without drive-through)	--	P	P	P	P	P	--	--	--	--	--	P	P	--	
	Drug Store or Other Use (with drive-through)	--	--	--	--	PS	PS	--	--	--	--	--	P	P	--	10-3-3.2.B
	Dry Cleaning Store or Laundromat	--	P	--	P	P	P	--	--	--	--	--	--	--	--	
	Dry Cleaning, Commercial Operations (without drive-through)	--	--	--	--	--	E	--	--	--	--	--	E	P	--	--
	Food Market	--	P	P	P	P	P	--	--	--	--	--	--	--	P	
	Grocery Store	--	P	P	P	P	P	--	--	--	--	--	P	--	--	10-1-3.2.B-3
	Home Furnishing Store (Appliances and Electronics)	--	P	P	P	P	P	--	--	--	--	--	P	--	--	10-1-3.2.B-3
	Home Improvement Center (with garden center)	--	--	--	--	--	P	--	--	--	--	--	--	P	--	--
	Lumber Yard	--	--	--	--	--	CS	--	--	--	--	--	--	PS	--	10-1-1.4.D
	Nursery or Garden Center	--	--	--	--	--	P	--	--	--	--	--	P	P	--	--
	Repair-Oriented Uses (excluding vehicles)	--	P	P	P	P	P	--	--	--	--	--	--	P	--	
	Shopping Center	--	--	--	--	C	P	--	--	--	--	--	--	--	--	--
	Retail Repair, Sales, and Personal Service (Other than listed)	--	P	P	P	P	P	--	--	--	--	--	--	P	--	--
Restaurant	Cafeteria, Providing Service to On-Site Employees	--	A	A	A	A	A	--	--	--	--	--	A	A	--	--
	Coffee/Tea Shop	--	P	P	P	P	P	--	--	--	--	--	P	P	C	
	Restaurant, Drive-in, or Drive-Through	--	--	--	--	C	P	--	--	--	--	--	--	P	--	10-1-1.4.D 10-3-3.2.B
	Restaurant Uses (Other than listed)	--	P	P	P	P	P	--	--	--	--	--	P	P	--	
Vehicle Sales and Service	Car Wash	--	--	--	--	C	P	--	--	--	--	--	P	P	--	--
	Equipment and Machinery Sales and Rental	--	--	--	--	--	C	--	--	--	--	--	--	P	--	--
	Fuel Sales (Retail)	--	--	--	--	CS	CS	--	--	--	--	--	P	P	--	10-1-1.4.D
	Vehicle Accessories and Parts Sales	--	--	--	--	--	P	--	--	--	--	--	--	P	--	--
	Vehicle Sales, Rental, and Leasing	--	--	--	--	--	C	--	--	--	--	--	--	P	--	--
	Vehicle Service, Major	--	--	--	--	--	C	--	--	--	--	--	--	P	--	--
	Vehicle Service, Minor	--	--	--	--	P	P	--	--	--	--	--	--	P	--	--
Vehicle Sales and Service Uses (Other than listed)	--	--	--	--	--	C	--	--	--	--	--	--	P	--	--	
Special Uses	Recycling Collection Facility	--	--	--	--	--	--	--	--	--	--	--	--	C	--	--

Table Notes:

1. Detached Accessory Dwelling Unit (ADU) is permitted with alley access only and could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).
2. A tiny home community may occupy up to 10 percent of a development subject to Master Development Plan approval.
3. Duplex or twin home dwellings are not permitted in the SLR district south of W. Caley Avenue.
4. Could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).

**Table 10-1-1.3.1
Land Use Matrix**

Category	Specific Use	Downtown (DT)				Corridor Mixed-Use (CM)		Neighborhood (NB)					Business and Industry (BI)		Open Space (OS)	Standards
		DNR	DTA	DMS	DMU	NC	CM	ACR	LLR	MLR	SLR	MFR	BC	IP		
Commercial Accessory Uses	Drive-Through ATM Dispenser and Vending Kiosk	--	A	--	A	--	A	--	--	--	--	--	A	--	--	10-1-1.6.A
	Eating and Drinking Places (Outdoor Seating, Sidewalk Café and Sidewalk Display)	--	A	A	A	A	A	--	--	--	--	--	A	--	CS	10-1-1.6.A
	Electric Vehicle (EV) Charging Station	--	AS	AS	AS	AS	AS	--	--	--	--	AS	AS	AS	AS	10-1-1.6.A
Civic and Institutional Uses																
Civic and Institutional	Adult Day Care and Child Respite Care Facility	--	P	--	P	P	P	--	--	--	--	--	P	--	--	10-1-1.4.C
	Cemetery and Crematory	--	--	--	--	PS	PS	--	--	--	--	CS	--	--	P	10-1-1.4.C
	Child Care Center or Pre-School	PS	PS	PS	PS	P	P	--	--	--	--	P	--	A	--	10-1-1.4.C
	Day Care Center or Pre-School	P	--	G	--	P	P	--	--	--	--	P	--	--	--	--
	Funeral Home and Services	--	C	--	C	C	P	--	--	--	--	--	P	P	--	--
	Public Assembly Facility	P	P	--	P	P	P	P	P	P	P	P	P	P	--	10-1-1.4.C
	Public Park	--	--	--	--	--	--	P	P	P	P	P	--	--	P	--
	Private Elementary/Secondary School	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	--	--	--	10-1-1.4.C
	Private College / University	--	--	--	--	--	P	--	--	--	--	--	P	--	--	--
	Private Trade or Vocational School	--	--	--	--	--	P	--	--	--	--	--	C	P	--	--
	Recreation Center/Clubhouse	--	--	--	--	--	--	P	P	P	P	P	--	--	--	--
	Transit System Facility	--	P	P	P	--	P	--	--	--	--	P	P	P	--	10-1-1.4.G
Civic and Institutional (Other than listed)	CS	PS	PS	PS	P	P	--	--	CS	CS	CS	P	P	C	10-2-3.2.Q	
Medical Facilities	Ambulatory Surgical Care Facilities	--	--	A	A	P	P	--	--	--	--	--	P	--	--	--
	Ambulatory or Outpatient Services	--	C	--	C	C	P	--	--	--	--	--	P	P	--	--
	Drug, Alcohol or Psychiatric Treatment Center (outpatient)	--	C	--	C	C	P	--	--	--	--	--	--	--	--	--
	Hospital	--	C	--	C	--	P	--	--	--	--	--	P	--	--	--
	Medical Facilities (Other than listed)	--	P	P	P	P	P	--	--	--	--	--	P	P	--	--
Parking as a Principal Use	Fleet Storage	--	--	--	--	--	C	--	--	--	--	--	C	C	--	--
	Parking Structure	--	PS	PS	PS	--	AS	--	--	--	--	CS	PS	PS	--	10-2-3.2.R 10-1-3.8.B
	Parking Lot, Off-Site	--	AS	AS	AS	CS	AS	--	--	--	--	CS	AS	AS	C	10-1-1.4.C
Utilities	Utilities, Major	--	--	--	--	--	C	--	--	--	--	--	C	P	--	--

Table Notes:

1. Detached Accessory Dwelling Unit (ADU) is permitted with alley access only and could require approval of a Conditional Use Permit, as set forth in [Section 10-1-1.7 Accessory Dwelling Units \(ADUs\)](#).
2. A tiny home community may occupy up to 10 percent of a development subject to Master Development Plan approval.
3. Duplex or twin home dwellings are not permitted in the SLR district south of W. Caley Avenue.
4. ~~Could require approval of a Conditional Use Permit, as set forth in [Section 10-1-1.7 Accessory Dwelling Units \(ADUs\)](#).~~

**Table 10-1-1.3.1
Land Use Matrix**

Category	Specific Use	Downtown (DT)				Corridor Mixed-Use (CM)		Neighborhood (NB)					Business and Industry (BI)		Open Space (OS)	Standards	
		DNR	DTA	DMS	DMU	NC	CM	ACR	LLR	MLR	SLR	MFR	BC	IP			
	Utilities, Minor	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	--
Industrial and Manufacturing Uses																	
Flex Industrial	Assembly of Prefabricated Parts	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	
	Assembly or Fabrication for Sale On Premises	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	
	Data Center	--	--	--	--	--	C	--	--	--	--	--	P	P	--	--	
	Dry Cleaning, Commercial Operations (without drive-through)	--	--	--	--	--	C	--	--	--	--	--	C	P	--	--	
	Distribution / Logistics Center	--	--	--	--	--	--	--	--	--	--	--	C	P	--	--	
	Micro-Manufacturing	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--	
	Outdoor Storage	--	--	--	--	--	--	--	--	--	--	--	--	PS	--	10-1-1.4.E	
	Parcel Service	--	--	--	--	--	C	--	--	--	--	--	--	P	--	--	
	Printing and Publishing	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
	Research and Testing Laboratory	--	--	--	--	--	--	--	--	--	--	--	--	P	P	--	--
	Self-Service Storage	--	--	--	--	--	C	--	--	--	--	--	--	PS	--	10-1-1.4.E	
	Wholesale Sales and Distribution	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	
Flex Industrial (Other than listed)	--	--	A	A	A	A	--	--	--	--	--	--	P	P	--	--	
General Industrial	Assembly of Finished Goods	--	--	--	--	A	A	--	--	--	--	--	P	P	--	--	
	Fabrication	--	--	--	A	A	A	--	--	--	--	--	A	P	--	--	
	Indoor Storage	--	--	--	--	--	C	--	--	--	--	--	--	P	--	--	
	Outdoor Storage, Short- and Long-Term	--	--	--	--	--	--	--	--	--	--	--	--	PSE	--	10-1-1.4.E	
	Special Trade Contractor	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	
	Warehousing	--	--	--	--	--	--	--	--	--	--	--	A	P	--	--	

Table Notes:

1. Detached Accessory Dwelling Unit (ADU) is permitted with alley access only and could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).
2. A tiny home community may occupy up to 10 percent of a development subject to Master Development Plan approval.
3. Duplex or twin home dwellings are not permitted in the SLR district south of W. Caley Avenue.
4. ~~Could require approval of a Conditional Use Permit, as set forth in Section 10-1-1.7 Accessory Dwelling Units (ADUs).~~

(Ord. 18, Series of 2022)

Subsec. 10-1-1.4.E Industrial and Manufacturing Land Uses

A. Outdoor Storage, ~~Short and Long Term~~.

1. *Fuel Storage*. Storage of fuel directly connected to heating devices or appliances located on the same lot shall be governed by the Fire Code and the Building Code.
2. *Prohibited Materials*. No toxic, corrosive, flammable, or explosive liquids, fuel, solids, or gases shall be stored in bulk above ground, except as provided in the Fire Code and the Building Code.
3. *Closed Containers Required*. All materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored in closed containers only.
4. *Unmovable by Natural Causes*. No materials or wastes shall be deposited upon a lot in a form or manner that they may be moved off the lot by natural causes or forces.
5. *Screening Required*. All outdoor storage, including, but not limited to, facilities for building materials, raw materials, equipment, scrap, trash, and products shall be enclosed by fences, walls, or landscaping which fully conceal such facilities from adjacent streets and adjoining properties and rights-of-way that share a common lot line, as viewed from ground level.

B. Self-Service Storage.

1. *Permitted Uses*. No other uses or activities other than rental of units or space for storage shall be permitted, except for office space and living quarters incidental to the management and operation of the business.
2. *Lot Requirements*:
 - a. *Maximum Lot Area*: Self-service storage shall not exceed a maximum lot area of three acres, which may only increase with approval of a Site Plan or Master Development Plan.
 - b. *Maximum Lot Coverage*. Lot coverage of all structures shall not exceed 35 percent of the total lot area.
 - c. *Maximum Building Height*. Building height shall not exceed the maximum allowable height of the district where the use is located.
 - d. *Number of Structures*. Storage units may be located within a single structure or multiple structures on the same lot.
3. *Circulation, Parking, and Loading*.
 - a. *Circulation*. All drives, which include loading lanes, shall not be less than 30 feet in width where one-way traffic is used and 40 feet in width for two-way movement of customer vehicles. Drives without loading lanes shall be not less than 20 feet in width and shall be posted to prohibit parking or loading.
 - b. *Access*. Vehicular access shall be restricted to a single location along a public street. The public access shall be inaccessible during closed business hours. The access point shall be fully visible from an on-site manager's office, as applicable.
 - c. *Parking and Loading*.
 1. Parking shall be provided as set out in Subsection 10-1-3.7.A, *Parking and Loading*.
 2. Marked loading lanes shall be provided to direct access to the structure(s) where the storage units are located. Such loading lanes shall be clearly marked for the exclusive use of the lessees of the storage units and shall not be used for temporary or permanent storage of any item.
 3. Box trucks for use by lessees or rental by the public may be permitted, subject to the following:
 - i. The self-service storage facility may store on the premises not more than two box trucks for moving / transportation of personal property to and from the self-storage facility by lessees of the self-storage facility units.

- ii. The self-storage facility may have up to six box trucks available for rent by the public, provided that trucks requiring a commercial driver's license to operate shall be prohibited.
 - iii. Box trucks shall be parked behind the front building line of the self-storage facility. The box trucks shall not be parked or otherwise situated upon the property of the self-storage facility in a manner that the box trucks serve as [signs](#) or advertisements of any kind.
- d. Buffering, Fencing, and Lighting.**
- 1. Landscaping shall be provided along all property lines that are parallel, or approximately parallel, to public rights-of-way, excluding the interior parking lot landscaping requirements.
 - 2. Perimeter bufferyards shall be as follows:
 - i. Adjoining the DTA, DMS, and DMU districts and all residential districts, a Type B bufferyard is required along all common lot lines;
 - ii. Adjoining non-residential and [mixed-use development](#), a Type A bufferyard is required along all common lot lines.
 - 3. Self-service storage sites shall be fully enclosed to provide maximum security against theft or vandalism. Such enclosure may include fencing, structural walls, or any combination approved with a Site Plan or Master Development Plan.
 - 4. Lighting shall be provided in compliance with Section [10-1-3.11](#), *Outdoor Lighting Standards*.
- e. Storage of Flammable Materials, Explosives, or Chemicals.** Storage of flammable liquids, gases, or other flammable materials, including, but not limited to, paint, motor oil, and gasoline; all explosives, including, but not limited to, dynamite, ammunition, and fireworks; and noxious chemicals, including, but not limited to, common garden and insect sprays, is prohibited, unlawful, and shall be a criminal offense. This prohibition specifically includes motor oil and gasoline contained in any internal combustion engine or vehicle; any liquid or gas which is contained under pressure; and any of the potentially dangerous chemical compounds commonly associated with [maintenance](#) and repair activities.
- f. Maintenance.** The exterior of structures and grounds shall be maintained in a neat, clean, and orderly manner. At least one trash receptacle with an enclosure complying with Subsection [10-1-3.1.D](#), *Screening*, shall be provided for every 50 storage units. Such enclosures and containers shall be evenly distributed throughout the site in easily accessible and convenient locations.
- g. Signage.** Signage shall be in compliance with the provisions of Section [10-1-3.10](#), *Sign Standards*.
- h. Management.**
- 1. A full-time manager shall be employed on the premises who may live on-site provided a permanent residence meeting all the requirements for residential occupancy is located on the site.
 - 2. A copy of these regulations shall be conveniently displayed throughout the premises.
 - 3. It shall be the joint responsibility of the owner and manager to ensure that lessees comply with all applicable provisions of these regulations.

(Ord. [18](#), *Series of 2022*)

- A. Purpose.** A land use designated as a conditional use in a particular zoning district is one that may be allowed in the district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation. The purpose of this Section is to establish criteria to aid the review and approval of a Conditional Use Permit that provides for such special consideration.
- B. Applicability.** A Conditional Use Permit is required for the development of any use designated as a conditional use for the district proposed. Conditional uses are denoted in Table 10-1-1.3.1, *Land Use Matrix*, as "C".
- C. Standards.** A Conditional Use Permit may be approved only upon a finding that the conditional use:
1. Complies with all applicable zoning district, subdivision, design and performance standards;
 2. Complies with the limitations and restrictions set out in Section 10-1-1.4, *Land Use Standards*;
 3. Complies with all provisions of Section 10-7-3.2, *Environmental Performance Standards*;
 4. Is effectively oriented, configured, or designed to provide adequate screening and buffering to mitigate or minimize any adverse visual, auditory, or other sensory impacts on adjacent lands;
 5. Avoids significant deterioration of water and air resources;
 6. Provides safe ingress, egress, and traffic flow onto and through the lot by vehicles, bicycles, pedestrians, wheelchair users, and other alternative modes of transportation;
 7. Allows for the ability of neighboring lands to develop the uses permitted in the applicable district(s);
 8. Complies with all other applicable provisions of this Code; and
 9. Provides transportation and utility services necessary to accommodate the proposed development.

Subsec. 10-1-1.6.B Accessory Buildings

A. Purpose. The purpose of this Subsection is to permit [accessory buildings](#) that are subject to standards to ensure their appropriateness as to location, area, [height](#), [setbacks](#), and design.

B. Approval of Accessory Buildings. No permit for an accessory building shall be issued prior to issuance of a permit for construction of the principal building. Such permits may be issued concurrently.

1. Permit Required.

a. A [building permit](#) shall be required for the construction, erection, or set-up of any accessory building that is 120 square feet (floor area) or greater and/or exceeds eight feet in height measured from the grade to the peak, on any [lot](#).

b. A Zoning Certificate is required for all accessory buildings under 120 square feet and under eight feet in height. The height and setbacks shall be in compliance with the requirements of the applicable district.

~~2. [Plot Plan](#). Permit applications for the establishment of an accessory building shall include submittal of a sealed plot plan.~~

C. Standards that Apply to All [Accessory Buildings](#).

1. *Subordinate.* Accessory buildings shall be subordinate in scale to the principal building.

2. *Ownership.* An accessory building shall be under the same ownership as the principal building.

3. *Occupancy.* An accessory building shall not be used for household living in any residential district unless approved as an [accessory dwelling unit](#), as set out in Section [10-1-1.3](#), *Land Use Matrix*.

4. *Limitation on Commercial Use in Residential District.* No accessory building shall be used for the operation of any business, except as permitted by this Subsection.

5. Placement.

a. *Located on a Lot with a Principal Building.* An accessory building shall only be located on the same lot and behind the front façade of the principal building and use to which it is accessory.

b. *Setback Dependent on Distance from Principal Building.* An accessory building located within 5 feet of the principal building shall comply with the setbacks of the principal building to which it is accessory. Accessory buildings located 5 feet or more to the rear of the principal building may be placed five feet from an interior side or [rear lot line](#), or greater where existing easements exist.

c. *Setback on Corner Lot.* The corner side setback of an accessory building located on a corner lot shall be equal to the required side [yard](#) setback for the principal building. No accessory building on a corner lot that adjoins a residential lot to the rear shall be located within five feet of the rear property line.

d. *Setbacks Remain In Effect.* Except as set out in this Subsection, the minimum setback requirements of this Code shall also apply to accessory buildings.

6. *Height.* Unless approved as a conditional use or by a Site Plan or Master Development Plan, the maximum height of an accessory building shall be the lesser of 24 feet or the height of the principal building.

7. *Style and Finish.* The architecture and exterior finish of accessory buildings shall match or be as nearly consistent as possible with the principal building on the lot. In the case of a brick dwelling, the exterior finish of the accessory building may be brick or similar in color to the trim work or other siding materials of the dwelling.

8. *Permitted Uses.* Accessory buildings may be used as home [offices](#) or studio space, gardens or greenhouses, pool houses, storage sheds, and similar uses customarily [accessory](#) to a residential use provided all other applicable codes, standards, and regulations are met.

9. *Prohibited Buildings.* Manufactured homes, freight trailers, boxcars, trailers, shipping containers, [temporary structures](#), or any other [structure](#) or vehicle not originally fabricated for use as an accessory building shall be prohibited unless approved as a conditional use or by a Site Plan or Master Development Plan.

10. *Principal Building Built First.* In all residential districts, no garage, tent, trailer, or other accessory building shall be erected, nor any [accessory use](#) engaged, for habitation purposes prior to construction of the principal building.

11. *Size.*

a. *ACR, LLR, MLR, SLR, and MFR Districts.* The maximum floor area of all accessory buildings on any single lot shall not exceed the maximum required building coverage specified for the respective district.

b. *Open Space (OS) District.* The maximum floor area of all accessory buildings on a property zoned OS shall not exceed five percent of the property area unless approved by the [Director](#).

c. *All Other Districts.* The maximum floor area of all accessory buildings shall not exceed 10 percent of the lot or property area unless approved by a Conditional Use Permit.

12. In floodplains, other restrictions may apply, as set out in [Article 10-7-1, Floodplain Regulations](#), and [Article 10-7-2, Floodway Regulations](#).

D. Standards that Apply to Specific Accessory Buildings.

1. *Accessory Dwelling Units (ADUs).* Refer to Section [10-1-1.7, Accessory Dwelling Units \(ADUs\)](#).

2. *Residential Detached Garage.*

a. *Setback from Street.* The entrance opening of a residential garage that faces any street shall have a driveway length of at least 18 feet to park a minimum of one vehicle entirely on the property without encroaching into the public right-of-way.

b. *Setback from Alley.* Garages shall be set back a minimum of five feet from the alley.

c. *Access Width.* The maximum access width shall not exceed 10 feet for a one-car garage or 18 feet for a two-car garage per opening.

d. *Building Cover.* A garage is included in the maximum allowable building cover set out for each district; and

e. *Multiple Garages.* Multiple [private](#) garages serving multiple [dwelling units](#) may be attached but the number of garages shall not exceed the number of units, plus one.

(Ord. [18, Series of 2022](#))

Section 10-1-1.7 Accessory Dwelling Units (ADUs)

A. Purpose. The purpose of these standards for [Accessory Dwelling Units \(ADUs\)](#) is to minimize or [mitigate](#) any adverse effects of an ADU on [adjoining](#) and nearby [lots](#).

B. Approval of ADUs.

1. *Where Permitted.* ADUs are permitted in certain districts and locations as set out under [Residential Accessory Uses](#) in Table 10-1-1.3, *Land Use Matrix*.

~~a. Attached and Contained ADUs are permitted in the districts set out in the Land Use Matrix.~~

~~b. Detached ADUs are permitted:~~

~~1. In an MLR or SLR district where a lot adjoins and takes direct access to an alley, provided:~~

~~i. An existing single-story accessory building may be converted to an ADU;~~

~~ii. An existing single-story accessory building may be increased to two stories and converted to an ADU with approval of a Conditional Use Permit and; or~~

~~iii. A new accessory building may be constructed with approval of a Conditional Use Permit;~~

~~2. In an NC, CM, DNR, DTA or DMU district.~~

2. *Types of Administrative Approval.*

a. ADUs that are denoted as "AS", Approved with Standards, in the Land Use Matrix may be approved by the [Director](#), subject to the limitations, standards, and requirements of this Section and issuance of a building permit.

~~b. Conditional. ADUs that require a Conditional Use Permit are subject to the standards of this Section, together with Section 10-1-1.5, Conditional Use Standards, and the procedures in Section 10-9-5.1, Conditional Use Permit.~~

3. *Deed Restrictions.*

a. Prior to the issuance of a [building permit](#) for an ADU, the property owner shall file in the [office](#) of the County Clerk and Recorder a declaration of restrictions to the deed for the property where the ADU will be located. At a minimum, the restrictions shall state:

1. The ADU shall not be sold separately from the [principal](#) dwelling;

2. All restrictions run with the land and are binding upon any successor in ownership of the property.

b. It shall be unlawful for any property owner to fail to comply with the deed restrictions.

C. Standards Applicable to all ADUs.

1. *General Standards.* The standards that apply to all ADU types are as provided in Table 10-1-1.7.1, *General ADU Standards*.

Table 10-1-1.7.1 General ADU Standards			
Standard	Attached	Contained	Detached
Placement			
Located on same lot as the principal dwelling	Y	Y	Y
Located in the rear yard	--	--	Y
Requires the same side yard setbacks as the principal dwelling	Y	Y	Y
Front and side setbacks are the same for corner lots	Y	Y	Y
Table Notes: 1. A maximum of one ADU of any type is allowed per lot. 2. ADUs permitted in a DNR, DMU, DTA or CM district may be constructed to a height that is the lesser of the allowable height of the applicable district or a maximum of four feet above the height of the principal dwelling. 3. A two-story ADU is permitted only in a two-story accessory building existing on the effective date of this Code or if the principal dwelling has a height of two stories or more. 4. Maximum building coverage for the SLR and MLR districts is provided in Section 10-4-2.2 , <i>NB Lot and Building Standards</i> .			

**Table 10-1-1.7.1
General ADU Standards**

Standard	Attached	Contained	Detached
Minimum required setback for a corner lot when adjoining a residential lot to the rear	equal to the front yard setback of the rear adjoining lot		
Minimum distance from the principal dwelling	0'	0'	See Table 10-1-1.7.2
Primary Entrance			
Separate entrance from principal dwelling	Y	--	Y
Shared entrance with principal dwelling	--	Y	--
Number			
Number of ADUs permitted per individual lot ¹	1	1	1
Height and Area (maximum)			
One-story floor-to-ceiling height ²	18'	18'	See Table 10-1-1.7.2
Height of two-story ADU ³	30'	30'	
Gross floor area ⁴	up to maximum building coverage		
Percentage of the rear yard equal to allowable building coverage	Y	Y	
Parking - Refer to Subsection 10-1-3.7.A, Parking and Loading			
<p>Table Notes:</p> <ol style="list-style-type: none"> 1. A maximum of one ADU of any type is allowed per lot. 2. ADUs permitted in a DNR, DMU, DTA or CM district may be constructed to a height that is the lesser of the allowable height of the applicable district or a maximum of four feet above the height of the principal dwelling. 3. A two-story ADU is permitted only in a two-story accessory building existing on the effective date of this Code or if the principal dwelling has a height of two stories or more. 4. Maximum building coverage for the SLR and MLR districts is provided in Section 10-4-2.2, <i>NB Lot and Building Standards</i>. 			

2. **Code Compliance.** All ADUs shall comply with all applicable building, health, fire, and life safety codes.
3. **Land Development Impact and Sewer Tap Fees.** Each dwelling unit requires payment of the city's land development impact and sewer tap fees, per Ordinance 10-2021 and Ordinance 8-2009, respectively, as amended from time to time.
4. **Land Uses.** An ADU may be used in the same manner as a single-family dwelling.
5. **Architectural Standards.** All ADUs shall comply with the following architectural standards:
 - a. The ADU shall be architecturally consistent with the principal dwelling such that it complements the principal dwelling in the use of complementary color palettes and exterior finishes. The roof slope shall match that of the dominant roof slope of the principal dwelling, which is the slope shared by the largest portion of the roof.
 - b. ~~Reserved. Any garage door shall be removed from an accessory garage space that is converted to an ADU, and the opening shall be treated and finished to match the principal dwelling.~~
 - c. The ADU shall provide privacy mitigation measures including:
 1. The entrance and windows of the ADU shall face the interior of the lot and/or a public street to the extent practicable;
 2. An ADU located on or within six inches of the minimum required side setback shall provide year-round screening in the form of a wall, fence or a hedge with a minimum mature height of no less than six feet; and
 3. No rooftop decks or decks that are greater than two feet above the ground floor elevation of the existing dwelling shall be permitted.
6. **Parking.**
 - a. Refer to Subsection [10-1-3.7.A](#), *Parking and Loading*.
 - b. Covered or uncovered parking for an ADU may be in tandem with other required on-site parking.
 - c. No parking space is required for an ADU that is located within:

1. One-quarter mile of a public transit station;

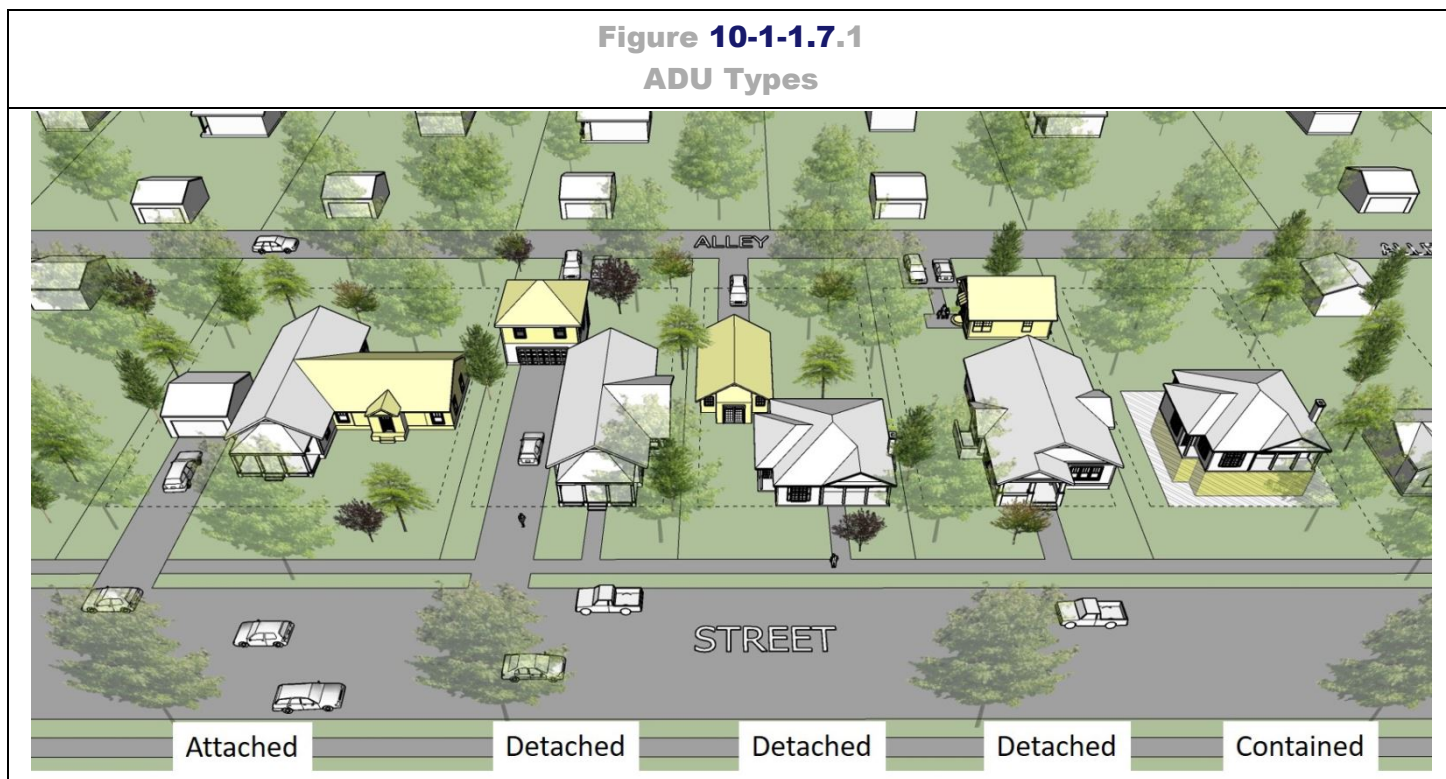
2. A historic district; or

3. A mixed-use development.

d. If required parking for the existing single-family dwelling is removed in conjunction with the construction of an ADU, the removed parking spaces shall be replaced with an equal number of on-lot parking spaces.

7. *Onsite Wastewater Treatment Systems (OWTS)*. The owner of a property for which the wastewater is handled by an OWTS shall provide a written letter from a qualified professional indicating proof of the capacity and performance of the OWTS to accommodate an ADU.

D. Standards Applicable to Certain ADUs. (See Figure 10-1-1.7.1, ADU Types)



a. Attached and Contained ADUs.

1. The principal dwelling unit shall not be altered in any way so as to appear from a public or private street to be multi-family housing. ~~Prohibited alterations include, but are not limited to, multiple accessways (except from an alley) or multiple mailboxes.~~

2. Access to the ADU shall be by means of an existing side or rear door, except where a new entrance is required by the Building Code. No new doorways or stairways to upper floors are permitted if they are attached to the side of a building facing a public or private street.

3. Water, sanitary sewer, and electrical utilities shall not may be separately provided to an attached or contained ADU.

b. Detached ADUs.

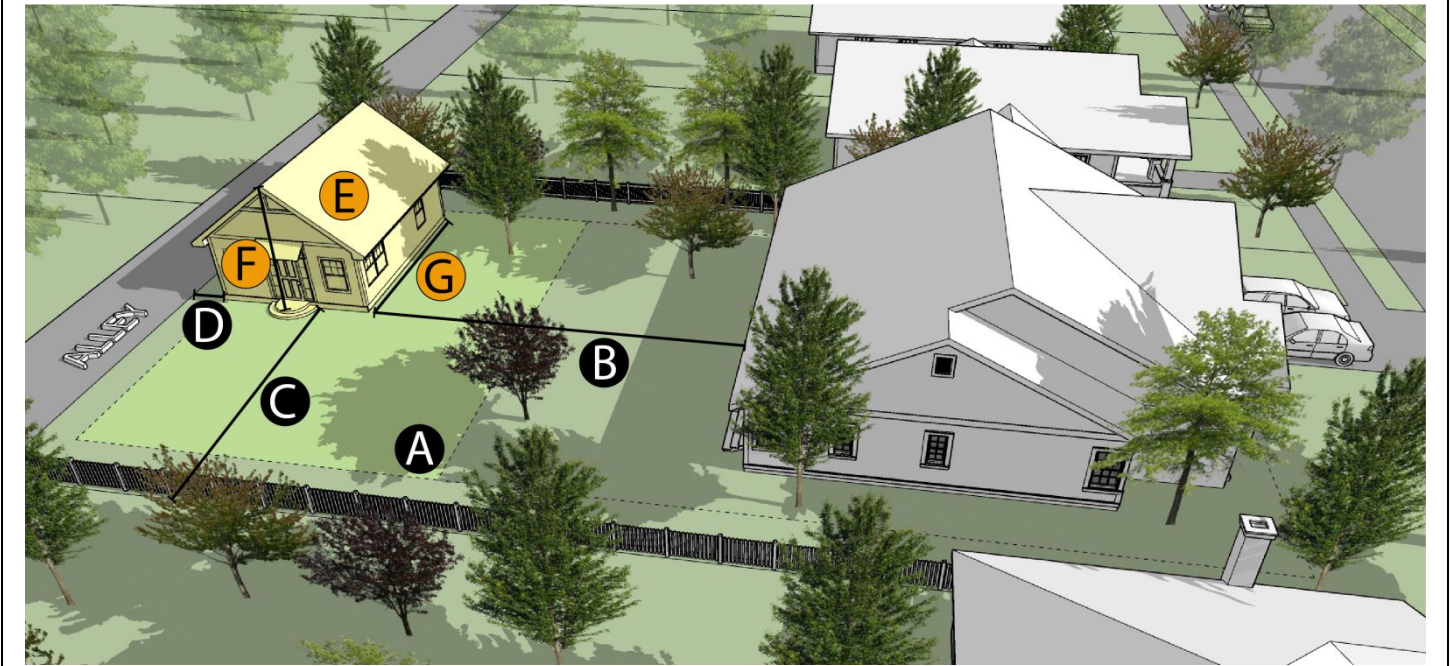
1. The ADU and principal dwelling shall have separate addresses. The address of the principal dwelling will remain the same and the ADU will be assigned a unit designation.

