

TITLE 10 ZONING REGULATIONS

CHAPTER 1 ADMINISTRATION, DEFINITIONS AND ENFORCEMENT

10-1-1 : SHORT TITLE:

The provisions of this Title shall be known and may be cited as the *LITTLETON ZONING ORDINANCE*. (Revised 6-12-1992)

10-1-2 : DEFINITIONS:

Unless defined below, the terms used in this Title shall be as defined in Section 1-3-2 of this Code, or in any other provisions of this Code, including those codes adopted by reference in this Code.

ABUTTING: Directly touching and having common boundaries. Properties divided by a common property line are abutting. Properties across a public right-of-way are adjacent but not abutting. This term is synonymous with “adjoining.”

ADAPTIVE REUSE: The rehabilitation or renovation of an existing building or structure for a permitted use(s) other than the present use(s).

ADJACENT: Being in close proximity but not directly touching or having common boundaries. Properties that are directly across a public right-of-way or access easement are adjacent.

ADJOINING: Directly touching and having common boundaries. Properties divided by a common property line are adjoining. Properties across a public right-of-way are adjacent but not adjoining. This term is synonymous with “abutting.”

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflage or conceal the presence of antennas or towers so as to make them visibly hidden and compatible with the surrounding area pursuant to Chapter 16 of this Title. This term also includes any antenna or antenna array attached to an alternative tower structure. A stand-alone pole in the right-of-way that accommodates small cell facilities is considered an alternative tower structure to the extent it meets the camouflage and concealment standards of this Title.

ANIMAL BOARDING AND CARE FACILITY: A full-service animal treatment and boarding facility licensed by the State of Colorado which may offer veterinary care, grooming, training, retail sales of pet supplies, outdoor pet play areas, day care and inside overnight boarding for canines and felines. The facility shall only accommodate privately owned domesticated pets which are boarded by their owner. Animals shall not be bred, sold or let for hire from this facility. This use shall not include rescue shelters, impounded canines or fostering.

AGRICULTURAL AND ANIMAL-ORIENTED USES: A use category primarily related to the raising of animals and plants and associated enterprises. Multiple permitted uses may be allowed in agricultural zones.

ALL-WEATHER SURFACE: An improved surface that is constructed of concrete, asphalt, or a similar dust-free impermeable or permeable material designed to withstand all weather conditions.

ALLEY: A public or private way, other than a street, that is open to common use and affords a secondary means of vehicular and/or pedestrian access to the rear of the adjacent property.

ANTENNA: Any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel antennas, reflecting discs, microwave dishes, whip antennas, directional and non-directional antennas consisting of one or more elements, multiple antenna configurations, or other similar devices and configurations. Exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

APARTMENT (apartment complex): A single building or set of buildings on a single lot that contain five or more dwelling units that share common walls or floor/ceilings with one or more units and is limited to residential and related uses.

ASSEMBLY: A joining together of completely fabricated parts to create a finished product. Assembly may occur as a component of a retail business. Assembly as it pertains to the gathering of people shall be based on the International Building Code (IBC) definition of Assembly.

ASSEMBLY FACILITY, PUBLIC: Refer to the definition of "Public Assembly Facility."

AUTOMOBILE PARKING GARAGES/LOTS: The principal use of a parcel of land for the parking of automobiles specifically not including ancillary off street parking required in Section 10-4-9 of this Title.

AUTOMOTIVE SERVICE: A commercial enterprise providing for the maintenance of motor vehicles in a fully enclosed structure, including, but not limited to, mechanical repairs, painting, bodywork, detailing, tires, mufflers, lubrication and oil changes.

BASE STATION: A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station does include, without limitation:

(A) Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under Chapter 16 of this Title has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and

(B) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including distributed antenna systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under Chapter 16 of this Title, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of base station does not include any structure that, at the time the relevant application is filed with the City under Chapter 16 of this Title, does not support or house equipment described in Subsections (A) and (B) of this definition.

BEEKEEPING: The establishment and maintenance by a person of one or more colonies of honey bees for either personal use or the production and sale of honey and honey-based products.

BEER GARDEN: A permanent establishment which includes any area out-of-doors and not completely contained within a building in which alcoholic beverages and/or food are served.

BICYCLE PARKING, LONG-TERM: Space for parking of bicycles for residents. Such spaces may consist of bicycle lockers, bicycle racks in enclosed areas, or space within a building where a resident may park a bicycle for the day, overnight, or for extended periods of time.

BICYCLE PARKING, SHORT-TERM: Space for temporary parking of bicycles for visitors and customers. Such spaces may be public or private and typically consist of outdoor bicycle racks.

BLANK WALL: Any wall or portion of a wall that is visible from any right-of-way or pedestrian space, and that is without a window, door, building articulation, or other architectural feature.

BLOCK: A parcel of land within a subdivision, generally bounded by public or private rights-of-way (other than alleys), or the exterior boundary of a subdivision.

BLOCK FACE: The side of a block facing a street.

BREWERY: An establishment where malt liquors and fermented malt beverages are manufactured, served, and/or sold to the public for onsite or take-away consumption. Typically, a brewery has a state issued liquor license.

BUFFER OR BUFFER AREA: A landscaped area which physically separates and, at least partially, visually screens adjacent land uses or building types. Specific buffer area standards are established in the DT, B-P, T and PD Zone districts.

BUILDING: any structure used or intended for sheltering any use or occupancy which includes a weather-resistant roof and:

- (A) is partially or fully enclosed by walls containing one or more windows or doors;
- (B) utilizes assumed walls between two or more support columns; or
- (C) utilizes assumed walls between one support column and a wall.

BUILDING ACTIVATION: The architectural practice of designing building facades in a form which engages the public, particularly the public right-of-way and pedestrian areas. A building may be “activated” either through such approaches as limiting wall length, increasing window transparency, varying building massing, or other building façade treatments which enhance visual quality and contribute to social vibrancy in the public realm.

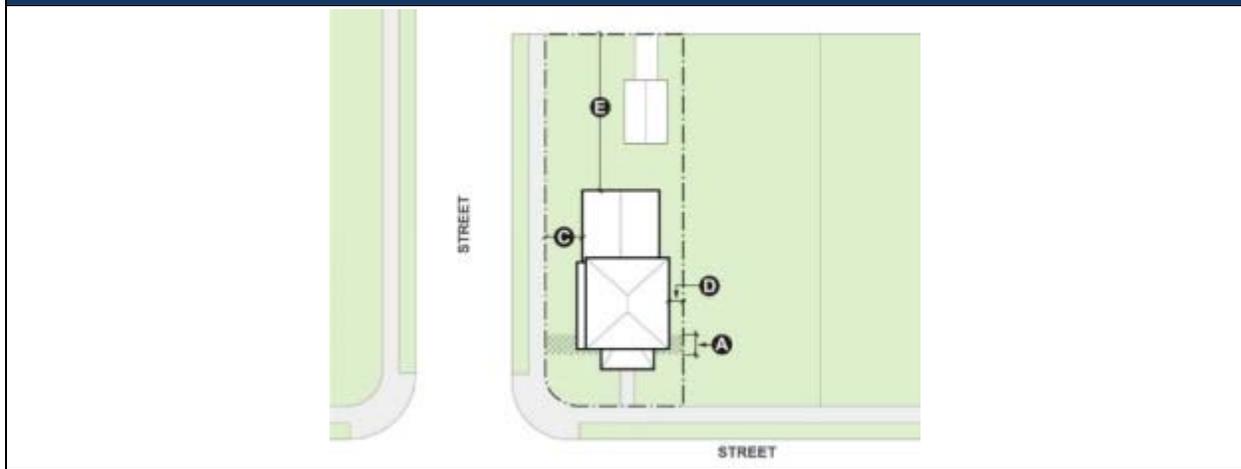
BUILDING INSPECTOR: The City's building inspector.

BUILDING FLOOR PLATE: The area of all portions of a building at a specific floor level as calculated using the outside perimeter of the building. For purposes of this Title, maximum floor plate requirements limit the percentage of a floor relative to the next lower floor of a building.

BUILDING PERMIT: A written document granting permission to construct, erect, repair or alter structures in accordance with the Building and Zoning Codes of the City in effect at the time application for the permit is filed.

BUILD-TO-ZONE (BTZ): A zone established within a certain distance from the curb line to a delineated fronting zone along which the building must be built, as depicted below with the letter A.

Figure 10-1-2.1
Build-To-Zone



CRS: Colorado Revised Statutes.

CAMOUFLAGE, CONCEALMENT, OR CAMOUFLAGE DESIGN TECHNIQUES: A wireless communication facility (WCF) is camouflaged or utilizes camouflage design techniques when any measures are used in the design and siting of a WCF with the intent to minimize or eliminate the visual impact of such facilities to surrounding uses. A WCF site utilizes camouflage design techniques when it: a) is integrated as an architectural feature of an existing structure such as a cupola, or b) is integrated in an outdoor fixture such as a flagpole, or c) uses a design which mimics and is consistent with the nearby natural, or architectural features (such as an artificial tree) or is incorporated into (including without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

CAMPGROUND: Any tract of land on which may be located accommodations for temporary occupancy exclusively for recreational purposes including tents, camping trailers, motor homes or other recreational equipment which includes living accommodations, and which areas generally retain the natural, open character of the land.

CARPORT: A permanent, roofed structure used for parking motor vehicles which is enclosed on not more than three (3) sides **and is attached to the primary residence.**

CARPORT, TEMPORARY: A prefabricated structure, commonly comprised of a lightweight metal frame and a fabric roof, which is intended as a shelter for motor vehicles or other similar equipment, **and is not attached to the primary residence. Temporary carports are allowed to remain in place for no more than 12 months.**

CEMETERY: The use of property for the interment of human remains, whether above or below ground, along with all accessory structures which are commonly and reasonably associated with such use.

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

CHILD RESPITE CARE FACILITY: Any facility operated to provide full or part time care for any number of children who are disabled and may require medical assistance. Child Respite Care Facilities are staffed by persons who are not full-time residents on site and may offer daytime and overnight stays. Child Respite Care Facilities do not provide educational curriculum, and are staffed at lower staff-to-client ratios than child daycare facilities.

CHURCH: A building, together with its parsonage, and accessory buildings and uses, where persons regularly assemble for religious worship, meetings, church school and other activities, and which is maintained and controlled by a religious body organized for the purposes of worship.

CHURCH FACILITIES: Any facility which is located on the same lot as a church or parsonage, but which is not used for the primary purpose of regular religious services, meetings, church school or related activities. Church facilities include, but are not limited to, full time general education schools, childcare centers, bingo parlors, gymnasiums and reception or banquet halls.

CIRCUS/CARNIVAL AND ENTERTAINMENT (OUTDOOR): A temporary outdoor use that may have seating for spectators used for entertainment, carnivals, exhibitions, or other cultural events.

CIVIC: A use category that provides services to the general public related to recreation, fellowship, worship, health, education, and transportation.

Uses in this use category include, but are not limited to: Childcare center; Child respite care facility; College, university, or trade or vocational school (public or private); Public assembly facility; School, elementary or secondary (public or private).

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

COLLEGE/UNIVERSITY: An educational institution that is authorized by the State of Colorado or other nationally recognized accrediting entity to award associates' or higher degrees.

COLLOCATION: The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

COMMUNITY CORRECTIONAL FACILITY: Any facility which provides confinement for offenders who have been placed in a community corrections or work release program by judicial action, or by the correctional department of a unit of local government or the State or Federal government. This definition includes, but is not limited to, halfway houses and work release quarters which are intended to provide programs and services to aid such offenders in obtaining and holding regular employment, and participating in vocational training programs and academic courses.

COMMUNITY DEVELOPMENT: The City's Department of Community Development.

COMPATIBILITY, ARCHITECTURAL: A condition in which buildings materials, colors, architectural features, massing and screening devices are complementary to surrounding buildings. Compatibility can be achieved by contrasting one style, form, or color palette against other nearby buildings. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining the character of existing development.

COMPREHENSIVE PLAN: One (1) or more documents, approved by the Council, which set forth goals, objectives and policies for the City and neighborhoods. Goals and policies which have been adopted, or as they may be expanded or amended, are to serve as a guide for decisions by the Planning Commission and the Council on a variety of subjects, including, but not limited to, initial zoning, rezoning, conditional uses, growth and development, transportation, parks and open space, capital improvements, and cultural arts.

CONGREGATE CARE: See definition of nursing home/congregate housing.

CONTIGUOUS: Given the definitions of **Abutting** and **Adjoining**, to be contiguous is to abut or be adjacent to a boundary or separated only by street, railroad or public utility rights-of-way.

CONTRIBUTING PROPERTY: any building, structure, object or site within the boundaries of a historic district which reflects the significance of the district as a whole, either because of historic associations, historic architectural qualities or archaeological features.

CORRECTIONAL INSTITUTION: Any permanent structure, publicly or privately owned and operated, intended solely for the detention, safekeeping and confinement of prisoners directed to the facility by judicial action, or by persons awaiting judicial hearing.

COURTYARD: An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings, which is bounded on two or more sides by such building or buildings.

DENSITY: The relationship of structural development to the site on which the development is located, commonly expressed as the number of residential units per acre, or the floor area to lot area ratio of nonresidential projects.

DETACHED: Fully separated from any other structure, building, or housing unit and does not share a common wall, roof, floor, or other structural components.

DETOXIFICATION CENTER: Any facility, premises or part thereof, to which persons who are under the influence of alcohol or drugs are taken or to which facility or premises any person voluntarily or by court order enters for purposes of "drying out" or detoxification of such person's blood from drugs or alcohol.

DEVELOPMENT: Any human-made change to unimproved property including, but not limited to, grading, drilling, excavation, filling, paving, installation of utilities or landscaping, and the construction of structures, retaining walls, and fences.

DIRECTOR OF COMMUNITY DEVELOPMENT: The City's Director of Community Development, or their designee.

DIRECTOR OF PUBLIC WORKS: The City's Director of Public Works, or their designee.

DISABILITY: A physical or mental impairment which substantially limits one (1) or more of a person's major life activities, or a record of having such impairment, or being regarded as having such impairment, not to include current, illegal use of or addiction to a controlled substance.

DISTILLERY: An establishment where spirituous liquors are manufactured, distributed, sold, and/or served to the public. Typically, a distillery has a state issued liquor license.

DOUBLE-TRACK DRIVEWAY: Two non-curving parallel strips of all-weather surfacing, with an open, unpaved space in between, that function as a residential driveway. This feature is also known as a wheel strip driveway.

DRIVE-THRU: A facility designed to enable a person to transact business while remaining in a motor vehicle.

DRUG, ALCOHOL, OR PSYCHIATRIC TREATMENT CENTER: A facility that provides for the treatment or counseling of persons having drug or alcohol abuse problems or psychiatric illnesses under the supervision of professional health care or social services providers.

DUPLEX: A building that contains two separate single-family dwelling units that do not share living areas. Duplexes may be configured as side-by-side units that share a party wall or as multi-story buildings in which one unit is located over the other unit.

DWELLING, MULTIPLE-FAMILY: Any building structurally divided into three (3) or more separate dwelling units including rooming/boarding houses, apartments, townhomes, and condominiums. No such dwelling unit shall be occupied by more than one (1) unrelated individual over the age of twelve (12) years who is required to register as a sex offender under the provisions of Colorado Revised Statutes Section 16-22-103, as amended.

Provided however, that this Section shall not require a resident to leave the home upon becoming twelve (12) years of age, nor shall this Section apply to any child required to register as a sex offender under said statute who is placed pursuant to Section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed pursuant to ~~a~~Article 6 of Title 26, Colorado Revised Statutes.

DWELLING, SINGLE-FAMILY DETACHED: A principal residential structure, other than a mobile home, designed and used as a residential dwelling unit, that is located on its own lot and not attached to any other dwelling, and can include rooming and boarding as an accessory use. No such dwelling unit shall be occupied by more than one (1) unrelated individual over the age of twelve (12) years who is required to register as a sex offender under the provisions of Colorado Revised Statutes Section 16-22-103, as amended. Provided however, that this Section shall not require a resident to leave the home upon becoming twelve (12) years of age, nor shall this Section apply to any child required to register as a sex offender under said statute who is placed pursuant to Section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed pursuant to article 6 of Title 26, Colorado Revised Statutes.

DWELLING, SINGLE-FAMILY ATTACHED: A principal residential structure, including a duplex or townhouse but not a mobile home, designed and used as a residential dwelling unit, that is located on its own lot, shares a common wall with one other single-family attached dwelling, and can include rooming and boarding as an accessory use. No such dwelling unit shall be occupied by more than one (1) unrelated individual over the age of twelve (12) years who is required to register as a sex offender under the provisions of Colorado Revised Statutes Section 16-22-103, as amended. Provided however, that this Section shall not require a resident to leave the home upon becoming twelve (12) years of age, nor shall this Section apply to any child required to register as a sex offender under said statute who is placed pursuant to Section 19-1-103(51.3), Colorado Revised Statutes in a foster care home certified or licensed pursuant to article 6 of Title 26, Colorado Revised Statutes.

DWELLING UNIT: One (1) or more connected rooms that are structurally divided from other dwelling units or from all other rooms in the same building and providing residence, ~~for~~including permanent provisions for living, sleeping, eating, cooking, and sanitation. No such dwelling unit shall be occupied by more than one (1) unrelated individual over the age of twelve (12) years who is required to register as a sex offender under the provisions of Colorado Revised Statutes Section 18-3-412.5, as amended. Provided however, that this Section shall not require a resident to leave the home upon becoming twelve (12) years of age.

ELDERLY: Those persons sixty (60) years of age or older.

ELEMENTARY/SECONDARY SCHOOL: An educational establishment for children between kindergarten and 12th grade.

ELEVATION: The architectural view of the front, side, or back surface of a structure to include doors, windows, and rooftop screening that is an extension of the façade, but excluding any roof area and rooftop equipment or structures.

ELIGIBLE FACILITIES REQUEST: Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station involving: a) collocation of new transmission equipment, b) removal of transmission equipment, or c) replacement of transmission equipment.

ELIGIBLE SUPPORT STRUCTURE: Any tower or base station as defined in this Section, provided that it is existing at the time the relevant application is filed with the City under this Section.

ENTERTAINMENT (INDOOR): A use category with commercial uses, varying in size, providing daily or regularly scheduled recreation-oriented activities indoors.

Uses in this use category include, but are not limited to: Archery / firearms range (indoor); axe throwing lounge; Bar or tavern; Bowling alley; Convention center; Dance club or dance hall; Fitness gym; Gymnastic, dance, or martial arts facility; Movie or other theater; Pool hall; Skateboard or trampoline park; Skating rink; Swimming pool (public); Athletic Club; Tennis or racquetball facility.

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

EXISTING TOWER OR BASE STATION: A constructed tower or base station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built, for example, a tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

FEMA: The United States Federal Emergency Management Agency.

FABRICATION: The cutting, shaping and forming of bulk processed materials into parts for assembly.

FAÇADE: That exterior side of a building which faces, and is most nearly parallel to, a public or private street. The facade shall include the entire building walls, including wall faces, parapets, fascia, windows, doors, canopies, and visible roof structures of one complete elevation.

FAÇADE, PEDESTRIAN-FRIENDLY: Exterior walls of a building which are adjacent to a public street, sidewalk, park, or plaza that creates/reinforces neighborhood identity and a richer pedestrian environment. Architectural features such as enhanced materials, fenestration, lighting, and signage may contribute to a more pedestrian-friendly streetscape.

FENCE: A structure designed or intended to constitute an enclosure or barrier, either physical or visual, typically made of (but not limited to) wood, metal, vinyl, or iron.

FENESTRATION: The design, construction, or presence of openings in a building or structures. Fenestration includes windows, doors, louvres, vents, wall panels, skylights, storefronts, curtain walls, and slope glazed systems, and other similar openings.

FINE ARTS: An art form developed primarily for aesthetics and/or concept rather than practical application. The fine arts commonly include the visual art and performing art forms, such as painting, sculpture, collage/assemblage, calligraphy, music, dance, theater, photography, and printmaking.

FLEA MARKET: See definition of **Open-Air** Market.

FLOOR AREA, GROSS: For all commercial structures, including multiple-family residential, gross floor area shall mean the sum of the areas of the floors of a building, measured from the **exterior** faces of exterior walls, including, but not limited to, all basements, reception areas, hallways, elevator shafts, stairwells at each story, and mechanical rooms. For single-family residential, the gross floor area shall include all interior floor spaces except **unfinished basements or** attached garages.

FLOOR-TO-FLOOR HEIGHT: The vertical distance between floor finish level and the beginning of the next building story.

FOCAL POINT: A design feature that provides a visual point of reference and establishes distinct identity to a place such as a public art installation, a special landscape feature, or an iconic corner tower as a component of a building design.

FOSTER FAMILY CARE HOME: A private residence where care, protection and supervision **isare** provided to not more than four (4) children unrelated to the adult provider at one time.

GARAGE, COMMERCIAL PARKING: A structure used for the parking of passenger vehicles, either with or without charge, and in which the following activities are not permitted: fueling; servicing; repair; dismantling; storage of vehicles; or freight handling.

GARAGE, PRIVATE: A building for the private use by the owner or occupant of a principal building situated on the same lot of the principal building for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

GARAGE/YARD/ESTATE SALE: A sale of personal property conducted by the occupants in A-1, R- S, R-L, R-E, R-1, R-2, R-3, R-3X and single-family and duplex areas of R-4, T, **DT**, PD-R zone districts.

GRADE: The average finished ground level of the land immediately adjacent to and surrounding the building.

GREEN INFRASTRUCTURE: The range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters. (Sec. 502, Clean Water Act)

GROSS FLOOR AREA: That ratio derived by dividing the gross floor area of a building or buildings on any lot by the net lot area of such lot. When used in this **Title**, the floor ratio multiplied by the lot area in question produces the maximum amount of gross floor area that may be constructed on such lot.

GROSS LEASABLE AREA: That area utilized for sales, service, office, and warehousing purposes, and excluding public restrooms, enclosed trash storage areas, equipment room areas, and parking areas.

GROUP HOME: A dwelling unit, in which care or assistance with daily tasks is provided for six to eight unrelated individuals (*i.e.*, two persons more than a family). There are **foureight** types of group homes:

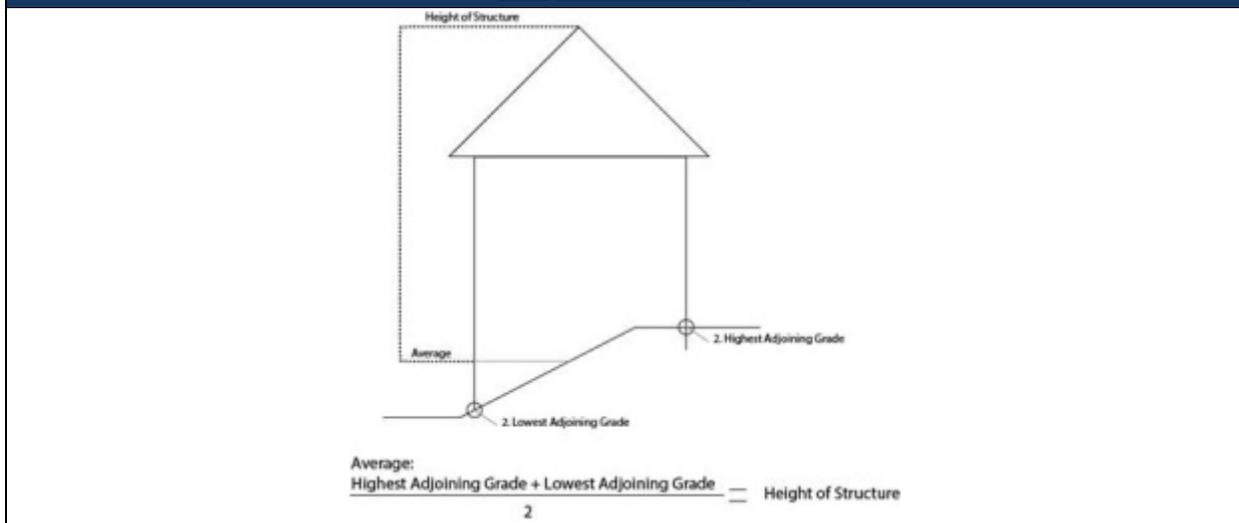
1. *Group Home for Persons with Disabilities*. A state-licensed group home exclusively for the care of persons with developmental disabilities, as defined and regulated by the Colorado Department of Human Services, Division for Developmental Services, and the Colorado Department of Public Health and Environment.
2. *Group Home for the Elderly*. A group home of persons 60 years of age or older who do not require medical attention associated with a residential health care facility. Group homes for elderly persons shall be licensed as an assisted living residence or alternative care facility by the Colorado Department of Public Health and Environment.
3. *Group Home for Mentally Ill Persons*. A state-licensed group home exclusively for the care of persons with mental illness, as defined and regulated by the Colorado Department of Public Health and Environment.
4. *Group Home for Children Awaiting Disposition*. A state-licensed group home for children up to 18 years age who are not related to the head of the household, and who are awaiting disposition to foster homes or other accommodations.
5. *Group Home for Recovery Residence*. A state-licensed, sober-living-environment group home exclusively for use by adults who are recovering from substance use disorders, as defined and regulated by the Colorado Board of Health and the National Association of Recovery Residences.
6. ~~GROUP HOME FOR CHILDREN~~ *Group Home for Children*: A residential facility for children, which is licensed by the state department of social services for the purpose of providing foster family care.
7. ~~GROUP HOME FOR PERSONS WITH DISABILITIES~~ *Group Home for Persons with Disabilities*: A dwelling unit which is shared by four (4) or more persons with disabilities living together as a single housekeeping unit. Professional staff may provide twenty - four (24) hour supervision or supportive services, and may reside in the dwelling unit.
8. ~~GROUP HOME FOR THE ELDERLY~~ *Group Home for the Elderly*: An owner occupied or nonprofit residential facility which houses not more than eight (8) elderly persons, including resident staff.

GROUP LIVING: A use category with residential occupancy of a dwelling by a means other than found in Household Living typically providing communal kitchen/dining facilities.

Uses include: Foster Family Care Home; Group Home for Persons with Disabilities; Group Home for the Elderly; Independent Living Facility; Recovery Residences and Nursing Home/Congregate Housing.

HEIGHT OF BUILDING: The height of a building is the vertical distance from the highest point of the structure to the average of two points: 1) the highest finished grade adjoining the building and 2) the lowest finished grade adjoining the building (excluding window wells and similar below-grade features). The calculated building height shall exclude any portions of the structure eligible for exemption under the provisions of this Title. For purposes of calculating the height of a building, the finished grade shall not be artificially manipulated to gain more than six (6) inches in overall height.

Figure 10-1-2.2
Height of Building



HOME CHILDCARE: Any childcare facility which is operated in a private residence which is staffed only by full time residents of the premises. Home childcare is limited to the full or part time care of not more than six (6) children, including those of the operator, and not more than two (2) additional children for before and after school care. Operation of home childcare facilities must be approved in accordance with this Title.

HOME OCCUPATION: Any business or service of limited scope, conducted entirely within the dwelling and carried on solely by its residents and which is clearly incidental and secondary to the primary use for residential purposes and which does not alter the exterior of the property or affect the residential character of the neighborhood.

HOSPITAL: A facility in which patients or injured persons are given medical, surgical and/or psychiatric care on an inpatient or outpatient basis, or an institution for the care of injuries, diseases, or other human ailments.

HOUSEHOLD LIVING: A use category with residential occupancy of a dwelling unit by a household on a month-to-month or longer basis in structures with self-contained dwelling units including kitchens.

Household living can occur in the following type of residential units: Apartment; Dwelling, Single -Family Attached/Duplex; Dwelling, Single-Family, Detached; Multiplex (3-6 residential units); and Townhouse.

INDEPENDENT LIVING FACILITY: A facility for persons who are socially and functionally independent all or most of the time. Residents are capable of moving about, taking care of their personal hygiene, preparing and eating their own meals, performing most housekeeping tasks, and monitoring their own medications. Residents are able to reason, identify, and meet their needs and deal appropriately with other people.

INTENSITY: The cumulative effect of developing a site, including impacts on adjacent properties resulting from the density, height, bulk, site area coverage, type and volume of traffic generated, amount and use of paved surfaces and visual impact of the development.

KENNEL: A facility in which four or more household pets of the same species are temporarily housed, groomed, bred, boarded, or trained; and may also be incidentally treated for medical conditions. Kennel includes for-profit facilities; as well as not-for-profit or public facilities at which abandoned or rescued animals are housed and offered for adoption. Kennels may also sell animals.

LAND AREA, GROSS: The total area of a tract of land as measured within the property lines.

LANDSCAPE DESIGN CRITERIA MANUAL: Administrative guidelines authorized by Section 10-5-2 of this Title and which shall include landscape design, installation and maintenance standards as well as plan review procedures. This landscape manual shall control landscape installation and landscape maintenance in the city.

LANDSCAPE MAINTENANCE: The necessary watering, weeding, pruning, pest control, fertilization, mowing and replacement of dead or diseased plant materials; and the proper maintenance of irrigation systems including adjustments, replacements, repairs and cleaning.

LANDSCAPE MANUAL: The city's "Landscape Design Criteria Manual".

LANDSCAPE PLAN: A scaled plan which illustrates the location and types of landscaping to be installed. A landscape plan is a component of an SDP or a final PD plan.

LANDSCAPING: A combination of living plants such as trees, shrubs, vines, ground cover, flowers or grass; natural features such as rock, stone or mulch; and structural features such as fountains, reflecting pools, artworks, screen walls, fences, benches, decorative paving, ornamental concrete or stonework areas. Weeds and artificial plants shall not be considered landscaping.

LANDSCAPING, TRADITIONAL: Landscaping characterized by the predominant use of bluegrass turf and other plant materials which are high in water consumption.

LIVESTOCK: Animals commonly associated with agricultural use such as, but not limited to, horses, cows, sheep, goats, pigs, chickens, ducks, geese, turkeys and other poultry.

LIVE-WORK: Buildings, or spaces within buildings, that are used jointly for commercial and residential purposes where the residential use of the space is secondary or accessory to the primary use as a place of work.

LIVING FACILITY, ASSISTED: State licensed rental properties that provide the same services as an independent living facility, as defined in this Section, but also provide, in a majority of the units, supportive care from trained employees to residents who are unable to live independently and require assistance with activities of daily living including, but not limited to, management of medications, bathing, dressing, toileting, ambulating and eating.

LIVING FACILITY, INDEPENDENT: Multi-family residential rental properties restricted to adults at least fifty-five (55) years of age or older. This facility will have central dining facilities that provide residents as part of their monthly fee with access to meals and other services such as housekeeping, linen service, transportation, and social and recreational activities. Such properties do not provide, in a majority of the units, assistance with activities of daily living such as supervision of medication, bathing, dressing, toileting, etc. There are no licensed skilled nursing beds in the property.

LOADING SPACE, OFF STREET: Any off-street area, either located inside or outside of a structure, used exclusively for loading and unloading of materials, and which has direct and unobstructed access to a street or alley.

LOT: A parcel of land, or contiguous parcels under one (1) ownership, occupied or designed to be occupied by a principal structure or use and the accessory structures or uses customarily incidental to such principal structure or use, including the open spaces as are arranged and designed to be used in connection with such structures. A lot is not divided by any public street or alley.

LOT CONSOLIDATION: Land, vacant or improved, which has been divided into two or more lots, properties, parcels, sites, units, plots or interests, whether such legal description is by subdivision lot and block description or metes and bounds description, and whether by deed, lease, map, plat or other recorded instrument, that are subsequently combined into a single lot, property, parcel, site, unit, plot or interest, for use or potential use as a single entity, whether or not said lots are combined into one deed or other ownership arrangement.

LOT COVERAGE: That portion of a lot covered or permitted to be covered by structures, including accessory structures, also known as building coverage.

LOT LINE, FRONT: That boundary line of a lot which parallels a street toward which the principal structure on the lot faces, or is proposed to face, and on which the principal structure is addressed.

LOT LINE, REAR: That boundary line of a lot which is opposite the front line; or, in the case of any irregular lot, that boundary line which is determined by the Planning Division from the orientation of existing structures in the vicinity to be the rear lot line.

LOT LINE, SIDE: Any boundary line of a lot which is neither a front nor a rear lot line.

LOT OF RECORD: A lot which is part of a recorded subdivision, which has been filed with the appropriate County Clerk and Recorder's Office. The term "legally platted lot" is synonymous with the term "lot of record".

LOW IMPACT DEVELOPMENT: An approach to stormwater management that mimics a site's natural hydrology as the landscape is developed. See also, Green Infrastructure.

MANUFACTURE: All operations required to produce the material named.

MANUFACTURED HOUSING: A factory-built structure that is built in conformance with the "Federal Manufactured Home Construction Safety Standards", is transportable in one (1) or more Sections, and is built on a permanent foundation. It is not constructed with a permanent hitch, nor does it have wheels or axles permanently attached to its body or frame.

