

PLANNING AND DEVELOPMENT
DEPARTMENT MEMORANDUM 18-01

DATE: January 8, 2018

TO: Honorable Mayor Carol A. Dodge and City Council Members

FROM: James A. Hayes, AICP, City Manager **JH**
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COPY: Planning Commission Members

SUBJECT: Zoning Ordinance Revision – Part 2 Districts and Uses (Joint Planning Commission and City Council Meeting)

PURPOSE

The public draft of Part 2 (Districts and Uses) of the updates to the city's development regulations was recently completed and will be introduced jointly to the City Council and Planning Commission at this study session. The purpose of this discussion is to solicit comments by the City Council and Planning Commission on the draft.

BACKGROUND

There has not been a comprehensive update to the city's Zoning Ordinance or Subdivision Regulations since the original ordinances were adopted more than 40 years ago. Piece-meal amendments over time have made the code cumbersome, inconsistent, and overly complex. The City Council awarded a contract to Clarion Associates to initiate the second and final phase for rewriting the Zoning Ordinance (Chapter 11 of the Municipal Code) and Subdivision Regulations (Chapter 12 of the Municipal Code). The first phase provided a technical assessment of the development regulations that was used as basis for this second phase. The updated development regulations are being referred to as a Unified Development Ordinance (UDO), with the integration of zoning and subdivision regulations in a single document. The purpose of the UDO is to:

1. Create a more user-friendly ordinance;
2. Update zoning districts and land uses;
3. Improve the development standards; and
4. Streamline the development review procedures.

The UDO will be drafted in three parts. Part 1 (Attachment 4 - administration and procedures) was presented to the City Council and Planning Commission at the July 17, 2017 study session. Since that meeting, staff has been working with Clarion on the development of Part 2, including Zoning Districts (Article 2), Use Regulations (Article 3), and the addition of terms to the Definitions and Rules of Construction (Article 7). On November 9, 2017, Clarion and staff presented the public draft of Part 2 to the Task Force. Some of the initial Task Force feedback will be incorporated to the Council and Commission as part of this discussion. The final Part 3 (development standards) will be presented in spring 2018. Staff will collect public comments on all three parts, and Clarion will prepare a consolidated draft later in 2018 to solicit additional feedback.

Attachment 1 includes a brief summary of issues and discussion points from Part 2 where staff is seeking further input and direction. Any comments by the Council and Commission will be considered and incorporated into the consolidated draft.

Attachment 2 is the Public Draft of Part 2 for discussion purposes. This draft reflects internal staff comments, including those from the City Attorney. As this project progresses through the various upcoming drafts, provisions in those sections may lead to some further modification of earlier drafts (Parts 1 and 2). The consolidated draft will note substantive revisions made from the previous drafts.

UPDATE

N/A

BUDGET IMPLICATIONS

N/A

SCHEDULE/TIME IMPLICATIONS

N/A

NEXT STEPS

Tonight’s study session is intended to provide Clarion with an opportunity to present and introduce Part 2 of the UDO. A follow-up meeting with the City Council and Planning Commission can be scheduled to allow additional time for the Council and Commission to further review Part 2 if necessary.

Clarion will incorporate any modifications recommended as part of the the City Council/Planning Commission discussion and include those comments as part of the consolidated draft that will be presented in the future. Following presentation of Part 2 to the City Council and Planning Commission, Clarion will begin working on developing Part 3 (Development Standards). This part of the UDO will address development quality standards such as building design, landscaping, parking, lighting, and fencing.

Staff will continue to provide updates to the City Council concerning project progress and any upcoming special topic discussions and public meetings. The following is a description of remaining steps:

- Part 3 (Development Standards) – It is anticipated that Part 3 will be presented to the City Council and Planning Commission in April of 2018.
- There will be a minimum of two meetings with the public to present the proposed UDO and obtain feedback from the community on various topics. It is anticipated that these public meetings will take place following the presentation of Part 3 to the City Council and Planning Commission in late spring and early summer of 2018.
- The Consolidated Draft of the UDO, including all three parts, is anticipated to be presented to the City Council and Planning Commission by September of 2018.
- Final adoption of the UDO is anticipated to be presented in ordinance form in October/November of 2018.

STAFF RECOMMENDATION

N/A

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ATTACHMENTS

Attachment 1 Summary of Discussion Topics for Part 2

Attachment 2 Part 2 (Districts and Uses) Public Draft

Attachment 3 Presentation

Attachment 4 Part 1 (Administration and Procedures) Public Draft

Attachment 5 Task Force members

Summary of Discussion Topics for Part 2 (Districts and Uses)

Article 2: Zoning Districts

This article establishes standards for the various zoning districts in Northglenn. Based on historical development patterns as well as adding future flexibility, this draft proposes several updates to the current zoning districts:

- Renaming some of the zoning districts to more closely match the intent;
- Addition of “Purpose Statements” for each of the zoning district to establish a basis and goals for each district;
- Removing obsolete districts that have either never been used, or rarely been used;
- Consolidating zoning districts based on their intent, uses, and/or lot and building standards; and
- Establishing new zoning districts to accommodate mixed-use development.

The following is a summary of topic points in Article 2:

Residential Zoning Districts:

1. Rename District: The RS-1 district replaces the R-1-A district, which is larger lot single family detached. [Page 6]
2. Consolidate 2 Zoning Districts into 1: The RS-2 district is a combination of the R-1-B and R-1-C districts, which have very similar dimensional standards (such as lot sizes, setbacks, and height). This district represents the majority of neighborhoods in Northglenn. [Page 7]
3. Proposed New District: A new RS-3 district is proposed that would accommodate “small lot” single family detached housing, which is a growing market trend to address affordability and diversity of housing stock. This zoning district would likely be applied in areas that are currently undeveloped or redevelopment of assembled land and would add diversity to the housing stock. The minimum lot area for this district has been established at 3,500 square feet.
DISCUSSION: Should the city consider even smaller lots and setbacks (such as 2,500 square foot lots)? Many communities are seeing requests for very small lots (example: Mid Town in Adams County off Pecos). [Page 8]
4. Update Existing Multi-Family District: The RM-1 district is intended to be a zoning district that allows for an attached housing stock with limited small-scaled multifamily uses. This district is similar to the current R-3 district. [Page 9]
5. Update Existing Multi-Family District: The RM-2 district is similar to the current R-3A and R-4 districts in that they allow for a multifamily product, such as apartments and condominiums. [Page 10]

Mixed Use Zoning Districts:

1. New Mixed-Use Zoning Districts: The current zoning ordinance includes a mixed use district that has never been applied to the zoning map. The proposed UDO includes

three new mixed use districts to accommodate a mix of uses and promote walkability as part of a development or redevelopment.

- a. The MN district (Mixed-Use Neighborhood) is proposed to allow for a primarily residential district with a mix of small-scale commercial uses. This district could be applied in neighborhood activity nodes that might include small restaurants, coffee shops, or other similar uses mixed in with residential uses. [Page 12]
- b. The MC district (Mixed-Use Corridor) is intended in locations where active streetscapes are intended, with a mix of residential attached housing styles and lighter-intensity commercial uses. In both the MN and MC districts, both minimum and maximum front setbacks have been proposed that are intended to promote buildings closer to the street which activates a pedestrian environment. [Page 13]
- c. The MR district (Mixed-Use Regional) is intended to accommodate areas for larger-scaled mixed –use development that accommodates automobile access and circulation but provides adequate pedestrian-friendly development at the same time. The Marketplace might be an example of where this district might be appropriate. [Page 14]

DISCUSSION: Should unlimited height be considered in the MR district (as is the case in Northglenn’s current MU district)?

Commercial Zoning Districts:

1. Consolidate Commercial Districts: The commercial districts have been combined into two different districts: CG (Commercial General) and CA (Commercial Automotive). The CG will accommodate much of the retail/commercial property in the community, while the CA will accommodate more intense auto-oriented uses (such as auto dealerships and other automotive uses in the current C-5 district) with limited light-industrial type uses. [Pages 15-16]

Other Zoning Districts:

1. Consolidate Industrial Districts: The two current industrial zoning districts, I-1 and I-2 are proposed to be combined in a single IN (Industrial) district. [Page 17]
2. Proposed New Public Facility District: A new zoning district (PF district) is proposed to accommodate public facilities. This district is intended to accommodate public buildings and sites ranging from police and fire buildings to city maintenance facilities. [Page 18]
3. Rename PUD District: PUDs (Planned Unit Developments) have been re-named PD (Planned Development) to be more in-line with the actual use of the zoning district. Traditionally, PUDs were intended to address residential development, but in practice they can accommodate all land uses. [Page 21] The procedures for approving PUDs was included in Part 1 (administration and procedures)

Accessory Structure Setbacks:

1. Clean-Up & Simplify Language on Accessory Structure Setbacks: The recommendation presented in Section 2.19.3.D is to allow for a 5’ setback for all accessory structures over 200 square feet in area. Any accessory structure under 200 square feet in area would not be subject to the setback requirement. These structures commonly include sheds and other similar structures. The code currently requires a 5’ side setback for accessory structures in the R-1-B and R-1-C districts and a 10’ side setback in the R-1-A, with 0’ setbacks along rear property lines in all residential districts. The side setback

can be reduced to 0' if the structure is at least 5' from the rear of the building. The recommended modification would pull larger structures away from the property line, allowing a greater buffer between those structures and adjacent properties. [Page 26]

NOTE: With this proposed modification, a number of properties would have structures that would not comply with the accessory setbacks. The way the nonconformity provisions were proposed with Part 1 (administration and procedures), nonconforming structures (constructed prior to the adoption of this code) could be allowed to remain as a lawful structure. However, if they were ever damaged in excess of 50% then they would need to be brought into compliance with the current provisions of the code.

Building Height:

1. *Proposed Flexibility to Height:* Section 2.19.5 specifies requirements for building height. In this section, there is a new provision under Table 2.19-B that allows for pitched, gable, or hip roofs to exceed the height allowed in the zoning district by up to five feet. This is intended to encourage pitched roofs by providing the height incentive. [Page 28]

Article 3: Use Regulations

This article includes a new table of allowed uses that summarizes the uses allowed in the various zoning districts. Uses allowed by right are identified by a “√,” uses permitted only with approval of a Special Use Permit (which requires a public hearing and approval by the Planning Commission) are identified by a “S.” A blank cell indicates that the use is prohibited in that zoning district. If there is a “+” next to the use, then use-specific standards apply to that use under Section 3.3.

Land Use Table:

1. The land use table (3.2-A) should be reviewed and if any uses are in question, they should be brought up for discussion. Clarion and staff used the current code as a basis for the land use table, and updated the list based on stakeholder feedback and local and national trends. [Pages 33-40]

Accessory Structures:

1. *Clean Up & Simplify Building Separation:* Section 3.4 includes requirements for accessory structures. Under the location standards for detached accessory structures (3.4.3.B.2), the current requirement for a 5' separation between accessory structures and the primary building has been removed. Staff's recommendation is to not include this provision as the building code will cover building separation issues. [Pages 53-54]
DISCUSSION: Staff is seeking direction as to whether or not this provision should be retained.
2. *Public Concern – Façade of Accessory Buildings:* Section 3.4.3.B.3 requires accessory building facades to include 30% of the façade in brick or stone. Staff has routinely received comments from property owners expressing concern about this requirement and is recommending that this requirement be removed. [Page 54]
DISCUSSION: Staff is seeking direction as to whether or not this provision should be retained.

3. Public Concern – Accessory Dwelling Units: Section 3.4.4.A includes new standards addressing accessory dwelling units (ADUs). Staff has received multiple comments from residents desiring the ability to add an ADU to their property; however, the current regulations do not allow for such use. The proposal presented for consideration limits the size of ADUs to 50% of the footprint of the primary dwelling unit or 750 square feet, whichever is less. Additionally, separate sewer and water service is not permitted and ownership of an ADU cannot be separate from the ownership of the primary structure. [Page 54]

DISCUSSION: To what extent should ADUs be allowed in the city, if at all?

Home Occupations:

1. Request for Direction: With regard to Home Occupations as outlined in Section 3.4.4.D, staff is seeking direction on a few items as described below: [Page 55-57]

DISCUSSION:

- a. Should the city allow all foods under the Colorado Cottage Foods Act to be sold from households (such as spices, teas, dehydrated produce, nuts, jams, candies, tortillas, etc.)? At this time, the city only allows for eggs and honey to be sold as part of a home occupation.
- b. Should residential child care that is state licensed require a Special Use Permit or should it be allowed as a use-by-right?
- c. And finally, should home occupations be allowed only within the primary structures, or should they be allowed in accessory structures (such as a detached garage or detached workshop)?



Unified Development Ordinance (UDO)

Part 2 – Districts and Uses

PUBLIC DRAFT – October 2017



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Article 1: General Provisions

(Submitted previously with Part 1 of the update)

Article 2: Zoning Districts

Comments:

Generally. This article includes the standards for the zoning districts in Northglenn. As recommended in the Development Regulations Analysis, the list of zoning districts has been revised to consolidate similar districts (such as the R-1-B and R-1-C districts), eliminate obsolete or unused districts (such as the R-1 and O-1-A districts), and to include new districts to accommodate the changing needs of the City (such as new mixed-use districts and a public facilities district).

Lot and building standards. As recommended in the Development Regulations Analysis, we did not carry forward minimum floor area requirements in an effort to increase the diversity of housing types within the City. Other standards (such as lot area, lot width, building height, and setbacks) are adequate to ensure that development is compatible with existing neighborhoods and surrounding development.

For all residential districts we did not carry forward the distinction in setback regulations based on whether or not a garage or carport is provided. Current standard requires 17 feet on one side of a lot if a garage is not provided. Issues with driveways and storage can be addressed in the development standards in Part 3 of the update. Instead, we carried forward the minimum side setback of 5 feet for all residential districts since that is the common denominator side setback currently. Additionally, the accessory structure height was increased to 20 feet from 16 feet in the residential districts. This allows for improvements to the design of accessory structures, and can accommodate accessory dwelling units where appropriate.

A new maximum front setback requirement was introduced in the MN (mixed-use neighborhood) and MC (mixed-use corridor) districts. A maximum front setback is intended to prevent expanses of parking from being the focus of the development and instead encourages the location of parking to the side and/or rear. This type of standard is increasingly common in communities with established pedestrian-friendly mixed-use districts.

Measurement and exceptions. Section 2.19 includes information on how lot and building standards are measured (especially in unique situations such as corner or irregular lots) and includes the multiple exceptions to the various standards such as height and setback exceptions. Some of the content in this section is based on existing regulations, but many of the standards are new and are based on other jurisdictions and tailored for Northglenn.

District-specific standards. When the design and development standards are drafted with Part 3, those standards that apply to specific districts (and not broadly throughout the City) will be considered for relocation to the districts article with the consolidated draft prior to adoption.

2.1 Zoning Districts, Generally

2.1.1. 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 Section 2.1.2.

**Table 2.1-A
Zoning Districts Established**

District	Section in UDO
Residential Districts	
RS-1 Single-Family Large-Lot	2.2
RS-2 Single-Family Standard-Lot	2.3
RS-3 Single-Family Small-Lot	2.4
RM-1 Multifamily Limited	2.5
RM-2 Multifamily	2.6
MH Manufactured Home	2.7
Mixed-Use and Commercial Districts	
MN Mixed-Use Neighborhood	2.8
MC Mixed-Use Corridor	2.9
MR Mixed-Use Regional	2.10
CG Commercial General	2.11
CA Commercial Auto-Oriented	2.12
Other Nonresidential Districts	
IN Industrial	2.13
PF Public Facilities	2.14
AG Agricultural	2.15
OS Open Space and Recreation	2.16
Planned Development Districts	
PD Planned Development	2.17

2.1.2. Official Zoning District Map

A. Generally¹

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.

B. Zoning District Boundaries

1. 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.²
2. 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 [Section 6.7.4](#).³
3. Unless otherwise stated in this chapter, changes to the boundaries of any zoning district require an amendment pursuant to the rezoning procedures in [Section 6.4.1](#).⁴

¹ From 11-4-1, revised for clarity.

² Currently 11-4-2.

³ New.

⁴ New.

2.1.3. Organization of this Article

A. Base Zoning Districts⁵

1. Content

Sections 2.2 through 2.16 of this article follow a common structure and describe the purpose and intended character of each zoning district, followed by the lot and building standards that apply to that district, and any district-specific development standards.⁶

2. Graphics

For each base zoning district, an illustration is provided that demonstrates visually how the district's lot and building standards apply to lots and buildings. The illustrations are intended to show the general character of the district but do not show specific locations or buildings. The main purpose of the graphic is to illustrate the lot and building standards and the graphics do not necessarily reflect all standards that may apply to a development. If an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.

B. Planned Development (PD) District

The PD district in Section 2.17 is established for individually negotiated developments that cannot otherwise meet the intent or standards of a base zoning district within the City.

C. Summary Tables of Lot and Building Standards

Section 2.18 summarizes the lot and building standards across the various zoning districts for comparison purposes.

D. Measurements and Exceptions

Section 2.19 provides uniform methods of measurement for interpretation of the lot and building standards in this UDO.

⁵ New.

⁶ District-specific development standards will be identified as the development standards are drafted in Part 3 of the code update. District-specific standards will be incorporated into the consolidated draft.

2.2 RS-1 Single-Family Large-Lot⁷

2.2.1. Purpose⁸

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.

2.2.2. RS-1 Lot and Building Standards

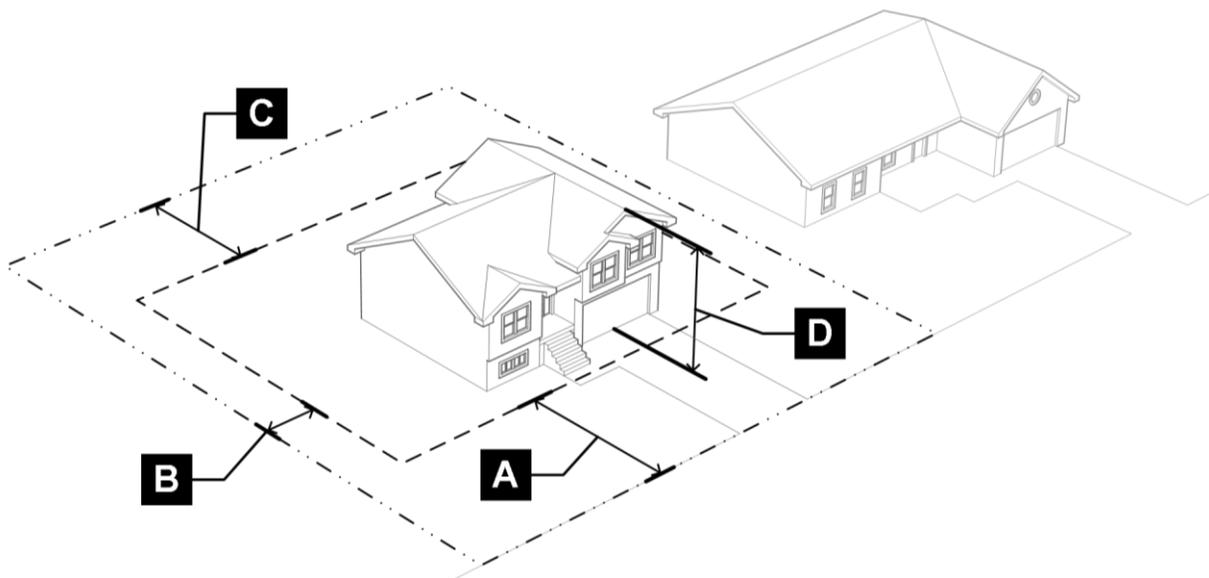
Lot Standards (minimum)	
Lot area	12,500 sq. ft.
Lot width	100 feet
Setbacks (minimum)	
A Front	30 feet
B Side	10 feet
C Rear/Rear (detached accessory)	20 feet/None
Building Standards (maximum)	
D Building height, primary	35 feet
Building height, accessory	20 feet [1]
Building coverage	30 percent ¹⁰

2.2.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:⁹

[1] Currently 16 feet. This change was made to all residential zoning districts except the MH district.



⁷ Currently the R-1-A district.

⁸ New. The current regulations do not contain purpose statements, except for the current mixed-use district. Each purpose statement in this draft is new.

⁹ For each district, this notes section identifies how the lot and building standards are different from the current regulations, rather than including them in the footnotes. Any such notes will be removed prior to the adoption draft unless a note is still necessary to apply and understand the new regulations (and not a comparison to current regulations).

¹⁰ New for every zoning district. The current code restricts the amount of accessory building coverage in the rear yard to 30 percent for residential zoning districts. This broad standard establishes a maximum coverage for all buildings on a lot.

2.3 RS-2 Single-Family Standard-Lot¹¹

2.3.1. 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.

2.3.2. RS-2 Lot and Building Standards

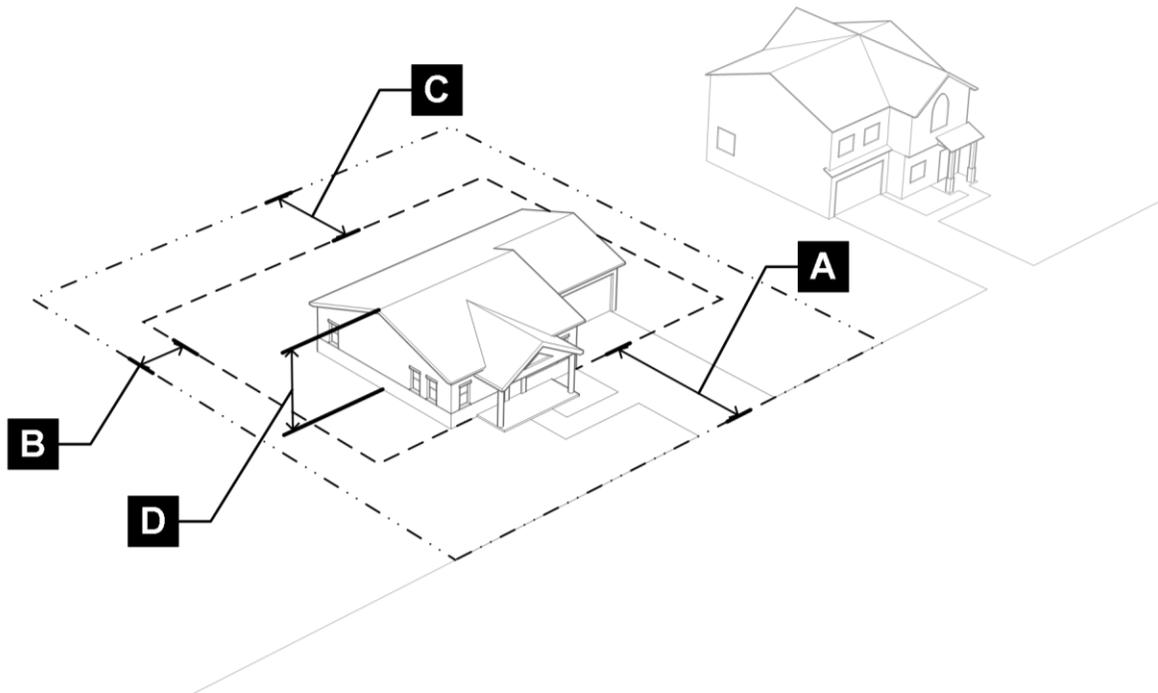
Lot Standards (minimum)	
Lot area	7,000 sq. ft. [1]
Lot width	70 feet [2]
Setbacks (minimum)	
A Front	25 feet
B Side ¹²	5 feet
C Rear/Rear (detached accessory)	20 feet/None
Building Standards (maximum)	
D Building height, primary	35 feet
Building height, accessory	20 feet
Building coverage	40 percent

2.3.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

- [1] Currently 9,000 sq. ft. in R-1-B.
- [2] Currently 75 feet in R-1-B.



¹¹ Consolidation of the R-1-B and R-1-C districts.

¹² We did not carry forward the distinction in setback regulations based on whether or not a garage or carport is provided for this district or any other residential district where this standard currently applies. The standard requires 17 feet on one side of a lot if a garage is not provided. Issues with vehicle access, driveways, and storage will be addressed in the development standards in Part 3 of the update. In this draft, we carried forward the minimum side setback of 5 feet for all residential districts since that is the common denominator side setback currently.

2.4 RS-3 Single-Family Small-Lot¹³

2.4.1. Purpose

The RS-3 district is intended to provide small residential lots with single-family uses in both urban and suburban neighborhoods. The RS-3 district is intended to promote medium- to high-density residential development but prohibit most commercial activities other than allowed home occupations and limited community and educational uses.

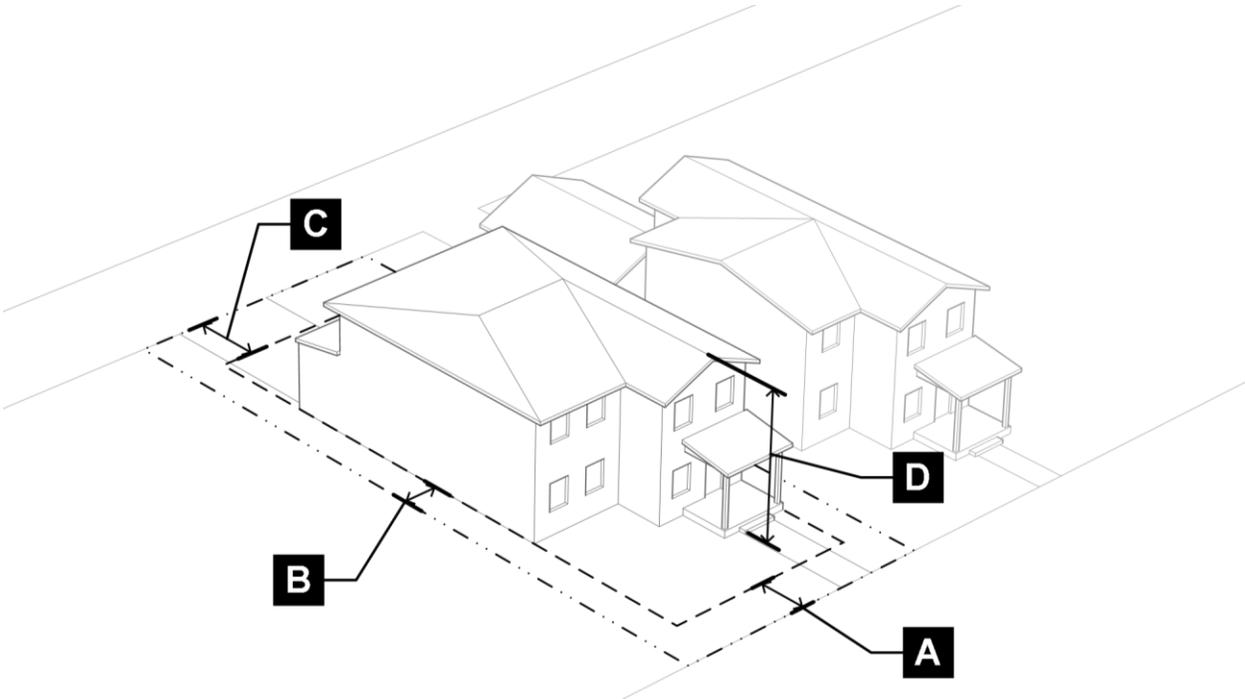
2.4.2. RS-3 Lot and Building Standards

Lot Standards (minimum)	
Lot area	3,500 sq. ft. ¹⁴
Lot width	35 feet
Setbacks (minimum)	
A Front	15 feet
Front (alley-loaded residential)	7 feet
B Side	5 feet
C Rear/Rear (detached accessory)	10 feet/None
Building Standards (maximum)	
D Building height, primary	35 feet
Building height, accessory	20 feet
Building coverage	60 percent

2.4.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:



¹³ New district.

¹⁴ **DISCUSSION:** Should the city consider even smaller lots and even smaller setbacks? Some communities are seeing very urban products for single-family detached housing that are located on lots smaller than 2,500 sf.

2.5 RM-1 Multifamily Limited¹⁵

2.5.1. Purpose

The RM-1 district is intended to provide housing at mixed densities including primarily single-family attached uses with limited small-scale multifamily uses. The RM-1 district may serve as a transition between higher density and/or intensity districts and lower density residential districts. The RM-1 district is intended to prohibit most commercial uses other than allowed home occupations and limited community and educational uses.

2.5.2. RM-1 Lot and Building Standards

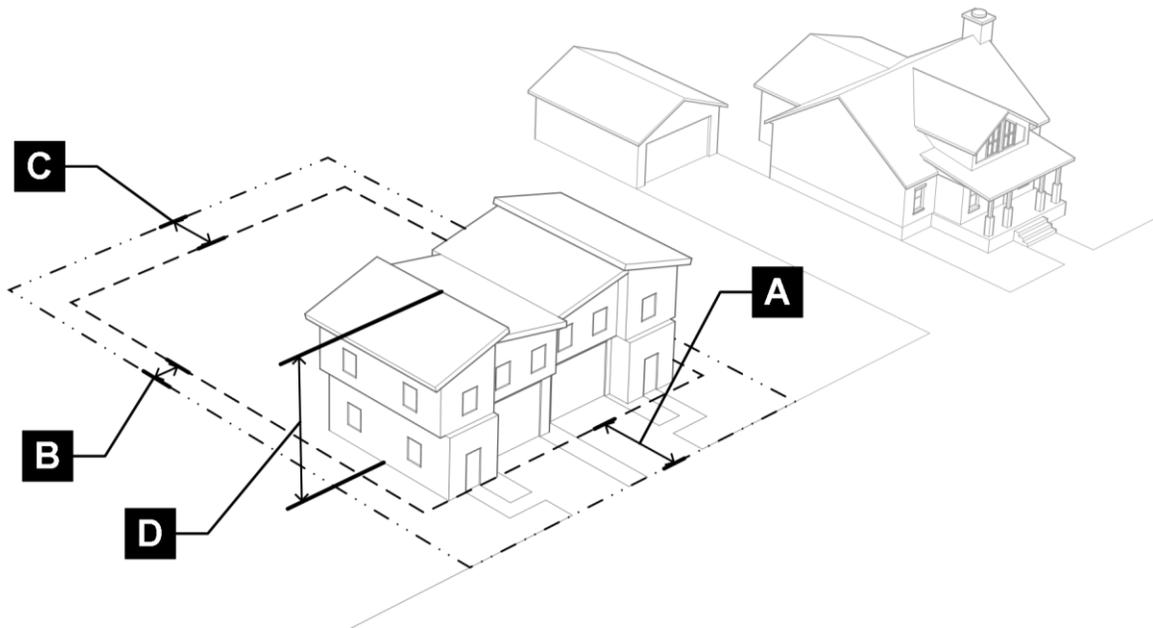
Lot Standards (minimum)	
Lot area, single-family attached and duplex	2,500 sq. ft. per unit [1]
Lot area, multifamily	2,000 sq. ft. per unit [2]
Lot area, all other uses	10,500 sq. ft. ¹⁶
Lot width	35 feet [3]
Setbacks (minimum)	
A Front	15 feet [4]
B Side, single-family and duplex	5 feet
Side, all other uses	10 feet
C Rear/Rear (detached accessory)	10 feet [5]/None
Building Standards (maximum)	
D Building height, primary	45 feet [6]
Building height, accessory	20 feet
Building coverage	60 percent

2.5.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

- [1] Currently 9,000 sq. ft.
- [2] Currently 13,500 sq. ft. for the first three dwelling units, then 2,000 sq. ft. for each additional unit.
- [3] Currently ranges from 70-100 feet depending on use.
- [4] Currently 25 feet.
- [5] Currently 20 feet.
- [6] Currently 35 feet.



¹⁵ Currently the R-3 district.

¹⁶ New.

2.6 RM-2 Multifamily¹⁷

2.6.1. Purpose

The RM-2 district is intended to provide housing at varied densities including attached single-family and multifamily uses. The RM-2 district also may include community, educational, and limited supportive uses. The RM-2 district may serve as a transition between higher intensity commercial and mixed-use districts and lower density residential districts.

2.6.2. RM-2 Lot and Building Standards

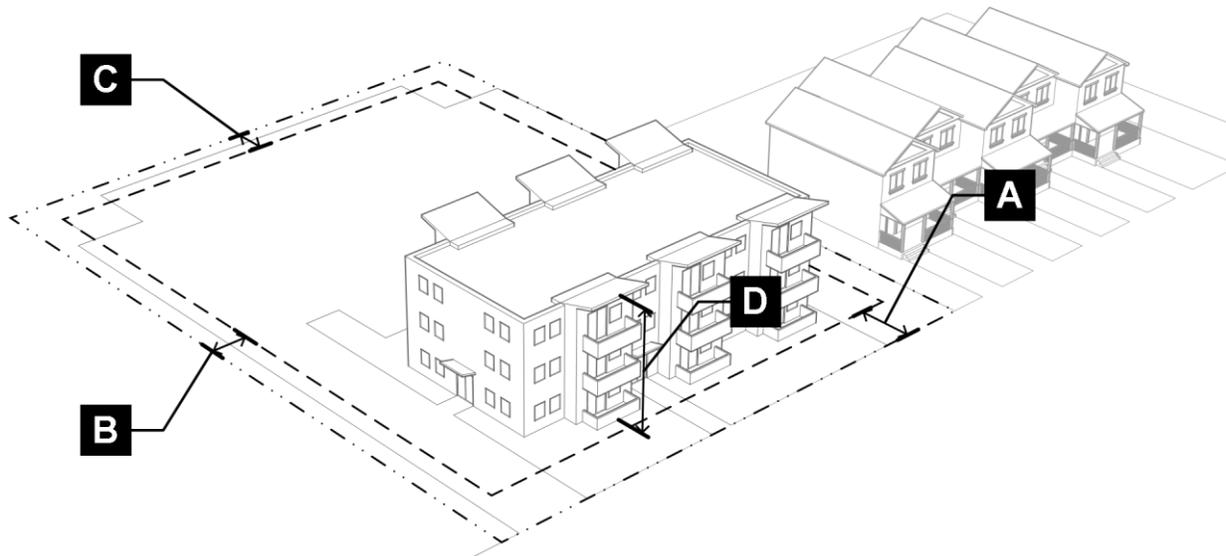
Lot Standards (minimum)	
Lot area, single-family attached and duplex	2,000 sq. ft. per unit [1]
Lot area, multifamily	1,500 sq. ft. per unit [2]
Lot area, all other uses	10,500 sq. ft. ¹⁸
Lot width	70 feet [3]
Setbacks (minimum)	
A Front	15 feet [4]
B Side, single-family attached and duplex	5 feet
Side, all other uses	10 feet
C Rear/Rear (detached accessory)	10 feet [5]/None
Building Standards (maximum)	
D Building height, primary	60 feet
Building height, accessory	20 feet
Building coverage	60 percent

2.6.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

- [1] Currently between 7,000 and 9,000 sq. ft. depending on use.
- [2] Currently 13,500 sq. ft. for first three units plus 800 sq. ft. for each additional units.
- [3] Currently ranges from 70-100 feet depending on use.
- [4] Currently 25 feet.
- [5] Currently 20 feet



¹⁷ Currently the R-4 district.

¹⁸ New.

2.7 MH Manufactured Home¹⁹

2.7.1. Purpose

The MH district is intended to accommodate medium-density single-family housing and manufactured housing. The MH may also include community and educational uses. The MH district may serve as a transition between higher intensity commercial and mixed-use districts and other medium-density residential districts.

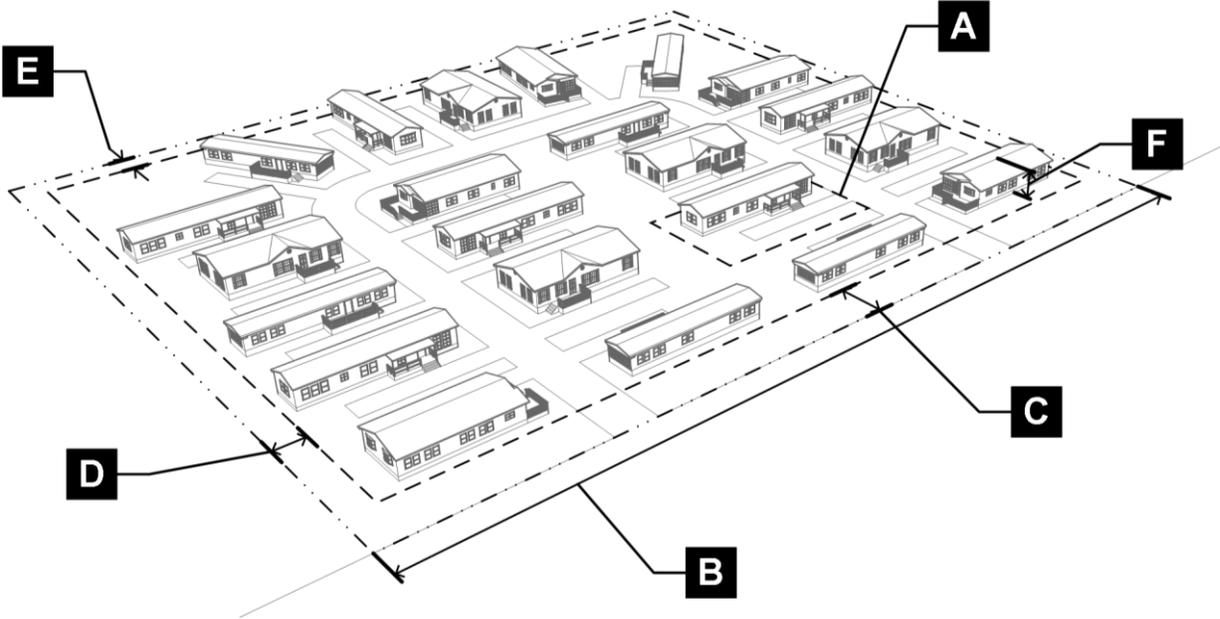
2.7.2. MH Lot and Building Standards

Lot Standards (minimum)		
	Manufactured home park	10 acres
A	Each manufactured home space	3,600 sq. ft. [1]
B	Frontage	250 feet
Setbacks (minimum)[2]		
C	Front	25 feet
D	Side, interior	15 feet
	Side, along public street	25 feet
E	Rear	15 feet
	Rear, along public street	25 feet
Building Standards (maximum)		
F	Building height, manufactured home	16 feet
	Building height, all other (including common facilities)	26 feet
	Building coverage	40 percent

2.7.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:
 [1] Currently 5,000 sq. ft. required for mobile home lot (and 3,600 sq. ft. for mobile home space).
 [2] Additional area and spacing standards apply to manufactured homes in manufactured home parks. See Section 3.3.3.E.



¹⁹ From current MH district.

2.8 MN Mixed-Use Neighborhood²⁰

2.8.1. Purpose

The MN district is intended to accommodate primarily residential uses with limited community and commercial uses with appropriate accessory uses. Residential uses in the MN district are intended to offer a diversity of housing opportunities at varied densities. Commercial uses in the MN district should typically be limited to those providing retail and services to the convenience of the neighborhood. Mixed-use development in the MN district is intended to be walkable, have an active streetscape, and be compatible with surrounding residential uses.

2.8.2. MN Lot and Building Standards

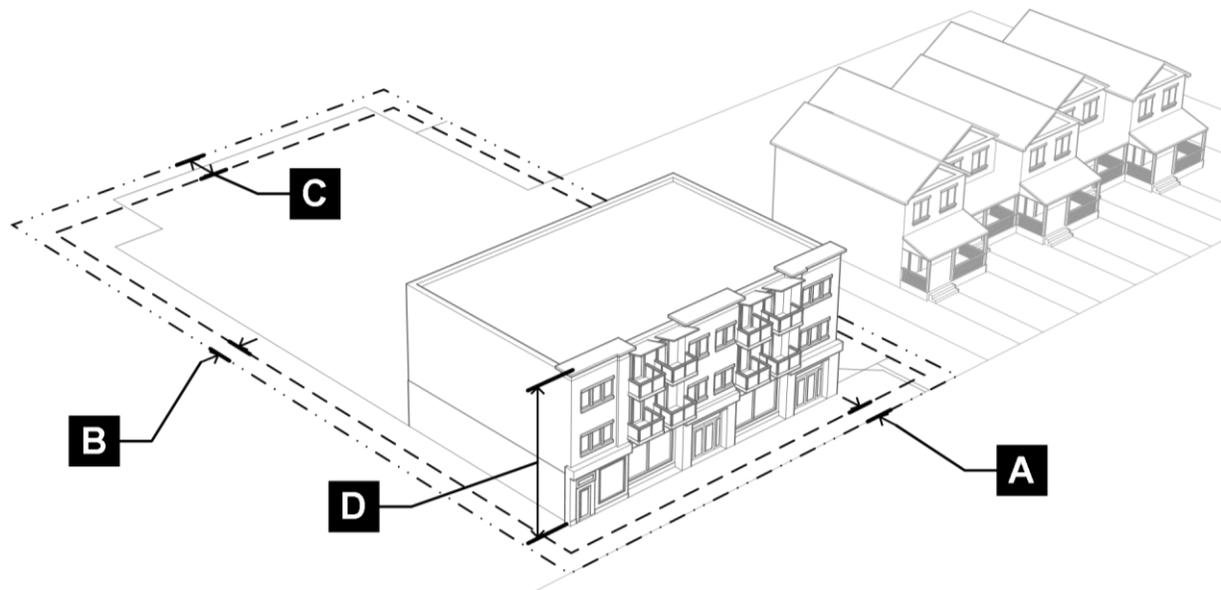
Lot Standards (minimum)	
Lot area, single-family detached	3,500 sq. ft.
Lot area, all other uses	7,000 sq. ft.
Lot width	35 feet
Setbacks	
A Front, minimum	5 feet
Front, maximum ²¹	15 feet [1]
B Side, minimum	5 feet
C Rear minimum	10 feet
Building Standards (maximum)	
D Building height, primary	35 feet
Building height, accessory	20 feet
Building coverage	75 percent

2.8.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

[1] Existing single-family detached dwellings, or conversions of existing single-family detached dwellings into nonresidential uses shall be exempt from the maximum front setback requirement.



²⁰ New district. Current M-U district replaced by three new mixed-use districts.

²¹ **DISCUSSION:** The concept of a maximum front setback is new to Northglenn. Further analysis should be conducted as the new zoning map is prepared to determine how many existing properties would comply with this maximum standard versus become nonconforming. We included a front setback maximum in the MN and MC districts. For districts that are intended to provide a walkable environment, the maximum front setback prevents expanses of parking from being the focus of the development and instead encourages the location of parking to the side and/or rear. Specific parking design standards will be addressed in Part 3 of the UDO.

2.9 MC Mixed-Use Corridor²²

2.9.1. Purpose

The MC district is intended to accommodate mixed-use development with walkable active streetscapes. Uses in the MC district are typically lighter-intensity commercial with limited auto-oriented uses that are compatible with surrounding residential neighborhoods. Residential uses in the MC district are intended to offer a diversity of attached housing types at varying densities.

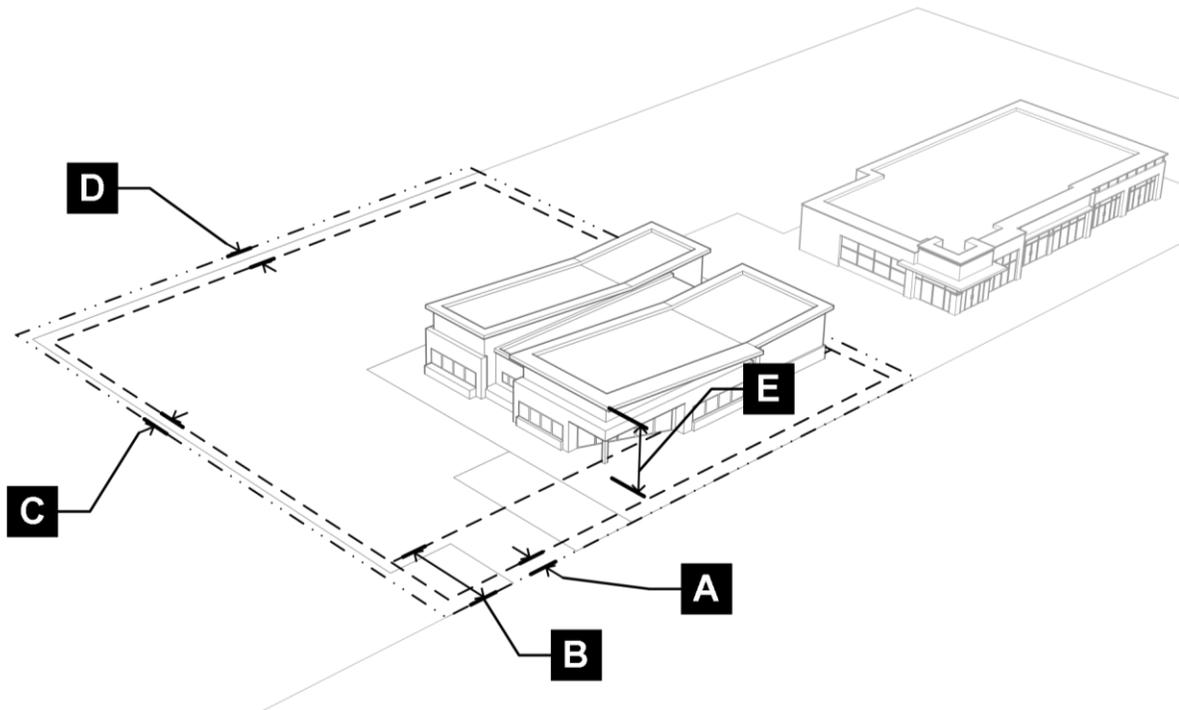
2.9.2. MC Lot and Building Standards

Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks	
A Front, minimum	5 feet
B Front, maximum	25 feet
C Side, minimum	5 feet
Rear, with alley, minimum	None
D Rear, without alley, minimum	10 feet
Building Standards (maximum)	
E Building height, primary	45 feet
Building height, accessory	20 feet
Building coverage	75 percent

2.9.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:



²² New district. Current M-U district replaced by three new mixed-use districts.

2.10 MR Mixed-Use Regional²³

2.10.1. Purpose

The MR district is intended to accommodate areas for large-scale mixed-use development and redevelopment that is intended to serve the City and the region. The MR district requires adequate automobile access and circulation while providing pedestrian-friendly development and good access to public amenities and public transportation. Uses in the MR district are typically regional-scale employment, commercial activities and services, with limited higher-density residential uses.

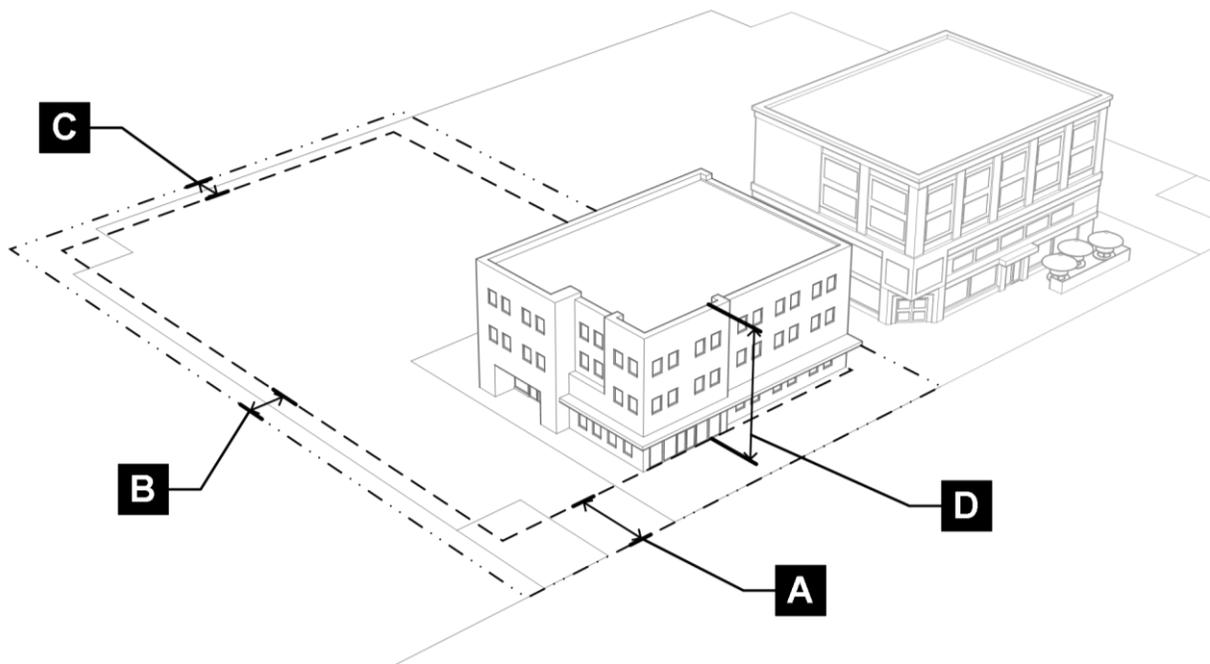
2.10.2. MR Lot and Building Standards

Lot Standards (minimum)	
Lot area	None
Lot width	None
Setbacks (minimum)	
A Front	20 feet
B Side	10 feet
C Rear	10 feet
Building Standards (maximum)	
D Building height, primary	75 feet ²⁴
Building height, accessory	20 feet
Building coverage	75 percent

2.10.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:



²³ New district. Current M-U district replaced by three new mixed-use districts.

²⁴ The current M-U district has unlimited height. Issues with adjacency, buffers, and compatibility will be addressed in the development standards in Part 3 of the update. **DISCUSSION:** Should there be unlimited height in the MR district (like the current M-U district), so long as compatibility issues are addressed?

2.11 CG Commercial General²⁵

2.11.1. Purpose

The CG district is intended to accommodate a wide variety of commercial uses throughout the City. Uses in the CG district often include auto-oriented uses but the district is intended to promote pedestrian-friendly development where appropriate. Typical uses in the CG district include retail, office, services, small-scale business parks, and cultural and community uses that serve both Northglenn and surrounding market areas.

2.11.2. CG Lot and Building Standards

Lot Standards (minimum)		
	Lot area	None
	Lot width	None
Setbacks (minimum)		
A	Front	15 feet [1]
B	Side, interior	None [2]
	Side, abutting street	15 feet ²⁶
C	Rear	15 feet ²⁷
Building Standards (maximum)		
D	Building height, primary	60 feet [3]
	Building height, accessory	20 feet
	Building coverage	60 percent

2.11.3. Other Standards

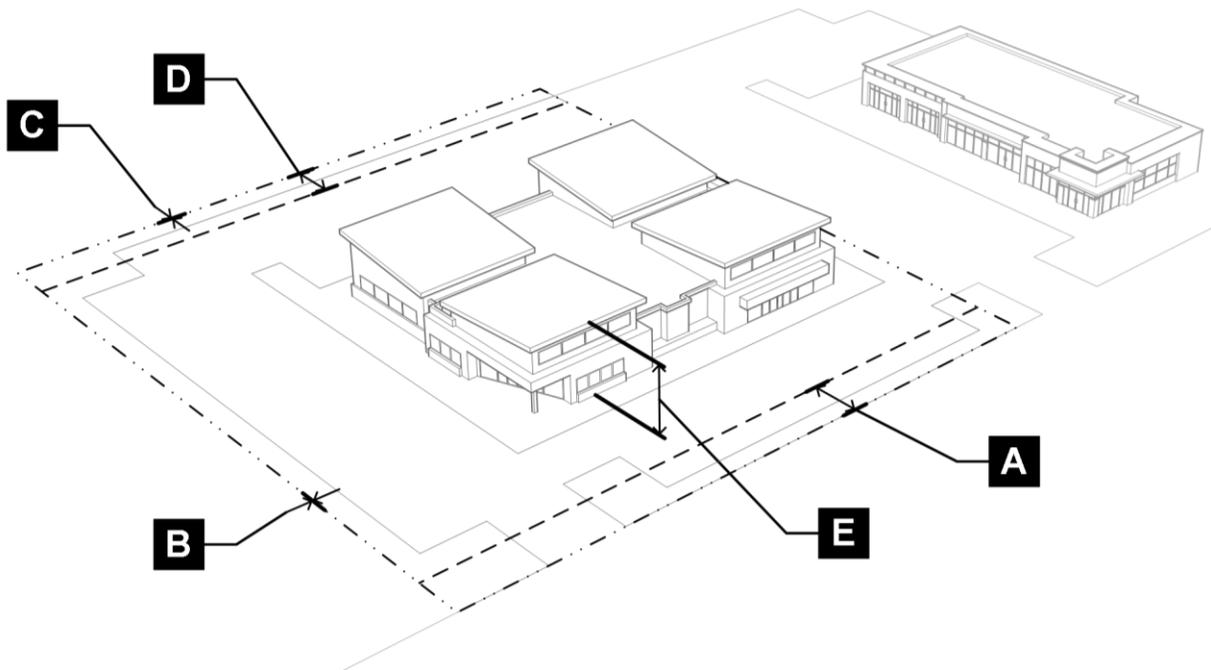
Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

[1] Currently 25 feet from back of curb.

[2] Currently none for walls located on property lines, otherwise five feet.

[3] Currently 30 feet in the C-3 district (60 feet in C-4 and C-5).



²⁵ Consolidation of the C-3, C-4, and C-5 districts.

²⁶ New.

²⁷ Revised from current standard that requires 15 feet that can include ½ the width of the alley. We did not carry forward the reference to alleys for this district.

2.12 CA Commercial Auto-Oriented²⁸

2.12.1. Purpose

The CA district is intended to accommodate a wide variety of commercial and limited light industrial uses throughout the City. Uses in the CA district typically include auto-oriented uses that require multiple access points and larger off-street parking and loading areas than are necessary in other commercial and mixed-use areas. Typical supporting uses in the CA district include retail, office, and service uses.

