Planning Commission Regular Meeting

1. Roll Call

2. Approval of Agenda

3. Minutes to be Approved
   a. ID# 18-127 Certification of the March 12, 2018 Regular Meeting Minutes
      
      Attachments: PC Minutes 031218

4. Public Comment
   Public Comment for General Business or Non-Agenda Related Items

5. Comments/Reports
   a. Community Development Director/Staff
   b. Chair/Members

6. Elect a Temporary Chair
   a. Appoint Recording Secretary as Temporary Chair

7. Adjournment Sine Die

Planning Commission Transitional Meeting

1. Temporary Chair calls the transitional Planning Commission meeting of April 9, 2018 to order

2. Introduction of New Commissioners
3. Election of Officers

a. Election of Chair

b. Election of Chair Pro Tem

4. Public Hearing

a. **PC Reso 04-2018**
   
   Case #CDU17-0002, Conditional Use request for a tattoo parlor at 1449 W. Littleton Blvd.

   **Attachments:**
   - Staff Report
   - Code and Criteria Reference Links
   - PC Resolution 04-2018
   - Application
   - Letter of Intent
   - Neighborhood Outreach
   - Plan Set
   - PowerPoint

b. **PC Reso 09-2018**
   
   An Ordinance to Amend Title 10, Chapter 9, Planned Development Overlay, and Chapter 2, Zone Districts

   **Attachments:**
   - PC Resolution 09-2018
   - Ordinance XX-2018 PDO Draft
   - PDO Written Comment Received 3.30.18
   - Code and Criteria Reference Links

5. Adjourn

The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.
I hereby certify that the attached Action Minutes are an accurate representation of motions made and action taken at the March 12, 2018, regular meeting of the Littleton Planning Commission. I have also reviewed the video recording for the March 12, 2018 regular meeting of the Littleton Planning Commission and certify that the video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video or audio functions of the recording.

PROPOSED MOTION:
I move to approve, based on the recording secretary’s certification, the March 12, 2018 action minutes for the March 12, 2018 regular meeting of the Littleton Planning Commission.

Attached: March 12, 2018 Meeting Action Minutes
Regular Meeting & Study Session

1. Roll Call

Also Present: Denise Ciemia, Recording Secretary; Jocelyn Mills, Community Development Director; Steve Kemp, City Attorney; Carol Kuhn, Planning Manager; Dennis Swain, Senior Planner

Present 5 - Chairman Rudnicki, Commissioner Bolt, Commissioner Graham, Vice Chair Stahlman, and Commissioner Swartzbacker

Absent 3 - Commissioner Corbett, Commissioner Reynolds, and Commissioner Bridenbaugh

2. Approval of Agenda

3. Minutes to be Approved

a. **ID# 18-101** Certification of the February 26, 2018 Regular Meeting Minutes

   **Attachments:** [PC Minutes 022618](#)

   A motion was made by Vice Chair Stahlman, seconded by Commissioner Bolt, that the February 26, 2018 minutes be approved. The motion carried unanimously.

   **Aye:** 5 - Chairman Rudnicki, Commissioner Bolt, Commissioner Graham, Vice Chair Stahlman and Commissioner Swartzbacker

   **Absent:** 3 - Commissioner Corbett, Commissioner Reynolds and Commissioner Bridenbaugh

4. Public Comment

   Public Comment for General Business or Non- Agenda Related Items

   **None**

5. General Business

6. Public Hearing

a. PC Reso 04-2018 Case #CDU-0002, Conditional Use request for a tattoo parlor at 1449 W. Littleton Blvd.

   This item was not properly noticed, therefore it will be rolled over to a future meeting date.
b. **PC Reso05-2018**

Conditional Use amendment for Mackintosh Academy, to add an additional 4,200 square feet of building area located at 7018 South Prince Street Case #CDU17-0003

Attachments:
- Staff Report
- Code and Criteria Reference Links
- PC Resolution 05-2018
- Outside Referral Agency Matrix
- Application
- Letter of Intent
- Neighborhood Outreach
- Plan Set
- PowerPoint

*Mark Rudnicki recused himself due to a conflict of interest (applicant in the case).*

A motion was made by Commissioner Swartzbacker, seconded by Commissioner Graham, to approve PC Resolution #05-2018 approving the Amendment to the Conditional Use request for Mackintosh Academy at 7018 S. Prince Street. The motion carried 4-0, as Commissioner Rudnicki recused himself.

Aye: 4 - Commissioner Bolt, Commissioner Graham, Vice Chair Stahlman and Commissioner Swartzbacker

Absent: 3 - Commissioner Corbett, Commissioner Reynolds and Commissioner Bridenbaugh

Recused: 1 - Chairman Rudnicki

c. **PC Reso06-2018**

PC Resolution 06-2018 regarding the Mineral Station Area Framework

Attachments:
- PC Resolution 06-2018
- Mineral Station Area Framework 2018-03-12
- 2018 Mineral Station Area Framework Community Comments
- 2016 Mineral Station Community Engagement Results

A motion was made by Vice Chair Stahlman, seconded by Commissioner Graham, to recommend approval of PC Resolution 06-2018, recommending approval the Mineral Station Area Framework, which forwards a favorable recommendation to city council. Motion carries unanimously.

Aye: 5 - Chairman Rudnicki, Commissioner Bolt, Commissioner Graham, Vice Chair Stahlman and Commissioner Swartzbacker

Absent: 3 - Commissioner Corbett, Commissioner Reynolds and Commissioner Bridenbaugh

7. Comments/Reports

a. Community Development Director/Staff
b. Chair/Members

8. Adjourn to Study Session

Study Session to continue in Community Room

Study Session Topics

1. Potential Zoning Code Amendments

a. ID# 18-088 Potential code amendments to the Planned Development Overlay, Chapter 9, Title 10, and Chapter 2 zone districts

   **Attachments:** [Proposed PDO & Zone District Changes for PC 3-12-18](#)
   [Planning Commission - PDO - Code Revision Slides](#)

2. Staff and Commission Updates

   The public is invited to attend all regular meetings or study sessions of the City Council or any City Board or Commission. Please call 303-795-3780 at least forty-eight (48) hours prior to the meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting. For any additional information concerning City meetings, please call the above referenced number.

   I hereby certify that the attached Action Minutes are an accurate representation of motions made and action taken at the March 12, 2018, regular meeting of the Littleton Planning Commission. I have also reviewed the video recording for the March 12, 2018 regular meeting of the Littleton Planning Commission and certify that the video recording is a full, complete, and accurate record of the proceedings and there were no malfunctions in the video or audio functions of the recording.

   [Denise Ciernia](#)

   Denise Ciernia, Recording Secretary
File #: PC Reso 04-2018, Version: 1

Agenda Date: 04/09/18

Subject:
Case #CDU17-0002, Conditional Use request for a tattoo parlor at 1449 W. Littleton Blvd.

Presented By: Carol Kuhn, Planning Manager

APPLICANT REQUEST: The applicant is proposing to locate a tattoo parlor and arts gallery at 1449 W. Littleton Boulevard.

STAFF ANALYSIS:
The property is zoned B-2 and tattoo parlors may be considered as conditional uses in this zone district. It appears that the proposed Conditional Use request for Kestrel Studios at 1449 W. Littleton Boulevard is in compliance with Section 10-8-1(A), (B), (C) and 10-8-2(R) of the Littleton City Code.

Please reference the following attachments regarding this application:
1. Staff Report
2. Code and Criteria Reference Links
3. Draft PC Resolution 04-2018
4. Application
5. Letter of Intent
6. Neighborhood Outreach
7. Plan Set

OPTIONS/ALTERNATIVES:
The planning commission may take the following actions on the proposed request: approve; approve with conditions; continue to a date certain; and deny. A sample motion is provided for each option.

STAFF RECOMMENDATION: (copy from staff report)
Staff finds that the proposed Conditional Use request for Kestrel Studios at 1449 W. Littleton Blvd. is in compliance with Section 10-8-1(A), (B), (C) and 10-8-2(R) of the Littleton City Code. Staff, therefore, recommends approval of PC Resolution #04-2018.

PROPOSED MOTION:
Motion to Approve and/if necessary, With Conditions
I move to approve PC Resolution #04-2018 approving the Conditional Use request for Kestrel Studios at 1449 W. Littleton Blvd. meets the criteria for approval.
Motion to Continue to a Date Certain
I move to continue the public hearing on PC Resolution #04-2018, concerning Kestrel Studios at 1449 W. Littleton Blvd to __________ in order to ____________________.

Motion to Deny
I move to deny PC Resolution #04-2018 concerning Kestrel Studios at 1449 W. Littleton Blvd. The foregoing denial is based on the findings that the proposed work:

   Note: Identify criterion or criteria not met and adjust motion accordingly:

   1. 

   2. 
APPLICATION SUMMARY:

Project Name: Kestrel Studios
Case Number: CDU17-0002
Application type: Conditional Use Permit for Tattoo Parlor
Location: 1449 W. Littleton Blvd.
Size of Property: 0.487 acres
Zoning: B-2 Community Business District
Applicant: Melanie Steinway
Owner: Ghaffari Enterprises

Applicant Request: The applicant is proposing a tattoo parlor and arts gallery at 1449 W. Littleton Blvd.

PROCESS:

A Conditional Use request requires a Quasi-Judicial decision. Quasi-judicial decisions involve individual applications that are being considered for approval. Here, broad policies are being applied to a specific parcel or project. Decision-makers must base their decision on the facts presented to them during the public hearing and on the information in the official record, applicable codes, statues, and court decisions, just as a judge bases its decision on the evidence presented at trial. Members of the body must maintain their impartiality and avoid actions that can bring their impartiality into question. In a quasi-judicial hearing, decision-makers should be present for all evidence and should avoid ex parte communication. If an ex parte contact occurs, the affected decision-maker should disclose the contact and the substance of the communication at the hearing prior to receipt of public testimony.
LOCATION:

The site is located at 1449 W. Littleton Blvd
BACKGROUND:

Ms. Steinway wants to open a Tattoo Studio and Art Gallery (Kestrel Studios) at 1449 W. Littleton Boulevard. Since the property is located in the B-2 Community Business District, a Conditional Use approval is required for the tattoo parlor use.

CRITERIA & STAFF ANALYSIS:

A request for conditional use must meet the following criteria in order to be approved:

10-8-1(A): The proposed use, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and/or the community.

All of the business activity will be conducted indoors with up to two clients expected during the business hours. The hours of operation will be 11 am to 6 pm.

10-8-1(B): The use proposed will not be detrimental to the health, safety, general welfare of persons residing or working in the vicinity, or to property, improvements or potential development in the vicinity. This determination shall be based on:

1. The nature of the proposed site, including its size, shape and topography and the proposed size, location and arrangement of structures;
2. The accessibility and patterns of pedestrian and vehicular traffic, including the type and volume of such traffic, location of points of ingress and egress, and the adequacy of off street parking and loading;
3. The provisions for conformance with the performance requirements contained herein and in chapter 4 of this title, as applicable; and
4. The provisions for landscaping, screening, unobstructed open space, service areas, lighting and signage.