MARKET GARDEN: A site operated and maintained by an individual or group to cultivate trees, herbs, fruits, vegetables, flowers, or other ornamental foliage for the following uses: personal use, consumption, donation or sale of items grown on the site.

MARTIAL ARTS: Various forms of self-defense, usually weaponless, based on techniques developed in ancient China, India, and Tibet. For purposes of this definition, martial arts shall include only the traditional forms, such as jujitsu, kung fu, karate, tae kwon do and judo.

MASSING: The overall shape or arrangement of the bulk or volume of buildings and structures.

MEDICAL FACILITIES: A use category with public and civic uses providing medical or surgical care to patients. Some uses may offer overnight care.

Uses in this use category include, but are not limited to: Acupuncture clinic; Ambulance service; Blood or plasma center; Chiropractor; Drug, alcohol or psychiatric treatment center, out-patient; Hospice center; Optician or optometrist; Hospital; Medical/dental office/clinic.

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

MITIGATE: Taking sustained actions to reduce or eliminate long-term risk to people and or property from hazards and their effects. The purpose of mitigation is two-fold: to protect people and structures, and to minimize the costs of disaster response and recovery.

MIXED-USE: A building or groups of buildings designed to encourage a diversity of horizontal and/or vertical uses, which include a mixture of two or more of the following primary uses: residential, office, commercial, retail, recreational, light industrial, educational, and other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

MOBILE HOME: A detached single-family dwelling, which is designed to be transportable and which conforms to the provisions of Title 4, Chapter 4 of this Code.

MULTIPLEX: A multiple family building type that is designed to resemble a large single-family home. Units may have either private or shared access and may be arranged in a variety of configurations, including back-to-back, side-to-side, or over-under. Multi-plex buildings contain three to six dwelling units per building.

NEGATIVE ADVERSE IMPACT: Any direct or indirect action likely to cause, or actually causing, a measurable decline in the stability, natural function, or natural diversity of a natural resource or system; or in the quiet, peaceful, safe, or healthful use or occupancy of any property.

NURSING HOME/CONGREGATE HOUSING: A residential facility for more than eight (8) elderly and/or handicapped persons within which are provided living and sleeping facilities, shared food preparation service and major dining areas and common recreation, social and service facilities for the exclusive use of all residents. Such facilities may include full or part time domestic or medical assistance for the residents.

OFFICE: A use category with commercial activities conducted in an office setting and generally focusing on business, professional, or financial services.

Uses in this use category include offices or agencies for services, including but not limited to: accounting, advertising, architecture, bill collection, charitable organization, consulting, counseling, data processing, design, engineering, investment or brokerage, law, real estate or insurance, sales, temporary employment, or travel. Additional uses include: Bank or credit union; TV or radio studio.

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

OTARD: An over-the-air receiving device.

OTARD ANTENNA:

- (A) An antenna that is designed to receive direct broadcast satellite service, including direct-to-home satellite services, that is one meter (1 m) or less in diameter; or
- (B) An antenna that is designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instruction television fixed services, and local multipoint distribution services, and that is one meter (1 m) or less in diameter or diagonal measurement; or
- (C) An antenna that is designed to receive television broadcast signals.

OTARD ANTENNA STRUCTURE: Any pole, tower, or other structure designed and intended to support an OTARD antenna.

OFFICIAL ZONING MAP: The official zoning map of the City shall contain the boundaries of the various zone districts in the City, together with graphic and written identification of streets, alleys, lots, block, corporate limits or other physical features of the City.

OPEN AIR MARKET: Any sale or distribution of commercial goods, ordinarily conducted by several persons who are temporary occupants of the premises on which such sale takes place, and which is held outside of a permanently enclosed structure; also, known as a "flea market".

OPEN SPACE: Any parcel of land, essentially unimproved, which is set aside, dedicated, designated or reserved for public use and enjoyment.

OPEN SPACE, COMMON: A parcel of land, an area of water or a combination of land and water within a development which is designed and intended primarily for the use and enjoyment of occupants and owners of the development. In agricultural zone districts, land areas used for pasturage, row crops, orchards and other similar uses shall be considered unobstructed open space.

OPEN SPACE, UNOBSTRUCTED: An area upon which no structure may be erected or surface area utilized for storage or for vehicular movement or parking.

OPERATING STANDARDS, DEPARTMENT OF COMMUNITY DEVELOPMENT: The standards established by the Department of Community Development detailing the requirements for processing applications for development review. The requirements may include type of application materials, number of copies of the materials, time frames for reviewing, the referral agencies, application deadlines, application fee schedule and public notice requirements. The document containing the operating standards shall be kept on file in the Department of Community Development.

OUTDOOR/OPEN STORAGE: The storage of supplies, materials and equipment in other than a fully enclosed structure.

OVERNIGHT ACCOMMODATIONS: A commercial use category with uses with bedroom and bathroom units arranged for short-term stays of less than 30 days for rent or lease.

Uses in this use category include, but are not limited to: Hotel or motel; bed and breakfast; and extended stay hotel or motel.

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

PD: Planned development.

PDO: Planned development overlay.

PARAGRAPH: All references to paragraphs contained in this Title, unless the context indicates otherwise, shall be references to paragraphs in this Code.

PARK: Any parcel of land dedicated, designated or reserved for public use and enjoyment, and which contains improvements for active and/or passive recreation purposes including, but not limited to, arboretums, gardens, play fields, trails, recreation centers and supervised recreational activities.

PARKING, FREE-STANDING: A use category with facilities that provide automobile parking that is not accessory to a primary use, for which a fee may or may not be charged.

Uses in this use category include, but are not limited to: Parking lot or structure, commercial; Parking lot or structure (off-site).

PARKING, TUCK-UNDER: Off-street structured parking placed at grade with a building constructed above it.

PARKING LOT OR STRUCTURE, COMMERCIAL: An open area or structure for the parking of vehicles and on which is prohibited servicing, repair, dismantling or storage of automobiles which are for sale or which are to be repaired, in a manner accessory to a sales or repair garage.

PARKING LOT, OFF-SITE: An off-street parking area provided on a different parcel than the use it is intended to serve.

PARKING SPACE, OFF STREET: An off-street area or space, located either inside or outside of a structure, used exclusively for the temporary parking of motor vehicles and which has direct and unobstructed access to a street or alley.

PASSAGEWAY: A long, narrow way, typically with walls on either side or a wall and a fence, that allows access from the public right-of-way to other building entrances.

PEDESTRIAN-ORIENTED: Development that is designed to emphasize sidewalk, building, and site design that facilitates easy access for pedestrian movement over vehicular movement. Buildings in such developments are generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows and display areas along the street facades of buildings and outdoor areas (such as plazas) that are oriented to pedestrians. Although parking areas may be provided, they are not emphasized by the design of buildings.

PERVIOUS: A surface which allows rainfall to infiltrate into the ground.

PETS, HOUSEHOLD: Any domesticated animal commonly kept at a place of residence, not including livestock (except ducks as allowed under Subsection 10-4-4(B)3 of this Title), mink, chinchilla or other commercial furbearing animals. Household pets include dogs, domestic cats, ducks, canaries, parrots, hamsters, guinea pigs and similar rodents, fish, reptiles and other species normally sold at a local pet shop. The term "household pet" does not include any species capable of inflicting substantial physical harm to ~~mana~~ human.

PLANNED DEVELOPMENT: A zone district granted for a parcel of land originally owned by a single owner or entity involving a unified site design for all elements of the development including, but not limited to: residential, commercial, industrial and mixed uses; public and private open spaces; and transportation patterns.

PLANNED DEVELOPMENT OVERLAY: Special standards which allow more flexible site design and development than is possible under traditional zone district regulations, while retaining the permitted land uses and the overall density/intensity of those districts.

PLANNED DEVELOPMENT PLAN: A plan containing the provisions for the development of any area zoned Planned Development, binding on the property owner, including, but not limited to, easements, covenants and restrictions relating to use, location and bulk of buildings and other structures; intensity of use or density of development; utilities, private and public streets, ways and roads, pedestrian ways and area; parking facilities; common open space; drainage provisions and other public facilities. As used in this Section, "provisions for development" means the written and graphic materials referred to in this Title.

PLANNING COMMISSION: The City's Planning Commission.

PLANNING DIVISION: The Planning Division of the City's Department of Community Development.

PORCH: A covered but unenclosed one-story entrance to a building, with a separate roof, that uses columns or other ground supports for structural purposes and that is not used for livable space.

PRELIMINARY PROJECT PLAN: A preliminary project plan represents a generalized land use/site plan for the area proposed to be included within a Planned Development (PD) district and/or any proposed rezoning of property. It is an optional step that allows early, informal, non-binding evaluation of a proposed PD and/or any rezoning within any zoning district request before detailed planning and engineering work has been undertaken and before substantial expenses have been incurred.

PREMISES: A general term meaning part or all of any lot, and part or all of any structure or group of structures located on the lot.

PRIMARY MATERIAL: The applied building construction material that comprises 75 percent or more of a building's façade.

PRIMARY/SECONDARY STREET: The hierarchy of street orientation correlated with the front and side building façade. The front façade of a building is typically oriented to the primary street. Secondary streets are those that are not primary streets.

PRIVATE OPEN SPACE: Land that is privately owned, developed, and maintained for the recreational use and enjoyment in common by all of the owners (or occupants) of the lots into which the subject property is subdivided, and to which each of such owners (or occupants) has the same right of use and enjoyment.

PROJECTED LINE: A line which is transferred from the outer periphery of a structure, including all attachments and appurtenances.

PUBLIC ASSEMBLY FACILITY: An establishment where people assemble for civic, educational, religious, philosophical or cultural purposes. Typical uses include assembly, meeting, event or exhibition hall; church, mosque, synagogue, or temple; club or lodge; community center; philanthropic institution; and senior or youth center, other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

PUBLIC REALM: Space that is shared communally by the public, including (but not limited to) parks, plazas, sidewalks, pathways, or streets.

RAIN/XERISCAPED GARDENS: Landscaping features adapted to treat stormwater runoff which is directed into shallow vegetative depressions that allow filtration before the water enters the storm drain system. The feature may be designed to require little to no supplemental irrigation planted with drought tolerant plants well adapted to the local climate. These may be located in parking lot islands or within small pockets in residential land uses and may be under-drained or self-contained.

REDEVELOPMENT: Any human-made change to improved property including, but not limited to, demolition, grading, filling, paving, installation of utilities or landscaping, and the construction of, or additions to, structures.

REPAIR-ORIENTED USES: A use category containing stores that offer repair of consumer goods (excluding those repair services listed in Vehicle Sales and Services), including, but not limited to: appliances, bicycles, clocks, clothing, electronics, jewelry, lawnmowers, locks and keys, musical instruments, office equipment, shoes, and watches.

RESTAURANT: A use category with commercial establishments that prepare and sell food for on-premises or off-premises retail consumption.

Uses in this use category include, but are not limited to: Candy or ice cream shop with seating; Catering establishment; Coffee shop; Food delivery; Microbrewery; Restaurant, sit-down; Restaurant, drive-in or drive-thru.

RETAIL REPAIR, SALES, AND SERVICE: A subset of uses in the RETAIL REPAIR, SALES, and SERVICE use category that is involved in the sale, lease, or rental of new or used products, not including Vehicle Sales and Service, or providing personal services or repair services to the general public. Refer to the definitions for REPAIR-ORIENTED, SALES-ORIENTED, and SERVICE- ORIENTED USES.

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

RETAINING WALL: A wall used or intended to be used to resist the lateral displacement of earth.

REZONE: Any change in a parcel's zone district designation which results in an amendment to the zone district boundaries as shown on the official zoning map.

ROOF PITCH: The amount of slope of the roof in terms of angle or other numerical measure.

ROOMING/BOARDING HOUSE: A residential structure containing a single dwelling unit and two (2) or more guestrooms where lodging is provided, with or without meals, for compensation. Includes rooming/boarding as a permitted use, as an accessory use, and as a tourist home as provided in Section 10-3-2 of this Title.

SDP: Site development plan.

SALES-ORIENTED USES: A subset of uses in the RETAIL REPAIR, SALES, and SERVICE use category that is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Sales-oriented examples: Selling, leasing or renting consumer, home, and business goods including, but not limited to: alcoholic beverages; animal feed; antiques; appliances; art; art supplies; automobile and motorcycle parts and accessories; baked goods (retail); bicycles; books; building supplies; cameras; carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies; gifts or novelties; groceries; hardware; home improvement supplies; household products; jewelry; luggage; medical supplies; musical instruments; office supplies; pawned items; pets, pet supplies; pharmaceuticals; photographic supplies; picture frames; plants; postal supplies (non-governmental); printed materials; produce; school or teacher supplies; second-hand goods indoors; seeds; souvenirs; shoes; sporting goods; stationery; tobacco, electronic cigarettes, and related products; and toys.

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

SALES, RETAIL: Sales to the ultimate consumer for direct consumption and not for resale, including any sales made within the City, except wholesale sales.

SALES, WHOLESALE: Sales by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a retail sale by wholesalers to users or customers not for resale.

SATELLITE COMMUNICATIONS RECEIVING DISH: A device, commonly parabolic in shape, used for the purpose of capturing any communications signals, including television, transmitted via satellite.

SECONDARY MATERIAL: The applied building construction material that comprises 25 percent or less of a building's façade.

SECTION: All references in this Title to Sections, unless the context indicates otherwise, shall be references to sections in this Code.

SENSITIVE EDGE: A sensitive edge is the space where a higher intensity area or use abuts a lower intensity area or use. Examples of such "sensitive edges" occur where a Downtown Mixed Use (DMU), Downtown Main Street (DMS), or Downtown Transition Area (DTA) character area abuts the Downtown Neighborhood Residential (DNR) character area or where a property abuts the Downtown Historic district boundary or an individually designated local landmark if outside the district.

SERVICE-ORIENTED USES: A subset of uses in the RETAIL REPAIR, SALES, and SERVICE use category that provides non-medical services that are generally needed on a recurring basis, not including Vehicle Sales and Service, and generally require one-to-one interaction between the proprietor or employee and the customer in order to provide the service.

Service-oriented examples: Animal grooming; Barbershop or beauty, nail, skin care, or tanning salon; Dry cleaning and pressing establishment; Funeral home or mortuary; Laundromat; Massage establishment; Yoga Studio; Music, art, or photographic studio or classroom; Optician or optometrist; Photocopy, blueprint, and quick-sign service; Postal services (non-governmental); Psychic or medium; Tailor; and Taxidermist

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

SETBACK: The distance in linear feet, measured on a horizontal plane, between the building's outer wall and each of its lot lines. Setback lines define the buildable area of a lot. In all zoning districts except for the Planned Development (PD) district:

1. Eaves and gutters may encroach into the required setbacks by no more than twenty-four (24) inches, provided that no portion of any structure may cross or overhang a property line or any easement; and
 - (A) Below-grade foundational elements such as window wells and counterforts may encroach into setbacks provided that no portion of any such structure may cross a property line or encroach into an easement and such elements do not interfere with proper drainage;
 - (B) Covered but unenclosed porches, decks, uncovered stairs serving such porches and decks, and similar structures may encroach into required rear setbacks by no more than six (6) feet provided that the width of the encroaching portion of such structures does not exceed fifty (50) percent of the total width of the building wall.
 - (C) Ground-level covered but unenclosed porches and uncovered stairs serving such porches may encroach into required front setbacks by no more than six (6) feet, provided the width of the encroaching portion of such structures does not exceed fifty (50) percent of the total width of the building wall.
 - (D) Americans With Disabilities Act (ADA) accommodations such as ramps may encroach into required front, rear, and side setbacks.

SCREEN: A structure or planting that conceals from public view the area behind such structure or planting.

SHOOTING RANGE - INDOOR: A building open to the general public where the shooting of firearms or the use of archery for the purpose of target practice is conducted. Indoor shooting ranges maintained or operated by the Police Department, County Sheriff's Office or State Patrol and which are not available to the general public shall be treated as ancillary to the law enforcement facility and not part of this definition. Indoor shooting ranges containing an ancillary retail use, or vice-versa, shall have to meet all requirements of this Code as a conditional use.

SHOOTING RANGE - OUTDOOR: The use of land for archery and/or the discharging of firearms for purposes of target practice, skeet and trap shooting. Outdoor shooting ranges containing an ancillary retail use, or vice-versa, shall have to meet all requirements of this Code as a conditional use.

SHOPPING CENTER: More than three commercial establishments planned, constructed, and managed as a total entity with customer and employee parking provided on-site, provisions for goods delivery separated from customer access, aesthetic considerations, and protection from the elements. Generally, the two main configurations of shopping centers are malls and open-air strip centers.

SLOT HOME. A multi-unit residential structure consisting of attached dwelling units arranged side-by-side and primarily perpendicular to the street.

SITE DEVELOPMENT PLAN - MAJOR: A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new development on any parcel that consists of any one of the following:

- A. Industrial development in any zone providing for more than ten thousand (10,000) square feet of gross floor area for new building space;
- B. All multi-family or single-family attached development in any zone having more than four (4) dwelling units. However, two (2) or more multi-family projects on the same parcel or adjacent parcels which total more than four (4) units shall require a major site development plan;
- C. All commercial development in any zone providing for more than thirty thousand (30,000) square feet of gross floor area; or
- D. Any development on any undeveloped parcel or adjacent parcels in excess of ten (10) acres regardless of zoning district.

SITE DEVELOPMENT PLAN - MINOR: A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new structures or additions to be located in any zone district, except single-family detached dwellings, those developments which are defined as a Major Site Development Plan, or those developments that are eligible for review as sketch plan under Section 10-7-6 of this Title.

SITE FOR TOWERS (Other Than Towers in The Right-Of-Way And Eligible Support Structures): The current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. A site, for other alternative tower structures, base stations and small cell facilities in the right-of-way, is further restricted to that area comprising the base of the structure and to other related accessory equipment already deployed on the ground.

SKETCH PLAN: A plan depicting the site layout, existing structures and existing site improvements such as paved driveways and parking surfaces, access points and landscaped areas.

SKILLED NURSING FACILITY: State licensed daily rate or rental properties where the majority of individuals require twenty-four (24) hour nursing and/or medical care. In most cases, these properties are licensed for medicaid and/or medicare reimbursement. These properties may include a minority of assisted living and/or Alzheimer's/dementia units.

SMALL CELL FACILITY: A WCF where each antenna is located inside an enclosure of no more than three (3) cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three (3) cubic feet; and primary equipment enclosures are no larger than seventeen (17) cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch.

SOLID WASTE RECOVERY, COMMERCIAL: Any use of real property for the storage, separation and other processing or recycling of waste materials in bulk. Waste materials include, but are not limited to, newspaper, glass, aluminum and appliances, but shall not include scrap motor vehicles or any part thereof. The term "commercial solid waste recovery" does not include, for any purpose, any sanitary landfill or other waste disposal operation.

SOME: More than one.

STACKING SPACE: A temporary waiting area for motor vehicles obtaining a service or other activity.

STEPBACK, UPPER STORY: A building position that applies only to a story of a building above the first story in relation to the building facade.

STORY: A habitable floor level within a building that is above grade.

STORY, HALF: A half-story is a story under a gable, hip, or gambrel roof, plates of which are not more than three feet above the floor of such story and which does not exceed one-half the floor area of the floor immediately below it ~~that part of a building between the eaves and the ridge line of pitched roofs, not for human occupancy.~~

STREET, PRIMARY: A street that is clearly associated with the front facade of a principal building along a block face.

STREET, SECONDARY: A street that is not a principal thoroughfare, does not meet the definition of an alley, and is clearly associated with the corner side facades of buildings.

STREETSCAPE: The visual elements of a street, including the roadway, sidewalks, adjoining buildings, street furniture, trees, and open spaces that combine to form the street's character.

STREET TREES: Defined in Section 8-4-1 of the Municipal Code.

STRUCTURE: That which is built or constructed. Any piece of work artificially built up or composed of parts joined together in some definite manner including, for example, buildings, fences, retaining walls and accessory structures.

STRUCTURE, ACCESSORY: A detached subordinate structure which is customarily used in a manner that is incidental to the principal structure or the principal use which is located on the same lot.

STRUCTURE, NONCONFORMING: Any structure which, at the time of construction, was lawfully erected or altered in conformance with all applicable City zoning regulations, but which does not now comply with the provisions of this Title.

STRUCTURE, PRINCIPAL: A structure which contains or is intended to contain a principal use.

STRUCTURE, TEMPORARY: Any structure which meets all applicable requirements of this Title and of Title 4, "Building Regulations", of [the Municipal Code](#), but which is required to be removed in a specific period of time.

STRUCTURE, TEMPORARY ACCESSORY: A prefabricated structure, commonly comprised of a lightweight metal frame and a fabric roof, which is intended for temporary, seasonal use, and which does not comply with the City's zoning, building construction and/or fire safety regulations. Such structures are restricted to a maximum ground coverage of one hundred twenty (120) square feet and shall not exceed eight feet (8') in height, measured from the average grade to the highest point of the roof.

SUBSECTION: All references to Subsections in this Title, unless the context indicates otherwise, shall be references to Subsections in this Code.

SUBSTANTIAL CHANGE FOR ELIGIBLE SUPPORT STRUCTURE: A modification that substantially changes the physical dimensions of an eligible support structure if after the modification, the structure meets any of the following criteria: a) for towers other than alternative tower structures or towers in the right-of-way, it increases the height of the tower by more than ten percent (10%) or by the height of one (1) additional antenna array with separation from the nearest existing antenna not to exceed twenty feet (20'), whichever is greater; for other eligible support structures, it increases the height of the structure by more than ten percent (10%) or more than ten feet (10'), whichever is greater; b) for towers other than towers in the right-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet (20'), or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet (6'); c) for any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four (4) cabinets; or for towers in the right-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other ground cabinets associated with the structure; d) for any eligible support structure, it entails any excavation or deployment outside the current site; e) for any eligible support structure, it would undermine the concealment elements of the eligible support structure; or f) for any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in items a, b, and c of this definition. For purposes of determining whether a substantial change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

SUSTAINABILITY: Consideration of present development and construction impacts on the community, the economy, and the environment without compromising the needs of the future.

TASTING/RETAIL SALES ROOM: A room where customers taste samples of malt, spirituous or vinous liquors manufactured by a single brewery, distillery or winery, and sales of items customarily related to the product occurs. Typically, a tasting/retail sales room will have a state issued liquor license.

TELECOMMUNICATION EXCHANGE: A building that is used exclusively for equipment that enables the transmission and exchange of telephone, internet, and other telecommunication signals. The phrase "telecommunication exchange" does not include the phrase "wireless communications facility."

TOWER: Any structure that is designed and constructed primarily built for the sole or primary purpose of supporting one (1) or more of any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, alternative tower structures and the like.

TOWNHOUSE: A single-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement, and having a totally exposed front and rear wall to be used for access, light, and ventilation. The units are separated from one another by a common party wall having no doors, windows, or other provisions for human passage or visibility and such units are located on their own fee simple lots meeting the various lot requirements specified in each zone district allowing townhome development.

TRADE AND VOCATIONAL SCHOOL: A specialized instructional school operating for or not for profit that provides on-site training of business, commercial, and/or trade skills.

TRANSPARENCY: The area of a facade composed of doors, windows, and other decorative and functional openings, typically measured as a percentage of a wall face.

TRANSPORTATION DEMAND MANAGEMENT (TDM) STRATEGIES: Elements of a plan to employ a wide range of strategies to maximize existing roadway capacity through tactics such as carpooling, bus rapid transit, alternate modes, and encouraging changes in travel behavior.

TRANSMISSION EQUIPMENT: Equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

TREE CANOPY: Area of the tree above ground including the trunk and branches measured in mass or volume.

TREE GRATES: A metallic grating installed at the same level with the pavement around a tree that allow tree roots to absorb air, sunlight, and water while protecting the soil from pedestrian traffic impact. Grates can provide a decorative element along public streets with the intent to contribute to the street's character.

URBAN: A class of community character that relates to the most densely developed areas, (e.g., downtown) where there is higher intensity development, including higher floor area ratios, building height to street width ratios, and impervious cover along with a low landscape surface ratio. Urban areas are most readily identified as those with smaller, narrower lots with minimal or no setbacks, urban, pedestrian-friendly streetscapes, and where the auto is parked either on the street, in the rear yard, or in structured parking.

URBAN SCALE: A description of the sense of height, bulk, and architectural articulation of a place or individual building, often in relation to the size of a human body.

USE: The purpose for which land or structures are, or are intended, to be occupied, maintained, rented or leased.

USE, ACCESSORY: A use which is not permitted as a principal use, but is clearly incidental to and customarily found in connection with and located on the same lot as the principal use, not including those which are designated as home occupations.

USE, NONCONFORMING: Any legal use which, as the result of the adoption of this Title or subsequent amendments hereto, does not conform to the permitted uses established for the district in which the use is located.

USE, PERMITTED: A use which is specifically authorized by this Title in a particular zone district.

USE, PRIMARY: See definition of use, principal.

USE, PRINCIPAL: The main purpose for which a parcel of land or a structure is used, as distinguished from an accessory use of land or structures. The term "primary use" is synonymous with the term "principal use". The principal use shall be determined by one (1) or more of the following:

(A) Any use which physically occupies a majority of a parcel of land and/or a structure.

(B) Any use which constitutes a majority of the activity conducted on a premises in relative terms of, for example, sales or rental volume of materials or services offered; prominence of on site display or advertisement of materials or services offered; type of materials or services offered; amount of stock or inventory; hours of operation devoted to a particular sales or service activity; occupation of inhabitants or employees; and/or the purpose or attraction of the occupation.

USE, TEMPORARY RETAIL SALES OR SERVICE/TEMPORARY USE: Any permitted retail and service use which is operated for not more than six (6) months in any twelve (12) month period.

UTILITIES: A use category containing major or minor infrastructure that serves a site, a development, or the City at-large. Major Utilities include public or private infrastructure serving the general community, that may or may not be maintained or regulated by a public or municipal entity and possibly having on-site personnel. Minor Utilities include public or private infrastructure serving a limited area with no on-site personnel.

Major Utilities include, but are not limited to: Electrical substation; Electric generation plant; Solar panel array (large scale); Telecommunication tower; Water or wastewater treatment plant

Minor Utilities include, but are not limited to: Collocated telecommunication antenna; Public or municipally-owned utilities; Small cell facilities; Solar panel array (small scale); Stormwater retention or detention facility; Telecommunication exchange.

VEHICLE, COMMERCIAL: Any vehicle designed, maintained or used for commercial purposes, primarily for the transportation of persons, products or material.

VEHICLE REPAIR, MAJOR: The general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including body work, framework, welding, and major painting service.

VEHICLE SALES AND SERVICE: A use category with commercial establishments related to direct sales of and service to passenger vehicles, light, medium, and heavy trucks and equipment, and other motor vehicles such as motorcycles, boats, and recreational vehicles.

Uses in this use category include, but are not limited to: Car wash; Fuel sales (retail); Rental or sales of manufactured homes, mobile homes, portable buildings, or trailers; Truck stop; Vehicle repair, major; Vehicle service, minor; Vehicle sales, rental, and leasing (including passenger vehicles, motorcycles, trucks, boats and recreational vehicles).

This definition also includes other uses that the City Manager or their designee interprets to be functionally similar to a use in this use category.

VEHICLE SERVICE, MINOR: The replacement of any part or repair of any part that does not require removal of the engine head or pan, engine transmission or differential; incidental body and fender work, minor painting and upholstering service. The term is limited to passenger automobiles and trucks not in excess of 7,000 pounds gross weight.

VIEW CORRIDOR: The line of sight identified as to height, width, and distance of an observer looking toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.); the route that directs the viewer's attention.

VIEW, PARTIAL: A line of site identified as to height, width, and distance for which an observer has an obstructed rather than a clear view toward an object of significance to the community (e.g., ridgeline, river, historic building, etc.);.

WALL: A human-made structure typically made of brick, stone, concrete or synthetic brick, stone, or concrete that is a barrier and may retain earth, enclose a planting space, or provide seating.

WALL ARTICULATION: The design elements of a building façade, both horizontal and vertical, that contribute to the visual interest of a streetscape of interest such as doors, windows and architectural accents. Wall articulation is often a function of the façade's relation to other design elements, including the size of the building and the adjacent public spaces including sidewalks, planting zones, and public facing streets.

WALL LENGTH: The horizontal measurement of the façade of a building or wall.

WETLANDS: Those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and other similar areas.

WINERY: An establishment where vinous liquors are manufactured, served, and/or sold to the public. Typically, a winery will have a state issued liquor license.

WIRELESS COMMUNICATIONS FACILITY OR WCF: A facility used to provide personal wireless services as defined at 47 USC Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this Code. A WCF includes an antenna or antennas, including without limitation, direction, omni-directional and parabolic antennas, base stations, support equipment, alternative tower structures, and towers. It does not include the support structure to which the WCF or its components are attached if the use of such structures for WCFs is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this Section.

WRAP (FOR PARKING GARAGES): The architectural practice of “wrapping” residential units and/or retail, commercial or office uses around an above-grade parking structure.

XERISCAPE: Landscaping which is specifically intended to achieve water conservation.

YARD: A required open space located on the same lot with a structure, between a lot line and the nearest setback line, unoccupied and unobstructed from the ground up, except for accessory structures or such projections as are expressly permitted in this Title.

YARD, FRONT: An area extending across the full width of the lot between the front lot line and the front setback line.

YARD, REAR: An area extending across the full width of the lot between the rear lot line and the rear setback line.

YARD, SIDE: An area lying between the side lot line and the side setback line, and extending from the front yard to the rear yard.

ZONE DISTRICT, AGRICULTURAL: Any A-1, R-S or R-L eDistrict.

ZONE DISTRICT, BUSINESS: Any B-P, T, B-1, B-2, B-3 or DT eDistrict, or any portion of a PD plan approved for commercial development.

ZONE DISTRICT CLASSIFICATIONS,: For descriptive purposes only, the various zone district classifications shall rank, from lowest intensity to highest intensity as follows: OS, A-1, R-S, R-L, R-E, R-1, R-2, R-3, R-3X, R-4, MH, R-5, B-P, T, B-1, B-2, B-3, DT, STP, I-P, I-1 and I-2. Planned Development (PD) Districts are not ranked because of their varying densities and uses.

ZONE DISTRICT, INDUSTRIAL: Any STP, I-P, I-1, I-2 or any portion of a PD plan approved for industrial development.

ZONE DISTRICT, MIXED USE: Any zone district which permits a combination of land uses, especially residential and commercial, e.g., Transitional T, Downtown DT, and Planned Development PD Districts. For purposes of this Title, it is intended that the mixture of uses may occur either within the same lot and/ or within the same structure.

ZONE DISTRICT, PARK/OPEN SPACE: The OS Zone District is applied to certain lands, the use of which shall be restricted to park and open space activities including, but not limited to, playgrounds, play fields, display gardens, land conservation, wildlife habitat preservation or other resource protection.

ZONE DISTRICT, RESIDENTIAL: Any A-1, R-S, R-L, R-E, R-1, R-2, R-3, R-3X, R-4, MH, R-5, T or **DT** District, or any portion of a PD plan approved for residential development.

ZONE LOT: A parcel of land entirely contained within a single zone district. Such land area may be composed of a single lot or series of lots which are owned by one individual or legal entity.

ZONING OFFICIAL: The City's zoning official, or their designee. (Revised 6-12-1992; amd. Ord. 33, Series of 1992; Ord. 3, Series of 1993; Ord. 10, Series of 1993; Ord. 27, Series of 1993; Ord. 3, Series of 1994; Ord. 31, Series of 1995; Ord. 18, Series of 1997; Ord. 19, Series of 1997; Ord. 30, Series of 1997; Ord. 3, Series of 1998; Ord. 44, Series of 1999; Ord. 5, Series of 2000; Ord. 7, Series of 2000; Ord. 8, Series of 2000; Ord. 13, Series of 2000; Ord. 11, Series of 2003; Ord. 22, Series of 2003; Ord. 22, Series of 2004; Ord. 14, Series of 2005; Ord. 17, Series of 2008; Ord. 9, Series of 2009; Ord. 34, Series of 2009; Ord. 4, Series of 2010; Ord. 6, Series of 2010; Ord. 24, Series of 2011; Ord. 17, Series of 2012; Ord. 19, Series of 2012; Ord. 20, Series of 2012; Ord. 36, Series of 2013; Ord. 26, Series of 2015; Ord. 15, Series of 2016; Ord. 27, Series of 2016; Ord. 09, Series of 2017; Ord. 34, Series of 2017; Ord. 04, Series of 2019; Ord. 13, Series of 2019; Ord. 16, Series of 2019)

10-1-3 : GENERAL PROVISIONS:

(A) Purpose: It is the purpose of this Title to preserve and promote the public health, safety and general welfare of the inhabitants of the city and of the public generally; and to regulate development in such a manner to encourage and facilitate the orderly growth and expansion of the city. (Revised 6-12-1992)

(B) Uniform Application Of Regulations: Except for those portions of the city for which a general PD plan or PDO has been approved or for which design guidelines have been adopted by the commission, the regulations for zone districts established by this Title, or any subsequent amendments thereto, shall apply uniformly to all geographic areas of the city bearing the same zone district designation on the "official zoning map", which is defined in Section 10-1-2 of this Chapter. (Ord. 5, Series of 2006; amd. Ord. 17, Series of 2012; Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(C) Zoning Of Newly Annexed Land: Newly annexed land shall have initial zoning established within ninety (90) days from the effective date of the annexing ordinance.