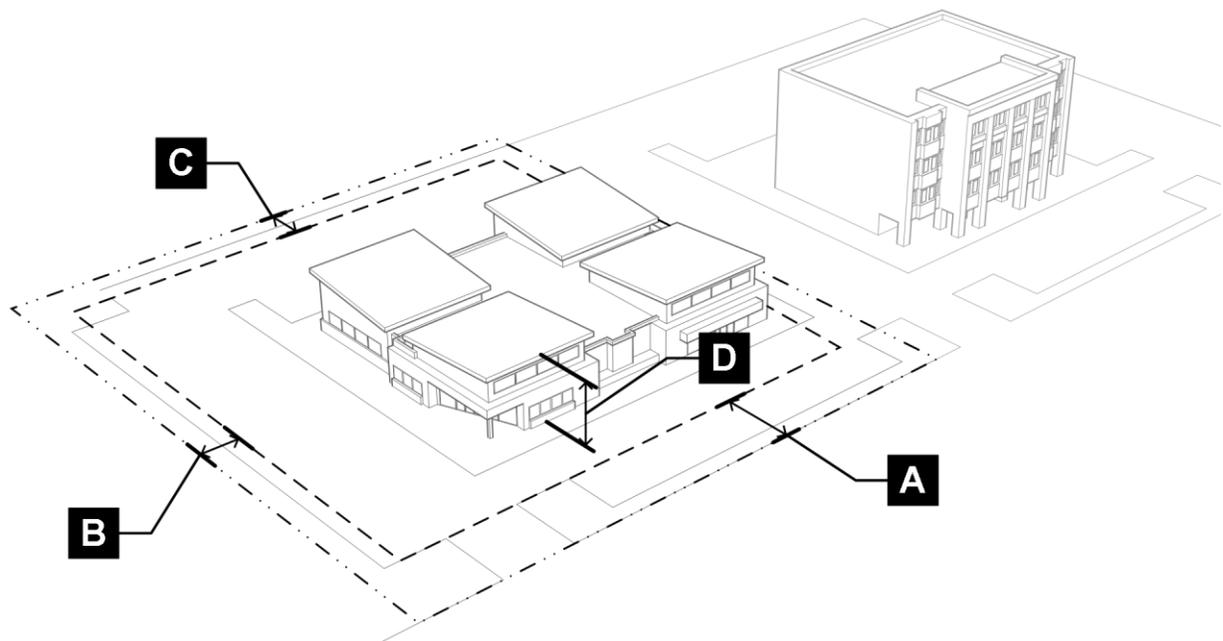
2.12.2. CA Lot and Building Standards

Lot Standards (minimum)		
	Lot area	None
	Lot width	None
Setbacks (minimum)		
A	Front	25 feet
B	Side, interior	10 feet
	Side, abutting street	15 feet
C	Rear	15 feet
Building Standards (maximum)		
D	Building height, primary	60 feet
	Building height, accessory	20 feet
	Building coverage	60 percent

2.12.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:



²⁸ New district to distinguish between current standard commercial uses vs. those with greater intensity or that are automobile-oriented businesses (such as automobile sales and light manufacturing uses). Many uses currently allowed in the C-5 district may translate to the new CA district.

2.13 IN Industrial²⁹

2.13.1. Purpose

The IN district is intended to accommodate industrial and/or heavy commercial uses such as warehousing, service, storage, wholesale and distribution services, research and development, and limited processing and manufacturing uses mostly contained within enclosed buildings and with limited impacts to surrounding neighborhoods. The IN district requires adequate automobile access and sometimes rail access and should provide adequate buffering between residential and other lower-intensity districts.

2.13.2. IN Lot and Building Standards

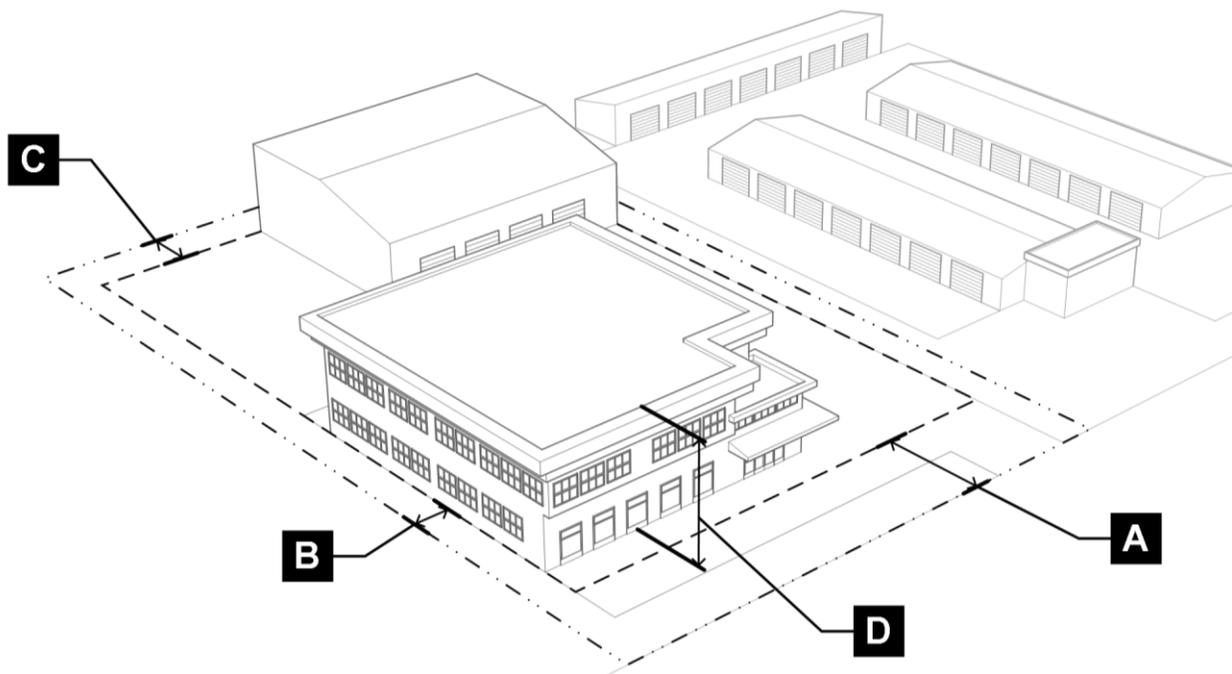
Lot Standards (minimum)		
	Lot area	None
	Lot width	None
Setbacks (minimum)		
A	Front	30 feet [1] ³⁰
B	Side	5 feet [2]
C	Rear	15 feet
Building Standards (maximum)		
D	Building height	65 feet [3]
	Building coverage	75 percent

2.13.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

- [1] Currently 50 feet.
- [2] Currently none for zero lot line development (with walls on the lot lines); otherwise, five feet and 12 feet on one side if rear access is not available.
- [3] Currently 40 feet in the I-1 district.



²⁹ Consolidation of the I-1 and I-2 districts.

³⁰ We reduced the setback so that industrial uses can locate buildings closer to the street and provide parking to the rear. Forcing buildings back limits the ability for industrial users to provide parking or some other outdoor storage use in the rear or side yard, so they often end up providing parking and storage between the building and the street.

2.14 PF Public Facilities³¹

2.14.1. Purpose

The PF district is intended to accommodate and preserve areas for public, quasi-public, and limited private facilities and uses. Uses in the PF district typically include essential City services and activities, with limited supporting uses and activities. The PF district is intended to incorporate flexibility to allow varying operational and site characteristics associated with essential City or community services.

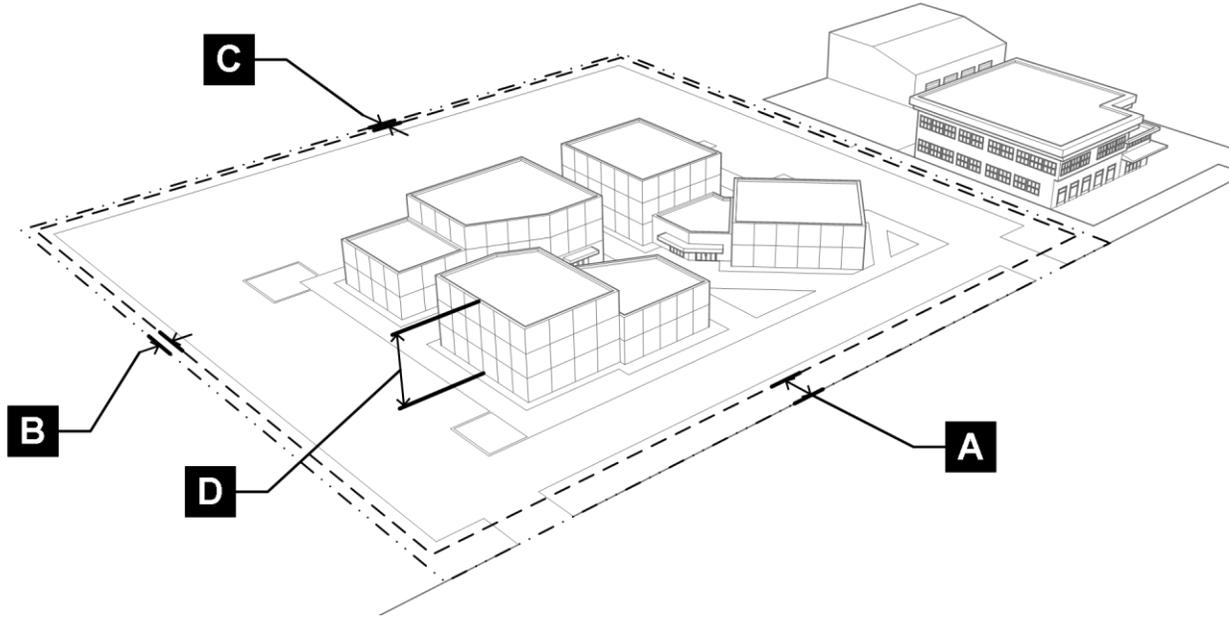
2.14.2. PF Lot and Building Standards

Lot Standards (minimum)		
	Lot area	None
	Lot width	None
Setbacks (minimum)		
A	Front	15 feet
B	Side	5 feet
C	Rear	10 feet
Building Standards (maximum)		
D	Building height	60 feet
	Building coverage	60 percent

2.14.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:



³¹ New district.

2.15 AG Agricultural³²

2.15.1. Purpose

The AG district is intended to preserve areas in the City for agricultural, rural residential, open space, and other related uses. The AG district is characterized by open areas of range land, large planted areas, and natural undisturbed areas that are mostly rural. The AG district may also be used to accommodate newly annexed property until such time as another appropriate zoning district is designated.

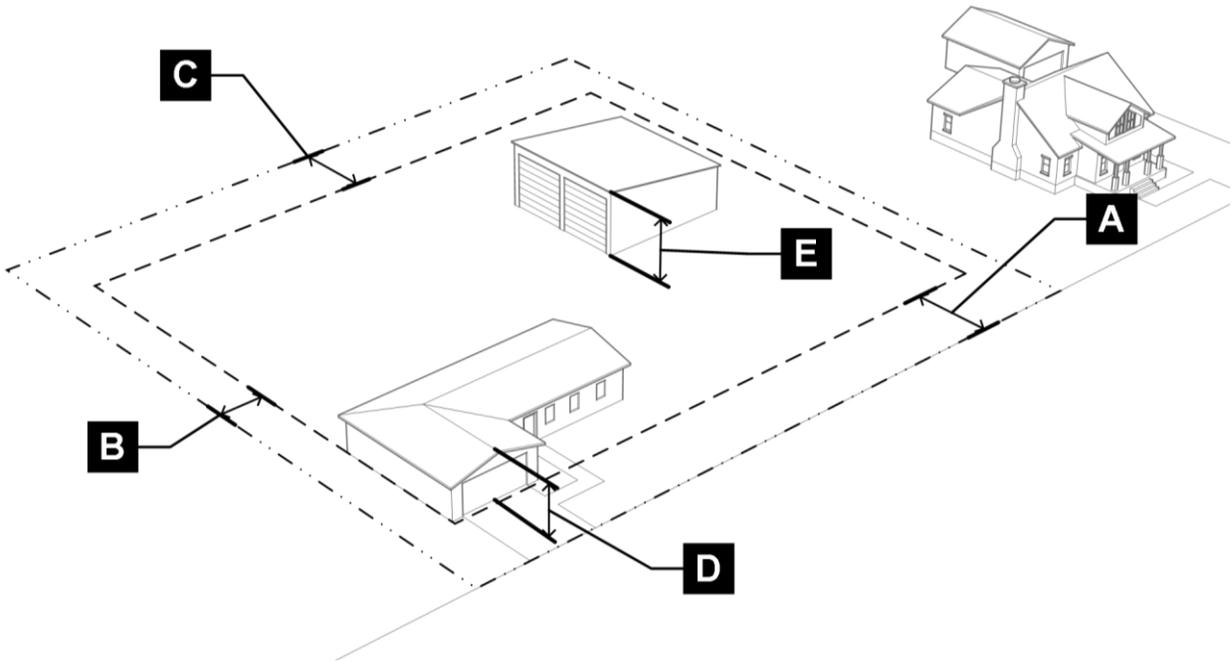
2.15.2. AG Lot and Building Standards

Lot Standards (minimum)	
Lot area	One acre
Lot width	125 feet
Setbacks (minimum)	
A Front	50 feet [1]
B Side	15 feet
C Rear	25 feet
Building Standards (maximum)	
D Building height, dwellings	35 feet [2]
E Building height, other	65 feet
Building coverage	30 percent

2.15.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:
 [1] Currently allows 30 feet for subdivided land in the A-1.
 [2] Currently 30 feet, increased to match other districts where single-family dwellings are allowed.



³² Currently the A-1 district.

2.16 OS Open Space³³

2.16.1. Purpose

The OS district is intended to provide for recreational uses and natural areas and to protect those lands from being used for purposes other than recreational and natural areas. The OS district is intended to accommodate public and quasi-public open space, parks, and compatible accessory uses and structures.

2.16.2. OS Lot and Building Standards

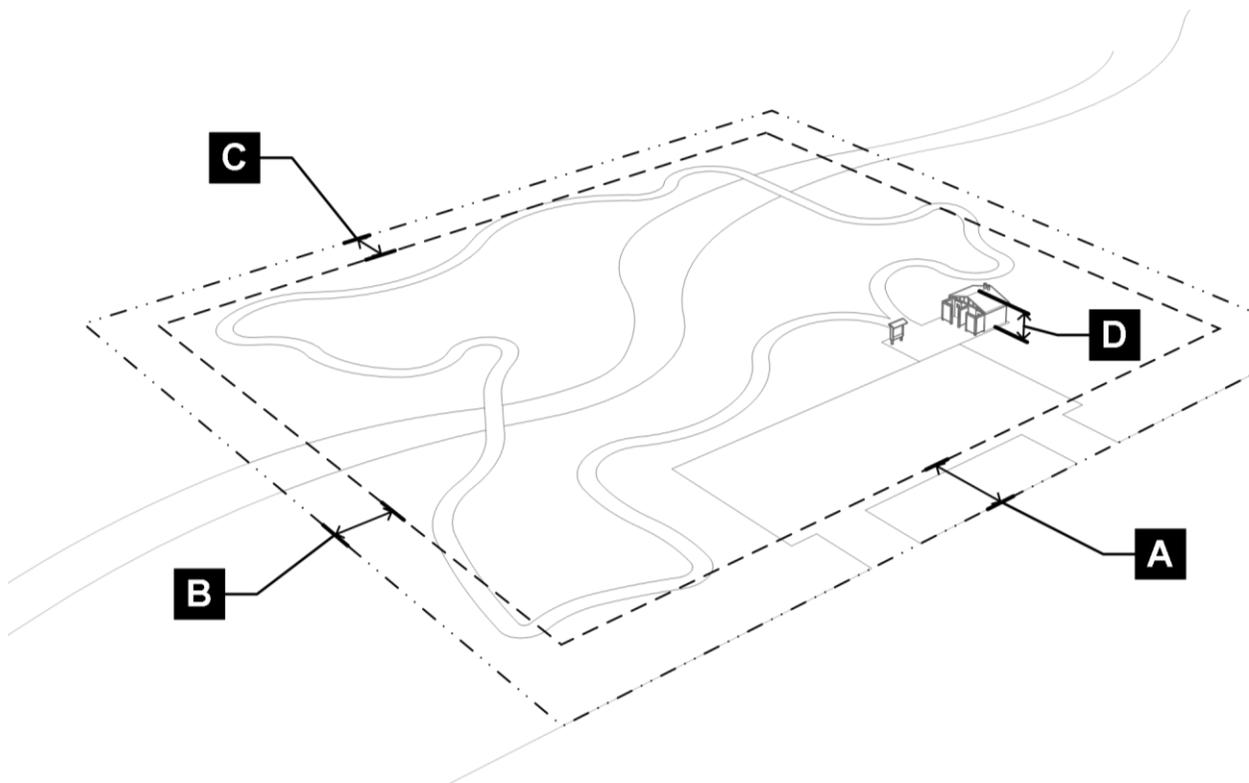
Lot Standards (minimum)		
	Lot area	None
	Lot width	None
Setbacks (minimum)		
A	Front	30 feet [1]
B	Side	20 feet [2]
C	Rear	20 feet
Building Standards (maximum)		
D	Building height	30 feet
	Building coverage	15 percent

2.16.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

- [1] Currently 50 feet.
- [2] Currently 10 feet.



³³ Consolidation of the O-1 and O-1-A districts.

2.17 PD Planned Development³⁴

Commentary:

The PD district is based on the current Article 16. The procedures for approving a PD were established in Section 6.4.2 of the Administration and Procedures drafted in Part 1 of the update. As recommended in the Development Regulations Analysis, the use of PDs in the future should be limited. The expanded lineup of base zoning districts proposed in this draft, and streamlined procedures drafted in Part 1, will help establish a better foundation for “by-right” development without requiring individually negotiated development for anything not conforming to the standards in this UDO.

2.17.1. Purpose³⁵

The PD district is intended to:

- A. Achieve greater flexibility than allowed by the strict application of this UDO in exchange for more creative and imaginative designs with a higher level of amenities and public benefit than otherwise possible under the base zoning districts;
- B. To ensure compatibility between residential and nonresidential or mixed-use areas and to minimize impacts to those areas from more intensive uses; and
- C. To allow various combinations of land uses in multi-phased developments.

2.17.2. Establishing a Planned Development District

Planned Development districts are established by the City’s approval of a rezoning pursuant to Section 6.4.2.³⁶ The rezoning to PD procedure shall not be used when a special use permit, variance, administrative adjustment, or rezoning to another base zoning district could achieve a similar result.³⁷

2.17.3. Planned Development Standards

The standards for development within a PD district are established by an approved PD plan with adoption of a rezoning to a PD district. All other standards in this UDO are applicable to the PD district unless expressly modified by an approved PD plan with a rezoning to PD district pursuant to Section 6.4.2.³⁸

³⁴ Replaces the current PUD district in Article 16. The procedures for approving a PD were established in Part 1 of the update, in Article 6 of the new UDO, Administration and Procedures (Section 6.4.2). In Part 1 of the update, we referred to this district as a “planned unit development” district. We changed the name for simplification and will revise the procedures article with the consolidated draft accordingly.

³⁵ New. These replace the current purpose statements in Section 11-16-2.

³⁶ Cross-reference to procedures will be linked in consolidated draft.

³⁷ New.

³⁸ The second sentence was also included in the administration and procedures article with Part 1 of the update. This standard may be removed from the procedures with the consolidated draft.

2.18 Summary Tables of Lot and Building Standards

2.18.1. Residential Zoning Districts

Table 2.18-A
Residential Districts Lot and Building Standards

Zoning District	RS-1	RS-2	RS-3	RM-1	RM-2	MH
Lot Standards (minimum)						
Lot area	12,500 sf	7,000 sf	3,500 sf			10 acre project area
Lot area, single-family detached				3,500 sf		3,600 sf per home space
Lot area, single-family attached and duplex				2,500 sf per unit	2,000 sf per unit	
Lot area, multifamily				2,000 sf per unit	1,500 sf per unit	
Lot area, all other uses				10,500 sf	10,500 sf	
Lot width	100 feet	70 feet	35 feet	35 feet	70 feet	250 feet frontage
Setbacks (minimum)						
Front	30 feet	25 feet	15 feet	15 feet	15 feet	25 feet
Front (alley-loaded residential)			7 feet			
Side	10 feet	5 feet	5 feet			
Side, single-family and duplex				5 feet	5 feet	
Side, all other uses				10 feet	10 feet	
Side, interior						15 feet
Side, along public street						25 feet
Rear	20 feet	20 feet	10 feet	10 feet	10 feet	15 feet
Rear, detached accessory	None	None	None	None	None	
Rear, along public street						25 feet
Building Standards (maximum)						
Building height, primary	35 feet	35 feet	35 feet	45 feet	60 feet	16 feet
Building height, accessory	20 feet	20 feet	20 feet	20 feet	20 feet	26 feet
Building coverage	30%	40%	60%	60%	60%	40%

2.18.2. 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 (minimum)					
Front	5 feet	5 feet	20 feet	15 feet	25 feet
Front, maximum	15 feet	25 feet			
Side	5 feet	5 feet	10 feet		
Side, interior				None	10 feet
Side, abutting street				15 feet	15 feet
Rear	10 feet		10 feet	15 feet	15 feet
Rear, detached accessory	None	None	None	None	None
Rear, with alley		None			
Rear, without alley		10 feet			
Building Standards (maximum)					
Building height, primary	35 feet	45 feet	75 feet	60 feet	60 feet
Building height, accessory	20 feet	20 feet	20 feet	20 feet	20 feet
Building coverage	75%	75%	75%	60%	60%

2.18.3. 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	None	None	None	None
Building Standards (maximum)				
Building height	65 feet	60 feet		30 feet
Building height, dwellings			35 feet	
Building height, other			65 feet	
Building coverage	75%	60%	30%	15%

2.19 Measurements and Exceptions³⁹

Commentary:

This section is intended to help inform the measurement and application of the lot and building standards included with each zoning district. Most of the material in this section is new, but some of the content was carried forward and/or revised from the current regulations (and footnoted accordingly).

2.19.1. Purpose

The purpose of this section is to provide uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDO.

2.19.2. Lot and Site Requirements

A. Minimum Lot Dimensions

1. Any lot that is created, developed, used, or occupied shall meet the minimum lot area and width requirements established in this Article for the zoning district in which it is located unless otherwise established in this UDO for specific uses. New lots shall also meet the development standards in **Section --, Lots and Blocks.**⁴⁰
2. No area required to meet the lot and building requirements of this UDO may be sold or leased away from such lot or building.⁴¹

B. Lot Width Measurement⁴²

Lot width shall be measured at the front setback line. In districts with a maximum front setback, the lot width shall be measured at the maximum front setback line.

C. Number of Principal Buildings or Uses per Lot

Where a lot or tract is used for multifamily and nonresidential uses more than one primary building may be located on such lot or tract provided such buildings comply with the development standards in this UDO.⁴³

2.19.3. Setbacks⁴⁴

A. Measurement

1. Setbacks referred to in this UDO shall be measured as stated in the definitions in Article 7 under the term "setback."⁴⁵
2. No part of a setback area required for any building shall be included as a setback area for a building on a separate lot or tract.⁴⁶
3. Multifamily dwellings on one lot shall be construed as one structure for purpose of measuring setbacks.

B. Zero Lot Line Configurations⁴⁷

1. Unless otherwise stated in this UDO, for purposes of calculating setbacks for side-by-side (zero lot line) configurations of nonresidential, duplexes, single-family attached dwellings, and multifamily dwellings, only

³⁹ New.

⁴⁰ Cross-reference to subdivision design for lots and blocks will be provided once developed in Part 3 of the update.

⁴¹ New.

⁴² The current code states for each district that the minimum lot width is measured at the front building line. This revised provision clarifies the standard so that it may apply to lots with or without buildings.

⁴³ From 11-36-8(d), revised for clarity. Also included multifamily in this provision from 11-36-8(e), but did not carry forward the minimum spacing requirement between multifamily, institutional, and lodging uses dependent on the number of stories. Those issues can be mitigated through building design and buffer standards in Part 3.

⁴⁴ Did not carry forward current requirement for minimum front setbacks (50 feet) from state or federal highways.

⁴⁵ New.

⁴⁶ From 11-36-8(h), revised for clarity.

⁴⁷ New. The current regulations do include similar standards for commercial districts by which side setbacks are not required provided that walls are located on property lines. This new provision replaces that standard and applies more broadly to other use types, including attached housing types.

those units and/or dwelling units that do not share a common wall with an adjacent unit and/or dwelling unit are required to comply with the side setback for the applicable zoning district.

2. For nonresidential development projects on sites five acres or greater, interior side setbacks may be reduced with approval by the Director.⁴⁸

C. Exceptions to Setback Requirements

Every part of a required setback shall be unobstructed from ground level to the sky except as follows:⁴⁹

1. Setback restrictions do not apply to slabs, uncovered patios, walks, fences, landscaping improvements such as hedges, or freestanding walls. Each of those features shall comply with other applicable sections of this UDO, including but not limited to development standards and vision clearance area requirements.⁵⁰
2. The features and improvements in the table below may encroach into required setbacks. Features not specifically listed in the table below may be considered with an existing row in that table with Director approval.

Table 2.19-A Authorized Exceptions to Setback Requirements		
Type of Exception	Residential Districts	Mixed-Use and Nonresidential Districts
Accessory structures less than 200 square feet in size ⁵¹	Not subject to applicable side and rear setback requirements.	
Front porches, stoops, and vestibules	Covered or uncovered porches, stoops, and entry vestibules may extend into the front setback up to eight feet provided such porch or stoop is not located closer than five feet to the front property line. ⁵²	Entryways and vestibules not exceeding 10 feet in width may extend into the front or rear yard up to five feet. ⁵³
Incidental architectural features	Stairways and architectural features, such as eaves, cornices, awnings, canopies, sills, planters, wingwalls, or similar architectural features may extend into any required setback up to two feet. ⁵⁴	Stairways not exceeding 10 feet in width may extend into the front or rear yard up to five feet. ⁵⁵
Mobility access ramps and lifts ⁵⁶	Allowed as necessary upon written request to the Director.	
Open fire escapes, stairways, and chimneys	Open fire escapes, stairways, and chimneys may extend into any required setback up to six feet, provided such feature is not located closer than five feet from any property line. ⁵⁷	
Uncovered balconies ⁵⁸	Balconies that are uncovered may extend up to six feet into any setback provided they are not located closer than five feet from any property line.	

⁴⁸ New standard to allow minimum building separation and interior lot subdivisions of commercial properties without impacting adjacent properties.

⁴⁹ This introductory sentence replaces the current first half of 11-36-8(a).

⁵⁰ New.

⁵¹ Replaces current shed and storage enclosure requirements in 11.-7-10(b)(5). Size threshold set to 200 sf to mirror building permit requirement.

⁵² Current code is inconsistent. The newest provision (from 2005) Section 11-7-10(b)(7) allows front porches to encroach up to eight feet, with eaves on the roof of the front porch an additional two feet. The older provision (from 1973) Section 11-36-8(b) allows uncovered porches and stoops to extend into the setback up to only six feet. For this draft, we opted for the more flexible eight-foot standard. Also consolidated this standard with the current 11-8-8(c) which allows vestibules to extend up to seven feet in single-family residential districts, but did not carry forward 70 square foot limitation on such vestibules.

⁵³ New.

⁵⁴ Expands on current 11-36-8(a)

⁵⁵ New.

⁵⁶ New standard to accommodate people of all ages and abilities.

⁵⁷ From 11-36-8(c), revised for clarity. The five feet from property line distance requirement is new.

⁵⁸ New.

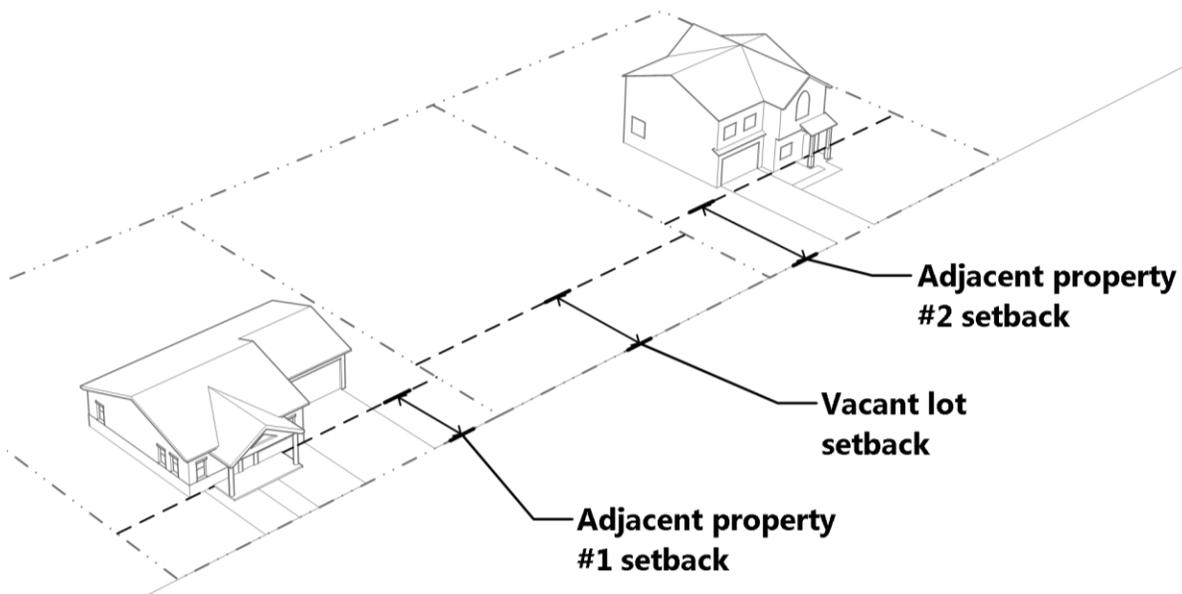
D. Accessory Structure Setbacks⁵⁹

Minimum setback requirements for accessory structures 200 square feet or greater in size shall be as follows:

1. Front – same as applicable zoning district front setback requirement.
2. Side – the lesser of the applicable zoning district side setback requirement or five feet.
3. Rear – the lesser of the applicable zoning district rear setback requirement or five feet.

E. Contextual Setbacks⁶⁰

In any residential district, the minimum front setback on any vacant lot where the front setbacks of adjacent dwellings do not meet the required front setback for that district may be established as the mean average front setback of the two adjacent dwellings. If there is only one adjacent existing dwelling, then the front setback for the vacant lot shall be established as the mean average of the one existing adjacent dwelling and the required front setback for that district.



F. Corner Lots⁶¹

On corner lots, the front setback shall apply to the street frontage with the primary entrance to the primary building. On the other street frontage, the setback shall be the lesser of the applicable front setback or 10 feet.

G. Double-Frontage Lots⁶²

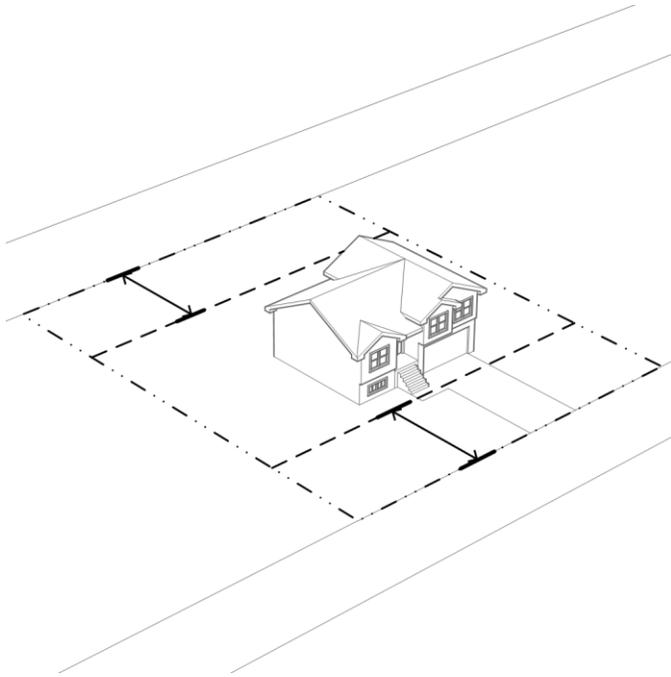
In the case of double-frontage lots, front setbacks shall be provided on all frontages.

⁵⁹ **DISCUSSION:** This is a new system for measuring setbacks for accessory structures. Currently, accessory structures are not allowed to be closer to a principal building than 5 feet and in most districts are not subject to a side or rear setback,

⁶⁰ New provisions for contextual setbacks replace the current front yard adjustment standards in Section 11-36-8(g).

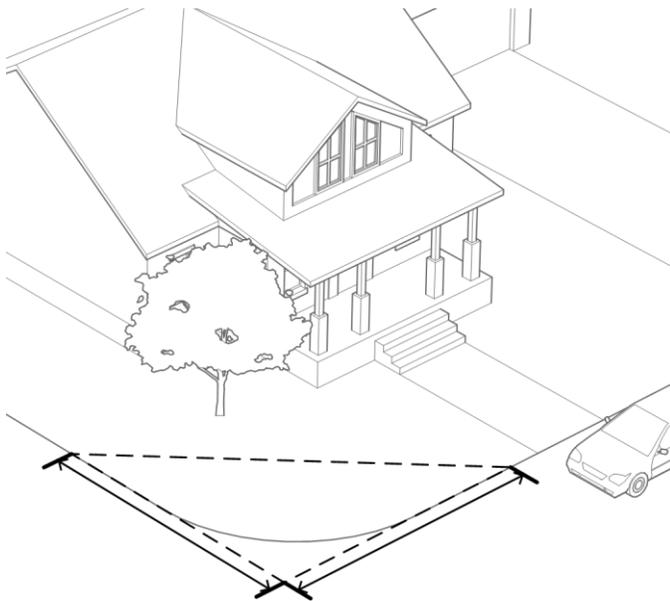
⁶¹ Replaces the current standard for commercial districts per 11-9-4(b) that requires front setbacks for both street frontages. Most residential districts currently require side setbacks of 25 feet on corner lots. We did not carry forward that standard. This new standard allows some limited flexibility for the secondary street frontage.

⁶² New.



2.19.4. Vision Clearance Area Requirements⁶³

On corner lots, no structures more than 36 inches in height shall be located within a sight triangle measured from the point of the intersecting flow lines of the streets a distance of 55 feet along each such flow line for arterial and collector streets and 25 feet along each such flow line for local and private streets. In the absence of a curb, the sight triangle shall be measured along the edge of pavement. For alleys and driveways, both legs of the triangle shall be 15 feet. No obstructions shall be located in that sight triangle area between 36 inches and eight feet in height.

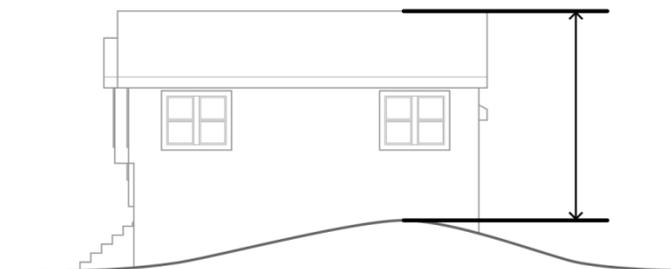


⁶³ Replaces current 11-6-11(b) and 11-7-2(b).

2.19.5. Building Height

A. Measurement⁶⁴

Building height shall be measured as the vertical distance measured from the highest grade level at the base of the structure and the highest point of the roof.



B. Exceptions to Height Requirements

No building or part of a building shall exceed the maximum building height within any zoning district unless authorized in the table below or elsewhere in this UDO. Features not specifically listed in the table below may be considered with an existing row in that table with Director approval.

**Table 2.19-B
Authorized Exceptions to Height Requirements⁶⁵**

Type of Exception	Residential Districts	Mixed-Use and Nonresidential Districts
Building-mounted antennas (except those covered by the wireless telecommunications regulations in Section X.X), 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 the pitch of	

⁶⁴ Carries forward current definition from 11-5-2(17), but revised to add "at the base of the structure."

⁶⁵ New exceptions that we often include in modern zoning ordinances. These are based on other jurisdictions and then tailored for Northglenn.

**Table 2.19-B
Authorized Exceptions to Height Requirements⁶⁵**

	the roof is a minimum rise over run ratio of 4:12.
Rooftop solar equipment	May extend up to five feet above the maximum height requirement.

2.19.6. Floor Area and Square Footage⁶⁶

- A. 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 shall be excluded from this calculation.
- B. Gross square footage of a structure shall be measured from the outside of the exterior walls and shall include the area of the walls.

2.19.7. Building Coverage

Commentary:
The current code makes limited mention of building and/or lot coverage standards (accessory structures in rear yards Section 11-7-2(f), and hard-surfaced paving in front yards (11-7-3(h))). Further discussion is required on how best to address impervious coverage (in addition to the building coverage limitations introduced in this draft) as we get into the development standards drafting (Part 3 of the update). Such standards, including minimum landscaping requirements, may require revisiting this section and the individual zoning district tables with the consolidated draft.

⁶⁶ New standards. Calculation of outdoor dining/seating areas for commercial uses will be addressed in the parking standards with Part 3.

Article 3: Use Regulations

Commentary:

New Table of Allowed Uses. The proposed Table of Allowed Uses (Table 3.2-A) is based on the current lists of uses in the Northglenn development regulations, with several proposed consolidations and additions. This table is a starting point for discussion and should be reviewed carefully. It is not unusual for staff (and the task force and/or planning commission) to spend substantial time reviewing and revising the proposed use table based on their own experiences and local policies.

The table reflects the new proposed list of zoning districts. Several use types are consolidated for simplicity, and some use types are being introduced for the first time in Northglenn. We also developed use categories to help group similar use types in a logical way, making future land use determinations more consistent. Each use category and use type has a definition in Article 7. The table should be reviewed simultaneously with the definitions. Significant changes to uses and their respective levels of permission and definitions are indicated in the footnotes. When districts were consolidated and such consolidation resulted in conflicting use permissions, we typically included the more flexible use permission (for example, “√” instead of “S” or blank).

Cross-reference to use-specific standards. The last column indicates whether additional standards apply to that use. The table includes cross-references to additional standards in Section 3.3. The use-specific standards, whether existing or new, are indicated as such in the footnotes. Further commentary for use-specific standards is located at the beginning of Section 3.3. The final two subsections of the use-specific standards section address accessory and temporary uses and structures, which were revised to address common issues with such uses and structures.

As you review the Table of Allowed Uses and the use-specific standards, please consider the following:

- 1) For a use that is shown as prohibited, ask “why not in this zoning district?”
- 2) For a use that is shown as prohibited, ask “can a use-specific standard mitigate any concern, thus making it an acceptable use for that zoning district?”
- 3) For uses shown as “S,” requiring special use permit approval, ask “should this use be allowed by right in this zoning district?”
- 4) For uses shown as either “√” or “S,” ask “are there additional standards necessary to mitigate known issues with this use type?”

3.1 Purpose and Organization of this Article⁶⁷

3.1.1. Purpose

The article identifies the land uses allowed in Northglenn’s zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

3.1.2. Organization

- A. Section 3.2, *Table of Allowed Uses* lists uses allowed by district and provides cross-references to applicable use-specific standards.
- B. Section 3.3, *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.
- C. Section 3.4, *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- D. Section 3.5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.
- E. Section 3.6, *Oil and Gas Regulations*, establishes standards applicable to oil and gas operations.

⁶⁷ New introductory section.

3.2 Table of Allowed Uses

Table 3.2-A lists the uses allowed within all base zoning districts. Each listed use is defined in Article 7: *Definitions and Rules of Construction*.

3.2.1. Explanation of Table Abbreviations⁶⁸

A. Allowed By Right Uses

A “√” in a cell indicates that the use is allowed by right in the respective zoning district. Such uses are subject to all other applicable regulations of the UDO.

B. Special Use Permit Required

An “S” in a cell indicates that the use is only allowed in the respective zoning district if approved as a special use in accordance with the procedures in [Section --](#), *Special Use Permits*.

C. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

D. Accessory Uses

An “A” in a cell indicates that the use is allowed in the respective zoning district as an accessory use, pursuant to Section 3.4, *Accessory Uses and Structures*.

E. Use-Specific Standards

Regardless of whether or not a use is allowed by right or with approval of a special use permit, additional standards may be applicable to that use. Use-specific standards are identified and cross-referenced in the last column of Table 3.2-A. Uses marked with a “+” following the “√” or “S” in a zoning district indicates that use-specific standards apply to that use type in that zoning district. For example, “√+” indicates that a use is allowed by-right, but that additional standards apply in that zoning district.

3.2.2. Table Organization⁶⁹

In Table 3.2-A, land uses are classified into general use categories and specific uses based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each category. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory.

3.2.3. Classification of New and Unlisted Uses⁷⁰

The following procedure shall apply if an application is submitted for a use category or use type that is not specifically listed in Table 3.2-A. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

A. Director Determination of Appropriate Use Category and Use Type

The Director shall determine the appropriate use category and use type for the proposed use. In making such determination, the Director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

⁶⁸ New. Part 1 of the update proposed consolidating the permitted and special use permit procedures. To reflect this change, those land use types that are currently allowed as “permitted” now require special use approval. Footnotes in the Table of Allowed Uses will provide more detail where levels of permission have been altered from what the UDO currently allows.

⁶⁹ New.

⁷⁰ New.

B. Establish Use-Specific Standards if Necessary

When establishing a use category and specific use type, the Director shall also determine whether or not additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community.

C. Appeal of Director's Determination

Appeals of administrative decisions shall be made pursuant to the procedures in **Section --**, *Appeals*.

3.2.4. Table of Allowed Uses

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	
Residential																
Household Living																
Dwelling, Duplex ⁷¹				√	√		S									
Dwelling, Live/Work ⁷²							√+	√+	√+			S+				3.3.3.B
Dwelling, Multifamily ⁷³				√	√		S+	√+	√+							3.3.3.C
Dwelling, Single-Family Attached ⁷⁴				√+	√+		√+	S+								3.3.3.D
Dwelling, Single-Family Detached ⁷⁵	√	√	√				√							√		
Manufactured Home Park, HUD-Code ⁷⁶						√+										3.3.3.E
Group Living⁷⁷																
Assisted Living Facility ⁷⁸	S	S	S	S	S	S	S	S	S							
Family Care Home ⁷⁹ [reserved]																
Group Quarters ⁸⁰ [reserved]																
Independent Living Facility ⁸¹				√	√		√									
Public, Institutional, and Civic Uses																
Community and Cultural Facilities																
Assembly ⁸²	S	S	S	S	S	S	S									
Cemetery or Internment Facility ⁸³												S		S	√	

⁷¹ Renamed from "two-family dwellings."

⁷² New use.

⁷³ Renamed from "multiple dwellings."

⁷⁴ Currently categorized under "single family dwellings."

⁷⁵ Currently categorized under "single family dwellings."

⁷⁶ Renamed from "mobile homes." Did not carry forward "other structures which house a mobile home and which may contain additional living area" in 11-17-4(b).

⁷⁷ Did not carry forward "fraternity or sorority houses" or "foster family care."

⁷⁸ Renamed from "nursing home."

⁷⁹ Consolidated "care homes for elderly persons, as defined in Section 11-5-2(b)(24) of this Chapter," "group homes for the elderly," and "group homes for the developmentally disabled licensed by the State." This use type is not the same as "family-care home" currently defined in 11-5-2(b)(58.1) related to child care. We have consolidated all residential facilities for Fair Housing Amendments Act (FHAA) protected persons the same. Further discussion regarding group homes is required prior to the consolidated draft.

⁸⁰ Consolidated "group quarters" and "group quarters, other than group homes for the elderly or developmentally disabled." As mentioned above, further discussion is required related to all group home types.

⁸¹ New use.

⁸² Renamed from "churches." Recent code amendment restricted churches to residential zoning districts.

⁸³ Consolidated "cemeteries and crematories, including pet cemeteries" and "cemetery."

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		
Club or Lodge ⁸⁴							√+	√	√	√	√	√				3.3.4.A	
Community Center ⁸⁵	S	S	S	S	S	S	S	√	√	√	√	√	√	√			
Daycare ⁸⁶	S	S	S	S	S	S	S		A+	√	√	A+	A+			3.3.4.B	
Emergency or Community Operations Facility ⁸⁷	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√		
Funeral Facility ⁸⁸								√	√	√	S	S		S			
Park and Open Space, Active ⁸⁹	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√		
Park and Open Space, Passive ⁹⁰													√	√	√		
Educational Facilities																	
School, Public or Private ⁹¹	S	S	S	S	S	S	√	√	√	√	√	√	√	√			
School, Vocational or Trade ⁹²								√	√	√	√	√					
Healthcare Facilities																	
Hospital ⁹³								√	√	√	√	√	√				
Medical or Dental Clinic ⁹⁴							S	√	√	√	√	√	√				
Commercial Uses																	
Agricultural and Animal Uses																	
Agriculture, General ⁹⁵													√+	√+	√+	3.3.5.B	
Agriculture, Urban ⁹⁶	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	√+	A+	3.3.5.C	
Community Garden ⁹⁷	√	√	√	√	√	√	√	√	√	√			√	√	√		

⁸⁴ Renamed from “clubs and lodges (nonprofit and fraternal organizations).” Further discussion with the City Attorney required regarding how this use relates to assembly uses, and whether or not they should be allowed in the same zoning districts.

⁸⁵ Consolidated “library” and “community center.” Changed to an allowed use by right in the nonresidential districts.

⁸⁶ Renamed from “day care centers.”

⁸⁷ New use.

⁸⁸ Renamed from “undertaking establishments and funeral parlors.” Currently allowed by right in the I-2 (now IN) district.

⁸⁹ Consolidated “municipal recreation facilities,” “parks and recreational grounds,” “public park and/or playground,” and “public park or other public recreational facilities.” Currently allowed with special use permit in all districts except for the OS.

⁹⁰ Consolidated “governmental reservations,” “nature areas.” Added as an allowed use in the AG district.

⁹¹ Consolidated “non-profit private schools,” “nursery schools,” “public schools,” “schools, both public and private,” and “schools, public and nonprofit private.” Changed to permitted use from special use in the mixed-use and nonresidential districts.

⁹² Consolidated “schools (commercial and trade)” and “schools (music, dance, or business).”

⁹³ Consolidated “hospitals” and “sanitariums.” Hospitals are currently allowed in all districts except for the Open districts, with a special use permit.

⁹⁴ Renamed from “medical offices, dental offices, and pharmacies.”

⁹⁵ Consolidated “general farming,” “grain and feed elevators, together with buildings, structures, and facilities used in their operation and maintenance,” “fish hatcheries,” and “dairying.”

⁹⁶ Consolidated “gardening and other cultivation of land,” and “the keeping of pigeons.” Currently only allowed in residential districts.

⁹⁷ New use.

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	
Kennel, Commercial ⁹⁸										S+	√+	√+		√+		3.3.5.D
Stable, Commercial ⁹⁹											S+	S+		S+	S+	3.3.5.E
Veterinary Hospital or Clinic ¹⁰⁰							S+	√+	√+	√+	√+	√+	√+	√+		3.3.5.F
Recreation and Entertainment																
Indoor Recreation Facility ¹⁰¹							√	√	√	√	√	√			S	
Outdoor Recreation Facility ¹⁰²										S	S	S		S	√	
Food and Beverage Services																
Bar, Tavern, or Lounge ¹⁰³							S+	√+	√+	√+	√+	√+				3.3.5.G
Catering Establishment ¹⁰⁴							S	√	√	√	√	√				
Microbrewery, Distillery, or Winery ¹⁰⁵							S+	√+	√+	√+	√+	√+				3.3.5.H
Restaurant ¹⁰⁶							√+	√	√	√	√	√				3.3.5.I
Office, Business, and Professional Services																
Administrative, Professional, and Government Office ¹⁰⁷							√+	√	√	√	√	√	√			3.3.5.J
Financial Institution ¹⁰⁸							√+	√	√	√	√	√				3.3.5.K
Research and Development ¹⁰⁹								√	√	√	√	√	√			

⁹⁸ Consolidated “dog kennels” and “kennels, pet shops, and small animal hospitals which include the use of outdoor facilities.” Revised to allowed from special use permit.

⁹⁹ Renamed from “riding academies and stables.”

¹⁰⁰ Currently only allowed by right in the M-U and C-4, and with a special use permit in the I-1 and A-1 districts. Expanded permissions to match medical or dental clinics.

¹⁰¹ Consolidated “amusement establishments, bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, and skating rinks,” “art galleries, but not including art auctions,” “permanent, non-portable amusement establishments, indoor and outdoor, including miniature golf courses, kiddie parks and other similar amusement centers, but not including drive-in theaters,” “public swimming pools,” and “theaters.” The O-1-A district currently limits indoor recreation to swimming pools only.

¹⁰² Consolidated “any open uses intended to provide amusement, entertainment, or recreation on the payment of a fee or admission charge, shall not be enclosed,” “drive-in theaters and stadiums,” “golf courses,” and “golf driving ranges.” Did not carry forward 11-28-6 and 11-30-5(h) regarding standards for golf course construction and drive-in theaters and stadiums in agricultural zoning districts.

¹⁰³ Renamed from “restaurants, lounges, and taverns.” Currently not allowed in the I-1 (now IN) district.

¹⁰⁴ Currently not allowed in the I-1 (now IN) district.

¹⁰⁵ New use.

¹⁰⁶ Currently not allowed in the C-5 (now CG) or the I-1 (now IN) districts.

¹⁰⁷ Consolidated “general offices, excluding the sale of goods or products at wholesale or retail, directly or indirectly,” “radio and television broadcasting stations,” “telephone exchanges,” “fire stations,” “police stations,” and “public and private institutions and facilities of a governmental, educational, charitable, religious, recreational, correctional, or military purpose.”

¹⁰⁸ Currently not allowed in the C-5 (now CG) or the I-1 (now IN) districts.

¹⁰⁹ Renamed from “testing laboratories.” Currently only allowed in the I-1 and I-2 (now IN) districts.

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
Personal Services																
Laundry Facility, Commercial ¹¹⁰										√	√	√				
Laundry Facility, Self-Service ¹¹¹				A+	A+	A+	√+	√	√	√	√	√				3.3.5.L
Personal Services, General ¹¹²							√+	√	√	√	√	√	√			3.3.5.M
Retail Sales¹¹³																
Building Materials and Supply Store ¹¹⁴										√	√	√				
General Retail, Less than 10,000 Square Feet ¹¹⁵							√+	√	√	√	√	√	√			3.3.5.N
General Retail, Between 10,000 Square Feet and 25,000 Square Feet								√	√	√	√	√				
General Retail, More than 25,000 Square Feet								√	√	√	√	√				
Liquor Store ¹¹⁶								√	√	√	√	√				
Marijuana Establishment, Medical	<i>Subject to Licensing Requirements in Article 18-14</i>															
Marijuana Establishment, Retail	<i>Subject to Licensing Requirements in Article 18-16</i>															
Nursery or Garden Supply Store ¹¹⁷								√	√+	√	√	√	√	√		3.3.5.Q

¹¹⁰ Renamed from "dry cleaning establishments." Currently allowed in the M-U, C-4, C-5, and I-2 districts.

¹¹¹ Consolidated "laundrettes, automatic self-service only" "laundries." Currently not allowed in C-5 (now CG) or I-1 (now IN) districts. Added as an accessory use in the multifamily and manufactured home districts.

¹¹² Consolidated "barber shops," "clothes pressing establishments," "custom dressmaking and tailor shops," "dry cleaning and laundry receiving stations, provided that the processing be done elsewhere," "photography studios," "florist shops," and "printing establishments." Currently not allowed in the C-5 (now CG) or I-1 (now IN) districts.

¹¹³ Did not carry forward standards related to "first rate national tenant, regional tenant, or outlet" as described in 11-23A-4 and 11-23A-5. We recommend all retail establishments be treated equally to support local business.

¹¹⁴ Consolidated "building material sales" and "electrical supply, heating, ventilation and air conditioning supply, painting, and roofing supply sales." Currently prohibited in the I-1 (now IN) district.

¹¹⁵ The new general retail use type consolidates "antique shop," "art and school supply stores," "bicycle sales, rental and repair shops," "blueprinting and photostating establishments," "camera and photographic supply stores," "carpet and rug stores," "casket and casket supply sales," "china and glassware stores," "clothing and costume rental stores," "coin and philatelic stores," "department stores," "drug stores," "fabric shops," "food stores, grocery stores, meat markets, bakeries, creameries, and delicatessens," "frozen food stores, but not including locker rental businesses," "furniture stores," "furniture stores with new merchandise, excluding repair or upholstering services on premises," "furrier shops," "gift and variety shops," "haberdasheries," "hardware stores," "hobby shops, for retail of items to be assembled or used away from the premises," "home appliance stores," "interior decorating shops, retail only," "jewelry stores, including watch repair," "leather goods and luggage stores," "liquor stores (packaged goods only)," "live bait stores," "millinery shops," "musical instrument sales and repair," "office supply stores," "orthopedic and medical appliance stores, but not including the assembly or manufacturing of such articles," "paint and wallpaper stores," "pawn shops," "pharmacies," "second-hand stores and rummage shops," "sewing machine sales and services, household machines only," "shoe and hat repair shops," "shoe stores," "sporting goods stores," "toy shops," "automotive accessory stores (new and used parts and accessories)," "automobile accessory stores (new parts and supplies only)," "interior decorating shops, excluding manufacturing," "television and radio repair shops," and "typewriting and adding machine sales and repair shops." We recommend treating all retail uses smaller than 10,000 square feet the same.

¹¹⁶ Renamed from "sale of alcoholic beverages and liquors."

¹¹⁷ Consolidated "garden supply and seed stores," "greenhouses," and "greenhouses and nurseries."

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	
Lodging Facilities																
Bed and Breakfast ¹¹⁸				S+	S+		√+	√+	√+	√+	√+			√+		3.3.5.R
Boarding or Rooming House					√		√	√	√							
Hotel/Motel ¹¹⁹							S	√	√	√	√	√				
Short-Term Rental ¹²⁰																3.3.5.S
Transportation¹²¹																
Rail Yard ¹²²												S				
Transit Terminal or Station ¹²³				S	S		√	√	√	√	√	√	√	√	√	
Vehicles and Equipment																
Auto Wash ¹²⁴								S	S	√	√	√	√			
Automotive Fuel Sales ¹²⁵								S+	S+	√+	√+	√+	√+			3.3.5.T
Automotive Repair, Major ¹²⁶										S+	√+	√+				3.3.5.U
Automotive Repair, Minor ¹²⁷									S+	S+	√+	√+				3.3.5.V
Automotive Sales and Leasing ¹²⁸										S	√	√				
Equipment and Machinery Sales and Rental ¹²⁹										S+	√+	√+				3.3.5.W
Parking Facility ¹³⁰										√	√	√	√		√	

¹¹⁸ New use.