2. The ADU shall meet the building requirements established within Title 4 of the City Code, including adopted building codes, and may combine a dwelling with a garage, workshop, studio, or similar use.

3. A vehicular access shall not serve the ADU separate from that serving the principal dwelling unless the accessory dwelling is accessed from an alley and the principal dwelling is accessed from a street.
4. Detached ADUs shall adhere to the standards set out in Table 10-1-1.7.2, *Site and Building Standards for Detached ADUs*, and as illustrated in Figure 10-1-1.7.2, *Detached ADU Illustrated Standards*.

Table 10-1-1.7.2				
Site and Building Standards for Detached ADUs				
Symbol	Standard	DNR, DMU and DTA	Medium Lot Residential (MLR)	Small Lot Residential (SLR)
Setbacks¹				
A	Location	Direct access from an alley or local street	Equal to allowed building coverage -Direct access from an alley	
B ²	Distance from principal dwelling (min.)	5'	15'	12'
C	Interior / corner side <u>setbacks</u>	Same as district	Same as district	
D ³	Rear (min.)	5'	5'	5'
ADU Structure Standards (Maximum)				
E	<u>Gross floor area</u>	--	650 800 sf.	57 00 sf.
F ⁴	<u>Stories</u>	1.5	1.0	1.0
	<u>Height</u>	18'	18'	18'
G-	Length of any building wall	--	25'	25'
<p>Table Notes:</p> <ol style="list-style-type: none"> 1. If a setback of an existing <u>structure</u> to be converted to or used as an ADU is less than shown in this table, a record of survey shall be provided to the Director for proof of location, setbacks, footprint, and lot lines. 2. Distance is measured from the building walls of the principal and accessory dwelling. 3. Accessory buildings existing on the effective date of this Code are exempt from this requirement. 4. <u>Height is measured to the peak of the roof. In no case may an ADU exceed the height of the principal dwelling. A two-story ADU is permitted if the principal dwelling has a height of two stories or more.</u> 				

Figure 10-1-1.7.2
Detached ADU Illustrated Standards
(letters correspond to Table 10-1-1.7.2)



(There are no ordinances associated with this section.)

Section 10-1-1.8 Temporary Uses and Structures

- A. Purpose.** This Code allows for the establishment of certain [temporary uses](#) and [structures](#) for a limited duration, provided that such uses comply with the standards of this Section.
- B. Applicability.** A Temporary Use Permit is required for any temporary use or structure that may be allowed in each zoning district as listed in this Section.
- C. Review Procedures.** Applications for a Temporary Use Permit shall follow the general review procedures set forth in Section [10-9-5.5](#), *Temporary Use Permit*. Applications for a Temporary Use Permit may be initiated by the owner or lessee of the property for which a temporary use or structure is desired. A Temporary Use Permit may be extended or renewed by applying for a new Temporary Use Permit in accordance with the procedures and review criteria in this Section.
- D. Unlisted Temporary Uses.** Refer to Section [10-1-2.1](#), *Unlisted and Functionally Similar Uses*, for provisions related to the Director's interpretation of temporary uses that are not specifically addressed in this Section.
- E. Standards Applicable to All Temporary Uses and Structures.** All temporary uses and structures require a permit approved and issued by the Director.
1. *Location and Lot Requirements.*
 - a. Have legal access to the lot on which the use is to be conducted;
 - b. ~~Be conducted in areas designated by an approved Temporary Use Plan or Site Plan;~~
 - c. Where applicable, be set back at least five feet from public rights-of-way; and
 - d. Be set back at least five feet from a [lot](#) line.
 2. *Buildings and Structures.* Temporary buildings and structures shall comply with:
 - a. The [height](#) limits of the respective zoning district;
 - b. [Title 4, Building Regulations](#) of the City Code;
 - c. The standards established by South Metro Fire Rescue District; and
 - d. ~~The city's adopted Building Code, as amended.~~
 3. *Access, Circulation, and Parking.* All temporary uses and structures shall:
 - a. Have adequate sight distances for safe vehicular ingress and egress;
 - b. Take access to a street with adequate capacity for the anticipated volume of traffic;
 - c. Not obstruct vehicular circulation nor access by emergency service providers;
 - d. Provide safe circulation by:
 1. Maintaining access to permanent uses operating simultaneously to the temporary use;
 2. Providing directional signage; and
 3. Minimizing points of conflict between vehicles and pedestrians; and
 - e. Have sufficient on-site parking for the principal and temporary use.
 4. *Utilities.* Reasonable access shall be provided to drinking water and restroom services, as appropriate for the temporary structure's intended use and duration of use.
 5. *Outdoor Lighting.* All temporary uses and structures shall comply with the standards set out in Section [10-1-3.11](#), *Outdoor Lighting Standards*.
 6. *Public Convenience and Litter Control.* All temporary uses and structures shall provide:
 - a. Adequate public restroom facilities on-site as required by the [Director](#);
 - b. Adequate waste containers and a written guarantee stating that all litter will be removed during the event and after the event is over at no expense to the city; and
 - c. Public restrooms and waste containers that are screened from view of [adjacent](#) residential properties and public rights-of-way.
 7. *Performance Standards.* All temporary uses and structures shall conform with the standards found in Section [10-7-3.2](#), *Environmental Performance Standards*.

8. In floodplains, other restrictions may apply, as set out in Article ~~[Repealed]~~ 10-7-1, *Floodplain Regulations*, and Article ~~[Repealed]~~ 10-7-2, *Floodway Regulations*.

F. Temporary Use Table.

1. *Generally.* Table 10-1-1.8.1, *Permitted Temporary Uses, Frequencies, and Duration*, shows which temporary uses are permitted in which zoning districts and provides maximum frequency and duration of an allowed temporary use.
2. *Symbols.* The symbols in Table 10-1-1.8.1, below, shall have the following meanings:
 - a. "TP" means "Temporary Permitted Use" subject to the applicable requirements of this Section and approval of a Temporary Use Permit by the Director.
 - b. "TC" means "Temporary Conditional Use" subject to the applicable requirements of this Section and approval of a Conditional Use Permit in accordance with Section 10-9-5.1, *Conditional Use Permit*.
 - c. "--" means that the use is prohibited in the specified zoning district.
 - d. "Number / Number" in the Duration column means the maximum number of days permitted per event and the maximum number of events permitted on a single lot in a calendar year.

Table 10-1-1.8.1										
Permitted Temporary Uses, Frequencies, and Duration										
Temporary Use	Specific Standards ¹	Duration	Zoning District Groups							
			NB ²	CM	DNR	DMU	DTA	DMS	BC	IP
Garage/Yard/Estate Sale	H.5	3 / 3	TP	TP	TP	TP	--	--	--	--
Temporary <u>Retail Sales</u> or <u>Services</u>	H.2	3 / 3	TP	TP ³⁴	--	TP	TP	TP	--	--
Temporary Construction <u>Yard</u> or <u>Office</u>	H.3	Refer to H.3	--	TC	--	--	--	--	TC	TC
<u>Model Home</u> or <u>Temporary Structure</u> Used as a Sales Office	H.4	Refer to H.4	--	TP	--	--	--	--	--	--
<u>Circus</u> , <u>Carnival</u> , or Other Outdoor Exhibition	H.6	16 / 1	--	TC	--	--	TC	TC	TC	--
Portable Storage Unit	H.7	21 / 2	TP	TP	TP	TC	TC	--	TP	TP

Table Notes:
 1. The Specific Standards column refers to the standards within this Section.
 2. NB applies to the ACR, LLR, MLR, SLR and MFR districts.
 3. In a multi-tenant site, the maximum number of temporary retail sales or services per year is on a per-tenant basis.

H. Specific Temporary Use Standards.

1. *Noncommercial Concrete Batch Plant.* The facility shall be located within 1,000 feet of the construction site for which the concrete is to be used.
2. *Temporary Retail Sales or Services.*
 - a. Any temporary or portable structure used for such sales or services shall meet the applicable provisions of Title 4 of the City Code.
 - b. Customer parking shall be on an all-weather surface.
 - c. Temporary uses and associated activities shall not be conducted within the required minimum setback areas or within required landscape areas adjacent to public rights of way.
 - d. Storage areas and trash containers shall be screened from view from adjacent residential property and public rights-of-way.
3. *Temporary Construction Yard or Office.*
 - a. The facility shall be located within the development where the construction is to take place.

- b. Placement of the facility is limited to a period of time determined by an estimated project completion date with the option of an extension of up to one year if approved by the Director.
- c. All temporary buildings and trailers shall be completely removed from the lot within 30 days of issuance of a Certificate of Occupancy or completion of the construction project, whichever occurs first.

4. Model Home or Temporary Structure Used as Sales Office.

- a. The structure shall be a manufactured building designed for office use and inspected and approved by the Chief [Building Official](#).
- b. The office shall be located within the development where the sales are to take place.
- c. If multiple builders are involved in the development, one model home or temporary sales office may be permitted per builder. Each sales office shall be located on an individual lot.
- d. The Temporary Use Permit shall be valid until the project is completed or for a period of two years from the time of the recording of the most recent [Final Plat](#).
- e. A [building permit](#) for the model home may be issued once the streets to the [subdivision](#) have been constructed to sub-grade and water and fire hydrant service are located within 500 feet of the lot on which the model home is located. A certificate of occupancy shall not be issued until the subdivision phase and all public improvements have been accepted by the city, a Final Plat has been filed with the county, and all utilities are connected to the model home.
- f. In the NB District, the model home shall be constructed in such a manner that it can be converted, without structural changes, to a permitted residence. Such conversion shall occur no later than after the issuance of certificates of occupancy to 95 percent of the residential units in the subdivision or when use as a sales office or model home has ceased.

5. Garage/Yard/Estate Sale.

- a. No garage/yard/estate sale shall occur earlier than the sixth day following the conclusion of a prior garage/yard/estate sale on the same property.
- b. Garage/yard/estate sales are not intended and shall not allow businesses to be operated out of homes.
- c. Sale activity shall be limited to the hours of 8:00 a.m. to 5:00 p.m.
- d. Sale activity may not be conducted on the public sidewalks or in parkways, streets or alleys.

6. Circus, Carnival, or Other Outdoor Exhibition.

- a. Temporary structures (e.g., carnival rides and mega-inflatables) that are taller than the height allowed by the district in which it is proposed to be located are allowed, provided they are set back from all property lines a distance of two feet for every one foot in structure or inflatable height.
- b. The operator of the event shall obtain licensing as required under [Title 3, Building Regulations; Chapter 3, Special Events and Demonstrations](#), of the City Code.

7. Portable Storage Unit. The unit shall:

- a. Be on the same property as the use requiring the service of the unit.
- b. Not encroach into setbacks or sidewalks.
- c. Be located on an all-weather surface.
- d. Be removed upon project completion.

(Ord. [18, Series of 2022](#))

Section 10-1-2.2 Wireless Communications Facilities

A. Purpose. In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the [community](#), the City Council finds that these regulations are necessary to:

1. *Installation, [Maintenance](#), and [Removal](#).* Provide for the managed [development](#) and installation, maintenance, modification, and removal of wireless communications infrastructure in the city with the fewest number of wireless communications facilities (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. *Health, Safety, and Welfare.* Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to concealment and [camouflage design techniques](#) and undergrounding of WCFs and the equipment associated therewith, where appropriate;
3. *Smaller WCFs.* Encourage the deployment of smaller, less intrusive WCFs, where appropriate, to minimize visual clutter;
4. *Wall-Mounted.* Encourage the use of wall-mounted panel [antennas](#);
5. *Roof-Mounted.* Encourage roof-mounted antennas only when wall-mounted antennas will not provide adequate service or are not otherwise feasible;
6. *Location.* Encourage the location of [towers](#) in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community in areas where the adverse impact on the community is minimized;
7. *Collocation.* Encourage strongly the collocation of WCFs on new and existing [sites](#);
8. *Service Provision.* Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;
9. *Rights-of-Way.* Effectively manage WCFs in the public right-of-way; and
10. *Amateur Facilities.* Manage amateur radio facilities and over-the-air receiving devices in the city.

B. Use Table Reference. The use tables in each zoning district show the zoning districts where wireless communication facilities, which are in the [Major Utility](#) use category, are permitted.

C. Applicability. The requirements set forth in this Section shall apply to all WCF applications for [base stations](#), [alternative tower structures](#), alternative tower structures located within rights-of-way, and [towers](#) as defined in Section [10-12-2.1, Definitions](#).

D. Exceptions. The requirements set forth in this Section 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, provided that the requirement that the [height](#) is no more than the distance from the base of the antenna to the property line is met.
2. *Pre-Existing WCFs.* Any WCF for which a permit has been properly issued prior to June 6, 2017, shall not be required to meet the requirements of this Section, except that changes and [additions](#) to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of Subsection K, *Design Standards*. Notwithstanding the foregoing, any modifications qualifying as an [Eligible Facilities Request](#) shall be evaluated under Subsection M.5, *Review Procedures For Eligible Facilities Requests (EFRs)*, below.
3. *Miscellaneous Antennas.* Antennas used for reception of television, multichannel video programming, and radio such as [OTARD antennas](#), television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to [accessory uses](#) contained in this Section and the requirement that the height is no more than the distance from the base to the property line are met. The [Director](#) has the authority to approve modifications to the height restriction related to OTARD

antennas and OTARD antenna [structures](#) if, in the discretion of the city, modifications are necessary to comply with federal law.

E. Federal Requirements. All WCFs shall meet the current standards and regulations of the FAA, the 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 Section 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.

F. Radio Frequency Standards. All WCFs shall comply with Federal standards for radio frequency emissions. The applicant shall provide written documentation from a qualified radio frequency engineer, which may be included in the Signal Interference Letter described below, certifying that the proposed WCF, when operational, will be in compliance with Federal radio frequency emissions standards. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the city, the city may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the discretion of the city, that the WCF may not be in compliance, the city may request the owner or operator of the WCF to submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established Federal standards. If, upon review, the city finds that the facility does not meet Federal standards, the city may require corrective action within 30 days or a period of time agreed to between the city and the WCF operator. If noncompliance is not corrected, the WCF may be removed pursuant to Subsection I, *Operation and Maintenance*, below. Any costs incurred by the city, including consulting costs to verify compliance with these requirements, shall be paid by the applicant.

G. Signal Interference. All WCFs shall be designed and sited, consistent with applicable Federal regulations, so as not to cause interference with the normal operation of radio, television, telephone and other communication services utilized by [adjacent](#) residential and non-residential properties; nor shall any such facilities interfere with any public safety communications. The applicant shall provide a written statement ("Signal Interference Letter") from a qualified radio frequency engineer, certifying that a technical evaluation of existing and proposed facilities indicates no potential interference problems and shall allow the city to monitor interference levels with public safety communications during this process. Additionally, the applicant shall notify the city at least 10 calendar days prior to the introduction of new service or changes in existing service, and shall allow the city to monitor interference levels with public safety communications during the applicant's testing process.

H. Legal Access. In all applications for WCFs, an applicant must warrant and represent that it has the written agreement of the owner of the property which is the subject of the application for legal access to and from the WCF and the applicant must also warrant and represent that it will have legal access to the [utilities](#) to operate and maintain the WCF.

I. Operation And 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 local building and safety codes. If upon inspection the city concludes 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 city's Chief Building Official 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 city may remove such WCF at the owner's expense.

J. Abandonment And Removal. If a WCF has not been in use for a period of three months, the owner of the WCF shall notify the city of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is not operated for a continuous period of six months shall be considered abandoned. 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.

K. Design Standards. The requirements set forth in this Subsection shall apply to the location and design of all WCFs governed by this Section; provided, however, that the applicable review body in [Chapter 9, Administration](#), may waive these requirements if it determines that the goals of this Section are better served by the [waiver](#). To that end, WCFs shall be 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.

1. Camouflage/Concealment. All WCFs and any [Related Accessory Equipment](#) shall, to the extent possible, use Concealment Design Techniques and where not possible utilize Camouflage Design Techniques. Camouflage Design Techniques include, but are not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF into 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 the same parcel and adjacent parcels.

a. Where WCFs are located in areas of high public visibility, they shall, where physically possible, be designed to be concealed, and where not possible to be concealed, camouflaged to minimize their WCF profile through placement of equipment fully or partially underground, or by way of example and not limitation, located behind landscape [berms](#).

b. Concealment 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).

c. A concealment design may include the use of Alternative Tower Structures should the Director determine that such design meets the intent of this Code and the community is better served thereby.

d. 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).

2. 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.

3. Siting.

a. *Property Lines.* No portion of any WCF may extend beyond the property line.

b. *Collocation.* WCFs shall 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. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or location.

c. *Parking.* WCFs shall be sited in a location that does not reduce the parking for the other principal uses on the parcel below Code standards.

4. 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. 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.

5. [Landscaping And Fencing Requirements.](#)

a. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel.

b. WCFs shall be landscaped with a Type B bufferyard as established in Subsection [10-1-3.6.F Bufferyard Requirements](#), where the property is adjacent to residential properties.

c. In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the Director.

- d. 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.
 - e. No trees larger than four inches in diameter measured at four and one-half feet high on the tree 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 two to one.
6. *Noise*. Noise generated in the development shall not exceed the levels permitted in this Code, except that a WCF owner or operator shall be permitted to exceed City Code noise standards for a period of time during repairs, not to exceed two hours without prior authorization from the city.
7. *Specific Design Requirements*. Additional design requirements shall be applicable to the various types of WCFs as specified below:
- a. Base Stations. Base stations shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
 - b. The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six feet;
 - c. Wall-mounted WCFs shall not extend above the roofline;
 - d. Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall-mounted WCF is inadequate to provide service and shall be evaluated for approval based upon the following criteria:
 - 1. Roof-mounted antennas shall extend no more than 10 feet above the parapet of any flat roof or ridge of a sloped roof or penthouse to which they are attached;
 - 2. Other roof-mounted related accessory equipment shall extend no more than 10 feet above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof;
 - e. If antennas are installed on base stations (including, but not limited to the antennas and related accessory equipment), such antennas 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 and related facilities as visually unobtrusive as possible, including for example, without limitation, painting the antennas and equipment to match the structure.
 - f. *Alternative Tower Structures (ATS) and Small Cell Facilities on Private Property*.
 - 1. Alternative tower structures shall be designed and constructed to look like a building, facility, or structure typically found in the area in order that the WCF is concealed;
 - 2. Height or size of the proposed ATS or Small Cell Facility should be minimized as much as possible and shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 35';
 - 3. ATS shall be sited in a manner that is least obtrusive to residential structures and residential district boundaries;
 - 4. ATS and Small Cell Facilities shall be compatible with the surrounding topography, tree coverage, and foliage;
 - 5. ATS and Small Cell Facilities shall be designed utilizing design characteristics that have the effect of concealing where technically feasible and generally reducing or eliminating visual obtrusiveness; and
 - 6. Visual impacts of the proposed ingress and egress shall be minimized.
 - g. *Alternative Tower Structures and Small Cell Facilities located in the Right-of-Way*.
 - 1. No ATS pole shall be higher than 35 feet;
 - 2. No ATS shall be more than 10 feet higher (as measured from the ground to the top of the structure) than any existing utility or light pole or traffic signal within 500 feet of the ATS, and

shall not exceed a maximum height of 40 feet;

3. Any new pole for ATS or Small Cell Facilities shall be separated from any other existing stand-alone Small Cell Facility by a distance of at least 600 feet, unless the new pole replaces an existing traffic signal, street light pole, or similar structure determined by the Director;
4. With respect to its pole-mounted components, Small Cell Facilities shall be located on an existing utility pole serving another utility, or be located on a new utility pole where other utility distribution lines are aerial, if there are no viable alternatives;
5. ATS must be concealed consistent with other existing natural or manmade features in the right-of-way near the location where the ATS will be located; and
6. When placed near a residential property, the facility must be placed in front of the common [side yard](#) property line between [adjoining](#) residential properties. In the case of a corner lot, the facility must be placed in front of the common side yard property line adjoining residential properties, or on the corner formed by two intersecting streets.

h. *Small Cell Facilities.* Small Cell Facilities shall:

1. Be designed such that antenna installations on traffic signals are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;
2. Be designed such that all antennas, mast arms, equipment, and other facilities are sized to minimize visual clutter, and where possible, concealed within the structure;
3. Require that any ground-mounted equipment be located in a manner necessary to address both public safety and aesthetic concerns, and may require a flush-to-ground equipment vault;
4. 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;
5. Comply with the Americans With Disabilities Act (ADA) and all applicable local, state, and federal laws and regulations; and
6. Not be located or maintained in a manner that causes unreasonable interference, which 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.

i. *Towers.*

1. Towers shall be a conditional use subject to the requirements of Sec. [10-9-5.14-1.5](#), *Conditional Use Standards*;
2. 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;
3. Tower structures shall use existing land forms, vegetation, and structures to aid in concealing the facility from view or blending in with the surrounding built and natural environment;
4. [Monopole](#) support structures shall taper from the base to the tip;
5. All towers shall be enclosed by security fencing or wall at least six feet in height and shall also be equipped with an anti-climbing device;
6. Towers shall be subject to the maximum height restrictions of the zoning district in which they are located, subject to a maximum height limit of 125 feet;
7. Towers shall be sited in a manner that is least obtrusive to residential uses and districts where applicable;
8. Towers shall take into consideration the uses on adjacent and nearby properties and the compatibility of the tower to these uses;

9. Towers shall be designed utilizing design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 10. Visual impacts of the proposed ingress and egress shall be minimized; and
 11. No tower shall be permitted in the right-of-way.
- j. *Related Accessory Equipment.* Accessory equipment for all WCFs shall meet the following requirements:
1. All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;
 2. The total footprint coverage area of the WCF's accessory equipment shall not exceed 350 square feet;
 3. No related accessory equipment or [accessory structure](#) shall exceed 12 feet in height;
 4. Related accessory equipment, including but not limited to remote radio units, shall be concealed whenever possible by locating behind parapet walls or within equipment enclosures. Where such concealment is not available, the accessory equipment shall be camouflaged to the maximum extent possible.

L. Standards for Approval.

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 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. Notwithstanding the approval of an application for collocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in this Code and any other applicable regulations.
2. No WCF, including Related Accessory Equipment, shall be approved unless it meets the following criteria:
 - a. Visual impacts are minimized and view corridors are protected to the greatest extent feasible;
 - b. Unless a Tower site, or otherwise waived pursuant to this Section, the WCF utilizes concealment design techniques to avoid adverse impacts on the surrounding area, by ensuring that the facility looks like something other than a Tower or Base Station;
 - c. The WCF meets the applicable design standards for the type of WCF in accordance with this Section; and
 - d. The WCF is and will be operated at all times in accordance with the Operational Standards of this Section.
 1. *Conditional Use Approval for Towers.* The city shall consider the following factors in determining whether to issue a Conditional Use Permit, although the city may waive or reduce the burden on the applicant of one or more of these criteria if the city concludes that the goals of this Code are better served thereby:
 - i. Height or size of the proposed tower;
 - ii. Proximity of the tower to residential structures and residential district boundaries;
 - iii. Nature of uses on adjacent and nearby properties;
 - iv. Compatibility with the surrounding topography;
 - v. Compatibility with the surrounding tree coverage and foliage;
 - vi. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and
 - vii. Proposed ingress and egress.
 - viii. No new towers shall be permitted unless the applicant demonstrates to the 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:

- A. No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
- B. Existing WCFs do not have sufficient structural strength to support the applicant's proposed WCF;
- C. The applicant's proposed WCFs would cause electromagnetic interference with the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and
- D. The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.

ix. **Setbacks and Separation.** The following minimum setbacks and separation requirements shall apply to all WCFs for which a Conditional Use Permit is required; 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 other measures that protect the public health and safety, view corridors, or minimize adverse impacts. A tower shall meet the greater of the following minimum setbacks from all property lines:

- A. The setback for a principal building within the applicable zoning district;
- B. 25 percent of the facility height, including WCFs and related accessory equipment;
- C. The tower height, including antennas, if the tower is in or adjacent to a residential district; and
- D. Towers over 90 feet in height shall not be located within one-quarter mile from any existing tower 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.

M. Review Procedures and Requirements. No new 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 except Eligible Facilities Requests which are reviewed under Subsection 5, below, shall be reviewed pursuant to the following procedures.

1. **Submittal Requirements.** Each applicant for a WCF shall submit:

- a. An application form;
- b. A Signal Interference Letter;
- c. Certification of compliance with radio frequency emissions standards required per this Section;
- d. Submittal fee;
- e. A scaled Site Plan, photo simulation, scaled elevation view, and/or other supporting documents that show the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, and drainage, signed and sealed by qualified professionals; and
- f. Any other information deemed necessary by the Director to assess compliance with this Section.

2. **Inventory of Existing Sites.**

- a. Each applicant for a WCF shall provide to the Director a narrative and map description of the applicant's existing or then currently proposed WCFs within the city, and outside of the city within one mile of its boundaries. In addition, the applicant shall inform the city generally of the areas of the city in which it believes WCFs may need to be located within the next three years. The inventory list should identify the site name, site address, and a general description of the facility (i.e., rooftop antennas and ground-mounted equipment). This provision is not intended to be a requirement that the applicant submits its business plan, proprietary information, or make commitments regarding locations of WCFs within the city. Rather, it is an attempt to provide a

mechanism for the city and all applicants for WCFs to share general information, assist in the city's comprehensive planning process, and promote collocation by identifying areas in which WCFs might be constructed for multiple users.

- b. The Director may share such information with other applicants applying for administrative approvals or Conditional Use Permits or other organizations seeking to locate WCFs within the jurisdiction of the city, provided however, that the city is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.
3. *Application Review.* In all zoning districts, applications for base stations, alternative tower structures, and alternative tower structures within rights-of-way, shall be reviewed by the Director for conformance to this Section and Code using the Site Plan review procedures set out in Section [10-9-5.4](#), *Site Plan*. Except for WCFs in the rights-of-way that otherwise meet all requirements of this Code or Eligible Facilities Requests, the Director may refer the application to the Council for approval, after a recommendation by the [Planning Commission](#), if the Director finds the proposed WCF to have a significant visual impact (e.g., proximity to historic or designated view corridors, or on significant community features) or otherwise is substantially incompatible with the structure on which the WCF will be installed, or it does not meet the clear intent of this Section.
 4. *Applications for Towers.* In all zoning districts, towers may be permitted only as a conditional use. Such towers shall be reviewed for conformance to this Section and Code using the conditional use review procedures set out in Section [10-9-5.1](#), *Conditional Use Permit*. All applications for towers shall demonstrate that other alternative design options, such as base stations or alternative tower structures, are not viable options.
 5. *Review Procedures for Eligible Facilities Requests (EFR).*
 - a. *Application:* In all zoning districts, EFRs shall be considered a use by right subject to administrative review. The city shall prepare and, from time to time, revise and make publicly available, an application form which shall be limited to the information necessary for the city to consider whether an application is an EFR. 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, whether the project:
 1. Would result in a [substantial change](#);
 2. Violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.
 - b. *Type of Review:* Upon receipt of an application for an EFR pursuant to this Section, the Director shall review such application to determine whether the application so qualifies.
 - c. *Timeframe for Review:* Subject to the tolling provisions of Subsection (M)5(d) of this Section, within sixty (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 Subsection.
 - d. *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 city and the applicant, or in cases where the Director determines that the application is incomplete:
 1. To toll the timeframe for incompleteness, the city 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;
 2. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the city's notice of incompleteness; and
 3. Following a supplemental submission, the city 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 Subsection (A)5(d)(1) of this Section. In the

case of a second or subsequent notice of incompleteness, the city may not specify missing information or documents that were not delineated in the original notice of incompleteness.

- e. EFRs Subject to Laws of General Applicability. Notwithstanding an application's qualification as an EFR, all EFRs shall comply with generally applicable building, structural, electrical, and safety codes and with other laws codifying objective standards related to health and safety.
 - f. Failure to Act: In the event that the city fails to act on a request seeking approval for an EFR under this Subsection within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
 - g. Interaction with Telecommunications Act Section 332(C)(7): If the city determines that the applicant's request is not an EFR as delineated in this Subsection, 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) review. The city shall identify the need for any such additional information together with the notice that the request is not an EFR, and if such additional information is requested, the time frame under Section 332(C)(7) will begin to run beginning on the date that such additional information is received by the city.
6. *Abandonment and Removal.* Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six months.
7. *Decision.* Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.
8. *Compliance with Applicable Law.* Notwithstanding the approval of an application for new WCFs or collocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building structural, electrical, and safety requirements as set forth in this Code and any other applicable laws or regulations. In addition, all WCF applications shall comply with the following:
- a. Comply with any permit or license issued by a federal, state, or local agency with jurisdiction of the WCF;
 - b. Comply with easements, covenants, conditions, and/or restrictions on or applicable to the underlying real property;
 - c. Be maintained in good working condition and to the standards established at the time of application approval; and
 - d. Remain 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 10 calendar days from the time of notification by the city 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 other city-owned 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.
9. *Compliance Report.* Upon request by the city, the applicant shall provide a 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.

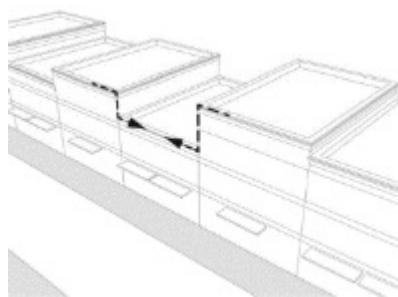
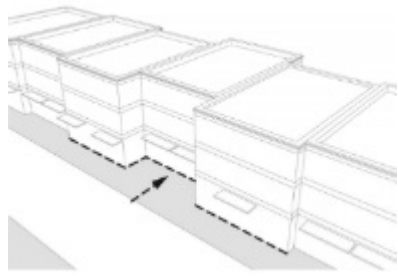
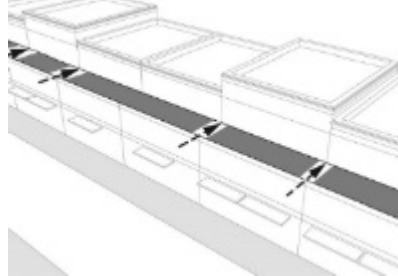
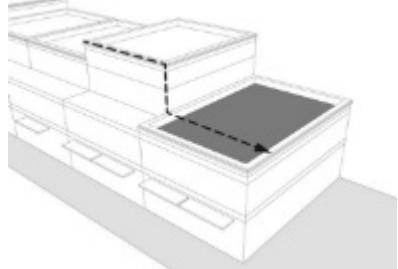
Subsec. 10-1-3.1.B Varied Massing

A. Generally. Varied massing may be used to reduce the perceived scale of a building and to create an interesting building form. For example, in the DNR, DTR, DMU and DMS districts, stepping down the mass of a building adjacent to a pedestrian way or sensitive edge shall be used to provide a smooth transition.

B. Applicability. The standards in this Subsection are required at the time of submission of a Site Plan or Master Development Plan (Detailed).:-

1. ~~Required as set out in Section 10-2-3.2, DT Standards of Design; and~~
2. ~~As approved by a Site Plan or Master Development Plan in:~~
 - a. ~~Section 10-3-3.2, CMU Standards of Design; and~~
 - b. ~~Section 10-5-3.2, BI Standards of Design.~~

**Table 10-1-3.1.B
Varied Massing Techniques**

Table 10-1-3.1.B Varied Massing Techniques		
Height Variation		
<p>Vertical variation is a change in the <u>height</u> of at least one floor for a portion of the building.</p>		<ul style="list-style-type: none"> ■ A change in height shall count as a massing variation technique in the DMS, DTA and DMU districts when it extends back a minimum of 50% of the depth of the building. ■ In the CM and NC districts, the change in height shall extend a minimum of 10% of the depth of the building, and in no case greater than a one-story height variation.
Increased Setbacks		
<p>A substantial offset in wall planes that extends the full height of the building and expresses a building module.</p>		<p>In the DMS, DTA, and DMU districts:</p> <ul style="list-style-type: none"> ■ Minimum offset: 10 feet ■ Minimum width: 25 feet <p>In the CM and BC districts:</p> <ul style="list-style-type: none"> ■ Minimum offset: 4 feet ■ Minimum width: 8 feet
Upper Level Front Stepback		
<p>An upper-level stepback adds visual interest and reduces the mass of a larger building.</p>		<ul style="list-style-type: none"> ■ In the DMS, DTA, and DMU districts: Minimum stepback of 15 feet
Upper Level Side Stepback		
<p>A side stepback occurs at the end of a building and is effective in providing a transition to a <u>sensitive edge</u> and to public walkways.</p>		<ul style="list-style-type: none"> ■ A change in height at the end of a building shall count as a massing variation technique in the DMS, DTA, and DMU districts when the stepback extends a minimum of 50% of the total building length (measured from end-to-end).

Subsec. 10-1-3.1.D Screening

A. Generally. Refuse containers, loading docks, open storage areas, and utility boxes/equipment shall be screened or blocked from public view.

B. ~~Reserved. Security & Privacy.~~ ~~Screening, walls, and fencing shall serve to provide security and privacy for private and common open spaces not open to the general public.~~

C. General Standards.

1. *Building-Mounted Equipment.* Mechanical equipment that is mounted on a building wall within public view shall be enclosed, screened by opaque fencing and landscaping, or painted to match the building façade.

2. *Ground Equipment Screening.* Mechanical equipment and meters shall be screened from public view by building wall extensions, opaque fencing, a structural enclosure, or landscaping. Hedges and screen walls that are used to screen mechanical systems shall be maintained at a height that is at least one foot higher than the equipment. Wall extensions, opaque fencing, and structural enclosures shall use materials and colors that match or are consistent with the design and materials of the principal building.

3. *Loading and Open Storage Areas.*

i. Loading docks and open storage areas shall be screened from public sidewalks, streets, adjacent properties, alleys, and other areas from which the property is visible. Screening for such areas shall be opaque and provided by means of walls or solid fences. Landscape screening is allowed but not in place of walls or fences.

ii. Screening enclosures for service areas shall utilize the same materials and colors as the principal building to the greatest degree practicable.

iii. All trash and recycling containers shall be covered with a tight-fitting solid lid.

4. *Utility Boxes.* All utility boxes, which include electric transformers, switch gearboxes, cable television boxes, telephone pedestals, and boxes, shall be screened by landscaping on the sides visible from the public rights-of-way and shall be located outside of the sight triangle.

5. *Front Yard Fencing.* If front yard fencing is provided, it shall be no taller than four feet, ~~or if contiguous with parking lot fencing, it shall be at the same height as such fencing or walls.~~ In special cases, such as with historic homes or landmarks, painted or stained wood pickets may be permitted, as determined by the Historic Preservation Board. Plastic, chain link, or solid board fencing is prohibited.