(D) Limitations On All Land And Structures: The use or occupancy of all land and the design, construction, alteration, use or occupancy of all structures within the city shall be in conformance with this Title. No land shall be developed until it is zoned.

(E) Limitations On City Agencies: Permits, certificates, licenses, or other documents, which are issued by any official, department, agency or board of the city, and which are subject to the provisions of this Title, shall be issued only when the activity being authorized is in full compliance with the provisions of this Title and other applicable provisions of this code, including any codes adopted by reference.

(F) Conditions: When considering a request for any approval authorized by this Title, that agency of the city having jurisdiction may place reasonable conditions which are necessary for that request to fulfill the applicable provisions of this Title or of the comprehensive plan.

(G) Effect Of Other Regulations: Wherever more restrictive standards are established by the provisions of any other ordinance or regulation of the city other than those established by this Title, the more restrictive regulation shall apply. (Revised 6-12-1992)

10-1-4 : VIOLATIONS AND ADDITIONAL REMEDIES:

(A) Violations: It shall be unlawful for any person to violate any of the provisions of this Title. Violators shall be punished as set forth in Section 1-4-1 of this code.

(B) Additional Remedies: In the event that any structure or land is found to be in violation of this Title, the planning division may institute any appropriate action to terminate such unlawful activity or use. The imposition of any penalty authorized in this Title shall not preclude the requirement that such structure or land be brought into compliance with this Title and with administrative orders and determinations made pursuant to this Title.

(C) Offenses And Liabilities Preserved: All offenses committed and all liabilities incurred prior to the effective date of this Title shall be treated as though all prior applicable zoning ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities. (Revised 6-12-1992)

10-1-5 : ZONE DISTRICTS CREATED:

For the purposes of regulating the use of land within the city, the following zone districts are created. The various regulations pertaining to each zone district are contained in subsequent Sections of this Title.

A-1	Agricultural district
R-S	Residential-suburban agricultural district
R-L	Residential-limited agricultural district
R-E	Residential-estates district
R-1	Residential single-family district
R-2	Residential single-family district
R-3	Residential single-family district
R-3X	Residential multiple-family district
R-4	Residential multiple-family district
MH	Mobile home district
R-5	Residential multiple-family district
B-P	Business and professional district
T	Transitional district
B-1	Neighborhood business district
B-2	Community business district
B-3	General business district
DT	Downtown district
STP	Scientific and technological park district
I-P	Industrial park district
I-1	Light industrial district
I-2	Heavy industrial district
PD	Planned development district
OS	Park/open space district
CEM	Cemetery district

(Revised 6-12-1992; amd. Ord. 8, Series of 2000; Ord. 5, Series of 2005)

10-1-6 : OFFICIAL ZONING MAP:

(A) Zoning Map: The official zoning map containing the boundaries of the various zone districts in the city, which may consist of one or more parts, is made a part of this Title by this reference. Copies of the official zoning map are available from the planning division for the reasonable cost of reproduction. (Revised 6-12-1992)

(B) Zone District Boundaries: Unless otherwise specified on the official zoning map, zone district boundary lines shall be and extend to property ownership lines or lot lines; the centerline of adjacent public rights of way including, but not limited to, streets, railroads, river channels, and irrigation canals; and the centerline of blocks, section or township lines, and municipal corporate boundaries; or other lines drawn approximately to scale on the official zoning map. (Ord. 39, Series of 1997)

(C) Amendments to Official Zoning Map: All amendments shall be entered by the zoning official in a separate register in the order that the amendment was adopted. Amendments may include, but are not limited to, the addition of newly annexed territory, initial zoning of such newly annexed territory and rezones. The official zoning map shall be maintained in the office of, and kept current by, the zoning official. (Revised 6-12-1992)

10-1-7 : ADMINISTRATION:

(A) Enforcement: The city manager, acting by and through the planning division, is vested with the duty and the power necessary for the enforcement of this Title, incidental to which duty and power the planning division shall:

1. Conduct investigations and surveys to determine compliance or noncompliance with the provisions of this Title. Incidental to such investigations and surveys, the zoning official may, with the consent of the landowner or the person entitled to possession of the premises, or as may be authorized by law, enter into and upon any land or structure to be inspected and examined. Additionally, the right of entry and inspection may be obtained by the zoning official by application to and proper orders or warrants issued from a court of proper jurisdiction.
2. Issue written orders requiring compliance with the provisions of this Title. Such orders shall be served personally or by registered or certified mail upon the person deemed to be violating the provisions of this Title; provided, however, that if such person is not the owner of the land or structure in which the violation is deemed to exist or have occurred, a copy of such order shall be sent by registered or certified mail to the owner of such land or structure. The date of the mailing shall be deemed the date of service of any order served by registered or certified mail.
3. Initiate appropriate steps necessary for the enforcement of the provisions of this Title.

(B) Interpretation: In the interpretation and application of this Title, the provisions contained herein shall be held to be the minimum requirements necessary and shall be liberally construed for the promotion of the public health, safety and general welfare. (Revised 6-12-1992)

- (C) Amendments: Amendments to the provisions of this Title may be proposed by motion of the council, the city manager, by the request of any person, or by recommendation of the planning commission. Amendments to the official zoning map, which specifically includes initial zoning of newly annexed territory or rezoning of any parcel within the city, shall be proposed by the owner, purchaser or a designated agent, or by the council or the planning division. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

- (D) General: The planning division shall be responsible for the general administration of activities necessary to implement this Title which shall include, but is not necessarily limited to:
1. Review all applications for building permits for conformance with this Title; and approve or disapprove such applications accordingly.
 2. Prepare application forms, ordinances and administrative guidelines as are necessary for the convenience of the public; and recommend to the Council a schedule of fees for offsetting the reasonable costs of administering this Title. (Revised 6-12-1992)
 3. Maintain written records of all actions taken by the Planning Division, Board of Adjustment, Planning Commission, Historical Preservation Board or Council authorized by this Title. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
- (E) Minor Variances: The Planning Division, acting through the zoning official, shall grant minor variances to certain lot requirements for legally platted lots which meet the criteria stated below. Such variances shall not, however, exceed twenty percent (20%) of the minimum lot requirements, established in Chapter 2 of this Title.
1. Variances granted under this provision shall be restricted to:
 - (a) Minimum lot area requirements for legally platted lots which do not meet the minimum lot area required by the zone district regulations governing the area in which the lot is located;
 - (b) Minimum lot width at the front setback line;
 - (c) Building setbacks for primary and accessory structures;
 - (d) Distribution of unobstructed open space adjacent to rights-of-way in Commercial and Industrial Zone Districts; and
 - (e) Percentage of lots to be retained in unobstructed open space.
 2. Any variance granted under the provisions of this Subsection shall meet all of the following criteria:
 - (a) The variance will not alter the essential neighborhood character, nor will it substantially impair the permitted use or development of adjoining property;
 - (b) The variance shall be the minimum necessary to grant relief from a demonstrated hardship;
 - (c) That the hardship, if any, under which the variance is sought, was not created by the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this Code. (Revised 6-12-1992)

10-1-8 : PRELIMINARY PROJECT PLANS:

- (A) Applicant Submittal: A prospective applicant for a major site development plan, a rezoning amendment seeking a planned development (PD), and/or a rezoning of any parcel of property may elect to submit a preliminary project plan in accordance with this Section.
- (B) Preliminary Project Plans Pre-Application Conference: Applicants shall attend a pre-application conference before submitting a preliminary project plan for review.
- (C) Submittal Of Preliminary Project Plan: A preliminary project plan shall be submitted to the Community Development Director, together with the required fee. At a minimum, the preliminary project plan shall include the following information:

1. Uses proposed;
 2. Intensity or density of uses proposed;
 3. Location of public and private open space;
 4. Location of existing and proposed buildings on the site;
 5. Road, street, and pedestrian networks proposed; and
 6. Existing or proposed utilities and public services for the development.
- (D) Community Development Director/Staff Review And Report: The Community Development Director and staff shall review the preliminary project plan. Based on the results of those reviews, the Community Development Director shall provide a report to the Planning Commission and City Council. In addition, the Community Development Director may provide a report to the Historical Preservation Board for cases that involve any aspect of historical preservation. The Historical Preservation board shall follow the same review procedures as described for the Planning Commission as they are listed in Subsection (E) of this Section.
- (E) Planning Commission's Review:
1. The Planning Commission shall review the preliminary project plan and shall offer its comments regarding the plan to the applicant, unless such review is waived by the Community Development Director due to direct submission of the plan to the City Council. The Community Development Director shall present the preliminary project plan; the applicant may be present to make a brief presentation, be available to answer questions, and listen to comments. No comments made by the Planning Commission shall be binding on the City's consideration of any subsequent application, and are intended only to provide an informal evaluation of the proposed project.
 2. After the Planning Commission's review, the applicant may submit the original or revised preliminary project plan to the City Council or may withdraw the preliminary project plan from any further consideration by submitting a letter to the Community Development Director.
 3. The Planning Commission review may be waived in order to provide for direct City Council review at the discretion of the Community Development Director.
- (F) City Council Review: After receipt of the preliminary project plan package, including any revisions made by the applicant, the City Council shall review the preliminary project plan in a meeting, taking into account the Planning Commission's comments, if any. The Community Development Director shall present the preliminary project plan; the applicant may be present to make a brief presentation, be available to answer questions, and listen to comments. No comments made by the City Council shall be binding on the City's consideration of any subsequent application, and are intended only to provide an informal evaluation of the proposed project. The City Council review is deemed to be legislative-nonadjudicatory action.
- (G) Effect Of Review: The preliminary project plan is not part of a formal application for approval of a PD and/or a rezoning request and no comments made by the City in reaction to a preliminary project plan shall be binding on the City's consideration of any subsequent PD and/or a rezoning application nor result in the vesting of any rights under this Code or State Statute. The voluntary submission of a preliminary project plan shall constitute a complete waiver of any and all legal claims that are based on, or arise from, Planning Commission or City Council review of, or comment upon, such preliminary project plan.

Since the preliminary project plan is conceptual only, there are no lapse provisions applicable.

- (H) All Requirements Remain In Effect: The preliminary project plan does not constitute an application for a PD zoning amendment and/or proposing a rezoning. Unless a zoning amendment proposing a rezoning is filed within sixty (60) calendar days following Council review of a preliminary project plan, the preliminary project plan shall be deemed expired and closed. (Ord. 04, Series of 2019)

10-1-9 : GENERAL APPLICATION REQUIREMENTS AND PROCEDURES:

- (A) Application Procedures: Without limiting an applicant's right to file additional materials, the applicant shall submit an official application on forms provided by the Planning Division. An application shall not be considered officially filed until the official application form is complete, the appropriate application fee is paid, and record of such payment is affixed to the application form.

It is the specific intent of this subsection that it is the applicant's sole responsibility to provide all required information, forms, statements and fees at the time an application is filed. Failure to provide said information may cause the application to be rejected and returned to the applicant.

1. Applicability: The application requirements contained in this Section apply to:
 - (a) Initial zoning of newly annexed territory;
 - (b) Rezoning;
 - (c) General PD plans;
 - (d) PDOs;
 - (e) Conditional uses; and (Revised 6-12-1992)
 - (f) Uses by special permit pursuant to Title 3, Chapter 17 of this Code. (Ord. 44, Series of 1992)
2. Preapplication Conference: All applicants shall meet with the Planning Division at a preapplication conference to discuss the concepts, feasibility, regulations and application requirements applicable to the proposal. The Planning Division shall review and explain the appropriate official application form with prospective applicants at the preapplication conference. (Ord. 10, Series of 1993)
3. Official Application Form: An official application form shall be provided by the planning division and shall contain the requirements specified in the operating standards as established by the department of community development. General requirements shall include the following documents in addition to the requirements in the operating standards:
 - (a) Name, address and telephone number of the applicant. Any application which is filed by a party other than the property owner, or by the city, shall contain a written statement signed by the owner stating that there is no objection to the proposed application and the signatory is authorized to act on behalf of the owner with regard to all aspects of the action requested under subsection (A)1 of this Section. Such statement by the property owner shall be notarized.
 - (b) A current title commitment.

- (c) The applicant shall mail notice to the mortgagee(s), if any, which summarizes the proposed zoning matter and includes the name and telephone number of the city employee in charge of reviewing the matter. Said notice shall be sent by registered mail, return receipt requested. A copy of the notice and the original returned receipt shall be attached to the application. (Ord. 20, Series of 2012)
- 4. Application Fee: The council shall, by resolution, establish the required application fee. (Revised 6-12-1992)
- 5. Referral Procedure:
 - (a) Submission Requirements: The applicant shall submit a preliminary application to the planning division, including the preliminary map, an official application form, and other materials determined by the planning division to be necessary to complete the referral review. The actual number of copies of the application materials will be determined during the preapplication conference and shall be based, in part, on the number of referral agencies which are required to review the application. One reproducible copy of the preliminary map shall also be submitted.
 - (b) Distribution: The preliminary application material will be distributed by the planning division to all applicable reviewing agencies in accordance with the operating standards. (Ord. 20, Series of 2012)
 - (c) Responses And Revisions: The applicant shall be provided with copies of reviewing agency comments. The applicant may revise the application, as necessary, to address the reviewing agency comments prior to filing the final application. All referral agency comments and applicant responses shall be included in the final application. (Ord. 10, Series of 1993)
- 6. Process For Submitting Final Applications For Public Hearing:
 - (a) Final applications shall include any required amendments, referral agency comments and applicant responses to those comments, and a final version of the map required in Subsection (A)5(a) of this Section.
 - (b) After the final application is submitted, the planning division shall determine whether or not the application is complete, accurate and acceptable for processing. Any applications which are incomplete, inaccurate or unacceptable shall be returned to the applicant, and shall not be processed further until the necessary corrections are made. (Ord. 20, Series of 2012)
 - (c) After final applications are accepted by the planning division for processing, the applications shall not be amended by the applicant unless such amendments are required by the planning division to correct a technical error, to address an omission, or to address specific conditions to approval recommended by the planning commission. Final application deadlines and copy requirements shall be in accordance with the operating standards. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
- (B) Review Procedure:
 - 1. City Staff Review: City staff shall review the request for compliance with city requirements and comment on the concept proposed in light of the city's comprehensive plan, neighborhood goals and policies, the ordained criteria by which the application is to be judged and existing and approved development within the general area.

2. City Staff Recommendation: City staff shall review the proposal in light of the provisions of this Title, other applicable regulations, the comprehensive plan, existing and proposed development, comments from affected agencies and shall frame the city staff's formal recommendation on the proposal. (Ord. 20, Series of 2012)

(C) Planning Commission Review Procedure:

1. Schedule Hearing: After city staff has formulated a recommendation, the planning division shall schedule a public hearing before the planning commission. Written notice of the time, date and location of such hearing, together with notice of the last date upon which the applicant can post legal notice of the public hearing, shall be provided to the applicant.
2. Public Hearing Notice: Notice of a public hearing shall be provided by the city and the applicant as prescribed by state law and in the operating standards as established by the department of community development. Notice of the public hearing shall be made at least ten (10) calendar days prior to the planning commission public hearing date. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
3. Mailed Notice: At least fifteen (15) days prior to the required public hearing, the applicant shall mail written notice of the hearing by first class mail to the address of each property owner within seven hundred feet (700') of the subject property and to each address including all known unit numbers (if applicable), if the property owner address is different than the property address. The property owner address shall be as shown in the records of the applicable county assessor's office. Within the notification area, notices shall be sent to the board of directors of any homeowners' association as well as the owners of all units within the required notification area. The notice shall read substantially the same as the notice also required by this Subsection. At least ten (10) days prior to the public hearing, the applicant shall submit the following to the community development department:
 - (a) Alphabetical list of the property owners and addresses, including all known unit numbers for each address (if applicable) within the required notification area;
 - (b) Map showing the property owners within the required notification area;
 - (c) Copy of the notice sent to the property owners; and
 - (d) Notarized certificate of mailing. (Ord. 14, Series of 2016)
4. Review: The planning division shall prepare a report for the planning commission containing the division's analysis and recommendation.
5. Recommendations: After reviewing and considering the evidence and testimony presented at the public hearing, the planning commission shall render a decision or recommendation as appropriate based on the following provisions of the code: (Ord. 20, Series of 2012; amd. Ord. 14, Series of 2016; Ord. 15, Series of 2016)
 - (a) Rezoning, including PD district: Section 10-12-1 and Subsections 10-2-23(A) and (B) of this Title;
 - (b) General PD plan: Subsections 10-2-23(A) and (B) of this Title;
 - (c) PDO: Section 10-9-1 of this Title; and
 - (d) Conditional use: Section 10-8-1 of this Title. (Ord. 20, Series of 2012; amd. Ord. 14, Series of 2016)
6. Continuance: The commission may continue a public hearing to a date certain, pending provision of further information by the applicant or the staff, provided the

continuance is agreed to by the applicant. In the absence of any such agreement, the planning commission shall either make a final recommendation or take final action, whichever is applicable, on the application. (Ord. 20, Series of 2012; amd. Ord. 14, Series of 2016; Ord. 15, Series of 2016)

- (D) City Council Action: Applications for rezoning, initial zoning and PD plans shall be granted or denied by the council in accordance with the procedures set forth in Subsection 10-12-4(B)3 of this Title. (Revised 6-12-1992)
- (E) Recording: All general PD plans, PDO plans, final PD plans, and final SDPs approved under the procedures set forth in this Title shall be recorded in the clerk and recorder's office of the appropriate county (Arapahoe, Douglas or Jefferson), at the applicant's expense. Recording shall be made by the city, if within one year following final approval by the applicable reviewing body the city receives from the applicant two (2) complete reproducible mylar copies of the plan documents, including all required signatures, and the applicable recording fee. Failure of the applicant to timely meet this submittal requirement shall cause the plan to become null and void and may be restored only by formal action of the applicable reviewing body unless a time extension is granted pursuant to Subsection (F) of this Section.
- (F) Time Extension: An extension of approval for no more than one year may be granted by the director of community development, provided a written request for extension is filed with the planning division prior to the date of expiration. (Ord. 20, Series of 2012)

10-1-10 : COMPREHENSIVE PLAN:

- (A) Preparation: The city council shall generate or request the preparation of a comprehensive plan for the physical development of the city, possibly including areas outside its boundaries, which in the city council's judgment bear relation to the planning of the city. The comprehensive plan, with the accompanying maps, plats, charts, and description matter, shall show the city council's plan for the future development of said territory, including but not limited to:
 - 1. The general location, character, and extent of proposed land uses;
 - 2. The general location and extent of public facilities; and
 - 3. The proposed transportation plan for the city, including all appropriate modes of transportation.

As the work of making the whole comprehensive plan progresses, the city council may from time to time adopt and publish a part thereof. Any such part shall cover one or more major sections or divisions of the city or one or more of the foregoing or other functional matters to be included in the comprehensive plan. The city council may amend, extend, or add to the plan from time to time.

- (B) Purpose: The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, character based, and harmonious development of the city and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, the promotion of safety from fire, flood waters, and other dangers, adequate provision for light and air, the promotion of healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient

expenditure of public funds, the promotion of energy conservation, and the adequate provision of public utilities and other public requirements.

- (C) Procedure for Adoption: The city council may adopt the comprehensive plan as a whole by a single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding with major geographical sections or divisions of the city or with functional subdivisions of the subject matter of the plan, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension, or addition:

1. The planning commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given in accordance with Section 10-1-9(C)(2) of the Littleton City Code at the conclusion of which the planning commission shall by resolution recommend approval, approval with conditions, or denial of the plan or any such part, amendment, extension, or addition to the city council; and
2. The city council shall hold at least one public hearing thereon, notice of the time and place of which shall be given in accordance with Section 10-12-4(B)(3)(c) of the Littleton City Code.

The adoption of the plan, any part, amendment, extension, or addition shall be by resolution of the city council. The resolution may refer expressly to the maps and descriptive and other matter intended by the city council to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signature of the mayor or mayor pro tem and attested by the city clerk. A copy of the plan or part thereof shall be certified to each governmental body of the territory affected and shall be filed with the county clerk and recorder of each county wherein the territory is located.

- (D) Comprehensive Plan Future Character and Land Use Map Amendments: An applicant for a comprehensive plan future character and land use map amendment, with consent of the property owner or owners, shall pay an application fee in an amount to be established by city council resolution. Said application shall follow the procedure for adoption required in Subsection (C) of this Section. (Ord. 22, Series of 2019)

CHAPTER 2 ZONE DISTRICT REGULATIONS

10-2-1 : ZONE DISTRICT REQUIREMENTS:

(A) Land Use: Land shall be used or occupied, and structures shall be erected, altered, used or occupied, only in accordance with the provisions for lawfully permitted uses specified in Chapter 3 of this Title; or conditional uses specified in, and approved under, the provisions of Chapter 8 of this Title.

(B) Amendments To Development Standards: Certain development standards applicable to a zone district may be amended by a PDO prepared and approved in accordance with Chapter 9 of this Title. (Revised 6-12-1992)

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

The A-1 Agricultural District permits small agricultural production operations including, but not limited to, row crops, livestock, and related residential and support structures. The types and intensity of uses permitted in this district shall protect and preserve agricultural land and natural open space.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Density: 1.0 dwelling unit per ten (10) acres (0.10 dwelling units per acre).
- (C) Minimum Lot Requirements:
 - 1. Minimum lot size: Four hundred thirty five thousand six hundred (435,600) square feet (10.0 acres);
 - 2. Minimum lot width: Three hundred feet (300');
 - 3. Minimum unobstructed open space: Ninety percent (90%);
 - 4. Building setbacks:
 - (a) Front: Twenty five feet (25');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Maximum height of structure: Thirty feet (30').
- (D) Accessory Use Standards: See Section 10-4-4 of this Title.
- (E) Home Occupation Standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

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

The R-S Residential-Suburban Agricultural District permits single-family residential development on large lots and limited agricultural uses.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Density: 1.0 dwelling unit per 5.0 acres (0.2 dwelling units per acre).
- (C) Minimum Lot Requirements:
 - 1. Minimum lot size: Two hundred seventeen thousand eight hundred (217,800) square feet (5.0 acres);
 - 2. Minimum lot width: Three hundred feet (300');
 - 3. Minimum unobstructed open space: Ninety percent (90%);
 - 4. Building setbacks:
 - (a) Front: Twenty-five feet (25');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/street: Ten feet (10');
 - 5. Maximum height of structure: Thirty feet (30').
- (D) Accessory Use Standards: See Section 10-4-4 of this Title.
- (E) Home Occupation Standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

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

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

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Density: 1.0 dwelling unit per 2.0 acres (0.5 dwelling units per acre).
- (C) Minimum Lot Requirements:
 - 1. Minimum lot size: Eighty seven thousand one hundred twenty (87,120) square feet (2 acres);
 - 2. Minimum lot width: One hundred feet (100');
 - 3. Minimum unobstructed open space: Fifty percent (50%);
 - 4. Building setbacks:
 - (a) Front: Twenty five feet (25');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Maximum height of structure: Thirty feet (30').
- (D) Accessory Use Standards: See Section 10-4-4 of this Title.
- (E) Home Occupation Standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

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

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

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Density: 1.6 dwelling units per acre.
- (C) Minimum Lot Requirements:
 - 1. Minimum lot size: Twenty-six thousand five hundred (26,500) square feet (0.61 acres);
 - 2. Minimum lot width: One hundred feet (100');
 - 3. Minimum unobstructed open space: Fifty percent (50%);
 - 4. Building setbacks:
 - (a) Front: Twenty-five feet (25');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Maximum height of structure: Thirty feet (30').
- (D) Accessory Use Standards: See Section 10-4-4 of this Title.
- (E) Home Occupation Standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

10-2-6 : R-1 RESIDENTIAL SINGLE-FAMILY DISTRICT:

The R-1 Residential Single-Family District allows larger lot suburban single-family residential development.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Density: 2.0 dwelling units per acre.
- (C) Minimum Lot Requirements:
 - 1. Minimum lot size: Twenty-one thousand seven hundred eighty (21,780) square feet (0.50 acres);
 - 2. Minimum lot width: One hundred feet (100');
 - 3. Minimum unobstructed open space: Fifty percent (50%);
 - 4. Building setbacks:
 - (a) Front: Twenty-five feet (25');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Maximum height of structure: Thirty feet (30').
- (D) Accessory Use Standards: See Section 10-4-4 of this Title.
- (E) Home Occupation Standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

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

The R-2 Residential Single-Family Zone District allows medium density urban single-family residential development.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Density: 4.8 dwelling units per acre.
- (C) Minimum Lot Requirements:
 - 1. Minimum lot size: Nine thousand (9,000) square feet (0.21 acres);
 - 2. Minimum lot width: Seventy-five feet (75');
 - 3. Minimum unobstructed open space: Fifty percent (50%);
 - 4. Building setbacks:
 - (a) Front: Twenty-five feet (25');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Maximum height of structure: Thirty feet (30').
- (D) Accessory Use Standards: See Section 10-4-4 of this Title.
- (E) Home Occupation Standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

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

The R-3 Residential Single-Family Zone District provides for single-family residential development at higher densities than the R-2 Zone District.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Density: 6.7 dwelling units per acre.
- (C) Minimum Lot Requirements:

1. Minimum lot size: Six thousand five hundred (6,500) square feet (0.15 acres);
 2. Minimum lot width: Sixty-five feet (65');
 3. Minimum unobstructed open space (per lot): Fifty percent (50%);
 4. Building setbacks:
 - (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 5. Maximum height of structure: Thirty feet (30').
- (D) Accessory Use Standards: See Section 10-4-4 of this Title.
- (E) Home Occupation Standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

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

The R-3X Residential Multiple-Family District provides for the transition from single-family residential to multiple family residential while maintaining the single-family character of the area.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Density: 13.4 dwelling units per acre.
- (C) Minimum Lot Requirements:
 1. Minimum lot size: Six thousand five hundred (6,500) square feet (0.15 acres);
 2. Minimum lot width: Sixty feet (60');
 3. Minimum unobstructed open space (per lot): Twenty five percent (25%);
 4. Building setbacks:
 - (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 5. Maximum height of structure: Thirty feet (30');
- (D) Accessory Use Standards: See Section 10-4-4 of this Title.
- (E) Home Occupation Standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

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

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

- (A) Land uses: See Section 10-3-2 of this Title.
- (B) Density: 13.4 dwelling units per acre.
- (C) Minimum lot requirements (excluding townhomes):
 1. Minimum lot size: Six thousand five hundred (6,500) square feet (0.15 acres);
 2. Minimum lot width: Sixty feet (60');
 3. Minimum unobstructed open space (per lot): Twenty five percent (25%);

4. Building setbacks:
 - (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
5. Maximum height of structure: Thirty feet (30');
- (D) Minimum lot requirements for townhomes:
 1. Minimum lot size (per residential unit): Three thousand two hundred fifty (3,250) square feet;
 2. Minimum lot width: Thirty feet (30');
 3. Minimum unobstructed open space (per lot): Twenty five percent (25%);
 4. Building setbacks (from exterior lot lines):
 - (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 5. Building setback from internal lot line:
 - (a) Side: Zero feet (0');
 6. Maximum height of structure: Thirty feet (30').
- (E) Accessory use standards: See Section 10-4-4 of this Title.
- (F) Home occupation standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

10-2-11 : MH MOBILE HOME DISTRICT:

The MH Mobile Home District permits mobile homes, recreational vehicle parks and/or campgrounds, provided the following requirements are met:

- (A) In the development and maintenance of a mobile home park, recreational vehicle park, and/or campground, all of the provisions of Title 4, Chapter 4 of this Code shall be met.
- (B) No new mobile home park, recreational vehicle park or campground shall be permitted within any "area of special flood hazard", as defined in Chapter 6 of this Title; nor shall the expansion of any such facility be permitted within any area of special flood hazard.
(Revised 6-12-1992)

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

The R-5 Multiple-Family Zone District allows high density multiple-family development together with limited private and public institutions and supporting health services.

- (A) Land uses: See Section 10-3-2 of this Title.
- (B) Residential density: 43.6 dwelling units per acre.
- (C) Minimum lot requirements (excluding townhouses):
 1. Minimum lot size:
 - (a) Residential: Six thousand (6,000) square feet;

- (b) Nonresidential: Seven thousand five hundred (7,500) square feet;
 - 2. Minimum lot width: Sixty feet (60');
 - 3. Minimum unobstructed open space: Twenty five percent (25%);
 - 4. Building setbacks:
 - (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Maximum height of structure: Thirty feet (30').
- (D) Minimum lot requirements for townhomes zoned R-5 located within the downtown area (east of Santa Fe and south of Crestline):
- 1. Minimum lot size (per residential unit): Two thousand five hundred (2,500) square feet;
 - 2. Minimum lot width: Twenty five feet (25');
 - 3. Minimum unobstructed open space (per lot): Twenty five percent (25%);
 - 4. Building setbacks (from exterior lot lines):
 - (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Building setback from internal lot line:
 - (a) Side: Zero feet (0');
 - 6. Maximum height of structure: Thirty feet (30').
- (E) Minimum lot requirements for townhomes, zoned R-5, in all other areas except downtown:
- 1. Minimum lot size (per residential unit): Three thousand (3,000) square feet;
 - 2. Minimum lot width: Thirty feet (30');
 - 3. Minimum unobstructed open space (per lot): Twenty five percent (25%);
 - 4. Building setbacks (from exterior lot lines):
 - (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Building setback from internal lot line:
 - (a) Side: Zero feet (0');
 - 6. Maximum height of structure: Thirty feet (30').
- (F) Accessory use standards: See Section 10-4-4 of this Title.
- (G) Home occupation standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

10-2-13 : B-P BUSINESS AND PROFESSIONAL DISTRICT:

The Business and Professional (B-P) District allows the use of land for administrative and professional office purposes.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Maximum Floor Area Ratio: 1:3.
- (C) Minimum Lot Requirements:
 - 1. Minimum lot size: Seven thousand five hundred (7,500) square feet (0.17 acre);
 - 2. Minimum unobstructed open space: Twenty five percent (25%);
 - (a) Portions of adjacent public right-of-way maintained as landscaped area shall not reduce the twenty five percent (25%) open space requirement within the lot.
 - (b) A fifty foot (50') wide landscaped area shall be placed along any lot line abutting residentially zoned or used property. The use of such areas shall be limited to landscaping or pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular access.
 - 3. Setbacks for primary and accessory structures:
 - (D) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 1. Maximum height of structure: Thirty feet (30').
- (D) Vehicular Access: Except where conditions created by existing development and/or public rights-of-way may otherwise dictate, vehicular ingress and egress onto major and minor arterial streets shall be limited to one such point of ingress and egress for each six hundred sixty feet (660') of frontage along arterial streets, whether individual lots or in combination with other contiguous B-P zoned lots. Direct access from B-P zoned property onto local residential streets and residential collector streets will be prohibited, unless for emergency access. It is the City's intent to encourage joint design and development of vehicular circulation with adjacent property owners.
- (E) Accessory Use Standards: See Section 10-4-4 of this Title. (Ord. 20, Series of 2018)

10-2-14 : T TRANSITIONAL DISTRICT:

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

- (A) Land uses: See Section 10-3-2 of this Title.
- (B) Maximum floor area ratio: 1:1.
- (C) Maximum density (residential): 21.8 dwelling units per acre.
- (D) Minimum lot requirements (excluding townhomes):
 - 1. Minimum lot size nonresidential: Seven thousand five hundred (7,500) square feet;
 - 2. Minimum lot size residential: Six thousand (6,000) square feet;
 - 3. Minimum lot width: Sixty feet (60');
 - 4. Minimum unobstructed open space: Twenty five percent (25%);
 - 5. Building setbacks:

- (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
6. Maximum height of structure: Thirty feet (30').
- (E) Minimum lot requirements for townhomes:
- 1. Minimum lot size (per residential unit): Two thousand (2,000) square feet;
 - 2. Minimum lot width: Thirty feet (30');
 - 3. Unobstructed open space (per lot): Twenty five percent (25%);
 - 4. Building setbacks (from exterior lot lines):
 - (a) Front: Twenty feet (20');
 - (b) Rear: Twenty feet (20');
 - (c) Side: North/west: Five feet (5'); South/east: Ten feet (10'); Corner lot/side street: Ten feet (10');
 - 5. Building setback from internal lot line:
 - (a) Side: Zero feet (0').
- (F) Accessory use standards: See Section 10-4-4 of this Title.
- (G) Home occupation standards: See Section 10-4-5 of this Title. (Ord. 20, Series of 2018)

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

The B-1 Neighborhood Business District permits retail sales and personal services directed toward serving the immediate neighborhood. Collector or arterial street access is needed. Neighborhood centers located in B-1 are generally limited in size to one hundred thousand (100,000) square feet of gross floor area or less.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Minimum Lot Requirements:
 - 1. Minimum lot area: None;
 - 2. Minimum unobstructed open space: Twenty five percent (25%);
 - 3. Maximum height of structure: None;
 - 4. Maximum floor area ratio (FAR): 1:1;
 - 5. Building setbacks: None.
- (C) Accessory Use Standards: See Section 10-4-4 of this Title. (Ord. 20, Series of 2018)

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

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

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Minimum Lot Requirements:
 - 1. Minimum lot area: None;
 - 2. Minimum unobstructed open space: Twenty percent (20%);
 - 3. Maximum height of structure: None;
 - 4. Maximum floor area ratio (FAR): 2:1;
 - 5. Building setbacks: None.
- (C) Accessory Use Standards: See Section 10-4-4 of this Title. (Ord. 20, Series of 2018)

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

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

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Minimum Lot Requirements:
 - 1. Minimum lot area: None;
 - 2. Minimum unobstructed open space: Ten percent (10%);
 - 3. Maximum height of structure: None;
 - 4. Maximum floor area ratio (FAR): 3:1;
 - 5. Building setbacks: None.
- (C) Accessory Use Standards: See Section 10-4-4 of this Title. (Ord. 20, Series of 2018)

10-2-18 : DT DOWNTOWN:

Note to Reviewers: See also Section 10-4-18 for building type standards.