All business activity is proposed to be conducted indoors during the hours of 11 a.m. to 6 p.m. The applicant is proposing to use the existing building and site. There is no proposed modification to the site access or vehicular circulation patterns. The 40 existing parking spaces exceed the requirement of 1 space per 250 gross floor area (10-4-9). No exterior site modifications are being proposed.

Any signage for the business will be reviewed through the city’s sign permitting process, and will be required to comply with the sign code regulations (4-3).

10-8-1(C): The proposed use will comply with the applicable provisions of this title and of this code; any design guidelines adopted by the planning commission, and will not adversely affect the comprehensive plan.

The proposed use is consistent with Policy 1.1 of the City’s Comprehensive Plan in that it provides an opportunity for residents to live, shop and play where they work and to work, shop,
and play where they live. Also, the proposed use is consistent with Policy 1.5(c) in that it is a service-oriented business that serves a larger market.

10-8-2(R): Tattoo Parlors and Body Arts Studios: Tattoo parlors and body arts studios may be permitted in the B-2, B-3 and CA districts subject to being no closer than one thousand feet (1,000') from another tattoo parlor or body arts studio within the city. The planning commission may apply conditions to reduce the impact of the use on adjoining properties which may include, but not limited to, hours of operation, parking, outdoor lighting and security measures. All signage must comply with section 4-3-2-5 of this code.

There is only one other tattoo parlor within Littleton, located at 2506 W. Main Street. This proposed location is more than 3,300 feet away from the business on Main Street.

NEIGHBORHOOD OUTREACH & PUBLIC NOTICE:

The applicant conducted a neighborhood outreach meeting on December 14, 2017. Mailed public notice of the Conditional Use proposal was also sent to all property owners within 700 feet of the site. Notice of a public hearing was posted on the subject property and at city locations in advance of tonight’s board meeting in compliance with the city’s public notice requirements.

STAFF RECOMMENDATION:

Staff finds that the proposed Conditional Use Permit for Kestrel Studios at 1449 W. Littleton Blvd. meets the criteria for approval in Section 10-8-1(A), (B), (C) and 10-8-2(R) of the Littleton City Code. Staff, therefore, recommends approval of PC Resolution #04-2018.
CODE AND CRITERIA REFERENCE LINKS

COMPREHENSIVE PLAN

- Citywide Plan (2014)
- Downtown Neighborhood Plan (2011)

DESIGN GUIDELINES


CITY CODE

Title 1 – Administrative

- Chapter 3, Section 2 – Definitions

Title 4 – Building Regulations

- Chapter 1 – Building Codes
- Chapter 2 – Housing Code
- Chapter 3 – Sign Code
- Chapter 6 – Historic Preservation Code

Title 10 – Zoning Code

- Chapter 2 – Zone District Regulations
- Chapter 3 – Land Uses/Land Use Table
- Chapter 4 – Supplementary Standards
- Chapter 5 – Landscaping
- Chapter 6 – Flood Plain Regulations
- Chapter 7 – Site Development Plan
- Chapter 8 – Conditional Uses
- Chapter 9 – Planned Development Overlay
- Chapter 10 – Nonconforming Uses and Structures
- Chapter 11 – Board of Adjustment

Title 11 – Subdivision Regulations

- Chapter 1 – General Provisions
- Chapter 2 – General Application Procedures
- Chapter 3 – Procedures: Major Subdivisions
- Chapter 4 – Procedures: Minor Subdivisions
- Chapter 5 – Plat Details
- Chapter 6 – Design Standards
- Chapter 7 – Capital Facility Impact Fee
- Chapter 8 – Land Reservation
- Chapter 9 – Administrative Plats and Replats for One or Two Lots
- Chapter 12 – Amendment Procedure
- Chapter 13 – Vested Property Rights
- Chapter 14 – Group Home for the Elderly Code
- Chapter 15 – Lighting Requirements
- Chapter 16 – Wireless Communications Facilities (WCFs)
CITY OF LITTLETON, COLORADO

PC Resolution No. #04-2018

Series, 2018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LITTLETON, COLORADO, APPROVING A CONDITIONAL USE REQUEST FOR PROPERTY LOCATED AT 1449 WEST LITTLETON BOULEVARD

WHEREAS, the planning commission of the City of Littleton, Colorado, held a public hearing at its regular meeting of April 9, 2018 to consider a proposal for a Conditional Use Permit for property located at 1449 West Littleton Blvd. and more specifically described in Exhibit A, which is attached hereto and made a part hereof by this reference; and

WHEREAS, the planning commission considered evidence and testimony concerning the proposed Conditional Use at said public hearing;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1. The planning commission finds that the Conditional Use request conforms to the development standards of the Conditional Use criteria as specified in section 10-8-1 and 10-8-2(R) of the city code.

Section 2. The planning commission does hereby approve the proposed Conditional Use request for property located at 1449 West Littleton Blvd.

INTRODUCED, READ AND ADOPTED at a regularly scheduled meeting of the Planning Commission of the City of Littleton, Colorado, on the 9th day of April, 2018, at 6:30 p.m. at the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado by the following vote: [VOTE].

ATTEST:

__________________________________  __________________________
Denise Ciernia    Mark Rudnicki
RECORDING SECRETARY CHAIR

APPROVED AS TO FORM:

__________________________
Lena McClelland
ASSISTANT CITY ATTORNEY
Lot 10 & W 20 Ft Of Lot 11 & All Lot 13 Block 4 Stark Bros Woodlawn Addition
**Development Application**

Form must be complete and accompany all submittal materials and fees. Incomplete applications will not be processed.

**APPLICANT/REPRESENTATIVE:**
**MELODY STEINWAY**

**ADDRESS:** 756 S. SHERMAN ST. #1
**DENVER CO 80229**
**PHONE:** 3035791847
**CELL:**
**EMAIL:** meleody.steinway@gmail.com

**OWNER(S) OF RECORD:**
**GAFFARI ENTERPRISES**

**ADDRESS:** 1449 W. LITTLETON BLVD
**#208 LITTLETON CO 80120**
**PHONE:** 3037658800
**CELL:** 3032639630
**EMAIL:** shean.gaffari@yahoo.com

**ENGINEERING FIRM (if any):**
**N/A**

<table>
<thead>
<tr>
<th><strong>Parc</strong></th>
<th>2017-16-4-10-019</th>
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</thead>
<tbody>
<tr>
<td><strong>Address or Cross Streets:</strong></td>
<td>DATURA STREET &amp; LITTLETON BLVD</td>
</tr>
<tr>
<td><strong>Subdivision Name &amp; Filing No.:</strong></td>
<td>STARK BROS WOODLAWN ADD</td>
</tr>
<tr>
<td><strong>Related Case Numbers:</strong></td>
<td>CIDM17-0002</td>
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</tbody>
</table>

**EXISTING**

**Zoning:** B-2
**Use:** OFFICE/SERVICE/RETAIL

**PROPOSED**

**Zoning:** B-2
**Use:** ADD TATTOO PARLOR

| **Site Area (Acres):** | 0.487 |
| **Floor Area Ratio (FAR):** | 2.1 |
| **Density (Dwelling Units/Acre):** | N/A |
| **Building Square Footage:** | 9010 |

| **CASE TYPE** | |
| **Site Development Plan** | □ |
| **Site Development Plan Amendment** | □ |
| **Sketch Plan** | □ |
| **Conditional Use** | □ |
| **Rezoning** | □ |
| **General Planned Development Plan** | □ |
| **General Planned Development Plan Administrative Amendment** | □ |
| **General Planned Development Plan Major Amendment** | □ |
| **Planned Development Overlay** | □ |
| **Subdivision Exemption** | □ |
| **Minor Subdivision Preliminary Plat** | □ |
| **Minor Subdivision Final Plat** | □ |
| **Major Subdivision Preliminary Plat** | □ |
| **Major Subdivision Final Plat** | □ |
| **Floodplain Development (Use by Special Exception)** | □ |
| **Veriance: Minor/Major/Sign** | □ |
| **Board of Adjustment Appeal** | □ |
| **Certificate of Historic Appropriateness** | □ |
| **Historic Landmark Designation** | □ |
| **Other:** | □ |

**Concept Meeting Date:** 11/1/17
**Concept Meeting Planner:** Hall
**Concept Meeting Engineer:** N/A

**THIS SECTION FOR OFFICE USE ONLY**

**Case No:**
**Planner:**
**Engineer:**

**Date Received:** 12/20/17
**Date Processed:**
**Initial Review Due:**

This application shall be submitted with all applicable application fees and submittal requirements. Incomplete applications will not be accepted. Submittal of this application does not establish a vested property right. Processing and review of this application may require the submittal of additional information, subsequent reviews, and/or meetings, as outlined in the City of Littleton Municipal Code and operating standards. A neighborhood meeting is required for all applications that require a public hearing.
LETTER OF AUTHORIZATION

I, [Name], landlord of 1449 W. Littleton Blvd, do hereby grant Melanie Steinway authorization to run a tattoo and fine art studio and approve of all zoning measures and procedures required for this business.

Signature: [Signature] date: 12/27/2017

notary signature: [Notary Signature] date 12/27/17

Subscribed and affirmed before me in the county of Arapahoe, State of Colorado, this 25th day of December, 2017.

[Notary Seal]

ELISE SIGLEY
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 20154042470
MY COMMISSION EXPIRES OCTOBER 29, 2019
LETTER OF INTENT
1449 W. Littleton Blvd. Unit 105
Melanie Steinway 3035791847
756 S. Sherman St. Unit 1 Denver CO 80209

My aim is to provide myself with a private and personal tattoo and fine art studio. I want to give my clients a relaxing and secure experience that deviates from the tattoo studio norm. The front room of my unit will be used as an office, fine art studio, gallery and waiting room, while the back room will be used exclusively for tattooing. I do not want outside advertising or signage of any kind and do not accept walk-ins. My business is done exclusively via email because my clients discover my work through social media or word of mouth. I typically see one client a day but will occasionally take two. My normal hours of operation in which I work with clients are 11am to 6pm, three to four days a week. I will be doing no construction or modifications to the building or room whatsoever and in no way will my work be detrimental or dangerous to the health and safety of anyone around. I am a licensed body artist and have been in the profession for three and a half years, coming from a fine art background where I majored in Illustration at the Rhode Island School of Design in 2012. I am charmed by the Littleton community and look forward to becoming part of it.
INTENT:
The Old 2 Zone District, a Tattoo Parlor requires a Conditional Use Permit and a Sketch Plan and may be allowed upon the Planning Commission finding that the permit complies with 10-8-1 and 10-8-2(3).

10-8-1(A): The proposed use is compatible with the surrounding neighborhood. The proposed use is within the Old 2 Zone District (Community Business District). All of the business activity will be conducted indoors and during normal business hours. The applicant is proposing to use an existing building and site. There is not proposed modification to the site access or vehicular circulation patterns. The 40 existing parking spaces exceeds the requirement of 1 space per 250 gross floor area (10-4-9). No exterior site modifications are being proposed.

