



**PLANNING & DEVELOPMENT DEPARTMENT MEMORANDUM
#53-2019**

DATE: October 28, 2019

TO: Honorable Mayor Antonio B. Esquibel and City Council Members

THROUGH: Heather Geyer, City Manager 

FROM: Brook Svoboda, Director of Planning and Development 
Becky Smith, Planning Manager
Eric Ensey, Senior Planner

SUBJECT: CB-1936 – Unified Development Ordinance October 2019 Erratum

PURPOSE

To consider second reading of CB-1936, an ordinance amending the Unified Development Ordinance (UDO). These items are a collection of identified revisions based on a six-month review following the initial adoption of the UDO.

BACKGROUND

In February 2019, the City adopted the UDO, which replaced Chapters 11 (Zoning), 12 (Subdivision Regulations), and 21 (Signs) of the Municipal Code within a single development ordinance and concurrently adopted a correlating Zoning District Map. At that time, it was communicated that staff would collect revisions as the UDO was implemented and would bring forward amendments at regular intervals as needed.

For reference, the full UDO is available on the City's website here:

<https://www.northglenn.org/Departments/Planning%20&%20Development/Planning/UDO/Unified%20Development%20Ordinance.pdf>

With the UDO having been in effect for six months, staff conducted a review of the Code and presented an initial list of issues at the August 20, 2019, Planning Commission study session, and September 9, 2019, City Council meeting. The October 2019 Erratum has since been recommended for approval by Planning Commission at their October 1, 2019 meeting; the approving resolution is included as Attachment 1. The staff report for that meeting is included as Attachment 2 and provides a more in-depth discussion of the process for drafting the final UDO revisions and explanation of changes since the discussions. The proposed UDO revisions are provided as Exhibit A to CB-1936.

UPDATE

After the first reading of CB-1936, bond counsel for the Recreation Center/Senior Center/Theatre requested clarification in the UDO use table to allow for Indoor Recreation Facility and Outdoor Recreation Facility as permitted uses in the Public Facilities (PF) zone district. Currently, these uses are not listed as uses by right in the PF zone district (See use table – highlighted below). These use categories are intended to accommodate uses such as Boondocks and The Courts. Staff had interpreted the facility as a “Community Center” use in rezoning the property to PF. However, technically, the facility will have indoor and outdoor recreational elements, therefore requiring the clarification in the use table. Staff is recommending to add to these two uses as uses by right in the PF zone district.

The highlighted fields in the table below depicts where the change would occur in the UDO:

	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	OS	Use-Specific Standards
Community Garden	√	√	√	√	√	√	√	√	√				√	√	√	
Kennel, Commercial										S+	√+	√+		√+		11-3-3(e)(4)
Stable, Commercial														S+	S+	11-3-3(e)(5)
Veterinary Hospital or Clinic							S+	√+	√+	√+	√+	√+	√+	√+		11-3-3(e)(6)
Recreation and Entertainment																
Indoor Recreation Facility							S	√	√	√	√	√			S	
Outdoor Recreation Facility									S	S	S	S		S	√	

STAFF RECOMMENDATION

Attached to this memorandum is CB-1936, which is being presented on second reading. Staff recommends approval of CB-1936 on second reading.

BUDGET/TIME IMPLICATIONS

There are no anticipated direct budgetary impacts from this item.

STAFF REFERENCE

If City Council members have any comments or questions, they may contact Brook Svoboda, Director of Planning and Development, at 303.450.8937, or bsvoboda@northglenn.org.

ATTACHMENTS

1. Planning Commission Resolution #2019-08
2. Planning Commission Staff Report for the October 1, 2019 Meeting

RESOLUTION 2019-08
NORTHGLENN PLANNING COMMISSION

A RESOLUTION PROVIDING A FAVORABLE RECOMMENDATION TO
THE CITY COUNCIL FOR APPROVAL OF CB-1936 – UNIFIED
DEVELOPMENT ORDINANCE OCTOBER 2019 ERRATUM

WHEREAS, Northglenn Ordinance 11-6-4(c) requires that all proposed amendments shall be referred to the Planning Commission for study, consideration, and recommendation prior to final action by Council; and

WHEREAS, the Planning Commission has found that the application satisfies the applicable criteria for Unified Development Ordinance Amendments under 11-6-4(c)(3)(D)(iii); and

WHEREAS, the Northglenn Planning Commission therefore desires to provide a recommendation to the City Council on the Unified Development Ordinance Amendment as required by law; and

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The City of Northglenn Planning Commission hereby provides a favorable recommendation to the City Council for approval of CB-1936.

DATED this 1st day of October, 2019



Sonia Di Carlo
Planning Commission Chair

ATTEST:



Rebecca Smith, AICP
Secretary



Planning & Development
 11701 Community Center Drive
 Northglenn, CO 80233
 P: 303-450-8739
 F: 303-450-8708
northglenn.org

PLANNING AND DEVELOPMENT DEPARTMENT

MEMORANDUM

DATE: October 1, 2019

TO: Planning Commission

FROM: Eric Ensey, Senior Planner
 Alan Sielaff, Planner I

THROUGH: Becky Smith, Planning Manager
 Brook Svoboda, Director of Planning and Development

SUBJECT: Unified Development Ordinance October 2019 Erratum

REQUEST

Staff is presenting updates to various sections the Unified Development Ordinance (UDO) for public hearing and recommendation to City Council. These items are a collection of identified revisions based on a six month review following the initial adoption of the UDO.

RECOMMENDATION

Staff is recommending that the Planning Commission recommend approval of the proposed Amendment to the UDO to the City Council.

Recommended Motion.

"I move to approve Resolution 2019-08, a resolution providing a favorable recommendation to the City Council for approval of CB-1936 – Unified Development Ordinance Amendments, October 2019 Erratum."

DISCUSSION

Background.

In February 2019, the City adopted the UDO which replaced Chapters 11 (Zoning), 12 (Subdivision Regulations), and 21 (Signs) of the municipal code within a single development ordinance and concurrently adopted a correlating Zoning District Map. At that time, it was communicated that staff would identify any clerical or policy revisions as the UDO was implemented and would bring forward amendments at regular intervals as needed. With the

UDO having been in effect for six months, staff conducted a review of the code and presented an initial list of identified issues at the August 20, 2019 Planning Commission study session and the September 9, 2019 City Council study session. What is being presented at this meeting will focus on changes since the August 20 discussion, and to facilitate the public hearing and recommendation portion of the UDO Amendment process.

In addition to discussion with Planning Commission and City Council, staff coordinated review and preparation of the final revisions with the City Attorney's Office, City Clerk's Office, and solicited input from Clarion Associates as the consultant team on the original UDO language. An overview of changes to the initial proposed revisions that staff presented to Planning Commission in August will be discussed below. The final proposed erratum items are included as Attachment A, which includes all proposed UDO erratum revisions as well as correcting an error in the Zoning Map for Jaycee Park from IN – Industrial back to OS – Open Space. Only impacted subsections of the UDO are included. For example, replacement of the term “accessory buildings” with “accessory structures” in the section on Manufactured Home Site Layout and Circulation 11-3-3(c)(5)(B)(i) will include all of Section 11-3-3(c) to provide the proper UDO citation and language context for the ordinance adoption.

This document was drafted utilizing the City's ordinance amendment formatting of text ~~striketrough~~ for removed language and text in ALL CAPS for added language. Additionally, text in **red font** has been added to more easily identify these changes for final review and adoption. These text style alterations will all be removed as part of the formal codification process if approved.

For reference, the current full code is available on the City's website here:

<https://www.northglenn.org/Departments/Planning%20&%20Development/Planning/UDO/Unified%20Development%20Ordinance.pdf>

Updates since August Study Session.

The following items have been updated since last presented to the Planning Commission:

- Size of accessory structures (Section 11-3-4(c)(2)(A))
 - Planning Commission did not arrive at a consensus for inclusion of an additional standard for maximum size of a residential accessory structure, though more Commissioners were in favor than against. City Council directed staff to keep the existing size standards in place and not introduce a new standard limiting accessory structures to the footprint of the primary structure nor limit accessory structures to a certain percentage above the footprint of the primary structure. The existing 30 percent of the rear yard will remain as the only size maximum standard.
- Little free libraries (Section 11-3-4(c)(2)(B))
 - Mailboxes were included in original draft language allowing “book exchange kiosks or similar” as an exception to the prohibition of accessory structures in front yards. Following discussion with Planning Commission, staff researched USPS mailbox construction standards and inserted language allowing for “curbside mailboxes consistent with USPS size and construction standards, unless otherwise approved by the director.”
- Accessory dwelling unit size within basements (Section 11-3-4(d)(1)(C))

- Discussion with Planning Commission and City Council focused on administration difficulties of any sizing exception to accommodate ADUs with existing basements. Direction from City Council was to add no additional square foot limitations on the original proposed language because the maximum of one bedroom would effectively limit utilization.
- Allowance for accessory off-premise vending and storage lockers (Section 11-3-4(d)(6))
 - Discussion with Planning Commission suggested the inclusion of performance standards limiting amount of such uses. A general standard of 25% of a store fronts linear distance and a maximum total of 50 linear feet is proposed to prevent proliferation of the use.
 - Discussion with the City Attorney directed staff to remove proposed language to the definition of Outdoor Sales and Display that had allowed vending machines, service kiosks, and online retail storage lockers that were not explicitly associated with the onsite business, and remove the “explicitly associated with the onsite business” as this would be too open to interpretation. Instead this element was removed, and would allow staff to consider the underlying land use to determine if a proposed outdoor vending machine, kiosk, or storage locker is compatible as an accessory use for a given site.
- Parking standards for restaurant uses with only outdoor seating (Table 4-6-A)
 - Following review by Clarion Associates, language was adjusted to better delineate applicability of the different parking ratios for different combinations of indoor and outdoor seating.
- Landscaping – number of trees and shrubs required (Table 4-7-A)
 - Following staff discussion with Planning Commission, staff added clarifying language to implement the recommended update to only require the UDO tree and shrub planting requirements based on the maximum impervious coverage standards for a given zone district. This effectively removes the requirement for additional trees and shrubs if additional landscaping is provided so as to not incentivize additional pavement as a maintenance and cost saving technique. This required the addition of the term “pervious”, the reverse of impervious, and corresponding definition.
- Screening between residential and nonresidential development (Section 11-4-7(l))
 - Planning Commission directed staff to clarify applicability of required screening in mixed-use districts. Staff has exempted nonresidential development from providing to adjacent residential uses if within a mixed use district.
- Single-family dwelling building materials (Section 11-4-8(d)(1)(C)(iv))
 - Discussion with Planning Commission directed staff to reintroduce language requiring some level of architectural review for additions to existing single-family residential dwellings, but did not prescribe specific language or the degree to which requirements should be made. City Council similarly agreed a standard should be reintroduced, and suggested language from the previous Zoning Code. Staff is instead proposing inclusion of near identical language currently required for single family residential accessory structures over 200 square feet in which a general standard of architectural compatibility is required or screened from public right-of-way. Similarly, the 30% masonry requirement for accessory structures was also carried forward for consistent application of standards to both accessory structures and residential additions.

- Addition of an applicability standard was added as Section 11-4-8(b)(2)(C) and an exemption in Section 11-4-8(b)(4)(B) was removed to facilitate the above change.

Additional non-substantive changes to the UDO revision language previously provided to Planning Commission at the August study session may have occurred to better address or accomplish the intent of an identified revision. Such alterations are limited to sentence structure, grammar, or other minor clarifications.

Notification Requirements.

Notification for this application was conducted in accordance with the requirements of Section 11-6-3(e) of the UDO, Scheduling and Notice of Public Hearings. The only notification requirement for a UDO Amendment is a notice of public hearing published in the Northglenn-Thornton Sentinel at least 15 days prior to the public hearing.

APPROVAL CRITERIA

Applicable Approval Code Provisions.

The following sections of the code should be considered with review of the various components of this application.

- Section 11-6-4, Unified Development Ordinance Amendment
- All UDO sections included in Attachment A - Proposed Erratum Items, October 2019

Criteria Analysis.

Section 11-6-4(c)(3)(D)(iii) requires the proposed UDO Amendments comply with the following approval criteria. A brief staff analysis is provided of each:

Criteria:	Staff Analysis:
a) Is consistent with the Comprehensive Plan;	The proposed UDO Amendments are in conformance with the Comprehensive Plan.
b) Does not conflict with other provisions of this UDO or other provisions in the Northglenn Municipal Code;	The proposed UDO Amendments do not conflict with other provisions of the UDO or other provisions of the Northglenn Municipal Code. The proposed Amendments have been reviewed by the City Attorney's Office.
c) Is necessary to address a demonstrated community need;	The proposed UDO Amendments are necessary to either address a demonstrated community need through initial implementation of the UDO or to ensure clear and consistent administration of the UDO.

d) Is necessary to respond to changing conditions or policy; and	The proposed UDO Amendments are necessary to respond to either the original intent of the UDO or policy direction from the Planning Commission and City Council.
e) Is consistent with the purpose and intent of the zoning districts in the UDO, would improve compatibility among land uses within the City, or would result in an orderly and logical development pattern.	The proposed UDO Amendments are consistent with the purpose and intent of the zoning districts in the UDO and would improve compatibility among land uses and would result in an orderly and logical development pattern.

ADMINISTRATION

Possible Actions by the Planning Commission.

The Planning Commission is not the final approval authority for review of a UDO Amendment and shall review the application and provide a recommendation to the City Council. The Commission's options for recommendation are as follows:

1. Recommend approval of the request, with or without conditions or stipulations;
2. Recommend denial of the request for reasons stated; or
3. Table the request for further consideration or additional information.

Next Steps.

The Planning Commission's recommendation on this October 2019 Erratum UDO Amendment will be forwarded to City Council for consideration. First reading is scheduled for October 14, 2019, and second reading and public hearing will be held at the October 28, 2019 City Council meeting.

ATTACHMENTS

Attachment A – Proposed Erratum Items, October 2019
Attachment B – Presentation

SPONSORED BY: MAYOR ESQUIBEL

COUNCILMAN'S BILL

ORDINANCE NO.

No. CB-1936
Series of 2019

1782
Series of 2019


A BILL FOR AN ORDINANCE AMENDING THE CITY'S UNIFIED DEVELOPMENT ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Northglenn Municipal Code is amended by the adoption of the amendments to the Unified Development Ordinance (the "UDO"), attached hereto as **Exhibit A**, and incorporated herein by this reference.

Section 2. The City of Northglenn Zoning District Map is amended in conformance with Exhibit A.

INTRODUCED, READ AND ORDERED POSTED this 14th day of October, 2019.


ANTONIO B. ESQUIBEL
Mayor

ATTEST:


JOHANNA SMALL, CMC
City Clerk


PASSED ON SECOND AND FINAL READING this ____ day of _____, 2019.

ANTONIO B. ESQUIBEL
Mayor

ATTEST:

APPROVED AS TO FORM:

JOHANNA SMALL, CMC
City Clerk


COREY Y. HOFFMANN
City Attorney



Unified Development Ordinance (UDO)

Effective February 26, 2019

Proposed Erratum Items, October 2019



Article 2: Zoning Districts

11-2-1 Zoning Districts, Generally

(a) Zoning Districts Established

Zoning districts are established as shown in Table 2-1-A. Zoning districts are established by the City's adoption of the official Zoning District Map pursuant to Subsection 11-2-1(b).