(A) Purpose.

- 1. The DT, Downtown District, which is centered around a National Register Historic District and local Landmark District, provides for residential, nonresidential, and mixed-use development within the City's Downtown. Development within this district is typically, but not always, denser than other parts of the City and generally consists of multi-story buildings that are built to the street; parking that is located on-street, to the rear of the property, tucked under or in parking structures; and landscaping that is formal, with regularly-spaced street trees, planters, and street furniture. There is also an area typified by less dense and intense development with landscaped areas in front of the building and parking that may be located in front of the building. This district implements the Comprehensive Plan's goals related to access to a variety of housing types, supporting the socially and economically vibrant Downtown, preserving and protecting areas and structures with distinctive historic value and character, and allowing Downtown to remain an inclusive community ~~while maintaining its historic character.~~
- 2. Main Street is an historic district with numerous historic landmarks. Any new development should complement historic character of buildings from the turn of the

century commercial area (Main Street) or housing and commercial buildings around a commercial Main Street (DT, DNR and DMU) from 1900 to 1940.

(B) **Character Areas.** The DT zoning district consists of the following character areas, as depicted in the Character Area Map, below:

Figure 10-2-18
Character Area Map



1. **Downtown Neighborhood Residential (DNR).**

(a) **Definition.** This character area is defined by its pedestrian-oriented street edge alongside modest front yards and reflects its existing low-density, single-family heritage while accommodating compatible multi-family building forms.

(b) **Objectives.**

- i. **Uses.** The area supports a mix of single-family and multi-family land uses that maintain the existing residential character while transitioning to more intensive non-residential uses in the Downtown core.
 - ii. **Scale.** Buildings should be predominantly two stories, and with one-story elements in front will to establish a reduced scale.
 - iii. **Building Form.** Buildings should be primarily rectilinear in form and accented with varied massing.
 - iv. **Roof Shape Form.** Roofs should be primarily sloping with a percentage of rooms being sloped and forms required only on single-family detached buildings.
 - v. **Street Level.** Porches and shared residential entries should signal direct connection with the street.
 - vi. **Frontages.** Building frontages should be residential in character, including required front yards.
 - vii. **Parking.** Parking should be subordinate on the property with location to the rear of the primary structure or screened by landscaping or fencing.
 - viii. **Open Space.** All uses should provide sufficient open space in the form of pervious area and planted greenery that is visible from the street.
 - ix. **Tree Canopy.** Tree plantings should be incorporated into all properties to enhance the overall tree canopy.
 - x. **Streetscape:** Sidewalks should include a consistent treatment of street trees which enhance the tree canopy and allow for an ADA-compliant pathway along with pedestrian-scale lighting, and other street furniture such as benches, trash receptacles, and bicycle racks.
 - xi. **Preservation;** Where historic assets exist, use of buildings, structures, sites and areas will be protected, enhanced, and perpetuated in accordance with Chapter 6, *Historic Preservation Code*, of the Municipal Code and preservation will be pursued prior to demolition. (PG 5 - Stahlman)
2. **Downtown Transition Area (DTA).**
- (a) **Definition.** This character area is pedestrian-oriented and reflects a historic residential form and usage while accommodating a moderately higher density, mix of commercial, restaurant, office, hotel, and mixed use and residential uses and building types.
 - (b) **Objectives.**
 - i. **Uses.** The area supports a mix of complementary uses, including commercial, office, and residential.
 - ii. **Scale.** Buildings are predominantly two and three stories articulated with some one-story elements in front to reduce scale.
 - iii. **Building Form.** A combination of roof forms is allowed with some sloped forms on all buildings.
 - iv. **Roof Shape Form.** A variety of roof shapes forms are allowed with some sloped and forms required on single-family detached buildings and two-story townhomes and multiplexes.
 - v. **Street Level.** The street level design should incorporate elements such as storefronts, front stoops, and porches at street-facing entrances.

- vi. **Frontages.** Front yards and plazas of buildings should be landscaped with low-water plants, trees, perennials and annuals.
 - vii. **Parking.** Parking should be subordinate to the primary structure on the property and located to the rear of the primary structure, be tucked under and be screened by landscaping or fencing.
 - viii. **Open Space.** All uses should provide sufficient open space in the form of hardscape and/or naturalized, low-maintenance~~xerie~~ plant and tree material that is visible from the street.
 - ix. **Tree Canopy.** Naturalized, low-maintenance~~xerie~~ tree plantings should be incorporated into all properties to enhance the overall tree canopy.
 - x. **Streetscape.** Sidewalks should include a consistent treatment of street trees ~~to in tree grates which~~ enhance the tree canopy and allow for an ADA-compliant pathway along with pedestrian-scale lighting, and other street furniture such as benches, trash receptacles, and bicycle racks.
 - xi. ~~Little's Creek. Buildings, new and old, interact and activate Little's Creek by providing access and outdoor spaces that are oriented toward the amenity.~~
 - xii. **Preservation.** Where historic assets exist preservation will be pursued prior to demolition.
3. **Downtown Main Street (DMS).**
- (a) **Definition.** This character area establishes a small town feel through a consistent urban form of an active, pedestrian-oriented street edge and the small scale and significant historical architecture of Main and Prince Streets. Buildings accommodate a mix of uses within multiple stories, and support the walkable town-center character of the downtown. This character area includes the locally designated Main Street Historic District and the Main Street National Register Historic District.
 - (b) **Objectives.**
 - i. **Uses.** The area supports a mix of complementary uses, including commercial retail, restaurant, bars, entertainment, office, and mixed use.
 - ii. **Scale.** New buildings reflect the traditional scale of the surrounding structures with varied massing and articulation and preserve and maintain existing one- and two- story historic buildings.
 - iii. **Building Form.** Building form should consist of primarily simple, rectangular form and accented with varied massing and articulation.
 - iv. **Roof Shape~~Form~~.** A variety of roof ~~shapes~~~~forms~~ are allowed with little to no ~~sloped forms~~ required.
 - v. **Building Mass.** Requires varied massing and articulation that reduces perceived scale and conveys traditional building proportions.
 - vi. **Street level.** The street level design promotes a pedestrian-friendly public realm activated by storefronts, outdoor seating, and street-facing building entrances.
 - vii. **Frontages.** Building frontages maintain the historic Main Street character by retaining the alignment of building facades at the sidewalk edge.
 - viii. **Parking.** Parking must be subordinate to the primary structure and use on the property and located to the rear of the primary use and structured or screened.

- ix. **Open Space.** All uses should provide sufficient open space in the form of hardscape and street trees that are visible from the street.
 - x. **Streetscape.** Sidewalks should include a consistent treatment of street trees ~~to in tree grates which~~ enhance the tree canopy and allow for an ADA-compliant pathway along with pedestrian-scale lighting, and other street furniture such as benches, trash receptacles, and bicycle racks.
 - xi. **Designated Historic Structures.** Preservation of historic landmarks and buildings in historic districts are ensured through implementation of the historic preservation code, as applicable.
 - xii. **Preservation.** Where historic assets exist, use of buildings, structures, sites and areas will be protected, enhanced, and perpetuated in accordance with Chapter 6, *Historic Preservation Code*, of the Municipal Code. ~~preservation will be pursued prior to demolition.~~ (PG 5 - Stahlman)
4. **Downtown Mixed-Use (DMU).**
- (a) **Definition.** This character area consists of mixed-use buildings with an active, pedestrian-oriented street edge. The predominant building form retains a traditional urban scale, design, and mix of uses which complements the Downtown Main Street (DMS) and character areas.
 - (b) **Objectives.**
 - i. **Uses.** The area supports a mix of complementary uses, including commercial, office, institutional, and residential.
 - ii. **Scale.** The buildings should maintain a pedestrian-friendly sidewalk edge with predominantly two-to-three stories at the street edge.
 - iii. **Building Form.** Buildings should be primarily rectilinear in form and accented with varied massing.
 - iv. **Roof Shape Form.** A variety of roof ~~shapes~~ ~~forms~~ are allowed with sloped ~~forms~~ required only on single-family detached buildings.
 - v. **Street Level.** The street level is defined by a variety of storefronts, apartment or hotel lobby entrances, and residential front stoops.
 - vi. **Frontages.** Front setbacks should promote a pedestrian-friendly street frontage with some variation to support plazas and courtyards.
 - vii. **Parking.** Parking is subordinate on the property with location to the rear of, or wrapped by, the primary structure or screened by landscaping or fencing.
 - viii. **Open Space.** All uses should provide sufficient open space in the form of hardscape and/or planted greenery that is visible from the street.
 - ix. **Tree Canopy.** Tree plantings should be incorporated into the public realm and within properties to enhance the overall tree canopy.
 - x. **Streetscape.** Sidewalks should include a consistent treatment of street trees ~~to in tree grates which~~ enhance the tree canopy and allow for an ADA-compliant pathway along with pedestrian-scale lighting, and other street furniture such as benches, trash receptacles, and bicycle racks.
 - xi. **Little's Creek.** Buildings, new and old, interact and activate Little's Creek by providing access and outdoor spaces that are oriented toward the amenity.
 - xii. **Preservation.** Where historic assets exist, use of buildings, structures, sites and areas will be protected, enhanced, and perpetuated in accordance with

Chapter 6, *Historic Preservation Code*, of the Municipal Code—preservation will be pursued prior to demolition. (PG 5 - Stahlman)

(C) **Permitted Building Types and Standards.** Refer to Section 10-4-18, *Downtown Building Types*, for building types permitted in each character area and for supplemental building design standards.

(D) **Land Uses.**

1. **Key.** Table 10-2-18(D)-1, *Downtown (DT) Use Table*, uses the following symbols:

(a) "P" means that the use is permitted by right.

(b) "P*" means that the use is permitted by right subject to specific use standards in Chapter 4, *Supplementary Standards*.

(c) "C" means the use is a Conditional Use required pursuant to Chapter 8 of this Title.

(d) "A" means the use is permitted as an accessory use subject to standards in Chapter 4 of this Title.

(e) "X" means the use is prohibited.

(f) The column entitled, "Building Type & Use Standards" provides a cross-reference to either a specific use standard in Chapter 4, *Supplementary Standards*, or to a required building type for the particular use as provided in Section 10-4-18, *Downtown Building Types*.

2. **New and Unlisted Uses.**

(a) **Approach to Uses.** Each of the use categories and specific uses listed in Table 10-2-18-1(D), *Downtown (DT) Use Table*, are defined in Section 10-1-2, *Definitions*. A use that is not listed may be authorized by the City Manager or their Designee as appropriate within a defined use category or as functionally similar as a permitted, limited, or conditional use.

(b) **If Not Authorized, Then Prohibited.** If the City Manager or their Designee determines that a proposed use does not fit within a given use category and is not functionally similar as a specific use that is permitted, permitted by right subject to standards, or conditional, then the proposed use is prohibited, or may be appealed to the Board of Adjustment. An amendment to the text of this Title is required to subsequently authorize the use.

(c) **Decision Criteria.** In making such determinations, the Director may consider, but not be limited to, the following criteria:

i. The actual or projected characteristics of the activity in relation to those of the use category;

ii. The amount of site area or floor space and equipment devoted to the activity;

iii. Vehicle parking demand;

iv. Average daily and peak hour trip generation (people, personal vehicles, and delivery vehicles);

v. Types of vehicles used and their parking requirements;

vi. Building impervious surface coverage;

vii. Regulated air or water emissions;

viii. Noise, lighting, dust, and odors;

- ix. Solid waste generation;
- x. The number of employees on a typical shift;
- xi. Use and storage of hazardous materials;
- xii. Character of associated buildings and structures;
- xiii. How the use is advertised;
- xiv. Nature and impacts of operation; and
- xv. Hours of operation.

NOTE TO REVIEWERS: Table below is new text but is not highlighted to make it more readable.

Table 10-2-18 (D)-1 Downtown (DT) Use Table						
Category	Specific Use	DNR	DTA	DMS	DMU	Standards
Residential						
Household Living	Apartment	X	P	X	P	10-4-18(M)
	Dwelling, Single-Family Attached/Duplex	P	P	X	P	10-4-18(J)
	Dwelling, Single-Family, Detached	P	P	X	P	10-4-18(I)
	Multiplex (3-6 residential units)	P	P	X	P	10-4-18(K)
	Slot Home	X	X	X	X	NA
	Townhouse	P	P	X	P	10-4-18(L)
	Mixed Use Building (upper floor residential units)	X	P	P	P	
Group Living	Foster Family Care Home	P	P	P	P	N/A
	Group Home for Persons with Disabilities	P*	P*	X	P*	10-4-17
	Group Home for the Elderly	P*	P*	X	P*	Chapter 14
	Independent Living Facility	P	P	P	P	N/A
	Nursing Home /Congregate Housing	P	P	X	P	N/A
	Group Home for Recovery Residence	P	P	X	P	N/A
Residential Accessory Uses	Garage/Yard/ Estate Sale	A	A	X	A	N/A
	Home Occupation	A	A	A	A	10-4-5
	Home Childcare	A	A	A	A	10-4-4
Agriculture						

**Table 10-2-18 (D)-1
Downtown (DT) Use Table**

Category	Specific Use	DNR	DTA	DMS	DMU	Standards
Agricultural and Animal-Oriented Uses	Animal Boarding and Care Facility (With Over-Night Stays)	X	X	C	P*	10-4-15
	Animal Boarding and Care Facility (Without Overnight Stays)	X	C	P*	P*	10-4-15
	Beekeeping	A	A	A	A	10-4-14
	Market Garden	P	P	X	P	N/A
Public and Institutional						
Civic	Childcare Center	P*	P*	P*	P*	10-4-17.1
	Public Assembly Facility	P	P	P	P	N/A
	Private College/ University	C	C	C	C	N/A
	Private Elementary/ Secondary School	P*	P*	P*	P*	10-4-17.3
	Private Trade and Vocational School	P	P	P	P	N/A
Parking, Free Standing	Parking Structure	X	P*	P*	P*	10-4-18(S)
	Parking Lot (Off-Site)	X	C	X	P*	10-4-17.5
Medical Facilities	Ambulance Service	X	C	C	C	N/A
	Ambulance Facilities	X	X	A	A	N/A
	Drug, alcohol or psychiatric treatment center (Outpatient)	X	C	X	X	N/A
	Hospital	X	C	X	X	N/A
	Medical Facilities Uses (Other than Listed)	P	P	P	P	N/A
Utilities	Utilities, Major	C	C	C	C	N/A
	Utilities, Minor	P	P	P	P	N/A
Commercial and Office						
Office	Office Uses (Greater than 8,000 sq. ft. gross floor area)	C	P	P	P	10-4-17.7
	Office Uses (8,000 sq. ft. gross floor area or less)	P	P	P	P	N/A

Table 10-2-18 (D)-1 Downtown (DT) Use Table						
Category	Specific Use	DNR	DTA	DMS	DMU	Standards
Overnight Accommodations	All Overnight Accommodations Uses	X	P	P	P	N/A
Retail Repair, Sales, and Service	Repair-Oriented Uses	X	P	P	P	N/A
	Service-Oriented Uses	X	P	P	P	N/A
	Sales-Oriented Uses	X	P	P	P	N/A
Restaurant	Cafeteria, Providing Service to On Site Employees	X	A	A	A	N/A
	Restaurant, Drive-in or Drive-Through	X	X	X	X	N/A
	Restaurant Uses (Other than Listed)	X	P	P	P	N/A
Vehicle Sales and Services	Vehicle Service, Minor	X	C	X	C	N/A
	Vehicle Sales and Service Uses (Other than Listed)	X	X	X	X	N/A
Entertainment, Indoor	Brewery, Distillery and Winery	X	P*	P*	P*	10-4-16
	Indoor Entertainment Uses (Other Than Listed)	X	P	P	P	N/A
Industrial and Manufacturing Uses						
Light Industrial	Assembly of Prefabricated Parts	X	P	X	X	N/A
	Assembly or Fabrication for Sale on Premises Only	X	P	X	X	N/A
	Wholesale Sales and Distribution to Retailers/ Businesses	X	P	P	X	10-4-18(O)N/A
* Applies only to the preservation of buildings existing as of the Effective Date.						

(E) Parking and Access.

- Purpose.** The purpose of this Subsection is to ensure that:

- (a) **Adequate Parking.** Adequate off-street vehicular and bicycle parking is provided for permitted uses in the Downtown (DT) district to support various modes of transportation;
- (b) **Character.** The character and quality of life in the residential neighborhoods experience limited on-street parking congestion;
- (c) **Impacts.** Indirect impacts on neighborhoods adjacent to the Downtown Mixed Use (DMU) and Downtown Transition Area (DTA) character areas of the Downtown are minimized;
- (d) **Loading.** Adequate loading areas are provided that do not interfere with the function of pedestrian activity and other vehicular use areas;
- (e) **Flexibility and Creativity.** Flexibility is promoted and creative redevelopment of small sites is encouraged;
- (f) **Efficiency and Environmental Benefits.** The number of parking spaces allowed or required for development are capped or allowed to be reduced in order to promote the efficient use of land and mitigate the heat island effect of expansive paved areas;
- (g) **Sustainability.** Parking areas are designed to facilitate pedestrian circulation, provide added vegetation, incorporate low-impact development design techniques, and use include manage stormwater management systems as site amenities runoff through the use of green infrastructure improvements; and (PG 1 - MELIN)
- (h) **Comprehensive Plan.** The functionality of parking implements the goals and policies of the Comprehensive Plan, as amended from time to time.

2. **Applicability.**

- (a) **Thresholds.** The standards of this Subsection apply to all development, redevelopment, significant improvement, or adaptive re-use of properties that meet or exceed the thresholds established in Section 10-7-1, Applicability, of this Title.
- (b) **Parking Ratios.** Except as otherwise provided in this Subsection, parking requirements for all uses shall be provided in accordance with Section 10-4-9, *Parking and Loading*, of this Title.

3. **Parking Minimums and Maximums.**

- (a) **Parking Ratio Adjustment.** The minimum parking ratios in Subsection 10-4-9(A), *Parking Required*, shall apply to the DT district and its character areas with the following modifications:
 - i. **Multi-Family Dwellings (not including single-family attached).** For multi-family and mixed -use developments (for example, a stand-alone apartment building type or buildings), one space shall be required per unit with one bedroom, and two spaces shall be required per unit with two or more bedrooms.
 - ii. **Office.** For single-use developments (for example, a stand-alone office building type or building), one space shall be required per 300 square feet of gross leasable area.
 - iii. **Retail Sales, Service, and Repair.** One space shall be required per 500 square feet of gross floor area.

- iv. **Restaurants.** One space shall be required per 150 square feet of gross floor area.

(b) **Off-Street Surface Parking Maximums.** The maximum number of off-street surface-parking spaces that may be provided in the DT district shall be no more than 125 percent of the minimum parking requirements established in this Section and Section 10-4-9, *Parking and Loading*. This maximum shall not apply to structured parking.

4. **Bicycle Parking.**

(a) **Generally.** Long-term and short-term bicycle parking shall be required pursuant to this Section for properties in the DT district that have surface or structured parking with 15 or more parking spaces. Properties in the DMS character area are exempt from these standards where a minimum of six short-term bicycle parking spaces are present on the same block. If fewer than six spaces are not present, development shall provide a sufficient number of bicycle spaces so that a minimum of six spaces are available.

(b) **Number of Spaces.**

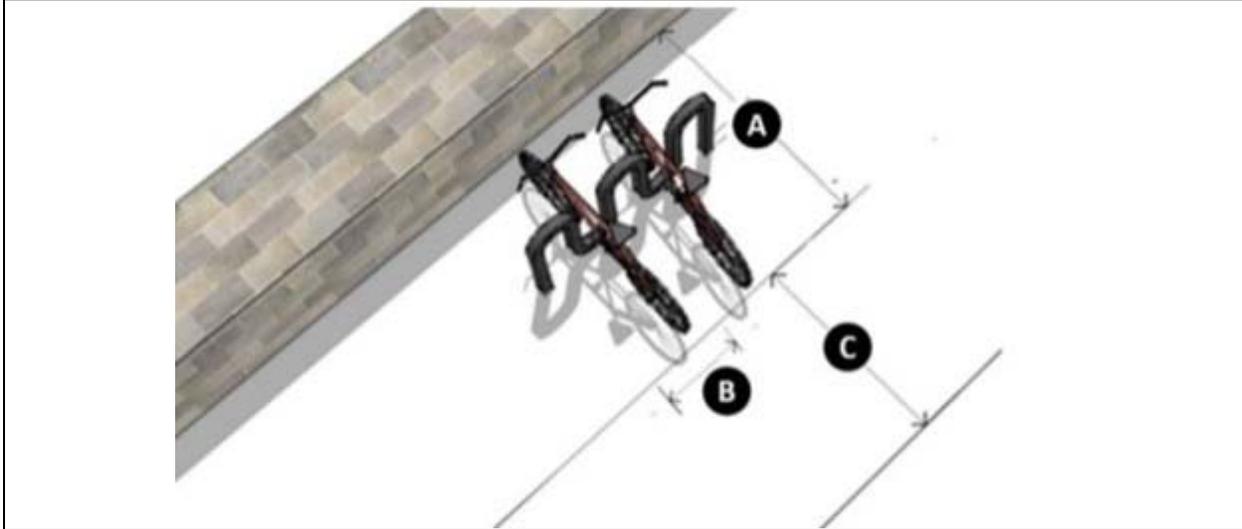
- i. A mixed-use or nonresidential development with provided off-street surface parking spaces shall include one bicycle parking space per each five vehicle spaces.
- ii. The greater of two long-term spaces or one long-term space per 10 units shall be required in association with an apartment or in association with the residential element of a mixed-use development.
- iii. Bicycle parking is not required for single-family detached, single-family attached/duplex, and multiplex residential uses.

(c) **Location.** Short-term bicycle parking is ideally covered from weather, and shall be located no farther than 40 feet away from the main entrance of a building. Secured indoor spaces shall provide room and accessibility for bicycles and to satisfy long-term parking requirements.

(d) **Design Standards.** The following standards apply to all required bicycle parking:

- i. As depicted in Figure 10-2-18(E)-1, *Bicycle Parking Dimensions*, a bicycle parking space shall be a minimum of six feet long (A) and two feet wide (B) with a five ~~feet of foot~~ access area adjacent to the set of spaces (C).
- ii. All bicycle parking spaces shall be constructed in accordance with the latest version of the Association of Pedestrian and Bicycle Professionals Bicycle Parking Guidelines. (see <https://www.apbp.org/Publications>)

**Figure 10-2-18 (E)-1
Bicycle Parking Dimensions**



5. **Vehicle Parking Credits and Reductions.** Upon approval of the City Manager or their designee and with consideration based on current parking usage, an applicant may utilize the following parking credits and reductions of required parking in order to reduce the minimum required off-street surface parking spaces by up to 50 percent of required spaces. The credits and reductions shall be cumulative.

(a) **Electric Vehicle Charging Station.** Each off-street electric vehicle charging station with a rating of 240 volts or higher shall count as ~~two~~ 1.5 off-street parking spaces toward satisfaction of the minimum required off-street parking requirements, for a maximum credit of 10 percent of required spaces.

(b) **Proximity to RTD Station.** The minimum number of off-street surface parking spaces required may be reduced by 20 percent if the proposed development is located within 1,320 feet of a Regional Transportation District (RTD) light rail station, measured along a sidewalk or walkway from the pedestrian entrance of the development to the nearest parking space within the off-street parking area of the station. New development shall coordinate with the Denver Council of Regional Government's Metropolitan Planning Organization during the review and subsequent City building permit processes to implement transportation demand management strategies.

(c) **RTD Pass.** With authorization of the City Manager or their designee, on a legal affidavit approved by the City Attorney, reauthorized on a bi-annual basis, required off-street surface parking spaces may be reduced by 30 percent when, according to Table 10-2-18 (D)-1, *Downtown (DT) Use Table*, above, a commercial or office business, apartment, or a mixed-use building (upper floor residential units) residential element of a mixed use building with 50 or more employees or dwelling units provides RTD passes for all part- and full-time employees and/or residences.

(d) **Ride Sharing.**

- i. **Designated Space.** Each drop-off/pick-up/stacking space, measuring 10 feet wide by 22' deep, up to a maximum of three, allocated and marked for ride sharing services shall count as ~~two~~ 1.5 off-street parking spaces toward

satisfaction of the minimum required off-street parking requirements. Ride sharing **stacking** spaces shall be posted as “Reserved for Ride Sharing.” Such spaces shall be located in a pick-up and drop-off area abutting the building and shall not be counted toward any required stacking spaces related to drive-in or drive-thru operations.

- ii. **Rideshare Program.** Required off-street surface parking spaces may be reduced by 30 percent when a development initiates and maintains the Denver Regional Council of Government’s “Way To Go” ridesharing program for its residents and/or employees.
- iii. **Study.** The Director may require an applicant to provide a traffic impact study to determine peak period demands and stacking requirements if the type of use or its operation appears to warrant more or less stacking area.
- iv. **Use.** No vehicle shall park or stand in a drop off/pick up zone other than while actually engaged in the loading or unloading of passengers or materials. In no event shall any vehicle be parked or stand in a drop off/pick up zone for more than 15 minutes.

(e) On-Street Parking.

- i. **Applicability.** In the DMS and DTA character areas, on-street parking may count toward satisfaction of the minimum required off-street parking on any property that is directly adjacent to and abutting a street where on-street parking is permitted. With written approval of the City Manager or their designee, on-street parking spaces used to meet the minimum required parking for a site shall post these spaces as "Reserved for _____." ~~The use of on-street parking to satisfy minimum parking requirements in no way guarantees the use of such parking spaces to customers, employees, or visitors of the subject property.~~
- ii. **Location and Availability.** On-street spaces shall be located on a public street, ~~available to the general public at any time of day and on any day of the week,~~ and directly adjacent to and abutting the subject property. Only those spaces adjacent to and on the same side of the street as the subject property may be counted, **as authorized.**
- iii. **Prohibited Parking.** Bus stops, clear zones adjacent to curb cuts, and other areas where parking is prohibited shall not be included in the calculation of available on-street parking spaces.
- iv. **Dimensions.** An on-street parking space shall be a minimum of **eight feet in width and 22 feet in length** and shall be fully adjacent to the subject property. For example, a lot with 60 linear feet of street frontage could receive credit for a maximum of two on-street parking spaces.

(f) Shuttle to RTD Station. With authorization of the City Manager or their designee, on a legal affidavit approved by the City Attorney, reauthorized on a bi-annual basis, **Public and institutional uses and those in the Office use category that provide regularly scheduled shuttle transit to an RTD station may receive up to a five percent reduction in the number of required off-street parking spaces, as follows:**

- i. **Peak-Hour Service.** A five percent reduction is allowed for shuttle service taking place at the use’s peak hour(s) of traffic to an RTD station.

- ii. **Documentation.** As warrant for authorization, documentation approved by the City Attorney shall be provided that demonstrates the commitment of the business or institutional establishment to provide regularly scheduled shuttle transit to an RTD station.

(g) **Tuck-Under Parking.** Each two on-site tuck-under parking spaces shall count as three off-street parking spaces toward satisfying the minimum required off-street parking. Refer to Paragraph (H)7(e) for screening standards related to tuck-under parking.

(h) **Bicycle Parking.** An approved bicycle parking facility may be substituted for off-street vehicle parking on a ratio of ~~one~~ **three** bicycle parking spaces ~~for one~~ **per 20** vehicle parking spaces; provided, that such substitution shall not replace more than 10 percent of the total vehicle parking required under Subsection (E) 3 of this Section.

6. **Shared Parking.**

(a) **Generally.** Where a mix of uses in a single development or building have differing peak **parking periods (difference in hours and/or days of operation) hours of activity**, the required number of off-street spaces may be reduced according to the provisions of this Subsection.

(b) **Shared Use Parking Table.** When any land or building is used for two or more uses that are listed in Table 10-2-18(E)-1, *Shared Parking Table*, below, the minimum number of required parking spaces may be determined by the following procedures, which are followed by Table 10-2-18(E)-2, *Illustrative Shared Parking Credit Calculation*, showing an example of how to calculate shared parking reductions.

- i. Determine the minimum parking requirements for each use **category** in Column (A) as if it were a separate use, excluding spaces reserved for use by specified individuals or classes of individuals (for example, accessible spaces **for disabled persons** or spaces posted as “Reserved for Principal”);
- ii. Multiply the sum of required parking spaces for each use **category** by the corresponding percentages for each of the five time periods set forth in Columns (B) through (F) of Table 10-2-18(E)-1, below;
- iii. Calculate the total for each time period and round up (for example, 1.01 spaces rounds up to 2); and
- iv. The highest total is the required number of shared spaces.

NOTE TO REVIEWERS: Tables below are new text but are not highlighted to make them more readable.

Table 10-2-18 (E)-1 Shared Parking Table					
(A) Use Category	Weekday			Weekend	
	(B) Night (12 AM to 6 AM)	(C) Day (6 AM to 6 PM)	(D) Evening (6 PM to 12 AM)	(E) Day (6 AM to 6 PM)	(F) Night (6 PM to 12 AM)
Household Living, Group Living	100%	60%	90%	80%	90%
Civic, Medical Facilities, Office,	5%	100%	10%	10%	5%

**Table 10-2-18 (E)-1
Shared Parking Table**

(A) Use Category	Weekday			Weekend	
	(B) Night (12 AM to 6 AM)	(C) Day (6 AM to 6 PM)	(D) Evening (6 PM to 12 AM)	(E) Day (6 AM to 6 PM)	(F) Night (6 PM to 12 AM)
Vehicle Sales and Service					
Retail, Repair, Sales, and Service	5%	70%	70%	100%	70%
Restaurant	10%	50%	100%	70%	100%
Entertainment, Indoor	10%	40%	100%	80%	100%
All Others	100%	100%	100%	100%	100%

**Table 10-2-18 (E)-2
Illustrative Shared Parking Credit Calculation**

EXAMPLE: A mixed-use building or site has 20 apartment units, 9,000 square feet of general office space, and 5,000 square feet of retail space. Separately, these uses would require 85 parking spaces (20 units. x 1.5) + (9,000 sf. / 300) + (5,000 sf / 200) = 85). In this example, the minimum number of parking spaces required is 66, a 22% reduction.

(A) Use Category	Weekday			Weekend	
	(B) Night (12 AM to 6 AM)	(C) Day (6 AM to 6 PM)	(D) Evening (6 PM to 12 AM)	(E) Day (6 AM to 6 PM)	(F) Night (6 PM to 12 AM)
Apartments 30 Spaces	30	18	27	24	27
Office 30 Spaces	2	30	3	3	2
Retail 25 Spaces	2	18	18	25	18
Column Totals	34	66	48	52	47

(c) **Maximum Parking.** Where maximum parking ratios apply, the maximum number of shared spaces shall be no more than 125 percent of the number derived from Table 10-2-18(E)-1.

(d) **Location of Shared Parking Facility.** Shared parking shall be located within 1,320~~300~~ feet of the associated use, measured along a sidewalk or walkway from the nearest pedestrian entrance of the development or building to the nearest parking space within the shared parking lot.