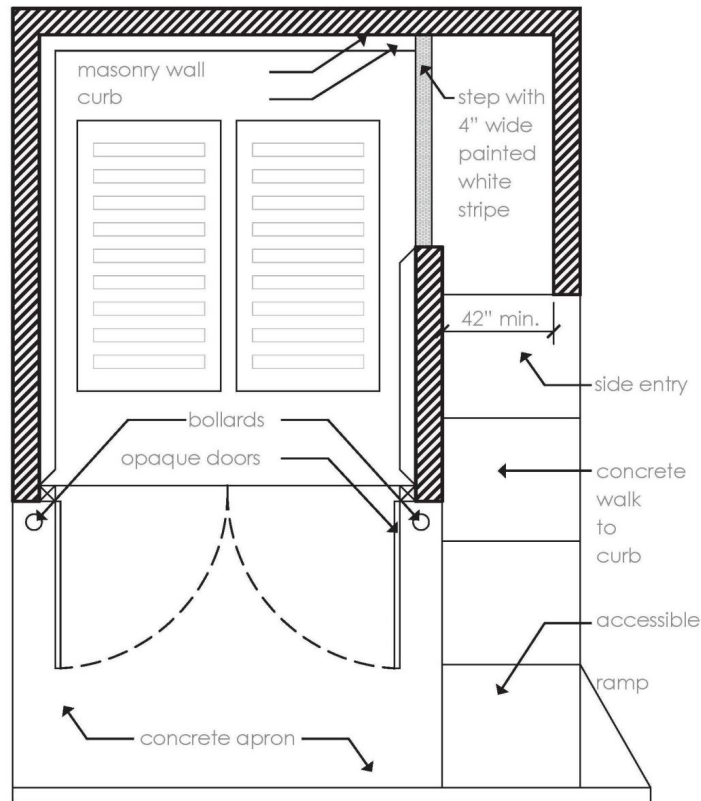
D. Downtown District Standards.

1. *Downtown Transition Area (DTA).* Metal, masonry, or specially-treated architectural precast concrete shall be used for screen walls or railings. Standard chain-link materials are prohibited.

2. *Downtown Main Street (DMS), Downtown Transition Area (DTA), and Downtown Mixed-Use (DMU).* Typical vertical board or palisade fences are prohibited within the front setback.

E. Trash Enclosures. As shown by Figure 10-1-3.1.D.1, *Trash Enclosure Detail*, all private outdoor trash and recycling receptacles, dumpsters, and grease collection containers shall be screened on all sides by a permanent enclosure, with gated pedestrian entry and opaque gates for truck access. The enclosure shall be constructed of permanent materials such as textured block, split-faced concrete block, brick or stone, or wood or composite material fencing. The colors and materials shall match or be as similar as possible to the dominant architectural materials of the principal building. The enclosure shall be located to the extent practicable out of public view and constructed to visibly screen the views from the adjoining properties. Landscaping may be included around the enclosure to soften its impact.

Figure 10-1-3.1.D.1
Trash Enclosure Detail

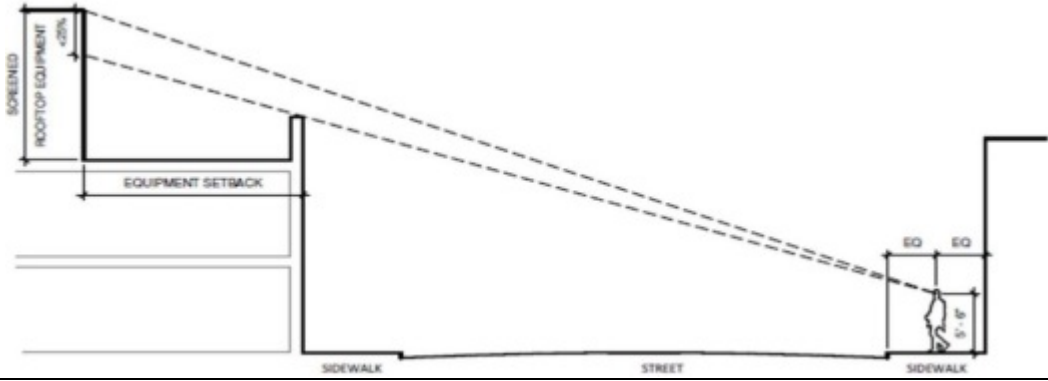


F. Shopping Cart Corrals. Shopping cart corrals may be designated for the temporary collection of shopping carts. Shopping cart corrals shall be made of durable, high-quality materials. Corrals consisting of decorative walls or fenced enclosures and/or landscaped islands are preferred. The location and details for all shopping cart corral areas shall be provided on the Site Plan or [Master Development Plan](#).

G. Rooftop Equipment.

- 1. Generally.** Satellite dishes, rooftop equipment, [antennas](#), air conditioning, evaporative cooling units, and all other utility equipment and rooftop appurtenances in the NC, CM, BC and IP districts shall be fully screened from view of adjacent properties, including views from public rights-of-way, as depicted in Figure 10-1-3.1.D.2, [Rooftop Equipment Screening](#). Rooftop screening may be adjusted for differences in [elevations](#) as determined by the [Director](#).
- 2. Equipment Stepback.** Screened rooftop equipment and mechanical penthouses shall be set back from the front façade at least one foot for every one foot in height of the screened equipment or penthouse.
- 3. Screening Height.** Mechanical equipment screening shall be at least six inches higher than all portions of the equipment to be screened except an occasional flue or vent. Unscreened flues or vents, including horizontal venting, shall be finished so that they are inconspicuous against adjacent materials.
- 4. Screening Material.** Screening material shall be opaque and be consistent in color and texture with the building.
- 5. Flat Roofs.** The exterior materials of mechanical screening devices on buildings with flat roofs shall be as approved by a Site Plan or Master Development Plan.

Figure 10-1-3.1.D.2
Rooftop Equipment Screening



Section 10-1-3.3 ~~Adaptive Reuse~~Reserved

A. Purpose. This Section provides for a transition in the use of properties and buildings that have become functionally obsolete for their original purpose and for which redevelopment or conversion would be unnecessarily burdensome. The purpose of this Section is to establish qualifying criteria necessary to provide for the adaptive reuse of properties within the city to support the local economy and employment base without adversely affecting the public health, safety, and welfare of the city.

B. Qualifying Criteria:

1. The Director shall have the authority to approve the adaptive reuse of non-residential buildings and uses. In qualifying a lot for adaptive reuse, the Director shall find the following conditions to exist:
 - a. The subject lot is zoned consistent with the policies of the adopted Comprehensive Plan;
 - b. Adaptive reuse will resolve or reduce the extent of existing nonconformities, as set out in Chapter 10, Nonconformities;
 - c. The use has functional and operational constraints, such as limited lot area, floor area deficiencies, parking or loading area, etc.; and
 - d. Redevelopment of the subject lot would be unnecessarily burdensome by reason of compliance with this Code (restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot) or cost.
2. The Director shall not grant adaptive reuse status to any property whose principal structure is found to be destroyed by any means to the extent of more than 50 percent of its replacement cost, which shall be determined by the Chief Building Official on the basis of a cost per square foot of comparable structures using indices based upon the local construction market. Any subsequent use of such land shall conform to the regulations of the zoning district in which it is located.

C. Reuse Incentives. As an incentive for adaptive reuse, projects that meet the qualifying criteria are entitled to the incentives set out in Table 10-1-3.3, Adaptive Reuse Incentives. The table indicates whether the incentives apply to the existing or new floor area of a building or structure:

Table 10-1-3.3
Adaptive Reuse Incentives

Incentive	Existing Floor Area	New Floor Area
Dimensional Standards – Existing floor area, <u>setback</u> encroachments, yards, or heights that do not comply with the standards permitted in the zoning district are permitted.	✓	
Floor Area Ratio – Residential floor area that does not exceed more than 33 percent of the floor area of the ground floor is not considered new floor area for purposes of calculating a floor area ratio. Mezzanines are not included in the calculation of floor area for the purpose of determining compliance with this standard, so long as it does not add a new <u>dwelling unit</u> .	✓	✓
Density – Dwelling units are not subject to the minimum lot area requirements of the zoning district.	✓	
Off-Street Parking – The required number of parking spaces shall be the lesser of the number of spaces that exist on the lot or the maximum number of spaces required by Subsection 10-1-3.7.A, <u>Parking and Loading</u> . The number of spaces shall be maintained and not reduced. Adaptive reuse projects are otherwise exempt from the parking standards of this Code.	✓	
Site Plan Review – Adaptive reuse projects of less than 3,000 sf. GFA are exempt from the requirements for Site Plan Review.	✓	
Loading Space – If no loading spaces exist, then a loading space is not required in conjunction with the <u>development</u> of an adaptive reuse project. Where an existing loading space is provided, the requirements of Subsection 10-1-3.7.A, <u>Parking and Loading</u> , apply.	✓	

D. Development Standards:

1. *Modifications.* For proposals meeting the criteria of this Section, the applicable development standards may be modified by the Director upon finding adequate evidence that the proposed use:

- a. Will be compatibly designed, constructed, and maintained with the existing and intended character of the vicinity;
- b. Will not be hazardous or disturbing to existing or future neighboring uses;
- c. Will be served adequately by essential public services and facilities; and
- d. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odor.

2. *Safeguards.* The Director may require such additional safeguards as deemed necessary for the protection of the general welfare and for ensuring individual property rights and that the intent and objectives of this Code will be observed.

E. Approval. In considering an application for an adaptive reuse project, the Director shall make determinations based upon a demonstration of conformance with the qualifying criteria and development standards set out above, together with the following:

1. *Conformance with Design Concept.* The overall design and all uses proposed in connection with an adaptive reuse project shall be consistent with and promote the intent of this Section.

2. *Recognizable Benefits.* The adaptive reuse project will result in recognizable and substantial benefits to the users of the project and to the community where such benefits would otherwise be unfeasible or unlikely to be achieved.

3. *Compatibility.* The proposed adaptive reuse project shall be designed with due regard to its relationship with development on surrounding properties, including building heights, setbacks, density, parking, circulation, landscaping, views, and other layout features. In particular, consideration shall be given to the following:

- a. The bulk, placement, architecture, and types of materials used in the construction of proposed structures;
- b. The location and screening of vehicular circulation and parking areas in relation to surrounding development;
- c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development; and
- d. Common open space, landscaping, and other lot amenities.

4. *Impact of Traffic.* The adaptive reuse project shall be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration shall be given to the following:

- a. Estimated traffic to be generated by the proposed development;
- b. Access to commercial corridors;
- c. Proximity and relation to intersections;
- d. Location of and access to off-street parking;
- e. Required vehicular turning movements;
- f. Provisions for pedestrian and bicycle traffic and public transit; and
- g. Access to loading and unloading areas.

5. *Public Services.* The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities including water and wastewater services, public roads, fire and police protection, and schools. The proposal shall not place an undue burden upon the subject or surrounding land or property owners and occupants or the natural environment.

6. *Consistency with the Comprehensive Plan.* The adaptive reuse project shall be consistent with the policies of the adopted Comprehensive Plan and with the spirit and intent of this Code.

7. *Economic Impact.* The adaptive reuse project shall result in a net positive economic impact upon surrounding properties.

- ~~8. *Compliance with Applicable Regulations.* The adaptive reuse project shall be in compliance with all applicable federal, state, county, and local laws and regulations.~~
- ~~9. *Phasing.* Where an adaptive reuse project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and [open space](#); and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the adaptive reuse project and the occupants of the surrounding area.~~

Section 10-1-3.4 Sustainable Building Design

MFR NC CM BC IP SUSTAINABILITY - SS DESIGN - D SUBDIVISION - SU SITE DEVELOPMENT - SD

- A. Purpose.** The standards in this Section are established to encourage conservation of natural resources, increased energy efficiency, and use of sustainable practices in the [development](#) process. To encourage responsible development practices, this Section provides sustainable development incentives.
- B. Applicability.** Meeting the sustainable building design standards pursuant to this Section is not mandatory; however, there are density, height, lot coverage, parking, sign area, and open space incentives available for the incorporation of sustainable design practices into new development, [redevelopment](#), and [substantial improvement](#) of property within the city.
- C. Types of Incentives.** The available incentives are outlined in Table 10-1-3.4.1, *Sustainability Incentives*. This table describes the type and degree of incentives available and specifies in Schedule A and B, the minimum number of sustainable practices required to be eligible. For example, two of the practices listed as Schedule A or AA in Table 10-1-3.4.2, *Sustainable Development Practices*, shall be incorporated into a sustainability plan to gain eligibility for one of the four incentive types requiring two practices. Similarly, four Schedule B practices are required to be eligible for a density bonus. The Schedule A and B columns in Table 10-1-3.4.1, *Sustainability Incentives*, correlate to column 1 in Table 10-1-3.4.2, *Sustainable Development Practices*.
- D. Determination.** Upon review of a Site Plan or [Master Development Plan](#), where sustainability incentives are sought, a sustainability plan that clearly depicts each of the proposed practices shall be submitted for which compliance with the minimum requirements necessary to earn incentives will be confirmed.

Incentive Type	Minimum Number of Practices Provided (refer to Table 10-1-3.4.2)	
	Schedule A	Schedule B
A density bonus of up to 20 percent beyond the gross maximum density allowed in the applicable district provided adherence to the provisions of this Code for transitioning and buffering	2	4
An increase in the maximum allowable height by up to one story beyond the maximum allowed in the BC, Business Center, or CM, Corridor Mixed districts, subject to approval of the Fire Marshal and all other applicable compatibility provisions of this Code	2	3
An increase in the maximum allowable lot coverage by 20 percent beyond the maximum allowed in the NC, CM, BC or IP districts	2	3
A modification to the off-street parking requirements resulting in a reduction from the minimum requirements by 15 percent, provided no other parking reductions are granted through other provisions of this Code	2	2
An increase in the maximum allowable sign area or maximum height for wall or freestanding signs by 20 percent	1	3
A reduction in the amount of required open space set aside by 15 percent	3	3

- E. Menu of Sustainable Development Practices.** One or more of the sustainable development practices in Table 10-1-3.4.2, *Sustainable Development Practices*, may be offered by an applicant for proposed development in accordance with the types of incentives listed above.

Schedule	Type of Practice	Documentation of Compliance
Energy Conservation		
A	50 percent or more of energy generated on-site by solar photovoltaic panels, geothermal, or small wind energy facilities	Indication on Site Plan, Master Development Plan, or building plans

Table 10-1-3.4.2
Sustainable Development Practices

Schedule	Type of Practice	Documentation of Compliance
A	Use of central air conditioners that are Energy Star qualified	Provision of manufacturer's certification statement
A	Use of only solar or tankless water heating systems throughout the structure	Inclusion on construction drawings
A	Use of a white roof or roofing materials with minimum reflectivity rating of 60 percent or more	Provision of materials sample and manufacturer's certification statement
B	Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure	Indication on building plans
B	Roof eaves or overhangs of three feet or more on southern or western elevations	Indication on building plans
B	Structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	Inclusion on construction drawings
B	Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building façade	Indication on Site Plan or Master Development Plan building elevations and on building plans
B	Configuration of new buildings with one axis at least 1.5 times longer than the other, and the long axis oriented in an east-west configuration for solar access	Indication on Site Plan or Master Development Plan
B	Planting a minimum of 30% of required trees on the south and west elevations	Indication of landscape plan submitted with a Site Plan or Master Development Plan
B	Purchasing at least 50 percent of all building materials locally	Indication on building plans
B	Exceeding the minimum tree canopy coverage required in Table 10-1-3.6.E, <i>Canopy Coverage Requirements</i> , by at least 15 percent	Indication of landscape plan submitted with a Site Plan or Master Development Plan.
B	Electric vehicle charging stations are provided for at least five percent of all required parking	Indication on Site Plan or Master Development Plan
LEED Certification (LEED buildings qualify as multiple practices)		
AAA	Construction of the principal structure to meet or exceed LEED Platinum certification standards	Provision of Green Building Certification Institute's verification of project compliance (may be provided within one year following occupancy)
AA	Construction of the principal structure to meet or exceed LEED Gold certification standards	
BBB	Construction of the principal structure to meet or exceed LEED Silver certification standards	
BB	Construction of the principal structure to meet or exceed LEED Bronze certification standards	
Water Conservation and Air and Water Quality Protection		
AA	Configuration of the principal structure's roof so that at least 50 percent of the roof is a "green" roof intended to capture and hold rainwater (Qualifies as multiple practices)	Indication on Site Plan and in compliance with city's Storm Drainage Design and Technical Criteria Manual (latest edition)
A	Inclusion of rainwater capture and re-use devices such as cisterns, rain filters, and underground storage basins is permitted for single-family residential units to capture and reuse rainwater, with up to two containers per residential unit with a maximum storage of 110 gallons, in accordance with Colorado water law, as amended	Inclusion on construction drawings
A	Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements	Indication on Site Plan
B	Provision of on-site transit facilities (e.g., designated park-and-ride parking spaces, secure bicycle storage, bus shelters, or similar features)	Indication on Site Plan

**Table 10-1-3.4.2
Sustainable Development Practices**

Schedule	Type of Practice	Documentation of Compliance
B	Inclusion of showering and dressing facilities in non-residential developments for employees using alternative forms of transportation	Inclusion on construction drawings
B	Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclables generated on-site	Indication on Site Plan
B	Installation of low water use plumbing fixtures throughout the building	Inclusion on construction drawings
B	Use of earthwork and contouring such as berms, swales, terracing, and depressions to direct and control rainwater runoff where it can infiltrate into soil to be used by vegetation	Indication on landscape plan submitted with a Site Plan or Master Development Plan

F. Compliance Determination Standards and Specifications. ~~To qualify as a practice type warranting one or more incentives, there must be a demonstration of the following standards and specifications. If the proposed practice type is included in any of the below categories, it must conform to the outlined standards and specifications to meet qualify towards the incentives.~~ If the proposed practice type, as outlined in Table 10-1-3.4.2, is included in any of the below categories, it must conform to the outlined standards and specifications to qualify towards an incentive, as listed in Table 10-1-3.4.1

1. Energy Efficiency and Alternative Energy Sources.

a. Alternative Energy Production.

1. Building orientation and layout is designed to facilitate future alternative energy production on site.
2. Projects provide a roof layout plan that illustrates how future installation of a photovoltaic system may be accommodated, including plans that identify installation of conduit from the roof to the electrical room, or to electrical panels if no electrical room is provided, to accommodate a future photovoltaic system or other collector/power generation installation.

b. Solar Energy Systems.

1. **Protection of Solar Access.** A structure, fence, or wall may not be constructed or modified, and vegetation may not be placed or allowed to grow, so as to obstruct more than 10 percent of the absorption area of a solar energy system on a neighboring parcel. Solar energy systems applicable to this Section are those that are located within a rear yard or are roof-mounted.
2. **Standards.** If solar energy systems are installed, the following installation standards apply:
 - i. Roof-mounted and wall-mounted collectors may be placed in the location least visible from public streets and, where feasible, integrated into the design of the structure as an architectural element.
 - ii. Freestanding solar panels located on the ground or attached to a pole located on the ground should be classified as accessory structures.
 - A. The solar panels and supporting framework do not extend more than six feet above the finished grade.
 - B. The solar energy system, including any appurtenant equipment, is not located within any required setback.
 - iii. Solar equipment, whether roof-mounted or freestanding, complies with the height requirements of this Code.

c. Energy Efficiency. Projects must demonstrate compliance with all applicable provisions of the International Energy Conservation Code (IECC) as currently adopted by the city.

1. Indoor Environmental Quality.

i. *Energy Efficient Appliances.* Projects incorporate energy-efficient appliances, such as tankless or solar water heaters and energy-efficient heating and cooling systems.

ii. *Ventilation Systems.* Projects include passive solar ventilation, whole house attic fans, and other spot ventilation.

2. *Energy-Efficient Outdoor Lighting.* Projects provide overnight security and safety lighting or outdoor lighting on timers or motion detection sensors, or otherwise have the capacity to switch to a dimmer, less-energy intensive mode during hours of reduced activity.

3. *Building Orientation.* Structures are oriented to take advantage of natural light and wind patterns for natural heating and cooling. For purposes of this standard, building orientation could include any single or combination of factors, such as structure axis/alignment, placement of building relative to shade features, roof design (to maximize solar access for solar equipment), etc. A project is deemed compliant with this standard when it can be demonstrated that modifications to enhance building orientation have incorporated a minimum of one exemplary building-orientation feature, as deemed applicable and acceptable by the Director.

4. *Shading.* Exterior window shading devices are incorporated into project design. Window shading devices could include any single or combination of elements, such as extended roof overhangs (i.e., greater than 12 inches), window awnings, decorative sail shades, trellises, or similar elements. Non-glare window tinting may function as shading. Shading devices are in compliance with other applicable development standards in this Code.

5. *LEED Certification.* New project construction and substantial remodels are encouraged to strive for the highest level of LEED certification practical. However, at a minimum, LEED Silver compliance is encouraged, with approval based upon a LEED specialist or city-approved consultant or review process.

d. *Heat Island Effect.* Projects incorporate measures to offset the heat island effect from rooftops and non-roof features. At a minimum, projects must consider the use of colors and materials that reflect heat and/or assist with the ongoing dissipation of heat. Examples include the use of lighter-colored paving or open-grid paving materials for parking areas, or breaking up large expanses of paved areas with [shade trees](#) or shade structures, or use of light-colored roofing materials. A project would be considered compliant with this standard if any single or combination of strategies would be applied to at least 50 percent of the site [hardscape](#) and/or 100 percent of the building roof area.

2. [Urban Water Runoff and Drainage.](#)

a. *General Requirements.* Projects comply with all applicable provisions of the city's Storm Drainage Design and Technical Criteria Manual. In addition, the following requirements apply to all development and uses in the city.

b. *Collection, Storage, and Minimization of Runoff.* Refer to [Title 7, Chapter 7](#) of the City Code.

c. *Removal of Debris and Residue.* Refer to [Title 7, Chapter 7](#) of the City Code.

d. *Urban Water Runoff Requirements for Construction Sites.* Refer to [Title 7, Chapter 7](#) of the City Code and to the city's Storm Drainage Design and Technical Criteria Manual.

e. *Permeable Surfaces.* The use of permeable materials in lieu of or to replace hardscapes increases the amount of runoff seepage into the ground and is the preferred method of paving and stormwater runoff control. Refer to [Title 7, Chapter 7](#) of the City Code. At the discretion of the [Public Works Director](#), required surface parking spaces for new development may be met with alternative forms of paving, such as porous concrete/asphalt, wheel strip driveways, block pavers, open-cell concrete, plastic grid systems, or reinforced turf to facilitate groundwater percolation.

f. [Community Gardens and Edible Landscaping.](#)

1. *Gardens.* Community garden areas may be credited toward the required landscaping and [common open space](#). Gardens may include ground-level plots, raised planter boxes within open plazas, or rooftop gardens. Projects for which credit is granted toward sustainable development practices must address provisions for irrigation, access, green waste

composting, and similar factors. When not actively gardened, the area is landscaped and maintained.

2. *Edible Landscapes*. Edible landscape elements and crop [trees](#) may be included as part of the required site landscaping for residential, non-residential, and mixed-use projects. Consideration for the use of edible landscaping is balanced with water conservation programs and limited to locations that are compatible with such use.

g. *Transit and Pedestrian Access*.

1. *Bicycle Facilities*. New development, redevelopment, and substantial improvement of land complies with the provisions of Subsection [10-1-3.8.B](#), *Bicycle Parking*.
2. *Transit-Oriented Development (TOD)*. Development located within one-quarter mile of a fixed transit stop may, as a condition of approval, be required to facilitate pedestrian access from adjacent properties to the transit stop. Pedestrian access should be designed in a manner that does not hinder convenient pedestrian and bicycle usage, and that encourages non-vehicular access to transit stops.
3. *Walkability*. Projects are designed to address pedestrian access from parking areas as well as secondary entrances accessible from public sidewalks. Dedicated pedestrian walkways are integrated into the Site Plan or Master Development Plan to separate pedestrian and vehicle access.
4. *Alternative Fuel Vehicles*. Refer to Subsection [10-1-3.7.C](#), *Parking and Loading Design*.

(Ord. [18, Series of 2022](#))

Section 10-1-3.5 Transition Standards

ACR LLR MLR SLR MFR NC CM BC IP PL-O SUSTAINABILITY - SS DESIGN - D SITE DEVELOPMENT - SD

A. Purpose. The standards in this Section, the outcomes of which are depicted in Figure 10-4-3.2.C, *Building Scale Transitions*, and those in other applicable sections of this Code, seek to address the common boundaries of [development](#) where different land uses and types and [heights](#) and scales of buildings are [adjoining](#) and share a common [lot](#) line. These boundaries form [sensitive edges](#) where certain design techniques are needed to effectively transition adjoining uses, to provide for context-sensitive development, and to embrace the value enjoyed by those who own or occupy these properties. These regulations:

1. *Reduction.* Reduce the impacts of building height and mass on neighboring properties;
2. *Promotion.* Promote privacy;
3. *Preservation.* Preserve [scenic views](#); and
4. *Protection.* Protect access to sunlight.

B. Applicability. The standards identified in this Section are applicable to new development, [redevelopment](#), or [substantial improvement](#) of principal and [accessory buildings](#) within the CM, BC, and IP districts when the lot proposed for development:

1. *Abuts Residential.* Shares a common lot line with an ACR, LLR, MLR, SLR, or MFR district; or
2. *Across a Street from Residential.* Is separated by a suburban or neighborhood connector or local street right-of-way from an ACR, LLR, MLR, SLR, or MFR district.

C. Design Modulation.

1. *Setbacks.* The minimum required setbacks for each district and building type are set out in:

- a. Section 10-2-3.2, *DT Standards of Design*;
- b. Section 10-3-2.2, *CMU Lot and Building Standards*;
- c. Section 10-4-2.2, *NB Lot and Building Standards*; and
- d. Section 10-5-2.2, *BI Lot and Building Standards*.

2. *Bulk Plane.*

a. *Applicability.*

1. The bulk plane standards apply to principal and accessory buildings in the MFR, BC, ~~CM~~, and IP districts, as applicable, that are developed, redeveloped, or substantially improved after the effective date of this Code.
2. ~~The bulk plane standards do not apply to projects in the CM district that are internal to the development and subject to approval of a [Master Development Plan](#).~~

b. *Standards.*

1. Multi-family residential buildings in the MFR district that share a common lot line with an ACR, LLR, MLR, or SLR district shall maintain a building height of 35 feet or less or shall be stepped back from the common lot line a distance of two feet for each additional one foot of building height over 35 feet.
2. Non-residential buildings on lots separated by a connector or local street right-of-way from an ACR, LLR, MLR, or SLR district shall be stepped back from the nearest property line a distance of one foot for each additional one foot of height over 35 feet.
3. Multi-family, commercial, institutional, and mixed-use buildings within the CM district that share a common lot line with an ACR, LLR, MLR, or SLR district shall maintain a building height of 35 feet or less or shall be stepped back a distance of one foot for each additional one foot of building height over 35 feet.
4. No building or portion of a building shall be constructed or maintained that encroaches on a defined bulk plane, except as set out in Section 10-1-2.3, *Height and Area Exceptions*.

c. *Measurements.* Refer to Section 10-1-2.4, *Measurements and Allowances*, for more information on how a bulk plane is measured.

- D. Use Intensities.** For development with multiple buildings of varying intensities, a gradation of uses shall be provided with the least intense use next to [abutting](#) single-family detached or attached residential uses or districts.
- E. Buffering.** Section [10-1-3.6.F](#), *Bufferyard Requirements*, sets out the bufferyard widths and planting requirements for each type of bufferyard and when each type is required. If there is a conflict between a minimum required setback and the minimum bufferyard width, the minimum bufferyard width shall prevail.
- F. Natural Features.** Existing natural features such as [vegetation](#), differences in topography, [streams](#), [wetlands](#), and other such features shall be used as transitions where possible. Where such natural features are used as transitions, pedestrian connections to adjoining land uses shall be provided.
- G. Location of Open Space.** Development that is required to provide [common open space](#) or a percentage of landscape surface shall locate such spaces [adjacent](#) to existing single-family residential development where reasonably possible.
- H. Operational Standards.** Upon consideration of Site Plan or [Master Development Plan](#) approval, conditions may be imposed to limit operational activities to ensure compatibility with adjacent residential uses. These operational activities include but are not limited to:
1. *Service and Loading Areas.* See Subsection [10-1-3.1.D](#), *Screening*.
 2. *Drive-Through Uses.* Menu boards and speakers shall be located on the side or to the rear of buildings away from abutting single-family detached or attached development, or located no less than 50 feet from the nearest lot of the residential development.
 3. *Outdoor Activity Areas.* Outdoor dining and other outdoor gathering areas that generate noise shall be located away from abutting single-family detached and attached residential uses. If the nearest edge of the outdoor area is within 100 feet of a residential lot line, noise attenuation methods shall be provided as determined through the Site Plan or Master Development Plan approval.
- I. Noise Reduction Techniques.** Where a development abuts or is within 50 feet of railroad right-of-way or a limited access state highway, adequate provisions for the reduction of noise shall be demonstrated, including, but not limited to:
1. [Landscaping](#), buffering, or screening;
 2. Noise attenuation easement;
 3. Adjustment to overall site [setbacks](#), including increased lot depth or rear setbacks; or
 4. Building treatments.

Subsec. 10-1-3.6.B Planting Requirements

A. Plant Materials Standards.

1. *Plant Types.* The selection of [trees](#) and [shrubs](#) shall be selected from the approved species listed in [APPENDIX A, Preferred Plantings](#). Substitutions may be proposed as outlined in paragraph D, below.
2. *Plant Variety.* All plants shall be of a type and species that are selected for the climate, location, and soils on the site, as promulgated by the Colorado State University Extension. All plant material shall be commercially produced and meet the minimum standards recognized by landscape professionals. In order to reduce the threat and impact of plant disease, a variety of plant types and species shall be utilized on each site. In general, a minimum of one-third of the plant material on any lot should be evergreen.
3. *Living Materials.* All landscaped areas shall be planted with any combination of low-water-using grass, vegetative [ground cover](#), [trees](#), [shrubs](#), perennials, annuals, and/or vegetables.
4. *Nonliving Materials.* Artificial trees, shrubs, and plants are prohibited. Nonliving [landscaping](#) such as decorative or patterned concrete, brick pavers, wood chips, decorative rock, or similar materials may be used to meet the requirements of this Code, but shall not exceed 25 percent of the total required landscaped area. Paved areas used for motor vehicle access and parking shall not be included in the land area required to fulfill the unobstructed [open space](#) requirements of this Code.
5. *Artificial Turf.* Proposals to use artificial turf as part of any landscaping plan shall provide product samples and manufacturer's specifications to the Director. Director approval is required for use of any such turf.
6. *Prohibited.* Use of any plant species listed by the Colorado Department of Agriculture as a "Noxious Weed Species", according to the Colorado Noxious Weed Act, C.R.S. §§ 35-5.5-101 through 35-5.5-119, is prohibited. Specifically prohibited species include:
 - a. Chinese and Siberian elms;
 - b. Cotton-bearing cottonwoods (female *Populus* species);
 - c. Russian olive; and
 - d. Box elder.
7. *Sizes.* All required plants shall meet the size and type requirements in Table 10-1-3.6.B, *Minimum Plant Sizes and Types*.

Table 10-1-3.6.B
Minimum Plant Sizes and Types

Plant Type	Minimum Size
Large Deciduous Trees	2.0-inch caliper ¹
Ornamental Deciduous Trees	1.5-inch caliper ¹
Coniferous (Evergreen) Tree	6-feet in height (dwarf pines such as Mugo - 24' branch spread)
Shrubs (Evergreen and Deciduous)	5-gallon container
Ornamental Grasses	1-gallon container
Organic Materials	
Rock or Stone	3/4-inch, minimum 3.0-inch depth ²
Mulch or Compost ³	organic and shredded
Table Notes:	
1. Measured six inches above the soil line.	
2. Requires water-permeable landscape fabric except where horizontally spreading shrubs or ground covers are planted. A nonpermeable landscape fabric shall be permitted if the building foundation design requires soil moisture protection at the perimeter.	
3. Mulch or compost shall be fibrous so that they bind together to prevent erosion.	

C. Plant Locations and Timing.

1. *Public Right-of-Way*. A permit or approval shall be obtained prior to planting any [street tree](#) or landscape material in the public right-of-way, including required [streetscape](#) plantings. All planting shall comply with [Title 8, Public Ways and Property](#), and this Code.
2. *Sight Triangle*. No landscaping may be planted in [violation](#) of the city's sight triangle requirements, as set out in Subsection [10-1-3.9.C, Vision Obstruction](#).
3. *Easements*. Trees shall not be placed within any public utility easement.
4. *Spacing*. In general, all plants shall be located and spaced in a manner to allow for growth to mature size.
5. *Timing of Landscape Installation*. Landscaping that is required by this Code shall be installed between March 15 and October 15. If compliance with this timeframe is impractical due to the time of year that work is completed, an applicant may provide a performance guarantee in the form of a cash bond, irrevocable letter of credit, certified check, or similar instrument acceptable to the Public Works Director or the Public Works Director's designee, in an amount equal to 125 percent of the estimated cost of purchase and installation of required landscaping.

D. Plant Substitutions.

1. *Approval*. Requested substitutions of plant material shall be submitted on a [landscape plan](#) and shall be in accordance with the recommended plant lists promulgated by the Colorado State University Extension and approved by the [Director](#).
2. *Substitution Ratios*. The following substitution of tree planting requirements may be made:
 - a. *Large Deciduous Tree*. One tree shall be substituted in place of 10 required shrubs or two ornamental deciduous trees.
 - b. *Ornamental Deciduous Tree*. One tree shall be substituted in place of five required shrubs.
 - c. *Coniferous (Evergreen) Tree*. One tree shall be substituted in place of one required large deciduous tree.
 - d. *Ornamental Grasses*. Three ornamental grasses shall be substituted for one required shrub.

Subsec. 10-1-3.6.D Landscape Requirements

A. Landscaping.

1. *Pervious Area.* Development shall provide at least the minimum amount of common open space required for each district.
2. *Hardscape.* Pedestrian-only pavements such as concrete, brick, stone, pavers, and wood (deck) are considered part of the landscape and limited to 25 percent of the common open space.
3. *Ground Cover.*
 - a. *Turf Areas.* ~~Turf shall not be installed in areas that are impractical or difficult to maintain such as, but not limited to, tree lawns less than six feet in width, slopes of four to one (4:1) or greater, and narrow or oddly shaped areas. The total area of turf shall not exceed 25 percent of the total pervious area. Low water varieties of turfgrass are required and drought tolerant turf types shall be used where heavy foot traffic is anticipated. See Subsec. 10-1-3.6.A.C.2 for requirements related to turf areas.~~
 - b. *Mulch and Inorganic Ground Cover.* Wood-based mulch and inorganic ground cover, including rock and wood chips, may be used around all plantings and in all plant beds. Large areas of wood mulch or inorganic ground cover that do not contain plantings are not permitted except when used around a site amenity. Synthetic turf is prohibited except in limited applications deemed acceptable by the Director.