Table 2-1-A: Zoning Districts Established	
Proposed District	Section in UDO
Residential Districts	
RS-1 Single-Family Large-Lot	11-2-2
RS-2 Single-Family Standard-Lot	11-2-3
RS-3 Single-Family Small-Lot	11-2-4
RM-1 Multifamily Limited	11-2-5
RM-2 Multifamily	11-2-6
MH Manufactured Home	11-2-7
Mixed-Use and Commercial Districts	
MN Mixed-Use Neighborhood	11-2-8
MC Mixed-Use Corridor	11-2-9
MR Mixed-Use Regional	11-2-10
CG Commercial General	11-2-11
CA Commercial Auto-Oriented	11-2-12
Other Nonresidential Districts	
IN Industrial	11-2-13
PF Public Facilities	11-2-14
AG Agricultural	11-2-15
OS Open Space and Recreation	11-2-16
Planned Development Districts	
PD Planned Development	11-2-17

(b) Official Zoning District Map

(1) Generally

The boundaries of zoning districts are shown on the Zoning District Map attached to and incorporated in this Code. Such map may be examined during office hours at the office of the City Clerk.

(2) Zoning District Boundaries

- (A) Unless otherwise stated in this article, the zoning district boundaries are the centerlines of the streets, roads, highways, alleys, and channelized waterways or extensions of such centerlines.
- (B) In the event that a zoning district boundary is unclear or is disputed, the Director shall determine the location of the zoning district boundary. An appeal of such determination shall be heard by the Board of Adjustment pursuant to Subsection 11-6-7(d), *Appeal*.
- (C) Unless otherwise stated in this chapter, changes to the boundaries of any zoning district require an amendment pursuant to the rezoning procedures in Subsection 11-6-4(a), *Rezoning*.

11-2-2 RS-1 Single-Family Large-Lot

(a) Purpose

The RS-1 district is intended to provide large-lot suburban neighborhoods that accommodate single-family detached homes. The RS-1 district is intended to promote a low-density residential environment and prohibit most commercial activities other than allowed home occupations and limited community and educational uses.

(b) RS-1 Lot and Building Standards

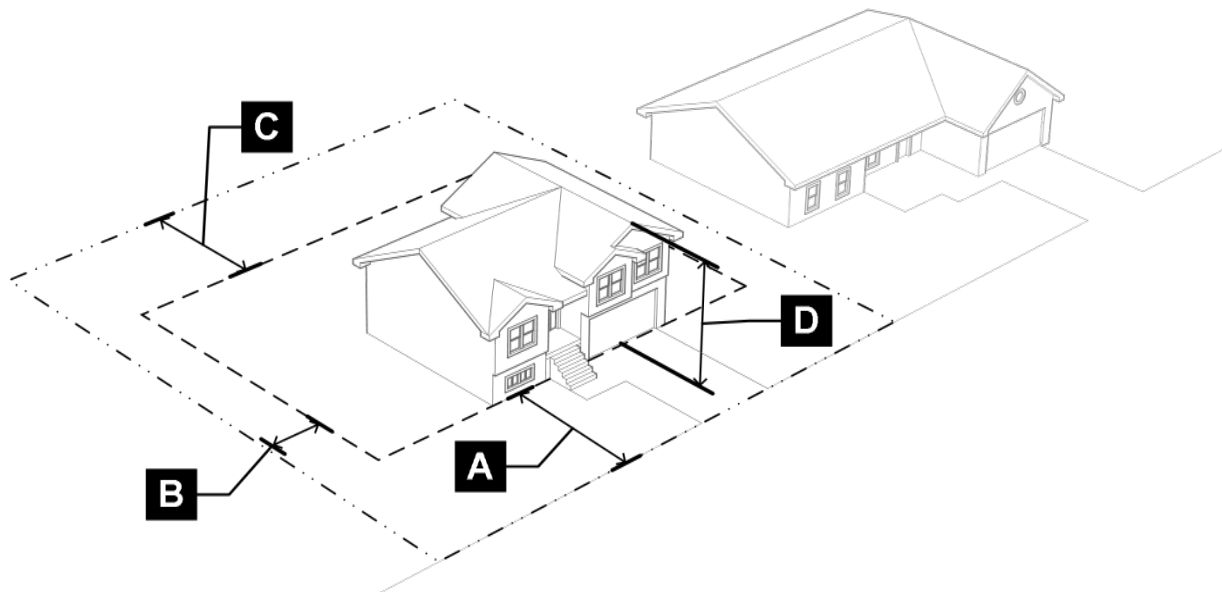
Lot Standards (minimum)		
	Lot area	12,500 sq. ft.
	Lot width	100 feet
Setbacks (minimum)		
A	Front	30 feet
B	Side/SIDE (DETACHED ACCESSORY)	10 feet/5 FEET
C	Rear/Rear (detached accessory)	20 feet/None
Building Standards (maximum)		
D	Building height, primary	28 feet [1]
	Building height, accessory	20 feet
	Building coverage	40 percent

(c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9

NOTES:

[1] BUILDINGS ASSOCIATED WITH NONRESIDENTIAL USES ARE ALLOWED A MAXIMUM PRIMARY BUILDING HEIGHT OF 35 FEET.



11-2-3 RS-2 Single-Family Standard-Lot

(a) Purpose

The RS-2 district is intended to provide standard-sized lots in suburban neighborhoods that accommodate single-family detached homes. The RS-2 district is intended to promote a low-density residential environment and prohibit most commercial activities other than allowed home occupations and limited community and educational uses.

(b) RS-2 Lot and Building Standards

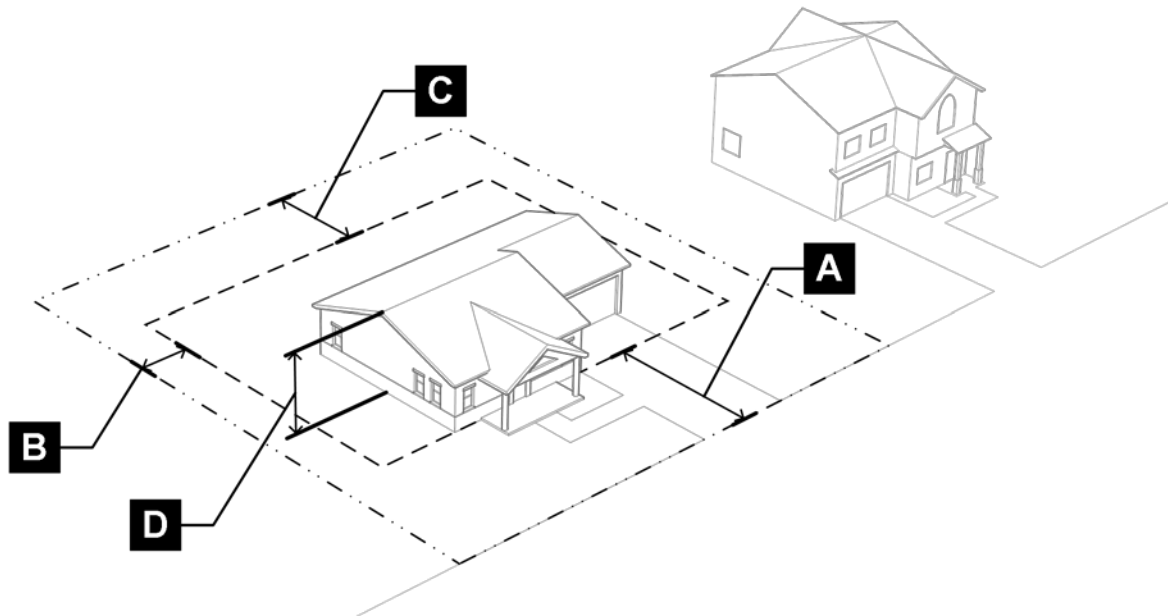
Lot Standards (minimum)		
	Lot area	7,000 sq. ft.
	Lot width	70 feet
Setbacks (minimum)		
A	Front	25 feet
B	Side	5 feet
C	Rear/Rear (detached accessory)	20 feet/None
Building Standards (maximum)		
D	Building height, primary	28 feet [1]
	Building height, accessory	20 feet
	Building coverage	40 percent

(c) Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 11-2-19
Use Regulations	Article 3:
Off-Street Parking and Loading	Section 11-4-6
Landscaping, Screening, and Fencing	Section 11-4-7
Site and Building Design	Section 11-4-8
Exterior Lighting	Section 11-4-9

NOTES:

[1] BUILDINGS ASSOCIATED WITH NONRESIDENTIAL USES ARE ALLOWED A MAXIMUM PRIMARY BUILDING HEIGHT OF 35 FEET.



(b) Mixed-Use and Commercial Zoning Districts

Table 2-18-B: Mixed-Use and Commercial Districts Lot and Building Standards

Zoning District	MN	MC	MR	CG	CA
Lot Standards (minimum)					
Lot area		None	None	None	None
Lot area, single-family detached	3,500 sf				
Lot area, all other uses	7,000 sf				
Lot width	35 feet	None	None	None	None
Setbacks					
Front, minimum	5 feet	5 feet	20 feet	15 feet	25 feet
Front, maximum	15 feet	25 feet			
Side, minimum	5 feet	5 feet	10 feet		
Side, minimum (detached accessory)			5 feet		
Side, interior, minimum				None	10 feet
Side, abutting street, minimum				15 feet	15 feet
Rear, minimum	10 feet		10 feet	15 feet	15 feet
Rear, detached accessory, minimum	5 feet	5 feet	5 feet	5 feet	5 feet
Rear, with alley, minimum		None			
Rear, without alley, minimum		10 feet			
Building and Site Standards (maximum)					
Building height, primary	35 feet	45 60 feet	No maximum	60 feet	60 feet
Building height, accessory	20 feet	20 feet	20 feet	20 feet	20 feet
Building coverage	60%	60%	60%	60%	60%
Impervious coverage	90%	80%	80%	80%	80%

(c) Other Nonresidential Zoning Districts

Table 2-18-C: Other Nonresidential Districts Lot and Building Standards

Zoning District	IN	PF	AG	OS
Lot Standards (minimum)				
Lot area	None	None	One acre	None
Lot width	None	None	125 feet	None
Setbacks (minimum)				
Front	30 feet	15 feet	50 feet	30 feet
Side	5 feet	5 feet	15 feet	20 feet
Rear	15 feet	10 feet	25 feet	20 feet
Rear, detached accessory	5 feet	5 feet		
Building and Site Standards (maximum)				
Building height	65 feet	65 feet	65 feet (except dwellings)	30 feet
Building height, dwellings			35 feet	
Building coverage	70%	70%	30%	15%
Impervious coverage	80%			

Table 2-19-C: Authorized Exceptions to Height Requirements

Type of Exception	Residential Districts	Mixed-Use and Nonresidential Districts
Building-mounted antennas (except those covered by the wireless telecommunications regulations in Subsection 11-3-3(g)(3)), bell towers, spires, and steeples	May extend up to five feet above the maximum height requirement	May extend up to 10 feet above the maximum height requirement.
Chimneys	May extend up to 5 feet above the maximum height requirement.	
Incidental architectural features such as cornices, parapets, or similar architectural features	May extend up to three feet above the maximum height requirement.	May extend up to five feet above the maximum height requirement.
Mechanical equipment, stair towers, and similar non-habitable structures	In residential buildings containing two or more dwellings, such equipment may extend up to eight feet above the maximum height requirement provided they do not cover more than 30 percent of the total roof area of the building and are located a minimum of six feet back from the edge of roof.	May extend up to eight feet above the maximum height requirement provided they do not cover more than 30 percent of the total roof area of the building and are located a minimum of six feet back from the edge of roof.
Pitched, gable, or hip roof	May extend up to five feet above the maximum height requirement provided a minimum of 70 percent of the area of the roof has a pitch of a minimum rise over run ratio of 4:12.	
Rooftop solar equipment	May extend up to five feet above the maximum height requirement.	

(f) Floor Area and Square Footage

- (1) All areas within a structure including interior storage areas, closets, living areas, bathrooms, garages, and interior and exterior walls shall be included in the calculation of floor area of a structure. Private outdoor areas for multifamily structures such as porches, balconies, courtyards, plazas, pergolas, gazebos, or similar facilities shall be excluded from this calculation.
- (2) Gross square footage of a structure shall be measured from the outside of the exterior walls and shall include the area of the walls.

(g) Building and Impervious Coverage

(1) Building Coverage Calculation

The area of the lot covered by principal buildings, accessory ~~buildings~~ **STRUCTURES**, parking garages, carports, and utility and storage sheds shall be included in the calculation of building coverage in all zoning districts. The Director shall have the authority to determine if additional types of structures count toward building coverage percentages at their discretion.

(2) Impervious Coverage Calculation

The area of the lot covered by the following shall be included in the calculation of total impervious coverage in all applicable zoning districts:

- (A) Principal buildings;
- (B) Accessory ~~buildings~~ **STRUCTURES**, parking garages, carports, and utility and storage sheds;
- (C) Additional types of structures as determined by the Director;
- (D) Porches, stairways, elevated walkways, paved areas, or areas otherwise covered with materials impervious to water; and
- (E) Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Director.

Table 3-2-A: Table of Allowed Uses

√ = allowed by right S = special use permit A = accessory Blank cell = use prohibited + = Use-specific standards apply

	Residential						Mixed-Use			Other Nonresidential						Use-Specific Standards
	RS-1	RS-2	RS-3	RM-1	RM-2	MH	MN	MC	MR	CG	CA	IN	PF	AG	OS	
Community Garden	√	√	√	√	√	√	√	√	√				√	√	√	
Kennel, Commercial										S+	√+	√+		√+		11-3-3(e)(4)
Stable, Commercial														S+	S+	11-3-3(e)(5)
Veterinary Hospital or Clinic							S+	√+	√+	√+	√+	√+	√+	√+		11-3-3(e)(6)
Recreation and Entertainment																
Indoor Recreation Facility							S	√	√	√	√	√	√		S	
Outdoor Recreation Facility									S	S	S	S	√	S	√	
Food and Beverage Services																
Bar, Tavern, or Lounge							S+	√+	√+	√+	√+	√+				11-3-3(e)(7)
Catering Establishment							S	√	√	√	√	√				
Microbrewery, Distillery, or Winery							S+	√+	√+	√+	√+	√+				11-3-3(e)(8)
Restaurant							√+	√	√	√	√	√				11-3-3(e)(9)
Restaurant, with Drive-Through								√+	√+	√+	√+	√+				11-4-6(i)
Office, Business, and Professional Services																
Administrative, Professional, and Government Office							√+	√	√	√	√	√	√			11-3-3(e)(10)
Financial Institution							√+	√	√	√	√	√				11-3-3(e)(11)
Research and Development								√	√	√	√	√	√			
Personal Services																
Laundry Facility, Commercial										√	√	√				
Laundry Facility, Self-Service				A+	A+	A+	√+	√	√	√	√	√				11-3-3(e)(12)
Personal Services, General							√+	√	√	√	√	√	A			11-3-3(e)(13)
Retail Sales																
Building Materials and Supply Store							√+	√+	S+	√	√	√				11-3-3(e)(14)
General Retail, Less than 10,000 Square Feet							√+	√	√	√	√	√	A			11-3-3(e)(15)
General Retail, 10,000 Square Feet or More								√	√	√	√	√				
Liquor Store								√	√	√	√	√				
Marijuana Establishment, Medical	Subject to Licensing Requirements in Article 18-14															11-3-3(e)(16)
Marijuana Establishment, Retail	Subject to Licensing Requirements in Article 18-16															11-3-3(e)(17)
Nursery or Garden Supply Store								√	√+	√	√	√	√	√		11-3-3(e)(18)
Lodging Facilities																
Bed and Breakfast				S+	S+		√+	√+	√+	√+	√+			√+		11-3-3(e)(19)
Boarding or Rooming House					√		√	√	√							
Hotel/Motel							S	√	√	√	√	√				
Short-Term Rental	√+	√+	√+	√+	√+		√+	√+	√+					√+		11-3-3(e)(20)

(5) Noise

No operation or use shall generate sound that exceeds 65 decibels at any point of any boundary line of the property.

(6) Vibration

No operation or use shall at any time create ground vibration that is perceptible at any point on the property lines where the use is situated.