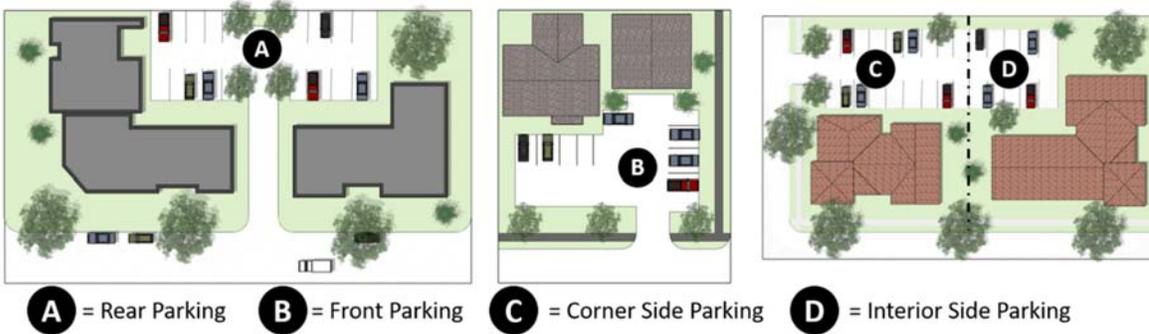
(e) **Agreement.** An agreement providing for the shared use of parking, executed by the parties involved, shall be filed with the City Manager or their designee, on a form approved by the City Attorney. Such agreement shall be filed of record with the Clerk and Recorder of the appropriate county (Arapahoe, Douglas, or Jefferson), at the applicant's expense. Shared parking privileges will continue in effect only as long as the agreement, binding on all parties, remains in force. If the agreement is no longer in force, then parking shall be provided as otherwise required by this Title.

7. **Vehicle Access and Parking Design Standards.**

(a) **Surface Parking Location.**

- i. **Generally.** Off-street surface parking shall be located on the subject property in relation to the principal building in accordance with Table 10-2-18(E)-3, *Vehicle Surface Parking Location*.
- ii. **Tuck-Under Parking.** Tuck-under parking with required screening in accordance with paragraph (H)7, *Parking Areas*, is exempt from these surface parking location requirements.

**Figure 10-2-18 (E)-2
Vehicle Surface Parking Location¹**



¹ Illustrations are conceptual only and are intended to show parking area locations in relation to buildings. They are not intended to show amount of parking required for any particular land use or any other required features or characteristics.

Parking Locations	Character Areas			
	DNR	DTA	DMS	DMU
Rear Parking	P	P	P	P
Front Parking	X	X	X	X
Corner Side Parking	P	P	X	P
Interior Side Parking ³	P ²	P ²	P ²	P ²

TABLE NOTES:

P = Parking Location Permitted

X = Parking Location Prohibited

¹ Illustrations are conceptual only and are intended to show parking area locations in relation to buildings. They are not intended to show amount of parking required for any particular land use or any other required features or characteristics.

² A buffer in accordance with Section 10-2-18(H)5, *Buffers*, below, shall be required between the interior side parking area and a single- or two-family residential use. Otherwise, the buffer type required in Paragraph 10-2-18(H)5 applies.

³ Interior side parking that does not have access from a public right-of-way may require the owner to obtain a cross access easement together with the adjacent property in accordance with Subsection (f), *Shared and Cross Access*.

(b) **Vehicular Access to Off-Street Parking.**

- i. **Generally.**
 - I. Except as modified by this paragraph, driveways and vehicular access shall be reviewed for:
 - A. sight distance;
 - B. proximity to intersection;
 - C. traffic control condition (signs, signals, etc.); and
 - D. proximity to existing driveways.

- II. In all character areas, if a **dedicated** 12-foot wide alley is adjacent to the property, then new vehicular access points shall take access from the alley. If the alley is unimproved, then the applicant shall improve the alley to the satisfaction of the City Engineer.
- III. If an adequate alley for vehicular passage is not available, then new vehicular access points shall access a secondary street. If neither an alley nor a secondary street is available, then new vehicular access points may access a primary street.
- ii. **Access.** Direct vehicular access to an arterial street by a private driveway is prohibited unless no reasonable alternative is available. Driveways to abutting property will be confined to local streets. Corner lots abutting an intersection of an arterial and local street must take access from the local street, provided the access meets the requirements of this **Title**.
- iii. **Number.** There may be only one connection permitted per lot on an arterial street, which may not be greater than 24 feet in width for each 100 feet of street frontage
- iv. **Maximum Width.** Residential driveways shall be a maximum of 12 feet wide. Residential driveways that access an alley and driveways for nonresidential and mixed-use shall be a maximum of 24 feet wide.
- v. **Double-Track Driveways.** Double-track/wheel strip driveways are permitted in the DNR character area in association with a single-family detached or single-family attached/duplex dwelling, provided each wheel strip is a minimum of 18 inches in width and the area between the wheel strips is planted with living groundcover. However, within the public right-of-way, the driveway shall be fully paved along its total width, from the property line to the curb line.

**Figure 10-2-18 (E)-3
Wheel Strip Driveway Example**



(c) **Parking Structures.** Refer to Section 10-4-18, *Downtown Building Types*, for parking structure design standards.

(d) Parking Lot Lighting.

- i. **Municipal Code.** All lighting shall comply with Title 10, Chapter 15, *Lighting Requirements*, of the Littleton Municipal Code.
- ii. **Pedestrian and Temporary Lighting.** On-site pedestrian bollard lights and lights mounted on buildings or poles not taller than 1542 feet above grade shall be provided. The required minimum illumination for walkways and other pedestrian areas is 0.25 foot candles, or as determined by Illumination Engineering Society (IES) Standards. The required minimum illumination for walkways and other pedestrian areas shall be designed in accordance with IES Standards. Holiday and other styles of temporary rope lighting shall not be used to highlight features of a principal building. All temporary lighting is required to meet the Title 10, Chapter 15, *Lighting Requirements*, of the Littleton Municipal Code.
- iii. **Pole Lights.** Free-standing, on-site pedestrian pole lights and parking lot lights that are within 20 feet of a residentially zoned or used property shall be a maximum of 15 feet tall. Other free-standing light poles shall be a maximum of 2018 feet tall.

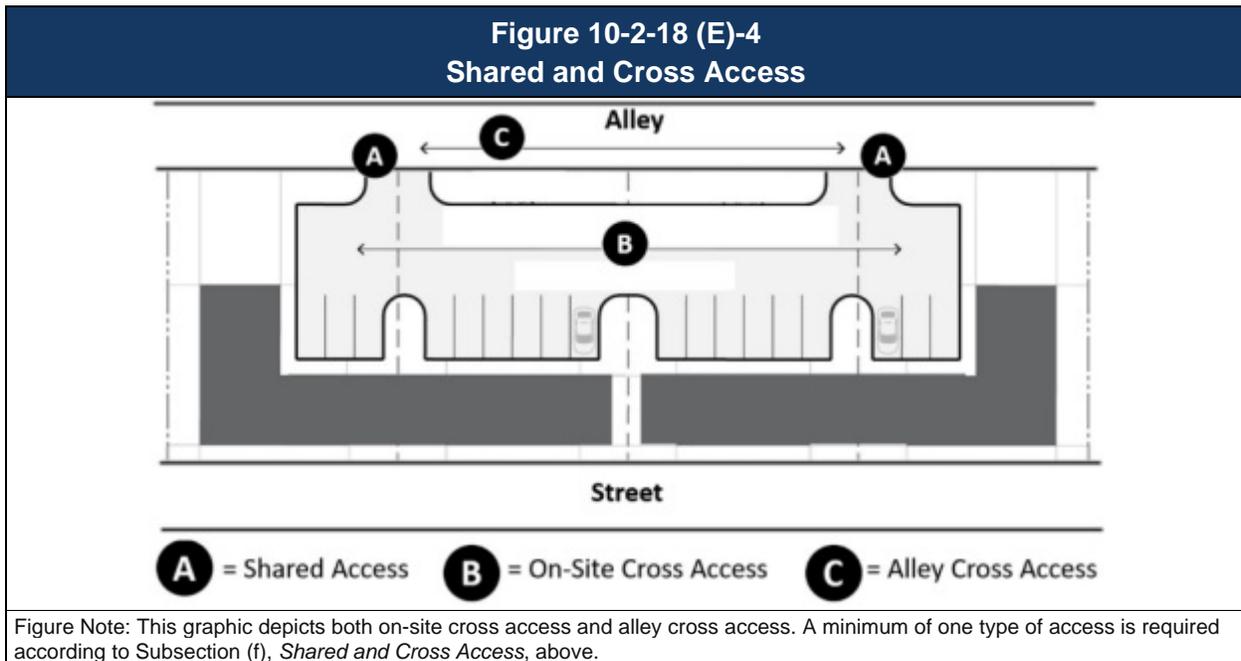
(e) Paving Materials for Surface Parking and Driveways.

- i. **Generally.** All off-street surface parking areas and driveways shall be paved with one or a combination of concrete, asphalt, porous asphalt, concrete pavers, paving blocks, permeable or porous pavers, brick, or similar materials approved by the City Engineer. Permeable pavement should be limited to pedestrian areas, areas with low vehicular traffic volumes, smaller axle loads and low speeds such as, parking stalls, smaller parking lots, overflow parking areas of larger parking lots and other areas with little or no traffic. (PG 1 - MELIN)
- ii. **Differentiation.** Special paving patterns and materials shall be utilized to delineate building entries and provide interest and variation.
- iii. **Subarea-Specific Standard.** In the DNR and DTA character areas, extension of the sidewalk paving shall be provided on private property to allow enough space to plant street trees adjacent to the curb, as determined by the Director.

(f) Shared and Cross Access. Shared and cross access, as depicted in Figure 10-2- 18(E)-2, *Shared and Cross Access*, shall be provided for multiple-family, nonresidential, and mixed-use developments according to the following:

- i. **Shared Access.**
 - I. Access that is shared by abutting properties, whether under single or separate ownership, shall be preserved using a shared access easement that is acceptable to the City Attorney and recorded in the Clerk and Recorder's Office of the appropriate county (Arapahoe, Douglas, or Jefferson), at the applicant's expense. The obligation to provide and maintain shared access shall run with the land.
 - II. If there is an existing shared access for which there is no recorded legal documentation, the shared access shall continue and appropriate legal documentation shall be executed and recorded.
- ii. **Cross Access.**

- I. Cross access between off-street surface parking areas shall be provided, where feasible, based on lot shape, size, and configuration. The City Manager or their designee may deem improved alleys (either already improved or improved by the applicant) as an acceptable way to provide cross access or, if an improved or improvable alley is not available, may require a cross access easement at the rear of the property, or may require the subject property to connect to an existing adjoining cross access easement.
- II. Where connections to abutting parcels are possible with a cross access easement, but do not exist at the time of development, the parcel proposed for development shall stub-out drive aisles and sidewalks to allow for two-way vehicular and pedestrian connections on the abutting parcel.
- III. The applicant shall record a cross access easement in a form acceptable to the City Attorney to allow for future connection of the stub-out(s) to the adjoining property.



(F) **Pedestrian Circulation.** (PG 1 - MELIN)

1. **Connectivity.**

- (a) **Connection to the Street.** The on-site pedestrian circulation system must connect all adjacent public rights-of-way to the main building entrance. The connection must follow a direct route and not involve significant out-of-direction travel for system users.
- (b) **Connection to Abutting Properties.** The on-site pedestrian circulation system must provide at least one connection to existing paths and sidewalks on abutting properties or to the likely location of future paths or sidewalks on those properties. When the Director determines that no paths or sidewalks exist on a neighboring

property or it is not possible to determine the likely location of future path or sidewalk connections or extending a connection would create a safety hazard on either property, no such connection is required.

- (c) **Internal Connections.** The on-site pedestrian circulation system must connect all buildings on the site and provide connections to other areas of the site likely to be used by pedestrians and non-motorized travel, such as parking areas, bicycle parking, recreational areas, common outdoor areas, plazas and similar amenity features.
2. **Design.** Required on-site pedestrian circulation facilities must be designed and constructed in accordance with the following requirements:
 - (a) The on-site pedestrian circulation system must be paved and be at least five feet in width.
 - (b) When the on-site pedestrian circulation system crosses driveways, parking areas or loading areas, it must be clearly differentiated through the use of elevation changes, a different paving material or other equally effective methods. Striping does not meet this requirement.
 - (c) When the on-site pedestrian circulation system is parallel and adjacent to a vehicle travel lane, it must be a raised path at least six inches above the vehicle travel lane surface or be separated from the vehicle travel lane by a raised curb, bollards, landscaping or another physical barrier. If a raised path is used, the ends of the raised portions must be equipped with accessible curb ramps.
 - (d) The on-site pedestrian circulation system must be illuminated to ensure that it can be used safely at night by employees, residents, and customers. Lighting must be at height appropriate to a pedestrian pathway system.
 3. **Plan.** A pedestrian circulation plan that includes walkways, crosswalks, and traffic control devices that create safe and convenient pedestrian paths from all parking areas and other internal pedestrian walkways shall be provided on a site development plan. The pedestrian circulation plan shall accomplish the following:
 - (a) Minimize points of conflict between pedestrians and moving vehicles;
 - (b) Channelize pedestrian flows to crossing areas, and provide well-defined paths across major drive aisles with measures such as alternative paving materials, pavement colorized (not painted) in contrasting or complimentary hues and signage; and
 - (c) Connect internal pedestrian walkways to existing and future external walkways.

(G) **Building Lighting.**

1. **Generally.** All building lighting within the DT district and its character areas shall minimize the obtrusive, energy-inefficient aspects of excessive and/or poorly shielded outdoor light usage, while maximizing a property's visual interest and safe nighttime use.
2. **Applicability.** Title 10, Chapter 15, *Lighting Requirements*, of the Municipal Code applies with the following additional standards:
 - (a) **Scale and Context.** All lighting shall be designed and installed in scale and context with the architecture of the building. Standard security lighting shall not be used in lieu of architectural lighting. In general, actual light bulbs should not be visible.

(b) **Accent Lighting.** Accent lighting shall be used to highlight architectural fenestration, entry and access points, landscaping elements, and artwork.

(c) **Rope Lighting.** Holiday and other styles of temporary rope lighting may not be used on a permanent basis to highlight architectural features. Light fixtures shall be mounted on the building whenever possible.

(d) **Flood Lighting.** Flood lighting an entire building or major portion of a residential structure is prohibited.

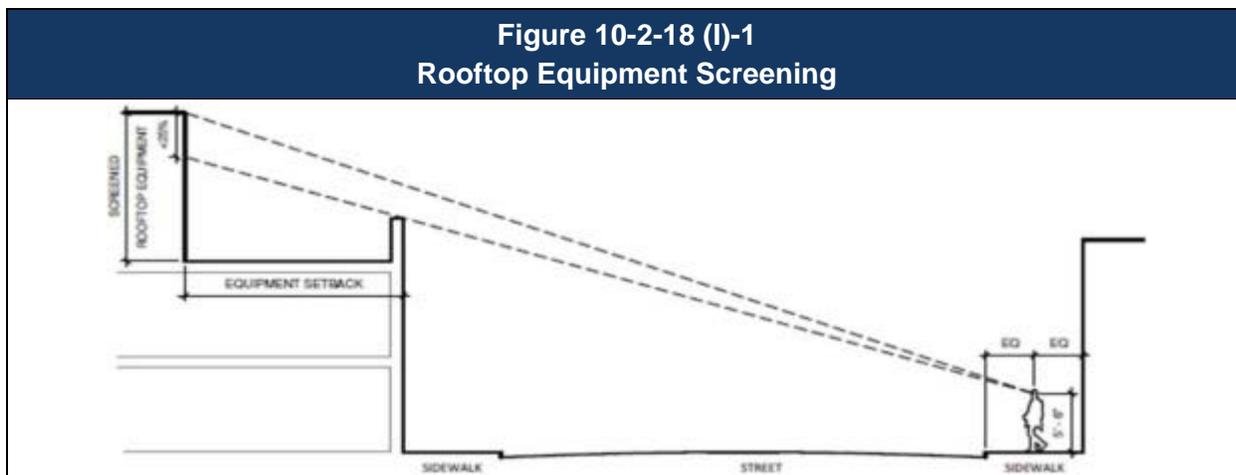
(H) **Site Lighting. (PG 1 - MELIN)** Site lighting includes streetlights, light fixtures in parking lots, pedestrian lighting and lighting to accent landscaping or building facades. The character and level of site lighting must establish a sense of identity and cohesion. Site lighting shall:

1. **Design.** All lighting fixtures on a site shall be from the same family of fixtures with respect to design, materials, finish, color, and color of light and shall complement the architectural theme and materials established by the primary building(s).
2. **Energy Efficient.** All commercial buildings and associated sites shall utilize LED lighting fixtures for all external lighting.
3. **Fixture Type.** Fixture types shall direct light downward and inward to the subject site. Exterior fixtures (luminaries) mounted on buildings shall be no higher than the line of the first story eave, or 14 feet above finished grade, whichever is lower.
4. **Spillover.** Lighting shall be from a concealed light source and with effective provisions made to prevent spill-over into adjoining properties or roadways. Any spill-over from a commercial or mixed use building or site into the DNR character area or onto an existing residential lot shall not exceed one-half footcandle measured at the property line of the site of the light source nearest the residential area or lot.
5. **Height.** Light fixtures in commercially zoned areas shall be limited in height to 18 feet using full cutoff fixtures.
6. **Lighting Plan.** Submittal of a lighting plan shall be required as a part of the site development plan review process.

(I) **Rooftop Equipment.**

1. **Generally.** Satellite dishes, rooftop equipment, antennas, air conditioning and evaporative cooling units, and all other utility equipment and rooftop appurtenances shall be screened so as to not be visible from adjacent property including across the public rights-of-way, as depicted in Figure 10-2-18(G)-1, Rooftop Equipment Screening.
2. **Equipment Stepback.** Screened rooftop equipment and mechanical penthouses shall be set back from the front facade at least one foot for every one foot in height of the screened equipment or penthouse.
3. **Screening Height.** Mechanical equipment screening shall be at least six inches higher than all portions of the equipment to be screened except an occasional flue or vent. Unscreened flues or vents, including horizontal venting, shall be finished so that they are inconspicuous against adjacent materials.
4. **Screening Material.** Screening material shall be opaque and be compatible in color and texture with the building.

5. **Flat Roofs.** The exterior materials of mechanical screening devices on buildings with flat roofs shall relate directly to the building wall design below or provide a careful contrast to emphasize the wall below to minimize its visual impact.



(J) **Greenspace and Tree Protection Requirements.**

1. **Purpose.** In addition to the landscaping statements in Section 10-5-1, *Purpose and Intent*, the greenspace and tree protection requirements in this Subsection serve to address the following:
 - (a) **Character.** Protect and preserve the appearance and character of the Downtown district and its character areas;
 - (b) **Open Space Types.** Establish a ~~variety palette~~ of open space types and standards to promote varied ~~yet predictable~~ open space design;
 - (c) **Green Biomass.** Maximize pervious surface and establish and/or maintain the downtown tree canopy in order to minimize the urban heat island effect and to promote the many public benefits of green biomass; and
 - (d) **Water Conservation.** Ensure the efficient and minimal use of water and other natural resources.
2. **Design Principles.** New construction and redevelopment should incorporate sustainable design principles whenever possible to reduce the environmental impacts of new development and provide cost savings. Such design strategies may include, but are not limited to:
 - (a) On-site landscape elements that reduce energy use;
 - (b) Use of alleys, paseos, and greens to collect stormwater;
 - (c) Providing green roofs to reduce solar gain (which contributes to the urban heat island effect) and to reduce the quantity of water entering the storm drainage system;
 - (d) Certify Green Buildings by LEED or other rating systems; and
 - (e) -Integration low impact development (LID) to include: roof water collection and reuse, cisterns, green roofs, inlet devices, deep mulching, structural soils, sand and organic and peat filters, bioretention and bioretention, meadow and pocket parks, subsurface detention, filter-vertical recovery structures, rain gardens,

biofiltration, depressed parking lot islands, permeable concrete, open joint terrace and walk system, and green canopies. (PG 1 - MELIN)

3. **Applicability.** The standards of this Subsection apply to all development, redevelopment, significant improvement, and/or adaptive reuse of buildings that meet or exceed the thresholds established in Section 10-7-1, *Applicability*.
4. **General Standards.**
 - All areas of the site not covered by buildings, structures, parking areas, service areas, walks, bikeways, plazas and other impervious-surfaced functional areas, shall be landscaped using ~~or~~ naturalized, low-maintenance water landscaping practices and techniques.
 - (b) Where a side setback occurs, it shall be landscaped as a buffer to the adjoining property as required in Paragraph (H)5, Buffers, a continuation of landscaping between properties, usable open space for residents or employees within the property, or a landscaped passageway from the property to the street.
 - (c) Evergreen and shade trees shall be a minimum of 10 feet from any public right-of-way line.
5. **Open Space on Public or Private Property.**
 - (a) **Generally.** In order to ensure that a variety of functional, well-designed open spaces are distributed throughout a development, all nonresidential and mixed use projects, and new residential developments ~~with 30 dwelling units or more~~ shall have an open space component.

Function. Open space must be designed and furnished to provide a pedestrian amenity. Where practicable, open space shall be integrated into the on-site stormwater management system to maximize the usable portion of a property. Low impact development (LID) improvements shall be used to the maximum practicable extent, including, but not limited to, bioretention and infiltration basins, such as inverted vegetated islands within parking lots, rain gardens, reduced impervious areas, vegetated swales, rain barrels and cisterns, and pervious pavements. (PG 1 - MELIN)
 - (c) **Location.** Open space shall be readily accessible to and visible from the street, and connected to a public sidewalk.
 - i. A minimum of 25 percent of the perimeter of the open space shall abut a street.
 - ii. The open space shall be no more than three feet above or below the adjacent sidewalk level and be designed in accordance with the Americans with Disabilities Act (ADA) accessibility requirements.
 - (d) **Configuration.** The open space shall be compact, contiguous and serve as a focal point of the development.
 - i. In order to avoid long and narrow spaces, the length of a park or plaza may not exceed three times its width, except where specifically used as a connection to additional recreational resources recognized by the City, such as parks or trails.
 - ii. Buildings shall be oriented toward the open space.
 - iii. The open space should be located to receive the maximum amount of year-round natural light.

- (e) **Availability.** If open to the general public, the hours of availability to the public shall be at least 8:00 a.m. to 9:00 p.m. A plaque no more than four square feet in area may be displayed stating the hours for public use.
- (f) **Categories and Maintenance.** Open space includes the following categories:
- i. **Public Open Space.** Public open spaces include those that are established in Table 10-2-18(H)-1, *Open Space Standards*. Public open space shall be privately-owned and maintained but shall be open to the general public.
 - ii. **Private Open Space.** Private open spaces are permitted only in conjunction with residential building types, or the residential element of mixed-use or live-work building types, and include privately-owned and maintained outdoor areas located on the ground or, only when recommended by the Planning Commission and accepted by the City Council, on a terrace, deck, porch, or roof that are for outdoor gathering, recreation, or landscaping. A rooftop garden may receive 100 percent credit of the required open space in DMS and 25 percent credit in DTA and DMU. Private open space shall be privately-owned and maintained and may be open to the general public, but at minimum, shall be accessible to the residents, employees, and/or visitors to the residential building or development.
- (g) **Open Space Percentage.** All applicable development shall provide the open space / public amenity percentage required for a given building type in Section 10-4-18, *Downtown Building Types*.
- Exclusions.** The following areas shall not be counted as open space:
- i. Private yards, individual lots or easements less than the minimum size required by this Section;
 - ii. Driveways, parking areas and required landscape islands;
 - iii. Stormwater management areas other than those designed for active use of the public and improved with amenities;
 - iv. Land covered by structures not designated for active or passive recreational uses; and
 - v. Designated outdoor storage areas, as permitted.
- (i) **Central Open Space.** A maximum of 75 percent of the required open space may be consolidated into a centralized public open space in a development. The central open space shall be accessible by pedestrians, bicycles, and vehicles. Sidewalks with a minimum width of six feet shall be provided parallel to but separated by a landscaped tree lawn adjacent to all roadways and shall be a minimum of six feet wide.
- (j) **Open Space Categories.** Permitted residential public open spaces include any open space in Table 10-2-18(H)-1. Permitted private open space includes such amenities as balconies on no less than two-thirds of all multi-family units, forecourts, courtyards, roof terraces, a pool, or other amenity acceptable to the Director/City Manager or their designee. (PG 1 - GROVE)
- (k) **Tree Canopy Credit.** Trees in permitted open space types count toward the tree canopy coverage requirements of this Subsection.
- Fee in-lieu of Open Space Development.** The City Council may, when the best interest of the City would be served, require the maximum amount of open space feasible on the site shall be developed and improved to City standards, with an

equal and proportionate amount of that land deemed infeasible contributed as a payment of money in lieu of development and improvement. The fair market value shall be determined by the City Council, following their review of a current appraisal submitted to the City at the developer's expense. The appraisal shall be made by appraisers who are approved members of the Society of Real Estate Appraisers (SREA) or equivalent real estate appraisal societies. ~~a combination of the development and improvement of land and the payment of money in lieu of land to meet the requirements of this Ordinance or total payment in lieu of development and improvement.~~ Provided that the developer shall be required to pay the applicable cash in lieu of land as provided below, rather than dedicate any area of land which is deemed impractical for public open space purposes by the City Council. Where the City Council determines that a payment of money in lieu of open space development shall be made, the following provisions shall apply:

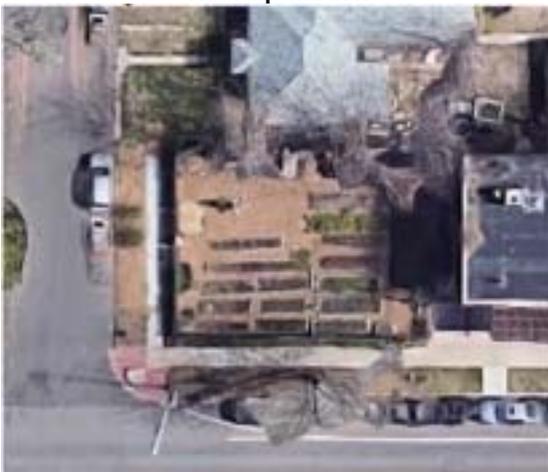
- i. **Amount Required.** Any payment of money shall be in an amount established by ordinance of the City Council.
- ii. **Time of Payment.** Any payment of money required shall be paid as a condition of approval of any final plat or replat or prior to issuance of a certificate of occupancy.
- iii. **Park Development Fund.** All cash payments shall be deposited in a separate park development fund. The city shall account for all such payments with reference to each development for which the payment is made.
- iv. **Use of Funds.** Any payments made to the park development fund shall be used solely for the acquisition, development, expansion or upgrading of open space or public amenity located within DT, Downtown, district as identified on the official zoning map where the proposed development for which payment was made is located, or an area so located and in such proximity to the development so as to serve or benefit the DT, Downtown district as approved by the City Council.
- v. **Right to Refund.** If all or part of the payments made for a development of open space or amenity are not expended or not under contract to be expended for the purposes authorized within five years of the date that 95 percent of all certificates of occupancy have been issued for the completed development of the property for which the payments were made, the person or entity who made such payments shall be entitled to a refund on all unexpended funds if a written request for refund has been made within one year of entitlement. If no such timely request is made the right to a refund of the unexpended funds shall be considered waived.

NOTE TO REVIEWERS: *Table below is new but is not highlighted to make it more readable.*

**Table 10-2-18 (J)-1
Public Open Space Standards**

ImageType	Standard
<p align="center">Plaza</p> 	<p>General Character</p> <ul style="list-style-type: none"> ▪ Formal open space ▪ Defined seating areas ▪ Balance of hardscape and plantings ▪ Spatially defined by building entries <p>Location and Size</p> <ul style="list-style-type: none"> ▪ Minimum area: 900 square feet ▪ Maximum area: 1 acre ▪ Minimum width: 30 feet ▪ Minimum perimeter frontage on public right of way: 25 percent ▪ Permitted character areas: DMS, DTA, DMU
<p align="center">Pocket Park</p> 	<p>General Character</p> <ul style="list-style-type: none"> ▪ Formal open space ▪ Spatially defined by buildings or streets ▪ Open shelters, paths, lawns, and trees ▪ Walkways and plantings at all edges ▪ Abundant seating opportunities <p>Location and Size</p> <ul style="list-style-type: none"> ▪ Minimum area 2,500 square feet ▪ Maximum area: 10,000 square feet ▪ Minimum width: 60 feet ▪ Minimum pervious cover: 60 percent ▪ May function as a vegetated gathering area ▪ Permitted character areas: DNR, DTA, DMU
<p align="center">Common Green</p> 	<p>General Character</p> <ul style="list-style-type: none"> ▪ Small urban open space responding to specific user groups and space available ▪ Range of character can be for intense use or aesthetic enjoyment ▪ Low maintenance is essential <p>Location and Size</p> <ul style="list-style-type: none"> ▪ Minimum area 5,000 square feet ▪ Maximum area: 2 acres ▪ Minimum pervious cover: 75%; remainder shall consist of amenities, crushed stone, or pavers ▪ Within a ¼ mile of residences ▪ Permitted character areas: All

**Table 10-2-18 (J)-1
Public Open Space Standards**

ImageType	Standard
<p align="center">Paseo</p> 	<p>General Character</p> <ul style="list-style-type: none"> Linear shaded public open space Allow for social and commercial activity to spill into the public realm Consist of a hardscape pathway with pervious and/or impervious pavers and surfaces, and activated by building entries which face onto it Landscaped, and activated with seating areas, patios, sidewalks, fountains, and similar amenities <p>Location and Size</p> <ul style="list-style-type: none"> Minimum width: 16 feet Maximum width: 30 feet Minimum pedestrian passage width: 8 feet Minimum pervious cover: 50 percent Located to provide inter-block connections from one street to another Permitted character areas: DMS, DTA, DMU
<p align="center">Rooftop Garden</p> 	<p>General Character</p> <ul style="list-style-type: none"> Vegetated space on top of a flat or gently-sloped roof Space is usable by the general public, residents, employees, or customers <p>Location and Size</p> <ul style="list-style-type: none"> Roof load: A registered professional engineer shall certify that the roof can support any proposed new loads and whether any additional steps are required to keep new roof components in place when subjected to a wind speed of more than 90 mph. Roof edge protection: To avoid loose material from falling, a perimeter opaque barrier shall be established on the perimeter of the garden with a minimum height of 42 inches. Permitted building types: All building types that allow flat roofs and those with gently-sloped roofs.
<p align="center">Parklet</p> 	<p>General Character</p> <ul style="list-style-type: none"> Permanent or temporary sidewalk extension that provides seating, plantings, and other amenities. Typically installed in parallel, on-street parking spaces Extend out from the sidewalk at the level of the sidewalk to the width of the parking space(s) <p>Location and Size</p> <ul style="list-style-type: none"> Minimum area: 180 square feet Maximum area: 360 square feet Minimum planted area: 25 percent Encroachment: Temporary or permanent right of Way Permit required

**Table 10-2-18 (J)-1
Public Open Space Standards**

ImageType	Standard
	<ul style="list-style-type: none"> ▪ Protection: A perimeter barrier shall be established with a minimum height of 36 inches and a maximum height of 42 inches. ▪ Permitted character areas: DMS, DTA, DMU

6. **Buffers.**

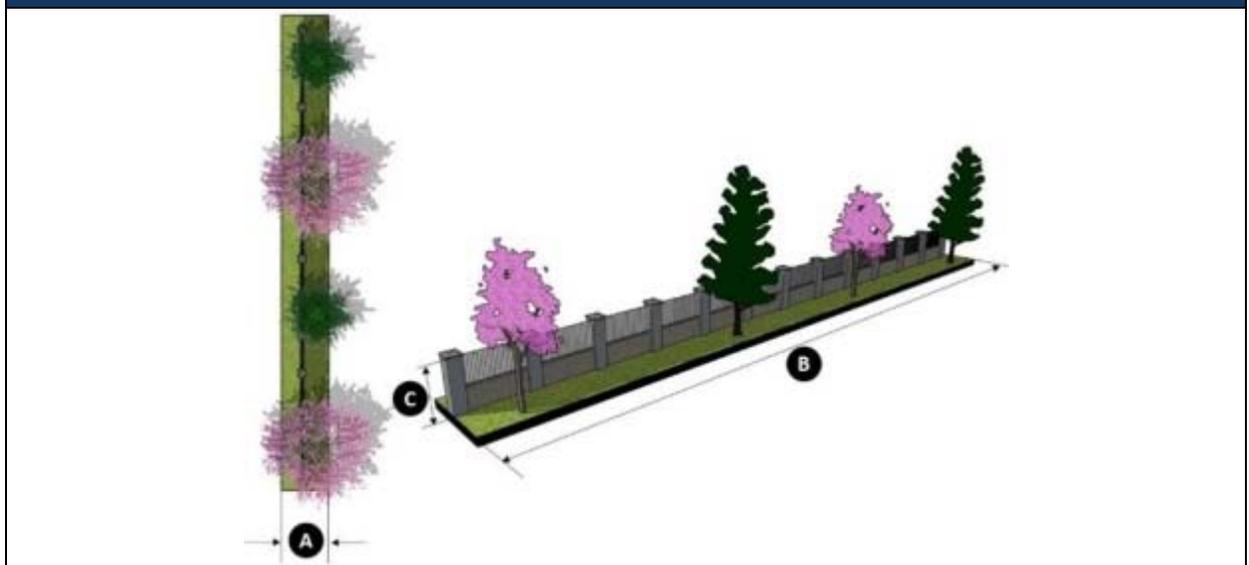
(a) **Generally.** Buffers apply depending on the types and intensities of adjoining character areas or building types.