B. Irrigation.

1. *Water Use Zones.* All new, preserved, or retained landscaped areas shall be divided into water use zones, as follows:
 - a. The high water use zone (requiring one and one-half inches or more of water or more per week in the peak season) shall not exceed 10 percent of the total landscaped area. An automatic irrigation system shall be installed for all required landscape areas.
 - b. The moderate water use zone (requiring up to 15 inches of supplemental water during the growing season) shall not exceed 15 percent of the total landscaped area.
 - c. The low water use zone (requiring approximately up to five inches of supplemental water during the growing season) comprised of drought-tolerant or xeriscape plant materials which may be used up to 100 percent of the landscaped area.
2. *Limited Water Use.* The irrigation system shall be designed to provide only the water required to sustain the plants and vegetation.
3. *Specifications.*
 - a. A rain and/or moisture sensor and shut-off equipment shall be required on automatic irrigation systems.
 - b. Non-potable or reclaimed water shall be used in an irrigation system when available.
 - c. Backflow prevention devices shall be either a pressure vacuum breaker or reduced pressure assembly and shall be installed a minimum of 12 inches above the highest sprinkler head.
 - d. Irrigation controllers shall have programming capabilities and an emergency back-up power supply.
 - e. Pressure lines and wiring shall be installed at a minimum depth of 18 inches.
 - f. Lateral lines shall have a minimum cover of 12 inches.
 - g. Turf areas shall be irrigated efficiently and precisely by using the types of heads and proper spacing.
 - h. The system shall be zoned to allow for efficient watering of turf areas with different slopes, orientations, and exposure.
 - i. Trees and shrub beds shall be watered by drip or bubbler irrigation zoned separately from turf areas.

- j. Flower and ground cover areas may be watered by spray heads or a combination of drip, bubbler, and microjet applications.
- k. The use of spray heads to irrigate shrub beds is prohibited except where a substantial majority of the bed is planted with ground cover.
- l. Watering times shall be adjusted seasonally.
- m. Leaks and broken heads shall be repaired promptly.

C. Maintenance.

1. *Responsibility.* The owner(s) of any property within the city shall be responsible for the proper maintenance of the landscaping and the irrigation systems on their property and on that portion of the public right of way between the curb line and the adjoining property line in which landscaping has been placed. The landscaping in public rights-of-way shall be maintained to meet the standards of this Subsection, except for those areas designated as natural areas or as vacant land.

2. Standards.

- a. All landscaping is expected to be maintained in a healthy living condition.
- b. The city shall have the right to cause the removal of any dead tree on private property when such trees constitute a hazard to life or property. In the event that a dead tree is not removed by the property owner, then the Director may cause notice to be given requiring removal of the dead tree within 30 days after the date of notice.
- c. Rock, mulch, and ground cover areas shall be kept free of weeds.
- d. Trees and shrubs shall not overhang or encroach upon walkways, drives, parking areas, or traffic signs to the extent that they interfere with their intended use.
- e. Maintenance of landscaping shall be conducted to protect against negative impacts on the quality of stormwater runoff. Application, storage, and disposal of fertilizers, herbicides, and pesticides shall be in conformance with manufacturer recommendations and product label directions. Excess or waste products and containers for fertilizers, herbicides, and pesticides shall be disposed of through a licensed waste management firm or a permitted treatment, storage, and disposal facility in conformance with applicable federal and state regulations. Cuttings resulting from mowing operations shall be collected and removed.

D. Street Trees.

1. *Installation.* The subdivider or developer shall install street trees according to a plan approved ~~by the Director~~ as a part of Preliminary Plat, Site Plan, or Master Development Plan approval.

2. Location and Spacing.

- a. Where street trees exist, to the maximum extent practicable, sidewalks, street lights and utilities shall be located to preserve the trees.
- b. Where street trees are provided, they shall be carefully positioned so as to account for sidewalk and street light locations, utility locations, and, if not constructed simultaneously with the construction of the public or private street, future driveways and sight triangles.
- c. Street trees shall not be planted within:
 - 1. 20 feet of street lights and utility poles;
 - 2. 10 feet of an alley or vehicular entrance; or
 - 3. 10 feet of existing walls, fences, signs (except in the DNR, DTA, DMS and DMU districts), driveways, or fire hydrants.
- d. Street trees shall be spaced at intervals considering the canopy size and height of the tree at maturity. Generally, this means that there should be a minimum spacing of 20 feet for ornamental, 30 feet for coniferous (evergreen), and 40 feet or more for large deciduous trees at maturity.
- e. When planted, street trees should be provided the greatest amount of growing area possible, without conflict with utilities and paved surfaces.

3. Minimum Open Soil Surface.

- a. No street tree shall be planted unless it has a minimum of five feet in width by five feet in length of open, unobstructed soil surface area. [Tree grates](#) above open soil surface areas may be proposed and permitted where applicable.

4. *Types of Trees Permitted.*

- a. [Trees](#) shall be selected from those in [APPENDIX A, Preferred Plantings](#). An applicant seeking street tree plan approval may propose other species provided the selection is native and urban-tolerant.
- b. [Evergreen](#) trees shall only be allowed in rights-of-way when planted on the north side of a street or in situations where wintertime shadows will not result in icy patches on public rights-of-way.
- c. When street trees are proposed to be planted beneath or within five feet of overhead power lines or utilities, only [ornamental trees](#) may be planted.

E. ~~Reserved.~~ **Landscape Design.**

- ~~1. *Generally.* Designing a landscape that has color, interest, and diversity in all seasons should be the goal in preparing a plan. In general, a minimum of one-third of the plant material on any lot should be evergreen.~~
- ~~2. *Large Sites.* On large sites, the selection of [shade trees](#) should include both slow and fast-growing species. Plans which have several species of shade trees, while maintaining the continuity of neighboring streetscape, are desired.~~
- ~~3. *Use of Single Species.* The prominent or exclusive use of any one plant species shall be avoided to aid in disease control and prevent catastrophic epidemics.~~
- ~~4. *Plant Health and Survival Techniques.* Proper excavation, planting depth, soil amendment, backfilling, and guying are required to improve plant health and survival. All plant material shall be installed in accordance with the recommendations of the Colorado Nurseryman's Association (CNA).~~

F. **Plants Prohibited Near Sidewalks, Streets, and Drainage Facilities.** Plants selected shall not by their growth habits obstruct, restrict, or conflict with the safe use of any roadway, sidewalk, alley, or conveyance.

1. *Trees.* Willow (*Salix*) trees, cottonwood, and fruiting trees shall not be planted such that their canopy at mature size extend into a public right-of-way. This restriction is due to the safety hazard created by fruit and twigs dropping onto the streets and sidewalks.
2. *Shrubs and Other Plant Material.* Plants that have thorns, spines, or prickles shall not be planted in public rights-of-way, or be placed closer than 24 inches, measured horizontally, from walks and other pedestrian areas.
3. *Grasses.* No more than 25 percent of multi-family and non-residential landscape areas shall be planted in bluegrass. Bluegrass shall be limited to the pedestrian traffic areas of both multi-family and non-residential sites. Any additional turf shall be of varieties with lower water requirements.
4. *Prohibited Species.* The planting of Chinese and Siberian Elms is prohibited. Such elms tend to be prone to disease, weak branches, suckering, and the uncontrollable spread of seeds. American elms are excluded from the prohibition. Cotton-bearing cottonwoods (female *Populus* species), Russian Olive, and box elders are prohibited due to the uncontrollable spread of seeds.
5. *Public and Private [Open Space](#), [Detention Areas](#), and [Drainage Facilities](#).*
 - a. Public and private open space, stormwater conveyance and detention areas that are not designated as natural areas, shall be designed in such a way that they complement buildings on the property and adjacent areas and subject to requirements of the city's Storm Drainage and Technical Criteria Manual (latest edition).
 - b. Designated [wetlands](#) on public and private property shall be maintained in their natural state and may be credited, in kind, to a portion of the open space or public land dedication.
 - c. An overall grading plan shall be submitted for review and approval by the Director of Public Works prior to the construction or landscaping of any public and private open space, stormwater detention areas or drainage channels.

- d. Slopes shall not exceed 3:1, except upon approval by the Director of Public Works, which may be granted in such instances where the natural topography is to be retained.
- e. The following types and quantities of landscaping materials and other improvements shall be required within any public and private open space or stormwater detention areas that do not inhibit their intended function, except in natural areas or wetlands:
 1. All types of trees, shrubs, grass, or other ground cover require a variety or blend of varieties as listed in [APPENDIX A](#), *Preferred Plantings*.
 2. Natural and/or structural landscaping features of type, sizes, quantities, and locations.
 3. In instances where public and private open space, stormwater detention areas, or drainage channels are located within a 100-year floodplain, landscaping material quantities may be adjusted by the Director, Floodplain Administrator, or after referral comments are received from the Mile High [Flood](#) District.
 4. Placement of floatable or erodible landscape materials shall not be permitted in drainage channels, stormwater detention areas, or 100-year floodplain areas.

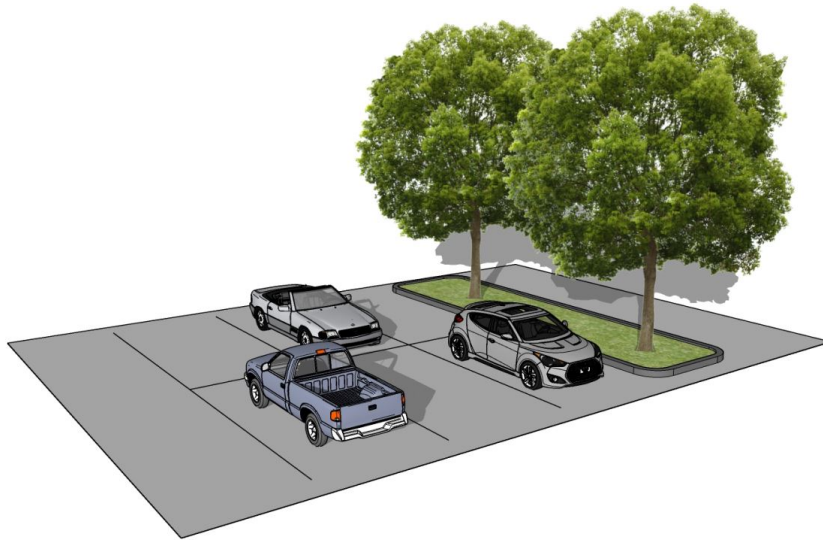
G. ~~Reserved.~~ Understory Plantings:

1. ~~Generally.~~ Plantings shall include a combination of low-height plant materials (shrubs, ornamental grasses, perennials) and shall be installed and maintained as required for each district. Understory landscaping shall not impede building entrances, loading areas, or sidewalks.
2. ~~Turf.~~ No turf grass shall be planted within 10 feet of building foundations.
3. ~~Installation.~~ Planting materials shall be installed at grade. In the DMS, DTA, and DMU districts, plantings may be placed in raised planters or decorative plant containers.
4. ~~Location.~~ Plantings shall not be placed closer than five feet from the foundation.

H. Parking Lot Landscaping.

1. *Trees in Landscape Islands.*
 - a. Each tree shall be planted with a surface area of at least 120 square feet and a soil volume of at least 360 cubic feet to provide for adequate resources of air and water.
 - b. Tree plantings shall be protected from automobiles with curbing or other approved devices.
 - c. Trees shall be planted a minimum of three feet behind any curb where landscaped areas are located adjacent to vehicle overhangs.
 - d. Tree planting areas shall be well-drained and be suitable for the plant materials they contain.
 - e. Green infrastructure (rain gardens, bio-swales, etc.) are the preferred method of reducing irrigation needs in landscape islands. Automatic irrigation systems shall be installed using drip emitters, bubbler heads, or a sub-surface low-volume drip systems.

Figure 10-1-3.6.D
Trees in Landscape Islands



I. Screening.

1. **Generally.** Parking lots shall be screened from the street to a minimum height of 30" using evergreen landscaping, [retaining walls](#), screening walls, earthen [berms](#) with a slope no greater than 3:1, planted, 4:1 turf, or a combination of methods provided each achieves an equivalent or greater screening effect.
2. **Width.** The minimum width of a landscape strip shall be no less than five feet without turf or six feet with turf.
3. **Natural Vegetation.** The Director may require or authorize the retention of existing natural vegetation in lieu of a required landscape border if an equivalent screening effect can be provided.
4. **Waiver.** The Director may waive the parking lot screening requirement when the grade of the parking lot is three feet or more below the adjacent street grade.
5. **Uses.** The following uses are authorized within landscape screening borders:
 - a. Low impact development improvements;
 - b. Fire hydrants;
 - c. A [monument](#) sign;
 - d. Retaining walls, and walls or fences used for screening or aesthetic effect;
 - e. Driveways and sidewalks; and
 - f. Utilities and easements.
6. **Utility Easement Planting Standards.**
 - a. Where an existing or proposed utility easement abuts and runs parallel to the right-of-way in the same location as a required landscape border, the border shall be relocated interior to the utility easement; provided, however, the Director and the utility provider may authorize part of the landscape border within the utility easement only if the utility easement owner authorizes in writing the planting of trees and shrubs within the utility easement. The planting of trees and shrubs within the utility easement, if authorized by the Director and the utility provider, shall be in accordance with the requirements made by the utility provider. The owner of the landscape border shall be responsible for all damage to utility facilities.
 - b. Planting of vegetation with roots that typically extend deeper than 18 inches is prohibited over underground facilities. Planting that impedes access to pad-mounted and underground equipment is prohibited.

J. Constrained Sites. On sites where there are physical constraints that inhibit meeting the minimum landscape requirements of this Subsection due to site-specific conditions, the Director may authorize an adjustment as set out in Section [10-9-9.1](#), *Administrative Adjustment*.

Subsec. 10-1-3.6.E Tree Canopy Coverage Requirements

A. Applicability. The standards of this Subsection apply to the MFR, NC, CM, and BC districts.

B. Minimum Standards. The tree canopy coverage requirements for the applicable districts are set out in Table 10-1-3.6.E, *Canopy Coverage Requirements*.

Table 10-1-3.6.E Canopy Coverage Requirements	
Zoning District	Minimum Tree Canopy Coverage
MFR, Multi-Family Residential	20%
NC, Neighborhood Commercial	15%
CM, Corridor Mixed	15%
BC, Business Commercial	10%

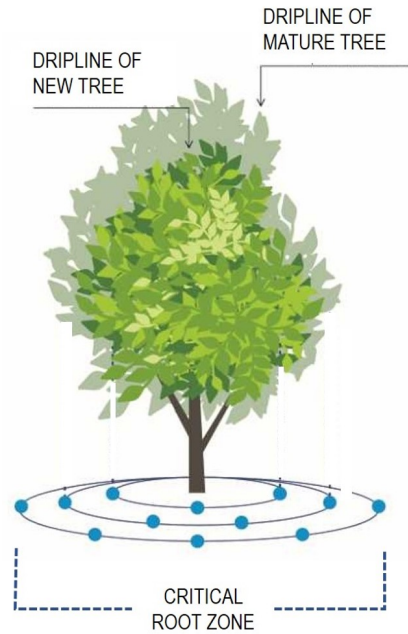
Table Notes:
1. The minimum canopy coverage requirements are based on gross lot area.

C. Credit.

- ~~1. Generally. The preservation and protection of existing trees on a lot may be counted toward the canopy coverage requirements provided the tree is healthy and undamaged. Credit shall be calculated using the dripline of existing, preserved trees, as measured and included on the landscape plan.~~
- ~~2. Historic and Specimen Trees. Historic and specimen trees may be credited two times the area of the critical root zone as determined by a licensed landscape architect or arborist.~~
- ~~3. Existing Trees.~~
 - ~~a. Existing trees to be preserved may require a form of security prior to permit issuance. If security is required, the amount shall be equal to the replacement cost of the existing, preserved trees used to meet the tree canopy coverage requirement.~~
 - ~~b. If an existing tree shown on the landscape plan as a preserved tree does not survive within the first year following issuance of a certificate of occupancy, mitigation is as set out in Subsection 10-1-3.6.C, Protection and Preservation. Reserved~~

D. Determining Coverage. Tree canopy coverage includes all areas on a lot that are within the critical root zone of existing trees and the dripline of newly planted trees at a maturity of 20 years, as displayed in Figure 10-1-3.6.E, *Tree Canopy Measurements*. ~~The critical root zone and dripline shall be determined by a certified arborist.~~

Figure 10-1-3.6.E
Tree Canopy Measurements



E. Exemption.

1. *Generally.* An applicant may request an exemption from the requirements of this Subsection if the Director finds that the application meets the following standards:
 - a. Topography, lot limitations, or other lot conditions are such that compliance with the requirements is impossible or impractical;
 - b. The tree canopy coverage requirement cannot reasonably be met because of a lack of rooting space or soil volume to accommodate healthy tree growth;
 - c. The planting of additional trees will require removal of existing pavement used to meet other Code requirements; and
 - d. The exemption is the minimum necessary to meet these criteria.
2. *Explanation and Justification.* An exemption request shall be accompanied by sufficient written, graphic, and/or photographic explanation and a statement of justification to enable an evaluation and decision regarding the request.
3. *Approval.* An exemption request shall be approved by the Director.

(Ord. [09, Series of 2023](#))

Subsec. 10-1-3.6.F Bufferyard Requirements

A. Generally. The bufferyards required in this Subsection are based on the amount of screening they provide, which are classified from less screening (Type A) to more screening (Type C), depending on the types and intensities of [adjoining](#) districts and land uses.

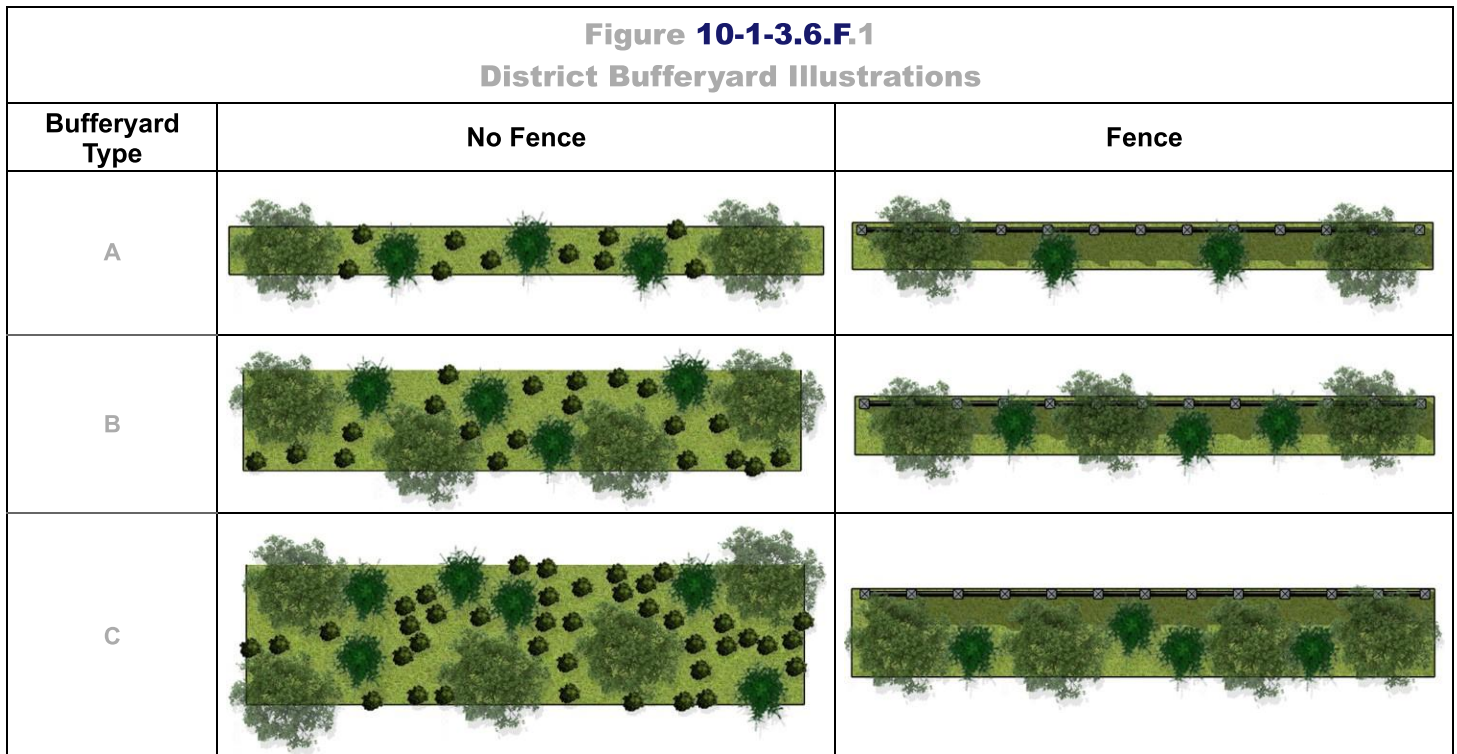
B. Applicability. This Subsection applies to all districts except DNR, DTA, DMU and DMS, which are subject to the standards in Section [10-2-4.2, DT Bufferyards](#).

C. Bufferyard Types.

1. *Types.* There are three types of bufferyards, each of which varies in width and the numbers and types of plants required per 100 linear feet, or portion thereof. The minimum planting requirements for each type of bufferyard are set out in Table 10-1-3.6.F.1, *District Bufferyard Types*. The bufferyard types and their required plantings are illustrated in Figure 10-1-3.6.F.1, *District Bufferyard Illustrations*.

Type	Bufferyard Width		Required Plantings per 100 Linear Feet						
	No Fence	Fence ¹	Large Deciduous		Coniferous (Evergreen)		Ornamental	Shrubs (Evergreen and Deciduous)	
			No Fence	Fence	No Fence	Fence		No Fence	Fence
A	10'	7.5'	2	1	3	1	2	10	0
B	15'	10'	2	1	3	2	4	15	0
C	25'	15'	3	2	3	2	5	25	0

1. Privacy fence shall be opaque and **at least** six feet tall.



2. *Locations.* Bufferyards shall be established on individual [lots](#) or parcels, unless a property owners', [condominium](#), or homeowners' association is established, in which case bufferyards may be within [common open space](#). Lots separated by public street right-of-way are not considered [adjoining](#).

a. *Between Zoning Districts.* As shown in Table 10-1-3.6.F.2, *District Bufferyard Requirements*, the bufferyard type is determined by the intensities of adjoining districts.

- b. *Double Frontage Lots.* Double frontage lots shall provide a Type B bufferyard and corner lots which are adjacent to a double frontage lot shall provide a Type B bufferyard along the rear or corner side lot line.
- c. *Mixed-Use Development.* The required bufferyards for a mixed-use development shall be included in the adopted Master Development Plan.
- d. *Along a Watercourse, Park, or Greenway.* No bufferyard is required for that portion of a parcel proposed for development that adjoins a permanent resource feature, such as a water body, river or stream, natural drainage channel, wetland or riparian area, wooded area, or a public park, except as necessary to meet Article 10-7-1, Floodplain Regulations, and Article 10-7-2, Floodway Regulations.

Table 10-1-3.6.F.2 District Bufferyard Requirements								
Zoning of Proposed Development	Zoning of Adjoining Lots							
	DNR, DTA, DMS, DMU	ACR, LLR	MLR, SLR	MFR	NC	CM	BC	IP
DNR, DTA, DMS, DMU	See Section <u>10-2-4.2, DT Bufferyards</u>							
ACR, LLR	See Section <u>10-2-4.2, DT Bufferyards</u>		--	B	A	B	B	C
MLR, SLR		--		B	A	B	B	C
MFR		B	B		B	A	A	B
NC		A	A	B		A	B	B
CM		B	B	A	A		B	B
BC		B	B	A	B	B		B
IP		C	C	B	B	B	B	

3. Constrained Sites.

- a. *Generally.* A constrained site as it relates to bufferyards is a site in which the bufferyard standards outlined in Table 10-1-3.6.F-1, District Bufferyard Types, would:
 1. Cause the common open space ratio of the lot proposed for development to exceed 150 percent of the applicable requirement of this Code (for example, if a lot has a 20 percent common open space ratio and the required bufferyards effectively mandate a 30 percent common open space ratio);
 2. Result in more than 20 percent of the lot being used for bufferyards; or
 3. Prevent practical development of the lot proposed for development by creating a building envelope that will not accommodate parking modules or practical building designs.
- b. *Reductions Permitted.* Bufferyard widths may be reduced on a constrained site in the following order of priority:
 1. Type A bufferyards may be reduced from 10' to 8' (no fence) or from 7.5' to 5' (fence) in width, provided that one additional tree of each type is planted for each 100 linear feet. Trees shall be planted so they have a four-foot radius of permeable soil at their base.
 2. Type B bufferyards may be reduced from 15' to 12' (no fence) or from 10' to 8' (fence) in width, provided that two additional trees of each type are planted for each 100 linear feet.
 3. Type C bufferyards may be reduced from 25' to 20' (no fence) or from 15' to 12' (fence) in width, provided they include all the plantings required as set out in Table 10-1-3.6.F-1, District Bufferyard Types.
- 4. *Exemptions.* Bufferyards are not required when the district for which a parcel proposed for development, redevelopment, or substantial improvement is separated from the adjacent district by a natural area that meets or exceeds the level of screening required by the applicable bufferyard.
- 5. *Adjoining Development.*

- a. *Existing Residential Development without a Bufferyard.* When adjoining existing residential development, new residential development shall provide the bufferyard and plantings if:
 1. The average lot area of the parcel proposed for development is 85 percent or less than the average lot area of the adjoining developed lot;
 2. The building [heights](#) of the new development are greater than eight feet taller than the building heights of the adjoining developed lot; or
 3. The housing type that is located on the lot(s) that adjoins existing development is of [density](#) that is 20 percent greater than the housing type of the adjoining developed lot.
- b. *Existing Non-Residential, Mixed-Use, and Public/Institutional Development without a Bufferyard.* Where an adjoining developed lot does not have the required bufferyard, the parcel proposed for development shall provide the required bufferyard and its plantings.
- c. *Zone Change.* If a change of zoning is requested from a less intensive to a more intensive district, the required bufferyard shall be provided for the new district, as applicable.
- d. *Shared Responsibility.* The owners of adjoining lots may agree in writing, on a form approved by the City Attorney, to transfer or share the responsibility for installation of a required bufferyard.

6. Credit for Existing Buffering.

- a. Existing large or ornamental [deciduous trees](#), coniferous ([evergreen](#)) trees, and deciduous or evergreen [shrubs](#) that meet the required bufferyard plantings, in whole or in part, may be counted, provided the trees and shrubs are in good health, as determined by the [Director](#).
- b. Credit will be given for existing trees that are located within bufferyards according to Sec. [10-1-3.6.D](#), *Landscape Requirements*.

7. Encroachments. No structure, parking lot, or loading area is permitted within a required bufferyard.

8. Warranted Exceptions to Bufferyard Requirements. Infill development of an existing lot may substitute a privacy fence or wall for the required bufferyard if the Director deems the bufferyard would create an unnecessary hardship.

Subsec. 10-1-3.10.B Sign Allowances and Prohibitions

A. Signs Allowed Without a Permit. The following signs may be erected and maintained ~~in the NC, CM, BC, and IP districts~~ without a Sign Permit and without being deducted from the allowable face areas of other permitted signs:

1. *Etched Sign.* A sign that is cut or etched into masonry, bronze, or similar material on a building and that is a maximum of six square feet in area;
2. *Interior Signs.* Signs that are not visible from residential property, abutting property, or street;
3. *Accessway Signs.* Non-illuminated signs not exceeding three square feet in sign area or three feet in height per sign nor allowing more than one such sign per non-residential access; however, if such signs are internally or externally illuminated then such signs shall be subject to regulation under this Code as a monument sign;
4. *Headstones and Memorials.* Headstones and other memorials;
5. *Flags.* Flags attached to a pole of up to 40 feet in height that have a maximum area of 32 square feet. The installation of the flag pole requires a building permit;
6. *Governmental Signs.* Signs posted by local, state, and federal agencies such as regulatory signs and traffic control signs;
7. *Occupant/Address Signs.* Visible street numbers and occupant identification are essential for emergency service providers to rapidly locate and identify specific buildings when emergency incidents are underway, including non-illuminated signs affixed to buildings, structures, mailboxes, decorative light posts, access entrances, or similar structures, that identify the address of the structure or occupant. Occupant/Address Signs include business directory signs not intended to be viewed from the street. The size and type of numbers shall be in accordance with the City Code;
8. *Parking of Advertising Vehicles on Private Property.* Advertising vehicles parked on private property, visible from the street, used on a regular basis within each business week as a means of transportation for the business that is advertised; and
9. *Display Window Signs.* Signs inside display windows visible from the street that are a maximum of four square feet in area.
10. Face changes. Sign face changes with no impact to the sign cabinet;
10. Small Temporary Signs. Post and stake signs as allowed by Table 10-1-3.10.F.

B. Prohibited Signs. The following signs shall not be permitted in any district:

1. *Animated or Moving Signs.* Animated or moving signs, including signs consisting of any moving, swinging, rotating, flashing, blinking, scintillating, fluctuating, or otherwise animated light, unless specifically permitted as part of the allowable signage enumerated in this Code;
2. *Portable Signs.* Portable signs except as permitted in individual zoning districts;
3. *Certain Temporary Signs.* Banners, pennants, searchlights, twirling signs, balloons or other gas-filled objects, tube signs, or feather signs, except as permitted in individual zoning districts;
4. *Roof Signs.* Signs mounted on a roof or roof illumination designed to illuminate signs located elsewhere on the building;
5. *Obstructive Signs.* Any sign that obstructs any window, door, fire escape, stairway, ladder, or opening intended to provide light, air, ingress, or egress for any building, as required by law, or which hides from view any traffic or street sign or signal or device;
6. *Signs in Rights-of-Way and Public Places.* Any signs and supports, other than signs and supports required by a governmental authority, which are located on the public right-of-way, including, but not limited to, public streets, alleys, medians, and tree-lawns;
7. *Parking of Advertising Vehicles on Street or Public Property.* An advertising vehicle parked on a street or on public property for the sole or primary purpose of advertising;
8. *Billboards.* As defined in Section 10-12-2.1, Definitions; and

9. *Nuisances.*

- a. *Glare.* Any sign that causes any direct glare into or upon any residential building or premises, other than the building or premises to which the sign is attached.
- b. *Other.* Any sign which emits sound, odor, or visible matter, which serves as a distraction to persons within the street.

C. Illegal Signs. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, convert, maintain, own, or display any sign prohibited by the terms of this Code. The terms and provisions of this Code shall prevail in the event of any conflict with any other ordinance or regulation of the city.

(Ord. [18, Series of 2022](#))

Subsec. 10-1-3.10.F Temporary Signs

A. Generally. This Subsection identifies [temporary signs](#) that are permitted on a one-time, limited duration, and/or intermittent basis upon application to and issuance by the [Director](#) of a [Sign Permit](#) established in Section [10-9-6.6, Sign Permit](#). The temporary signs identified in this Subsection may be erected and maintained and each permit shall be valid for the period set forth in Table [10-1-3.10.F, Temporary Signs](#).

B. Standards for all Temporary Signs.

1. *Animation.* No temporary sign shall use any form of animation to attract attention.
2. *Illumination.* Temporary signs shall not be illuminated except by concealed or ambient light sources that do not flash, blink, fluctuate, or use intermittent light or digital display.
3. *Placement.* Any placed or affixed temporary sign shall be arranged so as to minimize visual impacts on traffic safety and impact on [adjacent](#) residential areas.
4. *Location.* Temporary signs shall not be placed within street right-of-way, easements, roadway surfaces, sidewalks, medians, and decorative surfaces, or within 300 feet of commercial corridor intersections. Any sign so placed is a nuisance, a traffic hazard, and a [violation](#) of this Code.
5. *Secured Sign.* All temporary signs shall be affixed in a manner to minimize the possibility that the forces of nature will destroy or remove said sign.
6. *Material Durability.* Temporary signs shall be made of materials that will not deteriorate over the life of the sign and can withstand external weather conditions.
7. *Maintenance.* Temporary signs that are frayed, torn, broken, or that are no longer legible shall be deemed unmaintained and required to be removed.
8. *Expiration Date.* The expiration date of the Sign Permit shall be affixed to the temporary sign.
9. *Removal.* Where temporary signs are not removed within the time limit allowed or after notice to be removed by the city, the city may cause the signs to be removed and the costs of removal will be charged to the person named on the sign.

C. Unlisted Signs. Signs that are not listed in Table [10-1-3.10.F, Temporary Signs](#), nor listed as an exempt sign type in Section [10-1-3.10.B, Sign Allowances and Prohibitions](#), are prohibited as temporary signs. Temporary signs in multi-tenant shopping centers are prohibited in the common areas; they may only be located in areas at each unit that is a use by right.