10-8-1(C): The proposed project is consistent with Policy 1.1 of the City's Comprehensive Plan in that it provides an opportunity for residents to live, shop and play where they work and to work, shop and play where they live. Also, the proposed use is consistent with Policy 1.5(c) in that it is a service-oriented business that serves a larger market.

10-8-2(R): Tattoo parlors shall not be closer than 1000 feet from another tattoo parlor or body arts studio within the city. There is only one other tattoo parlor within the City, located at 2505 W. Main Street and this proposed location is located more than 3,300 feet away from the business on Main Street.

Purpose:
The applicant is seeking a Conditional Use Permit and a Sketch Plan. The applicant proposes a tattoo studio and art gallery at 1449 W. Littleton Blvd. No exterior modifications are proposed.

Permitted Uses:
In the Old 2 Zone District, a Tattoo Parlor requires a Conditional Use Permit to be approved by the Planning Commission. A Sketch Plan shall also be approved for a Tattoo Parlor in the Old 2 Zone District.

Site Details:
The existing 8,370 square foot building was constructed in 1950 and has been used for various commercial uses over the years. Forty (40) parking spaces are available for the use. Note: The Sketch was prepared using aerial photographs and information from Arapahoe County GIS information.

Site Data Table

<table>
<thead>
<tr>
<th>ITEM</th>
<th>AREA</th>
<th>% OF GROSS SITE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gross Site Area</td>
<td>0.487 Acres (2,121.72 sq. ft)</td>
<td>100%</td>
</tr>
<tr>
<td>Building Footprint</td>
<td>4,505 sq. ft</td>
<td>21.24%</td>
</tr>
<tr>
<td>Parking - Required</td>
<td>95 spaces (1 space per 250 gross floor area)</td>
<td></td>
</tr>
<tr>
<td>Parking - Provided</td>
<td>All spaces</td>
<td></td>
</tr>
</tbody>
</table>

OWNERS CERTIFICATION BLOCK

The modifications depicted on the Sketch Plan comply with all applicable standards. The modifications approved herein include:

No exterior modifications are proposed. Any modifications to interior rental space must be processed through the Building Division. Applicant is retaining 800 square feet on the first floor of an 8,000 square foot existing building. Parking for the existing building exceeds the parking requirements for tattoo parlors.

Any site modifications shall require site development plan approval.

Owner's signature: __________________________
Lease signature: __________________________

CITY CERTIFICATION BLOCKS

City Planning Commission
Approved this day of ____, 20___, by the City Planning Commission.

Chair
Alternate:___________________________

Community Development Director
Approved this day of ____, 20___, by the Director of Community Development.
Planning Commission Resolution 04-2018

A resolution approving Kestrel Studios Conditional Use Permit

Planning Commission Public Hearing: April 9, 2018
Carol Kuhn, Planning Manager
Requested Commission Action

● Proposing a Tattoo Parlor at 1449 W. Littleton Blvd.
Process

- **Quasi-Judicial Decision**

  Sketch Plan
  (administrative review)
Criteria and Staff Analysis

§10-8-1(A) of the City’s Zoning Code Conditional Use section requires that:

The proposed use, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood and/or the community.
Criteria and Staff Analysis

- All business activity will be conducted indoors
- 1-2 clients per day expected
- Hours of operation 11 am – 6 pm

Complies with code
Criteria and Staff Analysis

§10-8-1(B) of the City’s Zoning Code Conditional Use section requires that:

The use proposed will not be detrimental to the health, safety, general welfare of persons residing or working in the vicinity, or to property, improvements or potential development in the vicinity. This determination shall be based on:
Criteria and Staff Analysis

- Nature of proposed site
- Pedestrian and vehicular traffic
- Landscaping, screening, unobstructed open space, service areas, lighting and signage

Complies with code - No exterior modifications are proposed; parking is sufficient
Criteria and Staff Analysis

§10-8-1(C) of the City’s Zoning Code Conditional Use section requires that:

The proposed use will comply with the applicable provisions of this title and of this code; any design guidelines adopted by the planning commission, and will not adversely affect the comprehensive plan.
Criteria and Staff Analysis

- Comp Plan Policy 1.1 to live, shop and play where they work and to work, shop, and play where they live
- Comp Plan Policy 1.5(c) in that it is a service-oriented business that serves a larger market.

Complies with code
Criteria and Staff Analysis

§10-8-2(R) of the City’s Zoning Code Conditional Use section requires that:

- No closer than 1,000' from another tattoo parlor or body arts studio within the city.
- The planning commission may apply conditions to reduce impact of the use may include hours of operation, parking, outdoor lighting and security measures.
Criteria and Staff Analysis

- Applicant is more than 3,300 feet away from the business on Main Street.
- Complies with the code
Staff Recommendation

Staff finds that the application meets the criteria for approval, Staff, therefore, recommends of PC Resolution 04-2018
Applicant/Business Owner: Melanie Steinway

APPLICANT PRESENTATION
Approval Standards

- §10-8-1(A) of the City’s Zoning Code Conditional Use section requires that: it’s compatible

- §10-8-1(B) of the City’s Zoning Code Conditional Use section requires that: it’s not detrimental

- §10-8-1(C) of the City’s Zoning Code Conditional Use section requires that: complies with Comp Code

- §10-8-2(R) of the City’s Zoning Code Conditional Use section requires that: at least 1000’ buffer
Planning Commission Resolution 04-2018

A resolution approving Kestrel Studios Conditional Use Permit

Planning Commission Public Hearing: April 9, 2018
PROPOSED CODE AMENDMENT:
The proposal is to amend Chapter 9, Planned Development Overlay (PDO) and Chapter 2, Zone Districts of Title 10 of the City Code.

PROCESS:
A proposed zoning code amendment is a Legislative function and decision. Planning Commission makes a recommendation to the City Council. City Council is the final decision-making body for code amendments. If Planning Commission recommends approval of this proposed ordinance, the next steps in the process will be two hearings (a first and second reading) before City Council on the proposed ordinance.

Legislative decisions involve policy choices that apply to a broad class of landowners. Information gathered at public hearings, from informal conversations with citizens and others, from memoranda prepared by City staff, and from other sources, may be used in deliberation. Legislative bodies are not required to be impartial, only to grant fairness in the procedure.

BACKGROUND:
There are several items in the PDO chapter of the zoning code are in need of review.

PRIOR ACTIONS OR DISCUSSIONS:
A study session was held with city council on the proposed code amendments on February 27, 2018. A study session on the proposed updates also was held with planning commission on March 13, 2018.

The proposed code amendments (with date of 3/13/18) also were posted on the LittletonPlans website after the study sessions with city council and planning commission. Public comments received as of April 4, 2018 regarding the proposed amendments are attached to this staff communication.

STAFF ANALYSIS:
Potential code updates for the Planned Development Overlay (PDO) section of the city’s zoning code include removing the option for a PDO in any of the city’s residential zone districts, and eliminating the option for a reduction in parking through a PDO process. Staff found that as we started to evaluate potential changes to the PDO chapter, it continued to then require further review and potential modifications to the city’s zone districts.
The potential changes also include clarifying and cleaning up the PDO provisions identified in the Central Area Multiple Use (CA) and Transitional (T) zone districts, as well as further clarifying minimum and maximum residential densities and floor area ratios (FAR) in all of the city’s zone districts. Currently in the PDO chapter, it lists maximum residential densities and FAR for all of the city’s zone districts. The majority of the city’s zoning districts also calculate maximum densities within each individual district. The proposal includes removing the densities and FAR listed in the PDO chapter, and relocating the densities from the PDO into each individual corresponding zone district in Chapter 2.

The other often confusing language in some of the zone districts is the minimum lot areas and in certain districts it also include minimum lot areas per residential unit, which is another way to calculate density but this is not as clear as listing density in “number of units per acre” (a typical reference in most zoning codes). Other updates proposed include clarifying setbacks for multifamily uses in the Residential Multiple-Family District (R-5), and setting a minimum lot size and unobstructed open space requirement for residential only uses in CA.

During the study sessions with city council and with planning commission, both asked staff for more research regarding existing lot widths in the R-5 zone district and in the CA zone district. Based on further analysis of reviewing all lot frontages for R-5 properties, existing lot frontages in Littleton’s downtown area in R-5 tend to be smaller than the existing lot frontage requirement of 60 feet. The existing residential lots in downtown that are in the CA zone district are of similar size to the downtown R-5 lots. As a result of proposing to eliminate the PDO option in all residential zoned districts (currently the only option in the zoning code to establish a residential duplex or townhome style project that has zero internal lot lines as units are physically attached), the proposed updates include establishing minimum lot frontage in R-5 and CA (for downtown only - east of Santa Fe Drive/ west of the railroad tracks, and south of Crestline Avenue) for residential townhomes of 25 feet. The proposal includes adding minimum lot frontages for residential townhome projects in CA as currently there are no minimum lot frontage requirements for properties in CA. Additional detail will be presented during the hearing regarding the background and research conducted.

The attached proposed ordinance (with a date of 4/9/18) include the above amendment to lot frontages in R-5 and CA.

Citywide Plan: The proposed code amendments appear to meet the following goal and actions in the Citywide Plan.

Goal 4: A Distinctive Littleton:

- Build upon the assets that are unique to Littleton, such as the Platte River and its adjoining natural areas and Littleton’s history, schools, neighborhoods, cultural facilities, and public image.
- Encourage high quality design, architecture, landscape architecture, and public art throughout Littleton.
- Encourage “architecture of place” and small independent businesses that differentiate Littleton from nearby municipalities.

Please reference the following attachments regarding this application:

1. PC Resolution 09-2018
2. Draft Ordinance
4. Code and Criteria Reference Links
OPTIONS/ALTERNATIVES:
The planning commission may take the following actions on the application: forward recommendation of approval to city council, forward recommendation of approval with conditions, continue to date certain, or forward recommendation of denial. A sample motion is provided for each option.

STAFF RECOMMENDATION: Staff finds that the proposal to amend Chapter 9, Planned Development Overlay, and Chapter 2, Zone Districts of the city’s zoning code complies with the pertinent goals and policies of the city’s comprehensive plan, and promotes the general welfare of the community. Staff recommends approval of Resolution 09-2018.

PROPOSED MOTION:
Motion to Approve and/if necessary, With Conditions
I move to approve PC Resolution 09-2018, amending Chapter 9, Planned Development Overlay and Chapter 2, Zone Districts, which forwards a favorable recommendation to city council, with the following condition(s):
   1.
   2.

Motion to Continue to a Date Certain
I move to continue the public hearing on PC Resolution 09-2018, amending Chapter 9, Planned Development Overlay and Chapter 2, Zone Districts, to _________ (insert date) in order to___________________.