(b) **Purpose.** The purpose of a buffer is to:

- i. Screen development from adjacent properties;
- ii. Enhance the streetscape by softening the edge between parking and the adjacent the street;
- iii. Improve compatibility of adjacent character areas and building types; and
- iv. Contribute to the tree canopy of the DT district.

(c) **Buffer Specifications.** A buffer and its required plantings is illustrated in Figure 10-2-18(H)-1, *Buffer Illustration*. Buffers shall be a minimum of 10 feet in width, which may be reduced to a width of five feet due to unavoidable site constraints as determined by the Planning Commission in width (A in the illustration). Buffers shall consist of four evergreen or non-deciduous ornamental trees per 100 linear feet (B in the illustration). A buffer may contain a fence or masonry wall that is six feet in height (C in the illustration). (PG 1 - Coronato)

**Figure 10-2-18 (J)-1
Buffer Illustration**



(d) **Buffer Locations.**

- i. **Generally.**
 - I. A buffer shall be located along the rear or side lot line of a parcel, parallel to the lot line.
 - II. Properties separated by a public right-of-way, excluding alleys, are not considered adjoining for the purposes of this Subsection.
 - III. A required buffer shall not be located on any portion of an existing, dedicated, or reserved public right-of-way.
 - IV. Openings of the minimum necessary width for pedestrian, bicycle, and vehicle access are allowed. Driveways or walkways shall cross a buffer at as near a perpendicular angle as practicable.
 - V. A continuous fence is not required along the rear lot line of buildings using alleys as primary or secondary pedestrian, bicycle, and vehicular access.
 - VI. The width of a required buffer is calculated on the average width per 100 feet, or portion, of the buffer, as depicted in Figure 10-2-18(H)-4, *Average Buffer Width*. The minimum width of the buffer at any one point shall not be less than one-half the required width of the buffer.

**Figure 10-2-18 (J)-2
Average Buffer Width**

- ii. **Between Building Types.** Buffers may be required between differing building types in accordance with Table 10-2-18(H)-5, *Building Type Buffer Requirements*.

NOTE TO REVIEWERS: Table below is new text but is not highlighted to make it more readable.

Table 10-2-18 (J)-3 Building Type Buffer Requirements				
	SFD, SFA	MP, TH, APT	LW, MU, APT	COM, OFF, INS, PS
SFD, SFA	--	--	BX	BX
MP, TH,	--	--	--	BX
LW, MU, APT	BX	--	--	--
COM, OFF, INS, PS	BX	BX	--	--

TABLE NOTES:
 SFD = Single-family detached; SFA = Single-family attached/Duplex; MP = Multiplex; TH = Townhouse; APT = Apartment; LW = Live-Work; MU = Mixed Use; COM = Commercial; OFF = Office; INS = Institutional; PS = Parking Structure
 BX = Buffer required

- (e) **Tree Canopy Credit.** Required trees in buffers count toward the tree canopy coverage requirements of this Subsection.
- (f) **Fence and Wall Materials.** Fences and walls shall:
 - i. Be composed of treated wood, composite material, wrought iron or natural stone, brick, or other similar quality material approved by Director City Manager or their designee.
 - ii. Be maintained by the business or homeowner or homeowners' or property owners' association, as applicable.

7. **Character Area-Specific Standards.**

(a) **Downtown Main Street (DMS).** Where a front setback area is between a building frontage and street right-of-way, such area shall be designed to extend the pedestrian amenities of the street, by increasing walkway width to accommodate areas for outdoor café/restaurant seating, allow window shopping, and to provide for the temporary display of retailer goods.

(b) **Downtown Transition Area (DTA).** Where a front setback area is between a building frontage and street right-of-way in the portion of Alamo Avenue east of South Nevada Street, such area shall be designed to extend the pedestrian amenities of the street, such as increased walkway widths, areas for outdoor café/restaurant seating, and increased sidewalk widths to allow window shopping and space for the temporary display of retailer goods.

8. **Parking Areas.**

(a) **Generally.** Landscaping in parking areas shall be designed to reduce the scale, visibility, and urban heat island effect of surface parking lots as set out in this Subsection.

(b) **Small Parking Lots.** Parking lots with fewer than 15 spaces are exempt from this Subsection 7, Parking Area. Parking lots with ~~15~~16 to 49 parking spaces shall be designed with the following requirements:

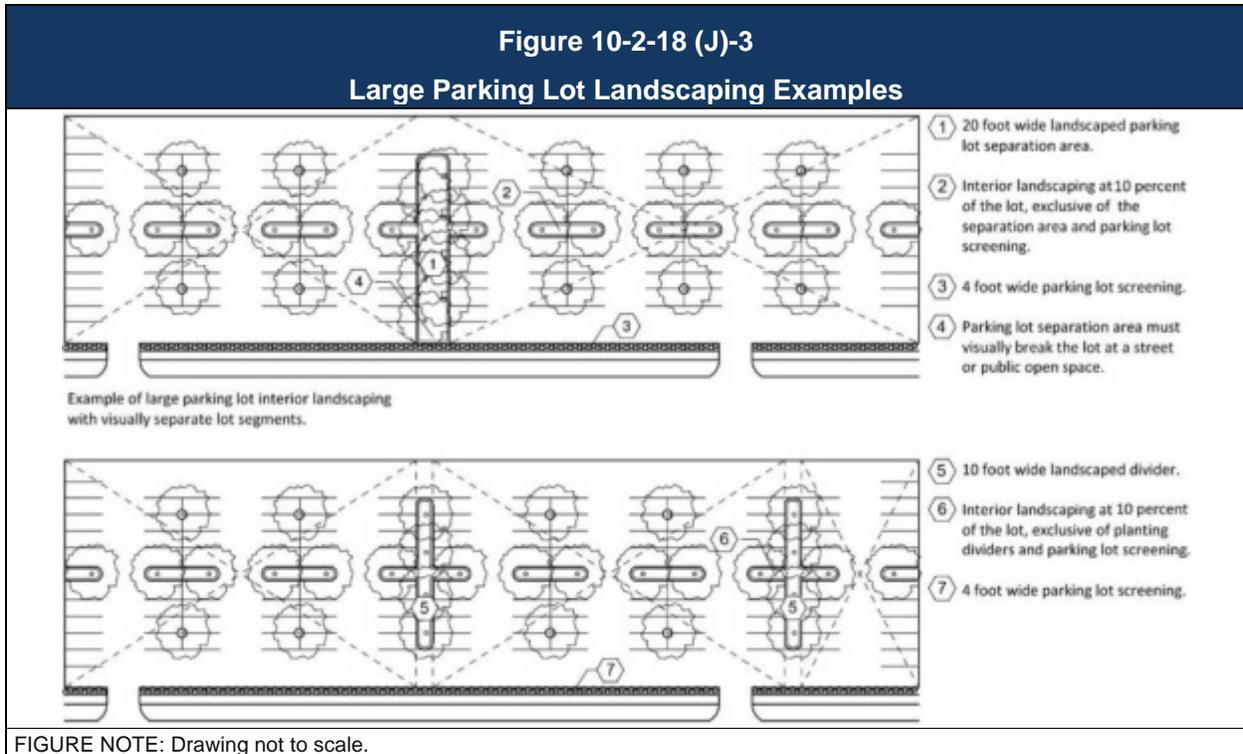
- i. **Coverage.** At least five percent of the interior area of a parking lot shall be landscaped for which no less than 75 percent shall include living plant material.
- ii. **Islands.** Landscaped parking lot islands measuring 9' x 18' shall be delineated by a physical barrier such as but not limited to a concrete curb. All islands shall be planted with one shade tree per 162 square feet and with native, drought-tolerant shrubbery and groundcover. As determined by the Director, where practicable, landscaped islands shall ~~be species and/or~~ constructed as a bio-swale or rain garden.

(c) **Large Parking Lots.** Parking lots ~~containing 50 or more parking spaces~~ shall be shaped and/or landscaped to reduce their scale and overall impact by ~~at least~~ one of the following approaches, as depicted in Figure 10-2-18(H)-6, *Large Parking Lot Landscaping Examples*:

- i. **Landscaping Increase.** Increase the interior parking lot landscaping requirement for parking lots containing 50 to 99 spaces to a minimum of 10 percent of the parking lot area (#2 and #6 in Figure 10-2-18(H)- 6), excluding areas used for parking lot screening (#3 and #7 in Figure 10-2-18(H)- 6).
- ii. **Visual Segmenting.** For parking areas containing 100 or more parking spaces, ~~provide landscaping across 10 percent of the interior area of a parking lot by~~In addition to the above requirement, the parking lot may be divided into visual segments by either:
 - I. Breaking the lot into visually separate lots with at least a 20-foot-wide landscaped zone between them (these lots can be interconnected) so long as they appear separate when viewed from the street (#1 and #4 in Figure 10-2- 18(H)-5); or
 - II. Creating divisions internal to the parking lot that visually divide it into segments through the provision of at least a 10-foot-wide landscape zone

running the length of, at most, every third double-sided parking row (#5 in Figure 10-2-18(H)-5).

- iii. **Shade Trees.** All landscaped areas that divide large parking lots shall include shade trees consisting of 75 percent evergreen and non-deciduous trees and 25 percent deciduous trees at a maximum spacing of 30 feet on center. Additional shade trees shall also be provided in any increased landscaping percentage requirement.



(e) Parking Area Screening.

- i. **Surface Parking.** Where an allowed parking lot adjoins a street, ~~bufferingscreening shall may~~ occur in one of the following ways that meet any specific design standards for walls and fencing in the character area, as applicable:
 - I. Providing a minimum five-foot wide buffer with a solid row of hedges across 100 percent of the linear dimension parallel, or roughly parallel, to street rights-of-way;
 - II. A masonry wall that is a minimum of 30 inches ~~two~~ and a maximum of four feet in height; or
 - III. A decorative fence and shrubbery across 50 percent of the linear dimension parallel, or roughly parallel, to street rights-of-way ~~approved by the City Manager or their designee.~~
- ii. **Tuck-Under Parking.** Tuck-under parking shall be screened from view from adjacent properties and non-alley rights-of-way by buildings or a buffer that screens 100 percent of the parking from public view.

(f) Parking Structure Foundation Plantings.

- i. **Generally.** Parking structures shall have planting areas adjacent to the base of the building with a minimum width and radius as set out in Table 10-2- 18(H)-7, *Minimum Foundation Planting Width and Radius*. Where planting areas are required, they may be crossed with walkways of the minimum width required to provide access to the structure.

NOTE TO REVIEWERS: Table below is new text but is not highlighted to make it more readable.

Table 10-2-18 (J)-4 Minimum Foundation Planting Width and Radius	
Structure Side	Planting Width and Radius (feet)
Street-Facing	6
Interior Side	5

- ii. **Street-Facing and Interior Side.** One evergreen or non-deciduous shade tree or three non-deciduous ornamental trees shall be planted within the street facing and interior side foundation planting areas for each 20 linear feet, measured parallel to the building. Remaining portions of the planting area shall be planted with groundcover. A maximum of 50 percent of the remaining portions of the planting area may consist of decorative pavers or stamped, dyed concrete. Vegetated rain gardens and/or **naturalized, low-maintenance xeriscaped** gardens may be used in lieu of or together with the required groundcover.

(g) Tree Canopy Credit. Required trees in parking area landscaping count toward the tree canopy **coverage** requirements of this Subsection.

8. Screening, Walls and Fencing.

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

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

(c) General Standards.

i. Refuse, Loading, and Open Storage Areas.

- I. Outside refuse containers, loading docks, and open storage areas shall be screened from public sidewalks, streets, adjacent properties, alleys, and other areas from which the property is visible. Screening for such areas shall be opaque and provided by means of walls or solid fences. Landscape screening is allowed but not in place of walls or fences.
- II. Screening enclosures for refuse containers (including trash receptacles and dumpsters and recycling containers) and service areas shall be incorporated into building architecture and utilize the same materials and colors as the principal building to the greatest degree practicable.
- III. Trash receptacles and dumpsters and recycling containers shall be entirely screened from view and enclosed by a solid, gated wall or fence. Screen walls and fences shall be one foot higher than the object being screened. An opaque gate shall be included where required for complete screening. The

trash enclosure shall be sited so the service vehicle can conveniently access the enclosure and maneuver without backing into a public right-of-way.

- IV. All trash and recycling containers must be covered with a solid lid.
- ii. **Utility Boxes.** All utility boxes, which include electric transformers, switch gearboxes, cable television boxes, telephone pedestals and boxes, shall be screened by landscaping on the sides visible from the public rights-of-way and shall be located outside of the sight distance triangle.
- iii. **Front Yard Fencing.** If front yard fencing is provided, it shall be no taller than 42 inches, or, if contiguous with parking lot fencing, at the same height as such fencing or walls. It shall be made of masonry or metal and no greater than 50 percent opacity. In special cases, such as with historic homes or landmarks, painted or stained wood pickets may be appropriate, as determined by the Historic Preservation Board. Plastic, chain link, or solid board fencing is prohibited for front yard fencing.
- iv. **Subarea-Specific Standards.**
 - I. **Downtown Transition Area (DTA) Character Area.** Metal, masonry, or specially-treated architectural precast concrete shall be used for screen walls or railings. Standard chain-link materials are prohibited.
 - II. **Downtown Main Street (DMS), Downtown Transition Area (DTA), and Downtown Mixed Use (DMU) Character Areas.** Typical vertical board or palisade fences are prohibited not allowed within the front setback.

Tree Canopy Coverage.

(a) **Generally.** Tree canopy shall be preserved or enhanced according to the provisions of this paragraph. The required amount of tree canopy is based on the minimum percentage of public amenity / open space required for each character area and building type established in Section 10-4-18, *Downtown Building Types*. ~~tree canopy area compared to the total area of the lot prior to construction of any structures.~~ (PG 1 - GROVE)

(b) **Existing Trees.** Existing native trees that are healthy and sturdy count toward the required tree canopy established in each of the tables in Section 10-4-18, *Downtown Building Types* ~~Table 10-2-18(H)-8, Minimum Tree Canopy Coverage as Percentage of Lot Area.~~ (PG 1 - GROVE)

(c) **Newly Planted Trees.** On sites without the required percentage of tree canopy coverage percentage, prior to a certificate of occupancy, the applicant or owner shall plant trees in order to achieve the required tree canopy.

(d) **Tree Canopy Plan.** The applicant shall provide a tree canopy plan together with the site development plan locating existing and proposed tree canopy and showing calculations of a 20-year mature tree canopy, by species, based on The Arbor Day Foundation's Tree Database (<https://www.arborday.org/trees/treeguide/browseTrees.cfm>) or another source acceptable to the Director City Manager or their designee.

NOTE TO REVIEWERS: Table below is new text but is not highlighted to make it more readable.

Table 10-2-18(H)-8, Minimum Tree Canopy Coverage as Percentage of Lot Area	
Downtown District Character Area	Minimum Tree Canopy Coverage
Downtown Neighborhood	25%
Downtown Mixed Use (PG 1 - GROVE)	15%
Downtown Main Street	10%
Downtown Transition	15%

10. **Street Trees.**

(a) **Generally.** Street trees shall be planted according to the standards of Paragraph (b)., below, in the following circumstances:

- i. Along both sides of all new street rights-of-way (except alleys); or
- ii. Along the adjacent street side of a development.

(b) **Planting Area.** Street trees shall be provided in street tree lawns in the DNR character area or within a sidewalk cutout ~~tree grates in sidewalks~~ in all other character areas. Placement and design of sidewalk cutouts ~~tree grates~~ shall be in accordance with the Americans with Disabilities Act.

(c) **Spacing.** Street trees shall be spaced at least 25 feet, but not more than 50 feet on center in street tree lawns and shall not interfere with existing or proposed light poles, or the sight distance triangle.

(d) **Tree Variety.** All street trees shall be shade trees with single-stemmed trunks, branched no lower than six feet above the ground, except that ornamental trees may be used if large trees would conflict with existing overhead power lines. Ornamental trees shall not produce undue amounts of tree litter on the sidewalk and street. **Biodiversity must be employed in the planting of street trees.**

(e) **Tree Canopy Credit.** Street trees count toward the tree canopy coverage requirements of this Subsection.

11. **Tree and Landscape Planting Standards.**

(a) **Size.** Tree and landscape planting shall be installed in the sizes indicated in Table 10- 2-18(H)-9, *Minimum Sizes of Trees and Shrubs at Installation.*

NOTE TO REVIEWERS: Table below is new text but is not highlighted to make it more readable.

Table 10-2-18 (J)-5 Minimum Size of Trees or Shrubs at Installation		
Type of Plant	Distance from Public Right-of-Way	
	10 feet or less, or in tree lawns or medians	More than 10 feet
Shade Tree (>30' in mature height)	2-inch caliper	2-inch caliper
Ornamental Tree (<25' in mature height)	1.5-inch caliper	1.5-inch caliper
Evergreen Tree	8 feet in height	6 feet in height
Shrub	5-gallon container	5-gallon container

(b) **Tree Protection and Planting Location.**

- i. **Distance from Utilities.**

- I. No street or canopy trees shall be planted under or within 10 lateral feet of any overhead utility lines.
 - II. No trees, except street tree species that are approved by the City, shall be planted over or within 10 lateral feet of any underground water line, sewer line, transmission line, or other utility line, or as required by the owner of the utility or the requirements of the specific easement.
 - ii. **Sight Distance Triangles.** Trees shall not be installed in locations where there is a substantial likelihood that the mature form of the tree would have to be materially compromised in order to maintain sight distance triangles.
 - iii. **Timing of Landscape Installation.** Landscaping that is required by this Subsection shall be installed between May 15 and October 15. If compliance with this timeframe is impractical due to the time of year that development commences, an applicant may provide a performance guarantee in the form of a cash bond, irrevocable letter of credit, certified check, or similar instrument acceptable to the City Manager or three designee, an amount equal to 125 percent of the estimated cost of purchase and installation of required street trees.
- (c) **Tree Protection During Construction and Development.**
- i. **Generally.** Healthy native trees shall be protected according to the following requirements.
 - ii. **Protected Root Zone.** The protected root zone is the larger of:
 - I. The area under the dripline of the tree; or
 - II. A radius that extends from the center of the trunk 18 inches per one inch of diameter at breast height of the protected tree.
 - iii. **Restrictions Within Protected Root Zone.**
 - I. The protected root zone of all protected trees shall be barricaded during construction to prevent damage to the trees and their roots by construction equipment or soil compaction. The barricades shall be posted "Off Limits."
 - II. No cutting or filling, nor storage of building materials or debris, nor disposal of wastes, shall take place within the protected root zone of any protected tree.
 - III. No impervious paving shall be placed within the protected root zone of any protected tree.
 - iv. **Tree Care During Construction.** Protected trees shall be cared for regularly during construction as follows:
 - I. Regular watering if rainfall is inadequate;
 - II. Pruning of branches that are dead, diseased, hazardous, or detrimental to natural form; and
 - III. Fertilizing if nutrient stress is apparent.
 - v. **Protected Tree Removal or Death.** Should any protected tree die or be removed at any time, the owner shall, within 90 days, replace the tree. The owner shall replace the tree with three new trees. The caliper inches of the replacement trees shall be equal to or greater than the removed or dead tree's diameter at breast height. The replacement trees shall be of equivalent species or a species that will obtain the same height, spread and growth characteristics.

- (d) **Private Open Space, Detention Areas and Drainage Channels.** Private open spaces, detention areas, and drainage channels not designated as natural areas shall be designed and landscaped in such a manner to complement on-site and adjacent landscapes
- (e) **Tree Preservation Credit.** (PG 1 - Stahlman)
 - i. **Credit for Trees of Significance.** Development sites that preserve mature trees may be given credit towards the fulfillment of the above landscape requirements. Credit may only be granted for trees of significance located on the same lot or parcel and only those detailed on a site development plan, signed by a licensed landscape architect and/or certified arborist, that certifies the species, caliper, and health of the identified trees of significance. The landscape plan must further identify the methods by which the trees of significance will be protected during construction and that adequate clearance will be maintained around the dripline of the tree to prevent soil compaction and provide the tree with adequate access to water, nutrients, and air.
 - ii. **Rate of Credit.** Displayed in Table 10-2-18, *Tree Preservation Credit*, is the rate at which credit will be given for the preservation of Trees of Significance

Figure 10-2-18 (J)-6 Tree Preservation Credit	
Caliper Size	Landscape Credit Per Tree
6 to-12 inches	3 shade / evergreen -or 4 ornamental trees
13 to 24 inches	4 shade / evergreen or 5 ornamental trees
25 to 36 inches	5 shade / evergreen or 6 ornamental trees
Greater than 37 inches	6 shade / evergreen or 7 ornamental trees

(K) Signs.

1. **Generally.** The sign requirements in Chapter 17, Sign Code, shall apply in the DT district in regard to allowed sign type, area, and location, except where the context clearly indicates otherwise and except for the following specific provisions:
 - (a) 10-17-6-3, Signs Permitted in Single-Family Residence Zones;
 - (b) 10-17-6-4, Signs Permitted in Multi-Family Residence and Transitional Zones; and
 - (c) 10-17-6-5, Signs Permitted in Business, Transitional, and Industrial Zones
2. **Conflict.** If there is a conflict between the standards of this Subsection and Chapter 17, the standards of this Subsection shall prevail.
3. **Applicability.** It shall be a violation of this Subsection for any person to erect, install, convert, relocate, enlarge, or structurally modify in any way a sign in the Downtown (DT) zoning district, except as specifically allowed within this Subsection.
4. **Sign Plan.** Applicants shall provide a full-color sign plan showing locations, sizes, heights, design, illumination, and existing and proposed easements for all signs to be used on a building or a site that require a permit.
5. **Exempt Signs.** See 10-17-6-1, Signs Permitted in All Districts Without a Permit, for sign types that are exempt from requiring a sign permit and that do not count toward maximum sign area or number allowances.

6. **Prohibited Signs.** In addition to the sign types identified as prohibited within specified character areas in this Subsection, see 10-17-6-2, Signs Prohibited and Signs Allowed by Special Permit, for sign types prohibited in all character areas.
7. **General Requirements.**
 - (a) **All Signs.** All signs in the Downtown (DT) zoning district shall be subject to the following standards:
 - i. Materials for signs shall complement the color, material and overall character of the architecture.
 - ii. Signs shall be constructed of high-quality durable materials that are suitable for exterior use.
 - iii. All materials shall be finished to withstand corrosion.
 - iv. All conduits, transformers, and other equipment shall be concealed and shall have UL ratings.
 - v. Hand painted signs shall only be allowed if painted by a sign contractor.
 - vi. Cabinet signs are not permitted. Internally illuminated signs shall be halo-lit or composed of channel letters only
 - (b) **Above Ground-Floor Signs.** Only the following sign types and characteristics are permitted above the ground floor of a building:
 - i. Painted, externally down-lit or internally lit wall signs
 - ii. Mural signs;
 - iii. One unlit window sign per business; and
 - iv. The extension of a ground-floor projecting sign.
 - (c) **Sign Combination Options.** In an effort to limit the variety of sign types used on a single building or site, the following sign combinations may be utilized, depending on the permitted sign types in a given character area based on Table 10-2-18(I)-1, Sign Types by character area:
 - i. **Option 1.** A maximum of one attached sign per tenant per building frontage with window signs limited to 10 percent of the combined area of all windows, and one monument sign per building frontage;
 - ii. **Option 2.** A maximum of one attached sign per tenant per building frontage with window signs limited to 10 percent of the combined area of all windows, one awning sign per building frontage, and one projecting sign per tenant per building frontage; or
 - iii. **Option 3.** A maximum of one attached sign per tenant per building frontage with window signs limited to 20 percent of the combined area of all windows, and one projecting sign per tenant per building frontage if located or designed so as not to visually conflict with the wall sign.
 - (d) **Mixed-Use Buildings.** Signs shall not be located within the residential portion of the facade of any mixed-use building.
8. **Sign Types by Character Area**
 - (a) **Table Symbols.** Table 10-2-18(I)-1, Sign Types by Character Area, uses the following symbols:
 - i. "P" means that the sign type is permitted in the applicable character area.

Permanent attached and freestanding signs require a sign permit in accordance with Section 10-17-7-4, Permits, Inspections, and Maintenance.

- ii. "X" means that the sign type is Prohibited in the applicable character area.
- iii. The "Standards Reference" column provides a cross-reference to standards for specific sign types that do not fit within the table.
- iv. Unlisted sign types that may be permitted elsewhere in the City (for example, pole signs), are prohibited in all character areas.

(b) **Allowable Sign Types.** The table below lists the applicable sign types in rows, organized by category for attached signs, detached signs, and portable signs. The character areas are arranged in columns. Where rows and columns intersect, a letter indicates if the sign is allowed or prohibited in the district and character areas.

NOTE TO REVIEWERS: Table is new text but is not highlighted to make it more readable.

Table 10-2-18(I)-1 Sign Types by Character Area					
	DNR	DTA	DMS	DMU	Standards Reference
Attached Signs					
Arcade Sign	P	P	P	P	--
Awning Sign	X	P	P	P	10-2-18.8(g)
Marquee Sign	X	X	P1	P1	--
Mural Sign	X	X	P	P	10-2-18.8 (h)
Projecting Sign	X	P	P	P	10-2-18.8 (i)
Wall Sign	P	P	P	P	10-2-18.8 (i)
Window Sign	P	P	P	P	10-2-18.8 (k)
Detached Signs					
Monument Sign	P	P	X	P	--
Pole Sign	X	P	X	P	10-2-18.8(l)
NOTES:					
¹ Marquee signs may be used if approved by the Historic Preservation Board should the sign be attached to a Contributing Structure. Marquee signs shall be located only above the primary entry of the building.					

(c) **Attached Permanent Signs.** Table 10-2-18(I)-2, Attached Permanent Sign Standards, sets out which forms, sizes, and other standards of attached permanent signs are allowed by character area.

NOTE TO REVIEWERS: Table is new text but is not highlighted to make it more readable.

Table 10-2-18(I)-2 Attached Permanent Sign Standards				
	DNR	DTA	DMS	DMU
Arcade Sign				
Number Allowed	X	X	1 per public entrance under arcade	
Maximum Area	X	X	6 sq. ft.	
Minimum Clearance above Sidewalk	X	X	8 ft.	
Illumination	X	X	External downlighting or halo	
Changeable Copy	X	X	Not permitted	

**Table 10-2-18(I)-2
Attached Permanent Sign Standards**

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

Table 10-2-18(I)-2 Attached Permanent Sign Standards				
	DNR	DTA	DMS	DMU
Other Standards	Wall signs professionally painted directly onto a wall, are deemed mural signs			
Window Signs				
Number Allowed	1 per tenant per building frontage			
Maximum Area	10% of combined area of all windows			
Max. Clearance Above Grade	20 ft.	Maximum height of the wall structure	20 ft.	
Illumination	Internal with nighttime NITs level not to exceed 500 nits			
Changeable Copy	Not permitted		Permitted ³	
NOTES:				
<p>The maximum total area per sign allowed is 100 square feet per display face, 200 square feet per sign, and 300 square feet per building frontage;</p> <p>Buildings with flat roofs: Signs may not project above the parapet wall. Buildings with mansard roofs: Signs may not project above 50% of the height of the mansard.</p> <p>Changeable copy shall not be by electronic means but may be manual. Refer to Paragraph (f) below.</p> <p>See Paragraph (h), Wall Sign, within this Section for additional standards.</p> <p>X = Sign type is not permitted</p>				

(d) **Detached Permanent Signs.** Table 10-2-18(I)-3, Allowed Detached Permanent Sign Standards, sets out which types, sizes, and other characteristics of detached permanent signs allowed per use and by character area and subject to the following standards:

- i. Detached signs shall comply with sight triangles as established in Section 10-4-1(A)4.
- ii. Detached signs shall have no more than one, two-sided sign face or backing panel, except in the Downtown Neighborhood Residential (DNR) character area, where they shall have no more than one single-sided face or panel.

NOTE TO REVIEWERS: Table is new text but is not underlined to make it more readable.

Table 10-2-18(I)-3 Allowed Detached Permanent Sign Standards				
	DNR	DTA	DMS	DMU
Monument Sign				
Number Allowed	1 per street frontage		1 per street frontage if 151 or less linear feet of street frontage; 2 per street frontage if greater than 151 linear feet of street frontage	
Maximum Area	40 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater ¹			
Maximum Height Above Grade	5 ft.		8 ft.	
Illumination	Internally lit, Halo lit, or Externally downlit			
Changeable Copy	Not permitted		Permitted ²	
Pole Sign				

Table 10-2-18(I)-3 Allowed Detached Permanent Sign Standards				
	DNR	DTA	DMS	DMU
Number Allowed	X	1 per street frontage	X	1 per street frontage
Maximum Area	X	40 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater ¹	X	40 sq. ft. or 1 sq. ft. of sign area for each 1.5 linear feet of building frontage width, whichever is greater ¹
Maximum Height Above Grade	X	15 ft.	X	15 ft.
Illumination	X	Halo	X	Halo
Changeable Copy	X	Not permitted	X	Not permitted

NOTES:
¹The maximum total area per sign allowed is 80 square feet per display face and 160 square feet per sign.
² Changeable copy shall not be by electronic means but may be manual. Refer to Paragraph (f) below.
 X = The sign type is not permitted;

(e) Sign Illumination Standards.

- i. Tables 10-2-18(I)-2 and 10-2-18(I)-3 provide information as to the types of illumination permitted for each sign type and in each character area.
- ii. Light sources that illuminate signs shall not cause glare that is hazardous or distracting to pedestrians, vehicle drivers, or adjacent properties.
- iii. Signs with external downlighting shall have light sources concealed by opaque covers.
- iv. Light sources for halo-lit signs shall be fully concealed from view.
- v. Light sources shall be steady, stationary, shielded, and directed solely at the sign. The light source shall be static in color. Animation or flashing lights are prohibited.
- vi. Exposed neon shall not be used as a light source for signs in the DNR and DMU character areas but can include items that resemble neon such as flexible LED tubing.
- vii. Exposed neon may be used as a light source in the DMS and DTA provided it is confined to the lighting of channel signs and halo-lit signs.
- viii. Illuminated signs within the DNR character area shall shut off between the hours of 10:00 PM and 7:00 AM. The sign shall include an automatic shut-off mechanism to ensure that the signs are not illuminated during such time period.

(f) Manual Changeable Copy.

- i. Changeable copy shall not be by electronic means but may be manual.
- ii. Changeable copy signs shall not be internally illuminated unless:
 - I. They use opaque inserts with translucent letters, numbers, or symbols;
 - II. Blank or dark opaque inserts that are the same color as the opaque portions of the letters, numbers, and symbols are used over all areas of the sign where copy is not present; and
 - III. The opaque portion of the letters, numbers, and symbols is the same color.

- iii. Lettering of changeable copy signs shall be of a single style and shall be of uniform color and size.
- iv. The changeable copy area may comprise up to 50 percent of the sign area of a detached sign or up to 12 square feet of an awning sign. The remainder of the sign area shall use permanently affixed letters or symbols.
- v. The changeable copy area shall be an integral element of a detached sign with all sides finished with brick, stone, powder coated (or comparably finished) metal, or the surface of the sign face.
- vi. The enclosure shall extend at least three inches from the changeable copy area in all directions.

(g) Awning Signs.

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

(h) Mural Signs.

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

(i) Projecting Signs.

- i. Projecting signs shall be located above or below awnings, but not in line with the awnings.
- ii. Projecting signs may extend a maximum of five feet from the face of the building.
- iii. Projecting signs may not extend into any portion of the street right-of-way without approval of encroachment into public right-of-way.
- iv. Projecting signs shall be attached at right angles to the supporting structure in a manner consistent with the Building Code.
- v. Projecting signs shall be the only sign type permitted in conjunction with a paseo open space building type, as established in Table 10-2-18(H)-1 Public Open Space Standards.

(j) Wall Signs.

- i. Wall and projecting signs may be used together with the wall sign generally higher than the projecting sign.
- ii. Wall signs shall not overlap or conflict with architectural features such as windows, cornices, belt courses, or other details.
- iii. Wall signs located on the side wall of a building that faces and is adjacent to a residential building shall not be lighted above the ground floor.

- iv. Wall signs shall be composed of individually mounted letters or symbols that are a minimum of one inch thick or, for halo signs, are pinned off one inch from the wall or sign backing.

(k) Window Signs.

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

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

10-2-19 : STP SCIENTIFIC AND TECHNOLOGICAL PARK DISTRICT:

The STP Scientific and Technological Park District is established to encourage development of land for a variety of research and development activities, including necessary experimentation when conducted in compliance with this Code.