Table 10-1-3.10.F Temporary Signs				
Sign Types and Limitations	Commercial Mixed-Use (CMU)			
	ACR, LLR, MLR, SLR, DNR	MFR, NC	CM, DTA, DMS, DTU	BC, IP
Sidewalk				
Number Allowed	--	1 per 59 ft. of linear street frontage	1 per 20 ft. of linear street frontage	--
Maximum Area	--	8 sq. ft.		--
Maximum Height	--	4 ft.		--
Placement	--	Clearance as required by building codes		--
Minimum Setback	--	10 ft.	5 ft.	--
Illumination	--	--		--
Table Notes: 1. Joint identification signs are permitted; the area may be multiplied by the number of users provided no sign may exceed 100 sq. ft. per sign face and 200 sq. ft. total. 2. <u>Post and stake signs that do not exceed a maximum area of 6 sq.ft. and maximum height of 4 ft. are allowed for up to 90 days without a permit.</u> 3. <u>Setback taken from back of sidewalk or, when no sidewalk present, from back of curb.</u>				

**Table 10-1-3.10.F
Temporary Signs**

Sign Types and Limitations	Commercial Mixed-Use (CMU)			
	ACR, LLR, MLR, SLR, DNR	MFR, NC	CM, DTA, DMS, DTU	BC, IP
Maximum Duration	--	Removed at the end of normal business hours 30 days	30 days	--
Banner				
Maximum Number Permitted	--	1 per business or entity		
Maximum Area	--	15 sq. ft.	20 sq. ft.	15 sq. ft.
Maximum Height	--	Wall mounted: no higher than the wall height. Freestanding: 6 ft. above <u>grade</u> , unless the banner spans a walkway.		
Placement/Setback	--	Attached: Fastened to the principal building <u>façade</u> or railings. Freestanding: 10 ft. from property line		
Maximum Duration	--	30 days (limited to 4 permits per calendar year)		
Post^{1, 2}				
Number Allowed	1 per street frontage	1 per street frontage; maximum 2		
Maximum Area	6 sq. ft.	32 sq. ft.		
Maximum Height	4 ft.	12 ft.		
Maximum Duration	6 months (limited to 4 successive periods at the same location)			
Stake^{2, 3}				
Number Allowed	5 , except during the period beginning on September 1 and ending on November 15 each calendar year where the number of stake signs allowed on residential lots is unlimited 3	Per cumulative area of temporary signs (see below) ³		
Maximum Area	64 sq. ft.	16 sq. ft.		
Maximum Height	3 ft.	6 ft.		
Minimum Setback	45 ft.	405 ft.		
Maximum Duration	None	60 days (limited to 3 cycles per calendar year)		
Maximum Sign Area for Temporary Signs				
Number Allowed <u>Maximum Total Sign Area for Temporary Signs</u>	20 sq. ft.; no single sign more than 6 sq. ft. -N/A	50 sq. ft.; no single sign more than 10 sq. ft.		
<p>Table Notes:</p> <ol style="list-style-type: none"> 1. Joint identification signs are permitted; the area may be multiplied by the number of users provided no sign may exceed 100 sq. ft. per sign face and 200 sq. ft. total. 2. <u>Post and stake signs that do not exceed a maximum area of 6 sq.ft. and maximum height of 4 ft. are allowed for up to 90 days without a permit.</u> 3. <u>Setback taken from back of sidewalk or, when no sidewalk present, from back of curb.</u> 				

(Ord. 18, Series of 2022)

CHAPTER 2: DOWNTOWN (DT)

Contents:

ARTICLE 10-2-1 DT PURPOSE AND APPLICABILITY

ARTICLE 10-2-2 DT DOWNTOWN DISTRICTS AND USES

ARTICLE 10-2-3 DT DESIGN

ARTICLE 10-2-4 DT GREENSCAPE

ARTICLE 10-2-5 DT SIGNS

Related Provisions		
Sec. 10-1-1.3	Land Use Matrix	Permitted, specially permitted, conditional, and accessory uses permitted within the NC and CM districts
Sec. 10-1-1.4	Land Use Standards	Standards that apply to land uses denoted with an "S" in Section 10-1-1.3 , <i>Land Use Matrix</i>
Sec. 10-9-5.14-1.5	Conditional Use Standards	Standards for land uses denoted as "C" in Section 10-1-1.3 , <i>Land Use Matrix</i>
Sec. 10-1-2.3	Height and Yard Exceptions	Allowable exceptions to the setbacks and heights within the NC and CM districts
Sec. 10-1-3.1	General Design Standards	Standards relating to wall articulation, varied massing, blank walls, and screening
Sec. 10-1-3.2	Non-Residential and Mixed-Use Design Standards	Permitted and alternative materials and CPTED review standards
Sec. 10-9-5.84-3.3	Adaptive Reuse <u>Plan</u>	Development standards and reuse incentives for the revitalization or redevelopment of buildings
Sec. 10-1-3.4	Sustainable Building Design	Incentives for the use of sustainable design and development practices
Sec. 10-1-3.7	Vehicle Mobility	Minimum required and maximum allowable parking, credits and reductions, vehicle access and parking design, landscape and screening standards, and pedestrian circulation (Subsection 10-1-3.7.B , <i>Parking and Access in the DT Districts</i>)
Sec. 10-1-3.8	Alternative Mobility	Bicycle parking standards
Sec. 10-1-3.11	Outdoor Lighting Standards	Standards for on-site exterior lighting and for certain districts, uses and site features
Sec. 10-9-3.10	Development Review Summary	Descriptions of all required approval and permit processes
Sec. 10-12-2.1	Definitions	Definitions of land uses and general terms
Base Standards		
Sec. 10-1-3.6	Greenspace Design Standards	General planting, landscape, bufferyard and tree canopy coverage requirements
Sec. 10-1-3.10	Sign Standards	Signs allowed and prohibited, installation and maintenance requirements, means of measuring sign dimensions, bonuses, and standards for temporary signs

L. Multiplex Building Type.

1. *Generally.* This Subsection provides design standards for the Multiplex building type. The illustration of this building type identifies common design features. Next is a description of the building type followed by tables providing the design standards.
2. *Description.* This building type contains ~~three to six~~ up to four residential units. This type reflects traditional residential structures in form but is somewhat larger in scale. It is freestanding, and one to two and one half stories in height in different contexts. Details include principal entrances in one or more locations. Each is defined by a porch, stoop, or recessed entry. A Multiplex building generally includes a pitched roof. Figure 10-2-3.2.5, *Multiplex Building Type*, illustrates the multiplex building type.

Figure 10-2-3.2.5
Multiplex Building Type



A Primary entrance is oriented to the street and may be defined by a porch.

B Pitched roof relates to traditional single-family buildings.

C Walkway leads to the primary entrance from the public way.

THE SAMPLE IMAGES BELOW ARE SHOWN ONLY FOR ILLUSTRATIVE PURPOSES AND ARE NOT MEANT TO PRESCRIBE THAT THESE FORMS MUST BE USED.





3. *Building Type Dimensional Standards.* Figure 10-2-3.2.6, *Multiplex Building Type*, and Table 10-2-3.2.4, *Multiplex Building Type Standards*, establish the dimensional standards and how they apply to the Multiplex building type.

Figure 10-2-3.2.6
Multiplex Building Type
 (see Table 10-2-3.2.4, below)

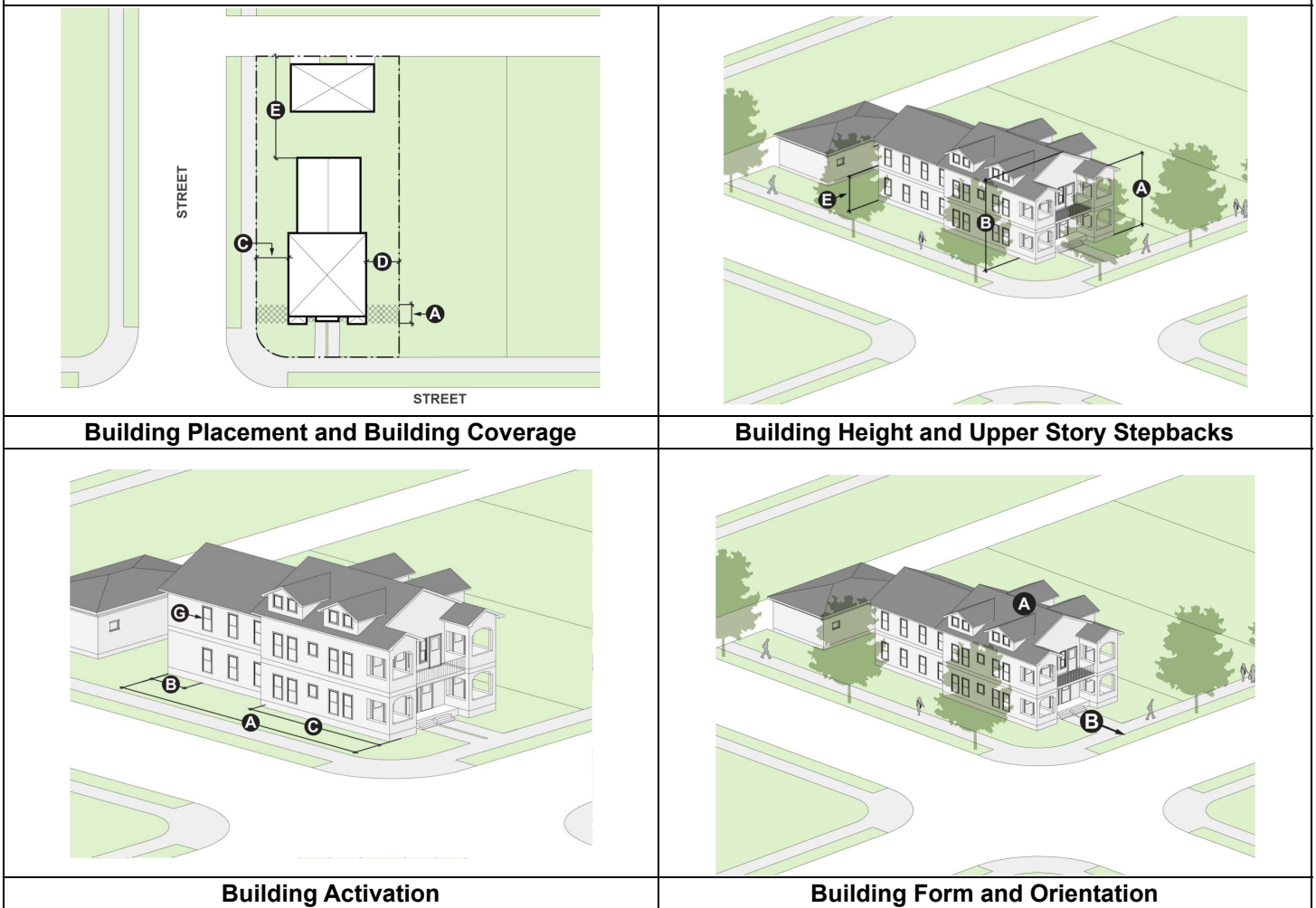


Table 10-2-3.2.4
Multiplex Building Type Standards
 (see Figure 10-2-3.2.6, above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Building Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	20' / 30'	20' / 30'	N/A	0' / 10'

Table 10-2-3.2.4
Multiplex Building Type Standards
(see Figure 10-2-3.2.6, above)

Symbol	Standard	DNR	DTA	DMS	DMU
B	Primary / Secondary Street Frontage (min. % of façade in BTZ)	85% / 60%	85% / 60%	N/A	85% / 60%
C	Corner Lot Side Setback (min. ft.)	10'	10'	N/A	10'
D	Interior Side Setback (min. ft.)	5'	5'	N/A	5'
E	Rear Setback (min. ft. / min. ft. with alley) ¹	20' / 20'	15' / 20'	N/A	10' / 20'
F	Building Coverage (max. %)	70%	70%	N/A	70%
G	Public Amenity / Outdoor Space and Tree Canopy Coverage (min. %)	25%	25%	N/A	25%

1. Garages with direct alley access shall be set back five feet or more from the alley to achieve safe auto turning template radii.

Building Height and Upper Story Stepbacks

A	Maximum number of stories within BTZ	1	2	N/A	2
B	Maximum Height (number of stories/feet)	2.5 / 30'	2.5 / 30'	N/A	2.5 / 30'
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	N/A	N/A	N/A	N/A
D	Maximum number of stories within 20 ft. of a sensitive edge	N/A	2	N/A	2
E	Ground Floor - Floor-to-Floor Height (max. ft.)	10'	10'	N/A	10'

Building Activation

Street Facing Wall Lengths

A	Overall (max. ft.)	N/A	N/A	N/A	N/A
B	Blank Wall (max. ft.)	15'	15'	N/A	15'

Street Facing Wall Articulation

C	Maximum wall length before articulation	25'	25'	N/A	25'
D	Minimum number of articulation techniques required (refer to Table 10-1-3.1.A for technique options)	2	1	N/A	2

Mass Variation

E	Minimum number of varied massing techniques (refer to Table 10-1-3.1.B for technique options)	2	1	N/A	2
---	---	---	---	-----	---

Transparency

F	Façade glazed: % ground floor wall area (min.)	30%	30%	N/A	30%
G	Façade glazed: % upper floor(s) wall area (min.)	20%	20%	N/A	20%

Building Form and Orientation

Roof Form

A	Minimum sloping roof form (hip or gable) as percentage of building in plan view if not an art-deco or contemporary architectural style	50%	50%	N/A	25%
	Roof Slope	5:12 or steeper 3:12 or steeper for porches, add-ons, etc.	5:12 or steeper 3:12 or steeper for porches, add-ons, etc.	N/A	5:12 or steeper 3:12 or steeper for porches, add-ons, etc.

Building Entry

Table 10-2-3.2.4
Multiplex Building Type Standards
 (see Figure 10-2-3.2.6, above)

Symbol	Standard	DNR	DTA	DMS	DMU
B	Primary entrance orientation requirement	Directly facing the street	Directly facing the street	N/A	Directly facing the street
C	Primary entrance spacing (max.)	N/A	N/A	N/A	N/A

4. Additional Multiplex Building Type Standards.

- a. Roof Form.** The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in Table 10-2-3.2.4 above.
- b. Front Porch Width.** Where a front porch is incorporated, it shall be a minimum of 40% of the width of the façade.

Section 10-2-5.1 DT Sign Types and Standards

A. Applicability. The [sign](#) requirements in this Section apply to the DMS, DTA, DMU, and DNR districts.

B. Sign Types.

1. **Table Symbols.** The symbols displayed in Table 10-2-5.1.1, *Sign Types by District*, include:
 - a. "P" means the sign type is permitted.
 - b. "--" means the sign type is prohibited.
2. **Cross References.** The "Standards Reference" column provides a cross-reference to standards for specific sign types that do not fit within the table.
3. **Unlisted Sign Types.** Sign types that are not listed in the following tables are prohibited in these districts.

Table 10-2-5.1.1 Sign Types by District					
	DNR	DTA	DMS	DMU	Standards Reference
Attached Signs					
Arcade	P	P	P	P	--
Awning	--	P	P	P	C.7
Marquee	--	--	P ¹	P ¹	--
Mural	--	--	P	P	C.8
Projecting	--	P	P	P	C.9
Wall	P	P	P	P	C.10
Window	P	P	P	P	C.11
Detached Signs					
Monument	P	P	--	P	--
Pole	--	P	--	P	C.12
Table Notes:					
1. If a marquee sign is proposed to attach to a designated structure , then a Certificate of Appropriateness must first be obtained from the Director. Marquee signs shall be located only above the primary entry of the building.					

4. **Attached Permanent Signs.** Table 10-2-5.1.2, *Attached Permanent Sign Standards*, sets out which forms, sizes, and other standards of attached permanent signs are allowed by district.

Table 10-2-5.1.2 Attached Permanent Sign Standards				
	DNR	DTA	DMS	DMU
Arcade Sign				
Number Allowed	--	--	1 per public entrance under arcade	
Maximum Area	--	--	6 sq. ft.	
Minimum Clearance above Sidewalk	--	--	8 ft.	
Illumination	--	--	External downlighting or halo	
Table Notes:				
1. The maximum total area per sign allowed is 100 square feet per display face, 200 square feet per sign, and 300 square feet per building frontage.				
2. Buildings with flat roofs: Signs may not project above the parapet wall. Buildings with mansard roofs: Signs may not project above 50% of the height of the mansard.				
3. Changeable copy shall not be by electronic means but may be manual. Refer to C.6, below.				
4. See C.10, Wall Sign, within this Section for additional standards.				
5. Awnings, canopies, marquees, and signs with less than 15 feet clearance above the sidewalk must meet building codes for maximum projection.				
"--" = Sign type is not permitted				

**Table 10-2-5.1.2
Attached Permanent Sign Standards**

	DNR	DTA	DMS	DMU
Changeable Copy	--	--	Not permitted	
Awning Sign				
Number Allowed	--	One per building <u>façade</u> or one per storefront for a <u>mixed-use</u> or multi-tenant building		
Maximum Area	--	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear foot of façade width, whichever is greatest ¹		
Minimum Vertical Clearance/ Maximum <u>Height Above Grade</u>	--	8 ft./ No higher than top of ground floor		
Illumination	--	External downlighting		
Changeable Copy	--	Not permitted		
Marquee Signs				
Number Allowed	--	--	1 per building front façade	
Maximum Area	--	--	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear foot of building front width, whichever is greatest ¹	
Min./ Max. Clearance Above Grade	--	--	12 ft./25 ft.	
Maximum Distance from Building Façade	--	--	48 inches ⁵	
Illumination	--	--	Internal or halo	
Changeable Copy	--	--	Permitted	
Mural Sign				
Number Allowed	--	--	1 per building façade	
Maximum Area	--	--	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear foot of building front width, whichever is greatest ¹	
Maximum Height	--	--	Above ground floor but no higher than the roofline	
Illumination	--	--	External downlighting	
Changeable Copy	--	--	Not permitted	
Projecting Signs				
Number Allowed	--	1 per tenant per <u>building frontage</u> and 1 per tenant in the <u>alley</u> of the building, if applicable		
Maximum Area	--	12 sq. ft. per face or 24 sq. ft. per sign		
Min./Max. Clearance Above Grade	--	8 ft./No higher than the ground floor		
Illumination	--	Internal, halo, or downlight		
Changeable Copy	--	Not Permitted		
Wall Signs⁴				
Number Allowed	1 per tenant per building frontage			
Maximum Area/Sign	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of façade width occupied by an individual business, whichever is greatest ¹			
Max. Clearance Above Grade	20 ft. ² 30 ft. ² No higher than roof or parapet line ²			
Maximum Projection from Wall	12 inches			

Table Notes:

1. The maximum total area per sign allowed is 100 square feet per display face, 200 square feet per sign, and 300 square feet per building frontage.
2. Buildings with flat roofs: Signs may not project above the parapet wall. Buildings with mansard roofs: Signs may not project above 50% of the height of the mansard.
3. Changeable copy shall not be by electronic means but may be manual. Refer to C.6, below.
4. See C.10, Wall Sign, within this Section for additional standards.
5. Awnings, canopies, marquees, and signs with less than 15 feet clearance above the sidewalk must meet building codes for maximum projection.

"--" = Sign type is not permitted

**Table 10-2-5.1.2
Attached Permanent Sign Standards**

	DNR	DTA	DMS	DMU
Illumination	External downlighting, internal, or halo			
Changeable Copy	Not Permitted			
Other Standards	Wall signs professionally painted directly onto a wall are deemed mural signs			
Window Signs				
Number Allowed	1 per tenant per building frontage			
Maximum Area	10% of combined area of all windows			
Max. Clearance Above Grade	20 ft. Maximum height of the wall structure 20 ft. No higher than roof or parapet line			
Illumination	Internal with nighttime NITs level not to exceed 500 nits			
Changeable Copy	Not permitted		Permitted ³	
<p>Table Notes:</p> <ol style="list-style-type: none"> The maximum total area per sign allowed is 100 square feet per display face, 200 square feet per sign, and 300 square feet per building frontage. Buildings with flat roofs: Signs may not project above the parapet wall. Buildings with mansard roofs: Signs may not project above 50% of the height of the mansard. Changeable copy shall not be by electronic means but may be manual. Refer to C.6, below. See C.10, Wall Sign, within this Section for additional standards. Awnings, canopies, marquees, and signs with less than 15 feet clearance above the sidewalk must meet building codes for maximum projection. <p>"--" = Sign type is not permitted</p>				

5. Detached Permanent Signs. Table 10-2-5.1.3, *Detached Permanent Sign Standards*, sets out which types, sizes, and other characteristics of detached permanent signs are allowed per use and by district and subject to the following standards:

- Detached signs shall comply with sight triangles as established in Section 10-1-2.4, *Measurements and Allowances*.
- Detached signs shall have no more than one, two-sided sign face or backing panel, except in the Downtown Neighborhood Residential (DNR) district, where they shall have no more than one single-sided face or panel.

**Table 10-2-5.1.3
Detached Permanent Sign Standards**

	DNR	DTA	DMS	DMU
Monument Sign				
Number Allowed	1 per street frontage		1 per street frontage if 151 or less linear feet of street frontage; 2 per street frontage if greater than 151 linear feet of street frontage	
Maximum Area	40 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater ¹			
Maximum Height Above Grade	5 ft.		8 ft.	
Illumination	Internally lit, Halo lit, or Externally downlit			
Changeable Copy	Not permitted		Permitted ²	
Pole Sign				
Number Allowed	--	1 per street frontage	--	1 per street frontage
<p>Table Notes:</p> <ol style="list-style-type: none"> The maximum total area per sign allowed is 80 square feet per display face and 160 square feet per sign. Changeable copy shall not be by electronic means but may be manual. Refer to C.6. below. <p>"--" = The sign type is not permitted.</p>				

**Table 10-2-5.1.3
Detached Permanent Sign Standards**

	DNR	DTA	DMS	DMU
Maximum Area	--	40 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater ¹	--	40 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater ¹
Maximum Height Above Grade	--	15 ft.	--	15 ft.
Illumination	--	Halo	--	Halo
Changeable Copy	--	Not permitted	--	Not permitted

Table Notes:

1. The maximum total area per sign allowed is 80 square feet per display face and 160 square feet per sign.
2. Changeable copy shall not be by electronic means but may be manual. Refer to C.6. below.

"--" = The sign type is not permitted.

C. General Requirements.

1. *All Signs.* All signs in the DMS, DTA, DMU, and DNR districts shall be subject to the following standards:
 - a. Materials for signs shall complement the color, material, and overall character of the architecture;
 - b. Signs shall be constructed of high-quality durable materials that are suitable for exterior use;
 - c. All materials shall be finished to withstand corrosion;
 - d. All conduits, transformers, and other equipment shall be concealed and shall have UL ratings;
 - e. Hand-painted signs shall only be allowed if painted by a sign contractor;
 - f. Cabinet signs are not permitted; and
 - g. Internally illuminated signs shall be halo lit or composed of channel letters only.
2. *Above Ground-Floor Signs.* Only the following sign types and characteristics are permitted above the ground floor of a building:
 - a. Painted, externally down-lit, or internally lit wall signs;
 - b. Mural signs;
 - c. One unlit window sign per business; and
 - d. The extension of a ground-floor projecting sign.
3. *Sign Combination Options.* In an effort to limit the variety of sign types used on a single building or site, the following sign combinations may be utilized, depending on the permitted sign types in a given district based on Table 10-2-5.1.1, *Sign Types by District*:
 - a. *Option 1.* A maximum of one attached sign per tenant per building frontage with window signs limited to 10 percent of the combined area of all windows, and one monument sign per building frontage;
 - b. *Option 2.* A maximum of one attached sign per tenant per building frontage with window signs limited to 10 percent of the combined area of all windows, one awning sign per building frontage, and one projecting sign per tenant per building frontage; or
 - c. *Option 3.* A maximum of one attached sign per tenant per building frontage with window signs limited to 20 percent of the combined area of all windows, and one projecting sign per tenant per building frontage if located or designed so as not to visually conflict with the wall sign.
4. *Mixed-Use Buildings.* Signs shall not be located within the residential portion of the façade of any mixed-use building.
5. *Sign Illumination Standards.*

- a. Table 10-2-5.1.2, *Attached Permanent Sign Standards*, and Table 10-2-5.1.3, *Detached Permanent Sign Standards*, provide information as to the types of illumination permitted for each sign type and in each character area.
- b. Light sources that illuminate signs shall not cause glare that is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
- c. Signs with external downlighting shall have light sources concealed by opaque covers.
- d. Light sources for halo-lit signs shall be fully concealed from view.
- e. Light sources shall be steady, stationary, shielded, and directed solely at the sign.
- f. The light source shall be static in color. Animation or flashing lights are prohibited.
- g. Exposed neon shall not be used as a light source for signs in the DNR and DMU districts but can include items that resemble neon such as flexible LED tubing.
- h. Exposed neon may be used as a light source in the DMS and DTA districts provided it is confined to the lighting of channel signs and halo-lit signs.
- i. Illuminated signs within the DNR district shall shut off between the hours of 10:00 p.m. and 7:00 a.m. The sign shall include an automatic shut-off mechanism to ensure that the signs are not illuminated during such time period.

6. Manual Changeable Copy.

- a. Changeable copy shall not be by electronic means but may be manual.
- b. Changeable copy signs shall not be internally illuminated unless:
 - 1. They use opaque inserts with translucent letters, numbers, or symbols;
 - 2. Blank or dark opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and
 - 3. The opaque portion of the letters, numbers, and symbols is the same color.
- c. Lettering of changeable copy signs shall be of a single style and shall be of uniform color and size.
- d. The changeable copy area may comprise up to 50 percent of the sign area of a detached sign or up to 12 square feet of an awning sign. The remainder of the sign area shall use permanently affixed letters or symbols.
- e. The changeable copy area shall be an integral element of a detached sign with all sides finished with brick, stone, powder-coated (or comparably finished) metal, or the surface of the sign face.
- f. The enclosure shall extend at least three inches from the changeable copy area in all directions.

7. Awning Signs.

- a. Backlit awnings with or without signs are prohibited. Shielded downlights within an awning that lights only the paving under the awning are permitted.
- b. Awning signs are prohibited above the ground floor.
- c. Awning signs shall be located on the awning valance that faces the street, not on a valance that is generally perpendicular to the street.
- d. If side panels are provided, such panels shall not carry signs greater in area than 20 percent of the area of the awning sign panel.
- e. Text on awning valances shall not be greater than 12 inches high.

8. Mural Signs.

- a. Mural signs shall not be painted over architectural features such as windows, cornices, belt courses, or other details.
- b. Mural signs located on the side wall of a building that faces and is adjacent to a residential building shall not be lighted above the ground floor.

9. Projecting Signs.

- a. Projecting signs shall be located above or below awnings, but not in line with awnings.

- b. Projecting signs may extend a maximum of five feet from the face of the building.
- c. Projecting signs may not extend into any portion of the street right-of-way without approval of encroachment into public right-of-way.
- d. Projecting signs shall be attached at right angles to the supporting structure in a manner consistent with the Building Code.
- e. Projecting signs shall be the only sign type permitted in conjunction with a paseo [open space](#) building type, as established in Table [10-2-4.1.1](#), [Public Open Space Standards](#).

10. Wall Signs.

- a. Wall and projecting signs may be used together with the wall sign generally higher than the projecting sign.
- b. Wall signs shall not overlap or conflict with architectural features such as windows, cornices, belt courses, or other details.
- c. Wall signs located on the side wall of a building that faces and is adjacent to a residential building shall not be lighted above the ground floor.
- d. Wall signs shall be composed of individually mounted letters or symbols that are a minimum of one inch thick or, for halo signs, are pinned off one inch from the wall or sign backing.

11. Window Signs.

- a. Window signs shall be located in the lower or upper 25 percent of the window area.
- b. Window signs on glazing shall be either silk-screened, back-painted, metal-leafed, or sand-blasted onto the glass. Vinyl letters or other types of applications are prohibited.

- 12. Pole Signs.** Pole signs shall require pole covers. The pole cover shall be a minimum of 25 percent of the width of the sign. The combined width of pole covers for each leg of double pole signs shall be a minimum of 40 percent of the width of the sign.

(Ord. [18, Series of 2022](#))

CHAPTER 3 CORRIDORS AND MIXED-USE (CMU)

Contents:

ARTICLE 10-3-1 CMU PURPOSE AND APPLICABILITY

ARTICLE 10-3-2 CMU CORRIDOR MIXED-USE DISTRICTS AND USES

ARTICLE 10-3-3 CMU DESIGN

ARTICLE 10-3-4 CMU GREENSCAPE

ARTICLE 10-3-5 CMU SIGNS

Related Provisions		
Sec. 10-1-1.1	Base Districts	District purposes and relationships between the ULUC zoning districts, the former districts, and the Land Use and Character Map
Sec. 10-1-1.2	Overlay and Special Districts	Procedures for the transition of the PD and PDO districts to a PL-O, Planned Overlay, and their termination or expiration
Sec. 10-1-1.3	Land Use Matrix	Permitted, specially permitted, conditional, and accessory permitted within the NC and CM districts
Sec. 10-1-1.4	Land Use Standards	Standards that apply to land uses denoted with an "S" in Section 10-1-1.3 , <i>Land Use Matrix</i>
Sec. 10-9-5.14-1.5	Conditional Use Standards	Standards for land uses denoted as "C" in Section 10-1-1.3 , <i>Land Use Matrix</i>
Sec. 10-1-2.3	Height and Yard Exceptions	Allowable exceptions to the setbacks and heights within the NC and CM districts
Sec. 10-1-3.1	General Design Standards	Standards relating to wall articulation, varied massing, blank walls, and screening
Sec. 10-1-3.2	Non-Residential and Mixed-Use Design Standards	Permitted and alternative materials and CPTED review standards
Sec. 10-9-5.8-4-3.3-	Adaptive Reuse <u>Plan</u>	Development standards and reuse incentives for the revitalization or redevelopment of buildings
Sec. 10-1-3.4	Sustainable Building Design	Incentives for the use of sustainable design and development practices
Sec. 10-1-3.5	Transition Standards	Requirements for building setbacks and setbacks to transition the intensity of development when sharing a property line of rights-of-way with districts of lesser intensity
Sec. 10-1-3.7	Vehicle Mobility	Minimum required and maximum allowable parking and loading spaces, design standards, and maintenance requirements
Sec. 10-1-3.8	Alternative Mobility	On-site pedestrian access and circulation standards and bicycle parking requirements
Sec. 10-1-3.9	Managed Access	Access locations, spacing and dimensional requirements and sight triangle standards
Sec. 10-1-3.11	Outdoor Lighting Standards	Standards for on-site exterior lighting and for certain districts, uses and site features
Sec. 10-6-2.3	Subdivision Design	Standards for streets, blocks, lots, easements, open space and public utilities and infrastructure
Sec. 10-7-1.5	Floodplain / Flood Fringe Regulations	Requirements for subdivisions, construction and critical facility standards, and alterations of watercourses
Sec. 10-9-3.9	Development Review Summary	Descriptions of all required approval and permit processes
Sec. 10-12-2.1	Definitions	Definitions of land uses and general terms
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Sec. 10-1-3.6	Greenspace Design Standards	General planting, landscape, bufferyard and tree canopy coverage requirements
Sec. 10-1-3.10	Sign Standards	Signs allowed and prohibited, installation and maintenance requirements, means of measuring sign dimensions, bonuses, and standards for temporary signs

Section 10-3-2.2 CMU Lot and Building Standards NC CM DESIGN - D SITE DEVELOPMENT - SD

A. Purpose. This Section establishes the development standards for residential, non-residential, and mixed-use buildings in the NC and CM districts, as shown in:

1. *Residential.* See Table 10-3-2.2.1, *Residential Lot and Building Standards*; and
2. *Non-Residential and Mixed-Use.* See Table 10-3-2.2.2, *Non-Residential and Mixed-Use Lot and Building Standards*.

B. Applicability.

1. *Residential Lots and Building Standards.*

- a. The standards in Table 10-3-2.2.1, *Residential Lot and Building Standards*, apply to new residential development within the Neighborhood Commercial (NC) and Corridor Mixed (CM) district.
- b. Construction or reconstruction of residential dwellings in pre-established neighborhoods within the CM district shall conform to the standards of Subsection 10-4-3.2.C, *Contextual Development*.
- c. Additions or expansions to existing single-family detached dwellings in pre-established neighborhoods within the CM district shall conform to the standards of Subsection 10-4-3.2.F, *Neighborhood Conservation*.

Table 10-3-2.2.1
Residential Lot and Building Standards

District and Housing Type	Maximum Density (Dwelling Units/Acre) ⁴	Minimum						Common Open Space	Maximum Building Height ⁴
		Lot		Setbacks					
		Area ¹	Width	Front ²	Interior Side ²	Corner ²	Rear ³		
Single-Family Detached									
NC	6	6,000 sf.	50'	5' / 20'	5'	5' / 10'	20' / 20'	--	35'
Single-Family Attached									
NC	14	4,500 sf.	40'	5' / 20'	0' / 5'	5' / 10'	20' / 20'	--	35'
CM	18	3,500 sf.	30'	0' / 8'	0' / 5'	5' / 10'	10' / 20'	--	35'
Multiplex									
NC	22	2,000 sf.	20'	5' / 20'	8'	8' / 10'	20' / 20'	--	35'
CM	26	1,500 sf.	15'	5' / 10'	5'	5' / 10'	10' / 20'	--	45'
Townhouse									
NC	25	2,000 sf.	20'	15' / 25'	0' / 8'	12' / 25'	20' / 20'	20%	35'
CM	31	1,250 sf.	15'	8' / 15'	0' / 8'	8' / 15'	10' / 20'	15%	45'
Multi-Family									
NC	36	--	--	15' / 20'	15'	10' / 20'	10' / 20'	30%	45'
CM	52 / 62	--	--	15' / 20'	10'	10' / 20'	10' / 20'	25%	55' / 65'

Table Notes:

1. Lot area is calculated on a per dwelling unit basis.
2. Where two setback dimensions are shown, the lesser dimension is for the build-to, shop front, and stoop frontage types, where permitted according to Section 10-3-3.2, *CMU Standards of Design*. The second dimension is the maximum setback.
3. The two dimensions shown are the rear yard setbacks when adjoining and not adjoining an alley, respectively.
4. The larger number represents the potential allowance with incentives from Section 10-1-3.4, *Sustainable Building Design*.

2. *Non-Residential Lots and Mixed-Use Lot and Building Standards.*

- a. The standards in Table 10-3-2.2.2, *Non-Residential Lot and Mixed-Use Lot and Building Standards*, apply to new development within the Neighborhood Commercial (NC) and Corridor Mixed (CM) districts.

- b. Construction or reconstruction of non-residential or mixed-use buildings within the NC and CM districts shall conform to the standards of this Section, subject to the provisions of Section [10-10-3.1, Administrative Compliance](#), or as applicable, Section [10-9-5.8-1-3.3, Adaptive Reuse Plan](#).
- c. Additions or expansions to existing buildings shall conform to the standards of this Section, subject to the provisions of Section [10-10-3.1, Administrative Compliance](#).

Table 10-3-2.2										
Non-Residential and Mixed-Use Lot and Building Standards										
District and Building Type	Density (Dwelling Units / Acre) ³	Minimum							Common Open Space	Maximum Building Height ^{3,4}
		Lot		Setbacks						
		Area	Width	Front ¹	Interior Side ¹	Corner Lot ¹	Rear ²			
Live-Work										
NC	9	--	--	10' / 20'	8'	8' / 12'	15' / 20'	20%	44'	
CM	10	--	--	5' / 15'	0' / 8'	5' / 10'	10' / 20'	15%	47' / 58'	
Mixed-Use										
NC	24 / 29	--	--	8' / 20'	8'	8' / 12'	15' / 20'	15%	47' / 58'	
CM	50 / 60	--	--	0' / 5'	0' / 8'	0' / 5'	0' / 10'	12%	80' / 91'	
Commercial										
NC	--	--	--	8' / 20'	8'	8' / 12'	15' / 20'	18%	47' / 58'	
CM	--	--	--	0' / 5'	0' / 8'	0' / 5'	0' / 10'	15%	80' / 91'	
Office-Institutional										
NC	--	--	--	8' / 20'	8'	8' / 12'	15' / 20'	20%	47' / 58'	
CM	--	--	--	0' / 15'	0' / 8'	0' / 12'	0' / 10'	15%	80' / 91'	
<p>Table Notes:</p> <ol style="list-style-type: none"> Where two setback dimensions are shown, the lesser dimension is for the build-to, shop front, and stoop frontage types, where permitted according to Section 10-3-3.2, CMU Standards of Design. The second dimension is the maximum build-to line in the front and the minimum setback for the side yard setback. The two dimensions shown are rear yard setbacks when adjoining and not adjoining an alley, respectively. Greater density or height may be permitted for development that meets the standards set out in Section 10-1-3.4, Sustainable Building Design. Increased height is subject to the bulk plane standards set out in Subsection 10-1-3.5, Transition Standards, when the CM district shares a common lot line with an ACR, LLR, MLR or SLR district. Development internal to a CM district is exempt from the bulk plane standards. Height is based upon a maximum first floor height of 14 feet. 										

(Ord. [18, Series of 2022](#))

Subsec. 10-3-3.2.B CMU Building and Site Design

A. Purpose. The purpose of this Section is to establish building and site design standards for development in the NC and CM districts.

B. Applicability. This Section applies to freestanding commercial and mixed-use developments where permitted in Section 10-1-1.3, Land Use Matrix. Where impractical, these provisions may be subject to waiver requests at the sole discretion of the Director or the Director's designee.