(7) Hazardous and Combustible Materials

(A) General

- (i) Any commercial or industrial use involving the storage, handling, or use of hazardous materials shall comply with the requirements as specified in the Building and Fire Code.
- (ii) Any substance designated as highly hazardous and requiring a state or federal permit shall only be allowed in the IN district, and shall require special use permit approval.
- (iii) The storage or disposal of any friable asbestos material is prohibited. For purposes of this prohibition, "storage" and "friable asbestos material" shall have the meanings assigned to them in Section 10-12-3 of this Municipal Code.

(B) Combustibles and Explosives

The use, handling, storage, and transportation of combustibles and explosives shall comply with the Fire Code and all other provisions of the Municipal Code and applicable state and federal laws.

(C) Gases

The escape or emission of any gas that is noxious, injurious, or destructive is unlawful and shall be immediately eliminated and shall comply with the Municipal Code and all applicable state and federal regulations, including the federal Emergency Planning and Community Right to Know Act of 1986.

(8) Evidence of Compliance

The Director shall require such evidence of ability to comply with appropriate performance standards and mitigation measures as deemed necessary prior to issuance of a building permit and certificate of occupancy.

(c) Residential Uses

(1) Animals and Pets

- (A) The raising or breeding of dogs, cats, domestic fowl or reptiles for commercial purposes is prohibited. The definitions of terms contained in Section 14-1-1 of the Municipal Code shall apply to the provisions of this section.
- (B) The keeping of ducks, geese and other poultry (excluding chickens), cattle, horses, mules, goats, sheep, pigs, hooved animals and other domestic or bovine animals, other than birds kept indoors as pets is prohibited. The keeping of dogs, cats, rabbits, chickens, bees and certain other pets is allowed and is governed by Chapter 14 of the municipal Code.

(2) Dwelling, Live/Work

(A) Location

The residential component shall be located on upper stories or to the rear of nonresidential portions of the structure.

(B) Ownership

The nonresidential use shall be owned and operated by a resident of the live/work dwelling.

(3) Dwelling, Multifamily

- (A) In the MN district, multifamily is only allowed as part of a vertically mixed-use building.
- (B) Ground floor dwelling units in the MC and MR districts shall not exceed more than 50 percent of the ground floor gross floor area.

(4) Dwelling, Single-Family Attached

- (A) Each individual dwelling unit shall have direct access to a right-of-way.
- (B) Units shall face a public street pursuant to 11-4-8(d)(2)(B).

(5) Manufactured Home Park, HUD-Code

The following standards shall apply to manufactured homes located in manufactured home parks. Where these standards are inconsistent with those in the MH district, these standards shall apply.

(A) Home Site and Building Standards

Table 3-3-A: Home Site and Building Standards	
Site and Building Standards	
Minimum distance between homes	25 feet
Minimum enclosed storage (separate structure)	200 cubic feet
Minimum concrete surface area (for home and parking)	1,200 square feet
Setbacks (minimum)	
From end of home to front of site	8 feet
From end of home to rear of site	8 feet
From opposite side of entry to interior lot line	5 feet
From opposite side of entry to abutting street or roadway	10 feet

(B) Site Layout and Circulation

- (i) Each park shall be so arranged that all manufactured home spaces and accessory ~~buildings~~ **STRUCTURES** face on an interior roadway or landscaped common area.
- (ii) Entrance and exit roadways shall be connected to a dedicated public right-of-way and shall not be less than 36 feet wide from flowline to flowline.
- (iii) All internal park roadways shall be hard-surfaced and shall be a minimum of 36 feet wide from flowline to flowline.

(C) Fencing and Screening

- (i) Each park shall be fenced with an eight foot tall fence and screened and/or planted on the side and rear property lines.
- (ii) For each park, the fencing shall be not less than 72 inches high unless otherwise prohibited by this UDO.
- (iii) Garbage and recycling receptacles shall be screened from public view.

(D) Amenities

Each park shall provide the following:

- (i) A minimum of 10 percent of the land area of the park shall be reserved for recreational purposes separate from individual home sites.
- (ii) Storage space for boats, boat trailers, travel trailers, camping trailers, horse trailers, specialized trailers, truck campers, motor homes, all-terrain vehicles, motorcycles, motor carts, buses, detached campers, and mobile homes shall be provided in an amount equal to 100 square feet per individual home site in the park.
- (iii) A minimum of 10 percent of the land area of the park shall be dedicated to the City for public purposes.

(E) Service Areas

Service, utility and recreational buildings and appurtenances, garbage and trash containers, racks and rack locations, rodent and insect control, and water and sewage standards must meet with the approval of the Tri-County District Health Department and the Colorado State Department of Health.

11-3-4 Accessory Uses and Structures

(a) Purpose

The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to a primary use. These standards are intended to minimize adverse impacts on surrounding properties and the community.

(b) Accessory Uses and Structures Allowed

- (1) All primary uses allowed in a zoning district pursuant to Table 3-2-A shall be deemed to include those accessory uses, structures, and activities typically associated with that use, unless specifically prohibited in this section. Typical accessory uses are identified in definitions of uses.
- (2) Accessory uses and structures not listed in the table require approval under the procedure in Subsection 11-3-2(c), *Classification of New and Unlisted Uses*. All accessory uses and structures are subject to the standards in this Section 11-3-4, *Accessory Uses and Structures*, in addition to any applicable requirements in Section 11-3-3, *Use-Specific Standards*.

(c) General Standards for All Accessory Uses and Structures

(1) General Standards

- (A) An accessory use or structure is customarily incidental and secondary to the primary use of a parcel of land or of a building located on the same parcel of land, where said accessory use is operated and maintained under the same ownership and on the same lot as the primary use, and does not include structural features inconsistent with the primary use.
- (B) Accessory uses and structures, including facilities and equipment, are allowed in conjunction with any primary use or structure, provided the accessory use is compatible with the primary use and does not alter the character of the premises. Any reference to an allowed use shall include the accessory use.
- (C) Accessory structures 200 square feet or greater in size shall obtain a building permit pursuant to Chapter 10 of the Northglenn Municipal Code.

(2) Accessory Structures

(A) Size

- (i) The combined square footage of accessory structure(s) shall not exceed 30 percent of the rear yard.
- (ii) Accessory structures in a mixed-use or nonresidential district shall not exceed the height of the primary structure.

(B) Location

- (i) Accessory structures, with the exception of ~~THE USES LISTED BELOW, non-residential detached carports, gas station canopies, gas station car wash facilities, and security/entry booths,~~ are prohibited in front yards.
 - A. ~~NON-RESIDENTIAL DETACHED CARPORTS, GAS STATION CANOPIES, GAS STATION CAR WASH FACILITIES, AND SECURITY/ENTRY BOOTHS.~~
 - B. ~~CURBSIDE MAILBOXES CONSISTENT WITH USPS SIZE AND CONSTRUCTION STANDARDS, UNLESS OTHERWISE APPROVED BY THE DIRECTOR.~~
 - C. ~~BOOK EXCHANGE KIOSKS OR SIMILAR SUBJECT TO A MAXIMUM HEIGHT OF SIX FEET AND A MAXIMUM FRONT FAÇADE AREA OF SIX SQUARE FEET.~~
- (ii) Accessory structures shall comply with 11-2-19(c)(5).
- (iii) There shall be no rear yard setback requirement for detached accessory structures, provided that no portion of an accessory structure may be located in, or encroach upon, any easement.

(C) Design

- (i) Except for properties in the IN, PF, and AG districts, all accessory structures that require a building permit shall comply with the applicable exterior finish materials standards pursuant to 11-4-8(d), *Residential Site and Building Design Standards* and 11-4-8(e), *Mixed-Use and Nonresidential Site and Building Design*.
- (ii) No manufactured home, trailer, travel trailer, camping trailer, truck camper, or motor vehicle shall be attached or connected in any manner to an existing building or structure.
- (iii) Fabric, membrane, or cloth structures intended to be erected for more than 30 days in a calendar year shall not be allowed for the purpose of covered storage of vehicles, recreational vehicles, boats, equipment, or other outdoor storage.

(D) Timing

Accessory uses or structures are not allowed until the primary use or structure is established.

(d) Additional Standards for Specific Accessory Uses and Structures

(1) Accessory Dwelling Unit

Accessory dwelling units ("ADUs") shall be allowed as indicated in Table 3-2-A and shall comply with the following standards:

(A) Generally

- (i) Only one ADU shall be allowed per property.
- (ii) ADUs shall not be used as short-term rentals.
- (iii) ADUs for multifamily dwellings or live/work units are prohibited.
- (iv) No manufactured home, trailer, travel trailer, camping trailer, truck camper, or motor vehicle shall be used as an ADU.

(B) Ownership Requirements

- (i) The owner of the property on which the ADU is located shall be required to reside in either the primary dwelling unit or in the ADU.
- (ii) Ownership of the ADU may not be legally severed from ownership of the associated lot and any other structures on such lot.

(C) Size

- (i) ADUs shall not exceed 750 square feet, **HOWEVER, ADUS LOCATED IN THE BASEMENT OF AN EXISTING SINGLE-FAMILY UNIT MAY EXCEED 750 SQUARE FEET IF ENTIRELY CONTAINED WITHIN THE BUILDING FOOTPRINT OF THE PRIMARY STRUCTURE.**
- (ii) The height of an ADU shall not exceed the height of the primary dwelling unit on the lot.

(D) Location and Design

- (i) ADUs shall be allowed as both attached and detached structures.
- (ii) ADUs shall have a separate exterior entrance from the primary dwelling unit and shall contain cooking, sleeping, and sanitary facilities.
- (iii) ADUs shall not have more than one bedroom.

(E) Public Services and Utilities

- (i) Separate water or sewer service for the ADU shall not be allowed.
- (ii) Separate metering of other utilities is allowed.

(2) Caretaker Dwelling Unit

The living area of caretaker dwelling unit shall not exceed 750 square feet.

(3) Drive-Through Facility

Drive-through facilities shall comply with the standards in Subsection 11-4-6(i), *Drive-Through Facilities*.

(4) Home Occupation

(A) Generally

- (i) A home occupation shall be allowed only when it is an accessory use to a residential dwelling unit.
- (ii) Home occupation does not include a family of unrelated persons with disabilities residing in group quarters licensed by the State of Colorado, including staff persons, as defined by this UDO.
- (iii) Home occupations shall be conducted in compliance with all other applicable regulations of the State of Colorado, City of Northglenn, North Metro Fire Rescue District, and the Tri-County Health Department.
- (iv) A business license is required for all home occupations.

(B) Uses Allowed

- (i) Any use not listed in paragraph (ii) below shall be deemed an allowable home occupation so long as the use is a legal use in the City of Northglenn and complies with the standards of this UDO.
- (ii) The following uses shall be prohibited as a home occupation:
 - a. Kennels or animal day care; and
 - b. Motor vehicle service, repair, maintenance, reconstruction, restoration, cleaning, sale, or storage shall be prohibited as a home occupation.
- (iii) No home occupation shall include on premise sale of goods or merchandise, either wholesale, retail, or distribution except for home crafts and art works created at the home, items that are provided in support of the provision of a home occupation service, and eggs, honey, and other foods specified in the Colorado Cottage Foods Act in compliance with the licensing requirements for the keeping of chickens and bees, and in accordance with the Colorado Cottage Foods Act.

(C) Residential Child Care

(i) General

- a. Residential child care establishments shall comply with applicable regulations of the State of Colorado, City of Northglenn, North Metro Fire Rescue District, and the Tri-County Health Department.
- b. Residential child care establishments shall be operated by a permanent resident of the home.
- c. State licensed child care establishments conducted in a private residence may be allowed by right provided they comply with the standards in this subsection.

(ii) Registration

- a. Prior to establishing a residential child care establishment, the owner/operator of the establishment shall register with the Director on a form provided by the Director. Registration shall be effective for 12 months. Prior to expiration of such 12-month period, the owner/operator of the residential child care establishment shall apply for renewal. Renewal shall be granted by the Director if the establishment continues to be in compliance with these standards and state licensing requirements.
- b. It shall be unlawful to operate a residential child care establishment without first having registered as required in this subsection. It shall be unlawful to operate a residential child care establishment with an expired registration and/or a revoked license.

(D) Location on Property

- (i) No manufacturing, construction, fabrication, or assembly related to a home occupation shall occur within any detached structure.
- (ii) A detached structure may be used as an office, meeting room, display area, storage, or to provide any service related to a home occupation provided such use of the detached structure does not result in additional external impacts or nuisance.

(E) Size and Design

- (i) The total usable floor space area dedicated to home occupation uses shall not exceed 25 percent of the gross floor area of the primary structure.
- (ii) A home occupation shall not involve any external structural alteration of the dwelling unit.

(F) Operations

(i) Employees

A home occupation shall be conducted by family members residing in the home. No more than one non-family member may be employed in a home occupation.

(ii) Hours of Operation

Customers or clients of a home occupation may come to the home only between the hours of 7:00 a.m. and 10:00 p.m.

(iii) No External Display of Products

There shall be no external display of products or any other externally visible evidence of the home occupation.

(iv) Outdoor Storage Activities

No outdoor storage of materials, goods, supplies, or equipment associated with a home occupation shall be allowed.

(v) Parking and Business-Related Vehicles (Vehicles Marked or Equipped Commercially)

- a. Vehicle parking for customers or clients of a home occupation shall be provided on the site of the home occupation or on that portion of the street adjacent to the lot used for the home occupation.
- b. Only one motor vehicle used to conduct a home occupation may be kept at the home.
- c. Business-related vehicles shall comply with Articles 7-2 and 7-5 of the Municipal Code.
- d. When not being loaded or unloaded, any trailer used to conduct a home occupation shall be stored in a garage or behind an opaque fence not less than six feet in height so as not to be visible from any other public or private property.

(vi) Deliveries

Deliveries associated with a home occupation may only be made between the hours of 7:00 a.m. to 7:00 p.m., and may only be made by vehicles with no more than one rear axle.

(vii) Nuisances

- a. No home occupation shall create a public nuisance as defined in the Northglenn Nuisance Ordinance.
- b. Any noise caused or generated by conduct of a home occupation shall not create a noise disturbance, as defined in the City's Noise Control Ordinance. No noise associated with a home occupation may be audible at any time beyond the property boundary of the residence where the home occupation is conducted.

(G) Signage

No evidence of a home occupation shall be visible outside the primary building except for one wall or window sign no larger than one square foot in size.

(H) Prohibited Equipment and Materials

- (i) There shall be no chemical, mechanical, or electrical equipment on the premises other than that normally found within a dwelling unit.

- (ii) Hazardous materials listed in the Uniform Fire Code, as amended, shall not be used or stored in conjunction with a home occupation except with the prior approval of the North Metro Fire Rescue District Fire Chief and the City of Northglenn Chief Building Official.

(5) Outdoor Dining

Outdoor dining areas within 150 feet of a residential use or residential zoning district shall not be open between the hours of 10:00 p.m. and 7:00 a.m. This standard shall not apply to residential uses within a mixed-use zoning district.

(6) Outdoor Sales and Display

Except for establishments engaged in the sale or rental of vehicles or equipment, temporary yard sales, and activities with a temporary use permit, outdoor display of merchandise for sale and material for customer pick-up shall be subject to the following standards:

- (A) Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, or required landscape areas;
- (B) Display/sales areas shall not obstruct the usable width of a pedestrian way to less than three feet, nor obstruct pedestrian access to any building entry;
- (C) Display/sales areas shall occur only on an improved surface such as paved area;
- (D) Display/sales areas abutting a residential zoning district at a side or rear property line shall be screened from view with an opaque wall or fence a minimum of six feet and no more than eight feet in height extending along such rear or side property line; and
- (E) Outdoor sales and display areas may only include those goods and services normally sold or provided by the business.
- (F) VENDING MACHINES, SERVICE KIOSKS, AND ONLINE RETAIL STORAGE LOCKERS MUST BE DIRECTLY ADJACENT TO A BUILDING, CANNOT EXCEED 25% OF THE LINEAR DISTANCE OF THE STORE FRONT, NOT TO EXCEED A TOTAL OF 50 FEET PER BUSINESS.