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

(B) Minimum Lot Requirements:

- 1. Minimum lot area: One hundred eighty thousand (180,000) square feet (4.13 acres);
- 2. Minimum lot width: Two hundred fifty feet (250');
- 3. Minimum unobstructed open space: Twenty percent (20%);
- 4. Maximum height of structures: None;
- 5. Maximum floor area ratio (FAR): 2:1;
- 6. Building setbacks:
 - (a) Front: Fifty feet (50');
 - (b) Rear: Fifty feet (50');
 - (c) Side: Fifty feet (50').

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

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

- 1. Temporary Or Test Facilities: Applicant will submit plans and specifications of a temporary or test facility to be constructed, together with a description of the use for which such facility was designed, including materials to be tested.

The City will, within forty five (45) days of such application, issue building permits, unless the City determines that such facility will result in a violation of performance standards.

- 2. Permanent Facilities: Applications for permanent facilities shall follow the normal building permit procedures established by the Building Code. (Ord. 20, Series of 2018)

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

The I-P Industrial Park District permits predominately industrial land uses that can coexist in close proximity to multiple-family residential and commercial properties.

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Minimum Lot Requirements:
 - 1. Minimum lot area: Forty three thousand five hundred sixty (43,560) square feet (1.00 acre);
 - 2. Minimum unobstructed open space: Twenty percent (20%);
 - (a) Portions of adjacent public right-of-way maintained as landscaped area shall not reduce the twenty percent (20%) open space requirement within the lot; and
 - (b) A twenty five foot (25') wide unobstructed open space area shall be placed along any lot line abutting residentially zoned or used property. The use of such areas shall be limited to landscaping or pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular access;
 - 3. Maximum height of structure: None;
 - 4. Maximum floor area ratio (FAR): 2:1;
 - 5. Building setback:
 - Adjacent to a nonindustrial zone district: Twenty five feet (25');
 - (b) Adjacent to industrial zone district: None.
- (C) Accessory Use Standards: See Section 10-4-4 of this Title;
- (D) Performance Standards: All facilities shall be designed so that their uses do not result in a violation of the performance standards set forth in Sections 10-4-6 and 10-4-7 of this Title, and every use in an I-P District shall be operated within an enclosed structure. (Ord. 20, Series of 2018)

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

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

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Minimum Lot Requirements:
 - 1. Minimum lot area: None;
 - 2. Minimum unobstructed open space: Ten percent (10%);
 - (a) Portions of adjacent public right-of-way maintained as landscaped area shall not reduce the ten percent (10%) open space requirement within the lot; and
 - (b) A twenty five foot (25') wide unobstructed open space area shall be placed along any lot line abutting residentially zoned or used property. The use of such areas shall be limited to landscaping or pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular access;
 - 3. Maximum height of structure: None;
 - 4. Maximum floor area ratio (FAR): 3:1;
 - 5. Building setback:
 - (C) Adjacent to a nonindustrial zone district: Twenty five feet (25');

- (b) Adjacent to industrial zone district: None.
- (C) Accessory Use Standards: See Section 10-4-4 of this Title.
- (D) Performance Standards: All facilities shall be designed so that their uses do not result in a violation of the performance standards set forth in Sections 10-4-6 and 10-4-7 of this Title. (Ord. 20, Series of 2018)

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

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

- (A) Land Uses: See Section 10-3-2 of this Title.
- (B) Minimum Lot Requirements:
 - 1. Minimum lot area: None;
 - 2. Minimum unobstructed open space: None; except that a twenty five foot (25') wide unobstructed open space area shall be placed along any lot line abutting residentially zoned or used property. The use of such areas shall be limited to landscaping or pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular access;
 - 3. Maximum height of structure: None;
 - 4. Maximum floor area ratio (FAR): 3:1;
 - 5. Building setback:
 - (a) Adjacent to a nonindustrial zone district: Twenty five feet (25');
 - (b) Adjacent to industrial zone district: None.
- (C) Accessory Use Standards: See Section 10-4-4 of this Title.
- (D) Performance Standards: All facilities shall be designed so that their uses do not result in a violation of the performance standards set forth in Sections 10-4-6 and 10-4-7 of this Title. (Ord. 20, Series of 2018)

10-2-23 : PD PLANNED DEVELOPMENT DISTRICT:

- (A) Intent: The Planned Development (PD) District is hereby created to promote the public health, safety and general welfare by allowing more flexible development, based upon a comprehensive, integrated plan. For the purpose of applying certain regulations and standards, and to insure maximum flexibility, the PD District is divided into subdistrict designations, listed below, based on the primary land use on all or a portion of the land covered by a general PD plan. By creating these subdistricts, the Council recognizes that all standards and regulations do not apply uniformly to all land uses. These subdistricts may exist singly or in combination on any approved general PD plan, provided that the specific standards and regulations applicable to the respective subdistricts are met.
 - 1. Planned Development - Residential (PD-R).
 - 2. Planned Development - Commercial (PD-C).
 - 3. Planned Development - Industrial (PD-I). (Revised 6-12-1992)
 - 4. Planned Development - Holding zone for newly annexed property (PD-X). (Ord. 3, Series of 1993)

(B) Application And Intent: Further, in the application of this Section it is the intent of the Council to:

1. Encourage more creative and effective use of land and public or private services, and to accommodate changes in land development technology so that the resulting economies benefit the community.
2. Encourage innovation and efficiency in residential development to meet the growing demands for housing of all types and designs for persons of any social or economic status.
3. Encourage innovative development or redevelopment of all land uses to meet the contemporary needs of the community by providing for a greater variety and mix of uses including those which may coexist on the same parcel or within the same building as shown on an approved general PD plan.
4. Provide a process which relates the design and development of a site to the particular characteristics of the site.
5. Require that the nature and intensity of development be supported by adequate utilities, transportation network, drainage systems and open space to serve the development, and to minimize impacts on adjacent existing and future development.
6. Encourage development that is consistent with the policies and guidelines established in the adopted Comprehensive Plan for the area and for the City. (Revised 6-12-1992)

(C) Land Uses: The land uses, listed below, together with accessory uses customarily associated with such principal uses, shall be allowed only if the uses are specifically stated on the approved general PD plan. In cases where more than one subdistrict is proposed, the land use regulations and standards for each subdistrict shall be stated, and the location of each subdistrict shall be graphically shown on the general PD plan. Land uses permitted for each subdistrict are:

1. PD-R:
 - (a) Single-family dwelling units;
 - (b) Multiple-family dwelling units;
 - (c) Any combination of the above; and
 - (d) Nonresidential uses, including, but not limited to, churches, schools or recreational facilities.
2. PD-C:
 - (a) Any land uses allowed in the B-1 and B-2 business districts which are listed in Chapter 3 of this Title, and which are specifically designated on the approved general PD plan, subject to the conditions set forth in Subsection (D)2 of this Section.
 - (b) Multiple uses within one or more structures, including multiple-family, residential and office and retail uses permitted in the B-1 and B-2 business districts which are designated on the approved general PD plan, subject to the conditions set forth in Subsection (D)2 of this Section.
3. PD-I: Land uses of all types, including industrial, which are designated on the approved general PD plan, subject to the conditions and performance standards set forth in Subsection (D)3 of this Section and Sections 10-4-6 and 10-4-7 of this Title.
4. PD-X: Initial zoning to a PD-X classification may be requested for newly annexed property without submitting a general PD plan, and without designating land uses or

subdistricts. City council may approve such requests only for newly annexed property, provided the following minimum conditions are met:

(a) Land uses and the type and number of principal structures existing on the property at the time PD-X zoning is approved may be continued, repaired or expanded in size, provided the existing uses are specifically identified in the ordinance approving the PD-X zoning. Said ordinance shall also establish the applicable lot development standards, by reference, to the zone district classification most comparable to the existing use(s) of the property. Such development standards shall govern any future construction, repair or principal structure expansion as may be permitted by this Subsection.

(b) If, after PD-X zoning is granted, any land use is proposed to be changed, or any additional principal structures are proposed to be constructed, on any portion of the property, the entire property zoned PD-X shall first be brought into full compliance with the provisions contained in this Title for the PD district. Specifically, this shall include the requirements for application, hearing and approval of a general PD plan. (Ord. 3, Series of 1993)

(c) The director of community development may grant waivers to the requirements of Subsection (C)4(b) of this Section to bring an entire property zoned PD-X into full compliance with the PD district provisions provided:

(1) The total land area contained within the area zoned PD-X is eighty (80) acres or larger; and the area to be brought into compliance with the PD district regulations, as provided in Subsection (C)4(b) of this Section, does not contain less than forty (40) acres; and

(2) The director of community development finds that the intent of the PD district, as stated in Subsections (A) and (B) of this Section, will be preserved or enhanced by the grant of such waiver. (Ord. 20, Series of 2012)

(D) Conditions And Performance Standards:

1. PD-R: For single-family areas, there shall be provided not less than fifty percent (50%) unobstructed open space; and for multiple-family areas, not less than twenty five percent (25%) unobstructed open space including any private open space. (Revised 6-12-1992)

2. PD-C:

(a) At least twenty percent (20%) of the site area designated for PD-C shall be maintained in unobstructed open space. In addition, there shall be a fifty foot (50') wide area of unobstructed open space provided along any boundary of a PD-C which abuts any residential property not approved on the same general PD plan, or any subsequent amendment thereto.

(b) The maximum height of structures in PD-C areas located within one hundred fifty feet (150') of any residential property boundary shall not exceed thirty feet (30'), except for PD-C areas located adjacent to residential uses which have been approved on the same general PD plan, or any subsequent amendment thereto. (Ord. 3, Series of 1993)

(c) Minimum off street parking and loading shall be provided in conformance with Section 10-4-9 of this Title. Joint or multiple use of parking spaces provided for commercial uses may be permitted, provided a schedule of operation, including the proposed method of regulation, is defined on the final PD plan approved by

the director of community development. In the event that the uses sharing parking spaces are proposed to change, the new uses shall be reviewed by the director of community development to ensure that the original schedule of operation and method of regulating remain valid. If not, additional parking spaces shall be provided. (Ord. 20, Series of 2012)

3. PD-I:

(a) At least fifteen percent (15%) of the site area designated for PD-I shall be maintained in unobstructed open space. In addition, there shall be a fifty foot (50') wide area of unobstructed open space provided along any boundary of a PD-I which abuts any residential property which is not included within the same general PD plan, or any subsequent amendment thereto.

(b) The maximum height of structures in PD-I areas located within two hundred feet (200') of any residential property boundary shall not exceed thirty feet (30'), except for PD-I areas located adjacent to residential uses which have been approved on the same general PD plan, or any subsequent amendment thereto. (Ord. 3, Series of 1993)

(c) Minimum off street parking and loading shall be provided in conformance with Section 10-4-9 of this Title.

(d) All land uses must conform with the performance standards set forth in this Subsection (D) and Sections 10-4-6 and 10-4-7 of this Title as applicable to each use approved on a PD-I plan.

(E) Procedure: All requests for approval of any PD zone district shall be subject to the requirements set forth below:

1. Application: All requests for PD zoning shall be submitted and processed pursuant to the procedures established in Chapters 1 and 12 of this Title. (Revised 6-12-1992)

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

3. Additional Material: The following additional material is required to accompany the general PD plan:

(a) The applicant shall submit a statement of the terms and conditions under which the subject property will be developed and maintained subsequent to development. Such statement shall include conditions, performance standards and such other reasonable restrictions as may be necessary to ensure development and maintenance of the subject property in full accordance with the approved general PD plan.

(b) The applicant shall submit a written description of the objectives to be achieved by the particular development concept being proposed. This statement shall include, but is not limited to, the manner in which the proposed development meets or exceeds the intent of the planned development district, the proposed architectural and site design concepts including style; placement of structures to maximize views and take advantage of the site's natural characteristics; building materials (type, textures and colors); specific concepts by which the proposed development will make an orderly transition from existing adjacent development including varied setbacks and facade treatment, additional open space, screening

of parking areas and landscaping of all public and private open spaces and recreational facilities. It is the intent of this requirement that the applicant provide a clear, concise statement for the reviewing authorities to better understand the proposed development concept and upon which a decision regarding the proposal may be based.

(c) The applicant shall submit a written statement of the tentative time schedule for phased development. The statement shall include the type of development, density, floor area ratios, etc., for each phase of development, and shall be accompanied by a map generally designating the phases and the sequence of development. (Revised 6-12-1992)

4. Review And Approval Of The General PD Plan:

(a) The procedure for review of a proposed general PD plan shall be as prescribed in Chapters 1 and 12 of this Title. The planning commission shall base its recommendation and the council shall base its decision on the conformance of the proposed plan with the stated intent of the planned development district as stated in Subsections (A) and (B) of this Section. The planning commission may recommend approval of the request, recommend approval with conditions reasonably related to meeting the criteria upon which the granting of the application would be based, recommend approval of a higher classification than requested, recommend denial, or table the matter to a date certain, pending the provision of further information, provided the continuance is agreed to by the applicant. All recommendations adopted by the commission shall be by resolution. (Ord. 10, Series of 1993; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(b) The council may approve the request, approve the request with conditions reasonably related to meeting the criteria upon which the granting of the application would be based, approve a higher classification than requested, deny the request, or table the matter to a date certain, pending provision of further information by the applicant or staff. Council approval of the PD district and/or a general PD plan, approval with conditions, or approval of a higher classification, shall be by adoption of an ordinance. (Ord. 10, Series of 1993)

5. Recording: An approved general PD plan, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder pursuant to Subsections 10-1-9(E) and (F) of this Title prior to filing an application for the review of any final PD plans. (Ord. 20, Series of 2012)

6. Final PD Plans: After approval of a general PD plan, a final PD plan must be reviewed for conformance with the general PD plan and council requirements prior to application for any permits required to commence construction, as provided in Section 10-7-3 of this Title. Final PD plans shall conform to the approved general PD plan and shall contain:

(a) Single-Family Residential: For any portion of a property approved for single-family development on the general PD plan, detailed plan requirements and procedures shall be met by fulfilling the requirements of Title 11 of this code.

(b) Multiple-Family, Commercial And/Or Industrial: For any portion of a property approved for development as multiple-family residential, commercial and/or industrial on the general PD plan, detailed plan requirements and procedures shall:

(1) Fulfill the applicable requirements of Title 11 of this code; and

(2) Complete the SDP requirements and review procedures set forth in Chapter 7 of this Title.

(c) Final PD Plans: Final PD plans may be filed for all or part of the area covered by the approved general PD plan and shall be in conformance with the requirements and procedures set forth in this Chapter.

(F) Optional Subdivision Procedure: Any applicant may file an application for approval of a preliminary subdivision plat to be reviewed concurrently with an application for approval of a general PD plan submitted under the provisions of Subsection (E) of this Section. Such preliminary subdivision plat application shall meet all of the requirements of Title 11 of this code.

(G) Enforcement Of Approved Plan:

1. An approved general PD plan shall bind the development of the subject property regardless of any change in ownership of that property.
2. Adequate assurance shall be required to ensure that common open space and/or facilities will be provided as shown on the final PD plan. Such assurance may be in the form of a bond, letter of credit or other financial guarantee approved as to form by the city attorney. The financial assurance shall be in the amount of one hundred twenty five percent (125%) of the estimated engineering, materials and construction costs at the projected time of installation. If the required improvements are not complete by the time an occupancy permit is requested, the planning division shall review the amount of the financial assurance covering the incomplete improvements and may require that the amount of the assurance be revised in accordance with the then current estimated costs of engineering, materials and of completing construction prior to the issuance of a certificate of occupancy.
3. If development is proposed to occur in phases, an acceptable form of assurance shall be required for all on site and off site improvements, including utilities, streets, curbs, gutters, sidewalks, public open spaces and common open spaces and facilities. Such improvements will be provided as shown on the final PD plan, which plan shall stipulate that such improvements shall be completed in the same proportion as that particular phase is of the entire development.
4. The requirements of this Section for financial assurance are deemed separate and distinct from, and are not met by, the requirements for financial assurance for public improvements contained in the city's subdivision regulations. (Revised 6-12-1992)

(H) Amendment Procedure: The procedure for amending an approved general PD plan or final PD plan shall be the same as prescribed for the original approval, except in the event that a general PD plan is administratively amended. The director of community development may approve administrative amendments for the changes specified below after consulting with affected city staff, provided the applicable conditions of Subsection (I) of this Section are met. (Ord. 20, Series of 2012)

1. Transfer of density as provided in Section 10-9-1 of this Title;
2. Relocation of access points from the property onto local and collector streets, but not including arterial streets or state highways;
3. Changes in the location and type (ground, monument, wall, etc.) of signage, but not including the total allowable sign area; or

4. Relocation of structures, parking, and open spaces, but not including the maximum or minimum standards for each established by the approved PD plan. (Revised 6-12-1992)

(I) Conditions For Administrative Amendments: After consulting with affected city staff, the director of community development may approve any request for an administrative amendment if the applicable conditions set forth below are met. In those instances where the below conditions are met and the director of community development does not grant an administrative amendment, the applicant may submit the proposed amendment for processing in conformance with the procedures prescribed for original approval. (Ord. 20, Series of 2012)

1. There will be no change in permitted uses;
2. There will be no increase in total building coverage;
3. There will be no increase in dwelling unit density or total commercial/industrial gross floor area;
4. There will be no increase in maximum building height;
5. Any projected increases in traffic volume are within the design capacities of the existing or planned internal and adjacent public street system;
6. The existing or planned internal and adjacent public utilities have adequate capacities to serve the proposed amendment;
7. Existing or planned private and/or public open space meets the applicable minimum requirements;
8. Off street parking or loading space meets the applicable minimum requirements;
9. Public street rights of way and/or paving widths are acceptable to the department of public services, Littleton fire department and Littleton police department; and
10. The basic content of the amended general PD plan will remain in conformance with the originally approved PD plan. (Revised 6-12-1992)

(J) Amended Plan: A proposed amended general PD plan shall generally meet the requirements specified in the operating standards.

(K) Recording: An approved general PD plan, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder pursuant to Subsections 10-1-9(E) and (F) of this Title prior to filing an application for the review of any final PD plans. (Ord. 20, Series of 2012)

10-2-24 : OS PARK/OPEN SPACE DISTRICT:

(A) Intent: The park/open space (OS) district is hereby created to promote the public health, safety and general welfare by providing for active recreation facilities where appropriate; and to conserve land for passive open space, to preserve environmentally sensitive areas, or to protect other resources. By creating this district, it is the intent of the city council to:

1. Provide a specific definition of the nature and type of uses to be permitted within land areas designated in the future for park and open space purposes; and
2. Assure the citizens that existing park and open space will be preserved.

(B) Land Uses: Land designated OS on the official zoning map shall be restricted to the following uses:

1. Maintained Areas: Arboretums, gardens, lawns (with or without trees), or other frequently maintained areas.
2. Natural Areas: Publicly owned natural areas, as designated by the city manager pursuant to Subsection 7-4-3(E) of this code including large tracts of land, or streams, riparian zones, trails, ravines, gulches, canals, irrigation ditches, ponds, drainage ponds, and rights of way for storm drainage facilities.
3. Preserved Lands: Tracts of land, streambeds, lakes, ponds, canals or ditches which are preserved to provide for wildlife habitat, breeding, roosting, cover and migration, and/or to conserve unique species or stands of vegetation.
4. Park Improvements: Park improvements on parcels for which a master plan has been approved by the city council including, but not limited to, the following:
 - (a) Play fields (lighted or unlighted) for activities including, but not limited to, baseball, softball, football, soccer, lacrosse, field hockey or other organized sports;
 - (b) Individual recreational activities including, but not limited to, walking, hiking, running, bicycling, and skating;
 - (c) Structural improvements including, but not limited to, recreation centers, swimming pools, courts, playgrounds, picnic shelters (with or without cooking facilities), restrooms, and parking lots;
 - (d) Specialty and seasonal activities including, but not limited to, skateboard facilities, wildlife observation blinds, canoeing, fishing, and outdoor educational programs;
 - (e) Residential use limited to occupancy by park management staff and/or security personnel; and (Ord. 8, Series of 2000)
 - (f) Other uses may be permitted upon a finding by the director of community development that the use is similar in character and impact to those uses specifically permitted within the OS zone district, and which are determined to be consistent with the stated intent of the OS zone district. (Ord. 20, Series of 2012)
5. Beekeeping: Beekeeping in conformance with Section 10-4-14 of this Title. (Ord. 9, Series of 2009)
6. Conditional Uses: The following may be permitted in the OS zone district as a conditional use provided the use is approved by the planning commission pursuant to Chapter 8 of this Title:

Childcare facilities.

Facilities for outdoor spectator events.

Restaurants (sit down type only) which attract clientele other than the users of the park and open space facilities located on the same parcel.

Retail and service uses accessory to a use permitted in the OS zone district which are located on the same parcel. Such conditional uses may include, for example, golf or tennis pro shops, sale or rental of other accessories, batting cages, and snack stands. (Ord. 8, Series of 2000; amd. Ord. 9, Series of 2009; Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(C) Minimum Lot Requirements:

1. Lot area: Not applicable.

2. Lot width at front setback: Not applicable.
 3. Unobstructed open space: Not applicable.
 4. Building setbacks:
 - (a) Principal structures must be set back from all property lines one foot (1') for each one foot (1') of building height, with a minimum setback of twenty feet (20').
 - (b) Accessory structures must be set back from all property lines at least the same distance as any principal structure located on the same parcel, with a minimum setback of twenty feet (20') in the absence of a principal structure.
- (D) Parking Requirements: Where applicable, twenty (20) parking spaces per general purpose play field, or as set by the approved master plan. (Ord. 8, Series of 2000)

10-2-25 : CEM CEMETERY DISTRICT:

The cemetery district (CEM) is hereby created to promote the public health, safety and general welfare by providing for the interment and handling of human remains.

- (A) Land Uses: Cemeteries, mausoleums, chapels or other space for conducting memorial services, sales of headstones or memorials, columbaria.
- (B) Accessory Uses: Offices necessary to administrate the land uses, grounds maintenance, or storage of equipment or vaults. Any outdoor storage must be screened from adjacent public rights of way or adjacent residential uses.
- (C) Signage: No signs shall be permitted except for cemetery identification signs, directional signs, signs displaying the hours and days of operation, signs displaying rules and regulations, headstones or other memorials.
- (D) Minimum Area Requirements: No tract of land, whether a single parcel or group of parcels under common ownership, shall be zoned CEM unless it contains at least twenty (20) acres.
- (E) Minimum Lot Requirements:
 1. Lot area: Not applicable.
 2. Lot width: Not applicable.
 3. Unobstructed open space: 50 percent.
 4. Building setbacks: 50 feet.
 5. Maximum height of structure:
 - (a) Principal structure: 30 feet.
 - (b) Accessory structure: 18 feet measured from the average grade to the highest point of the roof. (Ord. 5, Series of 2005)

10-2-26 : CA CENTRAL AREA MULTIPLE USE DISTRICT:

The CA Central Area Multiple Use District defines the Downtown Business District of the City, and promotes a mix of residential, retail, service, office, amusements, and associated commercial and business uses.

- A. Land Uses: See section 10-3-2 of this title.
- B. Residential Density Single Family: 7.92 dwelling units per acre.
- C. Residential Density Multi-Family: 75.75 dwelling units per acre.

- D. Maximum Floor Area Ratio: 5:1.
- E. Minimum Lot Requirements:
 - 1. Minimum lot size nonresidential: None;
 - 2. Minimum lot size residential: Five thousand five hundred (5,500) square feet;
 - 3. Unobstructed open space nonresidential: Ten percent (10%);
 - 4. Unobstructed open space residential: Twenty percent (20%);
 - 5. Maximum height of structures: Forty feet (40');
 - 6. Building setbacks: None.
 - 7. For combined commercial and residential developments within the same project, the minimum lot requirements for the primary use shall govern.
- F. For Residential Only Developments:
 - 1. Minimum lot requirements for townhouses, zoned CA, located within the downtown area (east of Santa Fe):
 - a. Minimum lot size (per residential unit): Two thousand five hundred (2,500) square feet;
 - b. Minimum lot width: Twenty five feet (25');
 - 2. Minimum lot requirements for townhouses, zoned CA, in all other areas except downtown:
 - a. Minimum lot size (per residential unit): Three thousand (3,000) square feet;
 - b. Minimum lot width: Thirty feet (30');
- G. Special Development Allowances: In order to be eligible for a PDO, the following performance standards must be met:
 - 1. The development parcel shall be no less than twenty five thousand (25,000) square feet in area.
 - 2. The minimum unobstructed open space requirement shall be increased to twenty five percent (25%).
- H. Accessory Use Standards: See section 10-4-4 of this title.
- I. Home Occupation Standards: See section 10-4-5 of this title.

(Ord. 20, Series of 2018)

CHAPTER 3 LAND USES

10-3-1 : LAND USES:

(A) Land Uses: Land uses permitted within each specific zone district other than the planned development district (PD-R, PD-C, PD-I), are designated by symbols in Section 10-3-2 of this Chapter. The listed symbols are defined as follows:

P	Permitted use.
C	Conditional use required pursuant to Chapter 8 of this Title.
A	Permitted as accessory use, pursuant to Section 10-4-4 of this Title.
H	Permitted as home occupation pursuant to Section 10-4-5 of this Title.
T	Permitted as temporary use pursuant to Section 10-4-10 of this Title.

G	Group home for the elderly pursuant to Chapter 14 of this Title.
O	Permitted pursuant to Chapter 9 of this Title.
S	Use by special permit pursuant to Title 3, Chapter 17 of this code
PS	Permitted pursuant to Section 10-4-16 of this Title.
*	Conditional use required pursuant to Chapter 8 of this Title for properties subject to the Downtown Littleton Design Standards.

10-3-2 : LAND USE TABLE:

(A) Land Uses: Land uses permitted within each specific zone district other than the planned development district (PD-R, PD-C, PD-I), are designated by symbols in Section 10-3-2 of this Chapter. The listed symbols are defined as follows:

P	Use permitted by right.
C	Conditional use required pursuant to Chapter 8 of this Title.
A	Permitted as accessory use, pursuant to Section 10-4-4 of this Title.
H	Permitted as home occupation pursuant to Section 10-4-5 of this Title.
T	Permitted as temporary use pursuant to Section 10-4-10 of this Title.
G	Group home for the elderly pursuant to Chapter 14 of this Title.
O	Permitted pursuant to Chapter 9 of this Title.
R	Permitted pursuant to Section 10-4-12 of this Title.
S	Use by special permit pursuant to Title 3, Chapter 17 of this code.
PS	Permitted pursuant to Section 10-4-16 of this Title.

(Revised 6-12-1992; amd. Ord. 44, Series of 1992; Ord. 12, Series of 1994; Ord. 36, Series of 2013)

(B) Permitted Land Uses: Land uses permitted within a PD district shall be listed on the approved planned development general development plan.

(C) Relationship To Applicable Development Standards: Land uses shall be subject to development standards for the specific zone district, as provided in Chapter 2 of this Title, and applicable supplemental standards provided in Chapter 4 of this Title. (Revised 6-12-1992)

(D) OS Zone District: For uses permitted in the OS zone district, refer to Subsection 10-2-24(B) of this Title. (Ord. 8, Series of 2000)

(E) DT Zone District: For uses and development standards in the DT zone district, refer to Section 10-2-18. For permitted building types, refer to Section 10-4-18.

LAND USE CATEGORIES ZONE DISTRICTS.	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	M-H	B-P	T	B-1	B-2	B-3	ST-P	I-P	I-1	I-2	C-E-M
1.00 RAISING OF CROPS																					
1.10 Plant and tree nurseries	P	P	P																		
1.20 Raising of crops (for sale, resale or consumption by occupants of premises)	P	P	P																		

LAND USE CATEGORIES ZONE DISTRICTS.	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH	B-P	T	B-1	B-2	B-3	STP	I-P	I-1	I-2	CEM
1.30 Raising of crops (limited to the use and consumption by occupants of the premises)				A	A	A	A	A	A	A	A		A								
2.00 SERVICES AND ENTERPRISES RELATED TO ANIMALS																					
2.10 Veterinarian/animal hospital																					
2.11 Treatment and boarding of large animals (such as horses, cattle and other farm animals) and small animals outside enclosed structure	P	P	P																		
2.12 Treatment and boarding of small animals within enclosed structure	P	P	P												P	P			P	P	P
2.13 Treatment of small animals and boarding only for treatment purposes	P	P	P											P	P	P			P	P	P
2.14 Outpatient treatment of small animals	P	P	P										P	P	P	P			P	P	P
2.20 Raising of livestock (other than horses) or fish (not including furbearing animals raised for pelts, hog ranches, commercial feedlots, agricultural processing industry or farms for the disposal of garbage or other waste)	P	P	P																		
2.30 Raising of horses	P	P	P	A																	
2.40 Commercial stables, riding academies, horse training and breeding	P	P	P																		
2.50 Kennels and pet animal boarding and raising	P	P	P																		
2.60 Animal boarding and care facility														C	C	P				P	P
2.70 Beekeeping	P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
2.80 Chickens				A	A	A	A														
2.90 Pigeon keeping	A	A	A	A	A	A	A														
3.00 RESIDENTIAL																					
3.10 Single-family detached	P	P	P	P	P	P	P	P	P	P			P								
3.20 Two-/three-family residence	O	O	O	O	O	O	O	P	P	P			P								
3.30 Multi-family residence (4 or more units)																					
3.31 Townhouse	O	O	O	O	O	O	O	O	P	P			P								

LAND USE CATEGORIES ZONE DISTRICTS.	A - 1	R - S	R - L	R - E	R - 1	R - 2	R - 3	R - 3 X	R - 4	R - 5	M H	B - P	T	B - 1	B - 2	B - 3	ST P	I - P	I - 1	I - 2	C E M	
3.32Apartments									P	P			P									
3.33Independent living facility										P			P									
3.40Mobile homes											P											
3.50 Homes emphasizing special services, treatment or supervision																						
3.51Group homes for persons with disabilities	P	P	P	P	P	P	P	P	P	P			P									
3.52Group homes for elderly	G	G	G	G	G	G	G	G	G	G			G									
3.53Nursing home/congregate housing										P			P									
3.54Foster care homes	P	P	P	P	P	P	P	P	P	P			P									
3.55Group homes for children										P												
3.56Assisted living facility										P			P									
3.57Skilled nursing facility										P			P									
3.60Miscellaneous																						
3.61Rooming/boardin g houses										P			P									
3.62Rooming/boardin g, accessory to residential occupancy of a dwelling	A	A	A	A	A	A	A	A	A	A	A		A									
3.63Tourist homes and other temporary residences renting by the day or week										P			P	P	P	P						
3.64Hotels and motels														P	P	P						
3.65Sorority/fraternity houses										P												
3.66Dwelling units located in the same structure as a nonresidential use and which meet the requirements of Section 10-4-12 of this Title														R	R							
4.00GARAGE SALES	A	A	A	A	A	A	A	A	A	A			A									
5.00OFFICE, CLERICAL, AND SERVICES NOT RELATED TO GOODS OR MERCHANDISE																						
5.10Medical, dental, or other health related offices																						
5.11Individual offices										P			P	P	P	P						
5.12Buildings of not more than 10,000 square feet										P			P	P	P	P						
5.13Buildings in excess of 10,000 square feet														P	P	P						

LAND USE CATEGORIES ZONE DISTRICTS.	A - 1	R - S	R - L	R - E	R - 1	R - 2	R - 3	R - 3 X	R - 4	R - 5	M H	B - P	T	B - 1	B - 2	B - 3	ST P	I - P	I - 1	I - 2	C E M
5.14Pharmacies												P	P	P	P	P					
5.20Administrative and executive; business and professional; and general offices												P	P	P	P	P	A	P	P	P	
5.30Financial services, such as banks, savings and loans and brokerages												P	P*	P	P*	P*		P	P	P*	
5.31 Financial services, such as banks, savings and loans and brokerages that feature drive-up or drive-thru services													P		P	P				P	
5.40Studios for professional work												P	P	P	P	P					
5.50Ambulance facilities															P*	P*		P	P	P*	
5.60Industrial temporary labor halls																			P	P	
6.00RESTAURANTS/ FOOD SERVICE																					
6.10Service within enclosed area under roof without drive- through facility													P	P	P	P		P	P	P	
6.20Service within enclosed area under roof with drive-thru facility															P*	P*		P	P	P*	
6.30Takeout and delivery (principal use)														P	P*	P*		P	P	P*	
6.31Takeout and delivery (accessory use)															A	A	A			A	
6.40Automotive curbside service															P*	P*		P	P	P*	
6.50Cafeteria, providing service to on site employees												A	A				A	A	A	A	
7.00SALES, RENTAL AND SERVICE OF GOODS, MERCHANDISE, AND EQUIPMENT NOT INCLUDING MOTOR VEHICLES AND BUSINESS TYPE SERVICES																					
7.10Direct sales, service and rentals to general public																					
7.11General merchandise														P	P	P		P	P	P	
7.12Pawnshops															P	P					