¹¹⁹ Renamed from "motels." Currently not allowed in C-3 and C-5 (now CG), and the I-1 (now IN) districts.

¹²⁰ New use. Further policy discussion required regarding short-term rentals (VRBO, AirBNB, etc.) in Northglenn.

¹²¹ We did not carry forward the airport and heliport uses as a specific use type.

¹²² Currently not allowed in the I-1 (now IN) district.

¹²³ New use.

¹²⁴ Currently not allowed in the I-1 (now IN), and only with special use permit in the C-3 and C-4 (now CG) districts.

¹²⁵ Consolidated "fuel and ice sales," "service stations, excluding body repair, engine rebuilding and rental or sale of vehicles," and "automobile service stations." Currently not allowed in the I-1 (now IN) district.

¹²⁶ Renamed from "garages for repair and servicing of motor vehicles, including body repair, painting, and engine rebuilding, limited to vehicles up to 1 1/2 tons capacity." Currently allowed with a special use permit in the C-3 and C-4 (now CG) districts, and not allowed in the I-1 (now IN) district.

¹²⁷ Consolidated "battery, tire, muffler, and seat cover service stations" and "service stations." Currently not allowed in the I-1 (now IN) district. Currently allowed by right in the C-5 (now CG) district.

¹²⁸ Consolidated "automobile sales," "boat showrooms," "mobile home sales," "motorcycle sales," and "trailer sales and rental for use with private passenger motor vehicles." Did not carry forward standards regarding vehicle weight in 11-24-1(b)(4) and 11-30-6(f)(2), this is addressed in the new definition for "automotive sales and leasing." Currently allowed by right in the C-5 (now CG) district.

¹²⁹ Consolidated "machinery sales, excluding heavy equipment and farm machinery," "machinery sales, including heavy equipment and farm machinery," and "truck and truck trailer sales and service." Currently allowed by right in the C-5 (now CG) district.

¹³⁰ Consolidated "garages and parking lots, other than accessory garages and parking lots for the storage of motor vehicles" and "parking areas." Currently only allowed in the C-5 (now CG), I-2 (now IN), and the O-1 and O-1-A (now OS) districts.

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
Sexually Oriented Businesses																
Sexually Oriented Business ¹³¹												√+				3.3.5.X
Industrial Uses																
Manufacturing and Processing ¹³²																
Food Processing ¹³³											√+	√+				3.3.6.A
Oil and Gas Operations	<i>See Section 3.6.</i>															
Manufacturing, Artisan ¹³⁴							S+	√+	√+	√	√	√	√			3.3.6.B
Manufacturing, Light ¹³⁵										S+	√	√+				3.3.6.C
Mining and Extraction										S+	S+	S+	S+	S+		3.3.6.D
Storage and Warehousing																
Contractor Office or Showroom ¹³⁶											√+	√	√	√		3.3.6.E
Outdoor Storage ¹³⁷												√+	√+	√+		3.3.6.F
Self-Service Storage ¹³⁸										S+	√+	√+	√+			3.3.6.G
Warehousing and Wholesale Facility ¹³⁹											√	√	√	S		
Public and Semi-Public Utility Uses																
Utilities																
Public Utility, Major ¹⁴⁰							S+	S+	S+	S+	S+	S+	S+	S+	S+	3.3.7.A
Public Utility, Minor ¹⁴¹	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	3.3.7.A

¹³¹ Currently allowed in the C-4, C-5 (now CG) and I-1 and I-2 (now IN) districts.

¹³² We did not carry forward the list of production, manufacturing, and processing exclusions listed in 11-25-3(a). It is difficult and unnecessary to list every objectionable use, instead we recommend basing land use decisions on what is allowed in the Table of Allowed Uses. All other uses or operations not listed in the table would, by default, not be allowed.

¹³³ Renamed from "frozen food lockers." Currently allowed by right in the C-5 (now CG) district.

¹³⁴ Consolidated "restricted production and repair, limited to the following: art needlework; clothing (custom manufacturing and alterations) for retail only; jewelry (from precious metals); watches; dentures; and optical lenses," "taxidermists," and "the manufacture, assembly and production of small components and parts, such as computers, electronics, optics, and watches." Currently not allowed in the C-5 (now CG) district.

¹³⁵ Consolidated "any processing, cleaning, servicing, testing, or repair of materials, goods, or products," "manufacture of clothing," and "printing shops," "the basic production, manufacturing or processing," "the manufacturing, processing, and fabrication except those excluded by 11-25-3." Did not carry forward the list of potential operations in 11-27-2(c). Currently allowed by right in the C-5 (now CG) and I-2 (now IN) districts.

¹³⁶ Consolidated "contractor shops," "exterminating shops," and "plumbing showrooms and shops." Currently only allowed in M-U, C-4 (now CG), and I-2 (now IN) districts.

¹³⁷ Renamed from "outside storage, except junk." Currently not allowed in the I-1 (now IN) district.

¹³⁸ New use.

¹³⁹ Consolidated "storage and warehousing," "warehousing and wholesaling establishments, excluding explosives," "wholesale establishment with storage or display of merchandise limited to samples only, but not manufacturing."

¹⁴⁰ New use.

¹⁴¹ Renamed from "electric substations and gas regulator stations." Currently requires special use permit.

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	
Water Storage Facility ¹⁴²	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S+	3.3.7.B	
Wireless Telecommunications Facilities¹⁴³																	
[Reserved]																3.3.7.C	
Accessory Uses¹⁴⁴																	
Accessory Dwelling Unit ¹⁴⁵	A+	A+	A+	A+	A+		A+								A+	3.4.4.A	
Caretaker Dwelling Unit ¹⁴⁶													A+	A+	A+	A+	3.4.4.B
Drive-Through Facility ¹⁴⁷									A+	A+	A+	A+	A+				3.4.4.C
Home Occupation ¹⁴⁸	A+	A+	A+	A+	A+	A+	A+	A+	A+								3.4.4.D
Outdoor Dining							A+	A+	A+	A+	A+	A+					3.4.4.E
Outdoor Sales and Display							A+	A+	A+	A+	A+	A+	A+	A+			3.4.4.F
Outdoor Storage, Accessory ¹⁴⁹	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+		3.4.4.G
Sale of Produce and Plants Raised on Premises ¹⁵⁰	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+	A+		3.4.4.H

¹⁴² Consolidated “water reservoirs, water storage tanks, water pumping stations, and sewage facilities” and “water storage, transmission, diversion and pumping facilities.”

¹⁴³ Renamed from “commercial mobile radio service (CMRS) facilities.” The Commercial Mobile Radio Services (CMRS) regulations are currently being updated through a separate project. Upon adoption of the updated ordinance, (expected soon) we will integrate those changes into the consolidated draft.

¹⁴⁴ Eliminated the following from the accessory use category: “fences,” “hedges,” “loading docks,” “panic shelters,” “private fallout shelters,” “private swimming pools,” “signs,” “trash containers,” and “walls.” These will be addressed in other sections of the UDO (design standards, accessory structures, sign regulations, loading and unloading standards, landscaping, etc.). Did not carry forward 11-32-2(a)(6) related to CRMS facility standards, those standards have been relocated to the use-specific standards portion of the draft. We did not carry forward 11-23-3(a)(1), 11-5-2(b)(70), 11-7-4(a), 11-17-2(g) related to “household pets.” These standards should be relocated to Chapter 14, Animal Control. We did not carry forward 11-30-3(o), 11-30-6(a)(9), 11-30-8(a)(3), and 11-5-2(b)(57.1) related to “fabric, membrane or cloth structures.” Further discussion with staff is necessary to establish appropriate parameters and enforcement.

¹⁴⁵ New use.

¹⁴⁶ Consolidated “dwelling for caretaker employed on the premises,” “dwellings for farm or ranch employees employed on the premises or for farm or ranch tenants on any farm or ranch,” and “living quarters for custodians, guards or maintenance personnel only in connection with an industrial use being conducted on the same premises.” Currently not allowed in the I-2 (now IN) district.

¹⁴⁷ Currently not allowed in the C-5 (now CG) or the I-1 (now IN) districts.

¹⁴⁸ Consolidated “daycare homes as defined in Section 11-5-2(b)(43.1) of the Municipal Code of the City of Northglenn, and family care homes as defined in Section 11-5-2(b)(58.2) of the Municipal Code of the City of Northglenn, provided such homes are licensed according to State regulations or statutes as now in effect or hereafter amended,” “Home occupations as defined in Section 11-5-2(b)(69) of the Municipal Code of the City of Northglenn,” and “occasional care of children, with or without compensation.” Currently not allowed in the MH district.

¹⁴⁹ Consolidated “outdoor storage accessory to uses-by-right” and “the storage of antique cars or racing cars by residents of the City, or the storage of a junk car owned by a member of the armed forces on active duty.” Did not carry forward personal outdoor storage (cars) in this UDO.

¹⁵⁰ Currently 11-18-1(b). Currently only allowed in the A-1 district.

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	
Temporary Uses¹⁵¹																
Construction Support Activity ¹⁵²	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	3.5.4.A
Farmer’s Market or Open Air Market ¹⁵³							√	√	√	√	√	√	√	√	√	
Seasonal Sales ¹⁵⁴							√+	√+	√+	√+	√+	√+	√+	√+	√+	3.5.4.B
Special Event ¹⁵⁵	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	√+	3.5.4.C

¹⁵¹ Did not carry forward temporary use for “a mobile home to be used as temporary living quarters incidental to and necessary for the construction of a residence on property of not less than one-half acre.”

¹⁵² Consolidates “a temporary construction yard or building for construction materials and equipment, including a mobile home or travel trailer for office use, and concrete batch plants incidental to and necessary for construction,” “roadside stands,” and “a temporary office, including a mobile home or travel trailer for office use.” Currently only allowed with special use permit in residential districts (except MH), the I-1 and I-2 (now IN), and A-1 (now AG) districts.

¹⁵³ New use.

¹⁵⁴ Consolidates “a temporary sales lot and office for the sale of Christmas trees at wholesale or retail,” and “the temporary sale of trees, shrubs, plants and garden supplies.” Currently requires special use permit in the O-1 and O-1-A (now OS) districts.

¹⁵⁵ Consolidates “fund raising activities,” fund raising activities by non-profit groups or civic organizations conducted at institutional facilities such as churches or schools,” “special sales and promotions,” and “yard or garage sales as defined in Section 11-5-2(b)(192) of the Municipal Code of the City of Northglenn.” Currently not allowed in the open space districts, and requires special use permit in the I-1 (now IN) and A-1 (now AG) districts.

3.3 Use-Specific Standards

Commentary:

This new section includes standards that apply to specific land uses. We have relocated many standards that are applicable to a specific use type to this section. These standards are consolidated from several different sections within Chapter 11, including language from general standards, restrictions, uses-by-right, permitted uses, and special uses. This section follows the same organization as the Table of Allowed Uses in the previous section.

Our philosophy in drafting this section was to take a relatively light touch – in other words, include standards only where there are real issues that zoning can address. In contrast, some communities adopt dozens of pages of standards that can ultimately discourage development and/or become difficult to administer and enforce.

Where applicable, current standards are carried forward; however, we have also added many new standards based on our work with communities around the country then tailored for Northglenn. New standards are indicated as such in the footnotes. Reviewers should consider the appropriateness of these standards for Northglenn's land uses (e.g., too strict or too lenient?), or whether there are any uses missing that should have use-specific standards.

Any development standards that apply more broadly across uses (e.g., lighting, signs, building design, neighborhood compatibility, etc.) will be included in Part 3 of the update – *Development Standards*.

3.3.1. Generally¹⁵⁶

A. Applicability

Use-specific standards in this section shall apply to all zoning districts unless otherwise stated.

B. Cross-References in Table of Allowed Uses

All uses with use-specific standards as indicated in the right-hand column of Table 3.2-A shall comply with the applicable standards in this section. All development shall also comply with the applicable standards in Article 4: *Development Standards*.

C. Resolution of Conflicting Standards

In case of a conflict between these use-specific standards and the standards in Article 4: *Development Standards*, these use-specific standards shall apply unless otherwise stated.

3.3.2. Performance Standards for All Uses¹⁵⁷

A. Applicability

Unless exempted elsewhere in this UDO, the performance standards in this subsection 3.3.2 shall apply to all uses in all zoning districts. All uses and development shall also comply with the nuisance regulations in Chapter 9 of the Northglenn Municipal Code.

B. Air Quality¹⁵⁸

1. All operations and uses shall comply with federal, state, and county emissions standards.
2. Noncompliance with any of the applicable air pollution laws shall be justification for revocation of any permits issued by the City.

C. Odors¹⁵⁹

Uses and activities that produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, may be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Director judges such odor or emission to be harmful to the rights of others to enjoy their property.

¹⁵⁶ New.

¹⁵⁷ Some of these issues may already be covered by nuisance regulations in Chapter 9 of the Municipal Code. Any duplications will be removed from the UDO prior to the consolidated draft.

¹⁵⁸ New.

¹⁵⁹ New.

D. Light and Glare¹⁶⁰

All uses shall comply with the standards in **Section --**, *Exterior Lighting*.

E. Noise¹⁶¹

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

F. Vibration¹⁶²

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.

G. Hazardous and Combustible Materials¹⁶³

1. General

- a. A special use permit shall be required for any commercial or industrial use involving the storage, handling, or use of hazardous materials when the quantity is in excess of the exempt amount or maximum allowable per control area, as specified in the Building or Fire Code.
- b. 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.
- c. 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.¹⁶⁴

2. Combustibles and Explosives¹⁶⁵

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.

3. 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.

H. Evidence of Compliance¹⁶⁶

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.

3.3.3. Residential Uses

A. Animals and Pets¹⁶⁷

1. 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 11-7-2(e).¹⁶⁸

¹⁶⁰ Exterior lighting standards will be drafted as part of Module 3, Development Standards.

¹⁶¹ Currently 11-19-1. Reworded for clarity and consistency. This standard currently only applies to commercial districts and we recommend it be applied broadly to the entire City.

¹⁶² Replaces 11-25-2(b). Current language prohibits vibration beyond the boundary line of the zone; we recommend vibrations not extend beyond the property line.

¹⁶³ Mostly new.

¹⁶⁴ Currently 11-19-2(h) and 11-25-2(e). This standard currently applies to all commercial and industrial zoning districts; we recommend this standard be applied to all properties within the City.

¹⁶⁵ Did not carry forward 11-7-2(d), 11-17-2(a), 11-18-1(a), and 11-28-2(a) prohibiting the storage of fireworks in residential uses, MH, A-1, O-1, and O-1-A districts.

¹⁶⁶ New.

¹⁶⁷ These standards were included for discussion purposes, but will likely be relocated to Chapter 14.

¹⁶⁸ Currently 11-7-2(e).

2. 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 this Code.¹⁶⁹
3. In the MH district, not more than two dogs and not more than two cats may be kept per mobile home other than the litter, brood or offspring of one dog or cat (that is domiciled on the premises) that is less than four months old except when allowed as a special use. There shall be no limitation on the number of other household pets allowed per mobile home except for those set forth in other ordinances of the City of Northglenn or set forth in local or State health regulations.¹⁷⁰

B. Dwelling, Live/Work¹⁷¹

1. Location

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

2. Ownership

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

C. Dwelling, Multifamily¹⁷²

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

D. Dwelling, Single-Family Attached¹⁷³

Each individual dwelling unit shall have legal means of access to a right-of-way.

E. Manufactured Home Park, HUD-Code¹⁷⁴

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.

1. Home Site and Building Standards¹⁷⁵

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

¹⁶⁹ Currently 11-7-2(g).

¹⁷⁰ Currently 11-17-2(g).

¹⁷¹ New standards for a new use.

¹⁷² New standards included to promote a more walkable street frontage in the more commercial-oriented mixed-use districts.

¹⁷³ New.

¹⁷⁴ From current 11-17-3(e) and (g), revised and reorganized for clarity.

¹⁷⁵ Did not carry forward differentiation between mobile home space and mobile home lot.

2. Site Layout and Circulation

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

3. Fencing and Screening

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

4. Amenities

Each park shall provide the following:

- a. A minimum of 10 percent of the area of the park shall be reserved for recreational purposes separate from individual home sites.
- b. 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.
- c. A minimum of 10 percent of the area of the park shall be dedicated to the City for public purposes.

5. 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.

F. Group Homes¹⁷⁶
[reserved]**3.3.4. Public, Institutional, and Civic Uses****A. Club or Lodge¹⁷⁷**

In the MN district, a special use permit is required for outdoor recreation associated with a club or lodge.

B. Daycare¹⁷⁸

In the MR, IN, and PF districts, day care is only allowed as an accessory use to the primary business within the same structure. Such accessory use shall be limited to serving only those employees or owners of the business or businesses within the same structure.

3.3.5. Commercial Uses**A. Commercial Uses, Generally¹⁷⁹**

Commercial uses shall take place entirely within enclosed buildings and all merchandise, either for sale or display, shall be kept or stored entirely within completely enclosed structures, unless otherwise indicated.

¹⁷⁶ Further discussion required with staff and the City Attorney's office regarding group homes (currently family care homes and group quarter's) to be aligned with Fair Housing Amendments Act (FHAA) regulations.

¹⁷⁷ New.

¹⁷⁸ New.

¹⁷⁹ Currently 11-19-2(d) and 11-9-2(e).

B. Agriculture, General¹⁸⁰

1. The keeping of farm animals shall be for noncommercial purposes strictly for the convenience and pleasure of the owner or occupant.
2. A minimum of one acre is required for the keeping of farm animals.
3. No more than three farm animals may be maintained on the first acre and up to one additional farm animal for each additional one-half acre.
4. Shelters or structures for housing or keeping farm animals shall be setback from the property line a minimum of 50 feet. This setback standard does not apply to unenclosed fenced areas such as corrals.
5. The keeping of all farm animals shall be subject to the regulation and conditions of the County Health Department and Animal Control Division.

C. Agriculture, Urban¹⁸¹

1. Generally

The keeping or raising of animals shall only be allowed as an accessory use on lots with an occupied dwelling unit, and are subject to the provisions set forth in **Chapter 14** of the Municipal Code.

2. Chicken Coops¹⁸²

- a. Chicken coops shall not exceed 120 square feet and shall provide a minimum of four square feet per bird.
- b. Chicken coops shall not exceed six feet in height.
- c. Chicken coops shall be located a minimum of five feet from any property line, a minimum of 20 feet from a primary structure on an adjacent property, and shall be located in the rear yard.

D. Kennel, Commercial¹⁸³

1. Location

No commercial kennel shall be located adjacent to any property used or zoned as residential.

2. Enclosed Building Requirement

Areas where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.

3. Kennels with Outdoor Facilities

- a. No exterior overnight boarding shall be allowed.¹⁸⁴
- b. Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any adjacent property.

E. Stable, Commercial¹⁸⁵

1. A minimum of one acre is required for the maintenance of animals.
2. No more than three animals may be maintained on the first acre and up to one additional animal for each additional one-half acre.
3. The keeping of all animals shall be subject to the regulation and conditions of the County Health Department and Animal Control Division.

¹⁸⁰ New. Section 11-7-2(g) currently sets limitations on the type of animals allowed in residential zoning districts.

¹⁸¹ New. Did not carry forward 11-8-3(b) regarding the keeping of pigeons in the R-1 zoning district.

¹⁸² From 2016 ordinance No. 1713.

¹⁸³ New. Did not carry forward standard in 11-18-3 limiting kennels to parcels five acres or larger. We propose increasing the setback of animal enclosures from 100 feet to 150 feet from adjacent property lines.

¹⁸⁴ Some cities elect to establish hours by which animals must be kept indoors, usually mirroring applicable noise ordinances. The benefit of establishing specific hours is there is a clear enforceable standard; however, this could be difficult to enforce and manage. This requires further discussion.

¹⁸⁵ Replaces 11-30-5(g) and 11-31-7(b). We propose replacing the minimum lot requirement of ten acres with an animal to land ratio.

4. Shelters or structures for housing or keeping farm animals shall be setback from the property line a minimum of 150 feet. This setback standard does not apply to unenclosed fenced areas such as corrals.

F. Veterinary Hospital or Clinic¹⁸⁶

A veterinary hospital or clinic shall comply with the same requirements for a commercial kennel in Section 3.3.5.D. The following additional standards shall apply:

1. **MN Zoning District**

Outdoor kennel facilities are prohibited.¹⁸⁷

2. **MC and MR Zoning Districts**

- a. Outdoor kennel facilities require a special use permit.
- b. Kennels and/or boarding areas are limited to 50 percent of the gross floor area.

G. Bar, Tavern, or Lounge¹⁸⁸

Bars, taverns, or lounges shall not be located closer than 150 feet as measured from any exterior wall from any residential use or residential zoning district. This standard does not apply to residential uses within a mixed-use zoning district.

H. Microbrewery, Distillery, or Winery¹⁸⁹

1. The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.
2. In the MN district, wholesale sales and bulk shipping of products produced on-site is prohibited.
3. Microbreweries, distilleries, or wineries shall not be located closer than 150 feet as measured from any exterior wall from any residential use or residential zoning district. This standard does not apply to residential uses within a mixed-use zoning district.

I. Restaurant¹⁹⁰

In the MN district, restaurant uses shall not exceed 2,500 feet.

J. Administrative, Professional, and Government Office¹⁹¹

In the MN district, offices shall not exceed 5,000 square feet.

K. Financial Institution¹⁹²

In the MN district, financial institutions are only allowed as part of a mixed-use building.

L. Laundry Facility, Self-Service¹⁹³

1. In the RM-1 and RM-2 districts, self-service laundry facilities shall only be allowed as an accessory use within a multifamily complex and shall only be designed and intended to serve residents of such multifamily building.
2. In the MH district, self-service laundry facilities shall only be allowed as an accessory use and shall only be designed and intended to serve residents of a manufactured home park.
3. In the MN district, self-service laundry facilities shall only be allowed within a mixed-use building and shall not exceed 5,000 square feet.

M. Personal Services, General¹⁹⁴

In the MN district:

¹⁸⁶ New, unless otherwise noted.

¹⁸⁷ Replaces 11-30-5(c). Did not carry forward the limit of 25 animals on site at one time in residential zoning districts.

¹⁸⁸ New.

¹⁸⁹ New standards for new use.

¹⁹⁰ New.

¹⁹¹ New.

¹⁹² New.

¹⁹³ New.

¹⁹⁴ New.

1. Personal service uses shall not exceed 5,000 square feet unless part of a mixed-use building.
2. Drive-through facilities are prohibited.

N. General Retail, Less than 10,000 Square Feet¹⁹⁵

In the MN district:

1. General retail uses shall not exceed 5,000 square feet unless part of a mixed-use building.
2. Drive-through facilities are prohibited.

O. Marijuana Establishment, Medical

Medical marijuana establishments shall comply with the licensing requirements in Article 18-14.

P. Marijuana Establishment, Retail

Retail marijuana establishments shall comply with the licensing requirements in Article 18-16.

Q. Nursery or Garden Supply Store¹⁹⁶

In the MR district, all merchandise, equipment, and supplies other than plants shall be kept within enclosed buildings or a fully screened enclosure.

R. Bed and Breakfast¹⁹⁷

1. Location and Compatibility

- a. Bed and breakfasts shall only be allowed in a building of residential character. Any modifications made to the building to accommodate the bed and breakfast use shall be compatible with the architectural character of the structure and with the character of the neighborhood.
- b. Bed and breakfasts shall not be allowed in any dwelling unit(s) allowed as an accessory dwelling unit.

2. Number of Bedrooms

The total number of bedrooms, including the bedrooms occupied by permanent residents of the building, shall not exceed five.

3. Operation

- a. The structure shall be owner-occupied or shall be occupied by a resident manager.
- b. Guest stays shall be limited to a maximum of 30 days.
- c. Any kitchen and dining facilities shall not be operated in the manner of a commercial restaurant and shall serve only residents and guests. No cooking facilities such as stoves, hot plates, or microwave ovens are allowed in the guest rooms.

S. Short-Term Rental¹⁹⁸

1. All applicable taxes and fees shall be paid prior to operating a short-term rental.
2. Accessory dwelling units shall not be used as short-term rentals.
3. Occupancy of a short-term rental by a paying guest shall not exceed 30 days.

¹⁹⁵ New.

¹⁹⁶ New. Did not carry forward standard regarding manure storage, this is addressed in the general performance standards at the beginning of this section.

¹⁹⁷ New standards for a new use.

¹⁹⁸ New standards for a new use. Further policy discussion related to short-term rentals (VRBO, AirBnB, etc.) is necessary prior to subsequent drafts. For now we have included some basic standards that we typically include in other cities as a starting point for discussion.

T. Automotive Fuel Sales¹⁹⁹

1. Fuel pumps shall be set back from front property lines a minimum of 40 feet and 15 feet from all other property lines.
2. Open storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.²⁰⁰

U. Automotive Repair, Major²⁰¹

1. All repairs, services, and storage shall be conducted within an entirely enclosed structure.
2. Outdoor storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.
3. Sales of vehicles shall be prohibited.

V. Automotive Repair, Minor²⁰²

1. Storage of vehicles on the premises shall not exceed 30 days.
2. Storage of equipment, auto parts, and supplies used in servicing vehicles shall be maintained entirely within an enclosed structure.
3. Outdoor storage of wrecked or inoperable cars, discarded tires, auto parts, or similar materials shall be prohibited.
4. Sales of vehicles shall be prohibited.

W. Equipment and Machinery Sales and Rental²⁰³

1. Maintenance of equipment shall be conducted entirely within an enclosed building.
2. Unenclosed storage of inoperable or wrecked equipment or materials shall be prohibited.
3. All other unenclosed stored equipment shall be screened from public view from all rights-of-way, residential zoning districts, and residential uses.

X. Sexually Oriented Business²⁰⁴

1. Location of Sexually Oriented Businesses

- a. It shall be unlawful for any person to operate or causes to be operated a sexually oriented business within 1,500 feet of:
 - (1) Any building or site used for religious assembly;²⁰⁵
 - (2) Any public or private school;²⁰⁶
 - (3) Any vocational or trade school;²⁰⁷
 - (4) The boundary of any residential zoning district;
 - (5) Any dwelling unit;²⁰⁸
 - (6) Any publicly owned park or open space adjacent to a residential zoning district; or²⁰⁹

¹⁹⁹ Replaces 11-30-6(b)(2). Landscaping and access standards will be included in Module 3, Development Standards.

²⁰⁰ New.

²⁰¹ New.

²⁰² New.

²⁰³ New.

²⁰⁴ Currently 11-54-2. Standards have been carried forward with no substantive changes except the location requirements were revised from 800 feet to 1,500 feet. Content has been re-organized and reworded for grammatical consistency.

²⁰⁵ Renamed from "church" to match the table of allowed uses.

²⁰⁶ Renamed from "any school meeting all requirements of the compulsory education laws of the state" to match the table of allowed uses.

²⁰⁷ New.

²⁰⁸ Removed "single or multiple".

- (7) Another sexually oriented business.
- b. It shall be unlawful for any person to cause or permit the operation, establishment, or maintenance of more than one sexually oriented business within the same building, structure, or portion thereof.
 - c. If two or more sexually oriented businesses are within 1,500 feet of one another and otherwise in a permissible location, the sexually oriented business that was first established and continually operating at the particular location shall be deemed to be in compliance with this Article and the later established business(es) shall be deemed to be in violation of this Article.
 - d. A sexually oriented business lawfully operating is not rendered in violation of this Article by the subsequent location of a use listed in 3.3.5.X.1.a within 1,500 feet of the sexually oriented business.
- 2. Measuring Distance**
- a. The distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.
 - b. The distance between any sexually oriented business and those uses listed in 3.3.5.X.1.a shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior structural wall of the building where the sexually oriented business is conducted, to the property line of the constrained use listed in paragraph 3.3.5.X.1.a.
- 3. Operations Pre-Existing to This Article**
Any sexually oriented business lawfully operating on the effective date of this Ordinance that is in violation of this Article shall be deemed a nonconforming use as provided for in Section --.
- 4. Nude Model Exceptions**
The provisions of this Article regulating nude model studios do not apply to:
- a. A college, junior college, or university supported entirely or partly by taxation; or
 - b. A private college or university which maintains and operates, educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
 - c. A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least three days in advance of the class; and where no more than three nude models are on the premises at any one time.

3.3.6. Industrial Uses

A. Food Processing²¹⁰

1. If proposed use is within 150 feet of a residential zoning district and the floor area is greater than 5,000 square feet, then approval of a special use permit shall be required pursuant to Section --.
2. Retail sales associated with this use are allowed.

B. Manufacturing, Artisan²¹¹

In the MN, MC, and MR zoning districts:

1. Artisan manufacturing uses shall be limited to 5,000 square feet of shop floor area.
2. If within 150 feet from a residential zoning district or residential use, then artisan manufacturing uses shall require approval of a special use permit pursuant to Section --.
3. All activities shall occur entirely within an enclosed structure.

²⁰⁹ Renamed from "a public park adjacent to any residential district."

²¹⁰ New.

²¹¹ New.

C. Manufacturing, Light²¹²

1. If within 150 feet from a residential zoning district or residential use, then light manufacturing uses shall require approval of a special use permit pursuant to **Section --**.
2. In the CG district, all activities shall occur entirely within an enclosed structure.

D. Mining and Extraction²¹³**1. Application**

- a. When an application for this special use is filed, the applicant shall provide a plan showing the land which will be excavated and a plan providing for rehabilitation of the excavated area. These plans, which shall be prepared by an engineer registered in the State of Colorado, shall show the contours of the land on at least five-foot contour intervals and any improvements thereon and to a distance of 300 feet in all directions from the subject property.
- b. Rock crushers, mineral processing plants, and concrete and asphalt mixing plants may be allowed. However, the Commission may set out additional conditions under which these operations may be allowed, and these conditions may vary by location because of abutting land and other factors.

2. Operation

- a. No excavation or processing shall be allowed nearer than ten feet to the boundary of any adjacent property, easement, or irrigation ditch or right-of-way or nearer than 125 feet to any existing residence unless the owner or owners of such adjacent property consent in writing to a lesser distance and the Commission approves such lesser distance. The Commission may set a greater distance.
- b. The operator of such use shall maintain haulage roads within the premises covered by the permit in a reasonable dust-free condition. The Commission shall specify the conditions in each instance to effect this requirement.
- c. The hours of operation, unless otherwise specified, shall be from 6:00 a.m. to 10:00 p.m., unless a national emergency arises or special permission is granted by the Commission.
- d. All excavations shall be conducted in such a manner as to provide a water-bearing stratum for any existing ground water unless the rehabilitation plan provides for a permanent lake.
- e. In no event shall a slope of less than two feet horizontal to one foot vertical be left when operations are completed.
- f. In all pits, whether known as dry pits or wet pits, the floor of the pit shall be graded in a reasonably smooth condition so that excavated areas will not collect or permit stagnant water to remain therein; however, where the rehabilitation plan for the subject property, as approved by the Commission, provides for a permanent lake, this requirement shall not apply.
- g. Prior to starting excavation, the operator shall fence the gravel pit operation in accordance with the requirements set forth in **Article 34**. The operator shall have the following alternatives:
 - (1) To fence the entire area covered by the permit immediately; or
 - (2) To fence the area to be excavated initially and move the fencing back as operations continue. The excavated area shall remain fenced unless removal of all or any part thereof is authorized by the Commission; or
 - (3) To fence as may be required by the Commission in special circumstances.

3. Permit Requirements²¹⁴**a. Permit Fee**

An annual permit fee of \$300 shall be paid.

²¹² New.

²¹³ From current 11-31-5(b).

²¹⁴ These standards should be relocated outside the UDO to an administrative manual.

b. Insurance

The operator shall furnish evidence that he is insured to the extent of not less than \$100,000 against liability for any negligent act or omission by the operator from the operation or maintenance of the extraction and production and all activities connected with or incidental thereto.

c. Bond

The operator shall post a bond in the form prescribed by the Commission in a sum equal to the number of acres covered by the permit multiplied by \$500 to insure full compliance with all of the terms and conditions of the permit and the regulations of the Commission pertaining to the extraction and/or processing. The minimum amount of such bond shall be \$2,500 and the maximum amount \$25,000.

d. Time of Permit

All permits shall be in full force for a period of five years from date of issuance thereof unless a shorter time is set by the Commission.

4. Rehabilitation

The parties to the permit for extraction are responsible for the eventual rehabilitation of the worked-out area in accordance with the rehabilitation plan.

a. Dry Pit Rehabilitation

After excavation has been completed in a dry pit, the operator shall spread evenly over the bottom of the excavation the excess waste materials. He shall then spread evenly the topsoil to a minimum depth of 18 inches unless he produces clear and convincing evidence that the land excavated has less than 18 inches of topsoil prior to commencement of operations. The topsoil shall be spread so as to produce a new surface for the purpose of growing crops, trees, shrubs, and other flora. The dry pit may be backfilled with clean fill. For excavations backfilled and rehabilitated, the following requirements shall be met:

- (1) The graded or backfilled area shall not permit stagnant water to collect or remain therein.
- (2) The condition of the area after rehabilitation shall be in accordance with the rehabilitation plan.

b. Wet Pit Rehabilitation

A wet pit may be filled in accordance with the conditions set forth for dry pit rehabilitation, or may be converted into a lake for recreational or scenic purposes. The following conditions apply to rehabilitation of set pits into lakes:

- (1) All banks shall be sloped to the water line at a slope which shall not be steeper than two feet horizontal to one foot vertical.
- (2) All banks shall be stabilized unless otherwise called for on the approved rehabilitation plan.
- (3) Stabilization shall be accomplished by surfacing with soil of a quality at least equal to the topsoil of land areas immediately surrounding.
- (4) Such topsoil shall be planted with trees, shrubs, legumes, or grasses on the parts of such area where re-vegetation is possible unless otherwise specified in the rehabilitation plan.

E. Contractor Office or Showroom

In the CG district, no outdoor storage shall be allowed.

F. Outdoor Storage²¹⁵

1. No outdoor storage shall be located in front of a primary building unless allowed elsewhere in this UDO.
2. Materials shall not be stored in areas intended for vehicular or pedestrian circulation.²¹⁶

²¹⁵ Currently 11-34-3(f) and 11-25-2(c). Revised for clarity.

3. Outdoor storage shall be screened from public view pursuant to screening standards in Section --.
4. Materials stored outside shall not protrude above the height of the fence or screen.

G. Self-Service Storage²¹⁷

1. Layout and Design

- a. Doors to individual storage units shall not be directly accessible from any street frontage.
- b. Individual storage units shall face the interior of the site. This does not apply to storage units within an enclosed structure.

2. Operation and Activities

- a. No other residential or nonresidential activities shall take place on the premises other than the rental of storage units, unless otherwise allowed by this UDO.
- b. The incidental retail sale of products associated with the business (e.g., boxes, moving supplies, locks, bubble wrap) is allowed.

3. Outdoor Storage

In the MR and CG districts, outdoor storage shall not be allowed other than for boats, trailers, or vehicles, which shall be stored in screened areas. Screening for such areas shall comply with Section --.

3.3.7. Public and Semi-Public Utility Uses

A. Public Utility, Major and Minor²¹⁸

1. Buildings and structures associated with utility uses shall comply with the minimum required setbacks of the underlying zoning district, unless otherwise exempted in this UDO.²¹⁹
2. All public utility facilities shall comply with the screening requirements established in Section --, unless otherwise exempted in this UDO.

B. Water Storage Facility²²⁰

In the OS district, water reservoirs, storage tanks, transmission, diversion, and pumping stations, and sewage facilities shall be constructed underground and/or developed as multiple use facilities which include recreational usage.

C. Wireless Telecommunications Facilities²²¹

[Reserved]

3.4 Accessory Uses and Structures

3.4.1. 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.

²¹⁶ New.

²¹⁷ New standards for a new use.

²¹⁸ Currently 11-30-3(a).

²¹⁹ Replaces 11-30-3(a). Did not carry forward current minimum front setback of 30 feet and a side and rear setback of 10 feet.

²²⁰ Currently 11-30-8(a)(1) and 11-32-8(b)(3). Did not carry forward standards in 11-30-6(b)(4) addressing the P&Z defining lot and building standards; these matters will be addressed through the special use permit procedures.

²²¹ Renamed from current Commercial Mobile Radio Service (CMRS) Facilities. The city is currently reviewing a draft ordinance revising the CMRS provisions. Upon adoption (expected soon), we will integrate those new standards into the UDO with the consolidated draft.

3.4.2. Accessory Uses and Structures Allowed²²²

- A.** 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**.²²³
- B.** Accessory uses and structures not listed in the table require approval under the procedure in 3.2.3, *Classification of New and Unlisted Uses*. All accessory uses and structures are subject to the standards in this Section 3.4, in addition to any applicable requirements in Section 3.3, *Use-Specific Standards*.

3.4.3. General Standards for All Accessory Uses and Structures

A. General Standards

1. 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.²²⁴
2. 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.²²⁵
3. Accessory structures 200 square feet or greater in size shall obtain a building permit pursuant to Chapter 10 of the Northglenn Municipal Code.²²⁶

B. Detached Accessory Structures

1. Size

- a. The combined square footage of accessory structure(s) shall not exceed 30 percent of the rear yard.²²⁷
- b. Accessory buildings in a mixed-use or nonresidential district shall not exceed the height of the primary structure or exceed the maximum allowable height of the underlying zoning district, whichever is less.²²⁸

2. Location²²⁹

- a. Accessory structures, with the exception of non-residential detached carports, gas station canopies, gas station car wash facilities, and security/entry booths, are prohibited in front yards.²³⁰
- b. Accessory structures shall meet the front and side yard setback requirements of the underlying zoning district.²³¹

²²² Replaces 11-32-1.

²²³ This includes "accessory structures including carports and other off-street parking buildings, storage structures, ramadas, cabanas, patios, patio covers, awnings, and other appurtenances," "any building or structure incidental to the operations of any ordinary farm or ranch irrespective of size," "carports and private garages," "other structures shown on the approved site plan," "private greenhouses," and "household storage buildings and other such buildings not exceeding two hundred (200) square feet in area."

²²⁴ Currently 11-32-1(a). Did not carry forward 11-7-10(b)(5) and 11-7-10(b)(6) regarding existing accessory structures for single-family detached lots.

²²⁵ New.

²²⁶ New.

²²⁷ From 11-32-3(b).

²²⁸ New.

²²⁹ Did not carry forward minimum 100 foot setback for agricultural buildings to another dwelling in 11-18-11. Agricultural structures that house animals or other objectionable uses are addressed in the use-specific standards for such uses or activities. Also did not carry forward current 11-6-11(c) requiring 5 feet between an accessory structure and any primary building. **DISCUSSION**: Should that standard be retained?

²³⁰ New.

²³¹ Replaces current front and side setback requirements in 11-9-9, 11-9-10(a), 11-9-10(c), 11-9-11(b), 11-8-9, 11-10-10(a), 11-10-10(d), 11-11-10(a), 11-11-10(d), 11-12-9, 11-12-10(a), 11-12-10(d), 11-13-9, 11-15-9, 11-13-10(a), 11-13-10(c), 11-15-10(a), and 11-15-10(c).

- c. 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.²³²

3. Design²³³

- a. All accessory structures that require a building permit shall be architecturally compatible with its associated primary structure and/or screened from view of abutting properties and public rights-of-way.²³⁴
- b. Accessory building facades abutting public streets, open space, or greenway trail where the primary structure is brick, stone, stucco, or other masonry materials shall require use of the same materials on a minimum of 30 percent of the facade elevation or 100 percent of the facade wall area, whichever is less. Said materials shall wrap around to any adjacent facade of dissimilar material a minimum of three feet.²³⁵
- c. 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.²³⁶

4. Timing²³⁷

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

3.4.4. Additional Standards for Specific Accessory Uses and Structures

A. Accessory Dwelling Unit²³⁸

Accessory dwelling units ("ADUs") shall be allowed as indicated in Table 3.2-A and shall comply with the following standards:

1. Generally

- a. Only one ADU shall be allowed per property.
- b. ADUs for multifamily dwellings or live/work units are prohibited.
- c. No manufactured home, trailer, travel trailer, camping trailer, truck camper, or motor vehicle shall be used as an ADU.²³⁹

2. Size

ADUs shall not exceed 50 percent of the building footprint of the primary dwelling unit on the lot or 750 square feet, whichever is less.

3. Location and Design

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

²³² New.

²³³ Did not carry forward 11-7-9(a)(4) limiting townhouse developments to three car carports or garages. Did not carry forward language regarding roofing material. Did not carry forward language in 11-7-10(b)(4) requiring accessory buildings over 144 square feet to have a permanent foundation; this would be covered in the building code. Additional design standards may be introduced in Part 3 – development standards, and could be relocated to this section with the consolidated draft.

²³⁴ Replaces 11-19-5(a)(3), 11-25-6(a)(3), 11-7-8(a)(7), 11-7-10(b)(4), 11-7-9(a)(4), 11-19-5(a)(3), and 11-25-6(a)(3). This standard would also apply broadly to all accessory structures in the City. The current size threshold that triggers design standards for a residential use is 144 square feet; however in this draft we proposed increasing this to 200 square feet, which is when a building permit is required.

²³⁵ Currently 11-7-10(b)(4). Currently only applies to single-family development. **DISCUSSION**: Should this standard be removed? Should it apply more broadly throughout the City?

²³⁶ Currently 11-6-11(d).

²³⁷ New.

²³⁸ New. **DISCUSSION**: Where, and to what extent should ADUs be allowed in the City? This section requires further discussion.

²³⁹ Replaces 11-6-11(g).

4. Public Services and Utilities

Separate water or sewer service for the ADU shall not be allowed. Separate metering of other utilities is allowed.

5. Ownership Requirements

Ownership of the ADU may not be legally severed from ownership of the associated lot and any other structures on such lot.

B. Caretaker Dwelling Unit²⁴⁰

The living area of caretaker dwelling unit shall not exceed 800 square feet.

C. Drive-Through Facility

Drive-through facilities shall comply with the standards in Section --.²⁴¹

D. Home Occupation²⁴²**1. Generally²⁴³**

- a. A home occupation shall be allowed only when it is an accessory use to a residential dwelling unit.
- b. 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.
- c. 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.
- d. A sales and use tax license is required for all home occupations.

2. Uses Allowed

- a. Any use not listed in paragraph b 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.²⁴⁴
- b. Motor vehicle service, repair, maintenance, reconstruction, restoration, cleaning, sale, or storage shall be prohibited as a home occupation.
- c. 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 and honey from the licensed keeping of chickens and bees, in accordance with the Colorado Cottage Foods Act.²⁴⁵

3. Residential Child Care Requires a Special Use Permit²⁴⁶

- a. State licensed child care establishments conducted in a private residence shall require approval of a special use permit pursuant to Section --.
- b. Residential child care establishments shall be operated by a permanent resident of the home.
- c. 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.²⁴⁷

4. Location on Property

- a. A home occupation shall be conducted entirely within the primary building on the site (dwelling unit and attached garages).²⁴⁸

²⁴⁰ New.

²⁴¹ New. These standards will be drafted as part of Part 3, Development Standards, likely in the access and circulation standards. Additional standards may also be developed for signs, screening, and neighborhood protection (for example, squawk boxes located too close to residential uses).

²⁴² Currently 11-9-2(b)(69).

²⁴³ New unless otherwise noted.

²⁴⁴ New.

²⁴⁵ **DISCUSSION:** Should additional products (other than honey/eggs) be considered under the Cottage Foods Act? For example, spices, teas, dehydrated produce, nuts, jams and jellies, candies, tortillas, etc.

²⁴⁶ Replaces 11-31-3(c). **DISCUSSION:** Should these be allowed by right if they meet state standards?

²⁴⁷ We replaced the list of specific state standards in 11-31-3(c) with this general statement.

- b. No manufacturing, construction, fabrication, or assembly related to a home occupation shall occur within any detached structure.
- c. A detached structure shall not be used as an office, meeting room, display area, or to provide any service related to a home occupation.

5. Size and Design

- a. 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.²⁴⁹
- b. A home occupation shall not involve any external structural alteration of the dwelling unit.

6. Operations

a. 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.

b. 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.

c. No External Display of Products²⁵⁰

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

d. Outdoor Storage Activities

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

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

- (1) 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.
- (2) No business vehicles larger than a van, panel truck, or pickup truck shall be allowed to park overnight on the premises. The number of business-related vehicles shall be limited to one.²⁵¹
- (3) 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.

f. 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.

g. Nuisances

- (1) No home occupation shall create a public nuisance as defined in the Northglenn Nuisance Ordinance.
- (2) 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

²⁴⁸ Currently 11-9-2(b)(69)(d). **DISCUSSION**: Should home occupations be allowed in accessory structures?

²⁴⁹ New.

²⁵⁰ New.

²⁵¹ Removed language limiting vehicles to one ton carrying capacity and replaced it with specific vehicle types.

occupation may be audible at any time beyond the property boundary of the residence where the home occupation is conducted.

7. 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.

8. Prohibited Equipment and Materials

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

E. Outdoor Dining²⁵²

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.

F. Outdoor Sales and Display²⁵³

Except for establishments engaged in the sale or rental of vehicles or equipment 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 within 10 feet of the front or sides of a building of the primary use, and shall not occur to the rear of a building;
- b. Display/sales areas shall be located outside of drive aisles, fire lanes, parking areas, or required landscape areas;
- c. Display/sales areas on a pedestrian way shall not obstruct the usable width of the pedestrian way to less than three feet, nor be located within 10 feet of any doorway;
- d. Display/sales areas shall occur only on an improved surface such as paved area;²⁵⁴
- e. 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
- f. Outdoor sales and display areas may only include those goods and services normally sold or provided by the business.

G. Outdoor Storage, Accessory²⁵⁵

1. 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.²⁵⁶

2. Location of Outdoor Storage

- a. Outside storage shall be located in the rear yard or interior side yard of the lot.²⁵⁷
- b. Goods or materials shall not be stored in areas intended for vehicular or pedestrian circulation.

²⁵² New standard. **DISCUSSION:** Are the times proposed adequate? Should they be later on Fridays and Saturdays?

²⁵³ Replaces 11-19-2(e) and 11-19-2(f).

²⁵⁴ New.

²⁵⁵ Replaces 11-6-11(a).

²⁵⁶ Replaces 11-7-2(a).

²⁵⁷ Currently 11-25-6(b)(4).

3. Fencing and Screening²⁵⁸

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 [Section --](#).

4. Mobile Homes, Trailers, and Recreational Vehicles

- a. 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.
- b. Travel trailers, motor homes, or recreational vehicles shall not be used or made suitable for use or occupancy.
- c. 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, and shall be screened from adjacent properties and streets pursuant to [Section --](#). Operable motor vehicles may be parked on the driveway or access way to a garage or carport.

H. Sale of Produce and Plants Raised on Premises**1. 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).

2. Structures²⁵⁹

No permanent structures shall be erected for the sale of agricultural products on the lot.

3.5 Temporary Uses and Structures

3.5.1. Purpose and Organization²⁶⁰

- A. The purpose of this section is to allow certain uses and structures of a limited duration subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.
- B. Table 3.2-A lists allowed temporary uses and structures alphabetically. Temporary uses and structures not listed in the table require approval under the procedure in 3.2.3, *Classification of New and Unlisted Uses*. All temporary uses are subject to the standards in this Section 3.5, in addition to any applicable requirements in Section 3.3, *Use-Specific Standards*.

3.5.2. Approval Process for Temporary Uses and Structures²⁶¹

Review and approval of temporary uses and structures shall be in accordance with [Section --](#), *Temporary Use Permit*.

3.5.3. General Standards for All Temporary Uses and Structures²⁶²

A. Compliance with this UDO

1. Each temporary structure allowed by this UDO shall be constructed in accordance with applicable building codes and regulations of the City.
2. No temporary structure requiring a building permit shall be constructed or erected until a building permit is issued for such structure.
3. No temporary structure requiring a building permit shall be used or occupied until the structure has been inspected by a building inspector and a Certificate of Occupancy issued.

²⁵⁸ Replaces 11-30-6(f)(3).

²⁵⁹ Did not carry forward 11-18-2(g) regulating the location standards for a road-side stand.

²⁶⁰ New.

²⁶¹ New.

²⁶² Currently 11-29-14. Did not carry forward 11-29-14(d) regarding mobile homes.

4. A temporary use or structure shall not violate any applicable use-specific standards or conditions of approval applicable to a primary use on the site.
5. Prior to commencing operation or construction of any temporary use or structure, all necessary permits, licenses, and approvals shall be obtained from the City Building Department, the North Metro Fire Rescue District, the Tri-County Health Department, and any other applicable local or state agencies.

B. Compatibility

The temporary use or structure shall not be detrimental to surrounding properties or to the public health, safety, or general welfare.

C. Location²⁶³

1. Temporary uses shall not disturb any sensitive or protected resources, including floodplains and required landscaping.
2. Temporary uses or structures shall not impede with normal operations of any permanent use located on the property unless approved by the Director.

D. Operation and Design²⁶⁴

1. Permanent alterations to the site are prohibited.
2. At the conclusion of a temporary use or structure, all disturbed areas shall be restored to the condition that existed prior to the use, or improved.
3. Off-street parking shall be sufficient to accommodate the proposed temporary use.
4. Temporary signs associated with a temporary use or structure shall be removed when the activity ends or permit expires, whichever occurs first.
5. Temporary structures shall not be constructed with exterior surface materials of cardboard, paper, cloth, or similarly unsuitable materials. Any such stand or structure constructed of unpainted wood or metal, or of any used, rusted, defaced or disfigured material, shall be painted before inspection.²⁶⁵

3.5.4. Additional Standards for Specific Temporary Uses and Structures²⁶⁶

A. Construction Support Services²⁶⁷

1. Frequency and Duration

- a. Temporary use permits for construction support service activities shall be valid for a period of not more than six calendar months and may be renewed for three successive six-month periods at the same location.²⁶⁸
- b. The Building Official may order the construction support activities to be discontinued and in no event shall such temporary use continue after construction is complete.²⁶⁹

2. Concrete or Asphalt Batching Plant²⁷⁰

a. Location

- (1) Temporary concrete batching plants (including associated stationary equipment and stockpiles) shall be located at least 1,000 feet from any recreational area, school, residence, or other structure not occupied or used solely by the owner of the property upon which the facility is located. This

²⁶³ New.

²⁶⁴ New unless otherwise noted.

²⁶⁵ Currently 11-29-14(e).

²⁶⁶ Did not carry forward temporary housing provisions from current 11-29-5(c).

²⁶⁷ Currently 11-29-5(a), 11-29-5(b),

²⁶⁸ Currently 11-29-5(a)(4) and 11-29-5(b).

²⁶⁹ New.

²⁷⁰ From current 11-29-5(a).

distance limitation does not apply to structures within the boundaries of the project for which the facility is to pour concrete, provided that the facility is located on or contiguous to the project.²⁷¹

- (2) Temporary asphalt batching plants shall be located at least one-half mile from any recreational area, school, or residence, or any other structure not occupied or used exclusively by the owner of the property upon which the facility is located.²⁷²

b. Operation Standards²⁷³

- (1) The facility shall be operated in a manner that eliminates unnecessary dust, noise and odor (including, with limitation, covering trucks, hoppers and chutes, loading and unloading devices, mixing operation and maintaining driveways and parking areas free of dust).
- (2) All stockpiles shall be sprinkled with water or dust suppressant chemicals, or both, as necessary to achieve maximum control of dust emissions. The stockpile sprinkler system shall be operable at all times.
- (3) The facility must produce concrete or asphalt for the specific subdivision or project site upon which it is located, and may not produce concrete or asphalt for any other unrelated subdivision or project.
- (4) Spilled cement and fly ash used in the batch shall be cleaned up immediately and contained or dampened to minimize dust emissions due to wind erosion and vehicle traffic.
- (5) All open-bodied vehicles transporting material from a dry batch plant to the paving mixer shall be loaded with a layer of sand on top, and the truck shall be covered with a tarp to minimize the emission of dust under existing conditions.
- (6) The applicant shall clear the site of all equipment, material, and debris upon completion of the project.

c. Hours of Operation

The facility may operate only between the hours of 6:00 a.m. and 8:30 p.m., Monday through Friday, and 8:00 a.m. and 8:30 p.m. on weekends.

3. Field or Construction Office²⁷⁴

- a. Field or construction offices may only be approved for licensed contractors working on construction projects for which permits have been issued.
- b. Field or construction offices shall be located on the same property and within the same project area where the work is being done and shall not encroach into any public right-of-way.
- c. Field or construction offices shall be required to meet all applicable state and local building and set-up codes.
- d. Field or construction offices may not be used as residences.

²⁷¹ Current standard only requires separation from residences, we recommend including recreational areas and schools.

²⁷² New.

²⁷³ New.

²⁷⁴ New.

B. Seasonal Sales²⁷⁵

1. Temporary use permits for seasonal sales activities shall be valid for a period of not more than 90 days in a calendar year.²⁷⁶
2. Caretaker's quarters or temporary office facilities associated with seasonal sales are subject to the provisions in this UDO.²⁷⁷

C. Special Event²⁷⁸**1. Frequency and Duration**²⁷⁹

Except for city-owned properties, each lot or parcel is allowed a maximum of 10 separate, three-day events per calendar year.

2. Location, Design, and Operations

- a. For a special event established by a single business, outdoor sales shall be located only within the permittee's business frontage.
- b. Special event signage shall comply with the provisions in Section --.
- c. Outdoor sales or display areas shall comply with the provisions in Section 3.4.4.F, *Outdoor Sales and Display*.
- d. Special events shall comply with any required vision clearance areas for intersections and driveways.
- e. Exterior lighting shall with the provisions in Section --.
- f. Public address systems, music, amplified sound, or other sound-making devices shall comply with the provisions in Section --.
- g. Adequate restroom facilities shall be provided pursuant to the building code.
- h. The Director shall be authorized to request additional information for special events with potential impacts on public lands and rights-of-way.