Motion to Deny
I move to deny PC Resolution 09-2018, amending Chapter 9, Planned Development Overlay and Chapter 2, Zone Districts, which forwards a recommendation of denial to city council. The foregoing recommendation of denial is based on the findings that the proposed ordinance:

Note: Identify criterion or criteria not met and adjust motion accordingly:
   1.
   2.
CITY OF LITTLETON, COLORADO

PC Resolution No. 09

Series, 2018

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LITTLETON, COLORADO, RECOMMENDING APPROVAL OF AN ORDINANCE AMENDING TITLE 10, CHAPTER 9, PLANNED DEVELOPMENT OVERLAY AND CHAPTER 2, ZONE DISTRICTS

WHEREAS, the planning commission of the City of Littleton, Colorado, held a public hearing at its regular meeting of April 9, 2018, to consider a proposed ordinance regarding amending Title 10, Chapter 9, Planned Development Overlay, and Chapter 2, Zone Districts to further clarify regulations as shown in Exhibit A, which is attached hereto and made a part hereof by this reference;

WHEREAS, the planning commission considered evidence and testimony concerning the proposed ordinance at said public hearing;

WHEREAS, the planning commission finds that the proposed ordinance is consistent with the city’s comprehensive plan; and

WHEREAS, the planning commission finds that the proposed ordinance is in the best interest of the city and will promote the public health, safety, and welfare of its inhabitants;

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF LITTLETON, COLORADO, THAT:

Section 1. The planning commission does hereby recommend that city council approve the proposed ordinance amending Title 10, Chapter 9, Planned Development Overlay, and Chapter 2, Zone Districts, more specifically described in Exhibit A.

INTRODUCED, READ AND ADOPTED at a regularly scheduled meeting of the Planning Commission of the City of Littleton, Colorado, on the 9th day of April, 2018, at 6:30 p.m. at the Littleton Center, 2255 West Berry Avenue, Littleton, Colorado by the following vote:

[VOTE].
ATTEST:

__________________________ ____________________________________________

Denise Ciernia Mark Rudnicki
RECORDING SECRETARY CHAIR

APPROVED AS TO FORM:

__________________________

Steve Kemp
CITY ATTORNEY
CITY OF LITTLETON, COLORADO

ORDINANCE NO.

Series, 2018

INTRODUCED BY COUNCILMEMBERS:

AN ORDINANCE OF THE CITY OF LITTLETON, COLORADO, AMENDING TITLE 10, CHAPTER 9 OF THE CITY CODE REGARDING PLANNED DEVELOPMENT OVERLAY ZONE DISTRICTS AND CHAPTER 2 ZONE DISTRICT REGULATIONS

WHEREAS, the planning commission, at its regular meeting on April 9, 2018, held a public hearing and voted to recommend approval of an ordinance amending Title 10 of the city code, regarding Chapter 9 planned development overlay zone districts and Chapter 2 zone district regulations; and

WHEREAS, the city council finds that the proposed amendments to the city code are in the best interest of the city and will promote the public health, safety and welfare of its inhabitants;

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

Section 1: Chapter 9 of Title 10 of the City Code is hereby amended as follows:

Chapter 9

PLANNED DEVELOPMENT OVERLAY

10-9-1: INTENT:

It is the purpose of the PDO regulations to provide a procedure which permits more flexible site design and development than is possible under traditional zone districts than is possible with the underlying zone district while maintaining the land use characteristics of those districts. Through application of the provisions of this chapter, property may be developed in a more effective and efficient manner within the existing zone district. Transfers of density, as defined in section 10-1-2 of this title, are specifically encouraged under the provisions of this chapter; and, to the extent that more effective and efficient site design and development is promoted, the use of this technique is permitted subject to approval by the director of community development. (Ord. 20, Series of 2012)

10-9-2: APPLICABILITY:

If no change in density or permitted uses is sought, then the provisions of the PDO procedure contained herein may be applied in any zone district except MH (mobile home), RESIDENTIAL AS PRIMARY
USE IN CA & T, ALL RESIDENTIAL ZONE DISTRICTS, AND district and PD (planned development) districts. (Revised 6-12-1992)

10-9-3: USES PERMITTED:

Only those principal and accessory uses specifically allowed in the applicable zone district regulations shall be permitted on the approved PDO plan. (Revised 6-12-1992)

10-9-4: CONDITIONS; DENSITY OF USE:

Density of use shall be as established on the approved PDO plan, based on the gross land area (in acres) including public parks, streets, and any other land within the site which will be dedicated for public purposes. However, such density shall not exceed the following:

NO INCREASE IN DENSITY OR FLOOR AREA RATIO (FAR) IS PERMITTED THROUGH A PDO. DENSITIES AND FLOOR AREA RATIOS ARE ESTABLISHED IN THE INDIVIDUAL ZONE DISTRICTS.

(A) Residential density:

1. A-1: 1.0 dwelling unit per 10.0 gross acres.
2. R-S: 1.0 dwelling unit per 5.0 gross acres.
3. R-L: 1.0 dwelling unit per 2.0 gross acres.
4. R-E: 1.6 dwelling units per gross acre.
5. R-1: 2.0 dwelling units per gross acre.
6. R-2: 4.8 dwelling units per gross acre.
7. R-3: 6.7 dwelling units per gross acre.
8. R-3X: 13.4 dwelling units per gross acre.
9. R-4: 13.4 dwelling units per gross acre.
10. R-5: 43.6 dwelling units per gross acre.
11. T: 21.8 dwelling units per gross acre.
12. CA: 100.0 dwelling units per gross acre.

(B) Commercial/industrial density:

1. B-P: Maximum floor area ratio of 1:3,
2. T: Maximum floor area ratio of 1:1.


6. CA: Maximum floor area ratio of 5:1.

7. STP: Maximum floor area ratio of 2:1.

8. I-P: Maximum floor area ratio of 2:1.


10. I-2: Maximum floor area ratio of 3:1. (Revised 6-12-1992)

10-9-5: DEVELOPMENT STANDARDS:

To take advantage of the flexibility allowed by the PDO regulations, the proposed development must demonstrate special attention to creative, high quality design, and to producing a development that reinforces and complements citywide and neighborhood design goals and objectives. Plans that demonstrate such attention may qualify for certain variations from the underlying zone district requirements, as detailed in this section, provided that such variations can be accomplished without impairing the intent of the land use code while providing a substantial benefit to the city of Littleton. The evaluation of the application, based on the above intent statement, will be applied when the following changes to the underlying zone district are requested:

(A) Height: The height of structures shall be as established on the approved PDO plan.

(B) Lot Width And Setback: Lot width and setback requirements shall be as established by the approved PDO plan.

(C) Lot Size: Lot size shall be as established by the approved PDO plan. A variation of lot sizes below the minimum required by the underlying zone district is acceptable if the average size of all lots within the PDO plan meets the minimum lot size requirement of the underlying zone district.

(D) Open Space: The minimum open space shall be as established on the approved PDO plan.

(E) Off Street Parking And Loading: Minimum off street parking and loading requirements shall be as established on the approved PDO plan. Proposed off street parking and loading requirements less than those stated in section 10-4-9 of this title shall require documentation and justification showing that the adjacent streets or alleys shall not bear an unreasonable impact from the reduction in parking requirements.
(F) Industrial Development: Industrial development approved under this chapter shall meet the performance standards set forth in sections 10-4-6 and 10-4-7 of this title. (Ord. 21, Series of 2004)

(G) Parking Garages And Lots: Automobile parking garages and lots may be permitted as a principal use in the B-1, B-2, B-3 and CA zone districts provided the following conditions are met: (Ord. 20, Series of 2012)

1. An application for planned development overlay (PDO) is submitted for review and approval pursuant to the provisions of this chapter and, following a duly advertised public hearing, the planning commission finds: (Ord. 21, Series of 2004; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

   (a) The proposed use is compatible with existing and permitted uses of adjacent properties and will not result in the destruction of existing structures in any historic district or area;

   (b) Access and increased traffic in adjacent residential neighborhoods generated by the use shall not have a significant detrimental impact on the neighborhood;

   (c) The use will be adequately screened from adjacent streets and abutting uses (landscaping standards for parking lots as provided in section 10-5-7 of this title, and in the city's landscape manual, shall be the minimum requirements);

   (d) Architectural design of proposed features including, but not limited to, building height, facades, fenestration, retaining walls and fences, shall complement, and be compatible with, adjacent structures, especially those structures designated, or there is a proposal pending for designation, as having notable character or qualities of architectural and/or historical significance; and (Ord. 21, Series of 2004)

   (e) All outdoor lighting shall be required to come into conformance with chapter 15 of this title by submitting a lighting plan for approval with the site development plan. (Ord. 20, Series of 2012)

2. The applicant provides written certification from the director of community development that the proposed site, or existing structures on the site, are not currently designated, and there are no pending proposals for designation, as an area having notable character or qualities of architectural and/or historical significance; or

3. If the proposed site is an area designated as having notable character or qualities of architectural and/or historical significance, the application for a PDO contains a copy of a certificate of appropriateness obtained pursuant to section 4-6-13 of this code which allows alteration or demolition of the site. (Ord. 21, Series of 2004)

(H) Design Guidelines Compatibility: The development shall be compatible with any ADOPTED design STANDARDS OR guidelines adopted by the planning commission which affect the property to be developed under the proposed plan. (Ord. 17, Series of 2012; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

10-9-6: LIMITATION ON APPLICANTS:
The party filing an application for approval of a PDO plan shall be the property owner, or his/her authorized agent. (Revised 6-12-1992)

10-9-7: APPLICATION PROCEDURES:

(A) Application: All applications for a PDO shall be submitted and processed pursuant to the procedures established in chapter 1 of this title.

(B) PDO Plan: Applications for approval of development under the city's PDO regulations shall include a proposed PDO plan. The proposed PDO plan shall generally meet the requirements specified in the operating standards. (Ord. 20, Series of 2012)

10-9-8: REVIEW PROCEDURES:

(A) Planning Commission Review Procedure:

1. Applications for a PDO plan are considered by the planning commission at a public hearing. All requests for PDO plans shall be submitted and heard pursuant to the requirements and procedures set forth in section 10-1-9 of this title. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

2. The planning commission shall determine if the application meets the provisions of section 10-9-5 of this chapter, based on the evidence and testimony presented at the public hearing. The planning commission may vote to approve the application, to approve subject to modification, to deny the application, or the planning commission may table the matter to a date certain, pending provision of further information by the applicant. Approval of a PDO plan application by the planning commission shall be by resolution.

(B) Coordination With Historical Preservation Board For Properties Either Within A Historic District Or Have Been Designated As A Historic Landmark:

1. The planning commission shall REFER defer the review of proposed architectural design features to the historical preservation board, THROUGH THE CERTIFICATE OF HISTORIC APPROPRIATENESS PROCESS (4-6-14).