(7) Outdoor Storage, Accessory

(A) Generally

Outside storage shall be limited to goods or materials sold or used on the premises as part of the primary use of the property.

(B) Location of Outdoor Storage

- (i) Outside storage shall be located in the rear yard or interior side yard of the lot.
- (ii) Goods or materials shall not be stored in areas intended for vehicular or pedestrian circulation.

(C) Fencing and Screening

Outdoor storage of goods or materials not for sale shall not be visible from the ground from any direction along the property and shall be subject to the screening standards in Subsection 11-4-7(l), *Screening, Fences, and Walls*.

(D) Mobile Homes, Trailers, and Recreational Vehicles

- (i) A mobile home shall not be located on a lot or parcel without a current and valid building permit, permanent foundation, hook-up facilities, permanent piers, blocks, or foundations.
- (ii) Travel trailers, motor homes, or recreational vehicles shall not be used or made suitable for use or occupancy for longer than 14 days in a calendar year.
- (iii) All boats, trailers, motor homes, travel trailers, recreational vehicles, and buses shall be kept in reasonable repair and operable and neatly arranged in a parked condition.

(8) Sale of Produce and Plants Raised on Premises

(A) Allowed Sales

Sales shall be limited to the retail sale of agricultural products produced on the lot, including the sale of products made from such products by the producer (for example, fresh produce, jams and jellies, and juices).

Table 4-6-A: Minimum Off-Street Parking

sq. ft. = square feet gfa = gross floor area

Use Type	Minimum Parking Requirement
School, Vocational or Trade	1 space per 350 sq. ft.
Healthcare Facilities	
Hospital	1 space per 3 patient beds design capacity
Medical or Dental Clinic	1 space per 250 sq. ft.
Commercial Uses	
Agricultural and Animal Uses	
Agriculture, General	None
Agriculture, Urban	
Community Garden	
Kennel, Commercial	1 space per 1,000 sq. ft.
Stable, Commercial	1 space per 2,000 sq. ft.
Veterinary Hospital or Clinic	1 space per 500 sq. ft.
Recreation and Entertainment	
Indoor Recreation Facility	Bowling or similar uses: 2 spaces per lane
	Skating Rink or similar uses: 1 space per 1,000 sq. ft.
	Theaters, Auditoriums, Stadiums, Gymnasiums, or similar uses: 1 space per 6 seats in assembly areas
	Other Uses: 1 space per 1,000 sq. ft.
	Golf Course: 8 spaces per hole
Outdoor Recreation Facility	Miniature Golf Course: 4 spaces per hole
	Other Uses: 1 space per 250 sq. ft. building area; plus 1 space per 10,000 sq. ft. site area
Food and Beverage Services	
Bar, Tavern, or Lounge	Indoor Seating Area: 1 space per 150 sq. ft.;
	Outdoor Seating Area: 1 space per 350 sq. ft.
Catering Establishment	1 space per 1,000 sq. ft. production area; plus 1 space per 200 sq. ft. indoor seating/tasting area; plus 350 sq. ft. outdoor seating/tasting area
Microbrewery, Distillery, or Winery	Indoor Seating Area: 1 space per 150 sq. ft.;
	Outdoor Seating Area: If outdoor seating area is less than 20 percent of the size of the indoor seating area, then no additional parking is required. If outdoor seating area is greater than 20 percent of the indoor seating area, OR IF NO INDOOR SEATING AREA IS PROVIDED , then additional parking required
Restaurant	is 1 space per 350 sq. ft.;
	If such use does not have indoor or outdoor seating areas, then the minimum parking required shall be 1 space per 200 sq. ft.
Office, Business, and Professional Services	
Administrative, Professional, and Government Office	1 space per 300 sq. ft.

- (2) A landscape plan may be combined with other required application materials if compliance with Section 11-4-7 can be demonstrated in the combined materials.
- (3) For phased projects, the applicant may, at their discretion, submit a partial landscape plan for site development associated with the initial phase of the project provided that development on subsequent phases shall require additional landscape plans demonstrating compliance with this section prior to issuance of a building permit. Each landscape plan associated with a phased development shall demonstrate compliance with this section.

(d) Required Site Area Landscaping

Except for areas with native vegetation cover, any part of a site not used for buildings, parking, driveways, walkways, utilities, approved storage areas, or other site improvements, **SUBJECT TO THE IMPERVIOUS COVERAGE MAXIMUM FOR THE ZONE DISTRICT AND FURTHER DESCRIBED IN SECTION 11-2-19(G), BUILDING AND IMPERVIOUS COVERAGE**, shall be landscaped with appropriate materials pursuant to Subsection 11-4-7(e), below.

(e) Landscaping Materials

(1) Appropriate Landscaping Materials

Required landscaped areas pursuant to Subsection 11-4-7(d), above, may include the following landscaping materials:

- (A) Trees, shrubs, and ornamental grasses provided the species complies with the City's approved plant list;
- (B) Live ground cover;
- (C) Turf grass, pursuant to Subsection 11-4-7(f), *Water Conservation*;
- (D) Rock or mulch provided that the combination of such materials do not comprise more than 50 percent of the required landscaped area;
- (E) Artificial ground cover, provided such ground cover is pervious;
- (F) Required stormwater detention areas meeting the standards of this UDO may be used to satisfy the landscaping requirements of this section; and
- (G) In the Mixed-Use and Commercial districts, public amenity areas such as courtyards, plazas, and pedestrian amenities may be counted toward the landscaped area requirements at the discretion of the Director provided such improvements comply with applicable maximum impervious coverage requirements.

(2) Type and Amount of Plant Material

- (A) Trees and other plant material shall be provided according to Table 4-7-A.
- (B) Trees and other plant materials shall comply with the City's approved plant list.
- (C) Existing landscape may be used to satisfy the landscaping requirements, except that preservation of existing trees shall comply with Subsection 11-4-7(j), *Tree Preservation*.
- (D) Artificial trees, shrubs, or plants shall not be used to satisfy any of the requirements of this section.
- (E) Where fractional number results, the number of trees shall be rounded up to the next whole number.

Table 4-7-A: Type and Amount of Plant Material Required

	Minimum Amount of Trees, Shrubs, and Grasses	Minimum Size of Trees, Shrubs, and Grasses at Planting
Residential districts	One tree and 10 shrubs or ornamental grasses for every lot for single-family and duplex (applies to front yard only – not rear and side yards); one tree and five shrubs or ornamental grasses per 800 square feet of landscaped REQUIRED PVIOUS COVERAGE area for all other uses	Deciduous: 1 1/2 inch caliper measured six inches above the base of the tree Coniferous: six feet in height
Mixed-use and commercial districts	One tree and 10 shrubs per 500 square feet of landscaped REQUIRED PVIOUS COVERAGE area; one ornamental street tree per 40 linear feet of street frontage	Shrubs: five-gallon size Ornamental grasses: 18 inch spread at mature growth
Other nonresidential districts, except for AG and OS districts	One tree per 500 square feet of landscaped REQUIRED PVIOUS COVERAGE area; one street tree per 50 linear feet of street frontage	

(f) Water Conservation

- (1) The City recognizes the importance of water conservation and the protection of the City's water resources. The City encourages the use of low-water planting materials, xeriscape designs, and other landscape techniques used to limit the amount of water use.
- (2) To the maximum extent practicable, the total amount of high-water use landscaping, pursuant to the City's specifications, shall not exceed 50 percent of the required landscaped area and the total amount of high-water use turf grass shall not exceed more than 30 percent of the required landscaped area.

(g) Vision Triangle Requirements

All landscaping, buffering, and screening shall comply with the vision triangle requirements pursuant to Subsection 11-2-19(d).

(h) Low-Impact Development Practices

To the maximum extent practicable, the LID options in Section 11-4-4(e), *Low-Impact Development Practices*, shall be considered in coordination with the standards in Section 11-4-7.

(i) Parking Area Landscaping

- (1) **Exemptions**
Expansions, enlargements, and redevelopment that result in less than a 25 percent increase in the number of required parking stalls shall not be required to comply with this Subsection 11-4-7(i), *Parking Area Landscaping*.
- (2) **Perimeter Landscaped Buffer**
 - (A) A minimum five-foot wide landscaped perimeter buffer shall be provided between any parking area and a property line or public right-of-way.
 - (B) Perimeter buffers shall be landscaped pursuant to Table 4-7-A.
 - (C) Parking areas adjacent to residential zoning districts shall comply with Subsection 11-4-6(h)(2)(B), *Design of Parking Areas within or Adjacent to Residential Districts*.
- (3) **Interior Landscaped Islands**
Any parking area containing 12 or more parking spaces shall provide interior landscaping as follows:

(I) Screening, Fences, and Walls

(1) Screening Standards

(A) SCREENING REQUIRED BETWEEN RESIDENTIAL AND NONRESIDENTIAL LAND USES

- (I) ALL NEW DEVELOPMENT AND REDEVELOPMENT SHALL PROVIDE SUFFICIENT SCREENING SO THAT ADJACENT PROPERTIES ARE SHIELDED FROM NEGATIVE IMPACTS.**
 - A. THE DEVELOPER OF AN UNDEVELOPED PROPERTY ADJACENT TO AN EXISTING DEVELOPMENT SHALL BE RESPONSIBLE FOR PROVIDING REQUIRED SCREENING.**
 - B. NONRESIDENTIAL PROPERTY OWNERS ARE RESPONSIBLE FOR MAINTENANCE OF REQUIRED SCREENING IF ADJACENT TO RESIDENTIAL LAND USES.**
 - C. NONRESIDENTIAL USES IN MIXED USE DISTRICTS ARE NOT REQUIRED TO PROVIDE SCREENING TO ADJACENT RESIDENTIAL USES WITHIN A MIXED USE DISTRICT.**
- (II) SCREENING SHALL BE NO LESS THAN SIX FEET HIGH AND SHALL BE EITHER A PRIVACY FENCE, A LANDSCAPING SCREEN, OR A COMBINATION OF BOTH.**

(B) Screening of Mechanical Equipment

- (i)** Building support equipment, including air conditioning and heating devices, but not including plumbing or exhaust vents, chimneys, or gas and water meters, shall be screened from view from abutting streets or properties.
- (ii)** Roof-mounted equipment shall be screened by architectural features such as a parapet wall or similar feature that is integral to the building's design. Such equipment and screening shall be of a sufficient height to screen from public streets or adjacent properties to the maximum extent practicable, and shall be subject to the measurements and exceptions in Table 2-19-C.
- (iii)** Ground-mounted equipment shall be located where it is not visible from public streets or adjacent properties to the maximum extent practicable. In cases where ground-mounted equipment is visible from public open space, trails, streets, or from adjacent properties, such equipment shall be screened by a solid fence, wall, or vegetative screen pursuant to the following:
 - a.** Screening shall be a minimum height equal or greater than the height of the mechanical equipment being screened; and
 - b.** Screening shall be compatible with the architecture and landscape of the development.
- (iv)** Equipment required by utility providers shall comply with the standards of this subsection to the maximum extent practicable.
- (v)** Screening of solar energy equipment is not required if determined by the Director that such screening would reduce the effectiveness of the solar energy equipment.
- (vi)** Single-family detached dwellings and agricultural structures are exempt from the requirement to screen mechanical equipment.

(C) Screening of Loading Areas

- (i)** Outdoor loading and service areas shall be integrated into the primary building design.
- (ii)** To the maximum extent practicable, loading and service areas shall be screened from view at ground level, pursuant to the following:
 - a.** Screening shall be a sufficient height to fully screen the loading or service activities;
 - b.** Screening shall incorporate the primary materials and colors of the primary building for which the loading area serves.
 - c.** The Director may allow alternatives to these standards for loading berths where strict compliance would be impractical due to the number of loading berths, the location of the loading and services areas on the site, or other unusual site conditions.

(D) Screening of Refuse Areas

- (i) To the maximum extent practicable, refuse areas shall be integrated into the primary building design.
- (ii) Refuse areas shall not be visible at ground level from adjacent residentially zoned properties or residential uses.
- (iii) To the maximum extent practicable, refuse areas shall be located where they are not visible from public streets or adjacent mixed-use or nonresidential districts.
- (iv) Refuse areas shall be screened from view by a solid wall or fence pursuant to the following:
 - a. Screening shall be a minimum height of six feet, but shall be of a sufficient height to fully screen the refuse area;
 - b. Screening shall fully enclose refuse areas on four sides with a gate provided for access; and
 - c. Screening shall incorporate the primary materials and colors of the primary building for which the loading or refuse area serves.

(E) Screening of Outdoor Storage Areas

Outdoor storage areas that are adjacent to a residential zoning district or residential use, including a mixed-use building with residential, shall be screened from view by a solid wall or fence, or vegetative screening pursuant to the following:

- (i) Screening shall be a minimum height of six feet but in no case shall exceed eight feet in height;
- (ii) Outdoor storage shall not exceed the height of the screening;
- (iii) Screening shall incorporate the primary materials and colors of the principal building associated with the outdoor storage; and
- (iv) A buffer with a minimum width of five feet shall be provided from the outdoor storage use to the property line adjacent to the residential zoning district or use. Such buffer shall be landscaped pursuant to Table 4-7-A.

(2) Fence Standards

(A) Location and Design

Fences other than those used for screening in paragraphs (1)(A) through (1)(E) above shall comply with the following:

(i) Front Yard Fences

- a. Fences located in a front yard shall not be allowed in the CG or CA districts.
- b. Fences located in the front yard shall not exceed 42 inches in height, except for fences in the IN or PF districts, which shall not exceed eight feet in height, **AND FENCES ASSOCIATED WITH MULTIFAMILY RESIDENTIAL USES WHICH SHALL NOT EXCEED SIX FEET IN HEIGHT.**
- c. Except in the IN and PF districts, fences located in the front yard shall be a minimum of 50 percent transparent, as measured perpendicular to the fence for each fence section between supports.

(ii) Side and Rear Yard Fences

Fences located in the side or rear yard shall not be more than eight feet in height.

(iii) Exemptions

The height limitations of this subsection do not apply to any fence enclosing a tennis court, swimming pool, playing field, park, recreation facility, electric substation, gas regulator station, sand and gravel excavation, or noise barrier fences approved by the Director.

(iv) Vision Triangle

Fences shall comply with the vision triangle requirements in Subsection 11-2-19(d).

(V) FRAMING SIDE OF WOOD FENCE

THE EXPOSED FRAMING OF A WOOD FENCE SHALL FACE THE INTERIOR YARD WHEN THE FENCE ABUTS A PUBLIC RIGHT-OF-WAY

(VI) PICKET FENCES

PICKET FENCES LESS THAN FIVE FEET IN HEIGHT SHALL HAVE THE TOP OF THE PICKETS SAWED OR ROUNDED TO A BLUNT END.

(B) Fence Materials

(i) Fencing material shall be compatible with the overall design of the principal building and site landscape. Acceptable materials include, but are not exclusive of:

- a. Natural stone;
- b. Brick;
- c. Stucco;
- d. Wood;
- e. Plastic and vinyl if manufactured for the purposes of fencing;
- f. Decorative concrete block;
- g. Metal, such as wrought iron;
- h. Chain link, except for along frontages facing the right-of-way of an arterial; and/or
- i. Other materials deemed appropriate by the Director.

(ii) The following fencing materials are prohibited:

- a. Chicken wire along a property perimeter, except those used for internal runs and personal gardens;
- b. Chain link on frontages facing the right-of-way of an arterial;
- c. Plywood;
- d. Corrugated metal;
- e. Barbed wire, unless approved by the Director; and
- f. Electrically-charged fence, except for in the AG district.

(C) Noise Barrier Fencing Along State Highways

Where a proposed residential development is adjacent to a State Highway, the Director shall have the authority to evaluate and approve noise barriers installed as part of a Colorado Department of Transportation requirement.