²⁷⁵ Currently 11-29-9(a) and 11-29-9(b).

²⁷⁶ Currently 45 day restriction.

²⁷⁷ Did not carry forward existing language requiring health department approval for the parking of mobile homes or temporary offices. Did not carry forward fundraising standards in 11-29-5(d) or 11-19-3(e).

²⁷⁸ Currently 11-19-3(d) with additions as noted.

²⁷⁹ New. Some communities with high demand for such activities chose to establish how frequently and for how long special events can take place. It is important to consider administrative procedures for tracking and managing this approach. These standards are only a suggestion and can be adjusted to meet Northglenn's needs after further discussion.

3.6 Oil and Gas Regulations²⁸⁰

3.6.1. Purpose

- A. These regulations are enacted to provide for the safety, and preserve the health, safety and welfare of the present and future residents of the City.
- B. It is the City's intent by enacting these regulations to facilitate the development of oil and gas resources within the City while mitigating potential land use conflicts between such development and existing, as well as planned, land uses.
- C. It is recognized that under Colorado law the surface and mineral estates are separate and distinct interests in land and that one may be severed from the other. Owners of subsurface mineral interests, including oil and gas, have certain legal rights and privileges, including the right to use that part of the surface estate reasonably required to extract and develop their subsurface mineral interests subject to compliance with the provisions of these regulations and any applicable statutory and regulatory requirements.
- D. The State has a recognized interest in fostering the efficient development, production and utilization of oil and gas resources and in the prevention of waste and protection of the correlative rights of common owners and producers to a fair and equitable share of production profits. Similarly, owners of the surface estate have certain legal rights and privileges, including the right to have the mineral estate developed in a reasonable manner and to have adverse land use impacts upon their property, associated with the development of the mineral estate, mitigated through compliance with these regulations so long as these regulations do not create an operational conflict with the State's authority to regulate oil and gas development.
- E. Municipal governments have a recognized, traditional authority and responsibility to regulate land use within their jurisdiction to the extent they do not create an operational conflict. These regulations are intended as an exercise of this land use authority.
- F. The City recognizes that this Article does not supersede or preempt the regulations of the Colorado Oil and Gas Conservation Commission ("COGCC") or any other state regulations, nor is this Article intended to conflict with them.
- G. The City acknowledges the authority of the COGCC and the application of its rules to oil and gas drilling and production operations within the City's boundaries.
- H. The City further acknowledges that a Permit to Drill issued by the COGCC shall be binding with respect to any operationally conflicting requirement under this Article.

3.6.2. General Provisions

- A. The provisions of this Article shall apply to all oil and gas exploration and production operations proposed or existing on or beneath property within the City limits.
- B. Legal nonconforming uses. Oil and gas facilities within City limits and operational prior to October 1, 2010, will be considered legal nonconforming uses.
- C. Where provisions in this Article are in conflict with other provisions of this Code or other applicable regulations, the more restrictive, or that provision which results in the higher standard, shall apply unless the application of the Code results in an operational conflict with the State regulation of oil and gas development.
- D. Exceptions to provisions of this Article which are of purely local concern may be granted by the City Council as part of the approval process of the permitted use permit only if the applicant demonstrates that the exception or

²⁸⁰ Currently 11-56. This section has been carried forward with no substantive changes. We have updated code references to reflect the new draft structure, as well as made minor formatting revisions for grammatical consistency (i.e., numerical formatting and outline structure). There are several references in these regulations that would need to be updated to reflect the changes to the procedures made in Part 1 of the update, mainly eliminating the "permitted use permit" procedure.

waiver is necessary to prevent waste or protect correlative rights and can provide adequate mitigation measures for the standards waived.

- E. A permitted use permit for oil and gas facilities shall become null and void three years after approval of the permitted use permit if oil and gas development at the site for which the permit was issued does not commence.

3.6.3. Permitted Use Permit Required²⁸¹

A. New Oil and Gas Facilities

1. It shall be unlawful for any person to drill a new well, construct a new facility or install new accessory equipment or structure within the corporate limits of the City unless a permitted use permit has been obtained pursuant to this Article. A separate permitted use permit shall be required for each well or production facility that has not been previously permitted under this Article except as outlined in 3.6.3.A.4 and 3.6.3.B below.
2. If more than one well or production facility is proposed at the same time, the applicant may submit one application for multiple wells and facilities; however, a separate fee shall be required for each drill pad site included in the application. The City will issue a multiple oil and gas operations permit that notes the name and location of each well or production facility.
3. Any such permit issued pursuant to this Article shall encompass within its authorization the right for the operator, his or her agent, employee, subcontractor or independent contractor or any other persons to perform that work necessary in the drilling, completion or maintenance operations.
4. For the purpose of this Article, the installation of tanks, heaters, separators and other accessory equipment shall be construed as extensions to oil and gas wells and shall accordingly be subject to the same applications, review, permit, regulations, and standards. The application for these accessories when intended to be installed at the same time as the oil or gas well may be merged with an application for an oil or gas well permitted use permit and shall not require an additional permit fee.

B. Modification to Existing Well Sites

1. When a well or well site is existing with an approved permitted use permit use, any twinning, deepening or recompleting of a well and relocation of accessory equipment or gathering lines and transmission lines does not require a new permit so long as all applicable regulations of this jurisdiction and the State are met, and the operator shall submit a revised site and operating plans to the City depicting any changes from the approved permitted use permit. This is an administrative approval and does not require any additional public hearings. Upon receipt of the amended site plan and operating plan, the City shall issue an existing use site plan order as provided in Section 3.6.6 of this Article.
2. If any changes are made to a legal nonconforming well or a well to which an existing use site plan order has been issued, i.e.: twinning, deepening or recompleting of a well, or relocation of accessory equipment or gathering lines and transmission lines occurs, the operator shall apply for a permitted use permit. By enactment of this Article, the City hereby approves any well, equipment or facility drilled or constructed prior to the enactment of this Article that occurred prior to annexation of additional acreage within the City.
3. When a permitted use permit has been granted for a well, reentry of such well for purposes of sidetracking, deepening, recompleting, reworking, activating or converting the well shall not require a separate permitted use permit.
4. The permitted use permit is limited to the facilities as shown in the approved plan. To the extent the applicant desires, after initial completion of a well, to place additional equipment on a tank battery or wellhead location which was not shown in the approved plan, the applicant must, except in a situation where additional temporary equipment is necessary for a period of 14 days or less, notify the City of installation of such additional equipment by letter and include a site plan showing the location of the new equipment. No new permitted use permit is required.

²⁸¹ This section should be reconciled to reflect changes made to procedures in Part 1 of the update. The permitted use permit procedure was consolidated with the special use permit procedure.

C. Terms and Conditions of the Permitted Use Permit

1. The term of the permitted use permit shall be coterminous with the state well permit issued by the COGCC. Any extension of the permit granted by the COGCC shall result in an automatic extension of the term of the City-issued permitted use permit equal to the extension granted by the COGCC. A permit shall not be required for seismic surveys, unless the drilling of a seismic (shot hole), core or other exploratory hole is involved.
2. The permitted use permit shall automatically expire with the abandonment and reclamation of the associated well.
3. The granting of a permitted use permit shall not relieve the operator or owner of a well, production facility, pipeline or gathering line from otherwise complying with all applicable regulatory requirements of the City, the State or the United States.
4. Within 30 days after the well is completed and equipped, the applicant shall provide to the City as-built drawings showing all facilities, pipelines, flow lines and gathering lines which the applicant has placed on the land subject to this permit. These as-built drawings shall be the same as submitted to the COGCC.
5. The permitted use permit and/or existing use site plan order required by this Article is in addition to any permit which may be required by any other provision of this Code or by any other governmental agency.
6. By acceptance of any permitted use permit and/or an existing use site plan order issued pursuant to this Article, the operator or owner of any well, production facility, pipeline or gathering line expressly stipulates and agrees to be bound by and comply with the provisions of this Article, and any subsequent amendments shall be deemed to be incorporated. The terms of this Article shall be deemed to be incorporated in any permitted use permit or existing use site plan issued pursuant to this Article with the same force and effect as if this Article was set forth verbatim in such permitted use permit or existing use site plan.

3.6.4. Permitted Use Permit for a New Oil and Gas Operation - Application Submittal Requirements and Filing Fees

A. Initial Application Form and Authorization

Every application for a permitted use permit issued pursuant to this Article shall be in writing on a form supplied by the City, signed by the operator, or some person duly authorized to sign on his or her behalf, and filed with the Department of Planning and Development. If no form is available, Operator may file in its own format the information following that shall be submitted:

1. The operator's name and address and, if the operator is a corporation, the state of incorporation and, if the operator is a partnership, the names and addresses of the general partners.
2. The name, address, telephone number, fax number and e-mail address of the individual designated by the operator to receive notices.
3. The aliquot legal description of the property to be used for the oil/gas operation and the assessor's parcel number for the property. Property recorded by plat shall also be identified by subdivision name and block and lot numbers.
4. The well name.
5. The mineral lessee's name and address.
6. The name and address of the representative with supervisory authority over the oil and gas operation site activities and a twenty-four-hour emergency phone number.
7. The name and address of the surface owner or owners.
8. The name, address and telephone number of the person or firm designated by the operator to file the permitted use permit application and prepare the site plan and related exhibits.

B. Fee and Signed Reimbursement Agreement

Every application shall include a required fee in the amount of \$1,000.00. In addition, the applicant shall submit a signed cost reimbursement agreement provided by the City, but such reimbursement agreement shall only apply

to the use by the City of outside consultants to review the application, if necessary. The fee and required cost reimbursement agreement must be received by the Department of Planning and Development in order to process the application.

C. Substantive Application

Upon having submitted the materials and fee required in 3.6.4.A and 3.6.4.B above, an application for a permitted use permit pursuant to this Article shall be filed with the Department of Planning and Development and shall include the following information:

1. Site Plan

The site plan shall be submitted on one or more plats or maps, at a scale not less than one inch to 50 feet, showing the following information:

- a. A site plan of the proposed operation showing the location of all improvements and equipment, including the location of the proposed wells and other facilities, and including but not limited to pumps, motors, electrical power lines, tanks, flowlines, gathering lines, compressors, separators and storage sheds. All existing tank batteries and transmission and gathering lines within 660 feet of the well site shall also be shown.
- b. The location of layout, including, without limitation, the position of the drilling equipment and related facilities and structures, if applicable.
- c. The location and description of all existing improvements and structures within 1,000 feet of the well, as well as proof that the new well or production facility meets all applicable setback requirements from any building unit as defined by the COGCC.
- d. Existing utility easements and other rights-of-way of record, if any, within a radius of 660 feet of the proposed well.
- e. The location of existing irrigation or drainage ditches within 1,000 feet of the well site or production site, if any.
- f. The applicant's drainage and erosion control plans for the well site or production site, if applicable. The applicant may submit the best management plan required by COGCC to meet this requirement.
- g. Location of access roads in accordance with the provisions of Section 3.6.12 of this Article.
- h. The location of existing oil and gas wells as reflected in COGCC records within a 1,000 foot radius of the proposed location for the well and existing lease boundaries.
- i. The names of abutting subdivisions or the names of owners of abutting, unplatted property within 300 feet of the proposed of the well site or production site.
- j. The date the site plan was prepared and any revision numbers to the site plan, when applicable.
- k. The location of existing wildlife and nature areas within 1,000 feet of the well site or production site, if any.
- l. The location of the well site or production site in relation to existing lease boundaries.
- m. A true north arrow.

2. Transportation Routes

- a. A map showing all proposed transportation routes for access to and from the well site for construction equipment and well drilling, completion and reworking equipment from the well/production site to the corporate limits of the City.
- b. All transportation routes which access the state highway system shall be required to obtain necessary CDOT access permits.

3. Written Narrative

- a. A title block or heading containing the operator's and surface owner's names and addresses, the well name and the legal description of the well/production site location.
- b. Copies of the approved or submitted COGCC forms 1A, and 2 or 2A or 10, as applicable. If the applicant has not received approval from COGCC, the City shall process the application conditioned on proof of an approved COGCC permit.

- c. An operating plan.
- d. A copy of the surface use agreement or acknowledgement, including reception number, that a surface use agreement has been recorded with the applicable County Clerk and Recorder's Office. If no surface use has been executed, applicant shall provide verification that efforts to enter into such an agreement have occurred, and/or provide the City evidence (which may include evidence of lease or posting of bond) of its rights to proceed with oil and gas operations absent an executed surface use agreement.
- e. A list of all permits or approvals obtained or yet to be obtained from local, state or federal agencies other than the COGCC.
- f. An emergency response plan that is mutually acceptable to the operator and the appropriate fire protection district and the Police Department that includes a list of local telephone numbers of public and private entities and individuals to be notified in the event of an emergency, the location of the well and provisions for access by emergency response entities.
- g. A fire protection plan that is mutually acceptable to the operator and the appropriate fire protection district that includes planned actions for possible emergency events and any other pertinent information.
- h. A plan for weed control at the well site.
- i. A sanitary facilities plan that complies with COGCC regulations.
- j. Verification of ownership of the mineral interest.

3.6.5. Permitted Use Permit Process for New Oil and Gas Operations

- A. The process for issuing a permitted use permit shall be the same as for a permitted use permit for any land use within the City pursuant to Section --²⁸² and shall include the following steps. Where terms of this Section conflict with those of Section --²⁸³, the provisions of this Section shall apply.
1. **Step 1: Pre-application Conference**
The applicant shall attend a pre-application conference with a representative from the City. The purpose of the meeting is to discuss the permitted use permit submittal requirements and review process.
 2. **Step 2: Application Submittal**
The applicant shall comply with the submittal requirements of Section 3.6.5 of this Article.
 3. **Step 3: Staff Review for Completeness**
Within a reasonable period of time, not to exceed ten business days, City staff shall either certify that the application is complete and in compliance with all submittal requirements or reject it as incomplete and notify the applicant of any deficiencies. The applicant shall then correct any deficiencies in the application package, if necessary, and resubmit the required number of copies of the amended application to the City. This is not a substantive review of the application submitted.
 4. **Step 4: Referral Agencies Notified**
Upon receipt of a completed application, the City shall forward the application to the appropriate referral agencies. The referral information shall include the time and place of the public hearing, the nature of the hearing, the location of the subject property and the applicant's name. At minimum, the application shall be referred to the Police Department and the Fire District. Referral agencies shall be provided 30 days to respond with any comments. After such 30 day period, the City may proceed on the Application whether or not the City has received comments from the notified referral agencies.
 5. **Step 5: Staff Review and Comments**
City staff shall review the Application for compliance with this Article and all other applicable federal, state and City regulations and standards. A summary of this review, including referral comments, shall be sent to the Applicant.

²⁸² Currently references 11-30, "Permitted Uses." The content of this section has primarily been relocated to the Table of Allowed Uses and the Use-Specific Standards.

²⁸³ Currently references 11-30, "Permitted Uses." The content of this section has primarily been relocated to the Table of Allowed Uses and the Use-Specific Standards.

6. Step 6: Applicant Response

The applicant shall address all of the City staff comments and any referral agency comments, then submit the following to the City:

- a. Written correspondence explaining how all of the comments have been addressed; and
- b. Revised maps and other documents, as necessary.

7. Step 7: Public Hearing Scheduled and Notification Process.

The City shall:

- a. Publish notice of the public hearing for the special use permit in a newspaper of general circulation in the City at least 15 days before the scheduled hearing date.
- b. Posting of notice. Notice of the hearing shall be posted by the City on each street adjoining the property involved for a period of at least 15 continuous days prior to the date of the hearing. An affidavit of posting signed by a representative of the City shall constitute prima facie evidence of fulfillment of the required posting. The expense of such posting and affidavit shall be paid by the applicant. The sign shall be professionally made or hand-stenciled with dimensions as shown; enamel or weatherproofed painted letters; white background on sturdy backing; minimum size as shown below; on two posts as shown below; and six feet from the edge of the street pavement.

8. Step 8: Final Staff Review and Report to Planning Commission

City staff will complete a final review of the resubmitted materials and then prepare a report to the Planning Commission explaining how the application is or is not consistent with the review criteria and applicable City ordinances, regulations and standards.

9. Step 9: Review by Planning Commission**a. Criteria for Review**

At a public hearing, the Planning Commission shall review the application for special use permit for compliance with the following criteria:

- (1) The requirements of 3.6.4.A and 3.6.4.B above are met.
- (2) The site plan for the well site complies with the requirements of Section 3.6.4.C.1 of this Article.
- (3) The requirements of Section 3.6.4.C.2 of this Article are met.
- (4) The written narrative complies with the requirements of Section 3.6.4.C.3 of this Article.
- (5) When applicable, the application complies with the provisions for geologic hazards, floodplains or floodways provided in Section 3.6.16 of this Article.
- (6) When applicable, the application complies with the provisions for wildlife mitigation procedures provided in Section 3.6.17 of this Article.

b. Conditions of Approval

The Planning Commission may recommend as a condition of approval of a permitted use permit, any conditions necessary to improve or modify the site plan; any conditions necessary to ensure that any negative impacts of the proposed oil and gas operation are eliminated or mitigated; or may impose conditions related to the surface use so long as said conditions do not create an operational conflict with the State's authority to regulate oil and gas development. The Planning Commission shall cause its recommendations to be forwarded to the City Council.

10. Step 10: Review by the City Council

- a. A public hearing on the requested permitted use permit shall be held by the City Council at a regular or special meeting of the Council. Notice of the public hearing shall be published by posting and by publication one time in a newspaper of general circulation in the City not less than 15 days before the date of the hearing. Notice shall be given to the property owners abutting the property or within 300

feet of the property, and to the City's service providers, the County, special districts and referral agencies as deemed appropriate by the City. Said notice shall be given by first-class mail not less than 15 days before the date of the hearing.

- b. The City Council shall consider evidence presented in the application and at the public hearing which establishes compliance consistent with Section 3.6.5.A.9 above and any recommendations of the Planning Commission, if applicable. Following the conclusion of the public hearing, the City Council shall by written resolution render its decision to approve, deny or conditionally approve the application, or it may take the matter under advisement until an announced date certain, not to exceed 15 days from the date of the hearing, at which time it shall render its decision by written resolution. The written resolution shall be prepared by the City Attorney and shall set forth the findings of the City Council.
- c. In the event that an application is granted with conditions, the applicant may, within 15 days of the City Council's decision, request a rehearing by petitioning for the same to the City Clerk. The purpose of the rehearing is to afford the applicant the opportunity to demonstrate that removal or modification of one or more of the conditions is necessary to prevent waste or protect owners of correlative rights in a common source to a fair share of production profits or that the decision is otherwise inconsistent with state laws and regulations. Following the conclusion of the rehearing, the City Council may by written resolution render its decision on the application, or it may take the matter under advisement until an announced date certain, not to exceed 15 days from the date of the rehearing, at which time it shall render its decision by written resolution. The written resolution shall be prepared by the City Attorney, shall set forth the findings of the City Council and shall confirm, modify or repeal the conditions contested by the applicant.
- d. For the purposes of judicial review, the City Council's final action or decision on an application shall be deemed to have been made as of the date upon which the City Council executes the written resolution, which shall constitute the final decision of the City Council.

3.6.6. Existing Use Site Plan Order for Pre-Existing Wells

Within 21 days following enactment of this Article, an existing use site plan order shall be issued administratively by the City.

3.6.7. Permitted Use Permit Order

Prior to commencement of operations for which a permitted use permit has been approved, a permitted use permit order shall be obtained from the City. The City shall issue the permitted use permit order within a reasonable time upon receipt of the following:

1. A copy of the resolution of the City Council approving a permitted use permit;
2. Proof of compliance with any conditions placed in the resolution of the City Council approving a permitted use permit;
3. A copy of the approved site plan;
4. A copy of an approved oversize or overweight vehicle or load permit issued by the City pursuant to Section 3.6.13 of this Article, if applicable;
5. Copies of any necessary state or federal permits issued for the operation if not previously submitted; and
6. Copies of all COGCC permits.

3.6.8. Contact Information

The intent of this Section is to ensure that the City has the correct contact information in case of an emergency, code violation or security concern.

1. Service of Notice

As required by the COGCC, every operator shall designate an agent who is a resident of the State upon whom all orders and notices provided in this Article may be served and shall specify in writing a mailing address for such agent. Every operator so designating such agent shall, within ten calendar days, notify the

City in writing, of any change in such agent or such mailing address unless operations in the City are discontinued. The City may serve any notice provided in this Article upon the operator by mailing the same, postage prepaid, to the operator's designated agent at his or her designated address. Service shall be complete upon such mailing. The operator shall give the City written notice of any change in the designated agent or their contact information.

2. Transfer of Operator or New Operator

As required by COGCC, the operator shall notify the City, in writing, of any sale, assignment, transfer, conveyance or exchange by said operator of a well's property and equipment within ten calendar days after such sale, assignment, transfer, conveyance or exchange. The notice shall provide a map indicating the location of the properties and equipment involved in the transaction.

3.6.9. Emergency Inspections and Emergency Response

The applicant for a permitted use permit or existing use site plan order shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed City emergency inspection under this Section. Any site for which a special use permit or existing use site plan order has been granted may be inspected by the City at any time, to ensure compliance with the requirements of the approved permitted use permit or existing use site plan order or to address any emergencies that may arise. By accepting an approved permitted use permit or existing use site plan order, the applicant grants its consent to such emergency inspections. The operator shall reimburse the City or the applicable fire district for any emergency response costs incurred by the City or the fire district in connection with activity at the well site or production site, except that the operator shall not be required to pay for emergency response costs where the response was precipitated by the mistake of the City.

3.6.10. Building Permits

In addition to any other requirements of this Article, building permits must be obtained for all aboveground structures to which the applicable City Building Codes apply.

3.6.11. Use Tax

All operators must conform to applicable provisions of this Code relating to taxation, if any.

3.6.12. Access Roads

All private roads used to provide access to the tank batteries or the well site shall be improved and maintained according to the following standards so long as such standards are consistent with the surface owner's requests or the terms of a private Surface Use Agreement with the surface owner, and does not damage adjacent properties:

A. Oil and Gas Facility Access Roads

Access roads to facilities shall conform to the following minimum standards:

1. A graded gravel roadway having a prepared subgrade and an aggregate base course surface a minimum of six inches thick, compacted to a minimum density of 95 percent of the maximum density as determined in accordance with generally accepted engineering sampling and testing procedures. The aggregate material, at a minimum, shall meet the requirements for Class 3, aggregate base course as specified for aggregate base course materials in the Colorado Department of Transportation's Standard Specifications for Road and Bridge Construction, latest edition.
2. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways (such as roadside swales, gulches, rivers, creeks and the like) by means of an adequate culvert pipe. Adequacy of the pipe is subject to approval of the City Engineer.
3. Maintained so as to provide a passable roadway free of ruts and dust at all times.
4. The access roadway intersecting a municipal street or roadway shall be hard-surfaced at least from the municipal street to the right-of-way line. Vehicles using the access roadway shall not track mud or other debris onto municipal streets from the access road.

B. Wellhead Access Roads

Access roads to wellheads shall conform to the following minimum standards:

1. A graded dirt roadway compacted to a minimum density of 95 percent of the maximum density as determined in accordance with generally accepted engineering sampling and testing procedures and approved by the City.
2. Graded so as to provide drainage from the roadway surface and constructed to allow for cross-drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval by the City.
3. Maintained so as to provide a passable roadway free of ruts and dust at all times.
4. An access roadway intersecting a municipal street or roadway shall be hard-surfaced at least from the municipal street to the right-of-way line. Vehicles using the access roadway shall not track mud or other debris onto municipal streets from the access road.

3.6.13. Oversize or Overweight Vehicle or Load Permit

An oversize or overweight vehicle or load permit shall be required for all oversize or overweight vehicles or loads as defined in Sections 42-4-501 through 42-4-511, C.R.S., which use City streets. Said permit, if required, shall be obtained from the City prior to such use. The applicant shall comply with all City and state regulations regarding weight limitations on streets within the City, and the applicant shall minimize oversize or overweight vehicle traffic on streets within the City.

3.6.14. Fencing Requirements

At the time of initial installation, or upon the issuance of an existing use site plan order, fencing is required for all pumps, wellheads and production facilities that are within an approved subdivision or within 1,000 feet of an existing public road or existing structure or if a well site falls within a high-density area as defined by the COGCC. All pumps, pits, wellheads and production facilities shall be adequately fenced to restrict access by unauthorized persons. For security purposes, all such facilities and equipment used in the operation of a completed well shall be surrounded by a fence six feet in height, and so long as the material is noncombustible and allows for adequate ventilation, the gates shall be locked. The following specific standards shall apply to all oil and gas wells and production facilities. Fence enclosures shall be constructed of materials suited for the given location and operations that are fiscally, technologically, and operationally feasible, and compatible with the surrounding land uses, but which shall not include solid masonry walls. All fences walls shall be equipped with at least one gate. The gate shall meet the following specifications:

- A. The gates shall be of chain-link construction that meets the applicable specifications or of other approved material that, for safety reasons, shall be at least as secure as a chain-link fence;
- B. The gates shall be provided with a combination catch and locking attachment device for a padlock and shall be kept locked except when being used for access to the site; and
- C. The operator must provide the fire protection district with a "Knox Padlock" or "Knox Box with a key" to access the well site, to be used only in case of an emergency.

3.6.15. Compliance with State Environmental and Noise Requirements

The approval of a permitted use permit shall not relieve the operator from complying with all current applicable state and federal regulations and standards concerning air quality, water quality and waste disposal. State law and regulations concerning noise abatement (Title 25, Article 12, C.R.S. and COGCC, Series 800 Rules, as the same may be amended from time to time) shall apply to all operations, together with applicable local government ordinance, rules and regulations.

3.6.16. Geologic Hazard, Floodplain, and Floodway Location Restrictions

- A. Violation of any federal, state or local laws or regulations shall be a violation of this Article.

- B. The well and tank battery shall comply with all applicable federal, state and local laws and regulations when located in a floodway or a 100 year floodplain area.
- C. All equipment at production sites located within a one-hundred-year floodplain shall be anchored as necessary to prevent flotation, lateral movement or collapse or shall be surrounded by a berm with a top elevation at least one foot above the level of a 100-year flood.
- D. Any activity or equipment at any well site within a 100-year floodplain shall comply with applicable City Floodplain Regulations and the Federal Emergency Management Act and shall not endanger the eligibility of residents of the City to obtain federal flood insurance.

3.6.17. Wildlife Impact Mitigation

A. Wildlife

When a well site or production site is located within or adjacent to a wildlife or natural area, the applicant shall consult with the Colorado Division of Wildlife to obtain recommendations for appropriate site specific and cumulative impact mitigation procedures as required by the COGCC. The operator shall implement such mitigation procedures as are recommended by the Colorado Division of Wildlife after consultation with the City. The operator shall file a mitigation plan with the City.

B. Endangered Species

The operator shall not engage in activities which, in the opinion of the Colorado Division of Wildlife, threaten endangered species.

3.6.18. Violation and Enforcement

A. Unlawful to Construct or Install Unapproved Oil and Gas Facilities

1. Except as otherwise provided in this Article, it is unlawful to construct, install or cause to be constructed or installed any oil and gas well or production facility within the City unless approval of a permitted use permit has been granted by the City Council. The unlawful drilling or redrilling of any well or the production therefrom is a violation of this Article.
2. It is unlawful to fail to obtain a permitted use permit or existing use site plan order where one is required pursuant to this Article.
3. Unlawful to provide false, misleading, deceptive or inaccurate information and/or documentation in an application for a special use permit or existing use site plan order. Except as otherwise provided in this Article, it is unlawful for the applicant to provide information and/or documentation upon which the approval of a special use permit was based, which the applicant, its agents, servants or employees knew or reasonably should have known was materially false, misleading, deceptive or inaccurate.

B. Penalty

Any person convicted of a violation of any of the acts enumerated in Subsections (a), (b) and (c) above, or who commits any act or omission in violation of any provision of this Article, or of the conditions and requirements of the special use permit, may be punished as provided in Section 1-1-10(a)(2) of this Code. Each day of such unlawful operation constitutes a separate violation.

C. Civil Action

In case any well, production facility, building or structure is or is proposed to be erected, constructed, reconstructed, maintained, altered or used, or any land is, or is proposed to be, used in violation of any provision of this Article or the conditions and requirements of the special use permit or any existing use site plan order, the City Attorney, in addition to the other remedies provided by law, ordinance or resolution, may institute an injunction, mandamus, abatement or other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, maintenance, alteration or use.

D. Recovery of Fees

Should the City prevail in any action for legal or equitable relief for a violation of the provisions of this Article, in addition to any other penalties or remedies which may be available, the City shall be entitled to recover any damages, costs of action, expert witness fees, and reasonable attorneys' fees incurred.

Article 4: Development Standards

(Will be submitted with Part 3 of the update)

Article 5: Subdivision Standards

(Will be submitted with Part 3 of the update)

Article 6: Administration and Procedures

(Submitted previously with Part 1 of the update)

Article 7: Definitions and Rules of Construction

Commentary:

This section includes general rules of construction and defined terms. The rules of construction were introduced in Part 1 of the update. Terms from the current Northglenn development regulations were either carried forward as-is, revised, or replaced, and are noted accordingly. New terms not currently defined in the Northglenn development regulations are based on our work in other jurisdictions and were tailored for Northglenn. New definitions were not footnoted.

7.1 General Rules of Construction²⁸⁴

The following shall apply for construing or interpreting the terms and provisions of this UDO.

7.1.1. Meanings and Intent²⁸⁵

All provisions, terms, phrases, and expressions in this UDO shall be construed according to the general purpose set forth in **Section --²⁸⁶** and the specific purpose statements elsewhere in this UDO. If a specific section provides a different meaning of a term defined for general purposes in this Article, the specific section's meaning and application shall control.

7.1.2. Headings, Illustrations, and Text²⁸⁷

In case of any difference of meaning or implication between the text of this UDO and any heading, caption, figure, illustration, table, or map, the text shall control.

7.1.3. Lists and Examples²⁸⁸

Unless otherwise indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar are intended to provide examples and are not exhaustive lists of all possibilities.

7.1.4. Computation of Time²⁸⁹

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday. References to "days" are calendar days unless otherwise stated.

7.1.5. Public Officials and Agencies²⁹⁰

All public officials, bodies, and agencies referred to in this UDO are those of the City of Northglenn unless otherwise stated.

7.1.6. Mandatory and Discretionary Terms²⁹¹

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation to comply. The words "may" and "should" are permissive in nature.

²⁸⁴ Mostly new. Some standards based on 11-5-1 and 12-5-1 where noted, but revised for clarity.

²⁸⁵ New.

²⁸⁶ Consolidated draft will cross-reference back to purpose in Article 1.

²⁸⁷ Replaces 12-5-1(b).

²⁸⁸ New.

²⁸⁹ New.

²⁹⁰ New.

²⁹¹ Based on 12-5-1(c).

7.1.7. Conjunctions²⁹²

Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items apply; and
- B. "Or" indicates that one or more of the connected items apply.

7.1.8. Tenses, Plurals, and Gender²⁹³

- A. Words used in the present tense include the future tense, unless the context clearly indicates otherwise.
- B. Words used in the singular number include the plural number, and words used in the plural number include the singular number, unless the context clearly indicates otherwise.
- C. Words used in the masculine gender shall include the feminine gender, and works used in the feminine gender shall include the masculine gender.

7.2 Definitions of Use Categories and Specific Use Types

Commentary:

This section matches the organization of the use table in Article 3 and is intended to define all general use categories and specific use types allowed in the UDO. All of the definitions in this section are new unless otherwise footnoted.

7.2.1. Residential Uses

Household Living

Uses in the category are characterized by residential occupancy of a dwelling unit by a "family." Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, personal gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

Dwelling, Co-Housing

A residential development that combines small individually-owned units on a single lot with common open space and sometimes including a larger community kitchen and dining room intended for communal use on a regular basis. The residents in a co-housing development agree to share in the provision of communal services such as cooking meals, maintenance of grounds, and child care.

Dwelling, Duplex²⁹⁴

A building with two dwelling units located on a single lot designed or arranged to be occupied by two families living independently of each other.

Dwelling, Live/Work

A dwelling unit containing an integrated living and working space in different areas of the unit.

Dwelling, Multifamily²⁹⁵

A building, group of buildings, or portion of a building that contains three or more dwelling units located on a single lot.

Dwelling, Single-Family Attached

Two or more dwelling units where each dwelling unit is located on its own separate lot, but attached to other units, and is designed for occupancy by one family.

²⁹² New.

²⁹³ From 12-5-1(d) and (e), expanded to include gender provision.

²⁹⁴ Replaces definition for "dwelling, two-family."

²⁹⁵ Replaces definition for "dwelling, multiple-family."

Dwelling, Single-Family Detached²⁹⁶

A building located on one lot containing one dwelling unit not physically attached to any other primary structure that is designed to be occupied by one family.

Manufactured Home Park, HUD-Code²⁹⁷

A unified development of two or more manufactured home spaces arranged on a tract of land under private ownership meeting all requirements of this UDO. Accessory uses may include supervisory, managerial or other office facilities for control of the park, subdivision, and facilities.

Group Living

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a "family". Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include recreational facilities and vehicle parking for occupants and staff. Specific use types include:

Assisted Living Facility²⁹⁸

A facility licensed by the Colorado State Department of Public Health, that provides living accommodations and medical services for the aged who, due to illness or disability, require care similar to that provided to persons who are 55 years or over. Services like transportation, housekeeping, dietary supervision, and recreational activities may also be offered.

Family Care Home²⁹⁹

A group living facility for children, developmentally disabled persons, physically disabled individuals, persons with mental illness, or persons aged 60 years or older, requiring special care or supervision, living together, typically in a dwelling, and totaling not more than eight residents, not including staff. Persons residing in such facilities principally need residential supervision and assistance, rather than medical or psychological treatment, therapy, or counseling. For purposes of this definition, "mental illness" shall be defined as stated in C.R.S. § 27-10-102 and "developmentally disabled" shall be defined as stated in C.R.S. § 31-23-303.

Group Quarters³⁰⁰

A home designated by a court or the Adams County Welfare Department or the State of Colorado to accommodate for compensation from five to ten children under the age of 16, or from three to ten persons of any age, except that such a home shall not include more than one individual who is required to register as a sex offender under the provisions of C.R.S. § 18-3-412.5, as amended.

Group Care Home

A small institutional facility, providing residential and special care and supervision, including medical or psychological treatment, therapy or counseling, for children, persons with mental illness, developmentally disabled persons, physically disabled individuals, or persons aged 60 years or older. A "group care home" shall house not more than 12 persons, including staff. For purposes of this definition, "mental illness" shall be defined in C.R.S. § 27-10-102, as amended, and "developmentally disabled" shall be defined as stated in C.R.S. § 31-23-303.

Group Care Institution

An institutional facility for more than 12 persons, which provides skilled medical and residential care and assistance. "Group care institutions" include but are not limited to assisted living facilities, nursing homes,

²⁹⁶ Replaces definition for "dwelling, single-family."

²⁹⁷ Replaces definition for "mobile home park."

²⁹⁸ Replaces definition for "nursing home."

²⁹⁹ Replaces definition for "care home" and "group homes for the elderly." Group homes, including family care homes and group quarters requires further discussion with the City Attorney's office. Those uses and their definitions may be updated in subsequent drafts based on the outcome of future discussions.

³⁰⁰ From current 11-5-2(b)(65).

and convalescent homes. A group care institution does not include "halfway houses," "penal/correctional institutions," or "residential rehabilitation or treatment facility," as those terms are defined in this chapter.

Halfway House

A state-licensed institutional facility for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein residential care, supervision, rehabilitation, and counseling are provided to return residents back into society, enabling them to live independently. Such placement is under the authority of the state department of corrections. A "halfway house" shall house not more than eight persons, including staff and clients.

Residential Rehabilitation Facility

An institutional facility for persons referred by a state department or division, or by a physician or medical institution, wherein medical treatment, counseling, rehabilitation and 24-hour on-site supervision are provided for substance abuse, emotional disorders, physical disabilities, or other medical conditions, with the goal of enabling residents to live independently when treatment is completed.

Independent Living Facility

A multi-family dwelling restricted to adults at least 55 years of age or older, that includes central dining facilities and provides residents with access to meals and other services such as housekeeping, transportation, and social and recreational activities. Independent living facilities do not provide skilled medical and residential care and assistance such as provided at a group care institution.

7.2.2. Public, Institutional, and Civic Uses

Community and Cultural Facilities

Uses in this category include buildings, structures, or facilities that provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

Assembly

A structure used by a religious organization or other congregation for regular organized activities. Accessory uses may include columbariums in association with an established religious institution.

Cemetery or Internment Facility

Land used or intended to be used for the burial of the dead and dedicated for such purposes and includes columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within the boundaries of such premises.

Club or Lodge

A meeting place for an incorporated or unincorporated association of persons organized for some common purpose, including social, educational, literary, political, or charitable purpose, operated by a private nonprofit or noncommercial organization.

Community Center

A structure or group of structures for a community's governmental, social, educational, and/or recreational activities. Community Service facilities include federal, state, county, and local government activities including libraries, museums, and other similar uses.

Daycare³⁰¹

A facility licensed, certified, or registered by the State of Colorado that provides care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

Emergency or Community Operations Facility

A facility or property used for police, fire, and/or medical equipment or other emergency services and personnel.

³⁰¹ Replaces definition for "day care center."

Funeral Facility

An establishment for the care, preparation, or disposition of the deceased for burial and the display of the deceased and rituals connected with, and conducted before, burial or cremation. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation, crematoriums, columbariums, and funeral homes.

Park and Open Space, Active

Areas for recreational uses that require constructed facilities for organized activities including playing fields, playgrounds, and ball courts. Accessory uses may include group picnic facilities, hard surfaced pathways, restrooms, parking lots, and similar facilities.

Park and Open Space, Passive³⁰²

Areas for recreational uses related to the functions and values of a natural area including horse, bike, or running trails; natural areas with limited development for fishing, hiking, walking, or biking; wildlife preserves; lakes for fishing with accessible walks, conservation easements on agricultural land; environmental education programs; lands and waterways as community buffers; river and stream corridor land; unimproved flood plains; and wetlands. Accessory uses may include picnic facilities, restrooms, parking lots, and similar facilities.

Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities. Specific use types include:

School, Public or Private³⁰³

A public or private institution that offers general academic instruction at preschool, kindergarten, elementary, secondary, and collegiate levels, including graduate schools, universities, nonprofit research and religious institutions.

School, Vocational or Trade

A secondary school offering instruction in a professional, vocational, or technical field. This use includes public or private schools providing domestic, recreational and other types of instruction, such as dance, gymnastics, cooking, music, martial arts and handicrafts.

Healthcare Facilities

Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking, or other amenities primarily for the use of employees in the firm or building.

Hospital

An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

Medical or Dental Clinic

An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of licensed health care practitioners, dentists, or licensed health care practitioners and dentists in practice together. This use includes health spas, alternative care and holistic healing centers. Accessory uses may include incidental retail sales of products incidental to the services provided.

³⁰² Revised to more closely relate to the current Adams County definition.

³⁰³ Replaces definitions for "kindergarten," "nursery school," and "pre-school." This new definition is broad and includes all schools with the exception of vocational or trade schools.

7.2.3. Commercial Uses

Agriculture and Animal Uses

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve farming, dairying, pasturage, beekeeping, horticulture, floriculture, viticulture, animal husbandry, and animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

Agriculture, General

The land use of animal husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, aquaculture, hydroponics, together with necessary accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products. This definition includes grain and feed elevators and associated dwellings for those involved in agricultural uses. Accessory uses may include incidental sales by the producer of products raised on the farm. This use excludes marijuana cultivation, slaughterhouses, commercial feedlots, or stockyards, fat rendering, meatpacking, tanning, cutting, curing, cleaning or storing of green hides or skins, and slaughtering or meatpacking of animals not raised on the premises.

Agriculture, Urban

The raising, keeping or production of fruits, vegetables, flowers, and other crops, poultry, and bees; composting; and the processing of those agricultural products. Accessory uses may include incidental sales of produce, plants, or products raised on the premises, preparing, treating, and storing agricultural products, equipment and machinery, but does not include marijuana cultivation or the dressing of animals not raised on the premises. This definition does not include the keeping or raising of swine, goats, sheep, cattle, horses, or other farm animals.

Community Garden

A public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Kennel, Commercial³⁰⁴

Any establishment where three or more domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. This definition excludes veterinary care or any residential use licensed for the keeping of three or more dogs under the provisions of the Northglenn Dog Control Ordinance.

Stable, Commercial

A facility or area where horses, mules, or other domestic animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.

Veterinary Hospital or Clinic

Facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition.

Recreation and Entertainment

This category includes indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

Indoor Recreation Facility

A commercial recreational use conducted entirely within a building, including bowling alley, pool hall, dance hall, gymnasium, swimming pool, skating rink, art gallery or studio, miniature golf course, kiddie park, theater, health club, athletic club, exhibit hall, and other similar amusement centers. Accessory uses may include limited retail, concessions, and maintenance facilities.

³⁰⁴ Replaces current definition for "kennel." Removed language related to animal age and litter. Changed "residential zone" to "residential use."

Outdoor Recreation Facility

Uses in this category provide recreation and entertainment activities operated by a commercial enterprise that is mostly outdoors or partially within a building, including picnic area, outdoor swimming pool, skateboard park, tennis court, basketball court, baseball diamond, soccer and football field, amphitheater, outdoor arena, outdoor theater, drive-in theater, golf course, golf driving range, or other similar outdoor recreational uses. Accessory uses may include limited retail, concessions, and maintenance facilities.

Food and Beverage Services

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

Bar, Tavern, or Lounge

An eating and drinking establishment providing or dispensing by the drink for on-site consumption fermented malt beverages, and/or malt, special malt, vinous, or spirituous liquors, and in which the sale of food products is secondary. A bar, lounge, or tavern may include live entertainment and/or dancing; however, shall not include any adult entertainment.

Catering Establishment

An establishment whose primary business is to prepare food on-site, then to transport and serve the food off-site. No business consumption of food or beverages is allowed on the premises.

Microbrewery, Distillery, or Winery

A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant, provided the beer, wine, or liquor is sold for consumption onsite or off the premises and is not sold to other drinking establishments, restaurants, or wholesalers.

Restaurant

An eating/drinking establishment that is open to the public, where food and beverages are prepared, served, and consumed within the primary building, or off the premises as carry-out orders; or in an outdoor seating area on the premises. This definition does not include drive-through establishments. Accessory uses may include an outdoor dining area or sidewalk café.

Office, Business, and Professional Services

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to an allowed use. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

Administrative, Professional, and Government Office

A building in which services are provided and/or business is conducted including administrative, professional, governmental, or clerical operations. Typical examples include fire station, police station, judicial court or government offices, post office, real estate, radio and television broadcasting station, call center, insurance, property management, investment, financial, employment, travel, advertising, law, architecture, design, engineering, accounting, and similar offices. This use includes accessory uses such as restaurants, coffee shops, health facilities, parking, limited retail sales, or other amenities primarily for the use of employees in the firm or building.

Financial Institution

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities. Accessory uses may include automatic teller machines, offices, and parking.

Research and Development

A facility primarily engaged in conducting scientific research, experimental design, and prototype development of devices or products in the physical, engineering, or life sciences, such as agriculture, electronics, biology, biotechnology, chemistry, geology, medicine, pharmacy, veterinary, and other allied subjects. This use excludes marijuana cultivation and the manufacturing, servicing or sale of consumer products. Accessory uses may include

incidental sales of goods produced on site, such as dentures, eyeglasses, contact lenses, and prosthetic devices, to the public.

Personal Services

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Specific use types include:

Laundry Facility, Commercial

An establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. This definition includes uses such as rug cleaning or repair service; pressing of garments or fabrics; carpet or upholstery; power laundry; industrial laundries; and linen supply.

Laundry Facility, Self-Service

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use to the general public. This definition includes automatic, self-service only, or hand laundries.

Personal Services, General

An establishment that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, shoe repair, laundry or dry cleaning services, alterations, spas, tanning salons, tattoo parlors, photography studios, printing establishments, house cleaning services, small appliance repair, weight reduction centers, florist, or pet grooming shops. This use does not include commercial laundry and dry cleaning facilities.

Retail Sales

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

Auction House

A place where the property of others, such as objects of art, furniture, and other goods (except livestock), are offered by a broker or auctioneer for sale to persons who bid on the items in competition with each other at scheduled sales periods or events.

Building Materials and Supply Store

A business involved in the sale, storage, and distribution of structure supplies and services including lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services, outside sale of plants and gardening supplies, and incidental wholesale trade.

General Retail, Less than 10,000 Square Feet

Retail sales containing not more than 10,000 square feet of gross floor area.

General Retail, Between 10,000 Square Feet and 25,000 Square Feet

Retail sales containing between 10,000 square feet and 25,000 square feet of gross floor area.

General Retail, More than 25,000 Square Feet

Retail sales containing more than 25,000 square feet of gross floor area.

Marijuana Establishment, Medical

A medical marijuana center, optional premises cultivation operation, medical marijuana transporter, or medical marijuana-infused products manufacturer as defined in the Colorado Medical Marijuana Code.

Marijuana Establishment, Retail

A retail marijuana store, a retail marijuana cultivation facility, a retail marijuana transporter, or a retail marijuana products manufacturing operation.

Nursery or Garden Supply Store

An establishment, including a building, part of a building, or open space for the growth, display and/or sale of plants, trees, and other materials used for planting for retail sales and incidental wholesale trade.

Lodging Facilities

For-profit facilities where lodging, meals, and the like are provided to transient visitors and guests for a defined period.

Bed and Breakfast

A detached dwelling that is owner-occupied or occupied by a resident manager in which rooms are rented and meals may be served to transient guests on an overnight basis.

Boarding or Rooming House³⁰⁵

A building or portion of a building, other than a hotel/motel or multifamily dwelling, wherein non-transient lodging and/or meals are provided for compensation. Meals may be provided if cooking is done in a central kitchen and not in individual rooms or suites.

Hotel/Motel³⁰⁶

A structure or group of structures on the same lot containing individual guest units for rental on a daily rate to transients and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities. Accessory uses may include additional services such as restaurants, meeting rooms, and recreational facilities.

Short-Term Rental

The rental of an entire dwelling unit for monetary consideration for a period of time less than 30 consecutive days, not including a bed and breakfast, boarding or rooming house, or hotel/motel. This definition does not include offering the use of one's property where no fee is charged or collected.

Transportation

Uses in this category are primarily associated with train, bus, and aircraft facilities. Examples include depots, terminals, or other facilities which serve as a hub.

Rail Yard

An area for storing or switching of freight and passenger trains. Necessary and allowed functions include but are not limited to the switching, storing, assembling, distributing, consolidating, repairing, weighing, or transferring of cars, trains, engines, and rolling stock.

Transit Terminal or Station

A facility where public transit vehicles load and unload patrons, and where patrons may transfer from between public transit lines, when that is the primary use of the property. This use may include park & ride or ride-sharing facilities, but does not include public transit vehicle repair or maintenance facilities.

Vehicles and Equipment

This category includes a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices. Specific use types include:

Auto Wash

The use of a site for washing, cleaning, and detailing of passenger vehicles, recreational vehicles, or other light-duty equipment. This use includes any auto wash facility attended by an employee and self-service and coin-operated washes.

Automotive Fuel Sales

A lot or portion of property where flammable or combustible liquids or gases used as fuel are stored and dispersed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment may offer for sale

³⁰⁵ Replaces definition for "boarding, rooming, lodging house."

³⁰⁶ Replaces definition for "Auto Court, Cottage Camp, Motor Court, Motel, Motor Lodge, and Tourist Court."

motor oil, automobile lubricants, travel aids and other convenience items to the motoring public and may also include a freestanding, automatic car wash. Outside storage of automobiles or materials such as tires, auto parts, etc., is prohibited.

Automotive Repair, Major

An establishment primarily engaged in providing vehicle repair, body work, mechanical servicing, and/or painting.

Automotive Repair, Minor

An establishment primarily engaged in providing minor vehicle repair services such as lubrication, oil and tire changes, tune-ups, brake repair, tire replacement, and detailing and polishing, provided it is conducted within a completely enclosed building.. Major repairs such as vehicle bodywork or painting, mechanical repair of engines or drive trains is prohibited.

Automotive Sales and Leasing

The sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition shall not include salvage operations, scrap operations, vehicle impound yards, or commercial parking lots available for short-term use.

Equipment and Machinery Sales and Rental

An establishment engaged in the display, sale and rental of equipment, tools, supplies, machinery or other equipment used for building construction, manufacturing, farming or agriculture. This use includes the sale of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, front-end loaders, truck tractors, and truck tractor trailers.

Parking Facility

As a primary use, the ownership, lease, operation, or management of a commercial surface parking lot, above-ground structure, or below-ground structure. This definition excludes park & ride or ride-sharing facilities associated with a transit terminal or station.

Sexually Oriented Businesses

Sexually oriented businesses includes: adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, sexual encounter establishment, or nude model studio. The definition of sexually oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

Sexually Oriented Business³⁰⁷

This definition includes the following terms and definitions:

1. Adult Arcade

An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

2. Adult Bookstore, Adult Novelty Store, or Adult Video Store

a. A commercial establishment which

- (1) Devotes more than 50 percent of its interior floor space to the sale, rental, or viewing (in exchange for anything of value) of books, magazines, periodicals or other printed material, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are

³⁰⁷ Definitions shown taken from 11-54-1. Modified for consistent grammar.

characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

- (2) Displays on site any message or communication visible from any public street right-of-way or any other property which advertises the availability on site of merchandise characterized by the depiction or description of "specified sexual activities" or "specified anatomical area."

- b. An establishment may have other primary business purposes that do not involve the offering for sale, rental, or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas," and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store, so long as the provisions of 7.2.3.2.a are otherwise met.

3. Adult Cabaret

A nightclub, bar, or similar commercial establishment which features:

- a. Persons who appear nude or in a state of nudity or semi-nudity;
- b. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities," or
- c. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

4. Adult Motel

A motel, hotel, or similar commercial establishment which:

- a. Offers public accommodations for any form of consideration, and provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television, or
- b. Offers a sleeping room for rent for a period of time less than ten hours; or
- c. Allows a tenant or occupant to sub-rent a sleeping room for a time period of less than ten hours.

5. Adult Motion Picture Theater

A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions rated "X" or "XXX" by the Motion Picture Association of America, or advertised on or off premises as rated "X" or "XXX" or "Adult," are regularly shown in exchange of anything of value.

6. Adult Theater

A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of "specified anatomical area" or by "specified sexual activities."

7. Nude Model Studio

Any place where a person, who appears in a state of nudity or displays "specified anatomical areas" is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

8. Sexual Encounter Establishment

A business or commercial establishment, that as one of its primary business purposes, offers, for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of "specified sexual activities" or the exposure of "specified anatomical areas" or activities when one or more of the persons is in a state of nudity or semi-nudity. An adult motel will not be classified as a sexual encounter establishment by virtue of the fact that it offers private rooms for rent.

7.2.4. Industrial Uses

Manufacturing and Processing

Uses in this category includes the excavation, transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance or commodity, in order to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities. Specific use types include:

Food Processing

A facility where food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises.

Oil and Gas Operations³⁰⁸

Exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well, including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

Manufacturing, Artisan

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes such as welding and sculpting.

Manufacturing, Light

Industrial operations relying on the assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material. This definition includes uses that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building where such assembly, fabrication, or processing takes place.

Mining and Extraction

The extraction of minerals, sand, gravel, and ores, from their natural occurrences on affected land and distribution of extracted materials.

Storage and Warehousing

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include:

Contractor Office or Equipment Storage Yard

A building and related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

Outdoor Storage

As a primary use, a property or area used for the long term (more than 24 hours) storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof. Automobile sales and rental display and parking shall not be defined as outside storage.

³⁰⁸ Currently in 11-56-3a.

Self-Service Storage

A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

Warehousing and Wholesale Facility

A building or area for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site. This definition excludes the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include retail and office uses.

7.2.5. 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 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 buildings or facilities for public service corporations but does not include telecommunications antennas or towers.

Water Storage Facility

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

Wireless Telecommunications Facility³⁰⁹

An unmanned facility consisting of antennae and accessory equipment, and used for the reception, switching, transmission or receiving of wireless telecommunications operating at 1,000 watts or less effective radiated power, and using frequencies authorized by the Federal Communications Commission (FCC) including, but not limited to, paging, enhanced specialized mobile radio, personal communication systems, cellular telephone, point-to-point microwave signals, and similar technologies.

Wireless Telecommunications Facility, Building-Mounted³¹⁰

A wireless telecommunications facility that is mounted and supported entirely on the roof or wall of a legally existing building or structure.

Wireless Telecommunications Facility, Freestanding³¹¹

A wireless telecommunications facility that consists of a stand-alone support structure such as a tower or monopole, and antennae and accessory equipment.

³⁰⁹ Currently 11-55-2d.

³¹⁰ Consolidated "building roof-mounted CMRS facility" and "building wall-mounted CMRS facility." Currently 11-55-2b and 11-55-2c.

³¹¹ Currently 11-55-2f.

Wireless Telecommunications Facility, Pole-Mounted³¹²

A wireless telecommunications facility that is mounted and supported entirely on a legally existing traffic signal, utility pole, street light, flagpole, wireless telecommunications facility, electric transmission line, or other similar structure.

7.2.6. 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 Building³¹³

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

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.

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 Occupation³¹⁴

An occupation or profession which is conducted within a dwelling or on the premises thereof 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.

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.

Sale of Produce and Plants Raised on Premises

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

³¹² Currently 11-55-2h.

³¹³ Currently 11-5-2b16. Reworded for grammatical consistency.

³¹⁴ Currently 11-52(b)(69). Standards regulating home occupations has been moved to "use-specific standards."

7.2.7. 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.

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.

7.2.8. Definitions related to Oil and Gas Regulations³¹⁵

- A. All terms used in this Article 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 Article.
- B. All other words used in this Article 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 this Article have the meanings as described below.

Act

The Oil and Gas Conservation Act of the State of Colorado.

Applicant

The person making an application for a permitted use permit on behalf of the Operator or Owner of a well.