2. The historical preservation board shall perform a preliminary architectural review and forward all comments to both the planning commission and city council for review at their respective scheduled public hearings, or (Ord. 17, Series of 2012; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

3. The process for a certificate of historic appropriateness as described in section 4-6-14 of this code may take the place of the above preliminary architectural review. (Ord. 17, Series of 2012)

(C) Appeals: The decision of the planning commission on the PDO shall be final unless the applicant files a written appeal of the decision. Such appeal request shall be filed with the community development department within ten (10) days after the planning commission decision or the right to appeal shall be deemed to have been waived. The appeal request shall be placed on the agenda of the city council
within thirty (30) calendar days after receipt of the written appeal unless a longer time frame, not to exceed sixty (60) calendar days, is requested by the applicant. The city council will conduct a public hearing to receive evidence and testimony from the applicant, city staff and interested parties. After conducting the public hearing, the city council may approve, deny, or approve the PDO with modifications. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

10-9-9: RECORDING:

An approved general PDO plan, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder pursuant to subsections 10-1-9(E) and (F) of this title prior to city review of any final PDO plans. (Ord. 20, Series of 2012)

10-9-10: FINAL PDO PLANS:

(A) Final PDO plans shall be submitted and processed in the same manner as final PD plans as required in subsection 10-2-23(E) of this title. (Ord. 40, Series of 2003)

(B) Any PDO applications meeting the requirements of subsection 10-7-2(C) and section 10-7-3 of this title shall not be required to process a final PDO. (Ord. 17, Series of 2012)

10-9-11: OPTIONAL SUBDIVISION PROCEDURE:

Any applicant may file an application for approval of a preliminary subdivision plat to be reviewed concurrently with an application for approval of a general PDO plan. Such preliminary subdivision plat shall meet all of the requirements of title 11 of this code. (Revised 6-12-1992)

10-9-12: ENFORCEMENT:

Enforcement of an approved general PDO plan shall be in the same manner as specified in subsection 10-2-23(G) of this title. (Revised 6-12-1992)

10-9-13: AMENDMENTS:

The procedure for amending an approved general PDO plan or final PDO plan shall be the same as prescribed for in the original approval, except in the event that a general PDO plan is administratively amended. The director of community development may approve administrative amendments provided the applicable conditions of subsection 10-2-23(I) of this title are met. (Ord. 20, Series of 2012)

Section 2: Sections of Chapter 2 of Title 10 of the City Code are hereby amended as follows:

10-2-2: A-1 AGRICULTURAL DISTRICT:

The A-1 agricultural district permits small agricultural production operations including, but not limited to, row crops, livestock, and related residential and support structures. The types and intensity of uses permitted in this district shall protect and preserve agricultural land and natural open space.
(A) Land uses: See section 10-3-2 of this title.

(B) DENSITY: 1.0 DWELLING UNIT PER 10 ACRES (0.10 DWELLING UNITS PER ACRE)

(BC) Minimum lot requirements:

1. MINIMUM Lot area SIZE: 435,600 square feet (10.0 acres);

2. MINIMUM Lot width at front setback: 300 feet;

3. MINIMUM Unobstructed open space: 90 percent;

4. Building setbacks:

   (a) Front: 25 feet;

   (b) Rear: 20 feet;

   (c) Side:

   North/west: 5 feet;

   South/east: 10 feet;

   Corner lot/side street: 10 feet;

5. Maximum height of structure: 30 feet.

(C) Accessory use standards: See section 10-4-4 of this title.

(D) Home occupation standards: See section 10-4-5 of this title. (Revised 6-12-1992)

10-2-3: R-S RESIDENTIAL-SUBURBAN AGRICULTURAL DISTRICT:

The R-S residential-suburban agricultural district permits single-family residential development on large lots and limited agricultural uses.

(A) Land Uses: See Section 10-3-2 of this Title.

(B) DENSITY: 1.0 DWELLING UNIT PER 5.0 ACRES (0.2 DWELLING UNITS PER ACRE)

(BC) Minimum Lot Requirements:

1. Lot area: MINIMUM LOT SIZE: 217,800 square feet (5.0 acres);

2. MINIMUM Lot width at front setback: 300 feet;
3. MINIMUM Unobstructed open space: 90 percent;

4. Building Setbacks:
   (a) Front: 25 feet;
   (b) Rear: 20 feet;
   (c) Side:
       North/west: 5 feet;
       South/east: 10 feet;
       Corner lot/street: 10 feet;

5. Maximum height of structure: 30 feet.

(C) Accessory Use Standards: See Section 10-4-4 of this Title.

(D) Home Occupation Standards: See Section 10-4-5 of this Title. (Revised 6-12-1992)

10-2-4: R-L RESIDENTIAL-LIMITED AGRICULTURAL DISTRICT:

The R-L Residential-Limited Agricultural District provides a transition from agricultural to single-family residential uses. The District promotes residential development on large lots while permitting some agricultural uses on a limited basis.

(A) Land Uses: See Section 10-3-2 of this Title.

(B) DENSITY: 1.0 DWELLING UNIT PER 2.0 ACRES (0.5 DWELLING UNITS PER ACRE)

(BC) Minimum Lot Requirements:

1. Lot area MINIMUM LOT SIZE: 87,120 square feet (2 acres);

2. MINIMUM Lot width at front setback: 100 feet;

3. MINIMUM Unobstructed open space: 50 percent;

4. Building Setbacks:
   (a) Front: 25 feet;
   (b) Rear: 20 feet;
   (c) Side: 
1. North/west: 5 feet;
2. South/east: 10 feet;
3. Corner lot/side street: 10 feet;

4. 5. Maximum Height of Structure: 30 feet.

5. (C) Accessory Use Standards: See Section 10-4-4 of this Title.

6. (D) Home Occupation Standards: See Section 10-4-5 of this Title. (Revised 6-12-1992)

10-2-5: R-E RESIDENTIAL-ESTATES DISTRICT:

The R-E Residential-Estates District permits urban, single-family residential development on larger lots while allowing for a limited number of horses or similar large animals.

7. (A) Land Uses: See Section 10-3-2 of this Title.

8. (B) DENSITY: 1.6 DWELLING UNITS PER ACRE

9. (BC) Minimum Lot Requirements:

10. 1. MINIMUM LOT SIZE Lot area: 26,500 square feet (0.61 acres);

11. 2. MINIMUM Lot width at front setback: 100 feet;

12. 3. MINIMUM Unobstructed open space: 50 percent;

13. 4. Building setbacks:

14. (a) Front: 25 feet;

15. (b) Rear: 20 feet;

16. (c) Side:

17. North/west: 5 feet;

18. South/east: 10 feet;

19. Corner lot/side street: 10 feet;

20. 5. Maximum height of structure: 30 feet.

21. (C) Accessory Use Standards: See section 10-4-4 of this title.

22. (D) Home Occupation Standards: See section 10-4-5 of this title. (Revised 6-12-1992)

23. 10-2-6: R-1 RESIDENTIAL SINGLE-FAMILY DISTRICT:
The R-1 residential single-family district allows larger lot suburban single-family residential development.

(A) Land Uses: See section 10-3-2 of this title.

(B) DENSITY: 2.0 DWELLING UNITS PER ACRE

(B) Minimum Lot Requirements: (Revised 6-12-1992)

1. MINIMUM Lot area SIZE: 21,780 square feet (0.50 acres); (Ord. 5, Series of 2005)
2. MINIMUM Lot width at front setback: 100 feet;
3. MINIMUM Unobstructed open space: 50 percent;
4. Building setbacks:
   (a) Front: 25 feet;
   (b) Rear: 20 feet;
   (c) Side:
      North/west: 5 feet;
      South/east: 10 feet;
      Corner lot/side street: 10 feet;
5. Maximum height of structure: 30 feet.

(C) Accessory Use Standards: See section 10-4-4 of this title.

(D) Home Occupation Standards: See section 10-4-5 of this title. (Revised 6-12-1992)

10-2-7: R-2 RESIDENTIAL SINGLE-FAMILY DISTRICT:

The R-2 residential single-family zone district allows medium density urban single-family residential development.

(A) Land Uses: See section 10-3-2 of this title.

(B) DENSITY: 4.8 DWELLING UNITS PER ACRE

(C) Minimum Lot Requirements:

1. MINIMUM Lot area SIZE: 9,000 square feet (0.21 acres);
2. MINIMUM Lot width at front setback: 75 feet;

3. MINIMUM Unobstructed open space: 50 percent;

4. Building setbacks:
   (a) Front: 25 feet;
   (b) Rear: 20 feet;
   (c) Side:
       North/west: 5 feet;
       South/east: 10 feet;
       Corner lot/side street: 10 feet;

5. Maximum height of structure: 30 feet.

(C) Accessory Use Standards: See section 10-4-4 of this title.

(D) Home Occupation Standards: See section 10-4-5 of this title. (Revised 6-12-1992)

10-2-8: R-3 RESIDENTIAL SINGLE-FAMILY DISTRICT:

The R-3 residential single-family zone district provides for single-family residential development at higher densities than the R-2 zone district.

(A) Land Uses: See section 10-3-2 of this title.

(B) DENSITY: 6.7 DWELLING UNITS PER ACRE

(C) Minimum Lot Requirements:

1. MINIMUM Lot area: 6,500 square feet (0.15 acres);

2. MINIMUM Lot width at front setback: 65 feet;

3. MINIMUM Unobstructed open space (PER LOT): 50 percent;

4. Building setbacks:
   (a) Front: 20 feet;
   (b) Rear: 20 feet;
(c) Side:

- North/west: 5 feet;
- South/east: 10 feet;
- Corner lot/side street: 10 feet;

5. Maximum height of structure: 30 feet.

(C) Accessory Use Standards: See Section 10-4-4 of this Title.

(D) Home Occupation Standards: See Section 10-4-5. (Revised 6-12-1992)

10-2-9: R-3X RESIDENTIAL MULTIPLE-FAMILY DISTRICT:

The R-3X Residential Multiple-Family District provides for the transition from single-family residential to multiple family residential while maintaining the single family character of the area. Structures containing up to three dwelling units are permitted on each lot.

(A) Land uses: See Section 10-3-2 of this Title.

(B) DENSITY: 13.4 DWELLING UNITS PER ACRE

(BC) Minimum Lot Requirements:

1. MINIMUM Lot area SIZE: 6,500 square feet (0.15 acres);

2. Lot area per residential unit: 3,250 square feet;

2. MINIMUM Lot width at front setback: 60 feet;

3. MINIMUM Unobstructed open space (PER LOT): 25 percent;

4. Building setbacks:

   (a) Front: 20 feet;

   (b) Rear: 20 feet;

   (c) Side:

   - North/west: 5 feet;
   - South/east: 10 feet;
   - Corner lot/side street: 10 feet;

5. Maximum height of structure: 30 feet;
Wall: 20 feet.
Structure: 2 stories.

(CD) Accessory Use Standards: See Section 10-4-4 of this Title.

(DE) Home Occupation Standards: See Section 10-4-5 of this Title. (Revised 6-12-1992)

10-2-10: R-4 RESIDENTIAL MULTIPLE-FAMILY DISTRICT:

The R-4 Multiple-Family Zone District provides medium density multiple-family development of up to 13.4 units per acre. The district serves as a transition between single-family type development and more intense development, such as high density residential and commercial uses.