C. Types of Approval.

1. Site Plan. Development characteristics requiring a Site Plan include:

- a. The parcel is less than 10 acres in size;
- b. Construction occurs in a single phase;
- c. Development includes no more than two buildings; and
- d. A gross floor area of less than 100,000 square feet.

2. Master Development Plan. Development characteristics requiring a Master Development Plan include:

- a. A development site of 10 acres in size or more; or
- b. Construction in two or more phases; or
- c. Large-scale development with:
 1. 100,000 square feet of gross floor area or more in a single building, including big-box stores, supermarkets, wholesale stores, and multi-tenant shopping centers; or
 2. Two or more separate buildings and a combined square footage of 150,000 square feet or more.

D. Mixed-Use Development Layout and Design. Mixed-use development is to be designed to favor the pedestrian more so than the automobile. To create a walkable environment, buildings shall address the street, creating a safe and pleasant streetscape, and be in close proximity to one another. A Master Development Plan for a mixed-use development shall demonstrate adherence to the following design principles:

1. Walkable Layout. Development shall be organized with block lengths that facilitate walkability or include provision for pedestrian accessways that shorten the walking distance between residential, commercial, and public and institutional uses within a mixed-use development.
2. Context-Sensitive Streets. Streets shall be laid out in a hierarchy with a main street and mixed-use and neighborhood connectors that tie into the existing street system to provide for continuity and good access as further defined in the LEDSD.
3. Parking. Parking shall be provided on-street to the maximum practicable extent and within parking lots or garages that are placed on the interior of blocks accessed from the side or rear of buildings or alleyways.
4. Connectivity. A pedestrian and bicycle system shall provide connections to peripheral sidewalks and trails and create both on- and off-street linkages tying together residential and non-residential areas, together with civic spaces, schools, transit stops/stations, and parks, in adherence with the Littleton Engineering Design Standards (LEDSD).
5. Open Space. Parks and landscape areas shall be located to provide direct connections within and between neighborhoods and areas of employment and commercial services.
6. Resource Integration. Natural resources and environmental features shall be focal points and connected to parking and activity areas by sidewalks, trails, and greenways.
7. Building/Street Relationship. Buildings shall be designed to relate directly to streets and located to create a sense of enclosure and a street environment rich with street-level businesses, amenities, and access to activity areas.
8. Livability. Residential, non-residential, civic, and public transit uses shall related to one another to promote convenience and walkability. Areas designated as residential on a Master Development Plan

may include a broad range of residential unit types and related accessory uses. The Master Development Plan may include residential land use sub-areas designating areas of different densities or housing types. Permitted uses are set out in Section [10-1-1.3](#), *Land Use Matrix*.

E. Design Standards. These [site](#) and building design standards apply to all development requiring a [Site Plan](#) or [Master Development Plan](#).

1. **Unified Design.** Commercial centers and their [out parcels](#) shall be of a unified design, including use of common design elements, building materials and colors, roof type and material, signage, [landscaping](#) and [hardscaping](#), and [site](#) access and circulation.

2. **Access, Circulation, Parking, and Traffic.**

a. **Generally.** Vehicular circulation patterns shall be designed to minimize potential conflicts between traffic generated by the [site](#) and traffic on [adjoining](#) streets, and the number and location of curb cuts shall be as set out in Section [10-1-3.7](#), *Vehicular Mobility*.

b. **Access.** [Sites](#) shall have frontage on a public or private street classified as a connector or commercial corridor by the Transportation Master Plan. Unless included in the [Master Development Plan](#), vehicle access to local streets in an LLR, MLR, or SLR district shall be prohibited.

c. **Circulation.** The development shall provide for a pedestrian circulation system that provides direct pedestrian and bicycle pathways to surrounding buildings, [adjacent](#) parcels, neighborhoods, [civic](#) spaces, schools, transit stations/stops, and [parks](#). The plan shall identify the location and width of all sidewalks, crosswalks, mid-block pass-throughs, and connections to [adjacent](#) development in adherence with the Littleton Engineering Design Standards (LEDS).

d. **Parking.**

1. Parking shall be designed to:

i. Meet the minimum and not exceed the maximum number of parking spaces calculated according to requirements of Subsection [10-1-3.7.A](#), *Parking and Loading*; and

ii. Comply with the standards for large parking [lots](#) set out in Subsection [10-1-3.7.C](#), *Parking and Loading Design*, when a project is considered a large-scale development.

2. **Transit-Oriented Development (TOD).**

i. Parking shall be provided as the cumulative total of each [land use](#) or according to the shared parking provisions set out in Subsection [10-1-3.7.A](#), *Parking and Loading*.

ii. Within one-quarter mile of a fixed transit station, credit for shared and on-street parking may be granted administratively by the [Director](#).

e. **Traffic Impact Study (TIS).** A traffic impact study may be required by the City Engineer.

3. **Site Orientation.**

a. **Street-Facing.** Unless otherwise approved by a Site Plan or Master Development Plan, the primary building entrance(s) shall face the street of greater classification type according to the Transportation Master Plan (TMP).

b. **Parking Setback.** All parking and vehicular use areas shall be set back from public rights-of-way and property lines according to the frontage types outlined in Subsection [10-3-3.2.A](#), *CMU Frontage Types*. This area shall be credited toward the [common open space](#) requirements provided in Section [10-3-2.2](#), *CMU Lot and Building Standards*, and landscaped according to Section [10-3-4.1](#), *CMU Landscaping*.

c. **Street-Facing Side or Rear Elevation.** Buildings that share a [lot](#) line with a commercial corridor or suburban or neighborhood connector street may be oriented with a side or rear [elevation](#) facing the street provided it is constructed with a [primary material](#) on 75 percent or more of the building façade or on 50 percent of the building façade together with a Type B bufferyard, as set out in Subsection [10-1-3.6.F](#), *Bufferyard Requirements*.

4. **Site Design.**

- a. **Landscaping and Bufferyards.** Refer to Section [10-3-4.1](#), *CMU Landscaping*, and Section [10-3-4.2](#), *CMU Bufferyards*.
- b. **Lighting.** Lighting shall adhere to the standards in Section [10-1-3.11](#), *Outdoor Lighting Standards*.
- c. **Signage.** Signage shall adhere to the standards out in Section [10-1-3.10](#), *Sign Standards*, along with those in Article [10-3-5](#), *CMU Signs*.
- d. **Outparcels.** The layout, arrangement, and design of outparcels shall be integrated as part of the overall [site](#), including provisions for joint and cross access, vehicle and pedestrian circulation patterns, and shared parking.
- e. **Service Areas.** Loading docks, truck parking, trash collection and compaction, and other functions shall be located in an interior side or [rear yard](#) and shall be screened from public view. Such screening shall consist of either an opaque wall that is equal to or greater than the [height](#) of the vehicle, equipment, or [object](#) to be screened. Alternatively, a [fence](#) and a Type B bufferyard, as set out in Subsection [10-1-3.6.F](#), *Bufferyard Requirements*, may be used along all [lot](#) lines in public view.
- f. **Civic Spaces.**

- 1. Buildings shall be designed to form outdoor spaces such as [courtyards](#), plazas, arcades, [terraces](#), balconies, and decks for residents' and workers' use and interaction, and to integrate the development with the [adjacent](#) physical context.
- 2. At least two of the following improvements shall be incorporated into the design of a project warranting a [Master Development Plan](#):
 - i. [Courtyard](#);
 - ii. Patios with seating areas;
 - iii. Pedestrian plaza with fixed seating and a design feature as a [focal point](#);
 - iv. Water feature(s);
 - v. Picnic pavilion;
 - vi. [Public art](#) installation;
 - vii. Performance stage
 - viii. Clock [tower](#); or
 - ix. Other amenities approved by the [Director](#).

5. **Buildings.** New development and [redevelopment](#) shall meet these building design standards. [Substantial improvement](#) of existing buildings shall meet these standards to the extent practicable.

- a. **Bulk and Scale.** Front and corner street building [elevations](#) shall be partitioned into a series of smaller wall segments and planes that correspond to, or give the appearance of, individual tenant spaces. The partitioned wall segments shall vary in width and [height](#), with the narrowest being 25 feet and the widest being no greater than 40 percent of the largest tenant space. Such wall segments shall relate to the required articulation. In the instance of an anchor building, walls shall be modulated to reduce the mass of the building, add visual interest, and contribute to the pedestrian environment.
- b. **Articulation.** Where practicable, street-facing [elevations](#) shall not exceed 65 horizontal feet without including at least three of the following elements:
 - 1. Decorative ornamentation such as corbels, medallions (non-signage), niches, wrought iron, balconettes, horizontal and rhythm patterned brickwork, or other features approved through the Site Plan or [Master Development Plan](#) process;
 - 2. Complementary changes in materials or texture;
 - 3. An offset, column, reveal, void, projecting rib, band, cornice, or similar element with a minimum depth of six inches;
 - 4. Vertical elements such as [tower](#), cupola, turret, arches, etc.;
 - 5. Raised pilaster cornices (end columns at corner) or quoined corners; or

6. [Canopies](#), awnings, porticos with colonnade, or arcades.
- c. *Entryways*. [Facades](#) with public entrances shall be clearly defined and include at least four of the following architectural components:
1. [Canopies](#), porticos, or overhangs;
 2. Recesses and projections;
 3. Arcades;
 4. Raised parapets with cornices;
 5. Peaked-roof forms;
 6. Arches;
 7. Display windows; and
 8. Integrated architectural detailing such as tile work, moldings, and [wing](#) walls.
- d. *Street Walls*. The first floor of all commercial uses shall be designed to encourage pedestrian interest and activity by incorporating:
1. Transparent windows and doors arranged so that the uses inside are visible from and/or accessible to the street on at least 25 percent of the length of the first floor building [elevation](#); and
 2. Expanses of [blank walls](#) shall comply with the standards set out in Subsection [10-1-3.1.C, Blank Walls](#).
- e. *Building Wall and Roofline Offsets*. Building wall offsets, including projections, recesses, and changes in floor level shall be used to add architectural interest and variety, relieve the visual effect of a single, long wall, and subdivide the wall into human-scale proportions.
- f. *Elevations*.
1. Building entrances shall be clearly distinguishable through their architectural design and treatment.
 2. Buildings shall provide detailed design by using no less than two of the following or other proposed architectural features for the proposed building type and style:
 - i. Window hoods or [canopies](#);
 - ii. Storefront (mid-wall) cornice;
 - iii. Transom windows;
 - iv. Masonry piers (rhythmically-spaced);
 - v. Ground-level bulkhead;
 - vi. Recessed entries; and
 - vii. Bay window or balcony.
- g. *Materials*. ~~Mixed-use~~ [b](#)Building walls shall utilize building materials set out in Section [10-3-3.1, CMU Building Materials](#).
1. *Street-Facing Elevations*. Buildings shall be designed to include primary building materials on 60 percent of the front and corner street building [elevations](#).
 2. *Side and Rear Elevations*. Buildings on an [out parcel](#), within a [mixed-use](#) development, or [adjoining](#) another use or parking [lot](#) shall be designed to include primary building materials on 60 percent of the side and rear [elevations](#).
 3. *Accessory Buildings*. Accessory buildings, such as parking [garages](#), porte-cocheres, storage facilities, car washes, and other similar buildings must be designed as integral to the overall site development and architecture. Building materials, colors, and roof types shall be consistent with or [compatible](#) with the principal building(s).
- h. *Roofs*. Roof forms and rooflines shall be broken into a series of smaller building components when viewed from the street.

1. For flat roofs in the Corridor Mixed (CM) district or [facades](#) with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 10 percent of the wall [height](#) (finish [grade](#) to top of wall).
 2. For other roof forms, individual segments of the roof with no change in slope or discontinuity may not exceed 40 percent (measured horizontally) of the roof length.
 3. Roofs shall be clad in standing seam metal, corrugated metal, slate, asphalt shingles, or synthetic materials similar and/or superior in appearance and durability.
- i. *Building Canopy.* A building [canopy](#), awning, or similar weather protection may be provided. Where provided, the [canopy](#) should project a minimum of eight feet from the [facade](#) when used above a [primary](#) building entrance.

6. [Drive-Through Aisles.](#)

- a. *Surface.* The surface of [drive-through](#) aisles and bypass lanes shall be paved with asphalt, concrete, or impervious paving meeting load standards as determined by the City Engineer.
- b. *Width.* [Drive-through](#) aisles and bypass lanes shall be a minimum width of 10 feet.
- c. *Stacking.* Drive-up windows shall provide [stacking space](#) that complies with the standards set out in Subsection [10-1-3.7.C, Parking and Loading Design.](#)
- d. *Bypass Lane.* The order lane shall either include a parallel bypass lane or a means of vehicle exit before reaching the order station.
- e. *Intersection.* Each [drive-through](#) entrance and exit, when accessing a public right-of-way or private street, shall be subject to the [driveway](#) spacing standards in Subsection [10-1-3.9.B, Vehicular Access and Circulation.](#) An exception may be granted if meeting the spacing standards is impossible and the [drive-through](#) aisle is located where it is most nearly consistent with the spacing requirements.
- f. *Traffic Conflict.* The facilities and queuing lanes shall be located and designed to minimize turning movements in relation to [driveway](#) access to streets and intersections.
- g. *Lane Markings.* Each entrance to an aisle and the direction of traffic flow shall be clearly designated by [signs](#) and pavement markings. Pedestrian walkways that intersect the [drive-through](#) aisles shall be clearly visible and delineated by textured and/or painted paving.
- h. *Landscaping.* [Drive-through](#) aisles shall include [shrubs](#) measuring to a minimum [height](#) of three feet, planted at a rate of one [shrub](#) for every five linear feet [abutting](#) street rights-of way.
- i. *Parking.* The provision of [drive-through](#) service facilities shall not justify a reduction in the number of required [off-street parking spaces](#) for the accompanying use.
- j. *Order and Pick-Up Windows.* Where [drive-through](#) order or pick-up windows are located on a building [elevation](#) facing, or approximately facing, a street or development entrance, the length of the lane that is parallel to the street or entrance shall be screened by a [berm](#), wall, continuous row of [shrubs](#), or a difference in ground elevation of no less than 30 inches.
- k. *Screening.* [Drive-through](#) uses shall construct a six-foot tall opaque wall or [fence](#) along [adjoining](#) property that shares a common property line with an LLR, MLR or SLR district.

7. [Structured Parking.](#)

- a. *Access.* Structured parking shall be located to the interior side or rear of the principal building and shall be accessed from an [alley](#) or a connector street. Curb cuts shall be placed where they are least likely to impede pedestrian circulation.
- b. *Wrapping.* Where a [parking structure](#) fronts on a commercial corridor or connector street as defined in the Transportation Master Plan, non-residential uses shall be required along no less than 50 percent of the ground-level frontage.
- c. *Screening.* All open portions of any street-facing [elevation](#) shall include a [screen](#) device with no less than 50 percent opacity for the areas between parking decks and on the roof of the [structure](#).

- d. *Landscaping*. A Type A bufferyard shall be planted along all street-facing elevations to screen the view of parked vehicles.
- e. *Lighting*. Structures shall be well-illuminated to provide security. The lighting shall be a minimum uniformly distributed 40 footcandles so dark areas are not created. Low-energy, high-efficiency (fluorescent, LED, etc.) lighting shall be used whenever feasible. All stairways and elevator lobbies shall be well-illuminated and, if possible, visible to the outside.
- f. *Security*. Security measures shall be incorporated into the design of all parking structures, reviewed for consistency with Section 10-1-3.2-2, *CPTED (Crime Prevention Through Environmental Design)*, and reflected on the Site Plan, Master Development Plan, or building plans.
- g. *Design*.
1. The exterior elevations of a parking structure with frontage on a street or common open space shall be designed to match or complement the materials and colors of the principal building.
 2. In considering an application for development approval, the Director will evaluate the proposed structured parking facility based on these criteria:
 - i. Architectural treatments designed to minimize visual impacts, including, but not limited to, false façades, buildings wrapping the ground floor, or substantially opaque screening as specified above;
 - ii. Effectiveness of the landscape to reduce the perception of bulk, enhancing the façade, screening side and rear elevations, and integrating the landscaping with the overall site and landscape design;
 - iii. Effectiveness of buffering to screen or block views of the parking structure from adjacent residential uses and districts;
 - iv. Lighting design to control light trespass and spillover onto public rights-of-way and adjoining or adjacent uses;
 - v. Provision of vehicular and pedestrian access and circulation; and
 - vi. Safety and convenience of ingress and egress.

(Ord. 18, Series of 2022)

Section 10-3-5.1 CMU Sign Types and Standards

A. Applicability. The [sign](#) requirements in this Section apply to the NC and CM districts.

B. Master Sign Plan. Reserved.

C. Sign Types.

1. *Unlisted Sign Types.* Sign types that are not listed in the following tables are prohibited in these districts.

Table 10-3-5.1.1 CMU Sign Types		
P = Permitted; "--" = Prohibited		
Sign Types	Neighborhood Commercial (NC)	Commercial Mixed (CM)
Attached Signs		
Arcade Sign	--	P
Awning Sign	P	P
Blade Sign	P	P
Marquee Sign	--	P
Projecting Sign	P	P
Wall Sign	P	P
Window Sign	P	P
Freestanding Signs		
Monument Sign	P	P
Pole Sign	--	P
Post Sign	P	--
Pylon Sign	--	P
Temporary Signs - See Subsection 10-1-3.10.F, <i>Temporary Signs</i>		

D. Attached Signs. Set out in Table 10-3-5.1.2, *CMU Attached Sign Standards*, are the types, numbers, areas, [heights](#), and methods of illumination allowed for each sign type and district.

Table 10-3-5.1.2 CMU Attached Sign Standards		
Sign Types / Standards	Neighborhood Commercial (NC)	Commercial Mixed (CM)
Arcade Sign		
Number Allowed	--	1 per public entrance under arcade
Maximum Area	--	6 sq. ft.
Minimum Clearance above Sidewalk	--	8 ft.
Illumination	--	External downlighting or halo
Changeable Copy	--	--
Awning or Canopy Sign		
Number Allowed	1 per street-facing façade	1 per building façade or 1 per storefront for a mixed-use or multi-tenant building
Maximum Area	6 sq. ft. with a vertical dimension of 1 ft.	
Minimum Vertical Clearance / Maximum Height Above Grade	Minimum 8 ft. / Maximum no higher than top of ground floor ⁴	
Illumination	External downlighting	
Table Notes: 1. When the area of a lot only permits 32 sq. ft., an additional 1 sq. ft. of sign area is permitted for each 2 ft. of setback of the principal building, up to a maximum of 50 sq. ft. of sign area. <i>Reserved.</i> 2. The area of wall signs may be increased by 25 percent for each 10 ft. of building height above 30 ft. up to a maximum of 200 sq. ft. per sign. 3. Signs may be permitted on side and rear walls facing private streets or public right-of-way where there are no primary identification signs in the same line of sight. 4. Awnings, canopies, marquees, and signs with less than 15 feet clearance above the sidewalk must meet building codes for maximum projection.		

Table 10-3-5.1.2
CMU Attached Sign Standards

Sign Types / Standards	Neighborhood Commercial (NC)	Commercial Mixed (CM)
Changeable Copy	--	--
Blade Sign		
Number Allowed	1 per each 10 ft. of an awning or canopy	1 per each 8 ft. of an awning or canopy
Maximum Area	3 sq. ft. per face; 12 sq. ft. per sign	8 sq. ft. per face; 16 sq. ft. per sign
Minimum Vertical Clearance / Maximum Height Above Grade	8 ft.	8 ft.
Illumination	--	External downlighting
Changeable Copy	--	--
Marquee Sign		
Number Allowed	--	1 per front building façade
Maximum Area ¹	--	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear foot of building front width, whichever is greatest
Min. / Max. Clearance Above Grade	--	12 ft. / 25 ft.
Maximum Distance from Building Façade	--	48 inches ⁴
Illumination	--	Internal or halo
Changeable Copy	--	Permitted
Projecting Sign		
Number Allowed	1 per street-facing façade	1 per tenant per building frontage
Maximum Area	18 sq. ft. per face; 36 sq. ft. per sign	
Min. /Max. Clearance Above Grade	8 ft. / No higher than the ground floor	
Maximum Projection from Wall	6 ft.; 3 ft. into right-of-way (subject to an encroachment permit)	
Illumination	Internal, halo, or downlight	
Changeable Copy	--	
Wall Sign		
Number Allowed	1 per street-facing façade ³	1 per tenant per building frontage
Maximum Area/Sign ²	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of façade width occupied by an individual business, whichever is greatest	
Max. Clearance Above Grade	No higher than wall structure ⁴	
Maximum Projection from Wall	12 in. ⁴	
Illumination	External downlighting, internal, or halo	
Changeable Copy	--	
Window Sign		
Number Allowed	1 per tenant per building frontage	1 per tenant per building frontage
Maximum Area	15% of combined area of all windows	20% of combined area of all windows
Max. Clearance Above Grade	--	No higher than top of ground floor
Illumination	Internal with nighttime NITS level not to exceed 500 nits Dimmable and any applicable standards in Sec. 10-1-3.11, Outdoor Lighting Standards	Internal with nighttime NITS level not to exceed 500 nits Dimmable and any applicable standards in Sec. 10-1-3.11, Outdoor Lighting Standards
Changeable Copy	--	Permitted

Table Notes:

- ~~When the area of a lot only permits 32 sq. ft., an additional 1 sq. ft. of sign area is permitted for each 2 ft. of setback of the principal building, up to a maximum of 50 sq. ft. of sign area. Reserved.~~
- The area of [wall signs](#) may be increased by 25 percent for each 10 ft. of building height above 30 ft. up to a maximum of 200 sq. ft. per sign.
- Signs may be permitted on side and rear walls facing private streets or public right-of-way where there are no primary identification signs in the same line of sight.
- Awnings, canopies, marquees, and signs with less than 15 feet clearance above the sidewalk must meet building codes for maximum projection.

E. Freestanding Signs. Set out in [Table 10-3-5.1.3, CMU Freestanding Sign Standards](#), are the types, numbers, areas, heights, and methods of illumination allowed for each sign type and district.

**Table 10-3-5.1.3
CMU Freestanding Sign Standards**

Sign Types / Standards	NC	CM
Monument¹		
Number Allowed	1 per street frontage	1 per 150 ft. of street frontage
Maximum Area ²	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater	
Maximum Height Above Grade	6 ft.	15 ft.
<u>Minimum Front Property Line Setback</u>	<u>5 ft.</u>	<u>5 ft.</u>
Illumination	Internally lit, Halo lit, or Externally downlit	
Changeable Copy	Permitted ²	
Bonus Sign Area	--	Yes; See Subsec. <u>10-1-3.10.E, Sign References and Bonuses</u>
Pole		
Number Allowed	1 per street frontage	1 per street frontage
Maximum Area	42 sq. ft.	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater
Maximum Height Above Grade	6 ft.	Lesser of the highest point of the building or 15 ft.
<u>Minimum Front Property Line Setback</u>	<u>5 ft.</u>	<u>5 ft.</u>
Bonus Sign Area	--	Yes; <u>See Subsec. 10-1-3.10.E, Sign References and Bonuses</u>
Post Sign		
Number Allowed	1 per street frontage	
Maximum Area	6 sq. ft.	
Maximum Height Above Grade	5 ft.	
Minimum Front Property Line Setback	5 ft.	
Bonus Sign Area	--	
Pylon¹		
Number Allowed	--	1 per 150 ft. of street frontage
Maximum Area ²	--	32 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater
Maximum Height Above Grade	--	Lesser of the highest point of the building or 25 ft.
Illumination	--	Internally lit, Halo lit, or Externally downlit
Changeable Copy	--	Not Permitted
Bonus Sign Area	--	Yes; See Subsec. <u>10-1-3.10.E, Sign References and Bonuses</u>
Table Notes: 1. A joint identification sign is permitted. 2. The maximum total area per sign allowed is 80 square feet per display face and 160 square feet per sign.		

(Ord. 18, Series of 2022)

CHAPTER 4 NEIGHBORHOOD (NB)

Contents:

ARTICLE 10-4-1 NB PURPOSE AND APPLICABILITY

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ARTICLE 10-4-4 NB GREENSCAPE

ARTICLE 10-4-5 NB SIGNS

Related Provisions		
Sec. 10-1-1.1	Base Districts	District purposes and relationships between the ULUC zoning districts, the former districts, and the Land Use and Character Map
Sec. 10-1-1.2	Overlay and Special Districts	Procedures for the transition of the PD and PDO districts to a PL-O, Planned Overlay, and their termination or expiration
Sec. 10-1-1.3	Land Use Matrix	Permitted, specially permitted, conditional, and accessory uses permitted within the NC and CM districts
Sec. 10-1-1.4	Land Use Standards	Standards that apply to land uses denoted with an "S" in Section 10-1-1.3 , <i>Land Use Matrix</i>
Sec. 10-9-5.14-1.5	Conditional Use Standards	Standards for land uses denoted as "C" in Section 10-1-1.3 , <i>Land Use Matrix</i>
Sec. 10-1-1.6	Accessory Uses, Buildings and Structures	Allowable accessory uses, buildings and structures and their applicable standards
Sec. 10-1-1.7	Accessory Dwelling Units	Allowable districts and locations where ADUs are permitted and the applicable standards
Sec. 10-1-2.3	Height and Yard Exceptions	Allowable exceptions to the setbacks and heights within the NC and CM districts
Sec. 10-9-5.8-1-3.3	Adaptive Reuse <u>Plan</u>	Development standards and reuse incentives for the revitalization or redevelopment of buildings
Sec. 10-1-3.4	Sustainable Building Design	Incentives for the use of sustainable design and development practices
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Sec. 10-1-3.7	Vehicle Mobility	Minimum required and maximum allowable parking and loading spaces, design standards, and maintenance requirements
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Sec. 10-1-3.9	Managed Access	Access locations, spacing and dimensional requirements and sight triangle standards
Sec. 10-1-3.11	Outdoor Lighting Standards	Standards for on-site exterior lighting and for certain districts, uses and site features
Sec. 10-6-2.3	Subdivision Design	Standards for streets, blocks, lots, easements, open space and public utilities and infrastructure
Sec. 10-7-1.5	Floodplain / Flood Fringe Regulations	Requirements for subdivisions, construction and critical facility standards, and alterations of watercourses
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Base Standards		
Sec. 10-1-3.6	Greenspace Design Standards	General planting, landscape, bufferyard and tree canopy coverage requirements
Sec. 10-1-3.10	Sign Standards	Signs allowed and prohibited, installation and maintenance requirements, means of measuring sign dimensions, bonuses, and standards for temporary signs

Section 10-4-2.2 NB Lot and Building Standards

A. Purpose. This Section establishes the [development](#) standards for housing types in the ACR, LLR, MLR, SLR and MFR districts, as shown in Table 10-4-2.2, [NB Lot and Buildings Standards](#).

B. Applicability.

1. *Generally.* These standards apply to new development of lots within the Acreage Residential (ACR); Large Lot Residential (LLR); Medium Lot Residential (MLR); Small Lot Residential (SLR); and Multi-Family Residential (MFR) districts.
2. *Alternate Standards.* Where feasible and practicable, these standards may also apply to the [redevelopment](#) or [substantial improvement](#) of lots. Alternatively, refer to the following:
 - a. *Infill Development or Redevelopment.* See Subsection [10-4-3.2.C, Contextual Development](#); or
 - b. *Substantial Improvement.* See Subsection [10-4-3.2.F, Neighborhood Conservation](#).
3. *Resubdivision.* Resubdivision within the LLR district shall result in the same or a fewer number of lots.

Table 10-4-2.2
NB Lot and Building Standards

Residential District	Housing Type(s) ¹	Minimum Lot ²		Maximum Height		Minimum Setbacks				Maximum Building Coverage	Maximum Units per Acre ⁶
		Area	Width	Feet	Stories	Front	Corner	Side ³	Rear ⁴		
Graphic Legend: See Figure 10-4-2.2.1, <i>Detached Housing Illustration</i> and Figure 10-4-2.2.2, <i>Attached Housing Illustration</i>										Maximum Building Coverage	Maximum Units per Acre ⁶
Letters correspond to illustrations		A ⁵	B	C		D	E	F	G		
ACR	Single-Family Detached	2.75 ac.	175'	30'	3.0	25'	50'	20'	50'	0.17	0.35
LLR	Single-Family Detached	20,000 sf.	85'	30'	3.0	25'	10'	5' / 10'	20'	0.33	1.85
MLR	Single-Family Detached	8,000 sf.	65'	30'	2.5	25'	10'	5' / 10'	20'	0.40	5.00
	Cottage Court Community ⁶	1,000 sf.	25'	30'	2.5	15'	10'	5'/10'	15'	0.60	16.00
SLR	Single-Family Detached	6,250 sf.	50'	30'	2.5	20'	10'	5' / 10'	20'	0.45	6.25
	Single-Family Narrow Lot	3,500 sf.	40'	30'	2.5	15'	15'	3' / 5'	15'		
	Duplex or Twin Home	3,125 sf.	30'	30'	2.5	20'	10'	5' / 10'	20'		
	Duplex, Stacked ⁶	5,000 sf.	45'	30'	2.5	20'	10'	5' / 10'	20'		

Table Notes:

1. Where permitted by Table 10-1-1.3.1, [Land Use Matrix, Accessory Dwelling Units \(ADUs\)](#) shall comply with the standards set out in Section [10-1-1.7, Accessory Dwelling Units \(ADUs\)](#).
2. Minimum lot area is calculated on a per [dwelling unit](#) basis.
3. Where two dimensions are shown, the first is for North/West exposures and the second is for South/East exposures. There is no side setback required for common walls.
4. A detached [garage](#) requires a minimum [setback](#) of five feet.
5. Per Section [10-10-1.1, Generally](#), all lots that lawfully existed prior to the effective date of this Code are considered conforming lots with respect to lot area, width, and depth.
6. ~~Duplex or twin home dwellings are not permitted in the SLR district south of W. Caley Avenue. Setbacks shown for the cottage court community apply to the whole cottage court community development and not to the individual buildings.~~

Table 10-4-2.2
NB Lot and Building Standards

Residential District	Housing Type(s) ¹	Minimum Lot ²		Maximum Height		Minimum Setbacks				Maximum Building Coverage	Maximum Units per Acre ⁶
		Area	Width	Feet	Stories	Front	Corner	Side ³	Rear ⁴		
Graphic Legend: See Figure 10-4-2.2.1, <i>Detached Housing Illustration</i> and Figure 10-4-2.2.2, <i>Attached Housing Illustration</i> Letters correspond to illustrations											
		A ⁵	B	C		D	E	F	G		
	Duplex or Twin Home⁶ Cottage Court Community ⁶	3,125 sf. 1,000 sf.	30' 25'	30'	2.5	20' 15'	10'	5' / 10'	20' 15'	0.60	16.00
MFR	Cottage Court Community ⁶	1,000 sf.	25'	30'	2.5	15'	10'	5' / 10'	15'	-0.60	16.00
	Manufactured Home Park	3,500 sf.	35'	16'	1.0	15'	10'	10'	15'	0.30	8.00
	Single-Family Attached/Duplex/Twin Home	2,500 sf.	25'	30'	2.5	10'	5'	2.5'	10'	0.60	16.00
	Single-Family Duplex/Twin Home Conversion	2,500 sf.	25'	30'	2.5	10'	5'	2.5'	10'	0.60	16.00
	Mixed-Use Building (upper floor residential units)	800 sf.	--	40'	3.0	20'	15'	10'	20'	--	48.00
	Multi-Family Dwelling	800 sf.	--	40'	3.0	20'	15'	10'	20'	--	48.00
	Multiplex	1,000 sf.	15'	30'	2.5	15'	10'	0' / 10'	15'	0.45	22.00
Townhome	1,500 sf.	26'	30'	3.0	25'	15'	0' / 10'	20'	0.38	18.00	

Table Notes:

- Where permitted by Table 10-1-1.3.1, *Land Use Matrix*, Accessory Dwelling Units (ADUs) shall comply with the standards set out in Section 10-1-1.7, *Accessory Dwelling Units (ADUs)*.
- Minimum lot area is calculated on a per dwelling unit basis.
- Where two dimensions are shown, the first is for North/West exposures and the second is for South/East exposures. There is no side setback required for common walls.
- A detached garage requires a minimum setback of five feet.
- Per Section 10-10-1.1, *Generally*, all lots that lawfully existed prior to the effective date of this Code are considered conforming lots with respect to lot area, width, and depth.
- ~~Duplex or twin home dwellings are not permitted in the SLR district south of W. Caley Avenue. Setbacks shown for the cottage court community apply to the whole cottage court community development and not to the individual buildings.~~

Figure 10-4-2.2.1
Detached Housing Illustration

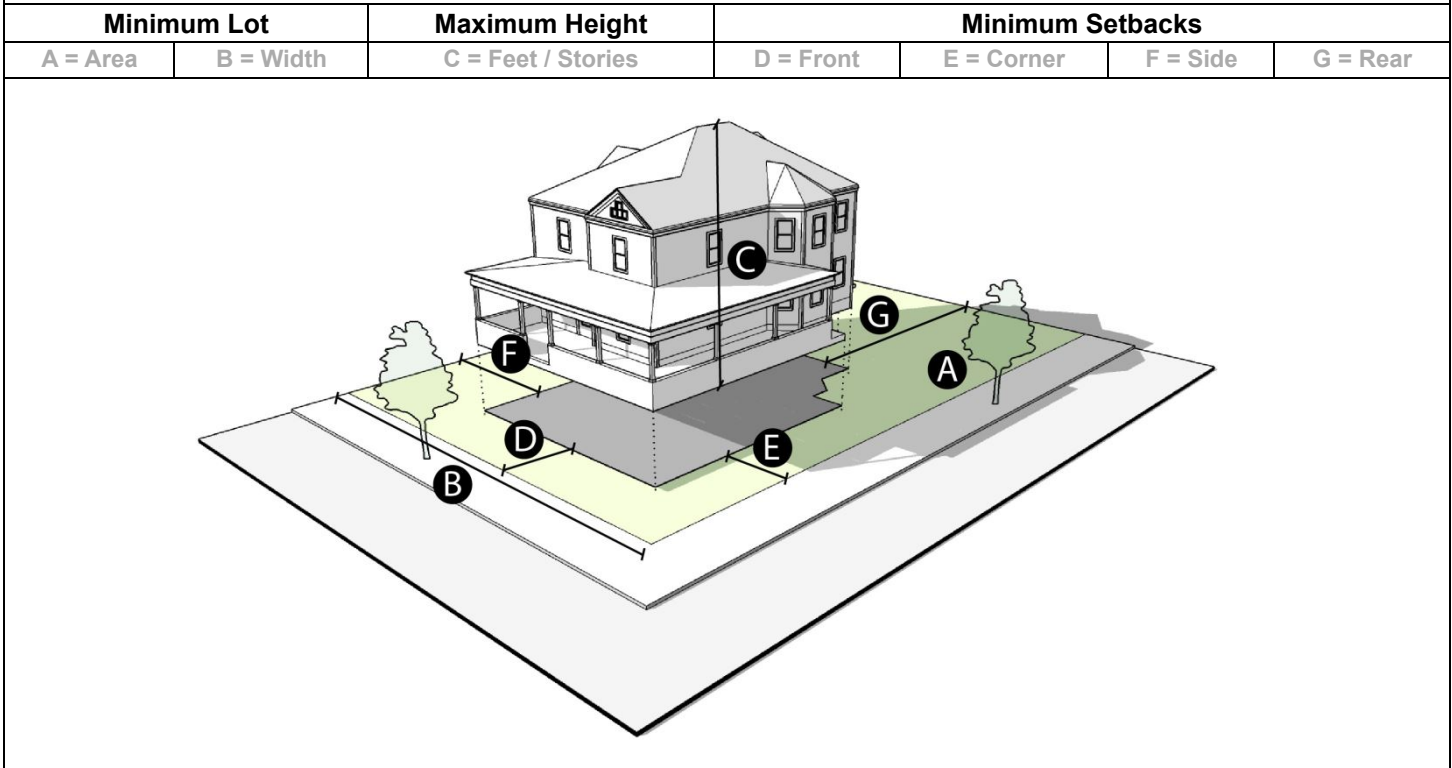
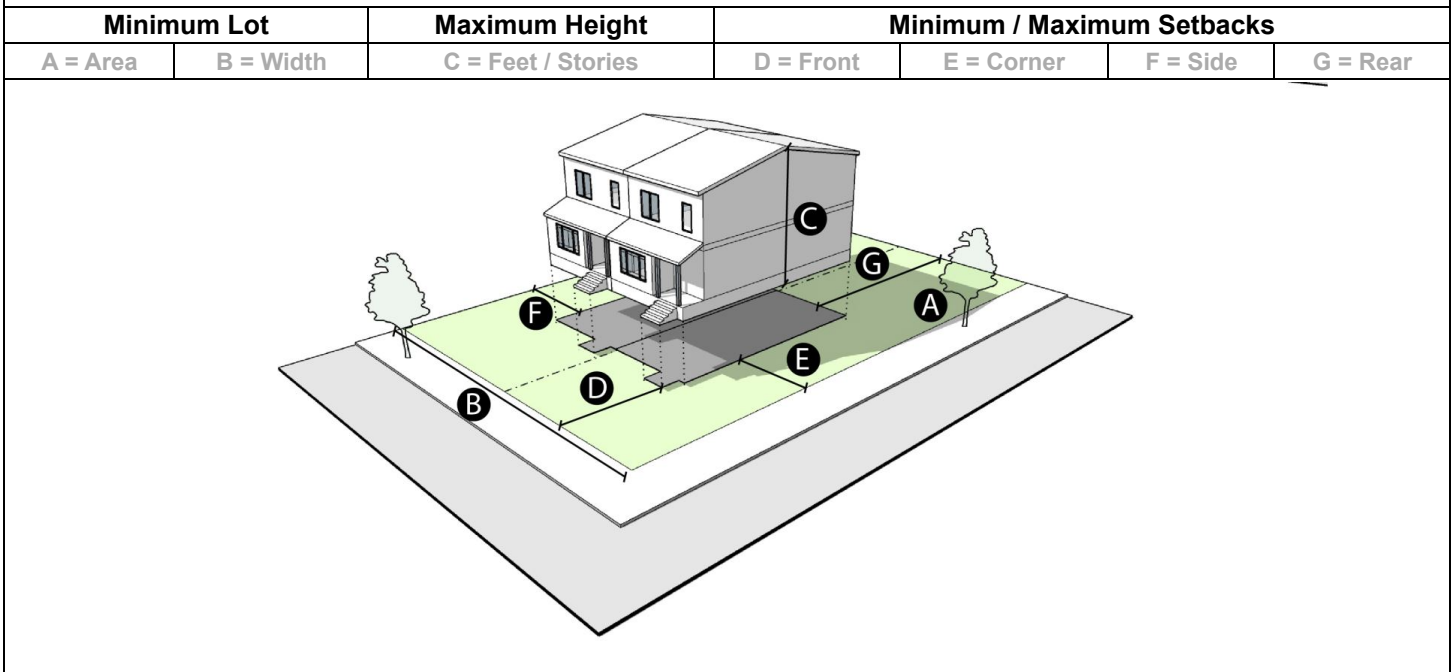


Figure 10-4-2.2.2
Attached Housing Illustration



(Ord. 18, Series of 2022)

Subsec. 10-4-3.2.B Duplex and Twin Home Conversion

A. Purpose. This Subsection establishes the standards for the conversion of a single-family dwelling to a [duplex](#) or [twin home](#), where allowed in Section [10-1-1.3](#), *Land Use Matrix*. Allowance for one to two-unit conversions in specified neighborhoods and other locations broadens the diversity of living options available in the [community](#) to provide for accessible, adequate, and affordable housing. Figure [10-4-3.2.B](#), *Single-Family to Duplex or Twin Home Conversion*, illustrates the application of design standards outlined in this Subsection.