Approved Plan

The totality of the material contained in the application for a permitted use permit approved by the City Council following a public hearing or, in the case of an existing use site plan order, the totality of the materials contained in the application for an existing use site plan order approved administratively by the City.

³¹⁵ Any inconsistencies among definitions in this section and other UDO definitions will be reconciled with the consolidated draft.

Building Unit

A building or structure intended for human occupancy. A dwelling unit is equal to one building unit; every guest room in a hotel/motel is equal to one building unit; and every 5,000 square feet of building floor area in commercial facilities, and every 15,000 square feet of building floor area in warehouses, or other similar storage facilities, is equal to one building unit.

Commission or COGCC

The Oil and Gas Conservation Commission of the State of Colorado.

Completion

An oil well shall be considered completed when the first new oil is produced through wellhead equipment into lease tanks from the ultimate producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in the rules of the COGCC. Any well not previously defined as an oil or gas well shall be considered completed 90 days after reaching total depth. If approved by the Director, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

Day

A period of 24 consecutive hours.

Director

The Director of the Oil and Gas Conservation Commission of the State of Colorado.

Drill Pad Site

The areas are directly disturbed during the drilling and subsequent operation of, or affected by, production facilities directly associated with one or more oil well, gas well or injection well(s).

Flow Lines

Those segments of pipe from the wellhead downstream through the production facilities ending at the gas metering equipment or the oil loading point.

Gas Well

A producing well with natural gas as the primary commercial product. Most gas wells frequently produce some condensate (natural gas liquids such as propane and butane) and occasionally produce some water.

Gathering Line

A pipeline that transports gas from a current production facility to a transmission line or main.

High-Density Area Rules for Building Units

A high-density area shall be determined at the time the well is permitted on a well-by-well basis by calculating the number of occupied building units within the seventy-two-acre area defined by a 1,000 foot radius from the wellhead or production facility. If 36 or more actual or platted building units (as defined in the COGCC 100 Series rules) are within the 1,000 foot radius or 18 or more building units are within any semicircle of the 1,000 foot radius (i.e., an average density of one building unit per two acres), it shall be deemed a high-density area. If platted building units are used to determine the density, then 50 percent of said platted units shall have building units under construction or constructed.

Injection Well

Any hole drilled into the earth into which fluids are injected for the purposes of secondary recovery, storage or disposal pursuant to authorizations granted by the Commission.

Mineral Owner

Any person having title or right of ownership in subsurface oil, gas, or other hydrocarbon and/or, where context dictates, any leasehold interest therein.

Multiple Oil and Gas Operations Permit

A permit issued by the City if more than one well or production facility is being applied for and approved at the same time by the same applicant.

Multiwell Site

A common well pad from which multiple wells may be drilled to various bottomhole locations.

Oil and Gas Operations

Exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting, drilling, deepening, recompletion, reworking or abandonment of an oil and gas well, underground injection well or gas storage well; production operations related to any such well, including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment or disposal of exploration and production wastes; and any construction, site preparation or reclamation activities associated with such operations.

Oil Well

A producing well with oil as its primary commercial product. Oil wells almost always produce some gas and frequently produce water. Most oil wells eventually produce mostly gas or water.

Operating Plan

A general description of a well site or a production site identifying the purpose, use, typical staffing, seasonal or periodic considerations, routine hours of operation, source of services/infrastructure and any other information related to the regular functioning of the facility.

Operator

The person designated by the owner or lessee of the mineral rights as the operator of oil and gas operations or a production facility and so identified in the Colorado Oil and Gas Conservation Commission applications.

Permitted Use Permit³¹⁶

A permit issued by the City in accordance with this Article. A permitted use permit order is the order issued by the City when the permitted use permit is approved.

Person

Both the singular and plural and means a natural person, a corporation, association, guardian, partnership, receiver, trustee, administrator, executor and/or fiduciary, any other legal entity or representative of any kind.

Production Facilities

All storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flow lines and other equipment directly associated with oil wells, gas wells or injection wells.

Production Site

The area containing production facilities, exclusive of gathering lines.

Reentering

Accessing an existing well bore for either the original or amended purpose, provided that such well has not been abandoned.

Separator

A cylindrical or spherical vessel used to separate oil, gas and water from the total fluid stream produced by a well. Separators can be either horizontal or vertical.

Sidetracking

To drill a secondary well bore away from an original well bore. A sidetracking operation may be done intentionally or may occur accidentally. Intentional sidetracks might bypass an unusable section of the original well bore or explore a geologic feature nearby. In the bypass case, the secondary well bore is usually drilled substantially parallel to the original well, which may be inaccessible due to an irretrievable fish, junk in the hole or a collapsed well bore.

³¹⁶ This procedure was not carried forward in Part 1 of the update.

Surface Owner

Any person having the title or right of ownership in the surface estate of real property and/or, where context dictates, any leasehold interest therein.

Surface Use Agreement

Any agreement entered into between a mineral owner and a surface owner in order to conduct oil and gas operations.

Twinning

The drilling of wells within 50 feet of each other.

Well

An oil well, gas well or injection well.

Well Site

The areas which are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well or injection well.

Wellhead

The mouth of the well at which oil and gas is produced, and any appurtenant above-ground facilities.

Wildlife and Natural Area Hall

Include, but not be limited to, floodplains and floodways; natural drainage and waterways; significant native trees and vegetation; wildlife travel corridors; special habitat features such as raptor nests, key nesting, breeding or feeding areas for birds; fox and coyote dens; prairie dog colonies more than 25 acres in size; remnant native prairie habitat; plains cottonwood galleries; natural or man-made lakes and ponds and any wetland greater than one-quarter acre in size.

7.3 Other Terms Defined³¹⁷**Commentary:**

Definitions in this section that were added since Part 1 of the update are highlighted in yellow.

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 --.

Administrative Manual

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

Applicant

A person who submits a development application requesting a development permit or approval authorized by this UDO.

Building³¹⁸

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.

³¹⁷ Terms from the current Northglenn Development Regulations noted as such. Defined terms not previously included in the Northglenn Code are typically based on our work in other communities and tailored for Northglenn. New definitions are not footnoted.

³¹⁸ Replaces current 11-5-2(b)(15).

Building, Accessory³¹⁹

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.

Building Permit

An official document or certification issued by the Chief Building Official pursuant to the Building Code and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure as being in compliance with Building Code standards.

Certificate of Occupancy

A document issued by the Chief Building Official pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

Change in Use

Any use that differs from the previous use of a building or land as determined by the allowable use table (Table 3.x).³²⁰

City³²¹

The City of Northglenn, Colorado.

Comprehensive Plan

The official Comprehensive Plan for the City of Northglenn, stating goals, recommendations, and policies used to guide physical development of the City, as formally adopted by the Planning Commission.

Density

A ratio of dwelling units to land area.

Detached³²²

Any structure or building having no party wall or common wall with another structure. Bridges, tunnels, breezeways, and other similar means of connecting one structure or building to another shall not, for the purposes of this Ordinance, be considered to constitute a party wall or a common wall.

Developer

Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

Development

The construction of a building or structure, any clearing, grading, excavation, or other movement of land, or the subdivision of land unless expressly excluded in this UDO.

Development Review Committee

A committee consisting of representatives from various City departments, including Planning and Development, Public Works, Parks and Recreation, Water, and any other applicable City department. The Development Review Committee is responsible for review of most development applications as indicated in Article 6.

³¹⁹ From current 11-5-2(b)(16), revised for clarity.

³²⁰ Allowable use table will be developed with Module 2.

³²¹ From current 11-5-2(b)(28).

³²² From current 11-5-2(b)(48).

Director

The Director of the Planning and Development Department, or his designee.

Dwelling/Dwelling Unit³²³

A structure or portion thereof that provides living, sleeping, eating, cooking, and sanitation accommodations.

Easement

A grant by a property for use of land for designated private or public purposes by another agency.

Family³²⁴

A group of persons related by blood, marriage, or adoption, living together and normally, but not always consisting of two parents and their children, or persons living together in the relationship and for the purpose of guardian, ward, or foster family who may not necessarily be related by blood or marriage to the head of the household, or a group of not more than four unrelated persons living together in a dwelling unit.

Flowline

Related to a street, the flowline is the point where the curb meets the pavement. On a street without curb, the flowline shall be measured at the edge of pavement.

Lawful Age³²⁵

As used in **Section --**, and Article 12 of Chapter 18, lawful age shall mean any person who has attained the age of 18 years for purposes of patronage or employment at a sexually oriented business. Except, however, the lawful age for patronage or employment at a sexually oriented business which offers live entertainment shall be at least 21 years of age.

Legislative Rezoning

Broad-based changes to zoning district classifications applied to land by the Zoning Map in the nature of policy making by the City Council.

Lot³²⁶

A portion of a subdivision or other parcel or tract of land intended as a unit for the transfer of title and/or for development.

Lot Width

Lot width refers to the horizontal distance between side lot lines as measured at the front setback line.

Manufactured Home, HUD-Code

A pre-constructed building unit or combination of pre-constructed building units constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 400 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle or mobile homes.

Manufactured Home Space/Site³²⁷

A plot of ground within a manufactured home park designed for the accommodation of one manufactured home, together with its accessory structures including carports and other off-street parking areas, storage lockers, ramadas, cabanas, patios, patio covers, awnings, and other appurtenances.

³²³ Replaces definitions for "dwelling" and "dwelling unit."

³²⁴ From current 11-5-2(b)(58).

³²⁵ From current 11-54-1(g).

³²⁶ From current 11-5-2(b)(87).

³²⁷ Replaced the word "mobile" with "manufactured."

Maximum Extent Practicable

Under the circumstances, reasonable efforts have been taken to comply with the requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the project, and reasonable steps have been taken to minimize adverse impacts resulting from noncompliance with the requirement.

Minor Subdivision

Any subdivision meeting the applicability standards in subsection --.

Mobile Home³²⁸

A structure that was constructed before June 15, 1976, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, is 400 or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning and electrical systems.

Nonconforming Lot

A legally-established lot that does not comply with the minimum lot requirements or subdivision regulations of this UDO.

Nonconforming Site Feature

Any driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting that legally existed before adoption of this UDO but does not comply with the driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting standards of this UDO.

Nonconforming Use³²⁹

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

Nonconforming Site Feature

A legally-established site feature, such as driveway, parking or loading area, landscaping, buffer, screening, or exterior lighting that does not comply with the development standards in this UDO regulation such site features.

Nonconforming Structure

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

Nudity or State of Nudity³³⁰

- A. The appearance of human anus, male or female genitals, or the areola or nipple of the female breast; or
- B. A state of dress which fails to opaquely and fully cover a human anus, male or female genitals, pubic region or areola or nipple of the female breast.

Peep Booth

Any enclosed or semi-enclosed space within the premises of a "sexually oriented business" wherein a film, video cassette or other video reproduction is shown, or wherein live nude models appear in any state of nudity or display any "specified anatomical areas" or simulate any "specified sexual activities."

Planned Unit Development³³¹

A development designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts of this UDO. Planned Unit 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.

³²⁸ Replaces current definition for "mobile home."

³²⁹ From current 11-5-2(b)(179), revised for clarity.

³³⁰ From current 11-54-1(h).

³³¹ Replaces current 11-5-2(b)(121).

Plat³³²

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.

Porch³³³

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 Use³³⁴

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

Private Room³³⁵

A room in an adult motel that has a bed and bath in the room or adjacent room, and is used primarily for lodging.

Public Hearing

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

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.

Redevelopment³³⁶

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.

Rezoning

A change in the zoning district classification applied to land by the Zoning Map, reviewed and decided by the City Council under Section --.

Semi-Nude³³⁷

A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Site Plan

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

Site Plan Approval

Approval procedures pursuant to Section --.

Special Use Permit³³⁸

A permit issued pursuant to Section -- for uses designated in the Table of Allowed Uses (Table 3.2-A) as requiring special use permit approval.

Specified Anatomical Areas³³⁹

Includes any of the following:

³³² From current 11-5-2(b)(123), revised to reference this UDO.

³³³ Replaces current 11-5-2(b)(125).

³³⁴ Replaces definition for use, primary building to include lot and structure.

³³⁵ From current 11-54-1(k).

³³⁶ From current 11-6-15, Building Permits for New Development Projects and Redevelopment Projects.

³³⁷ From current 11-54-1(n).

³³⁸ From current 11-5-2(b)(157), revised for clarity.

³³⁹ From current 11-54-1(o).

- A. Less than completely and opaquely covered human genitals, pubic region, anus, or female breasts below a point immediately above the top of the areola; or
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities³⁴⁰

Includes any of the following:

- A. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
- C. Masturbation, actual or simulated; or
- D. Human genitals in a state of sexual stimulation, arousal or tumescence;
- E. Excretory functions as part of or in connection with any of the activities set forth in A through D.

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.

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.

Street³⁴¹

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

Structure³⁴²

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.

Subdivider³⁴³

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.

Subdivision³⁴⁴

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 -

Temporary Use Permit³⁴⁵

A permit issues pursuant to the provisions of Section -- of this UDO.

³⁴⁰ From current 11-54-1(p).

³⁴¹ From current subdivision regulations, revised for clarity.

³⁴² Replaces current 11-5-2(b)(164).

³⁴³ From current 12-5-2(b).

³⁴⁴ From current 12-5-2(c).

³⁴⁵ Replaces current 11-5-2(b)(166).

Use³⁴⁶

The utilization of property as allowed by this UDO. Allowable uses for each zoning district are shown in Table 3.x.

Variance³⁴⁷

A development permit authorizing a deviation from the standards of this UDO where strict application of the standard creates a hardship due to circumstances particular to a lot and that is reviewed and decided by the Board of Adjustment pursuant to Section --.

Vestibule³⁴⁸

An enclosed exterior entryway into a building.

Zoning District

A specifically delineated area within which uniform standards govern the use, placement, spacing, size, and form of land and buildings.

Zoning Map³⁴⁹

The official zoning map as adopted by the City of Northglenn.

³⁴⁶ From current 11-5-2(b)(176), revised to add reference to allowable use table (to be developed with Module 2).

³⁴⁷ Replaces current 11-5-2(b)(185).

³⁴⁸ Based on current definition in 11-5-2(b)(56.1) revised to apply more broadly to all building types.

³⁴⁹ From current 11-5-2(b)(115), revised from "official map" to "zoning map."



**NEW CODE
NORTHGLENN**

Part 2: Districts and Uses

City Council
January 8, 2018



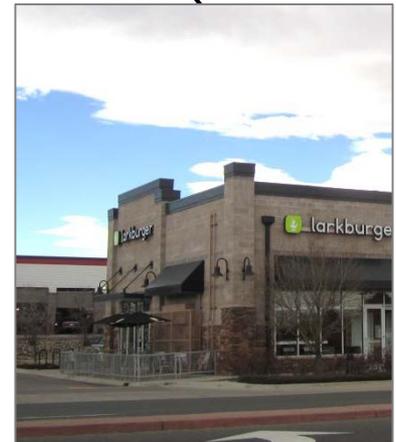
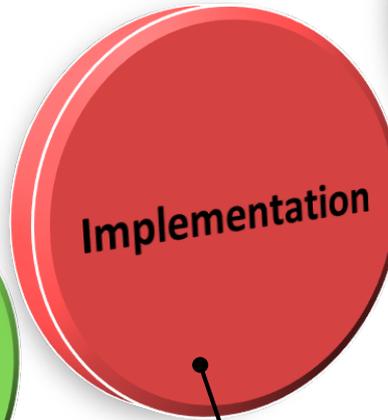
CLARION



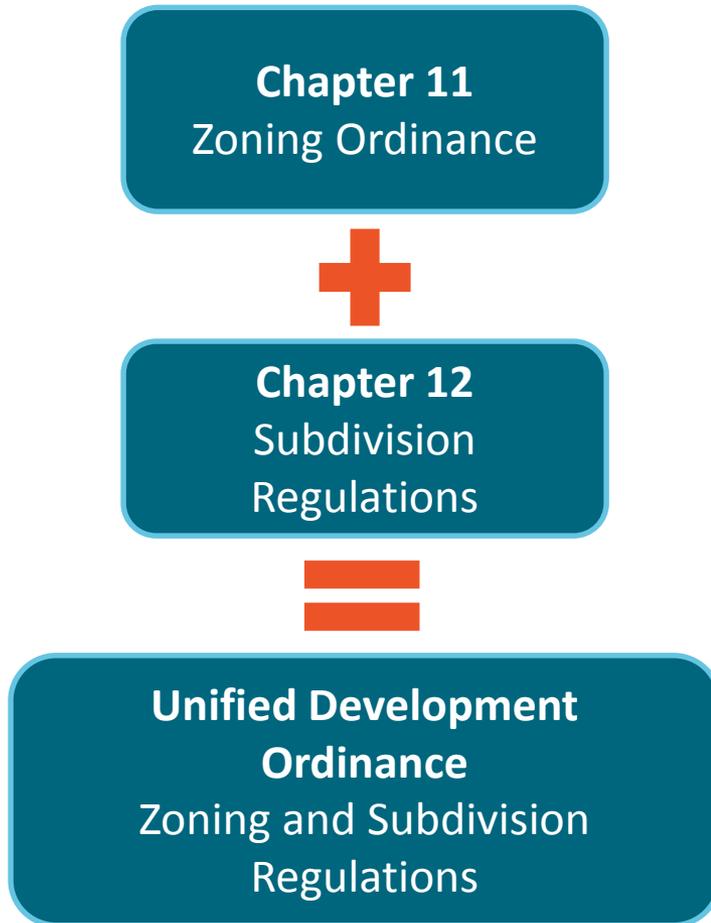
Scope of Work and Drafting Process

PROJECT OVERVIEW

The Planning Framework



What is a Unified Development Ordinance (UDO)?



The UDO contains the regulations for development within the city:

- Location
- Allowable building types and uses
- Size and quality standards
- Procedures for evaluating applications



Goals of the Project

- Focus on opportunities
- Raise the bar for Northglenn
- Use the new code as a tool for placemaking
- Implement the Comprehensive Plan



Project Tasks



NOW

- Development Regulations Analysis and Annotated Outline
- Draft Unified Development Ordinance (UDO)

2018-2019 • Draft zoning map revisions (led by staff)

2018-2019 • Prepare final UDO

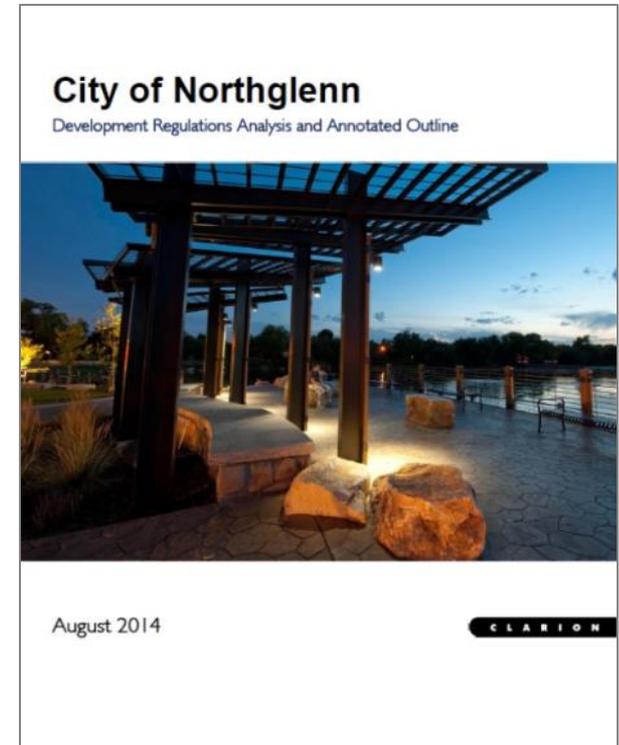
2018-2019 • Provide training materials



Analysis & Annotated Outline

Primary recommendations:

- Create a more user-friendly document
- Streamline development review procedures
- Update zoning districts and land uses
- Improve development standards



A UDO for Northglenn

Part 1: Administration and Procedures

- How do I get a project approved in Northglenn?
- Are there exceptions?

Part 2: Districts and Land Uses

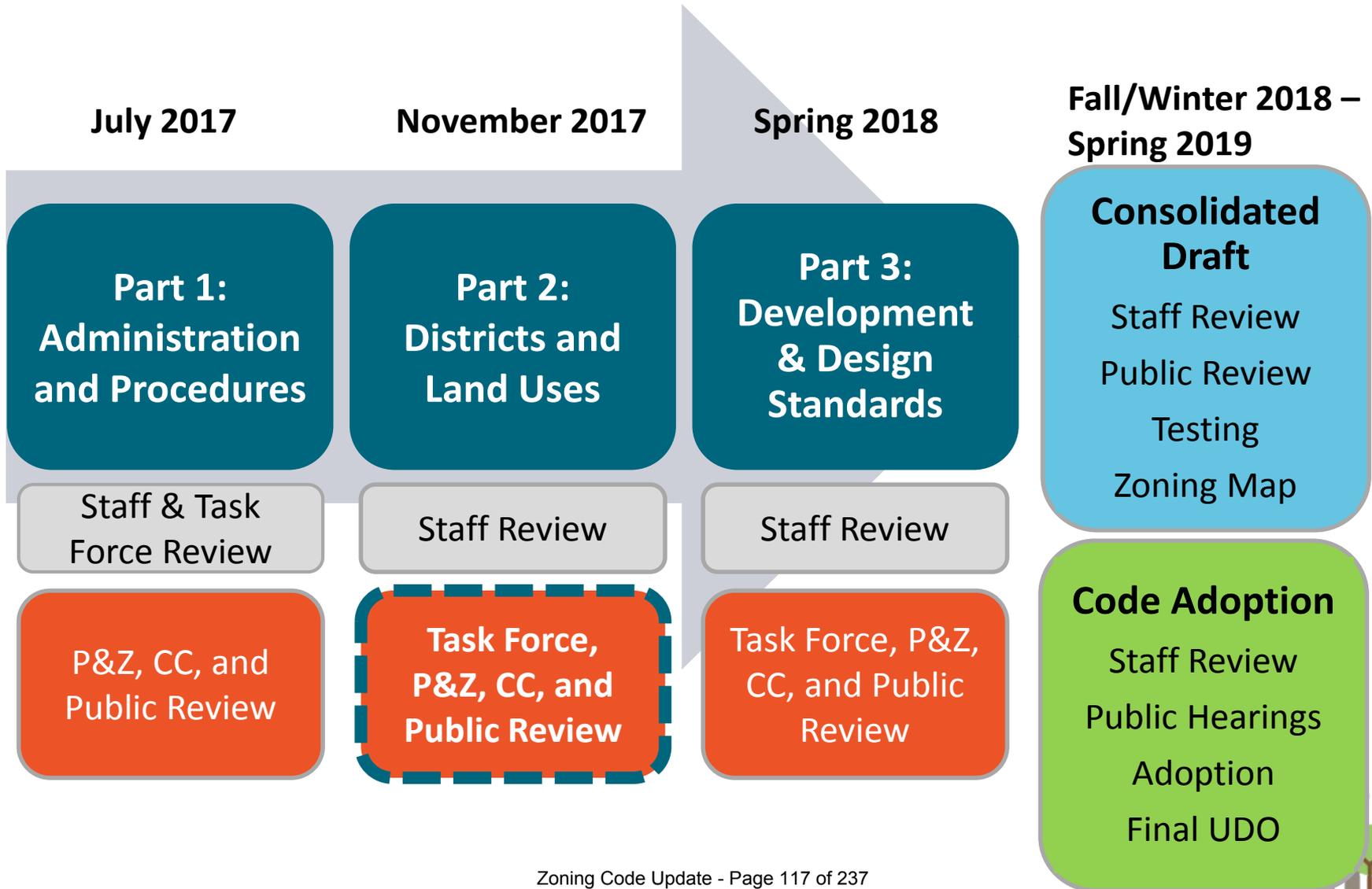
- What can I do on my property?
- Where can I do it?
- How much/how big?

Part 3: Development & Design Standards

- What level of quality is required?
- What about redevelopment?



A UDO for Northglenn



Public Engagement

Key milestones

- ✓ • Project orientation
- ✓ • Analysis and annotated outline
- ✓ • Public drafts of code (in parts)
- Two topic-specific meetings

Multiple methods

- In-person
- Phone & email
- Public meetings and hearings
- Project website



UDO Organization

Article 1 – General Provisions **Part 1**

Article 2 – Zoning Districts

Article 3 – Use Regulations

Article 4 – Development Standards **Spring**

Article 5 – Subdivision Standards **Spring**

Article 6 – Administration and Procedures **Part 1**

Article 7 – Definitions and Rules of Construction





Administration and Procedures

HIGHLIGHTS FROM PART 1

6.2 Summary Table of Procedures

Table 6.A: Summary of Development Review Procedures

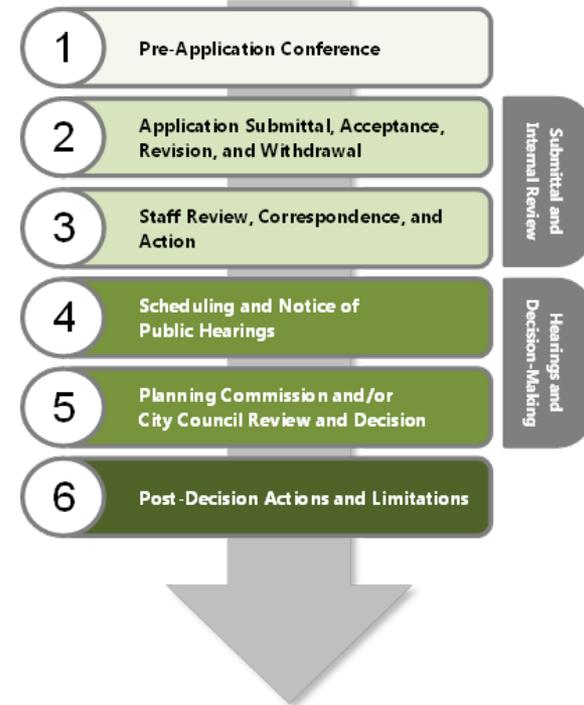
KEY: R= Review and Recommendation D= Review and Decision A= Appeal

Procedure	Section	Pre-Application Meeting Required	Review and Decision-Making Bodies				
			Staff	Board of Adjustment ³⁶	Planning Commission	City Council ⁽¹⁾	
Ordinance Amendments							
Rezoning	6.4.1	✓	R		R	D	
Rezoning to Planned Unit Development (PUD) Overlay District ³⁷	6.4.2	✓	R		R	D	
PUD Overlay District Amendment	Minor	6.4.2.C.6.e(1)	✓	R		D	A
	Major	6.4.2.C.6.e(2)	✓	R		R	D
UDO Text Amendment	6.4.3		R		R	D	
Development Permits							
Site Plan Review ³⁸ (previously FDP)	Minor (new)	6.5.1.D	✓	D		A	
	Major (new)	6.5.1.C	✓	R		D	A
Special Use Permit (consolidates permitted and special use permit procedures)	6.5.2	✓	R		D	A	
Temporary Use Permit	6.5.3		D	A			
Change of Use Permit (new)	6.5.4		D	A			



6.3 Common Review Procedures

1. Pre-application conference
2. Application submittal, acceptance, revision, and withdrawal
3. Staff review, correspondence, and action
4. Scheduling and notice of public hearings
5. Planning Commission and/or City Council review and decision
6. Post-decision actions and limitations



New Site Plan Review Procedures

- Replaces current FDP procedure
- New two-tiered system (major vs. minor)
 - **Major**
 - New development or expansion with 10 or more dwelling units
 - New development on 5 acres or larger
 - New development requiring 30 or more parking spaces
 - Any single use or mix of uses 10,000 sf or larger (except single-family detached or duplex)
 - Any minor site plan referred by the Director (“bump up”)
 - **Minor**
 - Anything not meeting the major thresholds



New Administrative Adjustments

Table 6.3: Allowable Administrative Adjustments¹⁷¹

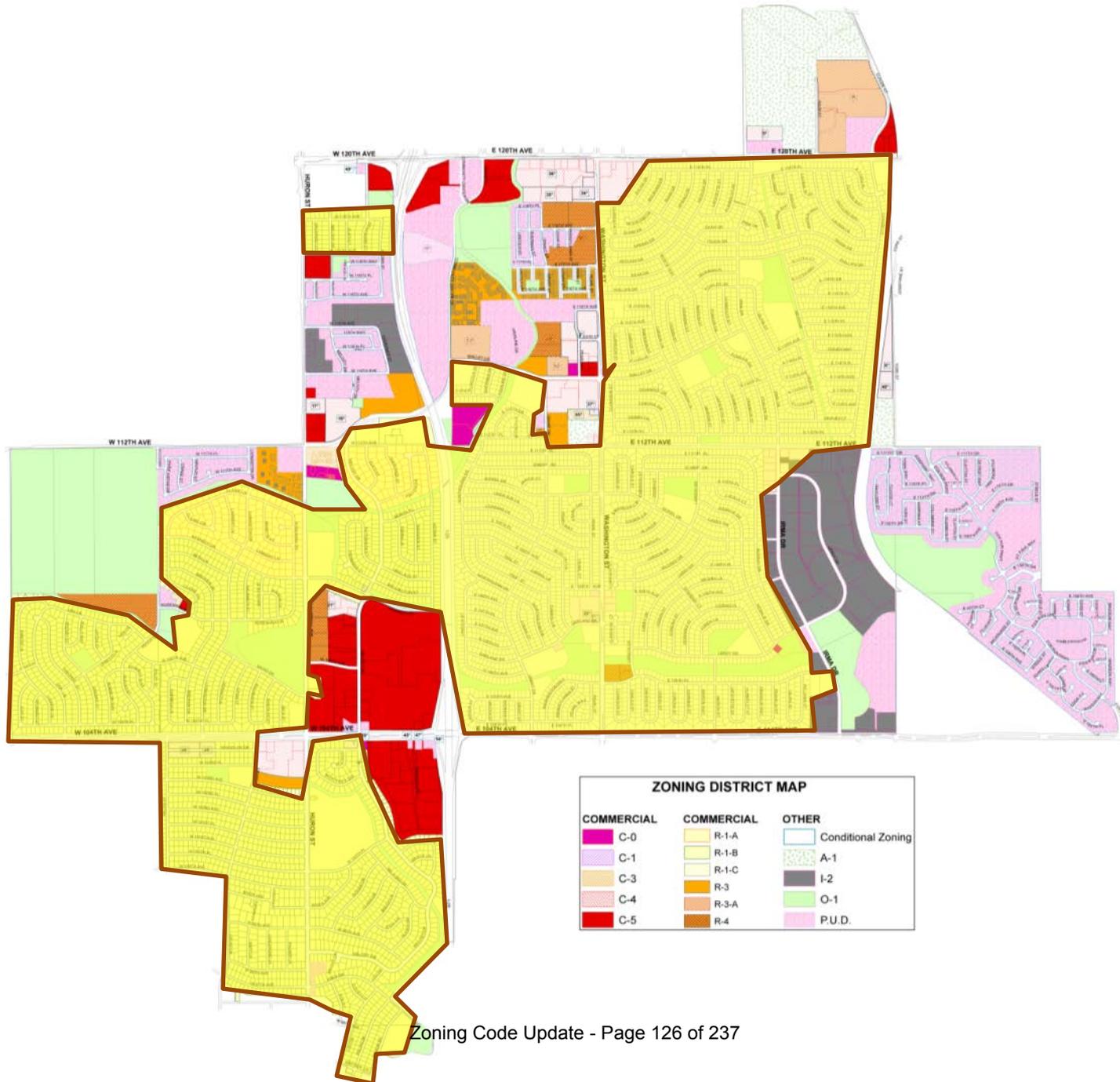
UDO Standard	Allowable Administrative Adjustment (maximum percentage)
Site Standards	
Lot area, minimum	15
Lot coverage, maximum	15
Block length, maximum	10
Percentage open space required, minimum	10
Lot Dimensional Standards	
Front setback, minimum	10
Side setback, minimum	10
Rear setback, minimum	10
Encroachment into setback, maximum	10
Building Standards	
Building height, maximum	10
Accessory building 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 landscaping requirements	10





Districts and Uses

OVERVIEW OF PART 2



ZONING DISTRICT MAP

COMMERCIAL	COMMERCIAL	OTHER
C-0	R-1-A	Conditional Zoning
C-1	R-1-B	A-1
C-3	R-1-C	I-2
C-4	R-3	O-1
C-5	R-3-A	P.U.D.
	R-4	



Current Zoning Districts

Zoning Districts	Percentage Land Area in Northglenn (%)
8 residential districts	61
11 nonresidential districts	26
1 mixed-use district	0
Planned Unit Developments (PUDs)	13*

**82 percent of land zoned PUD is residential*



















Current Zoning Districts

Zoning Districts	Percentage Land Area in Northglenn (%)
8 residential districts	61
11 nonresidential districts	26
1 mixed-use district	0
Planned Unit Developments (PUDs)	13*

**82 percent of land zoned PUD is residential*



**Table 2.1-A
Zoning Districts Established**

District	Section in UDO
Residential Districts	
RS-1 Single-Family Large-Lot	2.2
RS-2 Single-Family Standard-Lot	2.3
RS-3 Single-Family Small-Lot	2.4
RM-1 Multifamily Limited	2.5
RM-2 Multifamily	2.6
MH Manufactured Home	2.7
Mixed-Use and Commercial Districts	
MN Mixed-Use Neighborhood	2.8
MC Mixed-Use Corridor	2.9
MR Mixed-Use Regional	2.10
CG Commercial General	2.11
CA Commercial Auto-Oriented	2.12
Other Nonresidential Districts	
IN Industrial	2.13
PF Public Facilities	2.14
AG Agricultural	2.15
OS Open Space and Recreation	2.16
Planned Development Districts	
PD Planned Development	2.17



Article 2: Zoning Districts

Highlights:

- Removed obsolete districts
 - R-1, R-2, C-4-CC never applied to map
- Consolidated similar districts
- Renamed districts
- Established new districts



2.5 RM-1 Multifamily Limited¹⁵

2.5.1. Purpose

The RM-1 district is intended to provide housing at mixed densities including primarily single-family attached uses with limited small-scale multifamily uses. The RM-1 district may serve as a transition between higher density and/or intensity districts and lower density residential districts. The RM-1 district is intended to prohibit most commercial uses other than allowed home occupations and limited community and educational uses.

2.5.2. RM-1 Lot and Building Standards

Lot Standards (minimum)	
Lot area, single-family attached and duplex	2,500 sq. ft. per unit [1]
Lot area, multifamily	2,000 sq. ft. per unit [2]
Lot area, all other uses	10,500 sq. ft. ¹⁶
Lot width	35 feet [3]
Setbacks (minimum)	
A Front	15 feet [4]
B Side, single-family and duplex	5 feet
Side, all other uses	10 feet
C Rear/Rear (detached accessory)	10 feet [5]/None
Building Standards (maximum)	
D Building height, primary	45 feet [6]
Building height, accessory	20 feet
Building coverage	60 percent

2.5.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

[1] Currently 9,000 sq. ft.

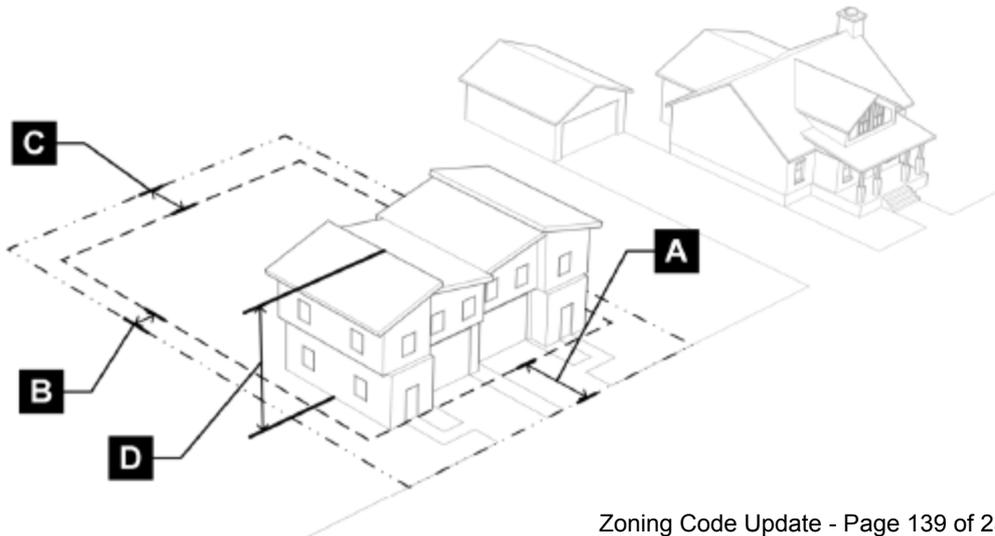
[2] Currently 13,500 sq. ft. for the first three dwelling units, then 2,000 sq. ft. for each additional unit.

[3] Currently ranges from 70-100 feet depending on use.

[4] Currently 25 feet.

[5] Currently 20 feet.

[6] Currently 35 feet.



- New purpose statement
- New dimensional standards summary tables
- New graphics



How do I know what changed?

2.5.2. RM-1 Lot and Building Standards

Lot Standards (minimum)	
Lot area, single-family attached and duplex	2,500 sq. ft. per unit [1]
Lot area, multifamily	2,000 sq. ft. per unit [2]
Lot area, all other uses	10,500 sq. ft. ¹⁶
Lot width	35 feet [3]
Setbacks (minimum)	
A Front	15 feet [4]
B Side, single-family and duplex	5 feet
Side, all other uses	10 feet
C Rear/Rear (detached accessory)	10 feet [5]/None
Building Standards (maximum)	
D Building height, primary	45 feet [6]
Building height, accessory	20 feet
Building coverage	60 percent

2.5.3. Other Standards

Other Standards	Location in LDC
Measurements and Exceptions	Section 2.19
Use Regulations	Article 3
Off-Street Parking	Section --
Landscaping	Section --
Building Design	Section --
Exterior Lighting	Section --

Notes:

[1] Currently 9,000 sq. ft.

[2] Currently 13,500 sq. ft. for the first three dwelling units, then 2,000 sq. ft. for each additional unit.

[3] Currently ranges from 70-100 feet depending on use.

[4] Currently 25 feet.

[5] Currently 20 feet.

[6] Currently 35 feet.



Consolidated Districts

Factors for Consolidation:

- **Similar purpose**
- **Similar lot and building standards**
- **Similar uses allowed**

Current	Proposed
R-1-B	RS-2
R-1-C	
C-0	CG and CA
C-1	
C-3	
C-4	
C-5	
I-1	IN
I-2	
O-1	OS
O-1-A	



New Districts

Factors for Establishing New Districts:

- Encourage new development patterns
- Implement comprehensive plan
- Can't be met by another district

- Small-lot single-family residential
 - **RS-3**
- Commercial auto-oriented
 - **CA**
- Public facilities/institutional
 - **PF**
- Three mixed-use
 - **MN** (neighborhood)
 - **MC** (corridor)
 - **MR** (regional)

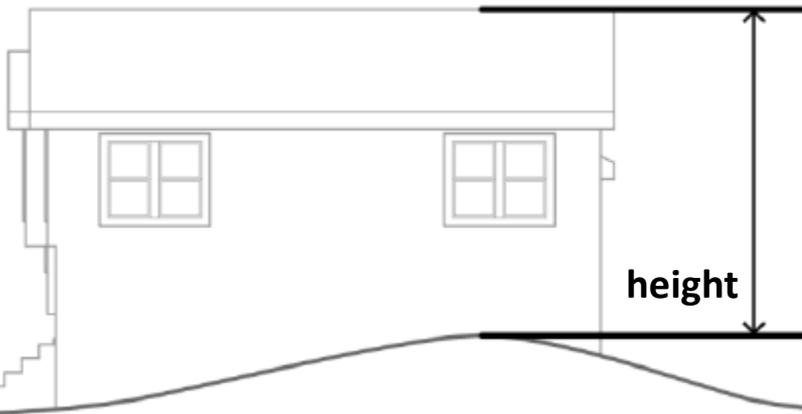
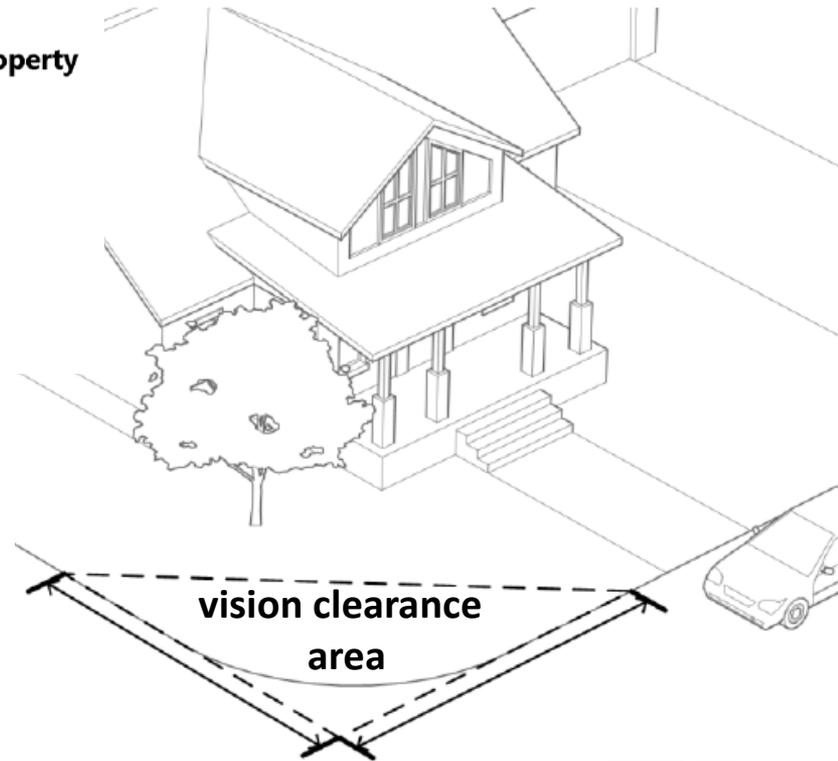
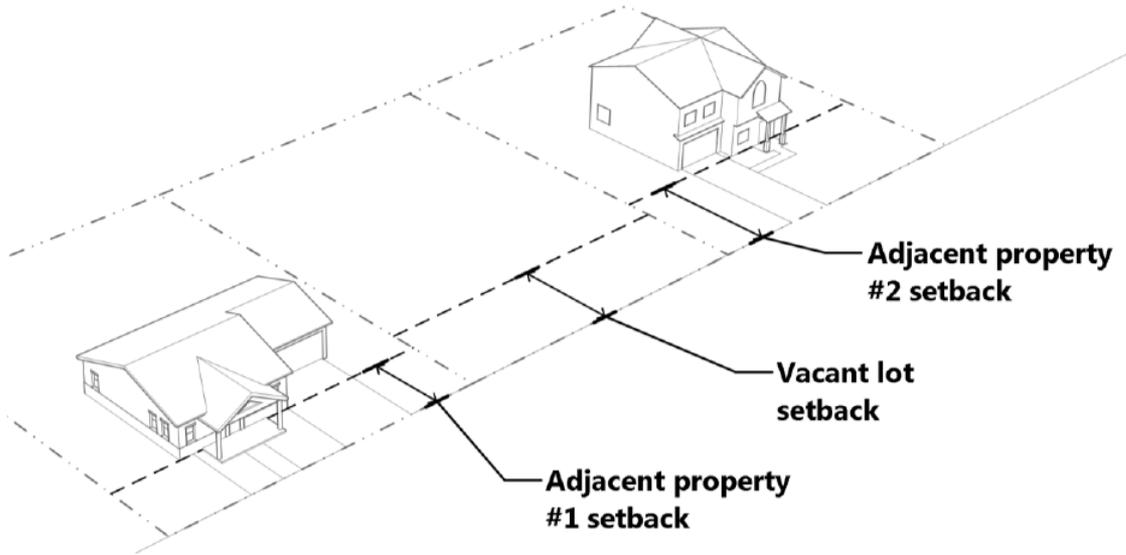








Measurements and Exceptions



Measurements and Exceptions

**Table 2.19-B
Authorized Exceptions to Height Requirements⁶⁵**

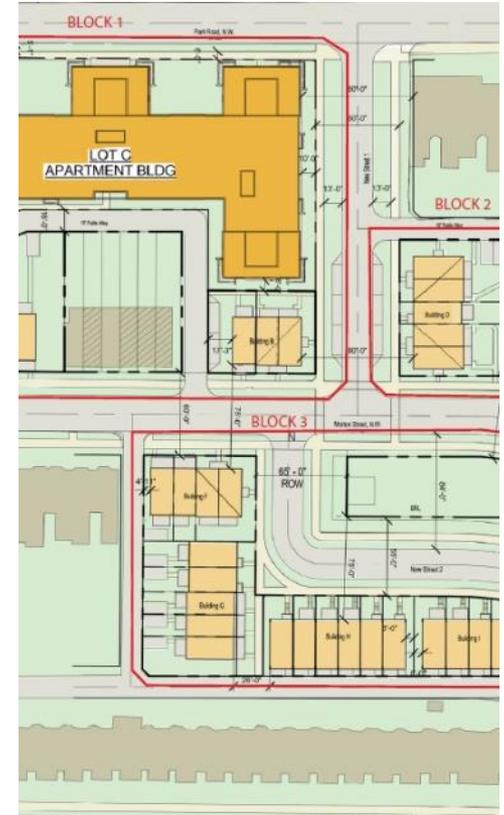
Type of Exception	Residential Districts	Mixed-Use and Nonresidential Districts
Building-mounted antennas (except those covered by the wireless telecommunications regulations in Section X.X), bell towers, spires, and steeples	May extend up to five feet above the maximum height requirement	May extend up 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 the pitch of	



Planned Development (PD) District

GOAL: minimize the use of PD

- Requires higher level of amenities and public benefit than otherwise possible under base zoning districts
- All other code standards apply unless expressly modified by the PD plan
- Simplified procedures (in Part 1)



Article 3: Use Regulations

- Table of Allowed Uses
- Use-Specific Standards
- Accessory Uses and Structures
- Temporary Uses and Structures



Current Code (C-4 example):

(b) In addition to those set forth in Article 19, the following shall be uses-by-right:

(1) All uses-by-right in C-1 and C-3 Zones.

(2) Amusement establishments, bowling alleys, pool halls, dance halls, gymnasiums, swimming pools, and skating rinks.

(3) Auction rooms (indoor activities only).

(4) Automobile accessory stores (new parts and supplies only).

(5) Bicycle sales, rental and repair shops.

(6) Blueprinting and photostating establishments.

(7) Clubs and lodges (nonprofit and fraternal organizations).

(8) Casket and casket supply sales.

(9) Catering establishments.

(10) Clothing and costume rental stores.



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	MIN	MC	MR	CG	CA	IN	PF	AG	OS	
Residential																
Household Living																
Dwelling, Duplex ⁷¹				√	√		S									
Dwelling, Live/Work ⁷²							√+	√+	√+			S+				3.3.3.B
Dwelling, Multifamily ⁷³				√	√		S+	√+	√+							3.3.3.C
Dwelling, Single-Family Attached ⁷⁴				√+	√+		√+	S+								3.3.3.D
Dwelling, Single-Family Detached ⁷⁵	√	√	√				√							√		
Manufactured Home Park, HUD-Code ⁷⁶							√+									3.3.3.E
Group Living⁷⁷																
Assisted Living Facility ⁷⁸	S	S	S	S	S	S	S	S	S							
Family Care Home ⁷⁹ [reserved]																
Group Quarters ⁸⁰ [reserved]																
Independent Living Facility ⁸¹				√	√		√									



Use-Specific Standards

- Location/separation
- Size restrictions
- Operation standards
 - Display
 - Ownership
 - Outdoor uses
 - Hours of operation



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	MIN	MC	MR	CG	CA	IN	PF		AG
Residential															
Household Living															
Dwelling, Duplex ⁷¹				√	√		S								
Dwelling, Live/Work ⁷²							√+	√+	√+			S+			3.3.3.B
Dwelling, Multifamily ⁷³				√	√		S+	√+	√+						3.3.3.C
Dwelling, Live/Work ¹⁷¹															
Dwelling, Live/Work ¹⁷¹															
Manufacturing															
Group Quarters ⁸⁰ [reserved]															
Assisted Living Facility															
Farmland															
Group Quarters ⁸⁰ [reserved]															
Independent Living Facility ⁸¹				√	√		√								



B. Dwelling, Live/Work¹⁷¹

- 1. Location**
The residential component shall be located on upper stories or to the rear of nonresidential portions of the structure.
- 2. Ownership**
The nonresidential use shall be owned and operated by a resident of the live/work dwelling.



Accessory Uses and Structures

- ADUs
- Drive through
- Home occupations
- Outdoor dining
- Outdoor storage

Considerations:

- **Location**
- **Size**
- **Design**
- **Operations**



Temporary Uses and Structures

- Construction trailers/offices
- Seasonal sales
- Special events





DISCUSSION



NEXT STEPS

Next Steps

- **Part 3: Development Standards** [Spring 2018]
- Consolidated Draft UDO [Summer 2018]
- Draft Zoning Map Conversions [Summer 2018]
- Testing [Summer 2018]
- Final Draft UDO [Fall 2018]



We Need Your Input!

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Unified Development Ordinance (UDO)

Module 1 – Administration and Procedures

PUBLIC DRAFT – July 2017



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Article 1: General Provisions

Commentary:

Article 1 includes the general provisions for the purpose and intent of this UDO, how it is administered and enforced, and the applicability and jurisdiction of the UDO. Nonconformities were relocated to this article. This is a change from the recommendation in the Development Regulations Analysis and Annotated Outline, which suggested a separate article for nonconformities. We felt that the content was better suited here. The enforcement regulations were significantly expanded from current regulations, and these new provisions should be coordinated with any upcoming City efforts related to code enforcement during the course of this UDO development.

1.1 Title and References¹

This Ordinance, Chapter 11 of the Municipal Code of the City of Northglenn, shall be known and cited as the Northglenn Unified Development Ordinance (UDO).² Whenever this document refers to “this Chapter,” it shall mean this UDO. In the Municipal Code, references to the “Zoning Ordinance” or “Chapter 11 of the Municipal Code” shall mean this UDO.³

1.2 Purpose and Intent⁴

1.2.1. Purpose

The purpose of this UDO is to protect the public health, safety, and welfare of the City through implementation of the policies and strategies from the City of Northglenn Comprehensive Plan.

1.2.2. Intent

This UDO is intended to:

- A.** Encourage and facilitate the most appropriate use of land throughout the City;
- B.** Designate, regulate, and restrict the location of buildings, structures, and land;
- C.** Regulate and limit the height, number of stories, and size of buildings and other structures;
- D.** Establish requirements for site layout, site development, and other dimensional, design, and development standards;
- E.** Regulate the subdivision of land in the City of Northglenn;
- F.** Provide for administration and enforcement of this UDO;
- G.** Protect the economic stability of existing land uses that are consistent with the Comprehensive Plan;⁵ and
- H.** Provide for utilities and facilities such as transportation, water, sewage, schools, parks, and other public requirements.

¹ Did not carry forward 12-1-1, 12-1-2, or 12-1-4 from the subdivision general provisions since this UDO consolidates zoning and subdivision into a single chapter.

² From current 11-1-1, revised to reference UDO instead of zoning ordinance.

³ From 11-1-2, revised to UDO.

⁴ From current 11-1-3, revised for clarity and simplicity. Did not carry forward several purposes, such as providing for adequate air and light, preventing undue concentration of population, conserving and stabilizing the value of property, and secure safety from fire, panic, and other dangers. Some of the specific requirements in 11-1-3 were consolidated into more general terms. For example, instead of referencing parking and loading requirements, a more general statement captures that and other development requirements.

⁵ New.

1.3 Authority⁶

This UDO is adopted pursuant to the authority in the City of Northglenn Home Rule Charter and Colorado laws as applicable.

1.4 Applicability and Jurisdiction⁷

1.4.1. General Applicability

This UDO shall apply to all land, buildings, structures, and uses thereof, located in the City of Northglenn.

1.4.2. Compliance Required⁸

- A. No permit, certificate, license, or approval for any use that is subject to this UDO shall be issued or granted by any department, agency, City official, or City employee without full compliance with this UDO.
- B. Any permit, certificate, license, or approval issued in violation of this UDO is void.
- C. No building or structure shall be erected, converted, enlarged, reconstructed, or altered without full compliance with this UDO.
- D. No lot of record that did not exist on the effective date of this UDO shall be created by subdivision or otherwise that does not comply with this UDO.

1.4.3. Conflicts with Other Ordinances⁹

Whenever the standards in this UDO conflict with those required in the municipal code or other ordinances or regulations, as determined by the Director, stricter standards shall govern.

1.4.4. Private Covenants¹⁰

Nothing in this UDO shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by or are contrary to the provisions of this UDO.

1.5 Nonconformities¹¹

1.5.1. Purpose

The purpose of this section is to regulate and limit the development and continued existence of legal uses (including accessory uses), structures, lots, and site features established prior to the effective date of this UDO, and any future amendments, that no longer conform to the requirements of this UDO. All such situations are collectively referred to in this section as "nonconformities." While nonconformities may continue, the intent of this Section is to curtail substantial investment in nonconformities to bring about their eventual elimination and to preserve the integrity of this UDO and the stated policies of the City of Northglenn.

1.5.2. Regulations Applicable to All Nonconformities

A. Determination of Nonconformity Status

The burden of establishing the existence of a legal nonconformity shall be solely on the owner of property containing the nonconformity.

⁶ New.

⁷ New.

⁸ "A" is based on current 11-4-4, Issuance of Permits, Licenses, etc. "B, C, and D" are new.

⁹ From current 11-47-1 and 12-7-2(b), revised for clarity.

¹⁰ Carried forward from 11-4-6, Effect of Private Covenants.

¹¹ Based on current code standards in Article 36. Section 11-3-9, prior termination schedule for nonconforming uses, was not carried forward. These are mostly new standards, except when noted.