(D) Fencing and Screening Along Arterial Streets

- (i) For any existing development or dwelling, any new or replacement fence or screen along a rear or side property line abutting an arterial street shall be no less than six feet high and shall be a privacy fence, a landscaped screen, or a combination of both.
- (ii) When a new fence is constructed along an arterial property line adjacent to and along an existing fence, the existing fence including posts shall be removed.
- (iii) Openings in screens or gates in fences for vehicular access are prohibited except where an arterial is the only access to the property.

(E) Revocable License for Fencing and Screening on Public Right-of-Way

Property owners installing or causing to be installed a fence or screen within public right-of-way shall require a revocable license from the City. An application for a revocable license shall be submitted on forms furnished by the City and shall be evaluated and either approved or denied. An approved revocable license shall be filed in the Office of the Adams County Clerk and Recorder. Such license shall place full responsibility

11-4-8 Site and Building Design

(a) Purpose

The purpose of this Section 11-4-8 is to promote high-quality site and building design. The standards are intended to:

- (1) Protect and enhance the character and quality of development;
- (2) Ensure compatibility between residential and mixed-use and nonresidential areas;
- (3) Mitigate any potential negative impacts created by the scale, bulk, and mass of buildings;
- (4) Encourage a pedestrian-friendly environment; and
- (5) Protect and enhance property values and encourage further investment.

(b) Applicability

(1) New Development

Unless otherwise exempted below, or elsewhere in this UDO, the standards in Section 11-4-8 shall apply to all new development and land uses.

(2) Expansions and Enlargements

Unless otherwise exempted below, or elsewhere in this UDO, the standards in Section 11-4-8 shall apply to the following expansions and enlargements:

(A) The entire site and buildings and/or dwelling units shall comply with this Section 11-4-8 when:

- (i) The number of multifamily dwelling units on a property is increased by 15 percent or more in a mixed-use district or 25 percent or more in all other districts; or
- (ii) The square footage of a nonresidential or mixed-use building is expanded or enlarged by 25 percent or more in a mixed-use district or 50 percent or more in all other districts; or
- (iii) Improvements are made to the building façade that would impact more than 50 percent of any building façade facing a public right-of-way.

(B) The portion of the building and/or site being expanded and/or improved shall comply with this Section 11-4-8 when:

- (i) The number of dwelling units on a property is increased by 10 percent or 10 dwelling units, whichever is less; or
- (ii) The square footage of a nonresidential or mixed-use building is expanded or enlarged by more than 10 percent.

(C) EXPANSION OF A SINGLE-FAMILY, DUPLEX, OR MANUFACTURED HOME DWELLING SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 11-4-8(D)(1)(C)(IV).

(3) Cumulative Expansions and Enlargements

Applications to expand buildings or structures after the effective date of this UDO shall remain on record with the City. Any subsequent application to expand buildings or structures on the same property shall be cumulative to any prior application. The total square footage of expansions and enlargements shall be used by the Director to determine the applicability of the standards in this Section.

(4) Exemptions

The standards in Section 11-4-8 shall not apply to the following:

(A) Properties in the AG district; OR

~~**(B) Expansion of a single-family, duplex, or manufactured home dwelling meeting the dimensional standards for the underlying zoning district except that such uses shall comply with the standards in Subsection 11-4-7(I), Screening, Fences, and Walls; or**~~

(C) Conversion of a residential structure to a nonresidential use if no site improvements are required.

(c) Administration

(1) Site Plan Review Process

- (A) Review for compliance with these standards shall occur at the time of site plan review. Where site plan review is not required, review for compliance with these standards shall occur prior to issuance of a building permit.
- (B) Interpretations as to the applicability or design requirements contained within this Section 11-4-8 shall be the responsibility of the Director. Appeals of the Director's interpretations shall be heard according to the procedure in 11-6-7(d), *Appeal*.

(2) Alternative Equivalent Compliance**(A) Purpose and Scope**

To encourage creative and unique design, "alternative equivalent compliance" allows approval of development that meets the intent of this Section 11-4-8, yet through an alternative design that does not strictly adhere to the standard of this Section 11-4-8. This is not a waiver of the standards. Rather, this authorizes a site-specific plan that is equal to or better than the strict application of the standard.

(B) Applicability

The alternative equivalent compliance procedure is available only for the standards in Section 11-4-8, *Site and Building Design*.

(C) Alternative Equivalent Compliance Meeting Required

An applicant proposing alternative equivalent compliance shall request and attend an alternative equivalent compliance meeting prior to submitting application materials for the applicable permit(s), to determine the preliminary response from the Director. Based on the response, the application shall include sufficient explanation and justification, in both written and graphic form, for the requested alternative compliance. The Director may require that the applicant provide additional drawings and/or material samples to consider the need for the proposed alternative.

(D) Decision-Making Responsibility

Final approval of any proposed alternative compliance shall be the responsibility of the decision-making body responsible for deciding upon the application. Administratively approved projects proposing alternative compliance shall receive written approval of the alternative compliance from the Director.

(E) Criteria

Alternative equivalent compliance may be approved if the applicant demonstrates that the following criteria have been met by the proposed alternative:

- (i) Achieves the intent of the subject standard(s) to the same or better degree than the subject standard(s);
- (ii) Advances the goals and policies of this UDO to the same or better degree than the subject standard(s);
- (iii) Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard(s); and
- (iv) Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this UDO.

(F) Effect of Approval

Alternative equivalent compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

(d) Residential Site and Building Design Standards

(1) Single-Family Detached Dwellings**(A) Building Variety**

For new subdivisions, the following building variety standards shall apply:

(i) All New Subdivisions

No two buildings with the same front elevation shall be constructed side by side or directly across the street from one another.

(ii) Three Dwelling Units or Fewer

Each building shall have a distinct front elevation.

(iii) Three to 10 Dwelling Units

Three different buildings with distinct front elevations shall be required.

(iv) More than 10 Dwelling Units

Five different buildings with distinct front elevations are required, and no more than 30 percent of the units constructed shall have the same front elevation.

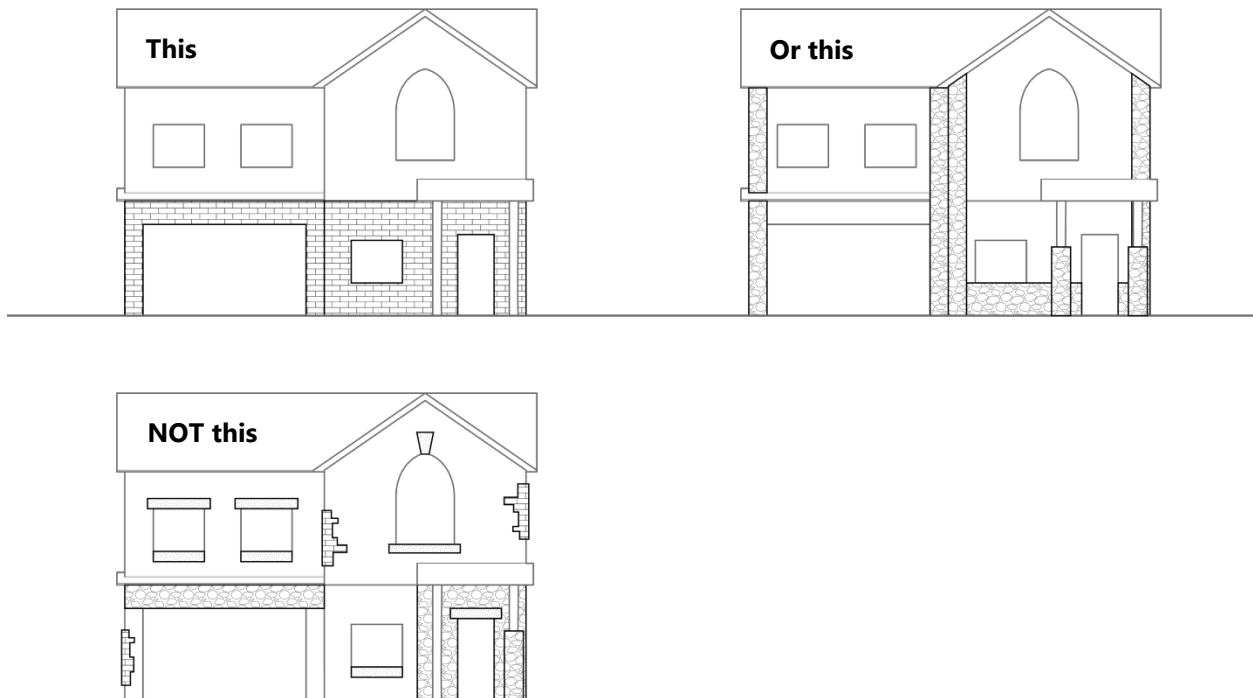
(B) Building Mass

Exterior walls shall be broken by recessed entryways, bay windows, use of more than one exterior finish material, use of architectural details, or such other technique or combinations of techniques to prevent the appearance of featureless walls.

(C) Exterior Finish Materials

- (i) Brick, stone, or other masonry materials shall be used on an area of at least 30 percent of the façade fronting the public right-of-way. Such materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials. (See Figure 4.B.)

Figure 4.B: Consistent Visual Design



- (ii) The use of shipping containers or CONEX boxes shall be prohibited in residential zoning districts.

- (iii) Except for properties in the AG district, accessory structures are subject to the following:

- a. All accessory structures requiring a building permit shall be architecturally compatible with its associated principal structure or screened from view of abutting properties and public rights-of-way.

- b. For properties with residential land uses or within a residential zoning district, facades of accessory structures that are facing a public right-of-way and where the principal structure is brick, stone, or other masonry materials, shall use the same materials on an area of at least 30 percent of the accessory structure façade fronting the public right-of-way. This requirement shall not apply to accessory structures that are located entirely behind the principal structure with no portion of the accessory structure extending beyond the side building line of the principal structure.

(IV) BUILDING ADDITIONS TO EXISTING DWELLINGS ARE SUBJECT TO THE FOLLOWING:

- A. ALL ADDITIONS SHALL BE ARCHITECTURALLY COMPATIBLE WITH ITS ASSOCIATED PRINCIPAL STRUCTURE OR SCREENED FROM VIEW OF ABUTTING PROPERTIES AND PUBLIC RIGHTS-OF-WAY.
- B. FACADES OF ADDITIONS THAT ARE FACING A PUBLIC RIGHT-OF-WAY AND WHERE THE PRINCIPAL STRUCTURE IS BRICK, STONE, OR OTHER MASONRY MATERIALS, SHALL USE THE SAME MATERIALS ON AN AREA OF AT LEAST 30 PERCENT OF THE FAÇADE FRONTING THE PUBLIC RIGHT-OF-WAY. THIS REQUIREMENT SHALL NOT APPLY TO ADDITIONS THAT ARE LOCATED ENTIRELY BEHIND THE PRINCIPAL STRUCTURE WITH NO PORTION OF THE ADDITION EXTENDING BEYOND THE SIDE BUILDING LINE OF THE PRINCIPAL STRUCTURE.

(2) Single-Family Attached and Duplex Dwellings

(A) Building Mass

The building mass standards for single-family detached dwellings shall also apply to single-family attached buildings. Additionally, there shall be no more than eight units in a row.

(B) Entry and Orientation

The front door of each individual dwelling unit shall face a public street. Units may be allowed to face a central courtyard, garden, or common area only with Director approval and provided that the dwelling units closest to the public street have a primary entrance to the public street.

(C) Façade Design

- (i) No more than 60 percent of the units in any single-family attached building with five or more units shall have the same exterior facade.
- (ii) Duplexes shall be designed to appear as a single-family detached dwelling to the maximum extent practicable.

(D) Exterior Finish Materials

The exterior finish materials requirements for single-family detached dwellings shall also apply to single-family attached and duplex dwellings.

(3) Multifamily Dwellings

(A) Purpose

The design of multifamily development is important to reduce the visual impacts of multifamily dwellings and to promote a more pedestrian-friendly environment in Northglenn neighborhoods. More specifically, these standards are intended to:

- (i) Provide multifamily development that avoids featureless design, large masses, and repetition of facades;
- (ii) Promote multifamily development that is compatible or improves the characteristics of surrounding development; and
- (iii) Improve the quality of life for Northglenn residents of multifamily dwellings.

(B) Building Placement and Orientation

(i) Generally

- a. The siting of a building shall reflect the natural topography and preserve existing trees and landscaping material pursuant to Section 11-4-7, Landscaping, Screening, and Fencing.
- b. To the maximum extent practicable, buildings shall be sited parallel to public rights-of-way.

(ii) Multi-Building Developments

For developments with three or more buildings:

- a. Buildings shall be arranged using one or more of the following techniques:
 1. Organize units around a central courtyard that maintains a consistent side yard setback between units along the street frontage;
 2. Locate the buildings on the corner of an adjacent street intersection or entry point to the development to frame the corner;
 3. Provide common gathering spaces between buildings; and/or
 4. Other site improvements as approved by the Director.
- b. To the maximum extent practicable, buildings shall avoid side-by-side, end-to-end, or "barracks" style building orientation.

(C) Building Entrances

- (i) The primary building entrance shall face a public or private street or shall face a common open space, interior courtyard, park, or on-site natural feature with clearly defined and accessible pedestrian circulation.
- (ii) For multi-building developments, at least one building shall be oriented with an entrance facing the primary street or the street providing main access to the site.
- (iii) For buildings on corners, the primary building entrance may be oriented toward the corner for emphasis.
- (iv) Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Director. For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.
- (v) All ground-floor pedestrian entrances shall be covered or inset.

(D) Building Mass

Buildings shall not extend more than 50 continuous feet without incorporating ~~at least two of the following elements~~ **AT LEAST TWO OF THE FOLLOWING FIVE ELEMENTS (ITEMS I-V BELOW)** for each 50-foot segment:

- (i) Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows;
- (ii) Changes in materials, colors, patterns, or textures;
- (iii) Changes in roof form pursuant to Subsection 11-4-8(d)(3)(G);
- (iv) Windows, doors, and openings pursuant to minimum transparency requirements in Subsection 11-4-8(d)(3)(H); and/or
- (v) Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

(E) Exterior Finish Materials

- (i) All exposed surfaces of principal buildings shall use a variety of durable materials, including:
 - a. Brick, stone, or other masonry;
 - b. Stucco;
 - c. Split-face block;
 - d. Composite siding;
 - e. Steel or rust-resistant architectural metal;
 - f. Treated rot-resistant or paint-grade wood; or
 - g. Comparable materials as approved by the Director.

- (ii) Brick, stone, or other masonry materials shall be used on a minimum of 30 percent of all exterior walls. Such materials shall be applied across the façade using a consistent visual design, and not an inconsistent or fragmented application of materials. (See Figure 4.B.)
- (iii) All accessory structures requiring a building permit shall be architecturally compatible with its associated principal structure or screened from view of abutting properties and public rights-of-way. Facades of accessory structures that are facing a public right-of-way and where the principal structure is brick, stone, or other masonry materials, shall use the same materials on an area of at least 30 percent of the accessory structure façade fronting the public right-of-way.
- (iv) The following materials are prohibited as exterior cladding or roofing materials:
 - a. Aluminum siding or cladding, except as accent materials;
 - b. Galvanized steel or other bright metal, except as accent materials;
 - c. Plastic or vinyl siding;
 - d. Unfinished concrete masonry units or concrete wall;
 - e. Shipping containers or CONEX boxes;
 - f. Exposed aggregate; and
 - g. Reflective glass.

(F) Comprehensive Design

Building elevations that face a public street or right-of-way, or other public area such as open space or common areas, shall be finished with similar levels of architectural details, materials, and façade treatments. Blank wall void of architectural details or other variations are prohibited.

(G) Roof Form

Building shall be designed to avoid any continuous roofline longer than 60 feet. Rooflines longer than 60 feet shall include at least one vertical elevation change of at least two feet in height. Sloped rooflines shall provide variation in overhangs and architectural elements to provide visual relief.