B. Applicability. The standards of this Subsection apply in the districts where duplexes or twin homes are permitted.

C. Design Standards.

1. *Front Door and Entryway.*

- a. The front door for each unit shall be located on separate building [façades](#). Only one front door shall be visible from the public street from which the residence is addressed.
- b. Where a duplex or twin home is located on a corner [lot](#), each front entry may be visible from the street, as long as the entryways are on separate building [elevations](#).
- c. A shared front entryway with interior doors to individual units is allowed.

2. *Front and Side Porches.*

- a. An existing or new front [porch](#) on a single-family dwelling converted to a duplex or twin home shall only be used for one entry.
- b. A side porch may be added as an entryway for a second unit provided:
 1. The porch is set back at least 10' from the front façade of the dwelling; and
 2. All applicable lot and building standards are met for the district in which the lot is located.

3. *Stairs.* Where the principal dwelling is two-story, a stairway to the second floor shall be interior to the [structure](#). A request for an outside stairway requires a approval by the Director.

4. ~~*Garages.*~~

- ~~a. Only one attached garage shall be visible from the street from which the residence is addressed.~~
- ~~b. Where desired, a second attached garage may be located to the rear of the principal dwelling where there is access to an alley.~~
- ~~c. Only one detached garage may be permitted on the site.~~

5. *Parking.*

- a. *Additional Spaces Required.* One additional parking space measuring nine feet by 18 feet shall be required for a new [dwelling unit](#) ~~if the minimum parking spaces required are not met~~ in accordance with parking provisions established in Section [10-1-3.7](#), *Vehicular Mobility*.
- b. *Exemptions.* An additional parking space shall not be required for a new [dwelling unit](#) if the duplex or twin home conversion is within [a Downtown zone district or within one-quarter mile walking distance of Downtown](#), a light rail station, or a ~~bus rapid transit or fixed~~[active](#) bus stop.

6. ~~*Driveway and Curb Cut(s).*~~ No widening of an existing driveway or an additional curb cut is permitted.

7. ~~*Mailbox.*~~

- ~~a. Each dwelling unit may have a mailbox attached to the building.~~
- ~~b. Only one detached or free-standing mailbox post may be located on the site with a mailbox for each unit.~~

8. *Utility Boxes.* Utility meter boxes shall be located on an interior side or rear elevation or otherwise screened from public view by an enclosure, [fence](#), or [landscaping](#).

Figure 10-4-3.2.B
Single-Family to Duplex or Twin Home Conversion



Section 10-4-5.1 NB Sign Types and Standards

A. Applicability.

1. *Generally.* The [sign](#) requirements in this Section apply to permitted or conditionally permitted nonresidential uses in the ACR, LLR, MLR, SLR, and MFR districts.
2. *Exceptions.* These requirements do not apply to:
 - a. Signs that are less than two square feet in area;
 - b. [Temporary post and stake signs as allowed by Table 10-1-3.10.F.](#)
 - c. Signs in the right-of-way; and
 - d. Address and postbox numerals.
3. *Prohibited.* Other than a [subdivision](#) entrance, street number, and [incidental signs](#), attached and freestanding signs are not permitted in residential districts.

B. Sign Types.

1. *Table Symbols.* The symbols displayed in Table 10-4-5.1.1, *NB Sign Types*, include:
 - a. "P" means the sign type is permitted.
 - b. "--" means the sign type is prohibited.
2. *Unlisted Sign Types.* Sign types that are not listed in the following tables are prohibited in these districts.

Table 10-4-5.1.1 NB Sign Types					
Sign Types	Residential Zoning Districts				
	ACR	LLR	MLR	SLR	MFR
Attached Signs					
Awning Sign and Canopy Sign	--	--	P	P	P
Placard Sign	P	P	P	P	P
Projecting Sign	--	--	P	P	P
Wall Sign	--	--	P	P	P
Window Sign	--	--	P	P	P
Freestanding Signs					
Monument Sign	--	--	P	P	P
Post Sign	P	P	P	P	P
Subdivision Entrance Sign	P	P	P	P	P
Temporary Signs - See Subsection 10-1-3.10.F, Temporary Signs					

- C. **Attached Signs.** Set out in Table 10-4-5.1.2, *NB Attached Sign Standards*, are the types, numbers, areas [heights](#), and methods of illumination allowed for each sign type and district.

Table 10-4-5.1.2 NB Attached Sign Standards	
Sign Types / Standards	Where Permitted in Table 10-4-5.1.1, <i>NB Sign Types</i>
Awning or Canopy	
Number Allowed	1 per street-facing façade
Maximum Area	6 sq. ft. with a vertical dimension of 1 ft.
Minimum Vertical Clearance / Maximum Height Above Grade	8 ft. / No higher than top of ground floor ¹
Illumination	External downlighting
Changeable Copy	--
Placard	
Number Allowed	1 per pedestrian entrance
Maximum Area	2 sq. ft. per face

Table 10-4-5.1.2
NB Attached Sign Standards

Sign Types / Standards	Where Permitted in Table 10-4-5.1.1, NB Sign Types
Illumination	--
Changeable Copy	--
Projecting Sign	
Number Allowed	1 per street-facing façade
Maximum Area	12 sq. ft. per face; 24 sq. ft. per sign
Min. / Max. Clearance Above Grade	8 ft. / No higher than top of ground floor
Maximum Projection from Wall	6 ft.; 3 ft. into right-of-way ¹
Illumination	Internal, halo, or downlight
Changeable Copy	--
Wall Sign	
Number Allowed	1 per street-facing façade
Maximum Area/Sign	32 sq. ft.
Max. Clearance Above Grade	No higher than top of ground floor
Maximum Projection from Wall	12 in. ¹
Illumination	External downlighting or halo
Changeable Copy	--
Window Sign	
Number Allowed	1 per street-facing façade
Maximum Area	20% of combined area of all windows on the ground floor
Max. Clearance Above Grade	No higher than top of ground floor
Illumination	Internal with nighttime <u>NITs</u> level not to exceed 500 nits
Changeable Copy	Permitted
Table Notes: 1. Awnings, canopies, projecting, and signs with less than 15 feet clearance above the sidewalk must meet building codes for maximum projections.	

D. Freestanding Signs. Set out in Table 10-4-5.1.3, *NB Freestanding Sign Standards*, are the types, numbers, areas, heights, and methods of illumination allowed for each sign type and district.

Table 10-4-5.1.3
NB Freestanding Sign Standards

Sign Types / Standards	Where Permitted in Table 10-4-5.1.1, NB Sign Types
Monument Sign	
Number Allowed	1 per street frontage
Maximum Area	32 sq. ft.
Maximum Height Above Grade	6 ft.
Illumination	Internally lit, Halo lit, or Externally downlit
Changeable Copy	Permitted
Post Sign	
Number Allowed	1 per street frontage
Maximum Area	6 sq. ft.
Maximum Height Above Grade	4 ft.
Minimum Front Property Line <u>Setback</u>	15 ft.
Subdivision Entrance Sign	
Number Allowed	1 per subdivision entrance
Maximum Area	40 sq. ft.
Maximum Height Above Grade	8 ft.
Illumination	Externally illuminated, or halo lit/reverse channel lit
Changeable Copy	Permitted

CHAPTER 5 BUSINESS AND INDUSTRY (BI)

Contents:

ARTICLE 10-5-1 BI PURPOSE AND APPLICABILITY

ARTICLE 10-5-2 BI BUSINESS AND INDUSTRY DISTRICTS AND USES

ARTICLE 10-5-3 BI DESIGN

ARTICLE 10-5-4 BI GREENSCAPE

ARTICLE 10-5-5 BI SIGNS

Related Provisions		
Sec. 10-1-1.1	Base Districts	District purposes and relationships between the ULUC zoning districts, the former districts, and the Land Use and Character Map
Sec. 10-1-1.2	Overlay and Special Districts	Procedures for the transition of the PD and PDO districts to a PL-O, Planned Overlay, and their termination or expiration
Sec. 10-1-1.3	Land Use Matrix	Permitted, specially permitted, conditional, and accessory permitted within the NC and CM districts
Sec. 10-1-1.4	Land Use Standards	Standards that apply to land uses denoted with an "S" in Section 10-1-1.3 , <i>Land Use Matrix</i>
Sec. 10-9-5.1 4-1.5	Conditional Use Standards	Standards for land uses denoted as "C" in Section 10-1-1.3 , <i>Land Use Matrix</i>
Sec. 10-1-2.3	Height and Yard Exceptions	Allowable exceptions to the setbacks and heights within the NC and CM districts
Sec. 10-1-3.1	General Design Standards	Standards relating to wall articulation, varied massing, blank walls, and screening
Sec. 10-1-3.2	Non-Residential and Mixed-Use Design Standards	Permitted and alternative materials and CPTED review standards
Sec. 10-9-5.8 4-3.3	Adaptive Reuse <u>Plan</u>	Development standards and reuse incentives for the revitalization or redevelopment of buildings
Sec. 10-1-3.4	Sustainable Building Design	Incentives for the use of sustainable design and development practices
Sec. 10-1-3.5	Transition Standards	Requirements for building setbacks and stepbacks to transition the intensity of development when sharing a property line of rights-of-way with districts of lesser intensity
Sec. 10-1-3.7	Vehicle Mobility	Minimum required and maximum allowable parking and loading spaces, design standards, and maintenance requirements
Sec. 10-1-3.8	Alternative Mobility	On-site pedestrian access and circulation standards and bicycle parking requirements
Sec. 10-1-3.9	Managed Access	Access locations, spacing and dimensional requirements and sight triangle standards
Sec. 10-1-3.11	Outdoor Lighting Standards	Standards for on-site exterior lighting and for certain districts, uses and site features
Sec. 10-6-2.3	Subdivision Design	Standards for streets, blocks, lots, easements, open space and public utilities and infrastructure
Sec. 10-7-1.5	Floodplain / Flood Fringe Regulations	Requirements for subdivisions, construction and critical facility standards, and alterations of watercourses
Sec. 10-9-3.9	Development Review Summary	Descriptions of all required approval and permit processes
Sec. 10-12-2.1	Definitions	Definitions of land uses and general terms
Base Standards		
Sec. 10-1-3.6	Greenspace Design Standards	General planting, landscape, bufferyard and tree canopy coverage requirements
Sec. 10-1-3.10	Sign Standards	Signs allowed and prohibited, installation and maintenance requirements, means of measuring sign dimensions, bonuses, and standards for temporary signs

Section 10-5-1.1 BI Purpose

The purpose of this Chapter is to establish the districts and standards to implement the corresponding designations of the Future Land Use and Character Map set forth in the adopted [Comprehensive Plan](#). More specifically, the Business Center (BC) and Industrial Park (IP) districts are designed to:

- Enable existing businesses to remain conforming to the regulations of this Code.
- Allow for the [substantial improvement](#) of existing businesses to abide by the new standards on a proportional basis to the level of improvement, as set out in Section [10-10-3.1](#), *Administrative Compliance*.
- Provide environments that are suitable for business and industry while maintaining a quality standard of [development](#).
- Sustain and grow the local tax base with business establishments that generate a large share of the city's assessed valuation and hence, revenue.
- Serve the near- and long-term economic needs of the [community](#) through provisions for [adaptive reuse](#) as set out in Section ~~10-9-5.8-1-3.3~~, *Adaptive Reuse Plan*.
- Function as employment centers for both Littleton residents and others in the Denver metro area.

Section 10-9-3.9 Development Review Summary

A. Generally. Table 10-9-3.9.1, *Development Review Summary*, compiles the review procedures for applications in this Code involved in the development review process. Detailed information about general procedures and applications are further discussed in this Article.

Table 10-9-3.9.1 Development Review Summary							
Development Application	Pre-App Required	Neighborhood Meeting	Review and Decision		Public Notice	Expiration (10-9-3.8)	Applicable Standards
			Review/Recommend	Decide			
CDD = Community Development Director; PC = Planning Commission; CC = City Council; HPB = Historical Preservation Board; BOA = Board of Adjustment; BBoA = Building Board of Appeals; [] = Public Hearing Required							
Code / Zoning Amendments							
Rezoning or Zoning Map Amendment (Sec. 10-9-4.1)	✓	✓	1st: CDD 2nd: [PC]	[CC]	Pu M Po	None	
City-Initiated Comprehensive Rezoning			1st: CDD 2nd: [PC]	[CC]	Pu ⁶	None	
Code Text Amendment (Sec. 10-9-4.3)			1st: CDD 2nd: PC	CC	Pu	None	
Amendment to the Future Land Use and Character Map	✓	✓	1st: CDD 2nd: PC	[CC]	M Po, and as required by state law		
Site Development and Use Permits							
Abbreviated Site Plan (Sec. 10-9-5.4)			CDD	CDD	None	None	
Conditional Use Permit (Sec. 10-9-5.1)	✓	✓	CDD	[PC]	Pu M Po	1 year	Sec. 10-1-1.4 Sec. 10-1-1.5
Major Plan Amendment (Sec. 10-9-5.2)	✓	✓	CDD	CDD [PC] ⁴	M Po	Same as application being modified	
Minor Plan Amendment (Sec. 10-9-5.3)			CDD	CDD	None	Same as application being modified	
Site Plan (Sec. 10-9-5.4)	✓	✓	CDD	CDD ⁹	None	2 years	Article 10-1-3
Temporary Use Permit (Sec. 10-9-5.5)			CDD	CDD	None	As specified in approved permit	Sec. 10-1-1.8
Zoning Certificate (Sec. 10-9-5.6)			CDD	CDD	None	180 days	Article 10-1-1
Master Development Plan (Sec. 10-9-5.7)	✓	✓	CDD	[PC]	Pu M Po	2 years	Article 10-1-3

**Table 10-9-3.9.1
Development Review Summary**

Development Application	Pre-App Required	Neighborhood Meeting	Review and Decision		Public Notice	Expiration (10-9-3.8)	Applicable Standards
			Review/Recommend	Decide			
<p align="center">CDD = Community Development Director; PC = Planning Commission; CC = City Council; HPB = Historical Preservation Board; BOA = Board of Adjustment; BBoA = Building Board of Appeals; [] = Public Hearing Required</p>							
<u>Adaptive Reuse Plan (Sec. 10-9-5.8)</u>	✓		CDD	CDD	None	2 years	
Improvement Plans and Permits							
Floodplain Certificate of Compliance (Sec. 10-9-6.1)			Floodplain Administrator	Floodplain Administrator	None	None	Article 10-7-1 Article 10-7-2
Construction Plans (Sec. 10-9-6.2)			City Engineer	City Engineer	None	2 years	LEDS
Access Permit (Sec. 10-9-6.3)			City Engineer	City Engineer	None	180 days	LEDS
Floodplain Development Permit (Sec. 10-9-6.4)			Floodplain Administrator ³	Floodplain Administrator ₃	None	2 years	Article 10-7-1 Article 10-7-2
Grading Permit (Sec. 10-9-6.5)			City Engineer	City Engineer	None	2 years	
Sign Permit (Sec. 10-9-6.6)			CDD	CDD	None	180 days	Sec. 10-1-3.10 Article 10-2-5 Article 10-3-5 Article 10-4-5 Article 10-5-5
Subdivision Improvement Agreement (SIA) (Sec. 10-6-3.1)			City Attorney City Engineer	City Manager	None	Per agreement	Sec. 10-6-3.1
SIA Minor Modification (Sec. 10-6-3.1)			City Engineer	City Engineer	None	Per agreement	Sec. 10-6-3.1
Subdivisions and Vacations							
Administrative Plat (Sec. 10-9-7.1)			CDD	CDD	None	1 year ¹	Chapter 6
Final Plat (Sec. 10-9-7.2)			CDD	CDD	None	1 year ¹	Chapter 6
Preliminary Plat (Sec. 10-9-7.3)	✓		CDD	[PC]	Pu M Po	1 year ²	Chapter 6
Technical Corrections to a Plat (Sec. 10-9-7.4)			CDD	CDD	None	1 year ¹	Chapter 6
Vacation Plat (Sec. 10-9-7.5)			CDD	[PC]	None	1 year ¹	Chapter 6

**Table 10-9-3.9.1
Development Review Summary**

Development Application	Pre-App Required	Neighborhood Meeting	Review and Decision		Public Notice	Expiration (10-9-3.8)	Applicable Standards
			Review/Recommend	Decide			
<p align="center">CDD = Community Development Director; PC = Planning Commission; CC = City Council; HPB = Historical Preservation Board; BOA = Board of Adjustment; BBoA = Building Board of Appeals; [] = Public Hearing Required</p>							
Vacation of Streets and Easements (Sec. 10-9-7.6)		✓ for streets	CDD	[CC] for streets; CDD for easements not involving public vehicular access	Pu M Po	1 year ¹	Chapter 6
Historic Preservation Applications							
Certificate of Appropriateness (Sec. 10-9-8.1)	✓		CDD	[HPB]	M Po	1 year	Chapter 8
Certificate of Demolition (Sec. 10-9-8.2)	✓		CDD	[HPB]	M Po	1 year	Chapter 8
Certificate of Economic Hardship (Sec. 10-9-8.3)	✓		CDD	[HPB]	None	1 year	Chapter 8
Designation of Historic Landmarks and Districts (Sec. 10-9-8.4)	✓	✓	CDD HPB	[CC]	M Po ⁷	None	Chapter 8
Relief, Appeals, and Interpretations							
Administrative Adjustment (Sec. 10-9-9.1)			CDD	CDD	None	Same as application being modified	
Appeal of Administrative Decision (Sec. 10-9-9.2)			CDD	[PC] ⁸ [HPB] ⁸ [BBoA] ⁸ [BOA] ⁸	M	None	
Appeal of Board or Commission Decision			CDD	CC	Po	Same as application being appealed	Same as application being appealed 10-9-3.7
Floodplain Variance (Sec. 10-9-9.3)			Floodplain Administrator	[PC]	Pu M Po	2 years	Article 10-7-1 Article 10-7-2
Variance (Sec. 10-9-9.4)	✓		CDD	[BA]	M Po	None ³	
Written Interpretation (Sec. 10-9-9.5)			CDD	CDD	None	None	
Miscellaneous Application Types							
Annexation (Sec. 10-9-4.4)	✓	✓	1st: CDD 2nd: [PC]	[CC]	Pu M Po, and as required by state law	None	

**Table 10-9-3.9.1
Development Review Summary**

Development Application	Pre-App Required	Neighborhood Meeting	Review and Decision		Public Notice	Expiration (10-9-3.8)	Applicable Standards
			Review/Recommend	Decide			
<p align="center">CDD = Community Development Director; PC = Planning Commission; CC = City Council; HPB = Historical Preservation Board; BOA = Board of Adjustment; BBoA = Building Board of Appeals; [] = Public Hearing Required</p>							
Vested Property Rights (Sec. 10-9-4.2)	✓		CDD	[CC]	Pu M Po	3 years ⁵	

Table Notes:

- None after recordation.
- If a Final Plat application is not submitted for the entire area subject to the Preliminary Plat, or for at least one phase of a multi-phase project subject to the Preliminary Plat.
- May require a public hearing by the Planning Commission in accordance with Article [10-7-1, Floodplain Regulations](#), and Article [10-7-2, Floodway Regulations](#).
- The Director, at the Director's discretion, may refer application to Planning Commission for a decision.
- Vested rights may be granted for a period longer than three years in the case where a development agreement is approved.
- At the discretion of the Director of Community Development, additional forms of notice may be provided, as a courtesy.
- At the discretion of the Director of Community Development, applications for designation of historic districts may require newspaper notice.
- Depending upon the administrative decision, the appeal may go to different boards. See [10-9-9.2](#).
- Site Plans for single family residential properties, as detailed in Subsec. [10-1-1.2.A](#), will be referred to the Planning Commission for a decision.

Pu = Published in newspaper 10 days prior to public hearing in accordance with Section [10-9-3.5](#)
 Po = Sign posted on property 10 days prior to public hearing in accordance with Section [10-9-3.5](#)
 M = Mailed notice to adjoining property owners or property owners within a specified distance of the subject property 10 days prior to public hearing in accordance with Section [10-9-3.5](#)

(Ord. [18, Series of 2022](#); Ord. [09, Series of 2023](#))

Section 10-9-5.2 Major Plan Amendment PROCEDURE - PR

A. Generally. A Major Plan Amendment allows an applicant to request and the Director, or at the Director's discretion the Commission, to authorize major changes or adjustments to an approved Site Plan or Master Development Plan, ~~or plans approved prior to the effective date of this Code.~~ No Major Plan Amendment shall be approved that would result in non-compliance with the applicable zone district's minimum or maximum standards.

B. Applicability. A modification is deemed "major" if:

1. Determining Eligibility.

- a. *Parking, Loading, and Stacking.* Parking, loading, and stacking areas are proposed to be reconfigured ~~and reduce~~ exchange the number of spaces by ~~more than 4025~~ percent or more;
- b. *Structures.* Changes are proposed to the ~~configuration~~ location, height, architectural design, or gross floor area of primary buildings or structures, which have a significant impact, in the judgment of the Director, on ~~or~~ their relationship ~~of buildings or structures~~ to the street, ~~or~~ adjoining properties, or adjacent properties;
- c. *Grading, Traffic, or Drainage.* Substantial change, in the judgment of the City Engineer, is proposed to the grading, site access, traffic circulation, or drainage plans;
- d. *Open Space.* Open space is proposed to decrease by more than ~~4025~~ percent. ~~or to be altered from one type (for example, common green, playground, or plaza) to another;~~
- e. *Gross Floor Area.* ~~The gross floor area or height of a non-residential or mixed-use building is proposed to increase by more than 4025 percent;~~
- f. *Density and Intensity.* The approved residential density ~~or square footage of uses~~ is proposed to increase by more than ~~4025~~ percent; or
- g. *Design.* ~~The proposed amendment constitutes more than a 1025 percent or greater change in the types or proportions of primary building materials or in other required design elements or treatments.~~

~~2. *Violation.* The request for a Major Plan Amendment does not violate a condition of approval of the original plan or any provision of this Code.~~

C. Decision Criteria. The Director, or at the Director's discretion, the Commission, may approve, approve with conditions, or deny a Major Plan Amendment based on findings as to whether the proposed amendment is:

1. *Changing Conditions.* Necessary because of changed or changing conditions on the property or in the area in which the property is situated;
2. *No Special Benefit.* Fairly applied such that no special benefit is conferred that would not otherwise be conferred on other properties with similar conditions;
3. *Density and Intensity.* Consistent with the nature of development and the density or intensity of land uses originally approved; and
4. *Public Health, Safety, and Welfare.* Likely to result in a relative gain to the public health, safety, or welfare of the community.
5. *Violation.* The request for a Major Plan Amendment does not violate a condition of approval of the original plan or any provision of this Code.

D. Procedures.

1. *Referral.* The Director shall refer the request for a Major Plan Amendment to the departments and referral agencies for their written recommendations on the request.
2. *Review and Decision.* The Director shall review and approve, approve with conditions, or deny a Major Plan Amendment based on its merit relative to the criteria of this Section and all applicable standards of this Code, or, at the Director's discretion, the plan amendment may be forwarded for final decision of the Commission when:

- a. The proposed plan amendment warrants a public hearing due to potential adverse impacts of scale, bulk, proximity, height differential, traffic volume or patterns, or other considerations deemed significant by the Director;
 - b. A referral agency raises substantial concerns as to the effects of the proposed plan amendment on the public health, safety, and welfare; or
 - c. The proposed plan amendment does not conform to the policies of the comprehensive plan, transportation master plan, or other plan, study or report adopted by the Council.
3. *Public Hearings and Recommendation.* If the proposed plan amendment is forwarded to the Commission by the Director, a public hearing shall be held and the Commission shall approve, approve with conditions, or deny the Major Plan Amendment. Such public hearing (including notice of such hearing) shall be provided and conducted in conformance with the procedures set out in Section [10-9-3.6](#), *Public Meetings and Hearings*.
 4. *Timeframe.* Approval of a Major Plan Amendment shall be valid for the period of time set out in Table [10-9-3.9.1](#), *Development Review Summary*. Thereafter, the Major Plan Amendment shall expire unless, prior to such expiration, all work contemplated by the approval has been completed or an extension has been requested and granted as set out in Section [10-9-3.8](#), *Expired Approvals and Extensions*.

E. Effect.

1. *Approval.* Upon approval of a Major Plan Amendment, the city may issue [Building Permits](#) and other permits for development, construction, and other work in the area encompassed by the approved plan; provided, however, that no permits shall be issued unless the Director is satisfied that all conditions of approval and the requirements of this Code have been met.
2. *Denial.* If denied, the applicant may proceed with the Site Plan or Master Development Plan as originally approved.

Section 10-9-5.3 Minor Plan Amendment PROCEDURE - PR

A. Generally. A Minor Plan Amendment allows an applicant to request and the Director to authorize minor changes or adjustments to an approved Site Plan, Master Development Plan, or plans approved prior to the effective date of this Code. No Minor Plan Amendment shall be approved that would result in non-compliance with the applicable zone district's minimum or maximum standards. No minor change to a PD or PL-O shall be approved that would result in non-compliance with the underlying zone district's minimum or maximum standards.

B. Applicability. A Minor Plan Amendment is required when minor amendment(s), as outlined in Determining Eligibility below, to an approved Site Plan, or Master Development Plan, or plans approved prior to the effective date of this Code are requested to proceed with development that do not qualify as Major Plan Amendment(s) per Section 10-9-5.2, or to an approved PD or PL-O that do not qualify as major changes per section 10-1-1.2.A.D.2.

1. ~~Determining Eligibility:~~

- ~~a. **Gross Floor Area (GFA).** A proposed adjustment or alteration does not exceed 10 percent of the previously approved gross floor area of the principal or accessory building(s);~~
 - ~~b. **Height.** Any proposed increase in building height does not exceed 10 percent of the height(s) approved as part of the original Site Plan or Master Development Plan;~~
 - ~~c. **Position.** Any shift in the position of a building or structure is less than 10 feet and does not violate a required building setback or any Building Code provision;~~
 - ~~d. **Density or Intensity.** A proposed change in density or square footage of uses is less than 10 percent from the original Site Plan or Master Development Plan;~~
 - ~~e. **Parking Area.** A proposed change in the approved number of parking spaces does not exceed 10 percent unless parking credits or reductions are approved as set out in Subsec. 10-1-3.7.A, Parking and Loading;~~
 - ~~f. **Location of Ancillary Structures.** Any shift in the location of ground-, wall-, or roof-mounted utility equipment or meters, and other roof penetrations such as vents, chimneys, and skylights does not negatively affect the design and aesthetic of a building or the public view; and~~
 - ~~g. **Exterior Materials.** Any change in materials is close in style, texture, color, and pattern to the originally approved materials.~~
- 2. Violation.** ~~The request for a Minor Plan Amendment does not violate a condition of approval of the original plan, or of any provision of this Code.~~

C. Decision Criteria. The Director shall approve, approve with conditions, or deny a Minor Plan Amendment based on findings as to whether the proposed amendment is:

- ~~1. **Eligibility.** Eligible based upon the above determinations;~~
- ~~2. **Major Plan Amendment.** Not eligible for consideration as a Major Plan Amendment;~~
- ~~3. **Violation.** The request does not violate a condition of approval of the original plan, or of any provision of this Code.~~
- ~~4. **Non-Material.** Non-material as to the effects on the originally approved Site Plan or Master Development Plan and the impacts on adjacent properties or the public health, safety and welfare;~~
- ~~5. **Large-Scale Development.** Not deemed to be a large-scale development as set out in Section 10-9-5.7, Master Development Plan; and~~
- ~~6. **Referral.** Generally consistent with the regulations, or requirements of a referral agency.~~

D. Procedures.

- ~~1. **Referral.** The Director shall refer the request for a Minor Plan Amendment to the departments and referral agencies for their written recommendations on the request.~~
- ~~2. **Decision.** If referral agencies provide any concerns regarding the proposed amendment, the Minor Plan Amendment may be referred to the Planning Commission for their decision. Planning Commission may~~

choose to approve, approve with conditions or deny the application. If there are no concerns expressed by referral agencies and the applicant has shown compliance with applicable decision criteria set forth above, the Director may decide to approve, approve with conditions or deny the application for a Minor Plan Amendment to an approved plan.

3. *Time Frame.* Approval of a Minor Plan Amendment shall be valid for the period of time set out in Table 10-9-3.10.1, Development Review Summary. Thereafter, the Minor Plan Amendment shall expire unless, prior to such expiration, all work contemplated by the approval has been completed or an extension has been requested and granted as set out in Section [10-9-3.8](#), *Expired Approvals and Extensions*.

4. *Options of Applicant.* Should the Minor Plan Amendment be denied, the applicant has the option to either:

- a. Withdraw the request fully;
- b. Modify the request and resubmit for review;
- c. [Appeal](#) the decision to the Commission; or
- d. Submit the request as a Major Plan Amendment.

E. *Effect.* Approval of a Minor Plan Amendment authorizes an applicant to proceed with development according to the approved Site Plan or Master Development Plan, as amended.

Section 10-9-5.4 Site Plan

A. Generally. Approval of a Site Plan ensures that a proposed [development](#) complies with all applicable standards of this Code. A Site Plan is not required for any emergency activity that is immediately necessary for the protection of life, property, or natural resources.

B. Applicability.

1. *Full Site Plan.* A Site Plan is required for the development of one or more single-family attached, multi-family, or non-residential buildings, subject to:
 - a. All applicable standards of Article [10-1-3, Design](#);
 - b. The [lot](#) and building standards of the applicable district(s);
 - c. Completion of construction in a single phase of development;
 - d. The site of the proposed development being:
 1. Less than 10 acres in size; or
 2. Less than 100,000 square feet of gross floor area in a single building or 150,000 square feet in two or more separate buildings.
2. *Abbreviated Site Plan.* For developments without a previously approved Site Plan, the [Director](#) may allow an Abbreviated Site Plan if the following conditions, as applicable, have been met:
 - a. The proposed construction or improvement is for an existing building or a new accessory [structure](#);
 - b. The size of a new proposed accessory structure is less than 1,000 square feet or ten percent of the principal structure's building coverage, whichever is greater;
 - c. There are no more than four [dwelling units](#) on the subject property;
 - d. An addition to an existing non-residential building is less than 5,000 square feet in gross floor area;
 - e. The proposed construction or improvement does not increase the required [off-street parking](#) or affect traffic access or circulation beyond what may be allowed by Section 10-9-9.1;
 - f. [Landscaping](#) is replaced by similar landscaping to an equal or greater extent;
 - g. Proposed changes will preserve natural features without changing the basic site layout;
 - h. A change in the type or design of lighting does not change the intensity of light at the property boundary;
 - i. The proposed construction or improvement does not require any [Variances](#) exceeding Administrative Adjustments allowed by Section 10-9-9.1;
 - j. Changes are required by the city or a state or federal regulatory agency in order to conform with other laws or regulations; and
 - k. Construction of or an addition to a duplex or twin home is not within a mixed-use development.
3. *Site Plan Not Required.* A Site Plan shall not be required for the following:
 - a. Single-family detached dwellings and their accessory structures (except when required by Subsection 10-1-1.2.A);
 - b. Interior renovations to a building, provided the renovation does not require the addition of parking or [loading spaces](#);
 - c. Reduction in size of a structure;
 - d. [Demolition](#) of a structure;
 - e. [Signs](#); and
 - f. Exterior renovations which do not increase either the building's square footage or increase the building's height.