B. Maintenance and Minor Repair¹²

1. Minor repairs or maintenance of nonconformities are permitted and encouraged, provided that the repairs and/or maintenance do not increase the nonconformity of any structure, use, or lot. Maintenance and repairs that qualify as "minor" include the following:
 - a. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a building or structure, without expanding the building or structure;
 - b. Maintenance of land to protect against and mitigate health and environmental hazards;
 - c. Repairs that are required to remedy otherwise unsafe conditions; and
 - d. Repairs necessary to comply with current building code requirements.
2. Minor repairs and maintenance shall only be conducted in compliance with building code requirements and shall obtain the necessary permits pursuant to Chapter 10, *Building Regulations*.

C. Modifications to Nonconformities¹³

A special use permit is required for the following:

1. Any change to a nonconforming use except for changing to a permitted use pursuant to subsection 1.5.3.D;
2. Expansion of a nonconforming structure; and/or
3. Expansion of any use or structure on a nonconforming lot, except as provided for in subsection 1.5.5.C.

D. Change of Ownership or Tenancy¹⁴

Changes of ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this Section.

E. Violation of Law Not Allowed

Nothing in this section shall be construed as authorizing violation of any law.

1.5.3. Nonconforming Uses**A. Applicability**

This section applies to land uses that were legally established but do not comply with one or more standards in this UDO.

B. Continuation of Use

Existing lawful uses of land that are no longer permissible under the terms of this UDO as enacted or amended may be continued subject to the following:

1. No nonconforming use shall be enlarged, increased, or extended to occupy a greater area of land than occupied on the effective date of this UDO.
2. No nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date this UDO.

C. Expansion of an Unpermitted Use Not Permitted

Enlargement, increase, or extended occupancy of a use not allowed in the zoning district in which it is located shall be prohibited.

D. Change in Use¹⁵

A use not currently allowed in the zoning district in which it is located may be converted to an allowable use in the applicable zoning district pursuant to the following:

¹² Replaces 11-36-3, expanded on and revised for clarity.

¹³ Further discussion is required on the scenarios involving nonconformities to require a special use permit for. For example, should modifications to nonconforming site features (parking, landscaping, etc.) require a special use permit? The added scrutiny and procedural step can act as a barrier to infill and redevelopment.

¹⁴ New.

¹⁵ Replaces 11-36-2.

1. The change in use shall not create any additional nonconforming situations or increase any existing nonconformity;
2. Any new improvements necessitated by the change in use shall conform to all district-specific standards of the applicable zoning district, and use-specific standards applicable to the new use;
3. Any expansion associated with a proposed change in use shall comply with the applicable provisions of this UDO; and
4. Any change in use that requires a special use permit, temporary use permit, PUD approval, and/or rezoning shall only be allowed if the proposed use and site improvements, other than existing nonconforming structures, comply with applicable provisions of this UDO.

E. Discontinuance of Use

1. A nonconforming use not used for 180 consecutive days shall not be reestablished, and any subsequent use of the land, building, or structure shall comply with this UDO.¹⁶
2. The Director shall notify the property owner in writing if a nonconforming use has not been used for 180 consecutive days.
3. A property owner whose nonconforming use has not been used for a period of 180 consecutive days may request an administrative determination from the Director whether or not the nonuse of the property was due to some conduct within the control of and attributable to the property owner or a previous property owner. If the nonuse is determined not to be due to conduct within the control of and attributable to the property owner or a previous owner, then the nonconforming use may be reestablished.¹⁷

1.5.4. Nonconforming Structures

A. Applicability

This section applies to structures that were legally established but do not comply with one or more standards in this UDO.

B. Damage or Destruction

1. When a nonconforming structure is damaged to the extent of 50 percent or more of its assessed value at the time of damage, it shall not be restored except in compliance with this UDO.¹⁸
2. When a nonconforming structure is damaged to the extent of less than 50 percent of its assessed value at the time of damage, it may be restored provided any restoration is started within 180 days and is completed within two years from the date of damage.

C. Expansion of a Nonconforming Structure

An expansion of a nonconforming structure may be allowed if the expansion complies with all provisions of this UDO. An expansion shall not increase the level of any nonconformity.

D. Movement of a Nonconforming Structure

A nonconforming structure shall only be moved if such movement places the structure in a location that complies with the provisions of this UDO.

¹⁶ Replaces 11-36-4.

¹⁷ New.

¹⁸ Replaces 11-36-5. Some communities use appraised value and require a professional appraisal from the applicant. Assessed value allows simple calculation by both staff and the applicant.

1.5.5. Nonconforming Lots¹⁹

A. Applicability

B. This section applies to lots that were legally established but do not comply with one or more standards in this UDO. Nonconforming by Virtue of Enactment

If a lot is made nonconforming by virtue of enactment of this UDO, the lot may be developed provided that the proposed development complies with all requirements of this UDO except for lot size and/or lot dimensional standards.

C. Change in a Conforming Use or Structure when Lot Size is only Nonconformity²⁰

If a modification to a use or structure is proposed on a property where the only nonconformity is the lot size, then the use shall be permitted without requiring a special use permit as long as the new proposed use complies with any applicable use-specific standards pursuant to **Section --**.²¹

1.5.6. Nonconforming Site Features

Commentary:

These are new standards. Communities differ in the extent to which they require nonconforming site features to come into full code compliance. The Development Regulations Analysis discussed the importance of “raising the bar” for development and redevelopment in the City. Northglenn’s current regulations do not appear to address this important issue. Some of the triggers for when a property must be brought into compliance with site features standards will be addressed during Module 3 – Development Standards. Those triggers will be cross-referenced in this nonconformities section at that time. Those triggers developed as part of Module 3 will also address compliance with additional engineering standards and criteria that may apply outside of this UDO.

A. Applicability²²

1. For purposes of this section, the term “nonconforming site feature” includes any driveway, off-street parking or loading area, landscaping, buffer, screening, or exterior lighting that lawfully existed before becoming noncompliant with the development standards in this UDO, as well as the lack of any such feature required by subsequently enacted City development standards.
2. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this UDO, subject to the requirements of this section.
3. No action shall be taken that increases the degree or extent of a nonconforming site feature unless the site feature is brought into conformance with this UDO or otherwise approved through an application allowing such increase in nonconformity pursuant to the procedures in Article 6: *Administration and Procedures*.

B. Nonconforming Parking

1. Continuation of Nonconforming Parking

Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this UDO that are made nonconforming by virtue of enactment of this UDO shall be allowed to continue, provided that:

- a. Any change in use or expansion of any use or structure shall only be permitted if the additional number of parking spaces required by the expansion or change in use is provided according to **Section 4.x.x**.²³
- b. Nonconforming parking areas shall not be expanded. When additional parking is required by this UDO, all new parking areas shall comply with this UDO.

¹⁹ New.

²⁰ New.

²¹ Section reference to use-specific standards will be provided with Module 2, districts and uses.

²² In this draft we did not propose requiring a special use permit for modifications to nonconforming site features as earlier in Section 1.5.2.C. Further discussion is required on the appropriate level of process and scrutiny for nonconformities.

²³ Parking requirements will be drafted with the development standards in Module 3, at which time this cross-reference will be updated.

2. Upgrading Nonconforming Parking²⁴

Nonconforming off-street parking facilities shall be upgraded to achieve full compliance with this UDO's off-street parking standards in conjunction with the following development of the site containing the nonconforming parking:

- a. An addition to or expansion of one or more structures that, over a two-year period, would increase the total gross floor area of the structures (as shown by Building Permit applications) by more than 50 percent; or
- b. A remodeling of one or more structures that, over a two-year period, would cost (as shown by Building Permit applications) more than 50 percent of the current assessed value of the structures.

C. Upgrading Nonconforming Buffers, Landscaping, Screening, and Outdoor Lighting

Nonconforming buffers, landscaping, screening, and outdoor lighting shall be upgraded to achieve full compliance with this UDO's buffer, landscaping, screening, and outdoor lighting standards if the site containing those nonconforming site features is proposed for any of the following:

1. An increase in the total square footage of vehicular use area;
2. A structural addition that increases the combined total gross floor area of all existing structures by more than 500 square feet or 20 percent, whichever is less;
3. Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property within a two-year period, excluding minor cosmetic items such as painting, lighting fixtures, and awnings. A modification to only part of an elevation shall constitute a change in the entire elevation of that exterior wall; or²⁵
4. An expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas.

D. Compliance to the Maximum Extent Practicable

Where full compliance with the requirements of this subsection is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Director.

1.6 Enforcement²⁶

1.6.1. Purpose

This section identifies violations of this UDO and establishes procedures for the City to ensure compliance with this UDO and to correct violations. This section also sets forth the remedies and penalties for violations of this UDO.

1.6.2. Continuation of Prior Enforcement Actions

Nothing in this UDO shall prohibit the continuation of previous enforcement actions undertaken by the City pursuant to the previous regulations.

1.6.3. Violations

Each of the following activities constitutes a violation of this UDO:

²⁴ This new subsection requires the upgrading of parking nonconformities to full compliance with applicable standards in conjunction with a substantial expansion or remodeling of an existing development.

²⁵ This requires further discussion. There may be other types of modifications, in addition to the minor cosmetic activities, that should be exempt from this threshold.

²⁶ Unless otherwise noted, these are new provisions that we include in most codes. These provide more detail than is currently found in the Northglenn ordinance. Section 11-1-4, Administration and Enforcement, was not directly carried forward. The general information in that section is replaced by the purpose statement and in the penalties and remedies section.

A. Activity Inconsistent with this UDO

Any erection, construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this UDO.

B. Activity Inconsistent with Permit or Approval

Any development, use, or other activity that is in any way contrary to the terms or conditions of any permit or approval required to engage in such activity under this UDO.

C. Continuation of Violations²⁷

From the date that a notice of violation is issued by the City, each day that a violation occurs or remains uncorrected shall constitute a separate and distinct violation of this UDO.

1.6.4. Penalties and Remedies²⁸

The Director shall have the following power to enforce this UDO:

A. Deny, Withhold, or Revoke Entitlements²⁹

1. The Director shall have the power to deny, withhold, or revoke permits for violation of this UDO or violations of any conditions imposed. The Director shall provide written notice to the violator at the address contained in the permit, clearly and concisely alleging the violation, and directing the violator to appear at a time certain before the authority not less than 10 days or more than 30 days after the date of the notice.
2. The Director shall hold a hearing to determine the nature and extent of the alleged violation and shall have the power, on good cause being shown, to deny, withhold, or revoke the permit issued to the violator, to require the violator to take corrective measures, or to direct employees or agents of the City of Northglenn to enter onto the premises and to take the corrective measures required by the Director, the cost to be assessed against the violator.
3. Any entitlement or other form of authorization may be denied, withheld, or revoked after notice and a hearing, when the Director determines that:
 - a. There is a departure from the approved plans, specifications, limitations, or conditions as required under the entitlement;
 - b. The entitlement was established by false representation;
 - c. The entitlement was issued in error; or
 - d. There is any other violation of this UDO.

B. Stop-Work Orders³⁰**1. Issues and Activities Warranting a Stop-Work Order**

- a. The Director may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property.
- b. The Director may issue a stop-work order on any property with an uncorrected violation of this UDO or approval issued under this UDO.

2. Procedures for Issuing Stop-Work Order

- a. A stop-work order shall be in writing and directed to the person doing the work, and shall specify the provision of this UDO or other law in violation.

²⁷ Replaces current 11-3-10(c) and second half of 12-7-1. This is still being reviewed by the City Attorney and may be modified with the consolidated draft.

²⁸ Includes provisions from 11-4-3, civil remedies and 11-4-5, cancellation of permit. Those sections were divided into separate penalties and remedies subsections in this proposed draft, revised for clarity and expanded on.

²⁹ Based on current 11-4-5, revised for clarity and expanded on to add criteria. These standards require further review by the City Attorney and may be revised with the consolidated draft UDO.

³⁰ New.

- b. If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.
- c. Once conditions cited in the stop-work order have been adequately addressed, the Director shall rescind the stop-work order.

C. Criminal and Civil Penalties

Any violation of any of the provisions of this UDO shall be punishable as provided in Section 1-1-10(a)(2) of the City of Northglenn Municipal Code.³¹

D. Injunctive Relief³²

The Director may seek injunctive relief or other appropriate relief in a court of competent jurisdiction when the Director believes that a violation of this UDO or violation of any condition imposed on an approval issued under this UDO present a serious threat to the public health, safety, and welfare.

E. Abatement³³

The City may abate a violation pursuant to the Northglenn Municipal Code.

1.6.5. Authorized Officers³⁴

- A. Any person employed in the Planning and Development Department as Director, Chief Building Official, Building Official, Building Inspector, and any person employed by the City as a Code Enforcement Officer or Police Officer shall be an “Officer of the City” for the purposes of enforcing this UDO.
- B. Any such Officer of the City shall be and is hereby authorized to enter upon and inspect any public or private property in the City of Northglenn for the purpose of:
 - 1. Enforcing any part of this UDO;
 - 2. Investigating or determining compliance of any land, building, structure, or use with this UDO, or any condition imposed as part of a permit or approval; or
 - 3. Making any inspection required by this UDO, another ordinance, or statute.

1.7 Severability³⁵

- A. If any provision of this UDO is invalidated by a court of competent jurisdiction, such judgment shall not affect the validity of the remaining provisions of this UDO.
- B. If any application of any provision of this UDO is invalidated by a court of competent jurisdiction, such judgment shall not affect the application of that provision to any other parcel, building, structure, or use not specifically included in that judgment.
- C. If any condition attached to an approval of an application for development is invalidated by a court of competent jurisdiction, such judgment shall not affect any other conditions attached to the same approval unless specifically included in that judgment.

³¹ From current 11-3-10(d) and first half of 12-7-1, revised for clarity.

³² Replaces mention of injunction in current 11-4-3.

³³ Replaces mention of abatement in current 11-4-3.

³⁴ From current 11-1-5, revised for clarity.

³⁵ Based on current 11-49-2 and 12-7-4, expanded for clarity and to follow common practice.

Article 2: Zoning Districts (Module 2)

[To be drafted with Module 2]

Article 3: Use Regulations (Module 2)

[To be drafted with Module 2]

Article 4: Development Standards (Module 3)

[To be drafted with Module 3]

Article 5: Subdivision Standards (Module 3)

[To be drafted with Module 3]

Article 6: Administration and Procedures

Commentary:

This article describes the process for reviewing and approving various types of development applications in the City of Northglenn. The article begins with a summary table of development review procedures (Section 6.2), which provides the reader with a snapshot of the review and approval procedures, including the final decision-making authority for each application type. Section 6.3 includes the common review procedures that apply to most development applications in the City. This was one of the major recommendations from the Development Regulations Analysis and Annotated Outline, and helps the City standardize reviews and avoid repetition in the document or potential conflicts among the various application types.

The remainder of the article describes the application-specific procedures, cross-referencing common review procedures and then noting any additions or modifications. Each application-specific procedure is summarized by a flowchart depicting the steps for review and approval, with specific notes according to that particular application type. Finally, the article includes general information about the various decision-making bodies in Northglenn, including their authority, formation, and rules that they must follow.

This draft uses the term "Director" to replace any previous references to "City Planner," "Director of Community Development," "City Manager," and "City Manager's Designee." A definition in Article 7 clarifies that the Director may appoint a designee.

In this article, we refer to an "administrative manual" several times. Such a manual could contain specific departmental, administrative, or technical information not necessary to include in the UDO, such as application submittal requirements, time periods for review, and associated fees. Some communities host such a manual online without need to produce a physical "manual." Another benefit of an administrative manual is that it allows the Director to update requirements without going to City Council for an ordinance amendment.

6.1 Purpose and Organization of this Article

This article describes the review and approval procedures for applications for land use and development in the City of Northglenn.

- A. Section 6.3, *Common Development Review Procedures*, describes the standard procedures that apply to most development applications.
- B. Sections 6.4 through 6.7 contain specific information on each application type, including approval criteria and any additions or modifications to the common review procedures.
- C. Section 6.8, *Review and Decision-Making Bodies*, contains descriptions of the review and decision-making authorities, including the City Council, Planning Commission, Board of Adjustment, Director of Planning and Development, Development Review Committee, and other City officials.

6.2 Summary Table of Development Review Procedures

Table 6.A lists the development applications authorized in this UDO. For each type of application, the table indicates whether a pre-application conference is required and the role of City review and decision-making authorities.

Commentary:

This draft proposes that the Planning Commission act as the Board of Adjustment when hearing variance applications, and that some applications currently appealed to the Board of Adjustment be appealed to either the Planning Commission or City Council as noted. Several other procedures have been revised to reassign the decision-making authority either to a higher or lower decision-making authority. Such changes are indicated in the footnotes.

The summary table provided in the Development Regulations Analysis also noted when public hearings are required. However, public hearings brackets were not carried forward into this draft, since all review and decisions at Board of Adjustment, the Planning Commission, and City Council require a public hearing in Northglenn.

Table 6.A: Summary of Development Review Procedures						
KEY: R= Review and Recommendation D= Review and Decision A= Appeal						
Procedure	Section	Pre-Application Meeting Required	Review and Decision-Making Bodies			
			Staff	Board of Adjustment ³⁶	Planning Commission	City Council ^[1]
Ordinance Amendments						
Rezoning	6.4.1	✓	R		R	D
Rezoning to Planned Unit Development (PUD) District ³⁷	6.4.2	✓	R		R	D
PUD District Amendment	Minor	6.4.2.C.6.e(1)	✓	R		D
	Major	6.4.2.C.6.e(2)	✓	R		R
UDO Text Amendment	6.4.3		R		R	D
Development Permits						
Site Plan Review ³⁸ <i>(previously FDP)</i>	Minor <i>(new)</i>	6.5.1.D	✓	D		A
	Major <i>(new)</i>	6.5.1.C	✓	R		D
Special Use Permit <i>(consolidates permitted and special use permit procedures)</i>	6.5.2	✓	R		D	A
Temporary Use Permit	6.5.3		D	A		
Change of Use Permit <i>(new)</i>	6.5.4		D	A		
Subdivision Procedures						
Minor Subdivision	6.6.1	✓	D ³⁹	A		
Preliminary Plat	6.6.2	✓	R		R	D
Final Plat ⁴⁰	Not requiring infrastructure improvements or SIA	6.6.3.C	✓	D ⁴¹	A	
	Requiring infrastructure improvements and/or SIA	6.6.3.D	✓	R		R
Vacation of ROW or Easements	6.6.4	✓	R			D
Flexibility and Relief Procedures						
Variance	6.7.1	✓	R	D		A
Administrative Adjustment <i>(new)</i>	6.7.2		<i>Decision-maker is same as associated application</i>			
Vested Rights	6.7.3		<i>Pursuant to the associated site-specific development plan</i>			
Appeal	6.7.4		<i>Pursuant to this table</i>			
NOTES:						
[1] Any application involving public infrastructure and/or a development agreement or subdivision improvement agreement requires approval by the City Council.						

³⁶ In this draft we propose that the Planning Commission act as the Board of Adjustment when hearing variance applications and that some applications currently appealed to the Board of Adjustment be appealed to either the Planning Commission or City Council as noted. The name "Board of Adjustment" is retained to emphasize that appeal and variance decisions are distinct from other types of decisions made by the Commission.

³⁷ The PUD process is currently divided into preliminary and final PUDs, with Planning Commission approving final PUDs and City Council approving preliminary PUDs. This new procedure was consolidated into one process, since the majority of applicants opt for the concurrent preliminary and final PUD process.

³⁸ Planning Commission is currently the final decision on Final Development Plans (now called site plans). Because the Analysis and Annotated Outline recommended limiting the use of PUDs in the future, we expect that more applications for site plan review will occur.

³⁹ Currently approved by Planning Commission.

⁴⁰ Current zoning ordinance does not differentiate between final plats requiring public infrastructure or agreements with the city and those not requiring separate agreements or dedication of infrastructure.

⁴¹ Currently approved by Planning Commission.

6.3 Common Development Review Procedures

Commentary:

The common review procedures are new to Northglenn. The current development procedures are scattered among the zoning and subdivision regulations. Per the 2014 Development Regulations Analysis and Annotated Outline, this section consolidates general steps that are applicable to multiple development application types, removing inconsistencies and reducing the length of the code. Common review procedures also eliminate the need to amend multiple sections of the UDO when a common procedure is changed. Subsequent sections of this article refer back to these common procedures and note any modifications for specific application types.

6.3.1. General

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this UDO. Common Review Procedures include six steps, not all of which are applicable to every development application. Application-specific procedures in Sections 6.4 through 6.7 identify additional procedures and rules beyond those in this section.

Figure 6.A: Summary of Common Review Procedures



6.3.2. Pre-Application Meeting

A. Purpose⁴²

The pre-application meeting is intended to provide an opportunity for the applicant to meet with City staff to review submittal requirements, procedures, and schedules; discuss details and potential impacts of the proposed project; and establish points of contact for the development review process.

B. When Required⁴³

Pre-application meetings are required between City staff and the applicant according to Table 6.A, Summary of Development Review Procedures.

C. Procedure⁴⁴

Pre-application meetings shall be scheduled in accordance with the following procedures.

1. Request

The applicant shall submit a request for a pre-application meeting to the Planning and Development Department.

2. Scheduling

The Director shall schedule pre-application meetings and notify appropriate staff and the applicant of the time and location of the meeting.

⁴² Based loosely on 11-6.5-2, revised for clarity and to provide more clear intent.

⁴³ New.

⁴⁴ These pre-application meeting procedures replace Sections 11-6.5-2 and 12-2-1.

3. Required Information⁴⁵

At least five days prior to the scheduled pre-application meeting, the applicant shall submit:

- a. A written description of the proposed project;
- b. Conceptual drawings showing the location, layout, and primary elements of the proposal;
- c. Specific uses, location of uses, and densities proposed;
- d. Proposed construction phasing (if applicable); and
- e. Proposed location of required public improvements.

4. Conference Determinations⁴⁶

City staff attending the pre-application meeting shall identify concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project as they relate to this UDO. City staff shall also indicate to the extent possible whether additional approval procedures are required for the proposed project.

D. Effect⁴⁷

Any information or discussions held as part of the pre-application conference shall not be binding on the City or the applicant. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

6.3.3. Application Submittal, Acceptance, Revision, and Withdrawal

A. Authority to Submit Application⁴⁸

Unless expressly stated otherwise in this UDO, a development application shall be submitted by:

1. The owner, contract purchaser, or any other person having a recognized property interest in the land on which development is proposed;
2. A person authorized to submit the application on behalf of the owner, contract purchaser, or other person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or other person; or
3. If there are multiple owners, contract purchasers, or other persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.

B. Application Content

1. The application shall be submitted to the Planning and Development Department.⁴⁹
2. The application shall be submitted on a form established by the Director.
3. The applicant bears the burden of ensuring that an application contains sufficient information to demonstrate compliance with application requirements.

⁴⁵ These proposed standards are less strict than current requirements, which require floor area, parking demand, exterior materials, timing, landscaping, irrigation, grading, lighting, and signs. The purpose of this meeting should not be to get into specific details, but rather to discuss whether the project is feasible and, if so, applicable procedures and standards for approval.

⁴⁶ Eliminated requirement from Section 12-2-1 that applicant meet with private utility companies and the school district. Also eliminated requirement for City to provide written comment to the applicant. Referrals and comments will be addressed once an official application is submitted.

⁴⁷ New standard to establish that the pre-application meeting are intended to encourage problem-solving and innovation. Additionally, this provision will help avoid potential "Koontz" issues, clarifying that any pre-application discussions of potential conditions do not in fact constitute actual conditions placed on the approval.

⁴⁸ New. City staff may consider developing a standard form for non-owners/authorized applicants. Such form would be included in an administrative manual.

⁴⁹ 11-1-6(a), revised for clarity and to reference "planning and development department" instead of "community development department."

C. Application Fees⁵⁰

1. Application fees shall be paid at time of submittal according to the type of application. Fees shall be established by resolution by the City Council.
2. All fees required by this UDO shall be paid to and collected by the Planning and Development Department, subject to [Article 1 of Chapter 18](#) of the Municipal Code.⁵¹
3. Where initial application fees are based on the estimated costs of review of the application by an outside consultant (for example, review of a project's traffic impacts by a traffic consultant), and the Director determines that additional funds are needed to complete the consultant's review, the Director may impose additional application fees to recover the City's actual costs in completing review. Prior to imposing such additional fees, the Director shall notify the applicant of the additional fees and provide the applicant with the option to move forward or withdraw the application.⁵²
4. If the City incurs costs beyond the amount deposited with the City and the applicant does not pay those costs within 30 days after written notice from the City, the City shall be entitled to a lien for those costs on the land being developed.⁵³ The approval document for any application type with outstanding application fees shall not be recorded until such fees are paid in full.⁵⁴

D. Submittal and Review Schedule⁵⁵

The Director shall establish a submittal and review schedule for development applications and shall include that information in the Administrative Manual. The Director may amend the schedule to ensure effective and efficient review under this UDO.

E. Determination of Application Completeness⁵⁶

The Director shall determine whether the application is complete or incomplete within five business days. The Director shall provide written notification of application acceptance or denial.

1. Complete Applications

A complete application shall be processed for review according to the procedures in this article. An application will be considered complete if it is submitted in the required form, includes all required information specified in this UDO and the Administrative Manual, and is accompanied by the applicable fee.

2. Incomplete Applications

An incomplete application shall not be processed or reviewed. The Director shall provide written notice of the submittal deficiencies. The applicant may correct the deficiencies and resubmit the application for determination of application completeness. An incomplete application that is not resubmitted within 60 days shall be considered abandoned.⁵⁷

F. Minor Application Revisions⁵⁸

An applicant may revise an application after receiving notice of compliance deficiencies following staff review according to 6.3.4, or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed, but not yet taken action on, the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by staff or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections and do not include significant substantive

⁵⁰ This subsection replaces 11-6.5-6, review fees. The current fee schedule is in Article 45 of the zoning code. We recommend that information be relocated to an administrative manual.

⁵¹ 11-1-6(d)

⁵² This is a simplified version of the current 11-6.5-6(b), supplemental fees.

⁵³ Carried forward from 11-6.5-6(c). Removed "which lien may be perfected and foreclosed in the same manner as provided in § 31-20-105 or §38-22-101, et seq., C.R.S." These statutes are still relevant, but not necessary to reference in the UDO.

⁵⁴ New per staff direction.

⁵⁵ New provisions allowing the Director to set an appropriate timeframe for internal review of application types.

⁵⁶ New provisions formalize the application completeness review process. This expands on similar language from current Section 11-40-22, Applications – Preliminary Decisions – Review, describing the Director's authority to review applications and/or forward them to the Planning Commission for review and decision.

⁵⁷ This standard could be adjusted to represent current practice in Northglenn. Is 60 days too short or too long?

⁵⁸ New.

changes to the development proposed in the application, as determined by the Director. All other application revisions shall be processed as a new application per this Section 6.3.3.

G. Application Withdrawal⁵⁹

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.
2. If an application is withdrawn after required notice of any scheduled public hearing, the application shall be subject to limitations on the subsequent submittal of similar applications (See Subsection 6.3.8.E, *Post-Decision Actions and Limitations*).
3. An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Director may refund fees not expended during the first round of staff review if the application is withdrawn within 10 days of acceptance and prior to preparation or distribution of any official written comments.

6.3.4. Staff Review, Correspondence, and Action⁶⁰

A. Refer Application to Development Review Committee, Staff, and Review Agencies⁶¹

The Director shall distribute the complete application to appropriate staff and appropriate internal and external review agencies per the Administrative Manual.

B. Staff Review and Application Revisions⁶²

Staff shall review the application and submit recommendations and comments to the applicant in a form established by the Director. The application will not move forward for further review until the applicant adequately responds to staff recommendations and comments.

C. Applications Subject to Staff Recommendation⁶³

1. Staff Report

If an application is subject to staff review and recommendation to the Planning Commission or City Council per Table 6.A, the Director shall prepare a written staff report. The staff report shall state whether or not the application complies with all UDO requirements and shall include a recommendation for a decision by the authorized decision-making body. The staff report may also recommend how noted deficiencies may be corrected and negative impacts mitigated.

2. Distribution and Availability of Application and Staff Report

Within a reasonable time period before a meeting or hearing at which a development application is scheduled for review by an advisory or decision-making body, the Director shall submit a copy of the staff report to the applicant and advisory or decision-making body, and shall make the staff report and all related materials available for public review.

D. Applications Subject to Staff Decision⁶⁴

1. Decision

If an application is subject to staff review and a final decision by the Director per Table 6.A, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

2. Conditions of Approval

Any conditions of approval shall be limited to conditions deemed necessary to ensure compliance with the requirements of this UDO, and shall relate to the anticipated impacts of the proposed development.

⁵⁹ New provisions formalize an application withdrawal process.

⁶⁰ Based on current standards from the Final Development Plan procedures in 11-6.5; revised for clarity and expanded as noted.

⁶¹ New.

⁶² Based on the first half of 11-6.5-4(a), simplified and revised for clarity. The last sentence is new and was added to place the burden on the applicant to address staff concerns prior to moving forward. The current code requires applications to move forward to public hearings based on specific timeframes, rather than dependent on application readiness.

⁶³ New.

⁶⁴ New.

6.3.5. Scheduling and Notice of Public Hearings⁶⁵

A. Scheduling⁶⁶

1. If an application is subject to a public hearing per Table 6.B, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.
2. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per Section 6.3.4.C.

B. Public Hearing Notice

1. General Notice Requirements⁶⁷

All public hearings required by this UDO shall be preceded by the notices identified in Table 6.B.

⁶⁵ These procedures consolidate the public noticing requirements scattered throughout the current regulations. The current regulations vary in how development applications are noticed and the applicable timeframes required. Inconsistencies are reconciled and the provisions have been clarified and expanded substantially.

⁶⁶ Replaces current standards, including those from 11-40-22(c) which state that an application shall be placed on an agenda and that a hearing be held within 30 days after the filing of the application if preliminary approval is provided by the Director. Additionally, current Section 12-2-2(a)3 states that the Planning Commission shall hold a public hearing within 60 days of application of a preliminary plat. Section 11-6.5-4 requires a public hearing within 45 days after receipt of an approved final development plan. These new suggested provisions are more consistently applied and provide reasonable timeframes for hearings to occur.

⁶⁷ The timing of notices are currently inconsistent throughout the code. For example, a notice of public hearing for a rezoning is required to be mailed to property owners 7 days prior to the hearing, but posted on the property for 15 days prior to PC hearing, and 10 days prior to City Council hearings. The newspaper publication is required 15 days prior to the PC hearing. Through this new table, we are proposing a more standardized notification procedure, with 15 days for all notices.

Table 6.B: Notice Requirements						
Procedure	Section	Type of Notice Required			Timing (# of days before hearing)	
		Published	Written	Posted		
Ordinance Amendments						
Rezoning	6.4.1	✓	✓	✓	15	
Rezoning to Planned Unit Development (PUD) District	6.4.2	✓	✓	✓	15	
PUD District Amendment	Minor	6.4.2.C.6.e(1)	<i>Not required</i>			
	Major	6.4.2.C.6.e(2)	✓	✓	✓	15
UDO Text Amendment	6.4.3	✓			15	
Development Permits						
Site Plan Review	Minor	6.5.1.D	<i>Not required</i>			
	Major	6.5.1.C	✓	✓	✓	15
Special Use Permit	6.5.2	✓	✓	✓	15	
Temporary Use Permit	6.5.3	<i>Not required</i>				
Change of Use Permit	6.5.4	<i>Not required</i>				
Subdivision						
Minor Subdivision	6.6.1	<i>Not required</i>				
Preliminary Plat	6.6.2	✓	✓	✓	15	
Final Plat	Not requiring infrastructure improvement or SIA	6.6.3	<i>Not required</i>			
	Requiring infrastructure improvement or SIA	6.6.3	✓	✓	✓	15
Vacation of ROW or Easements	6.6.4	✓	✓	✓	15	
Flexibility and Relief						
Variance	6.7.1	✓	✓	✓	15	
Administrative Adjustment	6.7.2	<i>Not required</i>				
Vested Rights	6.7.3	<i>Pursuant to the applicable site-specific development plan</i>				
Appeal	6.7.4	✓	✓	✓	15	

2. Notice Format and Content⁶⁸

a. Published and Mailed Notice

(1) A notice for any application requiring published or mailed notice per Table 6.B shall:

- (a) Identify the application type;
- (b) Describe the nature and scope of the proposed project;
- (c) Identify the location of land subject to the application;
- (d) Identify the date, time, and location of the hearing being noticed;
- (e) Identify where and when the application and materials may be inspected; and
- (f) Indicate opportunity to appear at the public hearing.

⁶⁸ Based on current standards in 11-37-3, 11-40-15, 11-41-3, and 11-42-4 for public hearings. These were expanded substantially and consolidated for consistency.

- (2) Published notice shall appear in a newspaper of general circulation in the City at least 15 days prior to the scheduled public hearing.
- (3) Mailed notices shall be sent via first class mail to all property owners within 300 feet of the subject property, as measured from property boundaries.⁶⁹

b. Posted Notice⁷⁰

- (1) For an application requiring posted notice per Table 6.B, at least one sign shall be posted on the parcel at least 15 days prior to the scheduled hearing. The sign shall be clearly visible from the most heavily traveled adjacent street or public right-of-way and shall remain on the property until after the hearing.
- (2) The Director may require additional signs based on access and configuration of the property.
- (3) Required posted notice shall:
 - (a) Identify the application type;
 - (b) Describe the nature and scope of the proposed project;
 - (c) Identify the date, time, and location of the hearing being noticed; and
 - (d) Identify a telephone number for additional information.

3. Request to Continue Scheduled Hearings⁷¹

An applicant may request that review of an application scheduled for a public hearing be continued in accordance with the following provisions.

- a. Before any notice is published, mailed, or posted, a written request that states the reasons for continuance shall be submitted to the Director, who may grant the request for good cause shown.
- b. Any subsequent request for continuance shall be in writing, state the reasons for continuance, and be submitted directly to the body scheduled to review the application. The appropriate body shall consider such a request and may either grant or deny the request and proceed to hear public comments, review, and take action on the application. If the body grants the request for continuance, it shall concurrently identify the date and time of a subsequent meeting at which the application shall be scheduled for public comments and review. The applicant may be subject to additional application fees to defray additional costs of processing the application.

4. Constructive Notice⁷²

- a. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be correctly conveyed.
- b. Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this UDO.

⁶⁹ Current standards are the lesser of 35 residents in the surrounding area or all residents within 500 feet. Rather than provide an option requiring calculation, these new standards were adjusted to 300 feet. The word "residents" was replaced with "property owners" to ensure that all landowners are noticed, not just those living in the area. A graphic showing measurement of the distance will be provided if staff confirms this as an acceptable approach.

⁷⁰ Removed requirement to pay the building inspector \$10 for sign and post, per 11-37-3(c).

⁷¹ New provisions to prohibit ability to continue an application from public hearing after the public has been notified of such hearing. Without this provision, people can show up expecting to speak and realize only after the fact that the application will not be presented that evening.

⁷² New provision that we typically recommend.

6.3.6. Planning Commission and/or City Council Review and Decision⁷³

A. Hearing, Review, and Decision

1. The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 6.A, *Summary of Development Procedures*.
2. If the application is subject to a public hearing, the applicable review body shall hold a public hearing on the application in accordance with Section 6.3.7, *Public Hearing Procedures*.
3. The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).
4. The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria.
5. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing and shall be made in 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.
6. The applicable review body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.

B. Conditions of Approval

1. Where this UDO authorizes a review body to approve or deny an application subject to applicable criteria, the review body may approve the application with conditions necessary to bring the proposed development into compliance with this UDO or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
2. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted City plans, and this UDO. No conditions of approval shall be less restrictive than the requirements of this UDO, except where the UDO expressly allows deviations.
3. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
4. During its consideration, the decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body unless and until the decision-making body takes formal action to attach that condition to a development approval.⁷⁴
5. Unless otherwise provided in this UDO, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.

6.3.7. Public Hearing Procedures

Public hearings required by this UDO shall be conducted pursuant to Section 6.8, *Review and Decision-Making Bodies*, the bylaws established by the respective bodies, and in compliance with state law.

⁷³ Largely new standards, based loosely on current Article 11-40. For variances, the Board of Adjustment procedures are described in the procedures in Section 6.7.1.

⁷⁴ We have started including this new provision in land development codes to protect local governments based on recent case law, specifically *Koontz vs. St. John's River Water Management District*. The intent is to clearly designate that "talk is talk" concerning mitigating conditions, unless and until it is integrated into an official decision by a local government.

6.3.8. Post-Decision Actions and Limitations

A. Notice of Decision⁷⁵

1. Within 10 days after a final decision on an application, the Director shall provide written notification of the decision via personal delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public in the Planning and Development Department.
2. If the review involves a quasi-judicial hearing, the Director shall, within 10 days after a final decision on the application, also provide a written notification of the decision via personal delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision before its effective date.

B. Appeal

1. A party aggrieved or adversely affected by any decision by the City Council or Board of Adjustment may seek review of the decision in the courts in accordance with applicable state law.⁷⁶
2. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures and standards in Section 6.7.4, *Appeal*.

C. Expiration of Approval⁷⁷

1. An application approval shall be valid as authorization for the approved activity unless it expires in accordance with expiration time periods provided in Sections 6.4 through 6.7 for the particular type of application.
2. A change in ownership of the land shall not affect the established expiration time period of an approval.
3. The Director may grant extensions of the expiration time period for up to one year, following a written request for such extension prior to the expiration date. The request shall include reasonable cause for an extension. Further extensions shall be subject to the approval of the decision-making body for the original application.

D. Modification or Amendment of Approval⁷⁸

Unless otherwise provided in this UDO, any modification of an approved plan, permit, or condition of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application.

E. Limitation on Subsequent Similar Applications⁷⁹

Following denial of an application, the decision-making body shall not decide on applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

1. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or
2. The new application is materially different from the previous application, as determined by the Director.

⁷⁵ New standards that are commonly found in development ordinances to notify applicants and potential appellants of application decisions within a reasonable timeframe.

⁷⁶ Based on current 11-42-9, Appeals—Certiorari, revised for clarity, to include City Council decisions, and to reference state law generally rather than the specific statutory reference CRS 139-60-7 which only apply to Board of Adjustment.

⁷⁷ New.

⁷⁸ Mostly new. A similar standard currently applies to the FDP procedure in 11-6.5-3(c).

⁷⁹ These new standards prevent applicants from repeatedly submitting applications trying to achieve a different response or to “wear down” the City without providing a substantially different application or new information.

6.4 Ordinance Amendments

Commentary:

Generally, the procedures in Sections 6.4 through 6.7 are organized in alignment with the summary table of procedures at the beginning of this article. Specific procedures applicable to each type of application are listed in subsection C within each respective procedure. These are in addition to the applicable common review procedures in Section 6.3.

This 6.4 describes the procedures for all ordinance amendments, including rezonings, PUD approvals, and UDO text amendments. The PUD procedures were revised significantly, and the procedures were streamlined to include a concurrent preliminary and final PUD procedure.

6.4.1. Rezoning⁸⁰

A. Purpose⁸¹

1. The purpose of the rezoning procedure is to make amendments to the Official Zoning Map of the City of Northglenn to reflect changes in public policy, changed conditions, or to advance the welfare of the City. The zoning classification of any parcel in the City may be amended using this procedure. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person. Rezonings should not be used when a special use permit, variance, or administrative adjustment could be used to achieve the same result.
2. Changes to the characteristics of zoning districts (such as setbacks) and development standards that apply within districts (such as open space requirements) shall be processed as text amendments pursuant to Section 6.4.3.

B. Applicability

A rezoning may be approved by the City Council following review and recommendation by the Planning Commission. A rezoning to a Planned Unit Development is a distinct type of amendment to the Official Zoning Map and shall follow the approval procedures in Section 6.4.2.

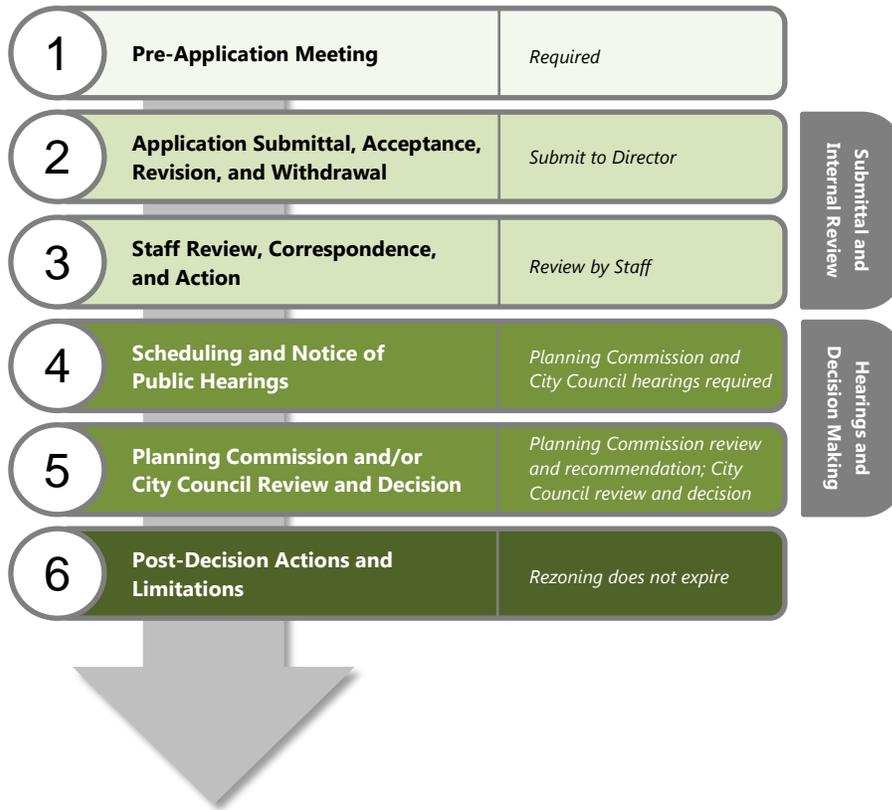
C. Rezoning Procedure

Figure 6.B identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of rezonings. Additions or modifications to the common review procedures are noted below.

⁸⁰ This procedure expands on the current 11-37-2, Zone Changes, and consolidates similar information from 11-53-2, zone changes for mixed-use properties. We did not carry forward the minimum size requirements per district. If those are retained, they will be included with the Article 2, Zoning Districts as part of Module 2. This procedure also replaces the purpose statement found in Section 11-3-3, change of zoning. That provision referred to the ability of the Commission and Council to change a zoning, and referred to changes in zoning with conditions to "conditional zoning." Conditional zoning as a concept was not carried forward, per the recommendations in the Development Regulations Analysis and Annotated Outline.

⁸¹ New. Current procedure does not have a purpose statement.

Figure 6.B: Summary of Rezoning Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

The rezoning application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application conference.⁸² When multiple parcels are proposed for rezoning, a separate application for each property shall be submitted pursuant to Section 6.3.3, unless the Director approves a consolidated application during the pre-application meeting.⁸³

3. Staff Review, Correspondence, and Action

The Director shall review the application and prepare a staff report and recommendation in accordance with Section 6.3.4.

4. Scheduling and Notice of Public Hearings

- a. The rezoning application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Section 6.3.5.
- b. For City-initiated rezonings, affected property owners shall be notified by certified mail of the intended zoning change and public hearing(s) at least 15 days prior to the public hearing date.⁸⁴

⁸² New standard to cross-reference administrative manual and common review procedures.

⁸³ Replaces current 11-37-2(b).

⁸⁴ From current 11-37-3(d), revised for clarity.

5. Planning Commission and/or City Council Review and Decisions

a. Planning Commission Review and Recommendation

- (1) The Planning Commission shall review the rezoning application and recommend approval, approval with conditions, or denial in accordance with Section 6.3.6 and the criteria in subsection c, below.
- (2) If the Planning Commission recommends denial, the Planning Commission shall communicate its reasons to City Council, and City Council shall have the power to overrule such recommendation for denial by a recorded vote of not less than three-fourths of its entire voting membership.⁸⁵

b. City Council Review and Decision

The City Council shall review the rezoning application and act to approve, approve with conditions, or deny the rezoning in accordance with Section 6.3.6 and the criteria in subsection c, below.

c. Rezoning Approval Criteria⁸⁶

- (1) In reviewing a proposed rezoning, the Planning Commission and City Council shall consider whether:
 - (a) The proposed rezoning is consistent with the Comprehensive Plan and the purposes of this UDO;⁸⁷
 - (b) The rezoning is consistent with the proposed purpose statement of the proposed zoning district;
 - (c) There have been significant changes in the area to warrant a zoning change;
 - (d) There was an error in establishing the current zoning;
 - (e) The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and⁸⁸
 - (f) Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development.⁸⁹
- (2) These approval criteria shall not apply to legislative rezonings by the City Council.

d. Protest Procedure

- (1) Any owner of property affected by a proposed rezoning may protest the rezoning pursuant to the statutory requirements of C.R.S. §31-23-305.⁹⁰
- (2) A protest against a rezoning shall be signed by the owners of at least 20 percent or more of the area of land included in the proposed zoning change or at least 20 percent of the area of land extending a radius of 100 feet from the land that is subject to the zoning change, excluding public rights-of-way.⁹¹

Insert graphic

⁸⁵ From current 11-37-2(g).

⁸⁶ These approval criteria replace those in current 11-37-2(h). New and revised criteria are noted. We did not carry forward "that a need exists for the proposal" or "that this particular parcel of ground is indeed the correct site for the proposed development."

⁸⁷ New.

⁸⁸ New, replaces current "that adequate circulation exists and traffic movement would not be impeded by development."

⁸⁹ Revised current criterion for clarity and to reference public facilities rather than costs.

⁹⁰ New.

⁹¹ From current 11-37-2(g), revised for clarity and to be consistent with C.R.S. §31-23-305. Current standard requires "20 percent or more, either of the area of the lots included in such proposed change or of those immediately adjacent to the side and in the rear thereof extending 100 feet therefrom or of those directly opposite thereto extending 100 feet from the street frontage of such opposite lots..." The City is considering expanding the requirement from 20 percent ownership signatures to 50 percent ownership signatures. This requires further policy direction and discussion with the City Attorney.

(3) In case of protest against a rezoning, approval shall require three-fourths of the entire voting membership of City Council prior to a rezoning becoming effective.⁹²

6. Post-Decision Actions and Limitations⁹³

Post-decision actions and limitations in Section 6.3.8 shall apply with the following modifications:

- a. Following approval of a rezoning by City Council, the Director shall prepare an appropriate revision to the Official Zoning Map.
- b. Following approval of a rezoning, the Director shall record the amendment map and ordinance with the Adams County Clerk and Recorder as soon as practicable.

6.4.2. Rezoning to a Planned Unit Development District⁹⁴

A. Purpose⁹⁵

The boundaries of a zoning district or the zoning classification of any parcel may be changed to a Planned Unit Development (PUD) pursuant to this section. The PUD district establishes standards specific to the proposed site that may provide an alternative or adjustment to the standards of this UDO. The purpose of rezoning to a PUD is to achieve greater flexibility than allowed by the strict application of the UDO while providing greater benefit to the City. Rezoning to a PUD district shall not be considered when a special use permit, variance, administrative adjustment, or rezoning to an existing base zoning district could achieve the same result.

B. Applicability

An application to rezone to a PUD district may be submitted for any land within any combination of zoning districts. A PUD district may be initiated by anyone owning land within the area affected by the proposed PUD district.

C. Rezoning to a Planned Unit Development District Procedure

Figure 6.C identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of planned unit development districts. Additions or modifications to the common review procedures are noted below.

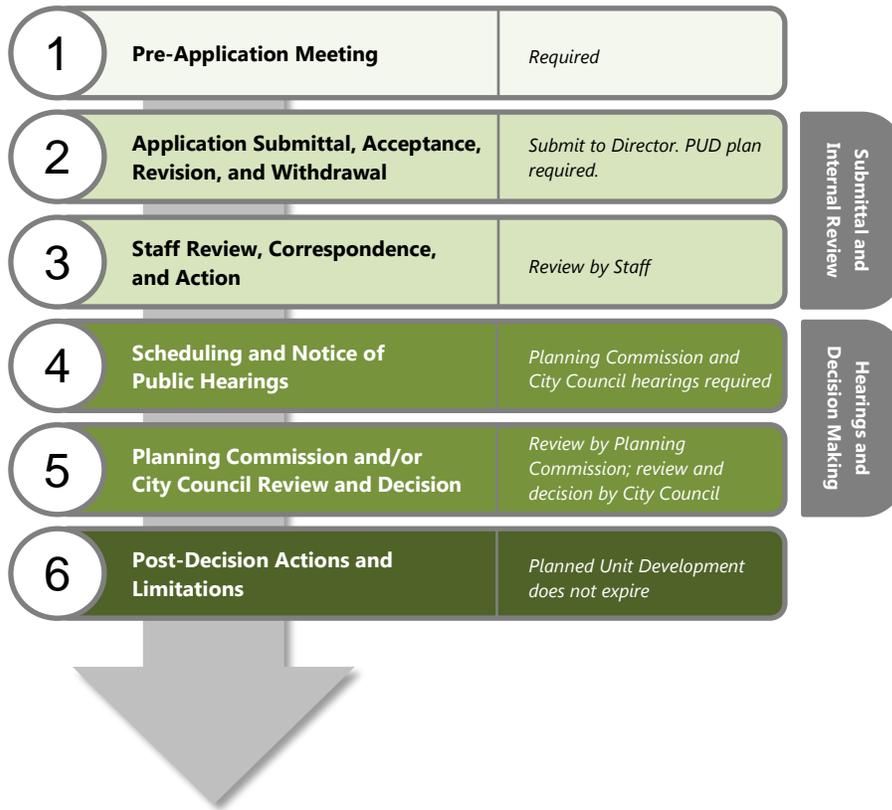
⁹² From current 11-37-2(g), revised for clarity.

⁹³ New.

⁹⁴ These procedures are based on the current Article 16 of the zoning code, and Section 12-6-2 from the subdivision regulations. The procedures were revised significantly per the recommendations from the development regulations analysis and annotated outline. The PUD procedure is a type of rezoning, therefore cross-references back to the rezoning procedure for several steps. We did not carry forward procedures for a "unit development plan" from the subdivision regulations in 12-6-2, which are currently separate from the PUD zoning.

⁹⁵ This new purpose statement clearly establishes the intent of the PUD being for unusual situations not otherwise contemplated by the UDO in exchange for community benefit, not simply to modify the UDO standards, which could be achieved through other flexibility and relief procedures.

Figure 6.C: Summary of Rezoning to PUD District Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2. In addition, the applicant shall provide the following conceptual materials related to the proposed PUD district to help determine whether or not a PUD district is the appropriate procedure for the applicant and the City:⁹⁶

- a. Proposed uses;
- b. Number and type of dwelling units;
- c. Proposed parking capacity and configuration;
- d. Proposed modifications to underlying zoning district standards; and
- e. General site planning layout and phasing.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

- a. The PUD district application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3.
- b. An application for rezoning to a PUD district shall include submittal requirements as specified by the Director, which shall include a PUD plan. Approval of the PUD plan is required prior to development in a PUD district.
- c. The regulations of this UDO remain applicable to all PUD development, except as specifically modified pursuant to the provisions contained in the approved PUD plan.

⁹⁶ Per the development regulations analysis and annotated outline, we recommended minimal use of PUDs in the future. The pre-application meeting is a good venue to discuss other alternatives to PUDs, such as variances, administrative adjustments, special use permits, and rezoning to another base zoning district. When the districts and uses are developed as part of Module 2, the expectation is that the new menu of districts should provide enough variety and flexibility to minimize the need for PUDs in most cases.

3. Staff Review, Correspondence, and Action

The Director shall review the application and prepare a staff report and recommendation in accordance with Section 6.3.4.

4. Scheduling and Notice of Public Hearings

The PUD district application shall be scheduled for public hearings before the Planning Commission and City Council and noticed in accordance with Section 6.3.5.

5. Planning Commission and/or City Council Review and Decisions**a. Planning Commission Review and Recommendation**

The Planning Commission shall review the PUD district application and recommend approval, approval with conditions, or denial in accordance with Section 6.3.6.

b. City Council Review and Decision

(1) The City Council shall review the PUD district application and act to approve, approve with conditions, or deny the PUD district in accordance with Section 6.3.6. The City Council may also remand the PUD district application back to the Director or the Planning Commission for further consideration.

(2) If council revises the amendment or remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

c. PUD District Approval Criteria⁹⁷

In reviewing a proposed rezoning to a PUD district, the Planning Commission and City Council shall consider whether and to what extent the proposed PUD district:

(1) Meets the approval criteria for a general rezoning procedure, per 6.4.1.C.5.c;

(2) Addresses a unique situation, provides substantial benefit to the City, or incorporates creative design, site layout, or configuration of uses such that it achieves the purposes of this UDO and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards;

(3) Meets all applicable standards of this UDO not expressly modified in the PUD district application; and

(4) If the PUD district provides residential uses, includes varied types of housing and densities to the maximum extent practicable.

d. Approval of PUD Plan

The approved PUD district zoning and the approved PUD plan along with all exhibits are inseparable, and a PUD district shall not be established without the approval of the related PUD plan. The approved PUD district zoning, the approved PUD plan, all exhibits, and any associated development agreement together establish the uses permitted, character of the development, and any approved modifications to the standards of the UDO.

6. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply with the following modifications:

a. Effect of Approval

(1) The regulations in this UDO remain applicable to all PUD development unless expressly modified by an approved PUD district rezoning.⁹⁸ The zoning change shall not take effect until the PUD plan, the zoning amendment map, and ordinance are recorded pursuant to subsection 6.4.2.C.6.d.

⁹⁷ New approval criteria. Current criteria in Section 11-16-6(a) require compliance with rezoning criteria and conformity with a preliminary PUD (which was eliminated in this new simplified procedure).