(A) Land Uses: See Section 10-3-2 of this Title.

(B) DENSITY: 13.4 DWELLING UNITS PER ACRE

(BC) Minimum Lot Requirements:

1. MINIMUM Lot area SIZE: 6,500 square feet (0.15 acres);
2. Lot area per residential unit: 3,250 square feet;
3. MINIMUM Lot width at front setback: 60 feet;
4. MINIMUM Unobstructed open space (PER LOT): 25 percent;
5. Building setbacks:
   (a) Front: 20 feet;
   (b) Rear: 20 feet;
   (c) Side:
      North/west: 5 feet;
      South/east: 10 feet;
      Corner lot/side street: 10 feet;
6. Maximum height of structure: 30 feet;

Wall: 20 feet;
Structure: 2 stories.

(CD) Accessory use standards: See section 10-4-4 of this title.
(DE) Home occupation standards: See section 10-4-5 of this title. (Revised 6-12-1992)

10-2-12: R-5 RESIDENTIAL MULTIPLE-FAMILY DISTRICT:

The R-5 multiple-family zone district allows high density multiple-family development of up to 43.56 units per acre, together with limited private and public institutions and supporting health services.

(A) Land uses: See section 10-3-2 of this title.

(B) RESIDENTIAL DENSITY: 43.6 DWELLING UNITS PER ACRE.

(BC) Minimum lot requirements (excluding townhouses):

1. Minimum lot area SIZE:

   (a) Residential: 6,000 square feet (0.14 acres);

   (b) Nonresidential: 7,500 square feet (0.17 acres);

2. Lot area per residential unit: 1,000 square feet;

3. MINIMUM Lot width at front setback: 60 feet;

4. MINIMUM Unobstructed open space: 25 percent;

5. Building setbacks:

   (a) Front: 20 feet;

   (b) Rear: 20 feet;

   (c) Side:

       North/west: 5 feet;
       South/east: 10 feet;
       Corner lot/side street: 10 feet;

6. Maximum height of structure: 30 feet; an additional foot in height shall be allowed for the following increased setbacks:

   Front/rear: 1 foot; and
   Sides: 1 foot.

(D) MINIMUM LOT REQUIREMENTS FOR TOWNHOUSES ZONED R-5 LOCATED WITHIN THE DOWNTOWN AREA (EAST OF SANTA FE AND SOUTH OF CRESTLINE):
1. MINIMUM LOT SIZE (PER RESIDENTIAL UNIT): 2,500 SQUARE FEET

2. MINIMUM LOT WIDTH: 25 FEET

(CE) Minimum lot requirements for townhouses, ZONED R-5, IN ALL OTHER AREAS EXCEPT DOWNTOWN:

1. Minimum lot area SIZE (PER RESIDENTIAL UNIT): 3,000 SQUARE FEET (0.06 acres);

2. MINIMUM LOT WIDTH: 30 FEET

2. The following standards apply to the original lot or combination of contiguous lots as it exists at the time of the townhouse development:

(a) MINIMUM Unobstructed open space (PER LOT): 25 percent;

(b) Building setbacks (FROM EXTERIOR LOT LINES):

(1) Front: 20 feet;

(2) Rear: 20 feet;

(3) Side:

   North/west: 5 feet;
   South/east: 10 feet;
   Corner lot/side street: 10 feet;

(c) BUILDING SETBACK FROM INTERNAL LOT LINE:

(1) SIDE: 0 FEET

3. Maximum height of structure: 30 feet; an additional foot in height shall be allowed for the following increased setbacks:

   Front/rear: 1 foot; and
   Sides (measured from the exterior side walls): 1 foot.

(DF) Accessory use standards: See section 10-4-4 of this title.

(EG) Home occupation standards: See section 10-4-5 of this title. (Ord. 26, Series of 2015)

10-2-13: B-P BUSINESS AND PROFESSIONAL DISTRICT:
The business and professional (B-P) district allows the use of land for administrative and professional office purposes.

(A) Land uses: See section 10-3-2 of this title.

(B) MAXIMUM FLOOR AREA RATIO: 1:3

(BC) Minimum Lot Requirements:

1. MINIMUM Lot area(SIZE): 7,500 square feet (0.17 acre);

2. MINIMUM Unobstructed open space: 25 percent;

   (a) Portions of adjacent public right of way maintained as landscaped area shall not reduce the twenty five percent (25%) open space requirement within the lot.

   (b) A fifty foot (50') wide landscaped area shall be placed along any lot line abutting residentially zoned or used property. The use of such areas shall be limited to landscaping or pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular access.

3. Setbacks for primary and accessory structures:

   (a) Front: 20 feet;

   (b) Rear: 20 feet;

   (c) Side:

      North/west: 5 feet;

      South/east: 10 feet;

      Corner lot/side street: 10 feet;

4. Maximum height of structure: 30 feet;

5. Maximum floor to lot area ratio (FAR): 1:3.

(C) Vehicular Access: Except where conditions created by existing development and/or public rights of way may otherwise dictate, vehicular ingress and egress onto major and minor arterial streets shall be limited to one such point of ingress and egress for each six hundred sixty feet (660') of frontage along arterial streets, whether individual lots or in combination with other contiguous B-P zoned lots. Direct access from B-P zoned property onto local residential streets and residential collector streets will be prohibited, unless for emergency access. It is the city's intent to encourage joint design and development of vehicular circulation with adjacent property owners.

(D) Accessory Use Standards: See section 10-4-4 of this title. (Revised 6-12-1992)
10-2-14: T TRANSITIONAL DISTRICT:

The T transitional district permits professional, office and residential land uses that can provide a buffer between single-family residential and more intensive uses which are located along major trafficways.

(A) Land uses: See section 10-3-2 of this title.

(B) MAXIMUM FLOOR AREA RATIO: 1:1.

(C) MAXIMUM DENSITY (RESIDENTIAL): 21.8 DWELLING UNITS PER ACRE

(BD) Minimum lot requirements:

1. Minimum lot area SIZE NONRESIDENTIAL: 7,500 SQUARE FEET

2. MINIMUM LOT SIZE RESIDENTIAL: 6,000 SQUARE FEET

   (a) Residential: 6,000 square feet (0.14 acre);

   (b) Nonresidential: 7,500 square feet (0.17 acre);

2. Lot area per residential unit: 2,000 square feet;

3. MINIMUM Lot width at front setback: 60 feet;

4. MINIMUM Unobstructed open space: 25 percent;

5. Building setbacks:

   (a) Front: 20 feet;

   (b) Rear: 20 feet;

   (c) Side:

      North/west: 5 feet;
      South/east: 10 feet;
      Corner lot/side street: 10 feet;

6. Maximum height of structure:

   (a) At setback lines: 30 feet;

   (b) Beyond setback lines: For each additional foot in height, the setbacks shall be increased in the following manner:
Front/rear: A sum of 1 foot; and
Sides: A sum of 1 foot. (Revised 6-12-1992)

(C) Within the T zone district, a PDO, as provided for in chapter 9 of this title, must be approved by the planning commission prior to the construction of a new principal structure, or the construction of an addition which costs more than fifty percent (50%) of the appraised value of the existing structure. This requirement shall not apply to single-family residential structures. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(GE) Minimum lot requirements for townhouses:

1. Minimum lot area SIZE (PER RESIDENTIAL UNIT): 2,000 square feet (0.06 acres);

2. MINIMUM LOT WIDTH: 30 FEET

2. The following standards apply to the original lot or combination of contiguous lots as it exists at the time of the townhouse development:

(a) Unobstructed open space (PER LOT): 25 percent;

(b) Building setbacks (FROM EXTERIOR LOT LINES):

(1) Front: 20 feet;

(2) Rear: 20 feet;

(3) Side:

North/west: 5 feet;
South/east: 10 feet;
Corner lot/side street: 10 feet;

(c) BUILDING SETBACK FROM INTERNAL LOT LINE:

(1) SIDE: 0 FEET

(DF) Accessory use standards: See section 10-4-4 of this title.

(EG) Home occupation standards: See section 10-4-5 of this title. (Revised 6-12-1992)

10-2-15: B-1 NEIGHBORHOOD BUSINESS DISTRICT:

The B-1 neighborhood business district permits retail sales and personal services directed toward serving the immediate neighborhood. Collector or arterial street access is needed. Neighborhood centers located in B-1 are generally limited in size to one hundred thousand (100,000) square feet of gross floor area or less.
(A) Land uses: See section 10-3-2 of this title.

(B) Minimum lot requirements:

1. MINIMUM Lot area: None;

2. MINIMUM Unobstructed open space: 20 percent;

3. Maximum height of structure: None;

4. Maximum floor to lot area ratio (FAR): 2:1;

5. Building setbacks: None.

(C) Accessory use standards: See section 10-4-4 of this title. (Revised 6-12-1992)

10-2-16: B-2 COMMUNITY BUSINESS DISTRICT:

The B-2 community business district provides retail sales and personal services for the general public. Users in this district generally market a range of goods and services that do not attract persons from a wide market region but are intended to meet the needs of the surrounding community. As such, arterial street access is necessary. Such centers are generally between one hundred thousand (100,000) and three hundred thousand (300,000) square feet of gross floor area.

(A) Land uses: See section 10-3-2 of this title.

(B) Minimum lot requirements:

1. MINIMUM Lot area: None;

2. MINIMUM Unobstructed open space: 25 percent;

3. Maximum height of structure: None;

4. Maximum floor to lot area ratio (FAR): 1:1;

5. Building setbacks: None.

(C) Accessory use standards: See section 10-4-4 of this title. (Revised 6-12-1992)

10-2-17: B-3 GENERAL BUSINESS DISTRICT:

The B-3 general business district provides a wide range of retail sales, personal services, wholesale, and limited light industrial processes. Due to heavy vehicular traffic generated, such areas are generally
limited to areas adjacent to major arterial roadways to allow easy access and to avoid residential traffic
cflicts.

(A) Land uses: See section 10-3-2 of this title.

(B) Minimum lot requirements:

1. MINIMUM Lot area: None;

2. MINIMUM Unobstructed open space: 10 percent;

3. Maximum height of structure: None;

4. Maximum floor to lot area ratio (FAR): 3:1;

5. Building setbacks: None.

(C) Accessory use standards: See section 10-4-4 of this title. (Revised 6-12-1992)

10-2-18: CA CENTRAL AREA MULTIPLE USE DISTRICT:

The CA central area multiple use district defines the downtown business district of the city, and promotes
a mix of residential, retail, service, office, amusements, and associated commercial and business uses.

(A) Land Uses: See section 10-3-2 of this title. (Revised 6-12-1992)

(B) RESIDENTIAL DENSITY SINGLE FAMILY: 7.92 DWELLING UNITS PER ACRE

(C) RESIDENTIAL DENSITY MULTI-FAMILY: 75.75 DWELLING UNITS PER ACRE

(D) MAXIMUM FLOOR AREA RATIO: 5:1.