(H) Transparency (Windows, Doors, and Openings)

- (I) At least 25 percent of the ground-floor wall area, as measured from floor plate to floor plate, of any façade facing a public street or other public area such as a plaza, park, or open space shall contain windows, other transparent materials, or doorways. Such windows, transparent materials, or doorways shall be unobstructed and allow views into common areas, foyers, lobbies, ~~working areas~~, pedestrian entrances, hallways, and display areas, but may be translucent or opaque for individual dwelling units **OR WORKING AREAS**.
- (ii) At least 20 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.
- (iii) Windows and other materials intended to meet the minimum transparency requirements shall not be reflective.
- (iv) Reductions to these minimum standards may be approved by the Director if required to comply with local energy codes.

(I) Playgrounds

One playground tot-lot, including commercial-grade play apparatus and seating for parents, shall be provided for every 40 dwelling units. In developments of more than 40 units, one multi-purpose hard surface court shall be provided for each 100 dwelling units. Alternative amenities may be allowed by the Director.

(J) Stairways

Stairways shall not be located outside of the building envelope.

(e) Mixed-Use and Nonresidential Site and Building Design

(1) Purpose

The design of mixed-use and nonresidential development is important to:

- (A) Promote high-quality building design and enhance the visual interest and character of development;
- (B) Ensure compatibility between residential and nonresidential development;
- (C) Ensure building scale, orientation, and design relates to surrounding uses and streets, and creates a cohesive visual identity and an attractive and pedestrian-friendly streetscape; and
- (D) Ensure safe and efficient access between buildings and parking areas.

(2) Building Orientation for Large and/or Multi-Building Developments

Developments with more than 100,000 square feet shall be organized to create pedestrian-friendly spaces and streetscapes. This shall be accomplished by using the buildings to frame and emphasize at least one of the following:

- (A) The corners of street intersections or entries into the development site;
- (B) A "main street" pedestrian or vehicle access corridor within the development site; and/or
- (C) A plaza, pocket park, square, or other outdoor gathering space for pedestrians; and/or
- (D) Other site improvements as approved by the Director.

(3) Building Entrances

- (A) The primary building entrance shall face the primary street or the street providing main access to the site. In cases where the primary building entrance does not face the primary street, the entrance shall be connected to the primary street and adjacent parking areas with sidewalks.
- (B) For multi-building developments, at least one building shall be oriented with an entrance facing the primary street or the street providing main access to the site.
- (C) For buildings on corners, an additional entrance shall be provided on the side street frontage, or the primary entrance shall be oriented toward the corner.
- (D) Primary building entrances shall be defined and articulated with architectural elements such as pediments, columns, porticos, porches, overhangs, or other elements approved by the Director.
- (E) For buildings with multiple tenant entries, each entrance shall be defined and articulated with architectural elements.
- (F) All ground-floor pedestrian entrances shall be covered or inset.
- (G) The Director may consider alternatives to these building entrance standards where strict compliance is impractical due to site conditions, provided the alternative:
 - (i) Achieves the overall intent of the standard to the same degree or higher;
 - (ii) Results in benefits to the community that are the same degree or higher; and
 - (iii) Imposes no greater impacts on adjacent properties than would otherwise occur through strict compliance with this section.

(4) Building Mass

(A) Mixed-Use Districts

Buildings shall not extend more than 40 continuous feet without incorporating at least four of the ~~elements in paragraph 3~~ FIVE MASSING REDUCTION ELEMENTS IN SUBSECTIONS (C)(I-V) below for each 40-foot segment.

(B) All Other Nonresidential

Buildings shall not extend more than 50 continuous feet without incorporating at least three of the ~~elements in paragraph 3~~ FIVE MASSING REDUCTION ELEMENTS IN SUBSECTIONS (C)(I-V) below for each 50-foot segment.

(C) Massing Reduction Elements

- (i) Projections, recessions, or reveals such as columns, pilasters, cornices, and bays, and having a change of wall plane that is a minimum depth of two feet and has the effect of casting shadows;
- (ii) Changes in materials, colors, patterns, or textures;
- (iii) Changes in roof form pursuant to Subsection 11-4-8(e)(7);
- (iv) Windows, doors, and openings pursuant to minimum transparency requirements in Subsection 11-4-8(e)(8); and/or
- (v) Alcoves, porticoes, awnings, and other architectural features to provide visual interest and relief.

(5) Exterior Finish Materials

(A) All exposed surfaces of principal buildings shall use a variety of durable materials, including:

- (i) Brick, stone, or other masonry;
- (ii) Stucco;
- (iii) Split-face block;
- (iv) Composite siding;
- (v) Steel or rust-resistant architectural metal;
- (vi) Treated rot-resistant or paint-grade wood; or
- (vii) Comparable materials as approved by the Director.

(B) Except for properties in the IN or PF districts, all accessory structures requiring a building permit shall be architecturally compatible with its associated principal structure or screened from view of abutting properties and public rights-of-way.

(C) The following materials are prohibited as exterior cladding or roofing materials:

- (i) Aluminum siding or cladding;
- (ii) Plastic or vinyl siding;
- (iii) Unfinished concrete masonry units or concrete wall;
- (iv) Shipping containers or CONEX boxes unless approved by the Director, and provided the proposed use of such materials is only for an accessory structure in an industrial or public facilities zoning districts, or in other nonresidential zoning districts if it is integrated with other materials so as to not appear as a CONEX box and is not used for storage;
- (v) Exposed aggregate; and
- (vi) Reflective glass.

(6) Comprehensive Design

Building elevations that face a public street or right-of-way, or other public area such as open space or common areas, shall be finished with similar levels of architectural details, materials, and façade treatments. Blank wall void of architectural details or other variations are prohibited.

(7) Roof Form**(A) Mixed-Use Districts**

Buildings shall be designed to avoid any continuous roofline longer than 60 feet. Rooflines longer than 60 feet shall include at least one vertical elevation change of at least two feet in height. Sloped rooflines shall provide variation in overhangs and architectural elements to provide visual relief.

(B) All Other Nonresidential

Buildings shall be designed to avoid any continuous roofline longer than 80 feet. Rooflines longer than 80 feet shall include at least one vertical elevation change of at least two feet in height. Sloped rooflines shall provide variation in overhangs and architectural elements to provide visual relief.

(8) Transparency (Windows, Doors, and Openings)**(A) Generally**

- (i) For live-work dwellings and residential uses, ground-floor windows, transparent materials, or doorways shall be unobstructed and allow views into common areas, foyers, lobbies, ~~working areas~~, pedestrian entrances, hallways, and display areas, but may be translucent or opaque for individual dwelling units. ~~OR WORKING AREAS. FAUX ARCHITECTURAL WINDOWS OR EQUIVALENT MAY BE APPROVED BY THE DIRECTOR UPON CONSIDERATION OF A REQUEST FOR ALTERNATIVE EQUIVALENT COMPLIANCE OUTLINED IN SECTION 11-4-8(C)(2).~~
- (ii) Windows and other materials intended to meet the minimum transparency requirements shall not be reflective.
- (iii) Reductions to these minimum standards may be approved by the Director if required to comply with local energy codes.

(B) Mixed-Use Districts

- (i) At least 50 percent of the ground-floor wall area between three and eight feet above grade of any building façade facing a public street or other public area such as a plaza, park, or open space, ~~AND ANY BUILDING FAÇADE WITH THE PRIMARY ENTRANCE~~ shall contain windows, other transparent materials, or doorways.
- (ii) At least 25 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.

(C) ~~All Other Nonresidential~~ COMMERCIAL DISTRICTS

- (i) At least 40 percent of the ground-floor wall area between three and eight feet above grade of any building façade facing a public street or other public area such as a plaza, park, or open space, ~~AND ANY BUILDING FAÇADE WITH THE PRIMARY ENTRANCE~~ shall contain windows, other transparent materials, or doorways. ~~Such windows, transparent materials, or doorways shall be unobstructed and allow views into working areas or lobbies, pedestrian entrances, and display areas.~~
- (ii) At least 20 percent of each upper-floor wall area, as measured from floor plate to floor plate, of all building façades shall contain windows or other transparent materials.

(D) ALL OTHER NONRESIDENTIAL

- (I) ~~AT LEAST 20 PERCENT OF THE WALL AREA OF ANY BUILDING FAÇADE FACING A PUBLIC STREET OR OTHER PUBLIC AREA SUCH AS A PLAZA, PARK, OR OPEN SPACE SHALL CONTAIN WINDOWS, OTHER TRANSPARENT MATERIALS, OR DOORWAYS.~~

shall not exceed 500 NIT (Candelas per square meter) between dusk and dawn as measured by the equivalent "Percentage of Maximum Brightness-Nighttime" setting on the applicant's sign controlling software. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT rating. City officials shall have the right to view the technical specifications of the sign to determine compliance.

(g) Temporary Nonresidential Signs

(1) Temporary Nonresidential Signs

- (A) There shall be no more than four permitted temporary signs allowed per parcel at one time.
- (B) Placement of such signs shall not exceed 120 days per business in a calendar year. Permits shall be issued with a minimum of 15 consecutive days and a maximum of 60 consecutive days used in a time block. The following exceptions apply:
- (i) **Signs on Projects While Under Construction**
Signs may be displayed for the duration of the construction project or completion of transaction, and shall be removed upon completion of the project.
 - (ii) **Election Season Signs**
Signs may be displayed 60 days prior to the election and must be removed within five days of the election.
 - (iii) **Weekend Signs**
Signs may be displayed from noon on Friday until noon the following Monday.
- (C) Temporary signs shall not be illuminated.
- (D) Temporary signs are subject to the following:
- (i) Sign(s) shall be set back a minimum of 10 feet from the edge of curb. In no case shall a sign be placed in the right-of-way or obstructing and vision triangle as outlined in Section 11-2-19(d);
 - (ii) Sign(s) may not be located to interfere with pedestrian, bicycle or vehicle traffic; and
 - (iii) Sign(s) must be anchored to the ground or weighted sufficiently to prevent movement by wind.
- (E) Temporary signs are subject to the regulations as depicted in Table 4-10-D:

Table 4-10-D: Temporary Nonresidential Sign Requirements

Sign Type	Max Area per Sign Face	Max Sign Height	Number Permitted	Permit Required?
Wall Banner	36 sq. ft.	N/A	2	Yes
Pole Banner/Wind Blade	36 sq. ft.	15 feet	4	Yes
Freestanding Banner	36 sq. ft.	8 feet	2	Yes
Portable/A-frame/Sandwich Board	8 sq. ft.	8 feet	2	Yes
Sign Spinner	12 sq. ft.	6 feet	2	Yes
Signs on Projects While Under Construction	96 sq. ft.	10 feet	1 ^[1]	Yes
ELECTION SEASON SIGNS - FREESTANDING	3 SQ. FT.	8 FEET	3	NO
Election Season Signs – WALL BANNER	3 sq. ft. 18 sq. ft.	8 feet N/A	3 2	No
Weekend Signs	6 sq. ft.	8 feet	No limit	No

NOTE:

[1] One sign for each subcontractor, real estate affiliate, or development partner associated with the project.

(2) Vehicle Signs

- (A) Vehicles that are parked or stored for more than 96 hours with a vehicle mounted sign more than two square feet must acquire a temporary sign permit and shall comply with the following:

(i) Temporary Residential Signs

(1) Single-Family Temporary Signs

- (A) Temporary signs do not require a permit; however are subject to the provisions outlined below:
- (i) There shall be a maximum of one wall, window, or freestanding sign;
 - (ii) Sign shall not exceed six square feet in area; and
 - (iii) Sign can be in place for up to 90 days or the duration of the event.
- (B) Election season signs do not require a permit; however are subject to the provisions outlined below:
- (i) Election season signs are allowed during election season on a residential parcel in a number equal to the number of ballot issues and ballot candidates; and
 - (II) Such signs shall not exceed three square feet per face, ~~in addition to the height and setback restrictions.~~ **EXCEED SIX FEET IN HEIGHT, OR OBSTRUCT ANY VISION TRIANGLE AS OUTLINED IN 11-2-19(D).**

(2) Multifamily Temporary Signs

Temporary signs for multifamily residential are subject to the provisions of temporary non-residential signs found in Table 5, as well as the following:

(A) Generally

- (i) There shall be no more than four permitted temporary signs allowed at one time;
- (ii) Placement of such signs shall not exceed 120 days in a calendar year. Permits shall be issued with a minimum of 15 consecutive days and a maximum of up to 60 consecutive days used in a time block;
- (iii) Sign(s) shall be set back a minimum of 10 feet from the edge of curb. In no case shall a sign be placed in the right-of-way or obstructing any vision triangle as outlined in Section 11-2-19(d);
- (iv) Sign(s) may not be located to interfere with pedestrian, bicycle or vehicle traffic;
- (v) Sign(s) shall not be illuminated; and
- (vi) Sign(s) must be anchored to the ground or weighted sufficiently to prevent movement by wind.

(B) Dwelling Unit Signs

Individual dwelling unit signs do not require a permit and are subject to the following provisions:

- (i) There shall be a maximum of one sign per dwelling unit;
- (ii) Sign shall be limited to wall, window or balcony type placement;
- (iii) Sign shall not exceed two square feet per sign face; and
- (iv) Sign may be indirectly illuminated.

(j) Comprehensive Sign Plans

(1) Purpose

This Article is established for the consideration of sign proposals that may require additional flexibility for use in larger scale developments, developments that have unique configurations, or projects that demonstrate unique circumstances. The intent of this provision is to generate continuity and cohesiveness between proposals for various signs associated with development projects and to strike a balance between signage needs and general aesthetics.

(2) Applicability

The owner of any property, or the owners of multiple contiguous properties, may submit an application for a CSP for any residential or nonresidential use. CSPs are subject to the following:

- (A) Signage which is proposed as part of a CSP may deviate from the standards and requirements of this section including, but not limited to, the following and subject to compliance with the CSP standards set forth in this Article:
- (i) Types and numbers of signs allowed;
 - (ii) Maximum sign area;

Table 6.A: Summary of Development Review Procedures

KEY: R= Review and Recommendation D= Review and Decision A= Appeal ✓= required

Procedure		Section	Pre-Application Meeting	Review and Decision-Making Bodies			
				Staff	Board of Adjustment	Planning Commission	City Council ^[1]
Ordinance Amendments							
Rezoning		11-6-4(a)	✓	R		R	D
Rezoning to Planned Development (PD) District		11-6-4(b)	✓	R		R	D
PD District Amendment	Minor	11-6-4(b)(3)(F)(v)a	✓	R-D		D-A	A
	Major	11-6-4(b)(3)(F)(v)b	✓	R		R	D
UDO Text Amendment		11-6-4(c)	Not required	R		R	D
Development Permits							
Site Plan Review	Minor	11-6-5(a)(4)	✓	D		A	
	Major	11-6-5(a)(3)	✓	R		D	A
Special Use Permit		11-6-5(b)	✓	R		D	A
Temporary Use Permit		11-6-5(c)	Optional	D		A	
Change of Use Permit		11-6-5(d)	Optional	D		A	
Oil and Gas Permit ^[2]		11-3-6(e)	✓	R		R	D
Comprehensive Sign Plan		11-4-10(j)	Optional	R		D	A
Wireless Service Facility		11-3-3(g)(3)	Optional	D		A	
Subdivision Procedures							
Minor Subdivision		11-6-6(a)	✓	D		A	
Preliminary Plat		11-6-6(b)	✓	R		R	D
Final Plat	Not requiring infrastructure improvements or SIA	11-6-6(c)(3)	✓	D		A	
	Requiring infrastructure improvements and/or SIA	11-6-6(c)(4)	✓	R		R	D
Vacation of ROW or Easements		11-6-6(d)	✓	R			D
Flexibility and Relief Procedures							
Variance		11-6-7(a)	✓	R	D		A
Administrative Adjustment		11-6-7(b)	Decision-maker is same as associated application				
Vested Rights		11-6-7(c)	Pursuant to the associated site-specific development plan				
Appeal		11-6-7(d)	Pursuant to this table				
UDO Interpretation		11-6-7(e)	Not required	D	A		

NOTES:

[1] Any application involving public infrastructure and/or a development agreement or subdivision improvement agreement requires approval by the City Council.