- (2) Approval of a rezoning to a PUD district reclassifies the zoning designation of the site and subjects it to any standards associated with the PUD plan or development agreement approved as part of the PUD district rezoning. Such approval does not itself authorize specific development activity.

b. Expiration of a PUD District

A PUD district shall remain valid until a PUD district is subsequently amended or rezoned to another zoning district in accordance with this UDO.

c. Reconsideration after Five Years of No Development⁹⁹

If the applicant does not establish vested rights for a PUD district pursuant to Section 6.7.3, and no development has occurred on the site in five years following the approval date of the PUD district, the Director may initiate a public hearing process to consider whether the property shall be rezoned to its prior zoning classification or another zoning classification.

d. Recording Required¹⁰⁰

Following approval of a PUD district, the applicant shall submit final copies of the PUD plans to the Director. The Director shall record the PUD plan and the zoning amendment map and ordinance with the Adams County Clerk and Recorder as soon as practicable.

e. PUD District Amendments¹⁰¹

(1) Minor Amendments to an Approved PUD District

Minor amendments to an approved PUD district may be approved by the Director if the proposed amendment complies with the following criteria:¹⁰²

- (a) The amendment shall not change the overall character or intent of the development;
- (b) The amendment shall not change the ratio of residential units to square feet of non-residential space by more than 10 percent;
- (c) The amendment shall not change the allowed uses listed on the approved PUD district;
- (d) The number of residential units to be constructed shall not be increased by more than 10 percent;
- (e) The gross square feet of non-residential space shall not be increased by more than 10 percent;
- (f) The number of vehicular access points to the site from public streets shall not be increased nor may the access points be relocated in such a way that negatively impacts public safety or the flow of traffic on the public streets;
- (g) The maximum allowable height of structures shall not be increased;
- (h) The setback distance to property lines shall not be reduced by more than 10 percent; and
- (i) The number of required parking spaces shall not be reduced by more than 10 percent unless in accordance with an overall reduction in the total square feet of non-residential space or residential units to be constructed.

⁹⁸ New standard to ensure that other development and dimensional requirements apply whenever a PUD is silent.

⁹⁹ New.

¹⁰⁰ Based on current 11-16-7, revised for simplicity.

¹⁰¹ From current 11-16-8, revised for simplicity and clarity.

¹⁰² From current criteria, but simplified and reordered for priority. The "10 percent" threshold for amendments to numeric standards is new. We eliminated criteria related to amount of landscaping, which could be negotiated as an amendment if the City receives some benefit such as additional plaza space or public art.

(2) Major Amendments to an Approved PUD District

Unless a proposed amendment to a PUD district meets the eligibility criteria for minor amendments in subsection 6.4.2.C.6.e(1) above, all other PUD amendments shall be deemed a major amendment and may only be amended by submitting an amended PUD district pursuant to Section 6.3.8.D.

f. Concurrent Subdivision Review¹⁰³

- (1)** Subdivision review required under Section 6.6 may be reviewed concurrently with PUDs. A preliminary plat for a PUD district shall only be approved following approval of the rezoning to PUD district.
- (2)** Each application for concurrent subdivision and PUD district rezoning shall be reviewed and acted upon separately, based on the applicable standards and criteria in this UDO.

6.4.3. Unified Development Ordinance Amendment¹⁰⁴**A. Purpose**

This section describes the review and approval procedures for amending the text of this UDO to respond to changed conditions or changes in public policy, or to advance the general welfare of the City.

B. Applicability¹⁰⁵

An amendment to the text of this UDO shall be initiated by the Director, the Planning Commission, or the City Council.

C. Unified Development Ordinance Amendment Procedure

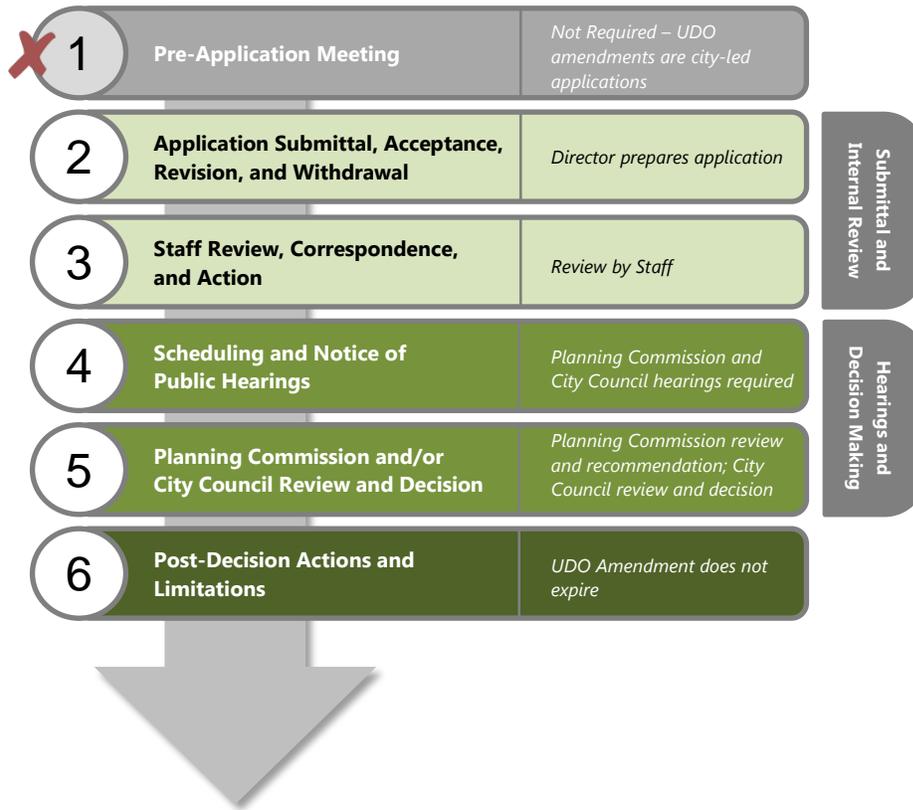
Figure 6.D identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of UDO amendments. Additions or modifications to those common review procedures are noted below.

¹⁰³ From current 11-16-9, revised for simplicity and clarity. Did not carry forward provisions for a Preliminary PUD serving as preliminary plat since this new PUD procedure does not include preliminary and final PUDs.

¹⁰⁴ This is mostly a new procedure, expanding on current Section 11-37-1. The current 11-37-1 states that unless the amendment involves a zone change, the procedure for amendment of ordinances shall apply. Section 1-2-7(b) requires that zoning ordinance amendments be made pursuant to the provisions of Chapter 11.

¹⁰⁵ The current 11-37-1 states that an amendment may be initiated by Council, the Commission, the BOA, the City Administrator, and any owner of real property in the City. This proposed draft limits the initiation of such amendment to the Director, the Planning Commission, and the City Council. It is unusual to allow property owners to initiate an application for what is a citywide legislative change.

Figure 6.D: Summary of UDO Amendment Procedure



- 1. Application Submittal, Acceptance, Revisions, and Withdrawal**
 The UDO amendment application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. An application for an amendment to the UDO shall be prepared by the Director. If the amendment is initiated by the Planning Commission or City Council, the Director shall prepare the application at the request of the Planning Commission or City Council.
- 2. Staff Review, Correspondence, and Action**
 The Director shall review the application and prepare a staff report and recommendation in accordance with Section 6.3.4.
- 3. Scheduling and Notice of Public Hearings**
 The UDO amendment application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Section 6.3.5.
- 4. Planning Commission and/or City Council Review and Decisions**

 - a. Planning Commission Review and Recommendation**
 The Planning Commission shall review the UDO amendment application and recommend approval, approval with conditions, or denial of the amendment in accordance with Section 6.3.6.
 - b. City Council Review and Decision**

 - (1)** The City Council shall review the UDO amendment application and approve, approve with conditions, or deny the amendment in accordance with Section 6.3.6. The City Council may also remand the application back to the Director or the Planning Commission for further consideration.
 - (2)** If council revises the amendment or remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

c. UDO Amendment Approval Criteria

A UDO amendment is a legislative decision by the City Council. Prior to recommending approval or approving a proposed UDO amendment, the Planning Commission and City Council shall consider whether and to what extent that the proposed amendment:

- (1) Is consistent with the Comprehensive Plan;
- (2) Does not conflict with other provisions of this UDO or other provisions in the Northglenn Municipal Code;
- (3) Is necessary to address a demonstrated community need;
- (4) Is necessary to respond to changing conditions or policy; and
- (5) 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.

5. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply with the following modifications:

- a. Approval of a UDO amendment authorizes the approved revision to the text. A UDO amendment does not authorize specific development activity.
- b. A UDO amendment shall remain valid until the revised text of the UDO is subsequently amended in accordance with this section.

6.5 Development Permits

Commentary:

The term “development permits” includes projects requiring site plan review, special use permits, and temporary use permits. Per the Analysis and Annotated Outline report, conditional zoning from current Section 11-3-4 was not carried forward.

The new site plan review procedure replaces the current FDP procedure. The FDP procedure is currently applied as a one-size-fits-all process for site plan reviews. As proposed in the Analysis and Annotated Outline, this proposed new procedure is divided into administrative approvals (minor site plan review) and City Council approvals (major site plans). This new set of site plan reviews also transfers the final decision-making authority away from the Planning Commission for all site plan approvals, as recommended in the analysis. Our review of other municipalities in the Denver metropolitan area show that many authorize administrative approvals for certain (if not all) site plans, including Arvada, Boulder, Centennial, Denver, Englewood, Golden, Lakewood, Littleton, Longmont, Thornton, Westminster, and Wheat Ridge.

Because of few differences between the current special use and permitted use procedures, those were combined into a single procedure called “Special Use Permit.”

6.5.1. Site Plan Review¹⁰⁶

A. Purpose¹⁰⁷

The site plan review procedure is intended to provide a process by which development is reviewed for compliance with the development and design standards of this UDO. The site plan review procedure ensures that the City has an opportunity to mitigate potential impacts of development prior to issuance of a building permit.

B. Applicability¹⁰⁸

1. Exemptions

The following development is exempt from the site plan review procedure:

¹⁰⁶ This procedure replaces the current FDP procedure from 11-6.5-4.

¹⁰⁷ Mostly new, with some of the purpose carried forward from 11-6.5-1(b), revised significantly for clarity.

¹⁰⁸ New.

- a. A change in use that does not involve or require other development (such as new or expanded structures, additional parking, etc.);
- b. Tenant improvements that do not increase gross floor area or building height, increase the density or intensity of use, or affect parking or landscaping requirements; and
- c. Construction of single-family detached dwellings or duplex dwellings, additions to such dwellings, and structures accessory to such dwellings.

2. Major Site Plan

Major site plan approval is required for any of the following development, unless exempted from site plan approval under subparagraph 1 above.

- a. New development or the expansion of existing development requiring 10 or more new or added dwelling units;
- b. New development on a parcel larger than five acres;
- c. New development requiring 30 or more new or added vehicle parking spaces;
- d. Any single use or combination of uses proposed in a structure that is more than 10,000 square feet in building size, or multiple buildings totaling more than 10,000 square feet, not including single-family detached or duplex dwellings; or
- e. Any minor site plan determined by the Director to require major site plan review.¹⁰⁹

3. Minor Site Plan

Minor site plan approval is required for any development not meeting the requirements set forth in subparagraph 2 above, unless exempted from site plan approval under subparagraph 1 above.

4. Concurrent Review¹¹⁰

- a. An application for site plan approval may be submitted and reviewed concurrently with an application for a special use permit or an administrative adjustment. In such a case, the Director or Planning Commission shall not decide the site plan approval application until after the special use permit or administrative adjustment is approved.
- b. An application for site plan approval may be submitted and reviewed concurrently with an application for a subdivision plat. In such a case, the Director or Planning Commission shall not decide the site plan approval application until after the plat is approved.

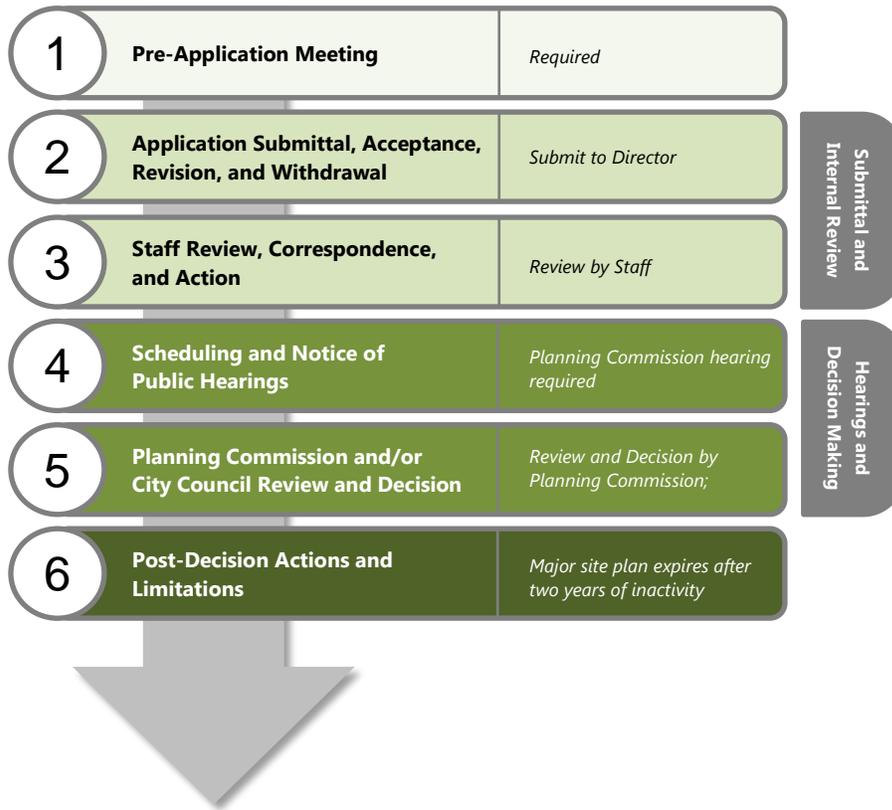
C. Major Site Plan Procedure

Figure 6.E identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of major site plans. Additions or modifications to the common review procedures are noted below.

¹⁰⁹ This is a new “bump up” procedure that allows for the Director to send site plans (even if they meet the threshold for a minor site plan) that are particularly challenging or complex, or may require a higher level of scrutiny and public input based on uses, dimensions, or other issues to the Planning Commission for review and final approval.

¹¹⁰ New.

Figure 6.E: Summary of Major Site Plan Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revision, and Withdrawal

- a. The major site plan application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.
- b. The Director or the Planning Commission may require at any stage of review of any site plan, submission of any plan, study, survey or other information, in addition to that specified in this article or the Administrative Manual, and at the applicant's expense, as determined necessary to enable review, recommendation, and/or approval of the site plan.¹¹¹

3. Staff Review, Correspondence, and Action

The Director shall review the major site plan application and prepare a staff report and recommendation in accordance with Section 6.3.4.

4. Scheduling and Notice of Public Hearings

The major site plan application shall be scheduled for a public hearing before the Planning Commission, and noticed in accordance with Section 6.3.5.

¹¹¹ From current 11-6.5-3(e), revised for clarity.

5. Planning Commission and/or City Council Review and Decision¹¹²

a. Planning Commission Review and Decision

The Planning Commission shall review the major site plan application and approve, approve with conditions, or deny of the major site plan in accordance with Section 6.3.6. The Planning Commission may also remand the application back to the Director for further consideration.

b. Major Site Plan Approval Criteria¹¹³

In reviewing a proposed major site plan application, the Planning Commission shall consider whether:

- (1) The site plan complies with applicable standards in this UDO, including Article 2, *Zoning Districts*; Article 3, *Use Regulations*; Article 4, *Development Standards*; and any other applicable standards of this UDO.
- (2) The site plan is consistent with any previously approved plat, planned unit development, or any other precedent land use approval; and
- (3) The site plan is consistent with the Comprehensive Plan and other adopted City policies and plans.

6. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. No Building Permit without Approval

No building permit shall be issued until the major site plan has been approved pursuant to this article.¹¹⁴

b. Expiration of Approval

Site plan approval shall expire if the authorized use or construction is not substantially underway within two years after the date of the major site plan approval, or an extension is granted pursuant to 6.3.8.C.3.

c. Minor Changes Allowed¹¹⁵

Development applications authorized by a major site plan approval may incorporate minor changes from the approved site plan without the need for a new application (as required by Section 6.3.8.D), provided that the Director determines that the proposed changes:

- (1) Could be approved under the allowable administrative adjustments in Table 6.C, Allowable Administrative Adjustments, if they were proposed in a new application;
- (2) Continue to comply with the standards of this UDO;
- (3) Are necessary to meet conditions of approval of the Major Site Plan application; and/or
- (4) Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the major site plan.

d. Appeal to City Council

The decision on a major site plan may be appealed to the City Council.

¹¹² New procedures. Did not carry forward provision from Section 11-6.5-1(d) that required personal attendance by the developer or representative at meetings where the project is considered.

¹¹³ New criteria that replace those from the current 11-6.5-5, many of which are better addressed through development standards. For example, one of the current criteria states that building sites shall maximize open space retention. The development standards article will define minimum open space and site plans must comply with those.

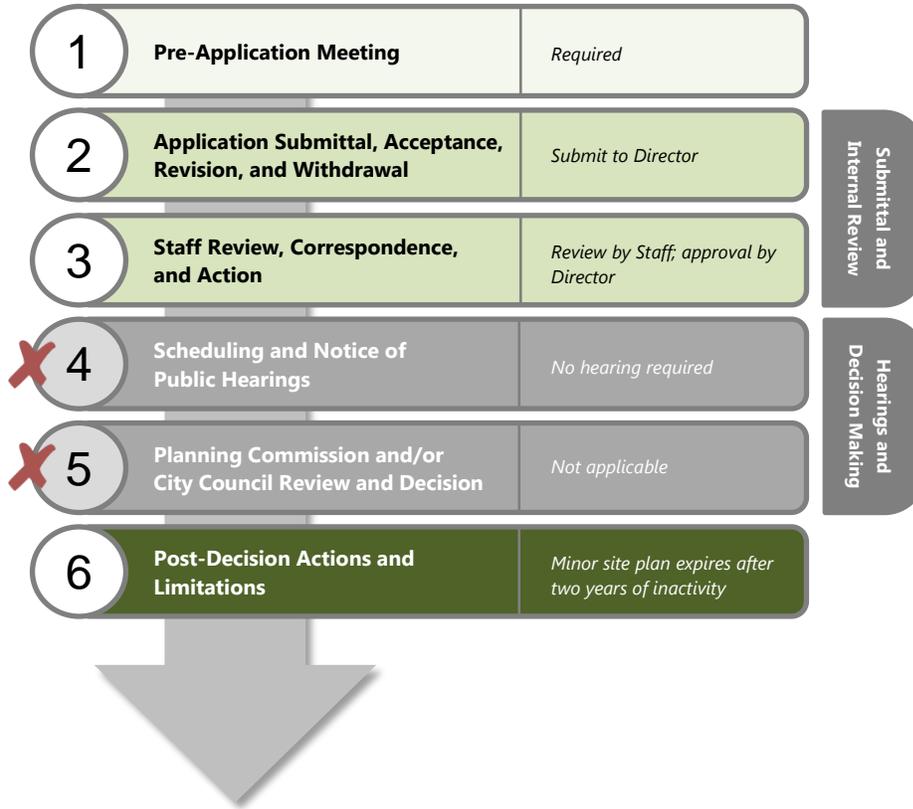
¹¹⁴ From current 11-6.5-1(e).

¹¹⁵ These new provisions give the Director discretion to determine what constitutes a substantial deviation from an approved site plan.

D. Minor Site Plan Procedure

Figure 6.F identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of minor site plans. Additions or modifications to the common review procedures are noted below.

Figure 6.F: Summary of Minor Site Plan Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

A complete minor site plan application shall be submitted to the Director in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.

3. Staff Review, Correspondence, and Action

a. Review and Decision

The Director shall review the minor site plan application according to the criteria below and approve, approve with conditions, or deny the minor site plan. The Director may also refer the minor site plan to Planning Commission and/or City Council for recommendation and approval using the major site plan review procedure.¹¹⁶

b. Minor Site Plan Approval Criteria

In reviewing a proposed minor site plan application, the Director shall consider whether:

¹¹⁶ The new "call up" provision at Director's discretion, as mentioned in previous footnote above.

- (1) The site plan complies with applicable standards in this UDO, including Article 2, Zoning Districts; Article 3, Use Regulations; Article 4, Development Standards; and any other applicable standards of this UDO.
- (2) The site plan is consistent with any previously approved plat, planned unit development, or any other precedent land use approval; and
- (3) The site plan is consistent with the Comprehensive Plan and other adopted City policies and plans.

4. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. No Building Permit without Approval

No building permit shall be issued until the major site plan has been approved pursuant to this article.

b. Expiration of Approval

Site plan approval shall expire if the authorized use or construction is not substantially underway within two years after the date of the major site plan approval, or an extension is granted pursuant to Section 6.3.8.C.3.

c. Minor Changes Allowed

The Director may approve minor changes to an approved site plan without requiring a new application (as required by Section 6.3.8.D), provided that the Director determines that the proposed changes:

- (1) Could be approved under the allowable administrative adjustments in Table 6.C, Allowable Administrative Adjustments, if they were proposed in a new application;
- (2) Continue to comply with the standards of this UDO;
- (3) Are necessary to meet conditions of approval of the Minor Site Plan application; and/or
- (4) Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved with the minor site plan.

d. Appeal to Planning Commission

The decision on a minor site plan may be appealed to the Planning Commission.

6.5.2. Special Use Permit¹¹⁷

A. Purpose¹¹⁸

This special use permit procedure provides a mechanism for the City to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas and the goals of the Comprehensive Plan and this UDO. This procedure is intended to evaluate the potential impacts of such uses on surrounding properties and to ensure that such uses are compatible with surrounding properties and that adequate mitigation is provided to minimize potential impacts on those surrounding properties and/or the greater community.

B. Applicability¹¹⁹

A special use permit is required for certain land uses and zoning districts as specified in [Table 3.x](#), Table of Allowed Uses.

¹¹⁷ Per the Analysis and Annotated Outline, the permitted and special use permit procedures were consolidated. The standards for both are similar, and it is unusual for communities of Northglenn's size to have the two separate procedures.

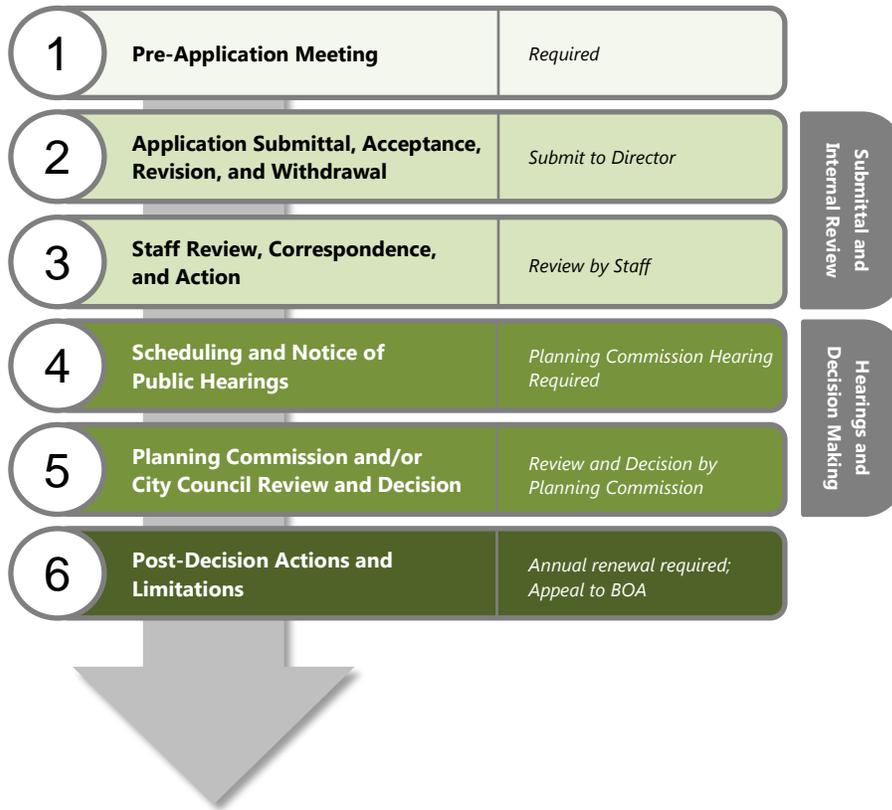
¹¹⁸ New. The current regulations do not provide a clear purpose or intent statement for either permitted or special use permit procedures.

¹¹⁹ New. The current regulations for special and permitted uses in Northglenn are in list format scattered across the various zoning districts. A new table of allowable uses will consolidate all of the land use lists into a single location. The table of allowed uses will be developed with Module 2.

C. Special Use Permit Procedure

Figure 6.G identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of special use permit applications. Additions or modifications to the common review procedures are noted below.

Figure 6.G: Summary of Special Use Permit Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

- a. The special use permit application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.
- b. Special use permit applications shall also include the following:¹²⁰
 - (1) Plans showing the location of all existing and proposed buildings, architectural elevations of such buildings, parking areas, ingresses and egresses, drainage facilities, waste disposal areas, and landscaping;
 - (2) A description of the proposed use and operation in sufficient detail to indicate the effect of operation in producing air pollution, water pollution, odor, noise, glare, fire danger, other safety hazards, and traffic congestion;
 - (3) Mitigation of any public utility impacts; and

¹²⁰ From current 11-30-1(b), excluding several items that were either deemed unnecessary, consolidated with other items on the list, or were already included in common review procedures.

- (4) Information on the proposed number of shifts to be worked and the maximum number of employees.

3. Staff Review, Correspondence, and Action

The Director shall review the special use permit application and prepare a staff report and recommendation in accordance with Section 6.3.4.

4. Scheduling and Notice of Public Hearings

The special use permit application shall be scheduled for a public hearing before the Planning Commission, and noticed in accordance with Section 6.3.5.

5. Planning Commission Review and Action¹²¹

a. Special Use Permit Review

The Planning Commission shall review and approve, approve with conditions, or deny the special use permit application in accordance with Section 6.3.6. The Planning Commission may also remand the application back to the Director for further consideration.

b. Special Use Permit Approval Criteria¹²²

In reviewing a proposed special use, the Planning Commission shall consider whether:

- (1) The use is compatible with the surrounding area;
- (2) The use has minimal impacts on future development of the area;
- (3) The use meets all other standards of the UDO and all other applicable codes;
- (4) Adequate mitigation of any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor have been provided;
- (5) The use is in conformance with the Comprehensive Plan;
- (6) The use is consistent with any applicable Urban Renewal Plan; and
- (7) The use adversely impacts the health, safety, and welfare of the inhabitants of the area and the City of Northglenn.

6. Post-Decision Actions and Limitations¹²³

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. Expiration of a Special Use Permit¹²⁴

Unless substantially acted upon within two years following the date of approval, a special use permit shall automatically expire. This shall include demonstrated use of the property, construction, or some other measureable development activity.

b. Permit Cancellation¹²⁵

The Planning Commission may cancel permits for violation of any regulations of the City of Northglenn or conditions imposed by the Planning Commission. Prior to cancellation, the Commission shall provide written notice to the permittee at least 30 days prior to the scheduled public hearing at the address

¹²¹ Did not carry forward the Hearing Officer provisions of Section 11-41-2.

¹²² From current 11-30-2. Removed "harmony with character of neighborhood" criterion. Too subjective to effectively administer. Also removed "need for the proposed use," which are typically determined by local market conditions. Other criteria were revised for clarity and to follow a more consistent structure.

¹²³ The automatic 10-day stay period from Section 11-41-6 was not carried over. Those stays currently apply to all special permits, defined as temporary use permits, special use permits, and permitted use permits. Also, we did not carry forward the rehearing procedures from Section 11-41-7 which allows an applicant to request a rehearing from any decision on a special permit by the Planning Commission. The procedure was open-ended, and is now addressed through the appeals procedures in Section 6.7.4.

¹²⁴ New. This expiration period replaces the annual review and renewal procedures from 11-31-1(d).

¹²⁵ From current 11-31-1-(c). Revised for clarity.

contained in the permit. The notice shall describe the allegation of the violation and directing the permittee to appear at a public hearing to discuss the nature and extent of the alleged violation. Following the public hearing, the Planning Commission may cancel or revoke the permit issued to the permittee, require corrective measures to be taken, or direct the City to enter onto the premises and take corrective measures required by the Commission. Costs of such corrective measures shall be assessed to the permittee.

c. Expansion or Enlargement¹²⁶

- (1) Any expansion or enlargement of a special use shall require a new application.
- (2) Expansions or enlargements may be approved by the Director provided that:
 - (a) The expansion or enlargement is not expected to increase potential negative impacts to surrounding property or the City; and
 - (b) The expansion or enlargement will not require adjustments to any standards greater than allowed through the administrative adjustment procedures in Section 6.7.2.
- (3) Any expansion or enlargement of a special use that does not meeting the criteria for Director approval shall require approval by the Planning Commission.

d. Transfer of Special Use Permit¹²⁷

A special use permit may be transferred to another person to operate the same use, in the same building(s), on the same property, and under the same terms of the permit. Such transfer shall require approval of a written request to the Director.

e. Appeal to City Council

The decision on a special use permit may be appealed to the City Council.

6.5.3. Temporary Use Permit¹²⁸

A. Purpose

The temporary use procedure provides a mechanism for the City to evaluate prospective uses and/or structures on private property of limited duration to ensure compliance with applicable standards of this UDO, including [Section 3.x.x.](#)¹²⁹

B. Applicability

A temporary use permit is required before establishing, constructing, or installing any temporary use or structure designated as requiring a temporary use permit in [Section 3.x.x.](#)¹³⁰

C. Temporary Use Permit Procedure

Figure 6.H identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of temporary use permits. Additions or modifications to the common review procedures are noted below.

¹²⁶ From current 11-30-9, revised to reference "special uses" instead of "permitted uses" and to add exceptions where a special use may be expanded without requiring a new application. These were added to encourage updating and maintenance of existing development without requiring a public hearing process.

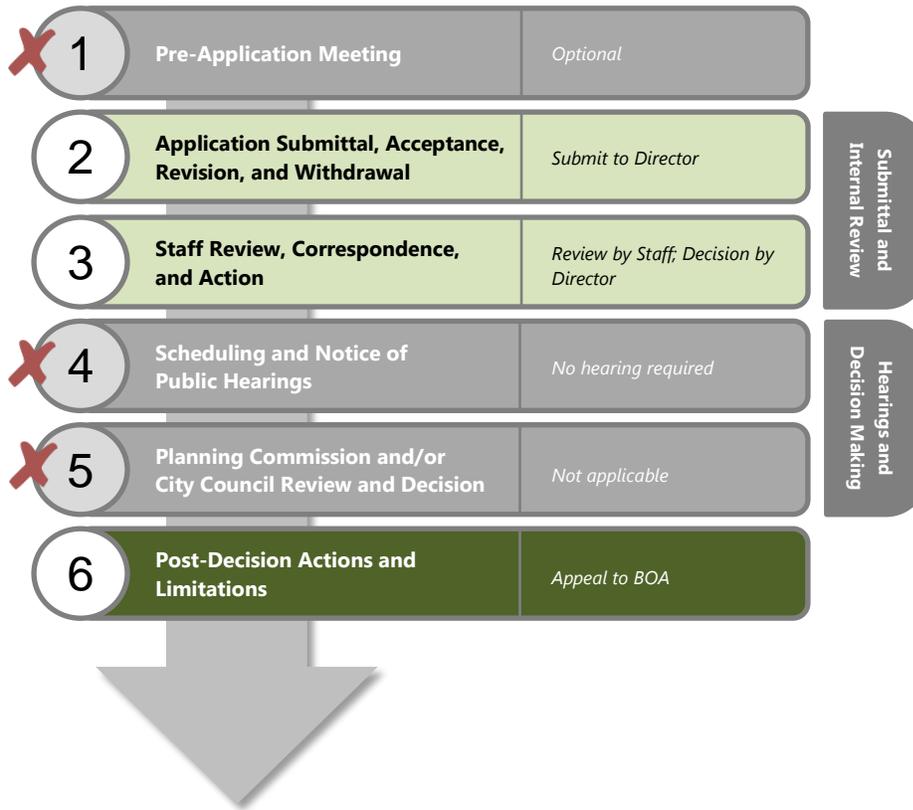
¹²⁷ New standard to clearly establish effect of a special use permit upon transfer of ownership or tenant.

¹²⁸ This procedure is mostly new information. Some language from Current 11-29 was carried forward, but revised for simplicity and clarity. The process is proposed to be handled completely administratively, without any hearing before Planning Commission. Although the current code suggests that some temporary use permits required Planning Commission approval, we understand that most have been administratively reviewed (which is currently allowed by delegation from the Planning Commission). It is typical for most communities to decide most temporary use permits administratively.

¹²⁹ The reference to Section 3.x.x will eventually cross-reference to the use regulations to be developed with Module 2.

¹³⁰ Based on 11-29-1(b), revised for clarity.

Figure 6.H: Summary of Temporary Use Permit Procedure



1. Pre-Application Meeting

An optional pre-application meeting may be held in accordance with Section 6.3.2 at the applicant’s discretion.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

A complete temporary use permit application shall be submitted to the Director in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual, and any additional information requested by the Director.

3. Staff Review, Correspondence, and Action

a. Review and Decision

The Director shall review the temporary use permit application according to the criteria below and the Director shall approve, approve with conditions, or deny the permit.

b. Temporary Use Permit Approval Criteria

In reviewing a temporary use or structure, the Director shall consider whether the proposed use or structure:

- (1) Is consistent with the Comprehensive Plan;
- (2) Complies with applicable temporary use standards, as well as all other applicable standards in this UDO;
- (3) Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and

- (4) Complies with all requirements and conditions of approval of any prior development permits or approvals.

4. Post-Decision Actions and Limitations¹³¹

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. Effect of Approval

A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

b. Expiration of Approval¹³²

A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period indicated on the permit. Upon request, the Director may grant a one-year extension; however, in no case shall a temporary use permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended. Any temporary use permit requesting an approval period beyond one year shall require a special use permit approval pursuant to Section 6.5.2.

c. Removal and Restoration¹³³

Before the expiration of a temporary use permit, the permittee shall disconnect all temporary uses and structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.

d. Appeal to the Board of Adjustment¹³⁴

The applicant may appeal the denial, revocation, or suspension of a temporary use permit to the Board of Adjustment.

6.5.4. Change of Use Permit¹³⁵

A. Purpose

The change of use permit procedure provides a mechanism for the City to evaluate new uses of properties and/or buildings, and/or change in occupancy due to change of ownership or tenancy to ensure compliance with applicable standards of this UDO, including [Section 3.x.x](#).

B. Applicability

A change of use permit is required before the following activities:

1. Occupying or using vacant land;
2. Occupying a vacant building;
3. Changing the use of a property or building; and/or
4. Changing occupancy of a property or building.

¹³¹ New, except as noted. The renewal of a temporary use permit in current Section 11-29-13 was not carried forward. Also, the automatic 10-day stay period from Section 11-41-6 was not carried over. Those stays currently apply to all special permits, defined as temporary use permits, special use permits, and permitted use permits.

¹³² New provision to prevent temporary uses from becoming permanent uses without the appropriate public processing (such as special use permit, site plan approval, or rezoning).

¹³³ Carried forward from 11-29-16, revised for clarity. Removed police enforcement at the expense of the permittee provision, which should be covered by the municipal code elsewhere.

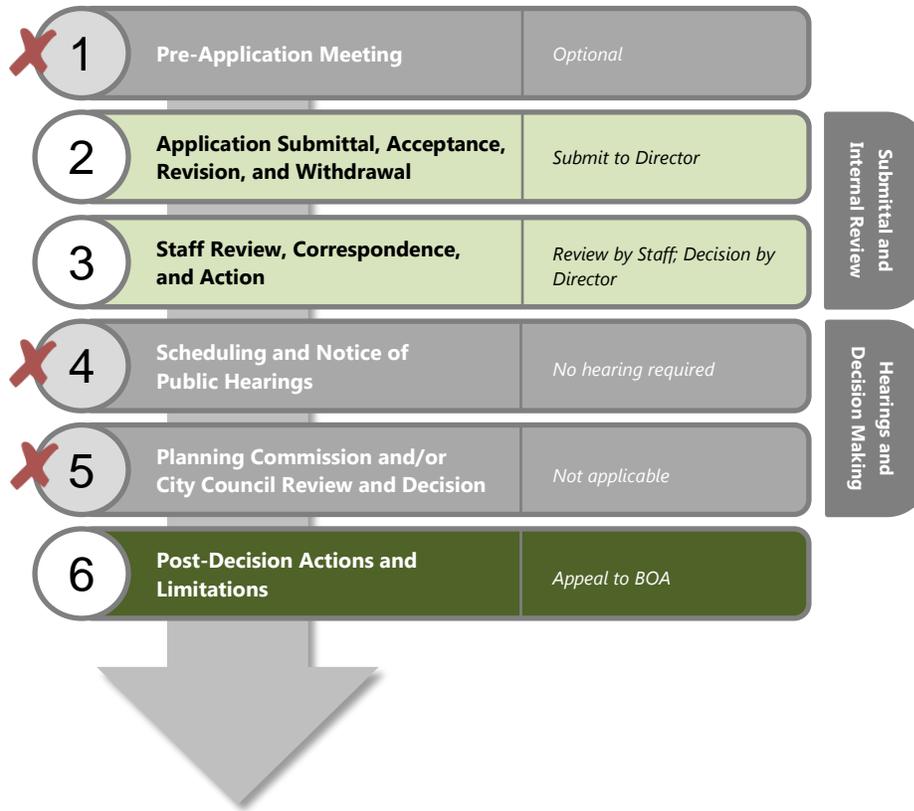
¹³⁴ Replaces 11-29-15, for inspection and enforcement of violations. Enforcement provisions are covered more generally in Article 1. Current provision 11-29-3(c) gives appeal authority to the Planning Commission, whereas this draft proposes BOA authority.

¹³⁵ New procedure developed to provide a review tool for staff to evaluate whether or not changes of use of existing properties and buildings comply with zoning regulations. Business licensing should be coordinated with this new procedure to establish an enforcement trigger for the change of use permit.

C. Change of Use Permit Procedure

Figure 6.I identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of change of use permits. Additions or modifications to the common review procedures are noted below.

Figure 6.I: Summary of Change of Use Permit Procedure



1. Pre-Application Meeting

An optional pre-application meeting may be held in accordance with Section 6.3.2 at the applicant’s discretion.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

A complete change of use permit application shall be submitted to the Director in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual, and any additional information requested by the Director.

3. Staff Review, Correspondence, and Action

a. Review and Decision

The Director shall review the change of use permit application according to the criteria below and the Director shall approve, approve with conditions, or deny the permit.

b. Change of Use Permit Approval Criteria

In reviewing a change of use on a parcel or within a building, the Director shall consider whether the proposed change of use:

- (1) Is consistent with the Comprehensive Plan;
- (2) Complies with applicable use-specific standards, as well as all other applicable standards in this UDO;

- (3) Adequately mitigates any impacts associated with access, traffic, emergency services, utilities, parking, refuse areas, noise, glare, and odor; and
- (4) Complies with all requirements and conditions of approval of any prior development permits or approvals.

4. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. Effect of Approval

A change of use permit authorizes establishment of a new use and/or change of occupancy of an existing property or building with any additional terms and conditions of the permit. The change of use permit shall clearly state that the proposed use of a building or property complies with the provisions of this UDO. For any proposed change of use or occupancy requiring a building permit, a change of use permit shall be issued prior to issuing a certificate of occupancy or a temporary certificate of occupancy.

b. Revocation of a Change of Use Permit

A change of use permit may be revoked by the Director if the use of the property or building is inconsistent with the authorized use of the change of use permit. The Director shall notify the permit holder in writing and provide 30 days from the date of the letter for the permit holder to bring the use of the property into compliance with the change of use permit, or the permit shall be revoked.

c. Appeal to the Board of Adjustment

The applicant may appeal the denial, revocation, or suspension of a change of use permit to the Board of Adjustment.

6.6 Subdivision Procedures¹³⁶

Commentary:

This section includes the subdivision approval procedures previously located in Chapter 12. One of the advantages of a Unified Development Ordinance is that both subdivision and other development procedures may be treated similarly, both referencing back to common review procedures.

One of the major suggested changes in this section occurs with final plats, which are currently approved by City Council. This draft proposes administrative review (unless public infrastructure or a subdivision improvement agreement is required) since the purpose of the final plat is mostly to ensure compliance with the preliminary plat.

6.6.1. Minor Subdivision¹³⁷

A. Purpose

The minor subdivision procedure is used to evaluate proposed subdivisions that will create few lots and/or involve minimal adjustments to approved final plats. The minor subdivision procedure also provides a mechanism for administrative platting decisions, to address plat errors, and to apply minor adjustments to property boundaries when necessary.

B. Applicability

1. The minor subdivision procedure shall apply to applications meeting the following:
 - a. Subdivisions of properties within an approved preliminary plat creating three or fewer lots and containing fewer than five acres;
 - b. Subdivisions creating three or fewer lots containing less than two acres with or without an approved preliminary plat;

¹³⁶ Did not carry forward provisions from 11-40-10 that discuss the Planning Commission's role in the subdivision regulations process. Also did not carry forward Section 12-1-8, Effect of Recorded Plat. The standards from that section are addressed in common review procedures and in the applicable application-specific plat procedures.

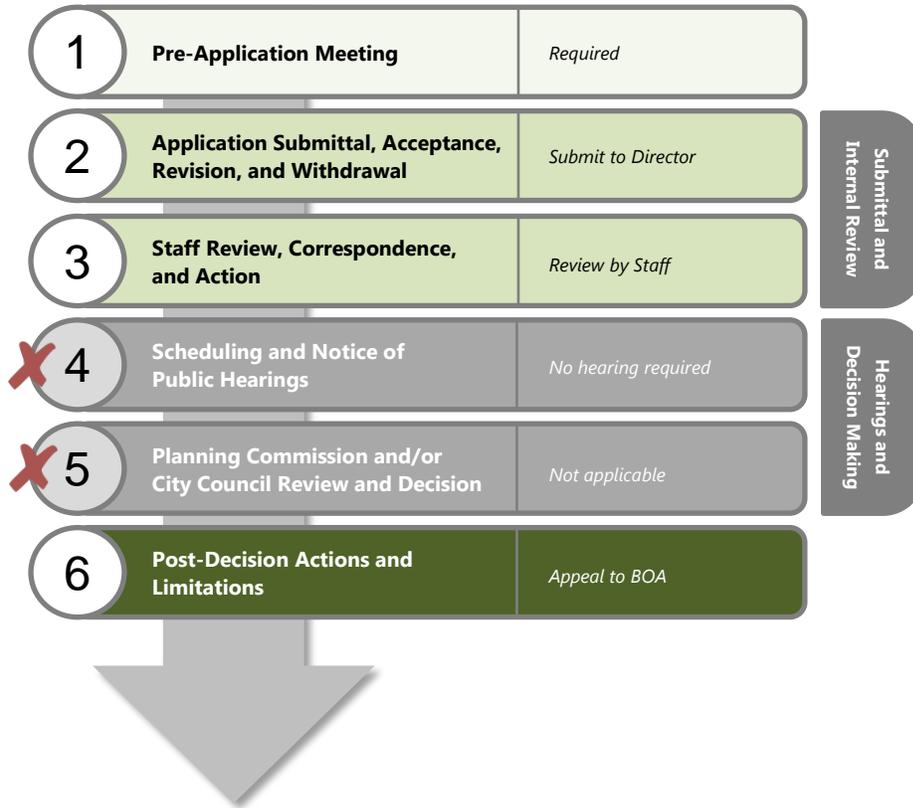
¹³⁷ New procedures based on 12-6-3, expanded substantially to provide enough detail and criteria for approval.

2. The following additional activities are eligible for minor subdivision, provided that subparagraph 1 is met:
 - a. Consolidation of two or more lots into a single lot in a previously recorded final plat; or
 - b. Boundary or lot line adjustments to an approved final plat; or
 - c. Correction of errors on an approved final plat.

C. Minor Subdivision Procedure

Figure 6.J identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of minor subdivisions. Additions or modifications to the common review procedures are noted below.

Figure 6.J: Summary of Minor Subdivision Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

A complete minor subdivision application shall be submitted to the Director in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested by the Director or during the pre-application meeting.

3. Staff Review, Correspondence, and Action

a. Review and Decision

The Director shall review the minor subdivision application and the Director shall approve, approve with conditions, or deny the minor subdivision based on the criteria below.

b. Minor Subdivision Approval Criteria

In reviewing a minor subdivision application, the Director shall consider whether the minor subdivision:

- (1) Is consistent with the Comprehensive Plan;

- (2) Is consistent with the intent of the underlying zoning district;
- (3) Complies with applicable dimensional, development, and design standards in this UDO;
- (4) Does not affect a recorded easement without approval from the easement holder;
- (5) Will not result in adverse impacts to surrounding property; and
- (6) Will not limit the City’s ability to provide adequate and sufficient facilities or services.

c. Appeal to Planning Commission

The decision on a minor subdivision may be appealed to the Planning Commission.

4. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, and the City shall record minor subdivisions with the County Clerk within 30 days of approval by the Director.

6.6.2. Preliminary Plat¹³⁸

A. Purpose

The procedure for review and approval of preliminary plats is a mechanism for the City to review an overall plan for a proposed subdivision to ensure compliance with this UDO and the Comprehensive Plan.

B. Applicability

A preliminary plat is required when one or more of the following conditions exist:

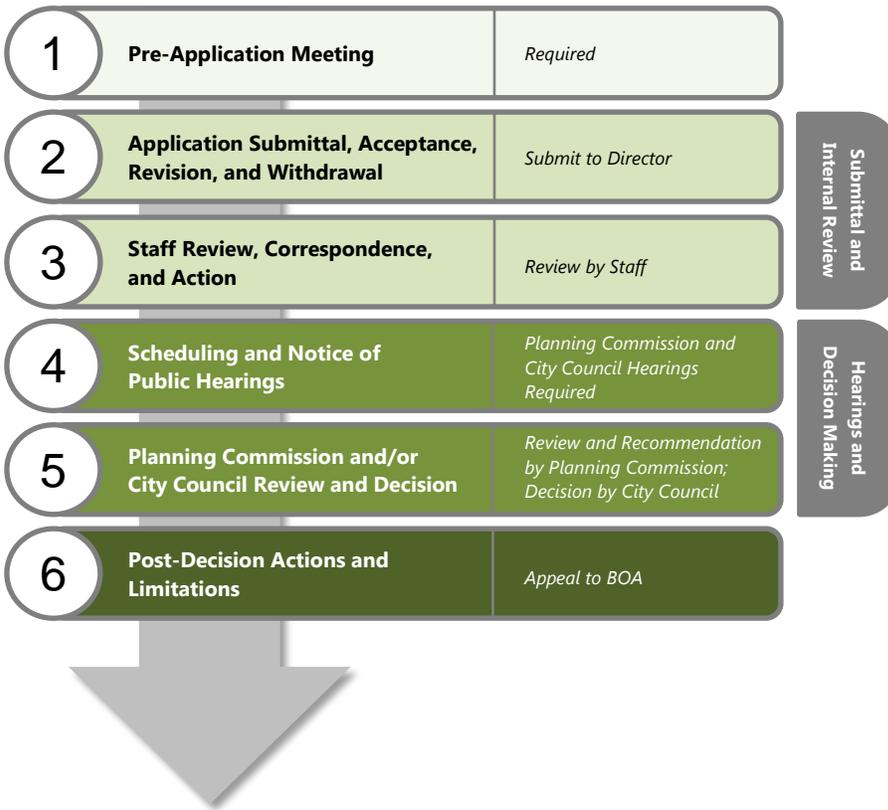
- 1. The proposed subdivision will produce four or more lots;
- 2. The proposed subdivision will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for minor subdivision processing; or
- 3. The proposed subdivision is not otherwise eligible to be processed as a minor subdivision, pursuant to Section 6.6.1.

C. Preliminary Plat Procedure

Figure 6.K identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of preliminary plats. Additions or modifications to the common review procedures are noted below.

¹³⁸ Based on current 12-2-2, expanded to match structure of other procedures.

Figure 6.K: Summary of Preliminary Plat Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

The preliminary plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting. The preliminary plat shall reflect the general layout of the lots and blocks, but exact dimensions are not required.¹³⁹

3. Staff Review, Correspondence, and Action

The Director shall review the preliminary plat application and prepare a staff report and recommendation in accordance with Section 6.3.4.

4. Scheduling and Notice of Public Hearings

The preliminary plat application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Section 6.3.5.

5. Planning Commission and/or City Council Review and Action

a. Planning Commission Review and Recommendation

The Planning Commission shall review the preliminary plat application and recommend approval, approval with conditions, or denial in accordance with Section 6.3.6.

¹³⁹ This last sentence carried forward from 12-2-2.

b. City Council Review and Decision

- (1) The City Council shall review the preliminary plat application and act to approve, approve with conditions, or deny the preliminary plat in accordance with Section 6.3.6. The City Council may also remand the preliminary plat application back to the Director or the Planning Commission for further consideration.
- (2) If council revises the preliminary plat or remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

c. Conditions of Approval

If the preliminary plat is approved with conditions, then those conditions and the standards of this UDO shall be met prior to approval of a final plat.¹⁴⁰

d. Preliminary Plat Approval Criteria¹⁴¹

In reviewing a preliminary plat application, the Planning Commission and City Council shall consider whether the preliminary plat:

- (1) Is in conformance with the Comprehensive Plan;
- (2) Will comply with the applicable zoning district standards;
- (3) Will comply with use, dimensional, design, and other development standards in this UDO;
- (4) Provides a layout of lots, roads, driveways, utilities, drainage, and other public facilities and services designed to minimize the amount of disturbance to sensitive areas or community resources;
- (5) Provides evidence of public water and sewer system connections;
- (6) Identifies and adequately mitigates known natural hazard areas; and
- (7) Proposes reasonable project phasing in terms of infrastructure capacity.

6. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. Expiration of Approval

Any approval or conditional approval of a preliminary plat shall automatically expire if a final plat has not been recorded within two years of preliminary plat approval. The Planning Commission shall have authority to extend the period for not more than 12 months, on the basis of unforeseen circumstances. Application for an extension of time shall be made to the Director, which shall forward the application, together with its recommendations, to the Planning Commission for action at any regular or special meeting, on notice to the applicant.¹⁴²

b. Partial or Phased Final Platting

- (1) All or any portion of an approved preliminary plat may be submitted for final plat pursuant to Section 6.6.3. In the case of partial submission, the time for submission of the remaining portion of the preliminary plat is automatically extended for two years from the approval date of that partial final plat.¹⁴³

¹⁴⁰ From 12-2-2(a)(2).

¹⁴¹ These are new approval criteria. The current Northglenn Code does not provide approval criteria for preliminary plats. These are based on other communities and tailored for Northglenn.

¹⁴² From current 12-2-2(a)(3.3), revised for clarity and to require final plat recordation. Expiration period revised from one year to two years.

¹⁴³ From current 12-2-2(a)(3.4), revised for clarity. Added the statement "from the approval date of that partial final plat" to the end of the last sentence, and revised the automatic extension to two years for consistency with the proposed expiration of approval.

- (2) Whenever a preliminary plat is approved for development of the subdivision in successive phases or increments, the City Council may provide the period or periods of time allowed for final plat approval of each successive phase or increment of the development after the first.¹⁴⁴

6.6.3. Final Plat¹⁴⁵

A. Purpose

The final plat procedure completes the subdivision process and ensures compliance with the approved preliminary plat and all applicable standards in this UDO.

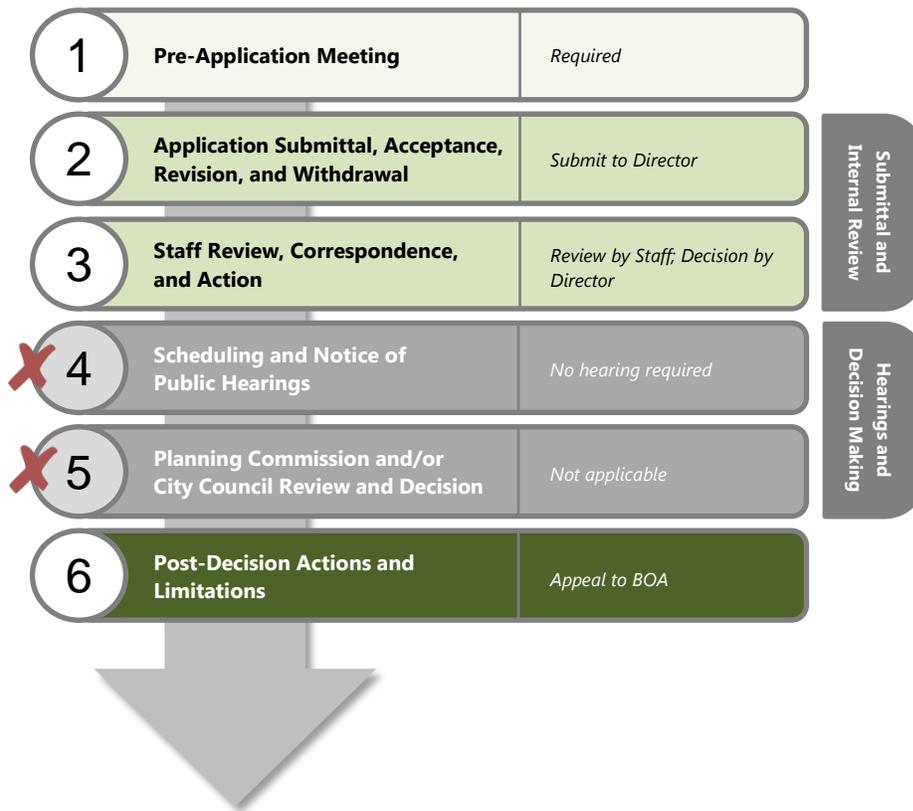
B. Applicability

The final plat procedure applies to all subdivisions in the City of Northglenn unless stated otherwise in this UDO.

C. Final Plat Procedure – Not Requiring Public Infrastructure Improvements or Subdivision Improvement Agreement (SIA)

Figure 6.L identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of final plats without public infrastructure or SIA requirements. Additions or modifications to the common review procedures are noted below.