C. Decision Criteria. The Director may approve, approve with conditions, or deny a Site Plan based on:

1. *Prior Approvals.* Compliance with any prior approvals and all applicable development, design, and transition standards of this Code;

2. Comprehensive Plan. Consistency with the Comprehensive Plan and all other applicable adopted plans;
3. ~~Access. Adequate provision of pedestrian, transit, and traffic access and on-site circulation;~~
4. ~~Parking and Loading. Sufficient space to accommodate required off-street parking and loading/unloading zones;~~
5. *Design*. The location, arrangement, size, and design of buildings, lighting, signs, landscaping, and bufferyards that conform to the standards of the applicable district(s);
6. *Scale*. The scale of the proposed use(s) in relation to one another and those on adjacent properties;
7. *Adequate Level of Service*. An adequate level of service of existing or proposed public facilities;
8. *Nuisances*. Sufficient protection for adjacent properties against noise, glare, unsightliness, or other objectionable features;
9. *Access, Circulation, and Parking*. Adequate, safe, and convenient arrangement of access, pedestrian circulation, bicycle facilities, roadways, driveways, transit access (where applicable), off-street parking and stacking and loading spaces; and
10. *CPTED*. Consistency with Subsection 10-1-3.2.B, *CPTED (Crime Prevention Through Environmental Design)*.

D. Procedures.

1. *Referral*. The Director shall refer the request for a Site Plan to the departments and referral agencies for their written recommendations on the request.
2. *Review and Decision*. On receipt of a completed application for a Site Plan, the Director shall review the plan to determine its compliance with the applicable provisions of this Code and any conditions of an approved Conditional Use or Variance. The Director shall determine if the proposed Site Plan satisfies the Site Plan approval criteria and if so, may approve, approve with conditions, or deny the Site Plan.
3. *Plan Amendment*. Modifications of an approved Site Plan are deemed as either a Minor or Major Plan Amendment, as set out in Section 10-9-5.3, *Minor Plan Amendment*, and Section 10-9-5.2, *Major Plan Amendment*.
4. *Time Frame*. Approval of a Site Plan shall be valid for the period of time set out in Table 10-9-3.9.1, *Development Review Summary*. Thereafter, the Site Plan shall expire unless, prior to such expiration, all work contemplated by the approval has been completed or an extension has been requested and granted as set out in Section 10-9-3.8, *Expired Approvals and Extensions*.

E. Effect. Upon approval of a Site Plan, the applicant may proceed with development of the site; subject, however, to having first obtained any other required approvals and permits.

(Ord. 18, Series of 2022)

Section 10-9-5.7 Master Development Plan

A. Generally. A [Master Development Plan](#) (MDP) is intended to illustrate and explain a proposed development in sufficient detail to enable informed review and decision-making. A MDP, at the election of the applicant and with the consent of the Director, may be designed to establish concept-level adherence to the applicable building and site design principles of this Code (a "MDP (Conceptual)"), subsequent to which one or more detailed Site Plans shall be required for development phases or distinct and identifiable parcels within the area subject to the MDP. Alternatively, with detail necessary and sufficient to establish conformity of the plan to all applicable building, site, and other standards of this Code (a "MDP (Detailed)"), the approved MDP may itself serve as a Site Plan for one or more phases of the development and provide a basis for subsequent consideration of the issuance of a Building Permit or other required entitlement.

B. Applicability.

1. *When Required.* Except when an applicant has elected to develop in accordance with the regulations and standards of an approved PD or PDO, a MDP is required for:
 - a. A development site of 10 acres or greater in size; or
 - b. Construction in two or more phases; or
 - c. Large-scale development with:
 1. 100,000 square feet or more of gross floor area in a single building, including big-box stores, supermarkets, wholesale stores, and multi-tenant shopping centers; or
 2. Two or more separate buildings and a combined square footage of 150,000 square feet or more; or
 - d. Non-residential or multi-family residential developments within a PL-O proposing to develop in accordance with the underlying zoning district, as detailed in Subsec. [10-1-1.2.A](#).
2. *General Content.* A MDP, whether Conceptual or Detailed, is required to illustrate the nature and character of development within the parameters of the underlying zoning district, including:
 - a. *Context.* The context of the proposed development relative to [adjacent](#) development and the proposal for transitioning and buffering such development;
 - b. *Location, Scale, and Design.* The locations and types of residential, non-residential, and mixed land uses; their scale and design relationships; and methods to promote compatibility between the various uses and adjacent [lots](#);
 - c. *Density.* Minimum and maximum gross densities, [block](#) sizes, [lot](#) patterns, and [heights](#) of residential uses;
 - d. *Intensity.* Maximum gross floor areas, [building coverage](#), and heights of non-residential and mixed uses;
 - e. *Parking and Circulation.* The proposed parking and circulation plans;
 - f. *Streets.* The patterns, functional classifications, and cross-sections of streets within and adjacent to the development, along with the network of pedestrian and bicycle improvements;
 - g. *Common Open Space.* General locations, means of continuity and connectivity, and the extent of common open spaces and amenities;
 - h. *Environmental Protection.* Areas of environmental protection and [preservation](#), including [floodplains](#) and riparian areas, [wetlands](#) and water bodies, and vegetated areas; and
 - i. *Phases.* Phases and timing of development.
3. *Additional Content Specific to MDP (Conceptual) for Mixed-Use Developments.* In addition to the above content, an MDP (Conceptual) must provide evidence of adherence to Subsection [10-3-3.2.B\(D\)](#), *Mixed-Use Development Layout and Design*.
4. *Additional Content Specific to MDP (Detailed) for NC or CM zoning districts.* In addition to the above content, an MDP (Detailed) is required to demonstrate adherence to design details outlined in

Subsection [10-3-3.2.B\(D\)](#), *Mixed-Use Development Layout and Design* and [10-3-3.2.B\(E\)](#), *CMU Design Standards*.

C. Decision Criteria. The Director shall make a recommendation to Planning Commission and the Commission may approve, approve with conditions, or deny a MDP based on conformance with the ~~following~~ criteria. ~~Criterion 1-4 shall apply to both conceptual and detailed MDPs. Criterion 5 shall only apply to detailed MDP applications.~~ The decision criteria are as follows:

1. ~~**Zoning District Conformance.** The plan demonstrates compliance with the applicable zoning district and design standards.~~
2. ~~**Layout.** The MDP demonstrates a site layout and circulation plan that is efficient relative to its context and location and is designed to achieve the intent and purpose of the underlying zone district. The development is laid out in an efficient manner relative to its context and location (natural and built environments) and designed to achieve the aims of a compact, highly walkable environment;~~
3. ~~**Quality Design.** The MDP provides for high quality design of building architecture and landscape architecture. The design of buildings, circulation, hardscape and landscape areas help to establish functionality, visual interest, aesthetic appeal, and a unique identity for the development including human-scale amenities, and integration of civic spaces for public interaction, and protection from the environmental elements;~~
4. ~~**Natural Resources.** The MDP identifies unique and desired natural features of the site and when possible, preserves or enhances those features;~~
5. ~~**Additional Criterion Specific to a MDP (Detailed).** The MDP provides sufficient detail to establish that at least one phase of the plan is in conformance with all applicable building, site, and other standards of this Code. (Subsequent phases will require approval of a Site Plan, as described in Section 10-9-5.1, prior to development.)~~

D. Procedures.

1. ~~**Referral.** The Director shall refer the request for a MDP to the departments and referral agencies for their written comments on the request.~~
2. ~~**Review, Public Hearing and Decision.** On receipt of a completed application for a MDP, the Director shall review the plan to determine its compliance with the applicable provisions of this Code and any conditions of an approved Conditional Use or Variance. Following public notice per Section [10-9-3.5](#), *Public Notice*, and a public hearing, the Commission shall approve, approve with conditions, or deny the MDP.~~
3. ~~**Timeframe.** Approval of a MDP shall be valid for the period of time set out in Table [10-9-3.9.1](#), *Development Review Summary*. Thereafter, the MDP shall expire unless, prior to such expiration, all work contemplated by the approval has been completed or an extension has been requested and granted as set out in Section [10-9-3.8](#), *Expired Approvals and Extensions*.~~

E. Effect. Upon approval, all subsequent plats, plans, and permits shall clearly demonstrate consistency and conformance with the adopted MDP. Requested modifications of the plan shall be according to Section [10-9-5.3](#), *Minor Plan Amendment*, or Section [10-9-5.2](#), *Major Plan Amendment*.

(Ord. [18, Series of 2022](#))

Section 10-9-5.8 Adaptive Reuse Plan

A. Generally. An Adaptive Reuse Plan allows for context sensitive infill development in cases in which the principal buildings on the site are retained for new uses, to facilitate the preservation of existing buildings and eliminate construction waste. ~~This Section provides for a transition in the use of properties and buildings that have become functionally obsolete for their original purpose and for which redevelopment or conversion would be unnecessarily burdensome.~~ The purpose of this Section is to establish qualifying criteria necessary to provide for the adaptive reuse of properties within the city to support the local economy and employment base without adversely affecting the public health, safety, and welfare of the city.

B. Applicability. The Adaptive Reuse Plan is for projects in which a building is being converted a different use than the original building's use. To qualify as an Adaptive Reuse Plan, one of the following conditions must be met:

1. Fifty-one percent (51%) or more of the original building's Gross Floor Area must be preserved to qualify as adaptive reuse.
2. Building additions, and new buildings on the subject lot, must not be more than fifty percent (50%) of the original building's Gross Floor Area.
3. The subject lot is on the City of Littleton Legacy List.
4. ~~In the event subsection 1-3 above are not met, the Director shall have the authority to approve the Adaptive Reuse of other buildings and uses.~~

~~a. In qualifying a lot for adaptive reuse, the Director shall find the the following conditions to exist:~~

- ~~1. The subject lot is zoned consistent with the policies of the adopted Comprehensive Plan;~~
- ~~2. Adaptive reuse may resolve or reduce the extent of existing nonconformities, as set out in Chapter 10, Nonconformities;~~
- ~~3. The use has functional and operational constraints, such as limited lot area, floor area deficiencies, parking or loading area, etc.; and~~
- ~~4. Redevelopment of the subject lot would be unnecessarily burdensome by reason of compliance with this Code (restrictions on area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot) or cost.~~

~~b. The Director shall not grant adaptive reuse status to any property whose principal structure is found to be destroyed by any means to the extent of more than fifty percent (50%) of its replacement cost, which shall be determined by the Chief Building Official on the basis of a cost per square foot of comparable structures using indices based upon the local construction market. Any subsequent use of such land shall conform to the regulations of the zoning district in which it is located.~~

B. Reuse Incentives. As an incentive for adaptive reuse, projects that meet the qualifying criteria are entitled to the incentives set out below. These incentives are intended to ensure that the adaptive reuse of a subject lot is sensitive to the surrounding context and particular site conditions, and provides flexibility in development standards to reduce barriers to redevelopment.

1. Off-Street Parking

- a. The required number of parking spaces shall be the lesser of the ~~current~~ number of spaces that exist on the lot or the minimum number of spaces required by Subsection 10-1-3.7.A, *Parking and Loading*.
- b. ~~To the greatest extent possible, the number of spaces shall be maintained and not reduced. Adaptive reuse projects are otherwise exempt from the parking standards of this Code.~~

2. Loading Space

- a. ~~If no loading spaces exist, then a loading space is not required in conjunction with the development of an adaptive reuse project. Where an existing loading space is provided, the requirements of Subsection 10-1-3.7.A, *Parking and Loading*, apply.~~

3. Floor Area Ratio

- a. Residential floor area that does not exceed more than thirty-three percent (33%) of the floor area of the ground floor is not considered new floor area for purposes of calculating a floor area ratio. Mezzanines are not included in the calculation of floor area for the purpose of determining compliance with this standard, so long as it does not add a new dwelling unit.

4. Dimensional Standards

- a. Existing floor area, setback encroachments, yards, or heights that do not comply with the standards permitted in the zoning district are permitted.
- b. New setback encroachments may be allowed for building additions to align with the existing building's setbacks.

5. Design Standards

- a. Existing building facades are exempt from the design standards of this code.
- b. ~~Director may waive certain general and zone specific design standards for additions or new buildings on the site. Further, the Director may waive specific design standards based upon the site configuration, if the addition or new building is not prominent on site, does not take direct access from the public ROW, or front pedestrian or bicycle routes. Additions and new buildings on the site may be completely exempted from general and zone specific design standards, partially exempted from general and zone specific design standards, or required to comply with all applicable design standards based upon the following factors:~~
 1. ~~Site Configuration. Buildings and additions that are not prominent on site, take direct access from public right-of-way, or front pedestrian or bicycle routes.~~

6. Density

- a. Dwelling units are not subject to the minimum lot area requirements of the zoning district.

E. Development Standards.

1. *Waivers and Modifications.* For proposals meeting the criteria of this Section, the applicable development standards and other provisions of this Code may be modified or waived by the Director upon finding adequate evidence that the proposed use:
 - a. Will be compatibly designed, constructed, and maintained with the existing and intended character of the vicinity;
 - b. Will not be hazardous or disturbing to existing or future neighboring uses;
 - c. Will be served adequately by essential public services and facilities; and
 - d. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive smoke, fumes, glare, noise, vibration, or odor.
2. *Safeguards.* The Director may require such additional safeguards as deemed necessary for the protection of the general welfare and for ensuring individual property rights and that the intent and objectives of this Code will be observed.

F. Decision Criteria.

In considering an application for an adaptive reuse project, the Director shall make determinations based upon a demonstration of conformance with the qualifying criteria and development standards set out above, together with the following:

1. *Conformance with Design Concept.* The overall design and all uses proposed in connection with an adaptive reuse project shall be consistent with and promote the intent of this Section.
2. *Recognizable Benefits.* The adaptive reuse project will result in recognizable and substantial benefits to the users of the project and to the community where such benefits would otherwise be unfeasible or unlikely to be achieved.
3. *Compatibility.* The proposed adaptive reuse project shall be designed with due regard to its relationship with development on surrounding properties, including building heights, setbacks, density, parking, circulation, landscaping, views, and other layout features. In particular, consideration shall be given to the following:

- a. The bulk, placement, architecture, and types of materials used in the construction of proposed structures;
 - b. The location and screening of vehicular circulation and parking areas in relation to surrounding development;
 - c. The location and screening of outdoor storage, outdoor activity or work areas, and mechanical equipment in relation to surrounding development; and
 - d. Common open space, landscaping, and other lot amenities.
4. *Impact of Traffic.* The adaptive reuse project shall be designed to minimize any adverse impact of traffic generated by the proposed development. Consideration shall be given to the following:
 - a. Estimated traffic to be generated by the proposed development;
 - b. Access to commercial corridors;
 - c. Proximity and relation to intersections;
 - d. Location of and access to off-street parking;
 - e. Required vehicular turning movements;
 - f. Provisions for pedestrian and bicycle traffic and public transit; and
 - g. Access to loading and unloading areas.
 5. *Public Services.* The proposed type and density of use shall not result in a material increase in the need for public services, facilities, and utilities including water and wastewater services, public roads, fire and police protection, and schools. The proposal shall not place an undue burden upon the subject or surrounding land or property owners and occupants or the natural environment.
 6. *Consistency with the Comprehensive Plan.* The adaptive reuse project shall be consistent with the policies of the adopted Comprehensive Plan and with the spirit and intent of this Code.
 7. *Economic Impact.* The adaptive reuse project shall result in a net positive economic impact upon surrounding properties.
 8. *Compliance with Applicable Regulations.* The adaptive reuse project shall be in compliance with all applicable federal, state, county, and local laws and regulations.
 9. *Phasing.* Where an adaptive reuse project is proposed for construction in phases, the project shall be so designed that each phase, when completed, shall be capable of standing on its own in terms of the presence of services, facilities, and open space; and shall contain the necessary components to ensure the protection of natural resources and the health, safety, and welfare of the users of the adaptive reuse project and the occupants of the surrounding area.

G. Procedures.

1. *Referral.* The Director shall refer the request for an Adaptive Reuse Plan to the departments and referral agencies for their written recommendations on the request.
2. *Review and Decision.* On receipt of a completed application for an Adaptive Reuse Plan, the Director shall review the plan to determine its compliance with the applicable provisions of this Code and any conditions of an approved Conditional Use or Variance. The Director shall determine if the proposed Adaptive Reuse Plan satisfies the Adaptive Reuse Plan approval criteria and if so, may approve, approve with conditions, or deny the Adaptive Reuse Plan.
3. *Plan Amendment.* Modifications of an approved Adaptive Reuse Plan are deemed as either a Minor or Major Plan Amendment, as set out in Section 10-9-5.3, *Minor Plan Amendment*, and Section 10-9-5.2, *Major Plan Amendment*.
4. *Time Frame.* Approval of an Adaptive Reuse Plan shall be valid for the period of time set out in Table 10-9-3.9.1, *Development Review Summary*. Thereafter, the Site Plan shall expire unless, prior to such expiration, all work contemplated by the approval has been completed or an extension has been requested and granted as set out in Section 10-9-3.8, *Expired Approvals and Extensions*.

- H. **Effect.** Upon approval of an Adaptive Reuse Plan, the applicant may proceed with development of the site; subject, however, to having first obtained any other required approvals and permits. **Effect. Upon approval of**

an Adaptive Reuse Plan, the applicant may proceed with development of the site; subject, however, to having first obtained any other required approvals and permits, including but not limited to any applicable requirements within Chapter 8, Historic Preservation and Chapter 9, Historic Preservation Applications.

Section 10-9-9.1 Administrative Adjustment

A. Generally. An Administrative Adjustment allows insignificant changes or modifications to certain standards of a proposed development that may be approved by the Director.

B. Applicability.

1. *Warrant.* An Administrative Adjustment may be warranted in circumstances when there are practical difficulties in applying the development standards for a project that otherwise complies with the standards of this Code.

2. *Limitations.*

a. An Administrative Adjustment shall only be considered for the following:

1. Area of a platted lot that does not meet the minimum requirements of the applicable district;
2. Minimum lot width at the front setback line;
3. Setbacks of the principal structure;
4. Setbacks of parking and vehicular use areas;
5. A 10 percent or less reduction in parking or loading spaces;
6. Spacing of driveway access points;
7. Landscaping and buffering where there are physical constraints;
8. Building frontage requirements in the CM district; and
9. ~~Any administrative adjustments to developments within a PL-O district as allowed by Subsec. 10-1-1.2.A.~~

b. An Administrative Adjustment shall not be considered for changes in the uses permitted by the underlying district or adopted plan.

C. Decision Criteria.

1. *Outside of PL-O District.* The Director may approve, approve with conditions, or deny an Administrative Adjustment subject to the following criteria:

- a. The requested adjustment does not exceed 10 percent of the minimum requirements;
- b. A hardship, if any exists, under which the adjustment is sought, was not created by the owner or occupant of the subject property, nor was it suffered as a result of a violation of this Code or any other applicable code of the city;
- c. The adjustment shall be the minimum necessary to grant relief from a demonstrated hardship; and
- d. The adjustment shall not substantially impair the permitted use or development of adjoining property.

2. *Adjustments in the PL-O District.* The Director may approve an Administrative Adjustment to standards applicable to a development approved under regulations in effect prior to the adoption of this Code, subject to the following criteria:

- a. There shall be no more than a 10 percent increase in total building coverage;
- b. There shall be no more than a 10 percent increase in residential density or non-residential or mixed-use gross floor area;
- c. There shall be no more than a 10 percent increase in maximum building height(s);
- d. Projected increases in traffic volume shall be within the design capacities of the existing or planned public street system;
- e. Existing or planned internal and adjacent public utilities shall have adequate capacities to serve the proposed Administrative Adjustment;
- f. Existing or planned common open space shall meet the minimum requirements;
- g. Off-street parking shall meet the minimum requirements;
- h. Public street rights-of-way and paving widths shall be acceptable to the City Engineer, Police Chief, and the Fire Marshal of the Littleton Fire Protection District / South Metro Fire Rescue; and

i. The originally approved plan shall remain in effect until its expiration or termination.

D. Procedures. A request for an Administrative Adjustment shall be reviewed and decided by the Director subject to the limitations and criteria of this Section.

E. Effect. Approval of an Administrative Adjustment enables the applicant to proceed in securing all other required approvals and permits. An Administrative Adjustment provides no assurance of subsequent approvals of other requests for Administrative Adjustments.

(Ord. [18, Series of 2022](#))

Section 10-10-1.6 Nonconforming Signs

- A. Nonconforming Determination.** The prohibited [signs](#) listed in Subsection [10-1-3.10.B](#), *Sign Allowances and Prohibitions*, are deemed nonconforming on the effective date of this Code.
- B. Declaration.** It is a declared purpose of this Section that [nonconforming](#) signs be eventually discontinued and that all other signs on the premises conform to the regulations of this Code.
- C. Continuation.** A nonconforming sign may be used and maintained in good repair, but it shall not be ~~altered~~, remodeled, or enlarged after the effective date of this Code.
- D. Termination.** The right to use or maintain a nonconforming sign shall cease, and the sign shall be terminated if:
1. *Enlargement or Alteration.* The sign is altered, remodeled, removed, or enlarged;
 2. *Replacement.* The sign or [structure](#) is replaced;
 3. *Relocation.* The sign is relocated;
 4. *Operation Ceased.*
 - a. The use has ceased to operate on the premises on which the sign is located for a period of one year; or
 - b. The premises on which the sign is located is leased and two years have passed since the most recent tenant has ceased to operate on the premises; or
 5. *Damage or Destruction.* The sign or a [substantial part](#) of it is destroyed or dismantled for any purpose other than [maintenance](#) or to change the letters, symbols, or other matter on the sign.
- E. Historic Signs.** Any sign officially designated as a historic sign by the [Historical Preservation Board](#) is exempt from the provisions of this Section.

Section 10-10-3.1 Administrative Compliance

Set out in Table 10-10-3.1, *Administrative Compliance Requirements*, are the levels of reinvestment in property that trigger compliance with the regulations of this Code.

Table 10-10-3.1 Administrative Compliance Requirements		
Type of Improvement	Definition of Improvement	Level of Compliance that is Required
<u>Adaptive Reuse</u>	1. A new permitted use in an existing building.	At least 40 percent of the required parking shall be provided or another quantity that is otherwise approved by the Director upon determination that parking amounts are adequate and will not likely have adverse impacts upon adjacent users.
New development or <u>redevelopment</u>	1. Development of <u>vacant</u> sites; 2. Expansion of a building by more than 100 percent of its gross floor area; and 3. Tear-down and <u>reconstruction</u> of a building (except re-establishment of a <u>nonconforming use</u> or building).	Full compliance with all provisions of this Code is required.
Major expansions	Expansion of a building by 50 to 100 percent of its gross floor area, or an increase in parking requirements of more than 50 percent.	<ol style="list-style-type: none"> 1. Parking spaces (including ADA accessible spaces) and drive aisles shall be dimensioned and parking and <u>loading spaces</u> shall be provided. 2. <u>Landscaping</u> improvements shall be provided for those portions of the site being expanded. 3. Bufferyards shall be provided. 4. Building <u>additions</u> shall meet the design standards of the applicable zoning district or character area. 5. Major nonconforming uses shall be discontinued. 6. Sidewalk/<u>tree</u> lawn shall meet the <u>Littleton Engineering Design Standards (LEDS)</u>. 7. Site lighting shall meet code requirements.
Minor expansions	Expansion of a building by less than 50 percent of its gross floor area or an increase in parking requirements of 50 percent or less.	<ol style="list-style-type: none"> 1. New parking spaces (including ADA accessible spaces) and drive aisles shall be dimensioned provided the new dimensions will not be detrimental to safe circulation when combined with the existing <u>lot</u>. 2. Landscaping improvements shall be provided for those portions of the site being expanded. 3. Minor nonconforming uses shall be discontinued. 4. If <u>height</u> is increased by more than 20 percent within 50 feet of a district boundary line or if the expansion reduces the dimension between the building and a district boundary line, bufferyards shall be brought into compliance. 5. Sidewalk / tree lawn compliance shall be evaluated and may be required at the discretion of the Director. 6. Site lighting requirements shall be evaluated and may be required at the discretion of the Director.
<u>Façade and site improvements</u>	Building or architecture changes or site improvements that do not involve expansion of the building or parking, but will change the physical character of the building or site beyond normal repair and <u>maintenance</u> .	<ol style="list-style-type: none"> 1. Buildings affected by the construction shall be designed according to the design standards of the applicable zoning district or character area. 2. Landscaping conformance shall be evaluated and may be required at the discretion of the Director.

Table 10-10-3.1
Administrative Compliance Requirements

Type of Improvement	Definition of Improvement	Level of Compliance that is Required
Parking lot improvements	Drainage, expansion, or reconstruction improvements, but not re-striping alone unless the re-striping results in a reduction of the area of the existing parking spaces by more than 10 percent.	<ol style="list-style-type: none"> 1. Parking spaces (including ADA accessible spaces) and drive aisles shall be dimensioned, and loading spaces shall be provided. 2. Parking lot landscaping shall be provided even if it results in a reduction in the number of parking spaces, but only to the extent that the reduction does not result in a parking lot that contains less than 95 percent of the required parking spaces. 3. Sidewalk / tree lawn compliance shall be evaluated and may be required at the discretion of the Director. 4. Site lighting requirements shall be evaluated and may be required at the discretion of the Director.

Child Care Center or Pre-School means a facility operated to provide full or part time care for any number of children in other than a residence or which is staffed by persons who are not full-time residents on site, and the operation of which has been approved in accordance with this Title. "Childcare center" does not include home childcare or childcare which is provided by an employer on the same premises as the business and solely for the benefit of the employees of that business. Childcare centers do not offer general medical services or overnight stays to the clients.

~~**Day Care Center or Pre-School** means any facility operated to provide full or part time care for any number of children in other than a residence. "Day care center" does not include home childcare or childcare which is provided by an employer on the same premises as the business and solely for the benefit of the employees of that business. Childcare centers do not offer general medical services or overnight stays to the clients.~~

~~**Outdoor Storage, Short and Long-Term** means exterior storage of material including items for sale, lease, processing, and repair for a period greater than 24 hours.~~

Public Assembly Facility means an establishment where people assemble for civic, educational, religious, philosophical or cultural purposes. Typical uses include assembly, meeting, event or exhibition hall; church, mosque, synagogue, or temple; club or lodge; community center; philanthropic institution; congregate shelter or bridge housing, and senior or youth center, other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

Service-Oriented Uses means a subset of uses in the RETAIL REPAIR, SALES, and SERVICE use category that provides non-medical services that are generally needed on a recurring basis, not including Vehicle Sales and Service, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service. Service-oriented examples include animal grooming; barbershop or beauty, nail, skin care, or tanning salon; dry cleaning and pressing establishment; funeral home or mortuary; laundromat; massage establishment; yoga studio; music, art, or photographic studio or classroom; optician or optometrist; photocopy, blueprint, and quick-sign service; postal services (non-governmental); psychic or medium; spa, sauna, or similar; tailor; and taxidermist. This definition also includes other uses that the Director or their designee interprets to be functionally similar to a use in this use category.

Sign, Arcade means a sign that is: (1) suspended from the ceiling of a covered pedestrian walkway, which covered walkway must be of at least six feet in width and attached to the building, and (2) oriented perpendicular to the building face to which the covered walkway is attached.

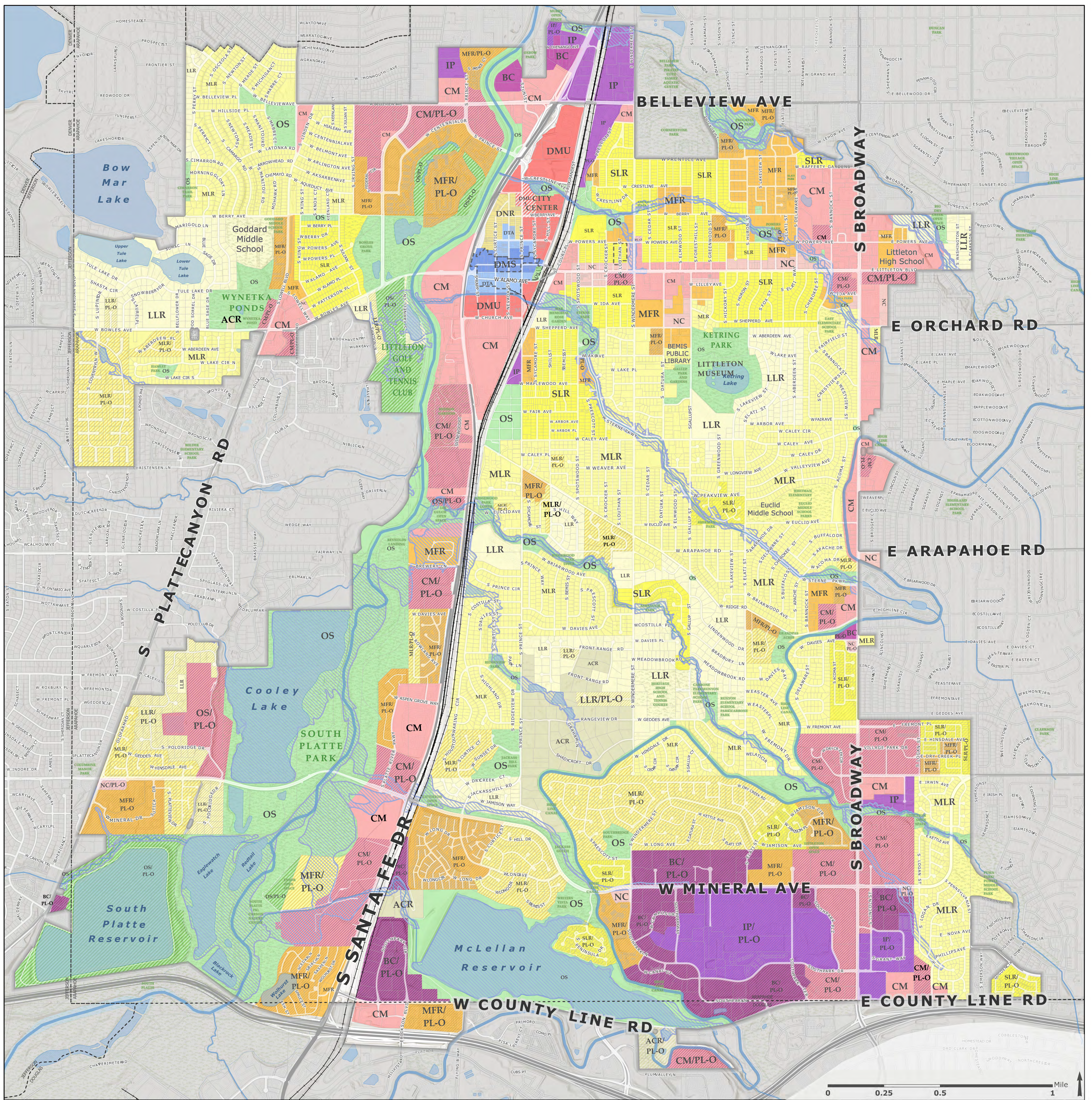
Sign, Stake means any advertising of any nature which is wholly supported by one or more stakes set in or attached to the ground and appurtenant to the use of the property on which it is located.

Stake Sign

Image to follow.

(There are no ordinances associated with this section.)

Site, Historic means the location of a significant event; a prehistoric or historic occupation or activity; or a building, structure, or object, whether standing or vanished, where the location itself maintains historic or archaeological value regardless of the value of any existing building, structure, or object.

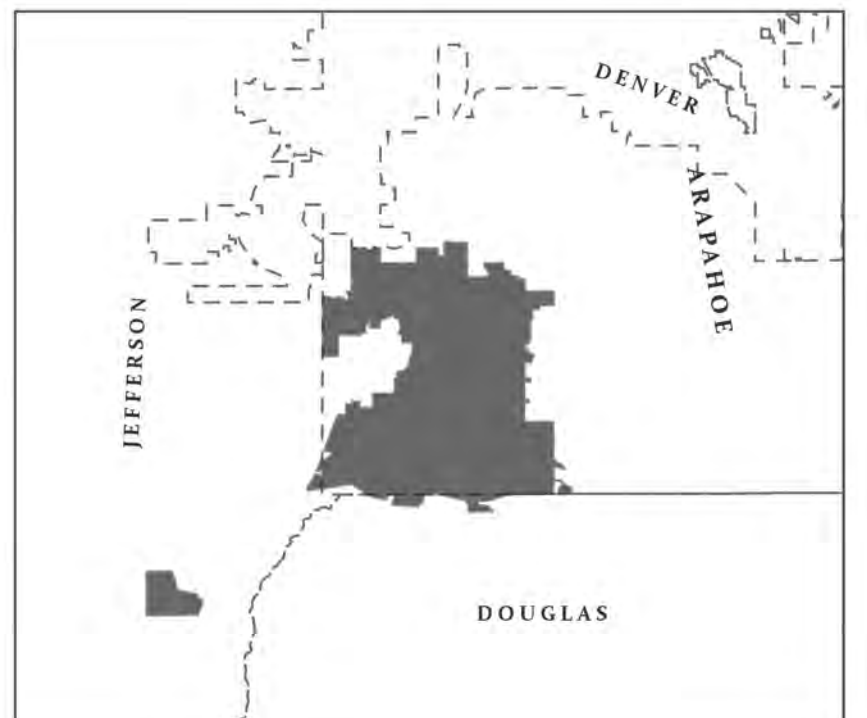


0 0.25 0.5 1 Mile

City of Littleton Zoning Map

- | | |
|--|--|
| <ul style="list-style-type: none"> City Limits County Boundary Railroad River Lake Park and Open Space | <p>Zoning Districts</p> <ul style="list-style-type: none"> ACR ACR/PL-O BC BC/PL-O CM CM/PL-O DMS DMU DMU 3 DNR DTA IP IP/PL-O LLR LLR/PL-O MFR MFR/PL-O MLR MLR/PL-O NC NC/PL-O OS OS/PL-O SLR SLR/PL-O FP-O Historic District Outline |
|--|--|

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Map Updated: 8/3/2023

PL/ESRI/Originals/Zoning/Zoning_DT.aprx