[2] Procedures summarized represent permit process for new oil and gas operations, not existing wells.

11-6-7 Flexibility and Relief Procedures

(a) Variance

(1) Purpose

The variance procedure is intended to provide limited relief from the requirements of this UDO for property where strict application of the UDO would result in peculiar and exceptional practical difficulty or undue hardship that prevents the use of the land in a manner otherwise allowed by this UDO. The variance procedure is not intended to allow a use in a zoning district where it is not permitted by this UDO, or to mitigate inconveniences or financial burdens that this UDO may impose on landowners.

(2) Applicability

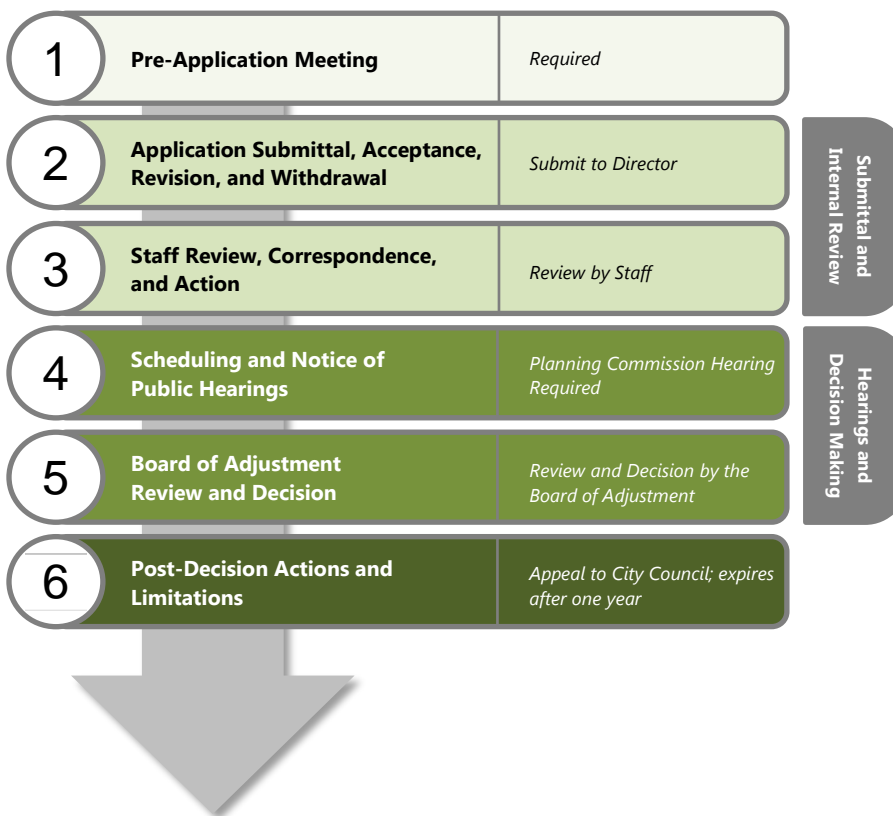
(A) Any property owner or business owner seeking relief from this UDO may request a variance when the strict application of the UDO would result in an undue hardship and meet the approval criteria listed in subsection (3)(E).

(B) Variance applications may be initiated concurrently with other development applications when relief is sought by the applicant.

(3) Variance Procedure

Figure 6.O identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

Figure 6.O: Summary of Variance Procedure



(A) Pre-Application Meeting

A pre-application meeting shall be held in accordance with Subsection 11-6-3(b).

(B) Application Submittal, Acceptance, Revisions, and Withdrawal

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.

(C) Staff Review, Correspondence, and Action

The Director shall review the variance application and prepare a staff report and recommendation in accordance with Subsection 11-6-3(d).

(D) Scheduling and Notice of Public Hearings

The variance application shall be scheduled for a public hearing before the Board of Adjustment, and noticed in accordance with Subsection 11-6-3(e).

(E) Board of Adjustment Review and Action**(i) Hearing, Review, and Decision**

- a. The Board of Adjustment shall hold a public hearing on the application in accordance with Subsection 11-6-3(g), *Public Hearing Procedures*.
- b. The Board of Adjustment shall consider the application, relevant support materials, staff report, and any public comments made at the public hearing (if required), and shall approve, approve with conditions, or deny the variance based on the criteria below. The Board may also remand the application back to the Director for further consideration.
- c. The Board of Adjustment's decision shall be based only on the record of the public hearing and shall be reduced to writing, include findings of fact based on competent, material, and substantial evidence presented at the hearing, reflect the determination of contested facts, and state how the findings support compliance with applicable review standards.
- d. The Board of Adjustment shall clearly state the factors considered in making its decision, as well as the basis or rationale for the decision.

(ii) Variance Approval Criteria

- a. In reviewing a variance application, the Board of Adjustment shall find that all of the following exist:
 1. The variance is necessary due to unique physical conditions such as size, irregularity, narrowness or shallowness of a lot, location, surroundings, topography, or other peculiar conditions on the subject property;
 2. The strict application of the UDO standards for which a variance is sought would produce undue hardship;
 3. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
 4. Such hardship was not created by the applicant or any previous owner of the property;
 5. The variance is the minimum variance that will afford relief of the subject standards of the UDO;
 6. The variance will not be of substantial detriment to adjacent property or the character of the district; and
 7. The variance is based on demonstrated exceptional hardship not related to purposes of convenience or financial burden.
- b. A variance may also be granted by the Board of Adjustment where strict application of the UDO would prevent achieving a public purpose. A public purpose may include protection of public safety; provision of public facilities including roadways, walkways, trails, water and sewer utilities, and storm drainage facilities; provision of public or private landscaping and open space; and

accommodation of beneficial economic development projects. No such variance shall be authorized by the Board of Adjustment unless it finds that:

1. The strict application of the UDO would prevent achieving a clearly defined public purpose;
2. The authorization of such variance will not be of substantial detriment to adjacent property; and
3. The character of the zoning district will not be changed by the granting of the variance.

(iii) Post-Decision Actions and Limitations

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

(iv) Notice of Decision

Within three business days following any decision by the Board of Adjustment, the Director shall provide written notification of such decision to the applicant.

(v) Expiration of Variance

If the property owner has not commenced development or obtained the required permits to carry out the approved variance within one year of the variance approval, the variance shall automatically expire.

(vi) Non-Transferable

An approved variance shall apply only to the property or structure described in the approval and shall not be transferable to any other property or structure.

(vii) Appeal to ~~City Council~~ DISTRICT COURT

The decision on a variance may be appealed to the ~~City Council~~ DISTRICT COURT in accordance with ~~Subsection 11-6-7(d), Appeal~~ COLORADO LAW.

(b) Administrative Adjustment

(1) Purpose

This section describes the review and approval procedures for administrative adjustments, which are minor modifications or deviations from the dimensional or numeric standards of this UDO that may be permitted by the Director. Administrative adjustments are intended to allow for greater flexibility to make slight adjustments without requiring a formal zoning amendment or variance. The administrative adjustment procedure is not intended to serve as a waiver of current standards of the UDO or to circumvent the variance procedure.

(2) Applicability

(A) The administrative adjustment procedure shall apply to the standards and limitations established in Table 6.C, Allowable Administrative Adjustments.

(B) The administrative adjustment procedure shall not apply to any proposed modification that results in:

- (i)** An increase in the overall project density;
- (ii)** A change in permitted uses or mix of uses;
- (iii)** A deviation from the use-specific standards in Section 11-3-3, *Use-Specific Standards*;
- (iv)** A deviation from sensitive area protection standards in Section 11-4-2, *Sensitive Area Protection*;
- (v)** A deviation from floodplain regulations in Section 11-4-3, *Regulations to Minimize Flood Losses*;
- (vi)** A change to a development standard already modified through a separate administrative adjustment or variance; or
- (vii)** Requirements for public roadways, utilities, or other public infrastructure or facilities.

Table 6.C: Allowable Administrative Adjustments

UDO Standard	Allowable Administrative Adjustment (maximum percentage)
Site Standards	
Lot area, minimum	15
Lot coverage, maximum	15
Block length, maximum	10
Percentage open space required, minimum	10
Lot Dimensional Standards	
Front setback, minimum	10
Side setback, minimum	10
Rear setback, minimum	10
Encroachment into setback, maximum	10
Building Standards	
Building height, maximum	10
Accessory building STRUCTURE height, maximum	10
Separation between buildings, minimum	10
Development Standards	
Number of required parking spaces, maximum or minimum	15
Number of required bicycle parking spaces, minimum	5
Lighting height, maximum	10
Sign height, maximum	10
Fence or wall height, maximum	1 foot maximum
Minimum landscape requirements	10

(3) Administrative Adjustment Procedure

This subsection identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of administrative adjustments. Additions or modifications to the common review procedures are noted below.

(A) Pre-Application Meeting

An optional pre-application meeting may be held in accordance with Subsection 11-6-3(b) at the applicant's discretion.

(B) Application Submittal, Acceptance, Revision, and Withdrawal

- (i) The administrative adjustment application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c). The application shall include all required information as indicated in the Administrative Manual, and any additional information requested by the Director.
- (ii) An application for an administrative adjustment shall only be submitted and reviewed concurrently with an application for a special use permit, temporary use permit, change of use permit, site plan approval (minor or major), or plat approval (preliminary or final).

(C) Staff Review, Correspondence, and Action**(i) Review and Decision**

- a. Where the concurrently reviewed application is subject to review and approval by the Planning Commission and/or City Council, the Planning Commission and/or City Council shall review and decide the administrative adjustment application based on the criteria below.
- b. The Director shall review all other administrative adjustment applications and shall approve, approve with conditions, or deny the adjustment request based on the criteria below.

(D) Scheduling and Notice of Public Hearings

If required, the applicable site-specific development plan application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Subsection 11-6-3(e). Hearings on vested rights may occur concurrently with the applicable site-specific development plan.

(E) Planning Commission and/or City Council Review and Decision**(i) Planning Commission Review, Recommendation, and/or Decision**

If required for a site-specific development plan pursuant to the specific application type, the Planning Commission shall review the site-specific development plan application and make a recommendation and or decision in accordance with Subsection 11-6-3(f). If the Planning Commission is the deciding authority, the Planning Commission shall make one of the decisions according to the procedures for that site-specific development plan. The vested rights approved with any site-specific development plan shall be three years unless an extended duration is approved pursuant to state law.

(ii) City Council Review and Decision

If required for a site-specific development plan pursuant to the specific application type, the City Council shall review the site-specific development application and make a decision in accordance with Subsection 11-6-3(f). The City Council shall make one of the decisions according to the procedures for that site-specific development plan. The vested rights approved with any site-specific development plan shall be three years unless an extended duration is approved pursuant to state law.

(F) Post-Decision Actions and Limitations

Post-decision actions and limitations in Subsection 11-6-3(h) shall apply, with the following modifications:

- (i)** Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions or requirements of the City pertaining to the development and use of the property adopted prior to the approval of a site-specific development plan.
- (ii)** Prior to approval of a site-specific development plan, the City may impose conditions on such approval. Failure to abide by any terms or conditions imposed by the City on the approval of any site-specific development plan shall constitute a forfeiture of any vested right created by the plan, unless otherwise expressly agreed to by the City in writing.
- (iii)** A site-specific development plan submitted by a landowner and approved by the City as provided in this section shall supersede any prior vested property rights for that property, and the landowner waives any right to claim a vested property right by a site-specific development plan previously approved by the City or any other local government for the property.
- (iv)** It shall be the applicant's responsibility to comply with the publication requirements of C.R.S. § 24-68-103(1)(c) following approval of a site-specific development plan by the City. The applicant shall provide a copy of said notice to the City within 10 days of publication.

(d) Appeal**(1) Purpose**

The purpose of this section is to establish remedies whereby persons claiming to having been aggrieved by a decision of the Director, administrative official, Board, Commission, or Council, in administering this UDO may appeal that decision.

(2) Applicability

Any person may appeal any decision of any administrative officer or agency made in the administration or enforcement of this UDO. Appeals shall be made to the appropriate body as indicated in Table 6.A, Summary Table of Development Review Procedures, with the following additions and/or exceptions:

(A) Appeals of Decisions made by Boards/Commissions other than Planning Commission

Appeals of decisions by boards and commissions except for the Planning Commission shall be made to the Board of Adjustment, except that appeals of comprehensive plan amendments shall be made to the City Council.

(B) Appeals of Director Decisions

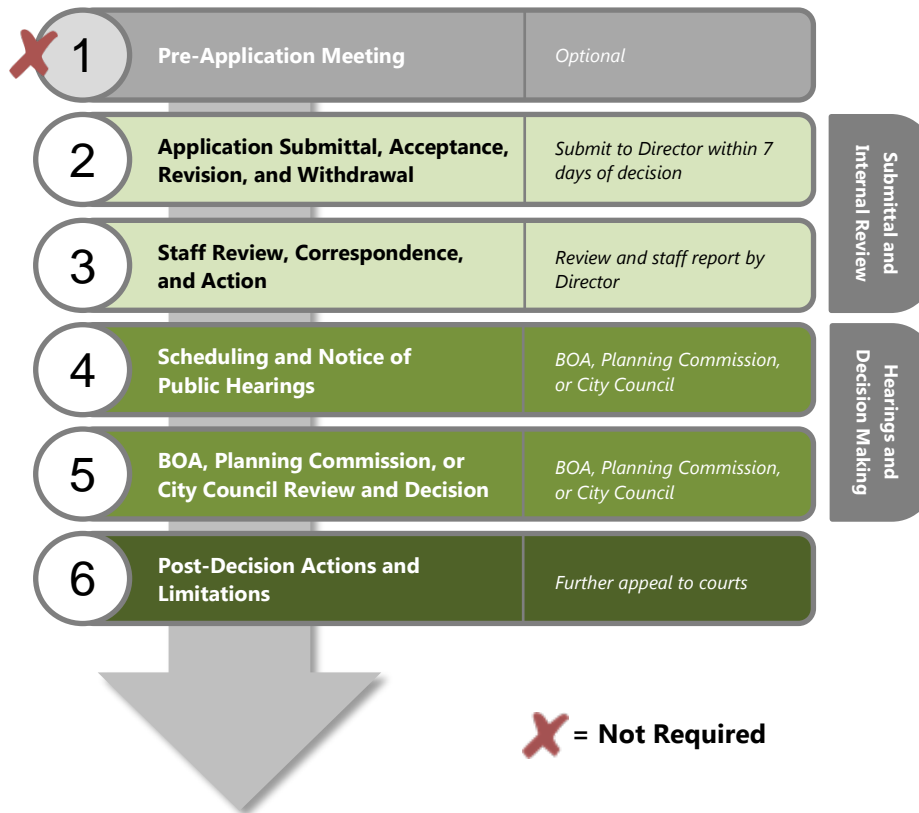
Appeals of administrative decisions made by the Director shall be appealed to the Planning Commission, except that appeals of UDO interpretations shall be appealed to the Board of Adjustment.

(C) Appeals of City Council and Board of Adjustment Decisions

Appeals of decisions by the City Council and Board of Adjustment shall be made to the District Court in accordance with Colorado law, ~~except that appeals of variance decisions shall be made to the City Council.~~

(3) Procedure

Figure 6.Q identifies the applicable steps from the common review procedures in Section 11-6-3 that apply to the review of appeals. Additions or modifications to the common review procedures are noted below.

Figure 6.Q: Summary of Appeal Procedure**(A) Pre-Application Meeting**

An optional pre-application meeting may be held in accordance with Subsection 11-6-3(b) at the applicant's discretion.