Figure 6.L: Summary of Final Plat Procedure – Without Public Infrastructure or SIA



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

¹⁴⁴ From current 12-2-2(a)(3.5).

¹⁴⁵ Based on final plat procedures in 12-2-3, expanded significantly for consistency with other procedures and to reflect trends. Final plats were previously approved by City Council, with recommendation by the Planning Commission. This new procedure suggests a two-tiered system for final plats: 1) administrative review and approval for those not requiring public infrastructure improvements or a subdivision improvement agreement, and 2) City Council approval for those requiring public infrastructure improvements or subdivision improvement agreements.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

The final plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting. Additionally:

- a. The final plat application shall be submitted within two years of preliminary plat approval.¹⁴⁶
- b. If any lot changes have occurred since preliminary plat approval, the application shall be referred back to the Director and distributed to the appropriate utility providers for review and comment.¹⁴⁷
- c. The final plat may reflect the entire preliminary plat or any part thereof.¹⁴⁸

3. Staff Review, Correspondence, and Action¹⁴⁹

a. Director Review and Approval

The Director shall review the final plat application and shall approve, approve with conditions, or deny the final plat based on the criteria below.

b. Final Plat Approval Criteria

In reviewing a final plat application, the Director shall consider whether:

- (1) The final plat conforms to the approved preliminary plat, including any conditions of approval;
- (2) The development will substantially comply with all requirements of this UDO; and
- (3) The development will comply with the applicable technical standards and specifications adopted by the City.

4. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. Acceptance and Signatures

Following final plat approval, the plat shall be signed by the Mayor and acknowledged by the City Clerk. Approval of the final plat shall include and constitute acceptance of all proposed dedications contained in the plat by the City of Northglenn.¹⁵⁰

b. Posting Security and Recordation¹⁵¹

The City shall record the final plat with the County Clerk within 30 days of approval, but not before security for public infrastructure or other improvements has been posted. If security for such improvements is not posted within 30 days following final plat approval, the approval shall lapse.

c. Appeal to the Board of Adjustment

The decision on a final plat may be appealed to the Board of Adjustment.

D. Final Plat Procedure –Requiring Public Infrastructure Improvements or Subdivision Improvement Agreement (SIA)

Figure 6.M identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of final plats requiring public infrastructure or an SIA. Additions or modifications to the common review procedures are noted below.

¹⁴⁶ From current 12-2-3, revised time period from one year to two years, for consistency with proposed preliminary plat expiration procedures.

¹⁴⁷ From 12-2-3, revised for clarity.

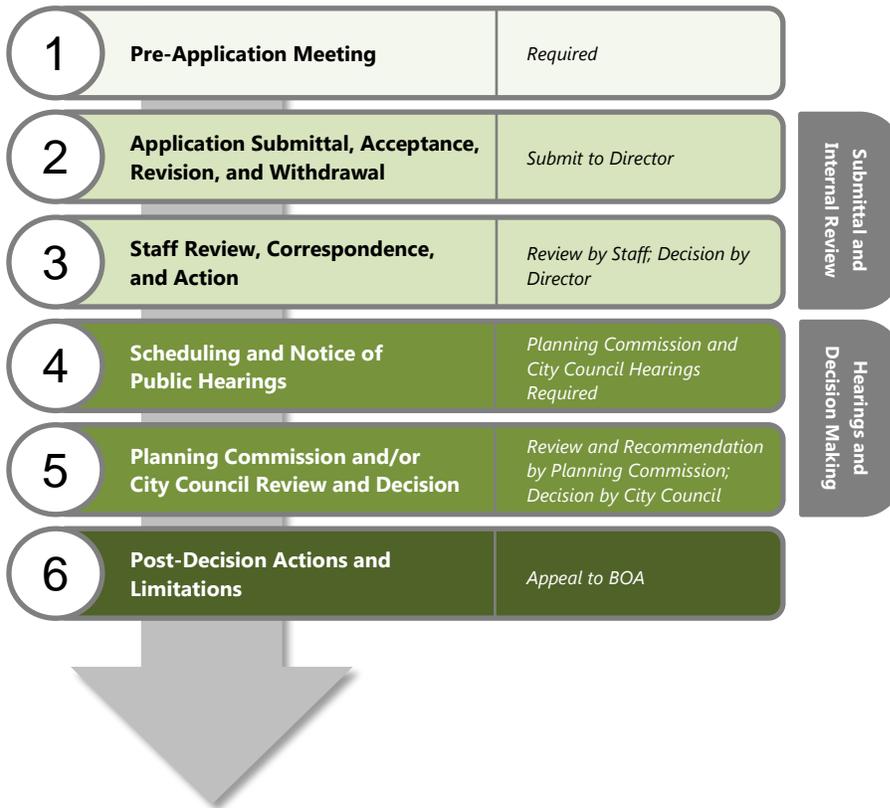
¹⁴⁸ Carried forward from 12-2-3.

¹⁴⁹ Final plats previously approved by City Council with recommendation from Planning Commission.

¹⁵⁰ From 12-2-3(a)(8), revised for clarity.

¹⁵¹ New.

Figure 6.M: Summary of Final Plat Procedure – Requiring Public Infrastructure or SIA



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

The final plat application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting. Additionally:

- a. The final plat application shall be submitted within two years of preliminary plat approval.¹⁵²
- b. If any lot changes have occurred since preliminary plat approval, the application shall be referred back to the Director and distributed to the appropriate utility providers for review and comment.¹⁵³
- c. The final plat may reflect the entire preliminary plat or any part thereof.¹⁵⁴

3. Staff Review, Correspondence, and Action

The Director shall review the final plat application and prepare a staff report and recommendation in accordance with Section 6.3.4.

4. Scheduling and Notice of Public Hearings

The final plat application shall be scheduled for public hearings before the Planning Commission and City Council, and noticed in accordance with Section 6.3.5.

¹⁵² From current 12-2-3, revised time period from one year to two years, for consistency with proposed preliminary plat expiration procedures.

¹⁵³ From 12-2-3, revised for clarity.

¹⁵⁴ Carried forward from 12-2-3.

5. Planning Commission and/or City Council Review and Action

a. Planning Commission Review and Recommendation

The Planning Commission shall review the final plat application and recommend approval, approval with conditions, or denial in accordance with Section 6.3.6.

b. City Council Review and Decision

(1) The City Council shall review the final plat application and act to approve, approve with conditions, or deny the final plat in accordance with Section 6.3.6. The City Council may also remand the final plat application back to the Director or the Planning Commission for further consideration.

(2) If council revises the final plat or remands the application back to the Director or Planning Commission, additional public hearings may be required before final adoption.

c. Final Plat Approval Criteria

In reviewing a final plat application, the Director shall consider whether:

(1) The final plat conforms to the approved preliminary plat, including any conditions of approval;

(2) The development will substantially comply with all requirements of this UDO; and

(3) The development will comply with the applicable technical standards and specifications adopted by the City.

6. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. Acceptance and Signatures

Following final plat approval, the plat shall be signed by the Mayor and acknowledged by the City Clerk. Approval of the final plat shall include and constitute acceptance of all proposed dedications contained in the plat by the City of Northglenn.¹⁵⁵

b. Posting Security and Recordation¹⁵⁶

The City shall record the final plat with the County Clerk within 30 days of approval, but not before security for public infrastructure or other improvements has been posted. If security for such improvements is not posted within 30 days following final plat approval, the approval shall lapse.

6.6.4. Vacation of Right-of-Way or Easements¹⁵⁷

A. Purpose

This section describes the procedure for vacating rights, interests, or title of the City in and to any right-of-way or easement located in the City of Northglenn. Title to vacated roadways shall be in accordance with Colorado law.

B. Applicability

This procedure applies to any request to vacate rights, interests, or title of right-of-way or an easement within the City of Northglenn.

C. Vacation Procedure

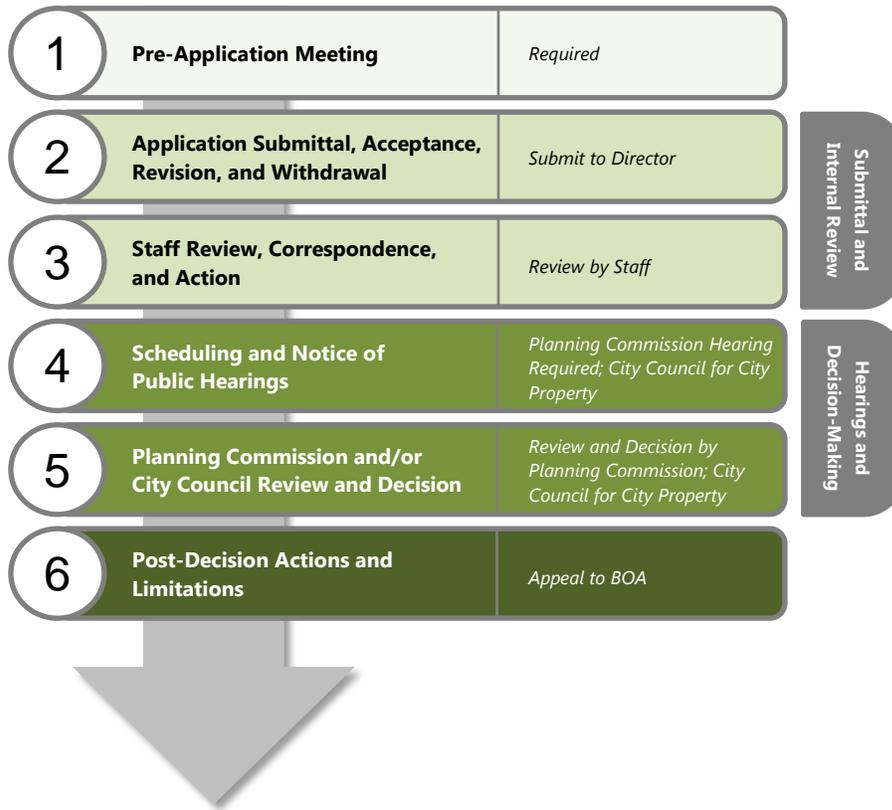
Figure 6.N identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of vacations of right-of-way or easements. Additions or modifications to the common review procedures are noted below.

¹⁵⁵ From 12-2-3(a)(8), revised for clarity.

¹⁵⁶ New.

¹⁵⁷ Based on 11-51-1.

Figure 6.N: Summary of Vacation of ROW or Easement Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

- a. The vacation application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.
- b. Additionally, the application for a vacation shall be accompanied by a map or plat showing the location and dimension of the area to be vacated, any parcels of land affected by the proposed vacation, a legal description for the proposed vacation, and such other information and descriptions as may be required by the Director to fully explain and describe the vacation.¹⁵⁸

3. Staff Review, Correspondence, and Action

The Director shall review the vacation application and prepare a staff report and recommendation in accordance with Section 6.3.4.

4. Scheduling and Notice of Public Hearings¹⁵⁹

a. Right-of-Way or Easement not Within City Ownership

The vacation application shall be scheduled for a public hearing before the Planning Commission, and noticed in accordance with Section 6.3.5.

¹⁵⁸ Last sentence from current 11-51-1(b).

¹⁵⁹ The current code requires a hearing within 20 days of application for a vacation. We did not carry this timeframe forward. We suggest timeframes be addressed in the administrative manual.

b. City-Owned Right-of-Way or Easement

The vacation application shall be scheduled for a public hearing before the City Council, and noticed in accordance with Section 6.3.5.

5. Planning Commission or City Council Review and Action**a. Vacation Review¹⁶⁰**

The Planning Commission or City Council shall review and approve, approve with conditions, or deny the vacation application in accordance with Section 6.3.6 and the criteria below. The Planning Commission or City Council may also remand the vacation back to the Director for further consideration.

b. Vacation Approval Criteria

In reviewing a proposed vacation of right-of-way or easement, the Planning Commission and City Council shall consider whether the vacation of right-of-way or easement:

- (1) Is in conformance with the Comprehensive Plan;
- (2) Will comply with the applicable zoning district standards;
- (3) Will comply with use, dimensional, design, and other development standards in this UDO;

6. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, and the City shall record the vacation with the County Clerk within 30 days of approval.

¹⁶⁰ Based on current decision options in 11-51-2, but this draft proposes the fourth decision option of referring the vacation back to the Director for further consideration.

6.7 Flexibility and Relief Procedures

Commentary:

This section includes procedures for variances, vested rights, and appeal procedures. It also includes a new procedure, the administrative adjustment, which allows the Director to approve minor modifications to specific development and dimensional requirements. Further commentary on that procedure is provided in Subsection 6.7.2.

6.7.1. Variance¹⁶¹

A. Purpose¹⁶²

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.

B. Applicability

1. 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 C.5.
2. Variance applications may be initiated concurrently with other development applications when relief is sought by the applicant.

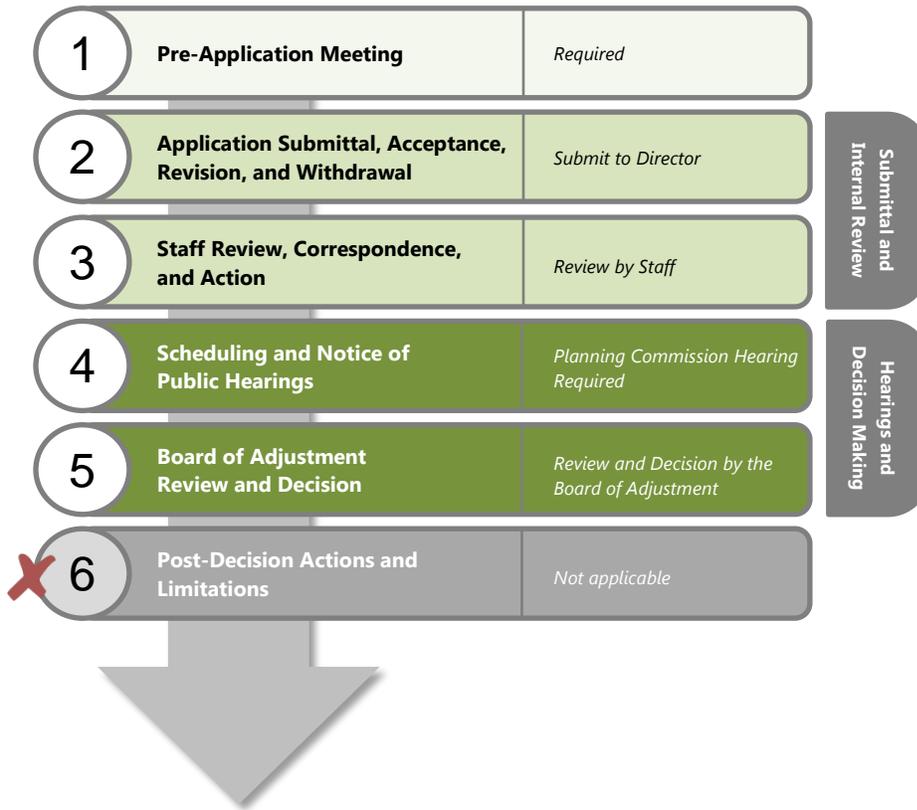
C. Variance Procedure

Figure 6.O identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of variances. Additions or modifications to the common review procedures are noted below.

¹⁶¹ Based loosely on current 11-42-6 (under the Board of Adjustment) and Chapter 12, Article 6, variances under the subdivision regulations. Provisions that were carried forward are noted as such.

¹⁶² New purpose statement, based on 11-42-6(a), revised significantly for clarity and simplicity based on other jurisdictions. Expanded to include statements describing what the variance process is NOT intended to be used for.

Figure 6.O: Summary of Variance Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

The variance application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.

3. Staff Review, Correspondence, and Action¹⁶³

The Director shall review the variance application and prepare a staff report and recommendation in accordance with Section 6.3.4.

4. 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 Section 6.3.5.

5. Board of Adjustment Review and Action

a. Hearing, Review, and Decision

(1) The Board of Adjustment shall hold a public hearing on the application in accordance with Section 6.3.7, Public Hearing Procedures.

(2) 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

¹⁶³ This proposes only staff/Director review

conditions, or deny the variance based on the criteria below. The Board may also remand the application back to the Director for further consideration.

- (3) 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.
- (4) The Board of Adjustment shall clearly state the factors considered in making its decision, as well as the basis or rationale for the decision.

b. Variance Approval Criteria¹⁶⁴

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;¹⁶⁵
- (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;¹⁶⁶
- (5) The variance is the minimum variance that will afford relief of the subject standards of the UDO;¹⁶⁷
- (6) The variance will not be of substantial detriment to adjacent property or the character of the district; and
- (7) The variance is based demonstrates exceptional hardship not related to purposes of convenience or financial burden.¹⁶⁸

6. Post-Decision Actions and Limitations¹⁶⁹

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. Notice of Decision¹⁷⁰

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

b. 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.

c. 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.

d. Appeal to City Council

The decision on a variance may be appealed to the City Council.

¹⁶⁴ From current 11-42-6(a), revised based on other jurisdictions for clarity.

¹⁶⁵ New.

¹⁶⁶ New.

¹⁶⁷ New.

¹⁶⁸ Revised for clarity and removed “or caprice” from this criterion.

¹⁶⁹ Did not carry forward provisions from 11-42-7 related to automatic stays of BOA decisions for 10 days.

¹⁷⁰ Based on 11-42-7(e).

6.7.2. Administrative Adjustment¹⁷¹

Commentary

As recommended in the Analysis and Annotated Outline, this new administrative adjustment procedure is added to provide limited flexibility through a simple objective process allowing minor deviations of certain dimensional or numeric standards. Administrative adjustments are limited in the range of standards for which they may be sought, as well as the degree of deviation allowed. The review standards are intended to ensure that they are approved only when justified by special circumstances.

The allowable administrative adjustments table (Table 6.C) is our initial proposal for the types and to what extent current standards in the UDO may be adjusted. Many of the standards included in the table will not be developed until Modules 2 or 3; therefore, these standards and adjustment percentages may change upon review of those modules. This table requires further discussion, based on the City's knowledge of previous development, variance applications, and comfort level for administratively adjusting each of the proposed standards listed.

A. 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.

B. Applicability

1. The administrative adjustment procedure shall apply to the standards and limitations established in Table 6.C, Allowable Administrative Adjustments.
2. The administrative adjustment procedure shall not apply to any proposed modification that results in:
 - a. An increase in the overall project density;
 - b. A change in permitted uses or mix of uses;
 - c. A deviation from the use-specific standards in Section 3.x;¹⁷²
 - d. A deviation from floodplain regulations in Section 4.x;
 - e. A deviation from sensitive area protection standards in Section 4.x;
 - f. A change to a development standard already modified through a separate administrative adjustment or variance; or
 - g. Requirements for public roadways, utilities, or other public infrastructure or facilities.

¹⁷¹ This is a new procedure.

¹⁷² Use-specific standards apply to specified uses, regardless of the underlying zoning district. They are often used as neighborhood protection standards. All use-specific standards will be developed with Module 2.

Table 6.C: Allowable Administrative Adjustments¹⁷³	
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 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 landscaping requirements	10

C. Administrative Adjustment Procedure

This subsection identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of administrative adjustments. Additions or modifications to the common review procedures are noted below.

1. Pre-Application Meeting

An optional pre-application meeting may be held in accordance with Section 6.3.2 at the applicant’s discretion.

2. Application Submittal, Acceptance, Revision, and Withdrawal

- a. The administrative adjustment application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3. The application shall include all required information as indicated in the Administrative Manual, and any additional information requested by the Director.
- b. 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).

3. Staff Review, Correspondence, and Action

a. Review and Decision

- (1) 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.
- (2) 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.

¹⁷³ These standards will be drafted with Module 3 and the allowable adjustment percentages may be revisited at that time.

b. Administrative Adjustment Approval Criteria

In reviewing a proposed administrative adjustment, the Director, Planning Commission, and/or City Council shall consider whether and to what extent the adjustment:

- (1) Is consistent with the Comprehensive Plan;
- (2) Is consistent with the purpose of the applicable zoning district;
- (3) Will not result in incompatible development;
- (4) Will not result in adverse impacts unless adequately mitigated; and
- (5) Is of a technical nature and is required to:
 - (a) Compensate for an unusual site condition;
 - (b) Eliminate a minor inadvertent failure to comply with a UDO standard; or
 - (c) To protect a sensitive resource or natural feature.

4. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

a. Effect of Approval

Approval of an administrative adjustment authorizes only the particular adjustment of standards approved, and only to the subject property of the application.

b. Expiration of Approval

Approval of an administrative adjustment shall automatically expire if the associated development application is denied or if approval of the concurrently reviewed application expires, is revoked, or otherwise becomes invalid.

6.7.3. Vested Rights¹⁷⁴**A. Purpose**

This section describes the procedure for approval of vested real property rights pursuant to state statutes C.R.S. Article 68 of Title 24, as amended. Nothing in this section is intended to create a vested property right, but only to implement the provisions of state law.¹⁷⁵

B. Applicability¹⁷⁶

1. Vested property rights shall be obtained through approval of the following site-specific development plans:

- a. Final plat;
- b. Minor site plan;
- c. Major site plan; or
- d. Planned Unit Development.

2. No other plan, plat, or similar document shall be considered a site-specific development plan.

C. Vested Rights Procedure

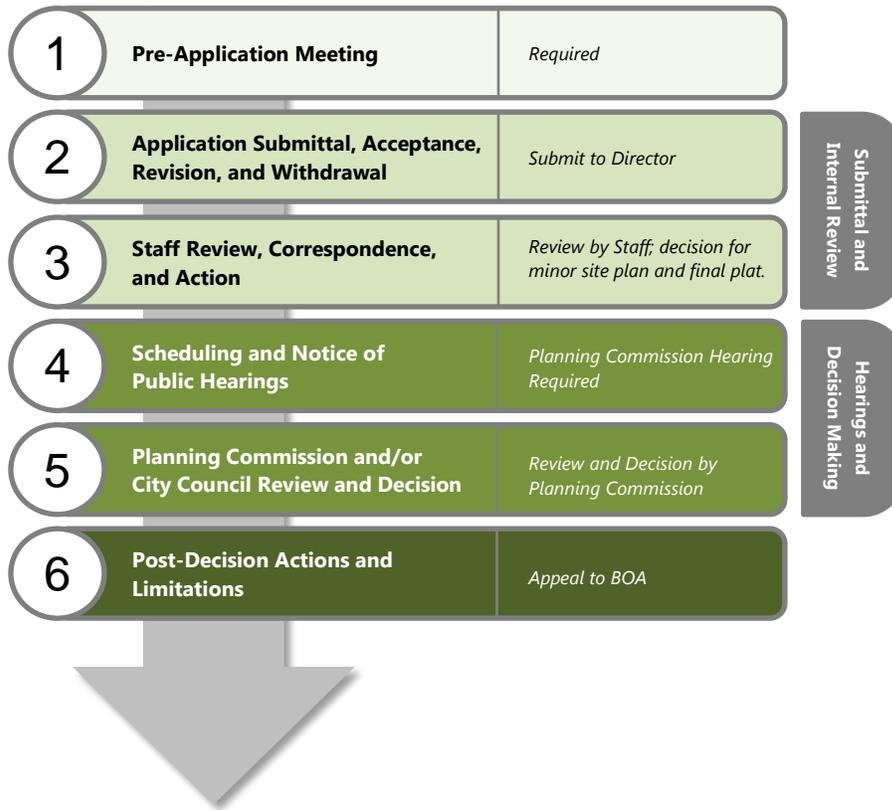
Figure 6.Q identifies the applicable steps from the common review procedures in Section 6.3 that apply to the review of vested rights. Additions or modifications to the common review procedures are noted below.

¹⁷⁴ Based on current Section 11-3-13.

¹⁷⁵ Second sentence from 11-3-13(a).

¹⁷⁶ Based on 11-3-13(b), revised to reflect new menu of procedures.

Figure 6.P: Summary of Vested Rights Procedure



1. Pre-Application Meeting

A pre-application meeting shall be held in accordance with Section 6.3.2. The vested rights shall be discussed as part of the pre-application meeting for the applicable site-specific development plan.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

- a. The vested rights request shall be included with an application for the site-specific development plan, which application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3.
- b. The application shall include all required information as indicated in the Administrative Manual and any additional information requested during the pre-application meeting.
- c. If the applicant seeks approval of a site-specific development plan to create vested property rights, the plan shall include a statement that is being submitted for designation as a site-specific development plan. Failure to include such statement shall result in no vested property rights being created by the approval of the site-specific development plan.¹⁷⁷

3. Staff Review, Correspondence, and Action

- a. The Director shall review the vested rights application and prepare a staff report and recommendation in accordance with Section 6.3.4. The recommendation for vested rights may be incorporated directly into the staff report for the applicable site-specific development plan.
- b. For applications decided by the Director, vested rights shall be included with the official decision per the applicable site-specific development plan procedure.

¹⁷⁷ Carried forward from 11-3-13(d).

4. 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 Section 6.3.5. Hearings on vested rights may occur concurrently with the applicable site-specific development plan.

5. Planning Commission and/or City Council Review and Decision¹⁷⁸

a. Planning Commission Review, Recommendation, and/or Decision

If required for a site-specific development plan, the Planning Commission shall review the site-specific development plan application and make a recommendation and or decision in accordance with Section 6.3.6. 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.

b. City Council Review and Decision

If required for a site-specific development plan, the City Council shall review the site-specific development application and make a decision in accordance with Section 6.3.6. 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.

6. Post-Decision Actions and Limitations¹⁷⁹

Post-decision actions and limitations in Section 6.3.8 shall apply, with the following modifications:

- a. 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.
- b. 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.
- c. 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.
- d. 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.

6.7.4. Appeal¹⁸⁰

A. Purpose

The purpose of this section is to establish an administrative remedy whereby persons claiming to having been aggrieved by a decision of the Director or other administrative official in administering this UDO may appeal that decision administratively.

¹⁷⁸ Minimum three-year vesting period is pursuant to C.R.S. §24-68-104. According to that statute, the period may be extend based on local circumstances through a development agreement but such agreements shall be adopted as legislative acts subject to referendum.

¹⁷⁹ Carried forward from 11-3-13(e), (f), (h), and (i), revised for clarity.

¹⁸⁰ Mostly new procedure. Replaces 11-40-21, Appeals to the Board of Adjustment; 11-42-5, Appeals to the Board (of Adjustment); and 11-42-9, Appeals Certiorari. The overall decision-making authorities for appeals are similar to the current code. Appeals of Council decisions are still to the courts. However, we propose in this draft that Board of Adjustment decisions are also to the courts, rather than to the City Council. This prevents politicizing the appeals process. We also did not carry forward the "reasonable time frame" provisions from 11-42-5, since they did not really provide a specific timeframe. The procedures are written in a way that should expedite the appeals process.

B. 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:

1. Appeals of Administrative Decisions and Boards/Commissions other than Planning Commission

Appeals of all administrative decisions and 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.

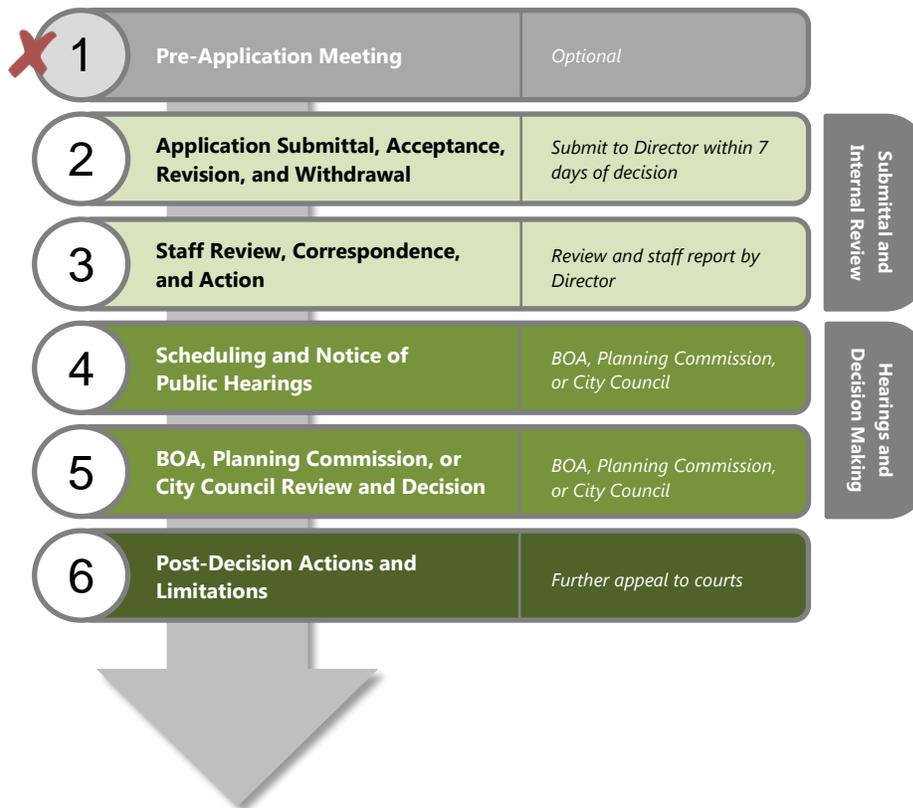
2. Appeals of City Council and Board of Adjustment Decisions

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.

C. Procedure

Figure 6.R identifies the applicable steps from the common review procedures in Section 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



1. Pre-Application Meeting

An optional pre-application meeting may be held in accordance with Section 6.3.2 at the applicant's discretion.

2. Application Submittal, Acceptance, Revisions, and Withdrawal

An appeal application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 6.3.3, with the following modifications:

a. 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.

b. Time limit

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

c. Stay of Proceedings

An appeal stays all proceedings from further action unless the Director determines that a stay would create adverse impacts to the health, safety, or welfare of the City or neighborhood.

3. Staff Review, Correspondence, and Action

The Director shall review the application and prepare a staff report in accordance with Section 6.3.4, with the following modifications:

- a.** Staff review shall only confirm that the application is complete and that the appeal is heard by the appropriate authority.
- b.** The staff report shall not make a formal recommendation. The report shall include necessary facts to warrant an appeal, which shall be provided by the appellant/applicant.

4. Scheduling and Notice of Public Hearings

An appeal shall be scheduled for public hearings before the Board of Adjustment, Planning Commission, or City Council, and noticed in accordance with Section 6.3.5.

5. Board of Adjustment, Planning Commission, or City Council Review and Decision

- a.** The appropriate decision-making body shall consider the following in determining whether to affirm, reverse, or amend a decision or interpretation made by another decision-making body:
 - (1)** The facts stated in the application, as presented by the appellant and/or the Director;
 - (2)** The requirements and intent of the applicable standards from this UDO compared to the written decision that is being appealed;
 - (3)** Evidence related to how the applicable standards from this UDO have been administered or interpreted in the past; and
 - (4)** Consistency with the Comprehensive Plan.
- b.** The appeal decision-making authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.
- c.** The appeal decision-making authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the City.

6. Post-Decision Actions and Limitations

Post-decision actions and limitations in Section 6.3.8 shall apply. Any further appeals from the appropriate appeal decision-making authority shall be made to the courts, as provided by law; provided that such appeal is made within 60 days of that decision-making authority's decision.

6.8 Review and Decision-Making Bodies

Commentary:

This new section describes the powers and duties, membership, and some basic meeting procedures for the various review and decision-making bodies for land development applications. Much of the administrative information in the current development regulations was reworked in this section for consistency, and/or suggested for removal or relocation to elsewhere in the municipal code or in an Administrative Manual. The contents of this section were reviewed for consistency with the City Charter.

6.8.1. Purpose¹⁸¹

This section establishes and describes the authority, basic duties, and operating procedures for decision-making bodies in the City of Northglenn responsible for administering and enforcing this UDO.

6.8.2. City Council¹⁸²

A. Legislative Body

The City Council is the governing body of the City and has sole authority to adopt or amend provisions in this UDO and the Zoning Map.

B. Powers and Duties under this UDO

To exercise the authority granted it by State law and the City Charter, the City Council shall have the following powers and duties under this UDO.

1. Review of Development Applications

The City Council shall have the review and decision-making authority and responsibilities shown in Table 6.A, pursuant to the application-specific procedures outlined in this article.

2. Adopt Schedule of Development-Related Fees

The City Council is authorized to adopt, by resolution, a schedule of fees governing the review of development applications and plans, inspections, and other matters involving the administration and enforcement of this UDO.

3. Adopt Schedule of Civil Penalties

The City Council is authorized to adopt, by ordinance, a schedule of civil penalties for violations of this UDO.

4. Other Actions

The City Council is authorized to take any other action not assigned or delegated to the Director, Planning Commission, or other advisory or design-making authority as the City Council deems desirable and necessary to implement provisions of this UDO, and as authorized by State law and the City Charter.

C. Other Powers and Duties

Other powers and duties of the City Council are set forth in [Chapter 2, Article 2-2](#) and [Chapter 3, Article 3-3](#) of the City of Northglenn Municipal Code, and in the City Charter.

6.8.3. Planning Commission¹⁸³

A. Powers and Duties

The Planning Commission shall have the review and decision authority as shown in Table 6.A, *Summary of Development Review Procedures*, pursuant to the application-specific procedures outlined in this article and

¹⁸¹ New.

¹⁸² New. Cross-references applicable administration and procedures regulations for City Council and the Mayor in the Northglenn Municipal Code. Section 11-40-20, Vote Required in Certain Cases, describes the votes required to overturn Planning Commission disapprovals. That should be included with the other City Council procedures in the municipal code.

¹⁸³ Based on many current standards included in 11-40, revised as noted. Did not carry forward 11-40-17, Decision—Effective Date—Execution, which required automatic stays on temporary uses. Did not carry forward 11-40-13, Reservation for Future Acquisition for Public Streets. That is a policy decision that should live elsewhere in the municipal code or within the long-range transportation plan, not within the UDO.

according to the Rules of Order and Procedure of the Northglenn Planning Commission, as amended. The Planning Commission also has the powers and duties permitted under Colorado law, C.R.S. §31-23-201 et seq.¹⁸⁴

B. Membership¹⁸⁵

1. Generally¹⁸⁶

- a. The Planning Commission shall consist of eight members, seven of whom shall be citizen members, and one of whom shall be a non-voting ex-officio member.
- b. Citizen members of the Planning Commission shall be appointed by resolution of the City Council. The term of each citizen member shall be three years or until his or her successor takes office.
- c. The ex-officio member of the Planning Commission shall be appointed by the City Council, by resolution, from among the membership of the Council, including the Mayor. The term of the ex-officio member shall be provided in the appointing resolution and shall continue for such period and until his or her successor takes office, or until the termination of his or her official tenure as such Councilmember or Mayor. The ex-officio member will have no vote on matters before the Planning Commission.
- d. The Commission shall elect a Chair from among its members, for a term of one year, with eligibility for re-election.¹⁸⁷
- e. The Commission shall choose one of its members as a Vice-Chair to perform the same functions as the Chair during the disqualification, absence, or disability of the Chair.¹⁸⁸
- f. All members of the Planning Commission shall be bona fide residents of the City.
- g. No elected officer of the City or member of the Northglenn Urban Renewal Authority shall be a member of the Planning Commission during his or her term of elected office.¹⁸⁹
- h. No employee of the City shall be a member of the Planning Commission during the term of employment.
- i. No citizen member or alternate member of the Board of Adjustment shall be a regular member or alternate member of the Planning Commission.
- j. Any member of the Planning Commission shall be eligible for reappointment or for appointment to a different term.¹⁹⁰
- k. Any person appointed as a member of the Board of Adjustment shall serve until the expiration of the term of appointment.¹⁹¹
- l. The Planning Commission shall be a continuing body. Planning Commission proceedings shall be unaffected by the expiration of the term of any one or more of the members.¹⁹²

2. Investigation and Recommendation¹⁹³

The Planning Commission may interview and investigate the qualifications of applicants for appointment as citizen members of the Planning Commission, and make reports and recommendations to the Council.

3. Termination

- a. Members of the Planning Commission may be removed by the City Council, after public hearing, for neglect of duty or misconduct in office. Such public hearing shall be held only after the filing by the Mayor or any Councilman of written charges and upon proper notice.¹⁹⁴

¹⁸⁴ Replaces current 11-40-1, and 11-40-14. The jurisdiction of the Planning Commission is woven throughout the administration and procedures article and summarized in Section 6.2.

¹⁸⁵ We did not carry forward Section 11-40-23, Compensation of Planning Commission Members. We also did not carry forward 11-40-8, Staff—Consultants—Finance. That language should live elsewhere in the Municipal Code.

¹⁸⁶ Based on current 11-40-2(a) through (d), revised for clarity. Second half of 11-40-2(d) relocated to termination paragraph.

¹⁸⁷ From current 11-40-7(a).

¹⁸⁸ From the "Rules of Order and Procedure of the Northglenn Planning Commission."

¹⁸⁹ From current 11-40-2(e), revised for clarity.

¹⁹⁰ From current 11-40-2(f), revised for clarity.

¹⁹¹ From current 11-40-2(g), revised for clarity.

¹⁹² From current 11-40-2(h), revised for clarity.

¹⁹³ From current 11-40-5, revised for clarity.

¹⁹⁴ From current 11-40-4, revised for clarity.

- b. The election of any member of the Planning Commission to municipal office of the City shall terminate the term of such member as of the date of commencement of the term of elected office.
- c. The term of any member of the Planning Commission shall terminate in the event such member shall cease to be a bona fide resident of the City.¹⁹⁵

4. Vacancies¹⁹⁶

- a. A vacancy on the Planning Commission shall exist upon the resignation, death, or removal of any member, or upon the termination of the term of any member otherwise than by expiration of his term.
- b. Any vacancy on the Planning Commission shall be filled, for the balance of the unexpired term, in the manner provided by this section.

C. Voting

1. Adoption or Amendment of Comprehensive Plan

Any decision requiring an amendment or extension of, or addition to, the Comprehensive Plan of the City shall be carried by the affirmative votes of not less than two-thirds of the voting members of the Planning Commission.¹⁹⁷

2. Other Actions

Except when a different number is required by this UDO, another ordinance, or by law, any decision, determination, or recommendation of the Commission not involving an amendment to the Comprehensive Plan shall be carried by majority vote, provided a quorum is present at the meeting. Except as provided in paragraph 1 above, the business of the Planning Commission shall be transacted by such vote of the membership as the Planning Commission shall prescribe by the meeting procedures in Subsection D below.¹⁹⁸

D. Meeting Procedures¹⁹⁹

1. The Planning Commission shall hold at least one regular meeting in each month on a day and time set by the Planning Commission, which shall not be changed more than once in any year.
2. The Planning Commission may cancel its regular meeting upon notification that there are no matters scheduled to be considered by the Planning Commission.
3. All meetings of the Planning Commission shall be open to the public.²⁰⁰
4. The Planning Commission shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City of Northglenn and shall be public records.
5. The Planning Commission shall propose rules for the transaction of business for review and adoption by the City Council. Except as provided by ordinance, the proceedings and meetings of the Planning Commission shall be governed by such rules.²⁰¹
6. The Planning Commission may by resolution appoint any one or more of its members as a referee or board of referees for the purpose of receiving evidence, conducting an investigation, compilation of data, and/or for the preparation and presentation to the Planning Commission of proposed findings and conclusions concerning any matter before the Planning Commission under the provisions of this UDO. Any referee or referees so appointed shall have and exercise the powers of the Planning Commission in the performance of the duties and functions provided by the appointing resolution.

¹⁹⁵ From second half of current 11-40-2(d), rewritten for clarity. Did not carry forward compensation clause.

¹⁹⁶ From current 11-40-3, revised for clarity.

¹⁹⁷ From current 11-40-16(a)(1), revised for clarity and to change "master plan" to "comprehensive plan."

¹⁹⁸ Replaces 11-40-16(a)(3) and 11-40-6(b).

¹⁹⁹ Based on current 11-40-7, Organization and Rules. Did not carry forward 11-40-18, City Council Review. That section stated that any decision by Planning Commission could be reviewed and overturned by Council. Also did not carry forward 11-40-19, Review – Nature and Extent, which further described the procedures for rehearing Planning Commission decisions (de novo hearings).

²⁰⁰ New provision, consistent with the City Charter.

²⁰¹ Revised to require City Council review and adoption of such rules.

6.8.4. Board of Adjustment²⁰²

Commentary:

The duties and the makeup of the Board of Adjustment is suggested to be delegated to the Planning Commission. Under such arrangement, the Planning Commission would serve in two separate capacities. For regular meetings, the Planning Commission should clearly adjourn the Planning Commission meeting prior to conducting Board of Adjustment business (or vice versa). This proposed arrangement requires further discussion. Based on feedback, this section will be revised accordingly with the consolidated draft UDO (after Modules 2 and 3 have been distributed).

A. Powers and Duties²⁰³

The Board of Adjustment shall have the review and decision authority as shown in Table 6.A, pursuant to the application-specific procedures outlined in this article.

B. Membership²⁰⁴

1. Generally

- a. Members of the Board of Adjustment shall be qualified electors of the City of Northglenn, and shall have such qualifications as the Council shall deem necessary and desirable in the best interest of the City, except that:²⁰⁵

(1) No elected officer of the City or member of the Northglenn Urban Renewal Authority shall be a member of the Board of Adjustment during his or her term of elected office; and

(2) No employee of the City shall be a member of the Board of Adjustment during the term of employment.

- b. Any member of the Board of Adjustment shall be eligible for reappointment or for appointment to a different term.²⁰⁶
- c. Any person appointed as a member of the Board of Adjustment shall serve until the expiration of the term of appointment.²⁰⁷
- d. The Board of Adjustment shall be a continuing body. Board of Adjustment proceedings shall be unaffected by the expiration of the term of any one or more of the members.²⁰⁸

2. Regular Members and Officers

- a. The Board of Adjustment shall be appointed by the City Council. Each term shall be limited to three years.²⁰⁹
- b. The Board of Adjustment shall elect a Chairman and Vice-Chairman, and appoint a secretary among its members. Each term shall be for one year.²¹⁰

²⁰² Based on current 11-42, with changes and additions as noted. Did not carry forward 11-42-7, Decision—Effective Date—Execution, which required automatic stays for 10 days on all BOA decisions. Also did not carry forward 11-42-8, Review by City Council, since this draft does not propose appeal review to the City Council for BOA decisions. See earlier discussion in Section 6.7.4, Appeal.

²⁰³ This replaces current 11-42-2, Powers of the Board.

²⁰⁴ Many of these carried forward as noted. Did not carry forward limitation that did not allow planning commissioners to serve on the BOA or the alternate member procedures, since those will be established by the current makeup of the Planning Commission. We also did not carry forward the compensation clause "Members of the Board shall receive no compensation as such, but shall be paid a sum set by City Council as reimbursement for expenses."

²⁰⁵ From current 11-42-1(b), revised for clarity.

²⁰⁶ From current 11-42-1(c).

²⁰⁷ From current 11-42-1(d). Removed statement related to successor appointment and qualification.

²⁰⁸ From current 11-42-1(e), revised for clarity.

²⁰⁹ From current 11-42-1(a). Did not carry forward the reference to "five members" since the number will match the current makeup of the Planning Commission.

²¹⁰ From current 11-42-10, revised for clarity.

3. Vacancies²¹¹

- a. A vacancy on the Board of Adjustment shall exist upon the resignation, death, or removal of any member, or upon the termination of the term of any member otherwise than by expiration of his term.
- b. Any vacancy on the Board of Adjustment shall be filled, for the balance of the unexpired term, in the manner provided by this section.

4. Termination²¹²

- a. Members of the Board of Adjustment may be removed by the City Council, after public hearing, for neglect of duty or misconduct in office. Such public hearing shall be held only after the filing by the Mayor or any Councilman, or by the Board of Adjustment, of written charges and upon proper notice.
- b. The election of any member of the Board of Adjustment to municipal office of the City shall terminate the term of such member as of the date of commencement of the term of elected office.
- c. The term of any member of the Board of Adjustment shall terminate in the event such member shall cease to be a bona fide resident of the City.

C. Voting²¹³

1. A concurring vote of four members of the Board of Adjustment shall be necessary to:
 - a. Reverse any order, requirement, decision, or determination of an administrative official;
 - b. Decide in favor of the applicant required for approval under the provisions of this UDO; or
 - c. Grant a variance from this UDO.
2. Except as provided in paragraph 1, the business of the Board of Adjustment shall be transacted by such vote of the membership as the Board of Adjustment shall prescribe by the meeting procedures in Subsection D below.

D. Meeting Procedures²¹⁴

1. Meetings of the Board of Adjustment shall be held at the call of the Chair and at such other times the Board in its Rules of Procedure shall specify.
2. The Chair, Vice-Chair in the absence of the Chair, or an acting Chair may administer oaths and require the attendance of witnesses by application to the District Court.
3. All meetings of the Board of Adjustment shall be open to the public.
4. The Board shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent and failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City of Northglenn and shall be public records.
5. The Board of Adjustment may adopt rules and procedures consistent with this UDO.

6.8.5. Director of Planning and Development²¹⁵

The Director shall have the review and decision-making authority as shown in Table 6.A, to be carried out in accordance to the provisions of this UDO.

6.8.6. Other City Administration**A. City Manager**

See **Chapter 2, Article 2-3** of the City of Northglenn Municipal Code.

²¹¹ From current 11-42-12, revised for clarity.

²¹² From current 11-42-13, revised for clarity.

²¹³ From current 11-42-3, revised for clarity.

²¹⁴ From current 11-42-11, revised for clarity.

²¹⁵ New.

B. Building Official²¹⁶

The Director of Planning and Development shall be the building official, with authority pursuant to Chapter 10, Section 10-1-3 of the City of Northglenn Municipal Code.

²¹⁶ Appropriate authorities will be further reviewed for consistency with municipal code and may require changes to the UDO and/or the municipal code.

Article 7: Definitions and Rules of Construction

Commentary:

This section includes general rules of construction and defined terms. Many of the rules of construction are new, as noted. The definitions section will continue to grow as other modules are developed. For this first module, only those terms pertaining to administration and procedures were included. Subsequent drafts of modules will build on these definitions. Terms from the current Northglenn development regulations were either carried forward as-is, revised, or replaced, and are noted accordingly. New terms not currently defined in the Northglenn development regulations are based on our work in other jurisdictions and were tailored for Northglenn. New definitions were not footnoted.

7.1 General Rules of Construction²¹⁷

The following shall apply for construing or interpreting the terms and provisions of this UDO.

7.1.1. Meanings and Intent²¹⁸

All provisions, terms, phrases, and expressions in this UDO shall be construed according to the general purpose set forth in Section 1.2 and the specific purpose statements elsewhere in this UDO. If a specific section provides a different meaning of a term defined for general purposes in this Article, the specific section's meaning and application shall control.

7.1.2. Headings, Illustrations, and Text²¹⁹

In case of any difference of meaning or implication between the text of this UDO and any heading, caption, figure, illustration, table, or map, the text shall control.

7.1.3. Lists and Examples²²⁰

Unless otherwise indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar are intended to provide examples and are not exhaustive lists of all possibilities.

7.1.4. Computation of Time²²¹

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, or holiday, the deadline shall be the next day that is not a Saturday, Sunday, or holiday. References to "days" are calendar days unless otherwise stated.

7.1.5. Public Officials and Agencies²²²

All public officials, bodies, and agencies referred to in this UDO are those of the City of Northglenn unless otherwise stated.

7.1.6. Mandatory and Discretionary Terms²²³

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation to comply. The words "may" and "should" are permissive in nature.

²¹⁷ Mostly new. Some standards based on 11-5-1 and 12-5-1 where noted, but revised for clarity.

²¹⁸ New.

²¹⁹ Replaces 12-5-1(b).

²²⁰ New.

²²¹ New.

²²² New.

²²³ Based on 12-5-1(c).

7.1.7. Conjunctions²²⁴

Unless the context clearly suggests otherwise, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items apply; and
- B. "Or" indicates that one or more of the connected items apply.

7.1.8. Tenses, Plurals, and Gender²²⁵

- A. Words used in the present tense include the future tense, unless the context clearly indicates otherwise.
- B. Words used in the singular number include the plural number, and words used in the plural number include the singular number, unless the context clearly indicates otherwise.
- C. Words used in the masculine gender shall include the feminine gender, and works used in the feminine gender shall include the masculine gender.

7.2 Definitions of Use Categories and Specific Use Types

[To be drafted with Module 2]

7.3 Other Terms Defined²²⁶

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 6.7.2.

Administrative Manual

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

Applicant

A person who submits a development application requesting a development permit or approval authorized by this UDO.

Building²²⁷

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, Accessory²²⁸

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 Permit

An official document or certification issued by the Chief Building Official pursuant to the Building Code and that authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure as being in compliance with Building Code standards.

²²⁴ New.

²²⁵ From 12-5-1(d) and (e), expanded to include gender provision.

²²⁶ Terms from the current Northglenn Development Regulations noted as such. Defined terms not previously included in the Northglenn Code are typically based on our work in other communities and tailored for Northglenn. New definitions are not footnoted.

²²⁷ Replaces current 11-5-2(b)(15).

²²⁸ From current 11-5-2(b)(16), revised for clarity.

Certificate of Occupancy

A document issued by the Chief Building Official pursuant to the Building Code that allows the occupancy and use of building(s) and structure(s) and certifying that said building(s) and structure(s) and use(s) have been constructed and will be used in compliance with all applicable municipal codes.

Change in Use

Any use that differs from the previous use of a building or land as determined by the allowable use table (Table 3.x).²²⁹

City²³⁰

The City of Northglenn, Colorado.

Comprehensive Plan

The official Comprehensive Plan for the City of Northglenn, stating goals, recommendations, and policies used to guide physical development of the City, as formally adopted by the Planning Commission.

Density

A ratio of dwelling units to land area.

Developer

Any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, developer, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

Development

The construction of a building or structure, any clearing, grading, excavation, or other movement of land, or the subdivision of land unless expressly excluded in this UDO.

Development Review Committee

A committee consisting of representatives from various City departments, including Planning and Development, Public Works, Parks and Recreation, Water, and any other applicable City department. The Development Review Committee is responsible for review of most development applications as indicated in Article 6.

Director

The Director of the Planning and Development Department, or his designee.

Easement

A grant by a property for use of land for designated private or public purposes by another agency.

Legislative Rezoning

Broad-based changes to zoning district classifications applied to land by the Zoning Map in the nature of policy making by the City Council.

Lot²³¹

A portion of a subdivision or other parcel or tract of land intended as a unit for the transfer of title and/or for development.

Maximum Extent Practicable

Under the circumstances, reasonable efforts have been taken to comply with the requirement, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the project, and reasonable steps have been taken to minimize adverse impacts resulting from noncompliance with the requirement.

Minor Subdivision

Any subdivision meeting the applicability standards in subsection 6.6.1.B.

²²⁹ Allowable use table will be developed with Module 2.

²³⁰ From current 11-5-2(b)(28).

²³¹ From current 11-5-2(b)(87).

Nonconforming Lot

A legally-established lot that does not comply with the minimum lot requirements or subdivision regulations of this UDO.

Nonconforming Site Feature

Any driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting that legally existed before adoption of this UDO but does not comply with the driveway, off-street parking and loading, landscaping, buffer, screening, or exterior lighting standards of this UDO.

Nonconforming Use²³²

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

Nonconforming Site Feature

A legally-established site feature, such as driveway, parking or loading area, landscaping, buffer, screening, or exterior lighting that does not comply with the development standards in this UDO regulation such site features.

Nonconforming Structure

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

Planned Unit Development²³³

A development designed to accommodate varied types of development in patterns or layouts not otherwise permissible in other zoning districts of this UDO. Planned Unit 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.

Plat²³⁴

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.

Primary Use²³⁵

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

Public Hearing

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

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.

Redevelopment²³⁶

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

Rezoning

A change in the zoning district classification applied to land by the Zoning Map, reviewed and decided by the City Council under Section 6.4.1.

Site Plan

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

Site Plan Approval

Approval procedures pursuant to Section 6.5.1.

²³² From current 11-5-2(b)(179), revised for clarity.

²³³ Replaces current 11-5-2(b)(121).

²³⁴ From current 11-5-2(b)(123), revised to reference this UDO.

²³⁵ Replaces definition for use, principal building to include lot and structure.

²³⁶ From current 11-6-15, Building Permits for New Development Projects and Redevelopment Projects.

Special Use Permit²³⁷

A permit issued pursuant to Section 6.5.2 for uses designated in the allowable use table (Table 3.x) as requiring special use permit approval.

Staff

Employees of the City of Northglenn.

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.

Street²³⁸

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

Structure²³⁹

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.

Subdivider²⁴⁰

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.

Subdivision²⁴¹

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 6.6.

Temporary Use Permit²⁴²

A permit issues pursuant to the provisions of Section 6.5.3 of this UDO.

Use²⁴³

The utilization of property as allowed by this UDO. Allowable uses for each zoning district are shown in Table 3.x.

Variance²⁴⁴

A development permit authorizing a deviation from the standards of this UDO where strict application of the standard creates a hardship due to circumstances particular to a lot and that is reviewed and decided by the Board of Adjustment pursuant to Section 6.7.1.

Zoning District

A specifically delineated area within which uniform standards govern the use, placement, spacing, size, and form of land and buildings.

Zoning Map²⁴⁵

The official zoning map as adopted by the City of Northglenn.

²³⁷ From current 11-5-2(b)(157), revised for clarity.

²³⁸ From current subdivision regulations, revised for clarity.

²³⁹ Replaces current 11-5-2(b)(164).

²⁴⁰ From current 12-5-2(b).

²⁴¹ From current 12-5-2(c).

²⁴² Replaces current 11-5-2(b)(166).

²⁴³ From current 11-5-2(b)(176), revised to add reference to allowable use table (to be developed with Module 2).

²⁴⁴ Replaces current 11-5-2(b)(185).

²⁴⁵ From current 11-5-2(b)(115), revised from "official map" to "zoning map."

ATTACHMENT 5

Unified Development Code Task Force Members

- Becky Brown – City Council
- Antonio Esquibel - City Council
- Marci Whitman – City Council
- Kathleen Collins – Planning Commission
- Jodie Schenck – Planning Commission
- Chris DeMay - NURA
- Rosie Garner – NURA
- Gene Wieneke - Resident
- Tricia Allen – Adams County Economic Development
- Tyler Carlson – Evergreen Development