BE) Minimum Lot Requirements:

1. MINIMUM LOT SIZE: Lot area nonresidential uses: None;

2. MINIMUM LOT SIZE: Lot area per residential unit:

   (a) Single family detached residential/ unit: 5,500 square feet;

   (b) Multiple family residential/unit: 575 square feet;

3. Unobstructed open space NONRESIDENTIAL: 10 percent;

4. Unobstructed open space RESIDENTIAL: 20 PERCENT;
4. Maximum height of structures: 40 feet or 3 stories;

5. Building setbacks: None. (Ord. 12, Series of 2015)

6. FOR COMBINED COMMERCIAL AND RESIDENTIAL DEVELOPMENTS WITHIN THE SAME PROJECT, THE MINIMUM LOT REQUIREMENTS FOR THE PRIMARY USE SHALL GOVERN.

(C) FOR RESIDENTIAL ONLY DEVELOPMENTS:

1. MINIMUM LOT REQUIREMENTS FOR TOWNHOUSES, ZONED CA, LOCATED WITHIN THE DOWNTOWN AREA (EAST OF SANTA FE):

(a) MINIMUM LOT SIZE (PER RESIDENTIAL UNIT): 2,500 SQUARE FEET

(b) MINIMUM LOT WIDTH: 25 FEET

(C) 2. Minimum lot requirements for townhouses, ZONED CA, IN ALL OTHER AREAS EXCEPT DOWNTOWN:

(a) Minimum lot area SIZE (PER RESIDENTIAL UNIT): 3,000 SQUARE FEET (0.06 acres);

(b) MINIMUM LOT WIDTH: 30 FEET

(D) Special Development Allowances: IN ORDER TO BE ELIGIBLE FOR A PDO, THE FOLLOWING PERFORMANCE STANDARDS MUST BE MET: The following may be allowed by a PDO adopted pursuant to chapter 9 of this title:

1. The development parcel shall be no less than twenty five thousand (25,000) square feet in area.

2. The minimum unobstructed open space requirement shall be increased to twenty FIVE percent (25%).

3. The maximum height of structures shall be as approved on the PDO.

4. Maximum residential densities and floor area ratios shall be as established in section 10-9-4 of this title.

(E) Accessory Use Standards: See section 10-4-4 of this title.

(F) Home Occupation Standards: See section 10-4-5 of this title. (Revised 6-12-1992)

10-2-19: STP SCIENTIFIC AND TECHNOLOGICAL PARK DISTRICT:
The STP scientific and technological park district is established to encourage development of land for a variety of research and development activities, including necessary experimentation when conducted in compliance with this code.

(A) Land Uses: See section 10-3-2 of this title.

(B) Minimum Lot Requirements:

1. MINIMUM Lot area: 180,000 square feet (4.13 acres);
2. Lot width at front setback: 250 feet;
3. MINIMUM Unobstructed open space: 20 percent;
4. Maximum height of structures: None;
5. Maximum floor to lot area ratio (FAR): 2:1;
6. Building setbacks:
   (a) Front: 50 feet;
   (b) Rear: 50 feet;
   (c) Side: 50 feet.

(C) Performance Standards: All facilities shall be designed so that their uses do not result in a violation of the performance standards set forth in sections 10-4-6 and 10-4-7 of this title.

(D) Building Permits: Building permits shall be issued for temporary and permanent structures as follows:

1. Temporary Or Test Facilities: Applicant will submit plans and specifications of a temporary or test facility to be constructed, together with a description of the use for which such facility was designed, including materials to be tested. The city will, within forty five (45) days of such application, issue building permits, unless the city determines that such facility will result in a violation of performance standards.
2. Permanent Facilities: Applications for permanent facilities shall follow the normal building permit procedures established by the Uniform Building Code. (Revised 6-12-1992)

10-2-20: I-P INDUSTRIAL PARK DISTRICT:

The I-P Industrial Park District permits predominately industrial land uses that can coexist in close proximity to multiple-family residential and commercial properties.
(A) Land Uses: See Section 10-3-2 of this Title.

(B) Minimum Lot Requirements:

1. MINIMUM Lot area: 43,560 square feet (1.00 acre);

2. MINIMUM Unobstructed open space: 20 percent;

   (a) Portions of adjacent public right of way maintained as landscaped area shall not reduce
   the twenty percent (20%) open space requirement within the lot; and

   (b) A twenty five foot (25') wide unobstructed open space area shall be placed along any lot
   line abutting residentially zoned or used property. The use of such areas shall be limited to landscaping or
   pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular
   access;

3. Maximum height of structure: none;

4. Maximum floor to lot area ratio (FAR): none; 2:1;

5. Building setback:

   (a) Adjacent to a nonindustrial zone district: 25 feet;

   (b) Adjacent to industrial zone district: None.

(C) Accessory Use Standards: See Section 10-4-4 of this Title;

(D) Performance Standards: All facilities shall be designed so that their uses do not result in a violation of
the performance standards set forth in Sections 10-4-6 and 10-4-7 of this Title, and every use in an I-P
District shall be operated within an enclosed structure. (Revised 6-12-1992)

10-2-21: I-1 LIGHT INDUSTRIAL DISTRICT:

The I-1 Light Industrial District permits light manufacturing and related support uses.

(A) Land Uses: See Section 10-3-2 of this Title.

(B) Minimum Lot Requirements:

1. MINIMUM Lot area: none;

2. MINIMUM Unobstructed open space: 10 percent;

   (a) Portions of adjacent public right of way maintained as landscaped area shall not reduce
   the ten percent (10%) open space requirement within the lot; and
(b) A twenty five foot (25') wide unobstructed open space area shall be placed along any lot line abutting residentially zoned or used property. The use of such areas shall be limited to landscaping or pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular access;

3. Maximum height of structure: none;

4. Maximum floor to lot area ratio (FAR): 3:1;

5. Building setback:
   
   (a) Adjacent to a nonindustrial zone district: 25 feet;
   
   (b) Adjacent to industrial zone district: none.

(C) Accessory Use Standards: See Section 10-4-4 of this Title.

(D) Performance Standards: All facilities shall be designed so that their uses do not result in a violation of the performance standards set forth in Sections 10-4-6 and 10-4-7 of this Title. (Revised 6-12-1992)

10-2-22: I-2 HEAVY INDUSTRIAL DISTRICT:

The I-2 Heavy Industrial District permits heavier manufacturing and related support uses and processes.

(A) Land Uses: See Section 10-3-2 of this Title.

(B) Minimum Lot Requirements:

1. MINIMUM Lot area: none;

2. MINIMUM Unobstructed open space: none; except that a twenty five foot (25') wide unobstructed open space area shall be placed along any lot line abutting residentially zoned or used property. The use of such areas shall be limited to landscaping or pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular access;

3. Maximum height of structure: none;

4. Maximum floor to lot area ratio (FAR): none 3:1;

5. Building setback:
   
   (a) Adjacent to a nonindustrial zone district: 25 feet;
   
   (b) Adjacent to industrial zone district: none.

(C) Accessory Use Standards: See Section 10-4-4 of this Title.
(D) Performance Standards: All facilities shall be designed so that their uses do not result in a violation of the performance standards set forth in Sections 10-4-6 and 10-4-7 of this Title. (Revised 6-12-1992)

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

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

INTRODUCED AS A BILL at a regularly scheduled meeting of the City Council of the City of Littleton on the __ day of __________, 2018, passed on first reading by a vote of ___ FOR and ___ AGAINST; and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

PUBLIC HEARING on the Ordinance to take place on the_____________________, 2018, in the Council Chambers, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado, at the hour of 6:30 p.m., or as soon thereafter as it may be heard.

PASSED on second and final reading, following public hearing, by a vote of FOR and _____ AGAINST on the ___ day of _______________, 2018 and ordered published by posting at Littleton Center, Bemis Library, the Municipal Courthouse and on the City of Littleton Website.

ATTEST:

________________________________________  ______________________________
Wendy Heffner        Debbie Brinkman
CITY CLERK            MAYOR

APPROVED AS TO FORM:

Lena McClelland

ASSISTANT CITY ATTORNEY
Heres my feedback attached.

Thanks,

Brad

---

Bradford Peterson, President  303-525-4999

Dear Planning.docx
142K
RE: The Proposed Zoning Modifications and Elimination of the PDO

3-30-18

Dear Planning Department,

I am a local developer and business owner, residing and operating my businesses within the Downtown area of Littleton. I have good working relationship with the planning department and experience developing projects in and around the downtown Littleton area. I have reviewed the proposed zoning modifications and studied planning’s desire to eliminate the PDO process in residential districts. Here are my recommendations and feedback.

First off, thank you for addressing the need for clarification to the zoning code. I think that having a clearer and better-defined set of zoning standards, so long as they are not too restrictive and are appropriate to each zone, will be helpful to the development process. As we all know the existing zoning code doesn't always play well together! That being said I do have some serious concerns about eliminating the PDO process and the elimination of any means for development flexibility going forward.

The PDO

Eliminating all mechanisms for flexibility regarding minor zoning code deviations will have an immediate, deleterious effect on new development- especially in the dynamic R5 and the transitional R4 zone districts.

R5 and R4 are more challenging zones in which to build. It's a hodge-podge of differing and odd lot sizes and varying setbacks, replete with ill-conceived private and public utility easements, old utility infrastructure and no alleys on some blocks. As such, a one size fits all set of codes without possibility for any flexibility is a poor match for these higher density, more complicated zones if quality new builds are desired.

For many years the comp plan and TOD have nudged high density builds in and around downtown. Now that we are seeing the expected results of that plan it appears the city is now back-peddling and crafting policy to reverse that trend. Unfortunately, many private property owners, developers, and investors have already pursued a stake here under the auspices of the existing zoning guidelines. Very few stakeholders in the future of Littleton have any idea these changes are afoot as this process has progressed rather quickly. How can something this game changing be crafted and proposed in less than six months when a simple development takes a year to get to permit? It makes me uneasy to be frank.
Recommendations

1) Reopen the door to a bona fide variance process not dependent on hardship alone. A modest, say 5% administrative variance process seems anodyne enough and will not substantially affect the characteristics of a zone. Sometimes mere inches matter and it would be a shame to lose a good project over a disputed 6” of setback. Most cities have a “usable” administrative variance process, why don’t we?

2) Follow through with the proposed zoning modifications and timeline after considering feedback from the public—call it phase one. Then, wait a few months for feedback and to study the tangible impacts of the zoning mods before revisiting the PDO as phase two. Doing this all at once is a bad idea IMO.

3) Keep the PDO but make it more restrictive for special cases needing more than what an administrative variance would allow. Create a threshold like scenario of say, a 6%-12% deviation in order to qualify. (Or similar) That way, only modest changes can be pursued, the process remains transparent to the public, existing lot characteristics are reasonably left in tact, a developer STILL must seek approval from the Planning Commission, builders can get some relief and higher design outcomes can be negotiated. Win, win, win!