(B) Application Submittal, Acceptance, Revisions, and Withdrawal

An appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Subsection 11-6-3(c), with the following modifications:

(i) Burden of Proof on Appellant

The appellant has the burden of proving the necessary facts to warrant approval of an appeal by the appropriate decision-making body. Such proof shall be provided at time of application.

(ii) Time limit

Appeals shall be made in writing and filed with the Director within seven days of the action or decision being appealed.

(e) Public and Semi-Public Utility Uses

Uses including all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar public services at a local level. Specific use types include:

Public Utility, Major

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to: electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, and sewage lift stations, regional stormwater drainage facilities, and water and sewer treatment facilities. Major public utilities are of a size and scale found only in scattered sites throughout the City.

Public Utility, Minor

A facility used for the collection and distribution of public utilities, including without limitation water, sewer, storm drainage, electric, and gas service, by a regulated utility or a public or quasi-public entity, of a size and scale commonly found in all areas of the city. This use includes accessory ~~buildings~~ STRUCTURES and storage facilities for public service providers but does not include wireless telecommunications facilities or water storage facilities.

Water Storage Facility

A tower or other facility for the storage of water for supply to a water system.

Wireless Service Facility

See Section 11-3-3(g)(3)(B).

(f) Accessory Uses

A use that is incidental and subordinate to the primary use of the lot, building, or another structure on the same lot. Specific use types include:

Accessory Dwelling Unit

A subordinate dwelling unit added to, created within, or detached from a single-family residence, that contains a dwelling that is subordinate to a primary single-family detached dwelling and that provides basic requirements for living, sleeping, cooking, and sanitation. A mobile home or HUD-Code manufactured home shall not be considered an accessory dwelling unit.

Accessory ~~Building~~ STRUCTURE

A detached subordinate STRUCTURE OR building located on the same lot as the primary STRUCTURE OR building, the use of which is incidental to the primary STRUCTURE, building or use of the lot. A detached garage and a detached carport are included as accessory ~~buildings~~ STRUCTURES.

Caretaker Dwelling Unit

An accessory dwelling on a nonresidential property occupied by a caretaker, security guard, or other person charged with oversight or protection of the primary use.

Drive-Through Facility

Any building or structure used to provide or dispense products or services, through an attendant, a window or an automated machine, to persons remaining in vehicles in a designated stacking lane. A drive-through facility may be in combination with other uses, such as banks, credit unions, loan associations, automated teller machines (ATM's), dry cleaners, drug stores, pharmacies, restaurants, or similar uses. This definition excludes auto wash, automotive repair facility, or automotive fuel sales.

Home Occupation

An occupation or profession which is conducted within a dwelling or on the premises where a dwelling is located, and is clearly incidental and secondary to the use of the dwelling for dwelling purposes.

Outdoor Storage, Accessory

The incidental keeping of goods, materials, equipment, or personal property of any nature that are not kept in a structure having at least four walls and a roof. Automotive sales and leasing display and parking shall not be defined as outside storage. **DONATION RECEIVING AREAS AND ASSOCIATED EQUIPMENT ARE INCLUDED AS ACCESSORY OUTSIDE STORAGE.**

Outdoor Sales and Display

The outdoor sale and display area of retail goods, produce, handcrafts, and the like conducted on the same lot or parcel as the primary business with which such activities are associated. This use does not include mobile food vending. **VENDING MACHINES, SERVICE KIOSKS, AND ONLINE RETAIL STORAGE LOCKERS ARE INCLUDED AS OUTSIDE SALES AND DISPLAY.**

Sale of Produce and Plants Raised on Premises

The incidental on-site sale of feed, grain, fruits, flowers, vegetables, ornamental plants, or similar goods.

(g) Temporary Uses

Temporary uses are uses that occur for a specified time period only. Such uses shall not include the frequent occurrence of an activity at short intervals or events repeated on a regular basis, such as every weekend or every other weekend.

Construction Support Activity

A temporary construction yard, building, or structure located on the same lot as the construction site it serves until the given construction work is completed. This use does not include concrete or asphalt batching plants.

Farmer's Market or Open Air Market

The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, baked goods, crafts, and art, clothing and other goods, occurring in a pre-designated area, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

Mobile Food Vending

A vehicle, typically a van, truck, or towed trailer, from which food and/or beverages are sold.

Seasonal Sales

The temporary sale of goods or products associated with the season or a cultural event, such as the sale of Christmas trees, pumpkins, or seasonal produce. Such sales typically take place in locations not devoted to such sales for the remainder of the year.

Special Event

A temporary use on public or private property that extends beyond the normal uses and standards allowed by the Northglenn Unified Development Ordinance. "Special events" include, but are not limited to, fundraising activities, educational, historic, religious and patriotic displays or exhibits, circuses, carnivals, grand openings, amusements, outdoor concerts, festivals, revivals, street fairs, arts and crafts fairs, and other organized events. These activities may include the use of tents, semi-trailers and other vehicles, temporary stands or kiosks, food service, entertainment, performers, or displays.

11-7-3 Definitions related to Oil and Gas Regulations

- (1) All terms used in Section 11-3-6 that are defined in the Oil and Gas Conservation Act of the State of Colorado ("Act"), or in Oil and Gas Conservation Commission ("COGCC") regulations and are not otherwise defined in the regulations in this UDO, are defined as provided in the Act or in such regulations as of the effective date of this UDO.
- (2) All other words used in Section 11-3-6 are given their usual, customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in said oil and gas industry. When not clearly otherwise indicated by the context, the following words and phrases used in Section 11-3-6 have the meanings as described below.

Physical Map Revisions (PMR)

FEMA's action whereby one or more map panels are physically revised and republished. A PMR is used to change flood risk zones, floodplain, and/or floodway delineations, flood elevations, and/or planimetric features.

Recreational Vehicle

A vehicle that is:

- (A) Built on a single chassis;
- (B) 400 square feet or less when measured at the largest horizontal projection;
- (C) Designed to be self-propelled or permanently towable by a light duty truck; and
- (D) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Special Flood Hazard Area

The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, i.e., the 100-year floodplain.

Start of Construction

Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory ~~buildings~~ **STRUCTURES**, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure

A walled and roofed building or manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement

Any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- (A) Before the improvement or repair is started; or
- (B) If the structure has been damaged and is being restored, before the damage occurred.

This term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are necessary to assure a safe living condition. Nor shall this term include any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places, provided that the alteration will not preclude the structure's continued designation of a "historic structure".

Threshold Planning Quantity (TPQ)

A quantity designated for each chemical on the list of extreme hazardous substances that triggers notification by facilities to the state that such facilities are subject to emergency planning requirements.

Violation

The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence

11-7-6 Other Terms Defined

A

Acreage, Gross

The total area contained within any defined set of boundaries.

Acreage, Net

Gross acreage less the area contained within dedicated public rights-of-way.

Administrative Adjustment

A development approval authorizing limited deviations from certain provisions of this UDO's dimensional or numerical development standards that is reviewed pursuant to Section 11-6-7(b).

Administrative Manual

A manual containing details regarding the development review process, information for potential applicants, and development review forms.

Alley

A street or way, other than a footpath, within a block set apart for public use, vehicular travel, and local convenience, primarily for the purpose of secondary vehicular access to the rear or side of lots.

Apartment

A room or suite of rooms used for living and sleeping purposes, including separate kitchen and bathroom facilities.

Appeal

A request for review of an administrative official's or decision-making body's interpretation or decision made under this UDO. For floodplain regulations in Section 11-4-3, "appeal" shall be defined pursuant to Section 11-7-4.

Applicant

A person who submits a development application requesting a development permit or approval authorized by this UDO. For Oil and Gas Regulations in Section 11-3-6, "applicant" shall be defined pursuant to Section 11-7-3.

Arterial Street

A street for the primary purpose of carrying through traffic but also for the secondary purpose of access to abutting lots. An arterial street is also a through street.

B

Basement

That portion of a building between the floor and ceiling which is partly above and partly below grade but so located that the vertical distance from grade to the floor below is more than the vertical distance from grade to the ceiling.

Building

Any permanent structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, or property of any kind, having an enclosed space and a permanent roof supported by columns or walls.

Building, Accessory

~~A detached subordinate building, the use of which is customarily incidental to that of the primary building use or to the primary use of the land, and which is located on the same lot as the primary building or use.~~

Building Code

The adopted Building Code of the City of Northglenn pursuant to the Northglenn Municipal Code.

Building Coverage

All areas under roof or projections from buildings on a lot.

- (1) An individual, or two or more persons related by blood, marriage, or adoption, excluding domestic servants, plus an additional two persons per dwelling unit, used as a single housekeeping unit.
- (2) A group of unrelated persons not to exceed two persons per bedroom plus an additional two persons per dwelling unit used as a single housekeeping unit.

Fence

A free-standing structure resting on or partially buried in the ground and rising above ground level used for confinement, screening, partition purposes, or enclosures.

Fence, Privacy

A continuous, solid fence used to prevent view across the fence line.

Floor Area

For residences, the floor area is the total number of square feet of floor space contained within the exterior walls of the structure, not including space in the basements, carports, or garages. For commercial buildings, the floor area is the total floor area of all stories of the building including garages, but excluding basements.

Flowline

The transition point between the gutter and the face of the curb. For a cross or valley pan, the flowline shall be the center of the plan. For Oil and Gas Regulations in Section 11-3-6, "flowline" shall be defined pursuant to Section 11-7-3.

Frontage

The length of the property line of any parcel along each street or other right-of-way that it borders and/or faces.

Full Cutoff Fixture

A light fixture that prevents distribution of light above a horizontal plane through the lowest point of the bulb or lens, diffuser, reflective passing enclosure, or other parts intended to distribute light.

G

Reserved

H**Hard Surfaced**

Hard surfaced shall mean surfaced with asphalt, concrete, paving stone or surfaces as approved by the City Manager or his designees; provided however that asphalt shall not be used as a surface for single-family residential driveways or parking surfaces.

I**IMPERVIOUS COVERAGE**

ANY SURFACE ON A LOT THAT CANNOT EFFECTIVELY ABSORB OR INFILTRATE RAINFALL AS SPECIFIED IN SECTION 11-2-19(G)(2).

Improvements Agreement Guarantee

Any security which may be accepted by the City in lieu of a requirement that certain improvements be made by the subdivider before the plat is approved, including performance bonds, escrow agreements, and other similar collateral or surety agreements.

Intersection

The area embraced within the prolongation of the lateral curb lines or the lateral boundary lines of two or more streets which join one another at an angle whether or not one such street crosses the other. If a street includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. If such intersecting street also includes two roadways 30 feet or more apart, then each crossing of two roadways of such streets shall be regarded as a separate intersection.

Nonconforming Structure

A legally-established building or structure that does not comply with the area, height, or placement regulations of this UDO.

Nonconforming Use

A use that legally existed before adoption of this UDO, but does not comply with the terms of this UDO.

O

Off-Street Parking Space

The space required to park one passenger vehicle which space shall be not less than two hundred (200) square feet in area, exclusive of access drives.

P

Parking Area

An area, other than a street or alley, designed or used primarily for the temporary parking of vehicles.

PERVIOUS COVERAGE

ANY SURFACE ON A LOT NOT DEFINED AS IMPERVIOUS COVERAGE.

Planned Development

A development designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts of this UDO. Planned Developments are designed to provide additional amenities or benefits to the City in return for flexibility in the design, layout, and dimensions of the development.

Plat

A map delineating the subdivision of land, commonly showing lots, blocks, streets, and other features relevant to the development of land pursuant to this UDO.

Porch

A covered or uncovered structure projecting from any wall of a principal building and supported by piers, posts, or columns and typically unenclosed and open to the elements.

Primary Use

The primary purpose for which a lot or the main building on a lot is designed, arranged, or intended to be used.

Property Owner

The owner or titleholder of any fee, leasehold, or possessory interest in property subject to the requirements of this UDO, and shall include any agent, representative, person, or entity authorized to act on the owner's behalf.

Public Hearing

A formal meeting held under public notice, intended to inform and obtain public input.

PUBLIC RIGHT-OF-WAY

THAT PORTION OF LAND DEDICATED TO PUBLIC USE FOR STREET AND UTILITY PURPOSES.

Q

Quorum

The minimum number of board, commission, or council members that must be present at a meeting to conduct official business or take official actions.

R

Recreational Vehicle

See "Recreational Vehicle" in Section 11-7-4.

Redevelopment

Replacement of any existing primary building or expansion of any existing primary building in excess of 50 percent of the existing gross floor area or 10,000 square feet, whichever is less.

Reverse Frontage Lots

Lots which front on one public street and back on another. Also called "double frontage lots."

Rezoning

A change in the zoning district classification applied to land by the Zoning Map, reviewed and decided by the City Council under Section 11-6-4(a).

Rooming Unit

A room rented as sleeping and living quarters but without cooking facilities and with or without an individual bathroom. In a suite of rooms without cooking facilities, each room which provides sleeping accommodations shall be counted as one rooming unit for purposes of this Code.

S

Screen

A protective or ornamental device, fence, wall, hedge, or landscaping that shields an area from view or negative impacts.

Setback

The minimum distance that a building or structure must be located from a lot line, public right-of-way, or private street, as required by this UDO.

Site Plan

A plan drawn to scale showing uses and structures proposed for a lot.

Site Plan Approval

Approval procedures pursuant to Section 11-6-5(a).

Special Use Permit

A permit issued pursuant to Section 11-6-5(b) for uses designated in the Table of Allowed Uses (Table 3-2-A) as requiring special use permit approval.

Staff

Employees of the City of Northglenn.

Stoop

A small porch, typically with a small platform at the top of a staircase leading to the entry of a building.

Story

That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar, or unused underfloor space is more than six feet above grade as defined herein for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined herein at any point, such basement, cellar, or unused underfloor space shall be considered as a story.

Stop Work Order

An order issued by the Director that directs the person responsible for an activity in violation of this UDO to cease and desist such activity.

Street

A dedicated way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or otherwise designated.

Street, Front

A street on which the lots of a block or subdivision generally front. The Commission shall designate front streets.

Street Right-of-Way

~~That portion of land dedicated to public use for street and utility purposes.~~

Street, Side

A street intersecting a front street. The Commission shall designate side streets.

Street Improvements

Street grading, street surfacing and paving, curbs, gutters, and sidewalks.

Street Tree

Trees located in the public right-of-way between the edge of the street and the edge of private or common property, and trees located in street medians. Street trees can also be located on private property abutting the street right-of-way.

Structure

Anything constructed, erected, or placed with a more or less fixed location on the ground or attached or resting on something having a fixed location on the ground. For floodplain regulations in Section 11-4-3, "structure" shall be defined pursuant to Section 11-7-4.

Stub Street

A street or road extending from within a subdivision boundary and terminating there with no permanent vehicular turn around. Stub streets are provided to permit adjacent undeveloped parcels of land to be developed later with adjacent connecting street system.

Subdivider

Any person, partnership, joint venture, association, corporation, or legal representative capacity, or other legal entity or legal representative who shall participate in any manner in the dividing of land for the purpose, whether immediate or future, of sale or building development.

Subdivision

The division of a lot, tract, or parcel of land into two or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale or building development, whether residential, industrial, office, business, or other use. The term shall also include and refer to any division of land previously subdivided or platted but shall not include nor refer to a transaction or transactions which is or are exempt under the provisions of Section 11-6-6.

T

Temporary Use Permit

A permit issued pursuant to the provisions of Section 11-6-5(c) of this UDO.

Through Street

A street or portion of a street where vehicular traffic has the right-of-way and where vehicular traffic from intersecting streets by law must yield the right-of-way in obedience to either a stop sign or a yield sign.

U

Unimproved Street

Any street or portion of any street on which the street improvements have not been installed and constructed.

Use

The utilization of property as allowed by this UDO. Allowable uses for each zoning district are shown in Table 3-2-A: *Table of Allowed Uses*.

UDO Proposed Erratum Items, October 2019

Jaycee Park

Correction of Zoning Map Error in February 2019 – Correct Zone District is OS – Open Space