Zoning Modifications

Front Setbacks

Defaulting to an immutable 20’ front setback in ALL the zones is too restrictive and unnecessary. It should be the block average down to a minimum of say, 15 feet for example, depending on the zone. This would leave a reasonable distance to curb for open space and provide some relief for development while maintaining the existing setback characteristics of the block and the zone. If maintaining the characteristics is the stated goal, it should conform to what already exists defaulting to the average.

When considering modifications to all setbacks, especially in the higher density zones, consider how the new standards for what constitutes structure, (basement window wells and eves), has seriously affected setbacks in general. That new interpretation effectively increases setbacks to 8 feet on the north and 13 feet on the south if basements are planned. Window wells in back and front yards and stubby eves are less desirable. I understand that window wells and eves are part of the “design standards” but they should carry weight when crafting setback standards.

Lot Widths

The minimum lot width requirements should be 50% of the most common lot size or mode, in the multi family zones. (22 to 25 feet) This will allow developers to create reasonable lot splits favoring half-plexes and favor owner occupied dwellings- THIS WILL NOT ADD DENSITY. When a developer has the opportunity to split a lot it means that the new owner will own the land AND structure wholly. Moreover, each new lot will come with its own utilities- separate sewer, electric, gas and water. This reduces greatly the chance for future disputes and hardships for the new owners and eliminates having to create a condo HOA, which raises the price to build and sell. Condos also tend to attract more renters and investor owned property, which I believe is less desirable for Littleton. Duplexes are a great fit for Littleton- the low end
of density for the multi family zones. Do whatever is necessary to entice developers via lot splits, to build dwellings that favor quality and owner occupied scenarios!

Side Setbacks

Again, please consider the HUGE impact window wells, eves and abutting structure has had on rehabs and builds when considering setbacks. Setbacks should be equal on north and south like most cities. Your policy is encouraging stubby eves and no basements and eliminates the possibility of building a quality two-car garage on a 50 foot wide lot. The duplex I built at 5485/5481 South Nevada, which comes with GREAT reviews by all neighbors but one, could not have been built under these changes alone without a PDO. Both units are on separate lots and both units are owner occupied!

Additional Questions for Planning?

What anticipated tangible impacts would the elimination of the PDO have in each of the residential zones? Pros and cons, or simple case study to reference?

Will there be a phase in process for developments, or a grandfathered status for properties that have changed hands in the last year or so if the PDO is eliminated?

Final thoughts

A dynamic city would be remiss to eliminate all options for flexibility in development. The PDO process is healthy for neighbors and citizens to provide input on projects that deviate from zoning and design standards. Don’t usurp Planning Commissions role as a voting body to assess certain projects on a case by case basis and help us build quality homes!

Gratefully,

Brad Peterson
5503 S Prince St.
Littleton, CO 80120
303-525-4999
303rise@gmail.com
Proposed revisions to the zoning process

William Klopfenstein <bilklopfenstein@gmail.com>  Fri, Mar 30, 2018 at 4:51 PM
To: plans@littletongov.org
Cc: Bradford Peterson <303rise@gmail.com>

To Whom it May Concern:

I'm a property owner and a developer in Littleton. In both capacities, I have an interest how the city develops as the metropolitan area continues to grow.

I recognize and appreciate the need for the city to update its procedures, guidelines, and processes related to zoning and development, and have faith that the contradictions and unclear statements in the draft that I read will be reconciled and corrected in the proofreading and editing process.

However, there are some proposed changes that I feel will be barriers to responsible development. These include:
- Elimination of the PDO process
- Restrictions on reasonable variances

If we want Littleton to grow in a reasonable way consistent with the guidelines and mission of each neighborhood, flexibility is key.

Thank you for your consideration.

Bill Klopfenstein
(720) 732-5641
Planning Department
2255 W. Berry Ave.
Littleton, CO 80120

To whom it may concern,

Thank you for the opportunity to express concerns regarding the revisions to zoning and the City of Littleton Planned Development Overlay. We are business owners, property owners and developers in Littleton, Colorado. We have been operating our business in Littleton for 10 years. The following are a few items we believe are of value to the development process in Littleton.

Healthy Growth is vital to the success of an established community like Littleton. Zoning is an excellent tool to maintain the integrity of our residential, commercial, and mixed use districts. However, not all zoning regulations fit every property in every district. The Planned Development Overlay is the current path to alter zoning for a desired project in the community. We believe that being able to use the Planned Development Overlay process to alter items such as density, setbacks, building height, parking and FAR are vital to continuing the good health of the Littleton community.

Downtown Littleton is a delightful place full of restaurants, shops and professional services. It creates great opportunities for pedestrian access for families, young professionals and empty nesters looking to downsize. Certain proposed zoning changes like creating a minimum lot width of 30’ in the R5 district diminishes the opportunity for people to take advantage of downtown because some of the existing available duplex lots are less than 50’ in width. The CA zone district has historically allowed mixed use development. This zoning has fostered a desirable downtown by promoting sustainable growth and creates a tax base for public amenities and civic services. The proposed additional open space requirement in the CA district for residential seems unnecessary and counter to what has made downtown Littleton successful.

We would like to see a revision of the zoning code that promotes the continued growth of a healthy Littleton. We would also like to maintain a successful Planned Development Overlay process that continues to give Littleton the ability to allow non-conforming projects that are good for the community as a whole.

Sincerely,

[Signature]

Ryan Holtmann, Architect, NCARB
Design Studio Architects, Inc.
720-485-5577
ryanh@designstudioarc.com
Dear Planning,

With particular attention to proposed zoning regulations regarding R-1, R-2, R-3, R-3X, R-4, and R-5 Residential Districts.

Lot width standards seem arbitrary – ranging from 30 feet for multiple family townhome development to 65 feet for single family. How does this width requirement reconcile with the inventory of existing lots?

A related question; If a certain existing lot is 50 feet wide, the current reading seems to make it impossible to meet ANY of the criteria for redevelopment of that lot, except as a townhome?

Overall, the current reading imposes standards that would make a very large number of Littleton lots ineligible for redevelopment for their

BEST ECONOMIC USE. Best economic use must be considered in the context of the current real estate environment in the Denver metropolitan area. As owners and developers make choices with their purchasing dollars, municipalities that allow a better economic use of land will capture those purchase dollars, as well as the permitting, redevelopment, associated use taxes, and ultimately the property tax revenue associated with redeveloped land and new, higher value housing.

The current reading seems to indicate that Littleton is choosing to make redevelopment difficult, or very, very selective, and while this makes some sense from an altruistic perspective, it puts Littleton in the position of being the poor child in the family as purchaser and developer dollars vote with their feet.
Bob Hinz

HomeWrights
303-756-8870 o
303-594-9208 c
HomeWrights.com
Comments about Littleton R-5 Zone Changes

I am a resident of the City of Littleton, and I also purchased property in the subject area in December of 2017.

This portion of the code should have been changed a long time ago, so I do welcome change. However, the pace of the change and the lack of feedback from the development community make me nervous. There are several specific points I would like to make.

Until very recently, the planning department would regularly issue variances administratively, up to 20%. I am not sure how they arrived at that allowance, but my guess would be that R-5 zoning requires a 60’ frontage, and most R-5 sites are only 50’ frontage. I see the proposed change is for a 30’ minimum frontage. This makes no sense either, as most sites are still a 50’ frontage. It should be 25’.

I understand there is a desire to make changes to allow new duplex construction with dual ownership without requiring PDO’s on every project. On the surface, this is a great idea. However, much more than frontage needs to be considered. For instance, there are very few alleys in R-5 zone districts. There are also garage door street exposure issues that should be addressed. Right now the R-5 district north of downtown is filled with duplexes and triplexes with no off street parking. The last thing we should be doing is discouraging off street parking. Additionally, the side setbacks should be changed to 5’ on either side. This would allow mirror image duplexes, or at least equivalent sized units on the north and south. It would also be in alignment with nearly every other local municipality.

Roof top decks have become very popular and so are entertainment rooms adjacent to those roof top decks. Therefore, it makes sense for the height limit to be raised from 30’ to 35’. While on this subject, variances are only allowed for “hardship”. New construction is therefore not available for variance, since any hardship would be ruled self-inflicted. There needs to be a different approach/mechanism for variances. When I read the design guidelines, I see pitched roofs are among the many desired items. A steeper roof is usually a more attractive look. It seems there should be some flexibility in the code for better design. This is one of the advantages of PDO’s, which are being eliminated. Where in the new code is there flexibility to encourage good design?

Next is the issue of how a structure is defined. Littleton alone defines overhangs, gutters, downspouts, and window wells as “structure”, thus they must be inside the setback lines. No other municipality defines it this way. I understand this is due for serious revision and is currently under study for round 2 of the zoning changes. This should be done as a complete package. This piecemeal approach is not good. See my initial comment of the speed with which this change is happening.

Another point to address is how a building elevation is measured. For most lots being flat, this is not an issue. However, my lot and those adjacent and across the street have significant slope. Most cities calculate a mean elevation by averaging the corners. This should be considered.
If the development community could see this as a comprehensive change and especially have input along the way, you could probably get buy-in from them. When Denver re-did their code, it was a multi-year process. I realize this process is being accelerated because the city feels the city is being changed too quickly. Perhaps a moratorium on ALL downtown development is in order until this process can be completely and thoughtfully reviewed.

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CODE AND CRITERIA REFERENCE LINKS

COMPREHENSIVE PLAN

- Citywide Plan (2014)
- Downtown Neighborhood Plan (2011)

DESIGN GUIDELINES


CITY CODE

Title 1 – Administrative

- Chapter 3, Section 2 – Definitions

Title 4 – Building Regulations

- Chapter 1 – Building Codes
- Chapter 2 – Housing Code
- Chapter 3 – Sign Code
- Chapter 6 – Historic Preservation Code

Title 10 – Zoning Code

- Chapter 2 – Zone District Regulations
- Chapter 3 – Land Uses/Land Use Table
- Chapter 4 – Supplementary Standards
- Chapter 5 – Landscaping
- Chapter 6 – Flood Plain Regulations
- Chapter 7 – Site Development Plan
- Chapter 8 – Conditional Uses
- Chapter 9 – Planned Development Overlay
- Chapter 10 – Nonconforming Uses and Structures
- Chapter 11 – Board of Adjustment

- Chapter 12 – Amendment Procedure
- Chapter 13 – Vested Property Rights
- Chapter 14 – Group Home for the Elderly Code
- Chapter 15 – Lighting Requirements
- Chapter 16 – Wireless Communications Facilities (WCFs)

Title 11 – Subdivision Regulations

- Chapter 1 – General Provisions
- Chapter 2 – General Application Procedures
- Chapter 3 – Procedures; Major Subdivisions
- Chapter 4 – Procedures; Minor Subdivisions
- Chapter 5 – Plat Details
- Chapter 6 – Design Standards
- Chapter 7 – Capital Facility Impact Fee
- Chapter 8 – Land Reservation
- Chapter 9 – Administrative Plats and Replats for One or Two Lots