LAND USE CATEGORIES ZONE DISTRICTS.	A - 1	R - S	R - L	R - E	R - 1	R - 2	R - 3	R - 3 X	R - 4	R - 5	M H	B - P	T	B - 1	B - 2	B - 3	ST P	I - P	I - 1	I - 2	C E M
7.20 Wholesale sales and distribution to retailers/businesses														A	A	P*		P	P	P*	
7.30 Cleaning/laundry operations, within enclosed structure, serving general public													P	P	P	P		P	P	P	
7.40 Open air/flea markets																			C	C	
8.00 PARKING STRUCTURES/STORAGE																					
8.10 Automobile parking garages/lots														O	O	O					
8.20 Outdoor storage/miniwarehouse																P		P	P	P	
8.30 Off site commercial employee/customer parking on residential zoned property				C	C	C	C	C	C				C								
9.00 RESEARCH AND DEVELOPMENT																					
9.10 Laboratory: medical, dental and optical												A	A	A	P	P		P	P	P	
9.20 General research and development																	P	P	P	P	
10.00 MOTOR VEHICLE RELATED SALES AND SERVICE OPERATIONS																					
10.10 Sales of automobiles by licensed dealers															P*	P*		P	P	P*	
10.11 Sales of new automobiles															P*	P*		P	P	P*	
10.12 Sales, leasing, rental or pawning of used motor vehicles															C	P*		P	P	P*	
10.20 Sales of gasoline															P*	P*		P	P	P*	
10.30 Sales of automotive parts, not including wrecking yard operations														P	P*	P*		P	P	P*	
10.40 Automotive services, not including junk or wrecking yard operations																					
10.41 Services related to the installation of accessories including car stereos, window tinting, etc., and not including services related to														P	P*	P*		P	P	P*	

LAND USE CATEGORIES ZONE DISTRICTS.	A - 1	R - S	R - L	R - E	R - 1	R - 2	R - 3	R - 3 X	R - 4	R - 5	M H	B - P	T	B - 1	B - 2	B - 3	ST P	I - P	I - 1	I - 2	C E M
mechanical, electrical or body repair																					
10.42 Services related to cleaning (e.g., car washes), mechanical (e.g., engine, steering, drive train, tires, brakes) and body repair															P*	P*		P	P	P*	
11.00 RECREATION, AMUSEMENTS, ENTERTAINMENT																					
11.10 Activity conducted within fully enclosed structure																					
11.11 Bowling alleys, ice skating and rollerskating															P	P					
11.12 Movie theater/theaters															P	P					
11.13 Teen club															C	C					
11.14 Adult entertainment																			P	P	
11.15 Indoor amusements not included in 11.11															C	C					
11.16 Health/recreation clubs															P	P					
11.17 Tattoo parlors and body arts studios															C	C			P	P	
11.18 Indoor shooting range																C			C	C	
11.20 Activity conducted primarily outside enclosed structure															C	C					
11.21 Outdoor shooting range																			C	C	
11.30 Library, reading room (private)												P	P	P	P	P	P				
11.40 Off track betting																S			S	S	
12.00 LIQUOR LICENSED PREMISES																					
12.10 Bars and taverns														P	P	P		P	P	P	
12.20 Nightclubs																P		P	P	P	
13.00 MANUFACTURING, INCLUDING PROCESSING, CREATING, REPAIRING, RENOVATING, PAINTING, CLEANING, AND ASSEMBLY OF GOODS, MERCHANDISE AND EQUIPMENT																					
13.10 Commercial cleaning/laundry operations																P*		P	P	P*	

LAND USE CATEGORIES ZONE DISTRICTS.	A - 1	R - S	R - L	R - E	R - 1	R - 2	R - 3	R - 3 X	R - 4	R - 5	M H	B - P	T	B - 1	B - 2	B - 3	ST P	I - P	I - 1	I - 2	C E M
13.20 Assembly of prefabricated parts																P		P	P	P	
13.30 Assembly or fabrication for sale on premises only																					
13.40 Fabrication by stamping, cutting or otherwise shaping processed materials into useful products																P		P	P	P	
13.50 Refining or initial processing of basic raw materials																					
13.51 Other than products related to mining or quarrying operations, petroleum and chemicals, alcohol distillation excepting distilleries, animal products or byproducts, wood, rubber, metal, and gases excepting nitrogen and oxygen and similar products																			P	P	
13.52 Including all other processes																				P	
13.53 Brewery, distillery, and winery																P			P	P	
13.54 Brewery, distillery and winery with tasting/retail sales room which meets the requirements of Section 10-4-16 of this Title														P	S						
14.00 INSTITUTIONS																					
14.10 Education																					
14.11 College/university, private										P											
14.12 Childcare center	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	
14.13 Elementary/secondary, private	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	
14.14 Trade and vocational, private	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	
14.15 Home childcare	H	H	H	H	H	H	H	H	H	H	H		H								
14.16 Studios for teaching fine arts and martial arts							C	C	C			P	P	P	P	P					
14.20 Religion																					
14.21 Churches	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	
14.22 Church facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	
14.30 Government facilities																					

LAND USE CATEGORIES ZONE DISTRICTS.	A - 1	R - S	R - L	R - E	R - 1	R - 2	R - 3	R - 3 X	R - 4	R - 5	M H	B - P	T	B - 1	B - 2	B - 3	ST P	I - P	I - 1	I - 2	C E M
14.31 City owned/operated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	
14.32 Other than City owned/operated	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	
15.00 INSTITUTIONAL RESIDENCE, CARE OR CONFINEMENT FACILITIES																					
15.10 Medical and dental outpatient facilities and hospitals												P		P	P	P					
15.20 Correctional facility, other than County Jail															C	C			C	C	
15.30 Monastery/conv ent										P											
15.40 Detoxification center														P	P	P					
16.00 SOCIAL/FRATERNAL CLUBS AND LODGES, UNION HALLS, AND SIMILAR USES												P	P	P	P	P					
17.00 MISCELLANEOUS USES																					
17.10 Uses by temporary permit																					
17.11 Noncommercial concrete batch plant	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
17.12 Temporary building, office or yard for construction	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
17.13 Temporary building used as sales office	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	
17.14 Temporary structure	T									T		T	T	T	T	T	T	T	T	T	
17.15 Circuses/carnivals																C					
17.20 Home occupations per Section 10-4-5 of this Title	H	H	H	H	H	H	H	H	H	H	H		H								
17.30 Campground and travel trailer parking											P										
17.40 Utility installations per Subsection 10-8-2(A) of this Title	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
17.50 Commercial mobile radio service (CMRS) facilities																					
17.51 Alternative tower structure within 2,000 foot separation requirement	C	C	C						C	C		C	C	C	C	C		P	P	P	
17.52 Ancillary utility structure	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.53 Antenna support structure	C	C	C						C	C		C	C	C	C	C		P	P	P	

LAND USE CATEGORIES ZONE DISTRICTS.	A - 1	R - S	R - L	R - E	R - 1	R - 2	R - 3	R - 3 X	R - 4	R - 5	M H	B - P	T	B - 1	B - 2	B - 3	ST P	I - P	I - 1	I - 2	C E M
17.54 Building or roof mounted CMRS facilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
17.55 CMRS collocation site	P	P	P						P	P		P	P	P	P	P		P	P	P	
17.60 Air supported membrane structures	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	
17.70 Memorial services																					
17.71 Cemeteries																					P
17.72 Mortuaries													P								
17.73 Crematorium												C									
17.80 Solid waste landfills																				C	
17.90 Ambulance service													C	C	C	C	C				
18.00 USES, FOR WHICH THE ZONING OFFICIAL IS NOT ABLE TO MAKE A FINAL DETERMINATION, MAY BE PERMITTED UPON A FINDING BY THE DIRECTOR OF COMMUNITY DEVELOPMENT THAT THE USE IS SIMILAR IN CHARACTER AND IMPACT TO THOSE USES SPECIFICALLY PERMITTED WITHIN A DISTRICT, WHEN CONSIDERATION IS GIVEN TO THE GOALS AND POLICIES EXPRESSED IN THE COMPREHENSIVE PLAN, OR AS MAY BE AMENDED; AND TO TRAFFIC AND PARKING NEEDS ASSOCIATED WITH THE PROPOSED USE																					

CHAPTER 4 SUPPLEMENTARY STANDARDS

10-4-1 : STANDARDS RELATED TO SITE DESIGN:

- () Minimum Lot Requirements:
 1. Lot Requirements: Standards related to lot area, lot width, open space, setbacks and height of building(s) are referenced under each zone district in Chapter 2 of this Title.
 2. Predominant Front Setbacks: In residential zone districts, where more than twenty five percent (25%) of the platted lots along one (1) block front are developed, the front

- setback established for the developed lots shall set the required front setback for development of the remainder of the block front, including additions to the existing structures. This regulation shall not, in any case, require a front setback of more than fifty feet (50').
3. Minimum Lot Area Calculation: That portion of a parcel dedicated for public right-of-way shall not be included in computing the minimum lot area of any subdivision.
 4. Sight Distance Triangles: All corner lots and all lots with street intersections shall provide sight distance triangles in accordance with current American Association of State Highway Transportation Officials (AASHTO) standards. No new buildings or additions to existing buildings shall be located within any sight distance triangle. Except as provided in Subsection 8-1-6(B) of this Code, the property owner shall maintain sight distance triangles to be free of visual obstructions, as is practical, between a height of two and one half (2 ½) feet and ten (10) feet.
 5. Obstructions On Public Lands: No building, fence, wall, ditch or other obstruction shall be located, wholly or in part, upon any street, alley, sidewalk or other public ground of the City without a permit issued by the Director of Public Works as provided in Subsection 8-1-5(B) of this Code. Such restrictions shall not apply to the installation of curbs, gutters, curb cuts, sidewalks and driveways constructed according to the standards of the City's Engineering Division. (Ord. 20, Series of 2012)
 6. Double Frontage Lots: When there is a question as to the orientation of structures on double frontage lots (lots with street frontage along 2 opposite lot lines, not including corner lots), the zoning official shall make a determination as to the front, rear and side yards based on the prevalent development pattern and orientation of structures in the vicinity.
- (B) Number Of Principal Structures: The number of principal structures permitted on any single lot of record shall be limited as follows:
1. For single-family dwelling units, not more than one (1) principal structure per lot in A-1, R-S, R- L, R-E, R-1, R-2, R-3, R-3X, R-4, R-5, T and DT Zone Districts.
 2. For two-family and multiple-family structures in R-3X and T Zone Districts, not more than one principal structure per lot.
 3. For two-family and multiple-family structures in R-4, R-5, T and DT Zone Districts, not more than two (2) principal structures per lot.
 4. For commercial and industrial structures in B-P, T, B-1, B-2, B-3, DT, I-P, I-1, and I-2 Zone Districts, not more than five (5) principal structures per lot.
 5. The number of principal structures per lot may be increased under the provisions of the STP and PD Zone Districts, or through a PDO. (Revised 6-12-1992)
 6. For OS zoned property, the number of structures shall be as set by the approved master plan. (Ord. 8, Series of 2000)
- (C) Distribution Of Open Space: In the B-1, B-2, B-3, I-P, I-1, I-2 Districts, and for business development in the T District, at least fifty percent (50%) of the lot area required to be unobstructed open space shall be evenly distributed along adjacent public rights-of-way, with necessary provisions for adequate access to the rights-of-way. Credit may be given for up to twenty five percent (25%) of the unobstructed open space required, if a like amount of the adjacent public right-of-way is landscaped and maintained by the owner/occupant of the affected lot. Special provisions for open space in the B-P District are defined in Subsection 10-2-13(C)2 of this Title. For I-P, see Subsection 10-2-20(B)2 of this Title.

(D) Architectural Compatibility: Elevation drawings of all existing and proposed structures and improvements shall be required for all multiple-family residential and nonresidential development. Such drawings shall include an accurate indication of all materials and colors to be used on all exterior surfaces. All architectural features including rooflines, building materials and colors shall be complementary to and compatible with existing development on adjacent properties, or proposed development on adjacent properties for which a final SDP has been approved, whether or not building permits have been issued. Elevation drawings shall include the location of all exterior mounted mechanical equipment and shall show how such equipment will be screened from adjacent properties. (Revised 6-12-1992)

(E) Underground Installation Of Utilities Required:

1. Existing and proposed cable television, telephone, electric, gas and other similar utility lines shall be placed underground in locations approved by the City's Director of Public Works except where this requirement is in conflict with the requirements of public and private utility companies or other regulatory agencies. Transformers, switching boxes, terminal boxes, metering, roadway lighting, traffic signal devices, gas regulators, compressor stations or other similar facilities necessary to underground facilities may be placed aboveground, in locations approved by the Director of Public Works, and shall be properly screened from adjacent properties. The Director of Public Works may approve placement of utility lines either within public road rights-of-way or within easements or rights-of-way provided for the particular facilities in accordance with an approved improvements plan. This requirement for the underground placement of utilities shall apply to all development for which a final SDP or a final planned development plan is required to be submitted and approved by this Code.
2. As a component of SDP approval, the underground placement requirements stated above may be delayed when the owner of the proposed site agrees by written contract or otherwise, in a form acceptable to the City Attorney, to place all required utilities underground in the future. The Council shall determine when the underground placement of utilities shall be required in its sole discretion based on a prospective schedule for such underground placement within adjacent areas.

(F) Alternative Roofing Materials:

1. Any zoning approval by the City which limits the type of roofing material to wood shake shingles, is hereby superseded by the adoption of this Subsection (F). Said zoning approval includes, but is not limited to, an approved general PD plan, PDO, SDP, or other zoning action authorized by this Title.
2. Previous approvals which limit the type of roofing material to wood shake shingles shall, hereby, be deemed to authorize the installation, including replacement of an existing wood shake shingle roof, using any of the materials which conform to the specifications in Title 4 of this Code. (Ord. 20, Series of 2012)

10-4-2 : CHURCHES AND CHURCH FACILITIES:

All "churches" and "church facilities" as defined in Chapter 1 of this Title which are located in a residential zone district or adjoin a residential use or zone district shall meet the following standards:

- (A) Setbacks: All churches and church facilities shall have the following minimum setback lines:
1. Along public rights of way: 25 feet;

2. Along side and rear lot lines: 20 feet.

(B) Maximum Building Height: The maximum building height for churches and church facilities shall be the height limit for the zone district in which such uses are located, except that the height of steeples or spires is not restricted to such limits and may be constructed to the height approved on the final SDP.

(C) Church Facilities: Any use proposed to be placed on the same site as a "church", and which does not meet the definition of "church" as stated in Chapter 1 of this Title, is considered to be a conditional use.

(D) Other Requirements: All requirements of this Title, including, but not limited to, site design (Section 10-4-1 of this Chapter), parking (Section 10-4-9 of this Chapter), and landscaping (Chapter 5 of this Title), and SDP (Chapter 7 of this Title), shall apply to churches and church facilities. (Revised 6-12-1992)

10-4-3 : FENCES:

(A) Fences In Residential Zone Districts:

1. Front Yards:

(a) Maximum height: 4 feet;

(b) Construction: At least 50 percent of the surface shall be open.

2. Side Yards:

(a) Maximum height: 6 feet;

(b) Construction: May be 100 percent solid.

3. Rear Yards:

(a) Maximum height: 6 feet;

(b) Construction: May be 100 percent solid.

4. Sight Triangles:

(a) Maximum height: 4 feet;

(b) Construction: At least 50 percent of the surface shall be open.

5. Fencing Of Swimming Pools: In all residential districts, all swimming and wading pools with a depth greater than eighteen inches (18"), measured from rim to lowest point, shall be fully enclosed by a fence of not less than sixty inches (60") in height and constructed in a manner to prohibit entry. Such fence shall be equipped with a self-closing and latching gate.

6. Fencing Limitations: The following limitations shall apply:

(a) (Rep. by Ord. 6, Series of 1998)

(b) Barbed wire fences shall be permitted only in A-1, R-S and R-L zone districts, and shall be installed not less than five feet (5') from the property line. (Revised 6-12-1992)

(B) Fences As Component Of An SDP: Commercial fences contrary to or not reviewed as a component of an SDP shall require approval by community development. (Ord. 20, Series of 2012)

(C) Variance: Any request for a variance to this Section shall be filed with the board of adjustment as specified in Chapter 11 of this Title.

(D) Building Permits: Prior to the installation or replacement of any fence, issuance of a building permit may be required by Section 4-1-10 of this code. (Revised 6-12-1992)

(E) OS Zone District: The location, height, materials, and degree of opacity of fences in the OS zone district shall be approved by community development, or as may be set by an approved master plan. (Ord. 20, Series of 2012)

10-4-4 : ACCESSORY USES AND STRUCTURES:

(A) Accessory Uses Permitted: Accessory uses are permitted when they comply with all of the following conditions:

1. The use is clearly incidental to, and commonly associated with, the primary permitted use;
2. The use is operated and maintained under the same ownership or occupant of the premises and is located on the same lot as the primary permitted use;
3. The use does not include structures or structural features inconsistent with the primary structure;
4. The use does not include residential occupancy; and
5. If operated partially or entirely within any primary structure, the use shall not occupy more than fifty percent (50%) of the gross floor area of that structure. If operated outside the primary structure, the use shall not occupy more than fifty percent (50%) of the area of the lot.

(B) Limitations On Accessory Uses:

1. Maximum Floor/Lot Area For Wholesale Sales: Goods which are permitted to be sold at retail in the DT zone district are permitted to be sold at wholesale; provided, that if wholesale sales are operated in the primary structure, it shall not occupy more than fifty percent (50%) of the gross floor area of the primary structure; and if operated outside the primary structure, shall not occupy more than fifty percent (50%) of the lot area.
2. Lot Area Required for Horses: A minimum of twenty five thousand (25,000) square feet of lot area is required for each horse in the R-E district. (Revised 6-12-1992)

2.5. Chickens: As accessory to a single-family residential use in the R-1, R-2, R-3, and R-E zone districts, a maximum of not more than four (4) chicken hens are permitted, subject to the following standards:

(a) The chicken hens must be provided with a covered predator resistant chicken house that is properly ventilated and designed to be easily accessed, cleaned and maintained. The chicken house must have a minimum of two (2) square feet of floor space per bird with an attached outdoor enclosure. The outdoor enclosure must have a minimum of ten (10) square feet per bird.

(b) Neither the chicken house nor the outdoor enclosure may be located less than fifteen feet (15') from any abutting property line.

(c) Roosters are prohibited. No person may own or keep a rooster in R-1, R-2, R-3, and R-E zone districts.

(d) The chicken hens may not be killed by or at the direction of the owner or keeper thereof, except pursuant to lawful order of an appropriate state, county, or city official, or for the purpose of euthanasia when surrendered to a licensed veterinarian or the Humane Society for such purpose, or as otherwise expressly permitted by law.

(e) Odor, dust, waste, and drainage must be controlled so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses. (Ord. 4, Series of 2010)

2.6. Pigeon Keeping: As accessory to a single-family residential use in A-1, R-L, R-S, R-E, R-1, R- 2, and R-3 zone districts, subject to the following standards. For the purposes of this Section, "pigeon" includes any and all varieties and breeds of domesticated flying and sporting pigeons; and "loft" includes any and all quarters in which pigeons are housed.

(a) A maximum of one hundred (100) pigeons may be kept on any parcel of land within the A-1, R- L, R-E, R-S, R-1, R-2 and R-3 zone districts, provided the pigeon owners maintain with the city a letter stating their current affiliation with any state or nationally recognized racing or homing pigeon association or federation.

(b) The pigeons must be provided with a covered predator resistant loft that is properly ventilated and designed to be easily accessed, cleaned and maintained. The loft must have a minimum of one square foot of floor space per pigeon.

(c) The loft shall be set back from all lot lines in accordance with required accessory structure setbacks for the zone district in which it is located.

(d) All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.

(e) All pigeons shall be fed within the confines of the loft. Pigeons shall not be released for flying for four (4) hours after feeding.

(f) All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition. At no time shall pigeons be allowed to perch or linger on the buildings or property of individuals other than the owner of the pigeons. (Ord. 9, Series of 2010)

3. Maximum Number Of Pets: Household pets are permitted; provided, that not more than three (3) pets are adult dogs, cats, ducks, or rabbits or any combination of these species. The numbers of these species younger than six (6) months are not restricted. This does not preclude the legitimate use or keeping of any laboratory animals for scientific research, or veterinarian purposes or for resale in a pet shop. This shall not be interpreted to prohibit the keeping of livestock in districts where permitted. (Ord. 4, Series of 2010)

4. Maximum Number Of Roomers And/Or Boarders: As accessory to residential occupancy of a dwelling, a maximum of not more than two (2) roomers and/or boarders are permitted, subject to the following standards:

(a) The use shall not have a separate outside entrance; entrance to the quarters occupied by a roomer/boarder shall be from within the principal structure; (Revised 6-12-1992)

(b) No separate kitchen facilities, including stoves, refrigerators or ovens, shall be allowed or maintained for the benefit of roomers/boarders. (Revised 6-12-1992; amd. Ord. 3, Series of 1993)

5. Limitations On Garage Sales: Garage sales lasting no more than forty eight (48) hours, and not more than one per calendar year, are permitted at single-family residences and duplexes.

(C) Minimum Setbacks For Accessory Structures In Agricultural And Residential Zone Districts: Minimum setbacks for accessory structures in the A-1, R-S, R-L, R-E, R-1, R-2, R-3, R-3X, R-4, R-5 districts, are as follows:

1. Front Yard: No accessory structure shall be placed in the front yard of any lot.

2. Rear Yard: Except as provided in Subsections (C)4 and (C)6 of this Section:
 - (a) Adjacent to an alley: Ten feet (10'); or
 - (b) Not adjacent to an alley: 2.5 feet.
 3. Side Yard: Except as provided in Subsection (C)6 of this Section:
 - (a) Along interior lot line: Five feet (5'); or
 - (b) Corner lot along street: 12.5 feet.
 4. Garages: Garages must be set back from the street or alley so that a driveway length of twenty feet (20') can be achieved when there is a direct access into the garage.
 5. Satellite Dishes: Satellite communications receiving dishes used for the purpose of capturing any communications signals, including television transmitted via satellite, are considered to be accessory structures, and shall conform to the setbacks set forth above.
 6. Detached Accessory Structures: Detached accessory structures are allowed within side and rear yards provided that:
 - (a) The floor area of the structure does not exceed one hundred twenty (120) square feet;
 - (b) The maximum height of the structure at the highest point of the roof is eight feet (8') or less;
 - (c) The structure is not placed on a permanent aggregate foundation; and
 - (d) No part of an accessory structure shall be placed in front of the setback established by the location of the principal structure. (Revised 6-12-1992)
- (D) Maximum Size For Accessory Structures In The Park/Open Space, Agricultural And Residential Zone Districts: The maximum aggregate total of all accessory structures permitted on a single lot in residential districts is as follows:
1. OS, A-1, R-S and R-L: No limit;
 2. R-E, R-1 (excepting cemeteries), R-2, R-3, R-3X, R-4, R-5, T and **DT**: Ten percent (10%) of the lot area, not to exceed one thousand (1,000) square feet;
 3. Cemeteries in the A-1 and R-1 zone districts: Six thousand (6,000) square feet. (Ord. 8, Series of 2000)
- (E) Maximum Height For Accessory Structures In Agricultural And Residential Zone Districts:
1. A-1, R-S and R-L: Thirty feet (30');
 2. R-E, R-1, R-2, R-3, R-3X, R-4, R-5, T, and **DT**: Eighteen feet (18') measured from the average grade to the highest point of the roof.
- (F) Minimum Setbacks For Accessory Structures In Nonresidential Zone Districts: Shall be the same as the zone district requirements for the principal structure. (Revised 6-12-1992)
- (G) Accessory Structures, General:
1. Any accessory structure which exceeds one hundred twenty (120) square feet and/or exceeds eight feet (8') in height measured from the average grade to the highest point of the roof requires a permit issued by the department of community development.
 2. Any accessory structure which requires a permit issued by the department of community development shall meet the minimum accessory structure setbacks for the zone district as provided in Subsections (C) and (D) of this Section.

3. The maximum period for which a permit may be issued for a temporary accessory structure, including temporary carports, is three (3) months. Such permit may be renewed for one additional three (3) month period.
4. Temporary carports shall be restricted to the lot area between the most rearward bearing wall of the principal structure and the rear property line of property used for single-family residential purposes. Temporary carport structures shall be placed over an all weather parking surface and shall be anchored in a manner sufficient to prevent dislocation by wind. Temporary carport structures are prohibited on nonresidential properties. (Ord. 13, Series of 2000)
5. Minimum separation between accessory and primary buildings: in all residential zone districts, accessory buildings must have a minimum separation of five (5) feet from primary buildings, measured in a horizontal plane from wall to wall.

10-4-5 : HOME OCCUPATIONS:

The following activities are permitted as home occupations in all residential zone districts in order to provide residents of the city with an option to utilize their residences as a place to enhance or fulfill personal economic goals while maintaining neighborhood integrity and preserving the residential character of the neighborhood. Such uses shall meet all conditions and requirements for the particular zone district in which the activity is located, and the standards contained in Subsection (B) of this Section. (Ord. 18, Series of 1997)

(A) Home Occupations Permitted:

1. Custom dressmaking, millinery, tailoring and sewing of draperies and/or home furnishings;
2. Laundering and pressing;
3. Fine arts studio, in which instruction is given in fine arts for groups of not more than four (4) persons;
4. "Home childcare", as defined in Section 10-1-2 of this Title. The following conditions must be met unless the provider is only caring for children from one family other than the provider's own, in which case there are no restrictions:
 - (a) Children for which care is being provided shall be sixteen (16) years of age or less. For purposes of establishing the number of children permitted, only those children of the operator which are twelve (12) years of age or less shall be considered.
 - (b) The operator must possess a current appropriate state license.
 - (c) An off street vehicle passenger loading/unloading space shall be provided.
 - (d) A fenced outdoor play space shall be provided containing at least seventy five (75) square feet of area per child for the total number of children for which the facility is licensed.
 - (e) Full- and part-time care may be provided for not more children than permitted by the state.
5. Office of any type, provided merchandise is not displayed, exchanged or sold directly from the premises;
6. Chiropractic, massage, or acupuncture services;
7. Accounting;
8. Real estate brokering;

9. Jewelry and clothing making;
10. Information Technology consulting services;
11. Planning, engineering, and surveying services;
12. Journalism, marketing, public relations,
13. Legal services
14. Furniture making and repair
13. Repair of clocks and watches, but not including the sale of such items;
14. Tutoring of not more than four (4) persons at any one time;
15. Beauty shop; and
16. Other home occupations determined by the zoning official to be of similar character and impact as the activities listed above.

(B) Standards For Home Occupations: Unless otherwise stated in Subsection (A) of this Section, the following standards apply to all home occupations in both single-family and multiple-family zone districts, and for home occupations conducted in residences in the T, DT and PD zone districts: (Revised 6-12-1992)

1. One or more home occupations may operate in each dwelling unit; (Ord. 22, Series of 2003)
2. The uses shall be operated entirely within the principal structure, and only by its permanent residents;
3. The uses shall not generate excessive vehicular traffic or parking in the area of the principal structure. Parking shall be restricted to existing on street and on site parking associated with the principal structures. Not more than four (4) vehicles shall be parked at the location at any one time as the result of operating home occupations. The number of round trips per day generated by the operation of home occupations shall be deemed excessive if they exceed fifteen (15); (Revised 6- 12-1992)
4. Retail or wholesale sales of supplies or products are not permitted unless said sales are commonly related to the service provided at the location of the home occupation or delivery of said supplies or products is by mail order;
5. The uses are limited to the interior of the principal structure and no external evidence of such operations, such as signage, is allowed; and (Ord. 18, Series of 1997)
6. The performance standards specified in Sections 10-4-6 and 10-4-7 of this Chapter, shall apply; (Revised 6-12-1992)
7. The area of the residence to be used for the home occupation, including any storage of materials or products, shall not exceed twenty percent (20%) of the total floor area of the home, including the attached garage and basement. (Ord. 3, Series of 1998)

10-4-6 : NOISE, VIBRATIONS AND EMISSIONS:

(A) Noise: Any noise produced on the site shall be subject to limitations as per Title 7, Chapter 3 of this code.

(B) Vibration Generated: Every use shall be operated in a manner so that any recurring ground vibration generated is not generally perceptible, without instruments, at any point beyond the boundary line of the lot on which the use is located.

(C) Emission Of Glare: Every use shall be operated in a manner so that obnoxious or dangerous glare is not emitted from any controllable source beyond any boundary line of the lot on which the use is located. (Revised 6-12-1992)

(D) Emissions Of Heat, Odor, Air Pollution, Toxic Gases, And Radiation:

1. Every use shall be operated in a manner so that emitted heat; odor; smoke; air pollution; toxic, noxious or corrosive fumes or gases; radiation; or other toxic, noxious or corrosive matter, does not create a continuous, obnoxious, harmful or dangerous condition beyond any boundary line of the lot on which the use is located, or create any condition on the property where the use is located, which would violate any provision of any applicable federal, state or local laws or regulations. (Ord. 36, Series of 2013)

10-4-7 : OUTDOOR STORAGE AND WASTE DISPOSAL:

(A) All outdoor storage, including, but not limited to, facilities for building materials, raw materials, equipment, scrap, trash and products shall be enclosed by fences, walls and/or landscaping which fully conceal such facilities from adjacent properties, as viewed from ground level.

(B) No materials or wastes shall be deposited upon a lot in a form or manner that they may be moved off the lot by natural causes or forces.

(C) All materials or wastes which might cause fumes or dust, which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects, shall be stored outside in closed containers only.

(D) No toxic, corrosive, flammable or explosive liquids, fuel, solids or gases shall be stored in bulk aboveground, except as provided in the fire code adopted in Title 5, Chapter 2 of this code.

(E) Storage of fuel directly connected to heating devices or appliances located on the same lot shall be governed by the fire code adopted in Title 5, Chapter 2 of this code. (Revised 6-12-1992)

10-4-8 : MINIWAREHOUSING:

(A) Uses:

1. Permitted Uses: No other uses or activities other than rental of units or space for storage shall be permitted, except for office space and living quarters incidental to the management and operation of the business.
2. Restricted Uses: Activities such as retail or wholesale sales; auto repair; auto or furniture painting and refinishing; electrical equipment or electronic repair or assembly; or any other like repair, refinishing, or assembly by the owner, or agent thereof, or by lessees of storage units or space shall be prohibited. (Ord. 20, Series of 2012)

(B) Lot Requirements:

1. Maximum Lot Area: Miniwarehousing shall not exceed a maximum lot area of three (3) acres in B-3 districts or five (5) acres in I-P, I-1 or I-2 districts. Maximum lot area for miniwarehousing in PD-C and PD-I districts shall be set by the general PD plan.
2. Maximum Lot Coverage: Lot coverage of all structures shall not exceed thirty five percent (35%) of the total lot area.

3. Maximum Building Height: Building height shall not exceed twelve feet (12'), unless otherwise established by an approved general PD plan or PDO plan. (Revised 6-12-1992)
4. Number Of Structures: Storage units may be located within a single structure, or multiple structures on the same lot. (Ord. 20, Series of 2012)

(C) Circulation, Parking And Loading:

1. Circulation: All drives, which include loading lanes, shall be not less than thirty feet (30') in width. Drives without loading lanes shall be not less than twenty feet (20') in width and shall be posted to prohibit parking or loading. Public access shall be restricted to a single location along a public street. The public access shall be equipped with a gate which shall be closed during the hours when the business is closed, and the access point shall be fully visible from the miniwarehousing manager's office. At least one additional emergency access point shall be provided which shall be closed to the public. Such emergency access shall be equipped with a knockdown type fence or similar barrier acceptable to the city's fire and police departments. (Ord. 10, Series of 1993)
2. Parking And Loading:
 - (a) Customer parking shall be provided at the manager's office calculated on the basis of one space for each six thousand (6,000) square feet of floor area and open storage, or one space for each fifty (50) storage units and spaces, whichever is greater. Two (2) additional parking spaces for employees shall be provided at the manager's office.
 - (b) Marked loading lanes shall be provided which shall have direct access to the structure in which storage units are located. Such loading lanes shall be clearly marked for the exclusive use of the lessees of said storage units and shall not be used for the temporary or permanent storage of any item. Loading lanes shall be a minimum of nine feet (9') in width.

(D) Landscaping, Fencing And Lighting:

1. Landscaping: Landscaping and unobstructed open space for miniwarehousing in B-3 and I-P districts shall be provided in compliance with the requirements of the respective district regulations. As a minimum, miniwarehouse developments in I-1 and I-2 districts shall provide a ten foot (10') wide landscaped area adjacent to all abutting street rights-of-way. Screening will be provided along all boundaries of a miniwarehouse site which adjoins a higher zone district or face a higher district separated by a public right-of-way. Any boundary of a miniwarehouse site which adjoins or faces a residential district shall be buffered by a landscaped area of not less than ten foot (10') width and shall be provided with a solid six foot (6') screen fence. (Revised 6-12-1992)
2. Fencing: Miniwarehouse sites shall be fully enclosed to provide maximum security against theft or vandalism. Such enclosure may include fencing, structural walls, other means of enclosure or any combination approved on the final SDP.
3. Lighting: Adequate lighting shall be provided within a miniwarehouse site in conformance with Chapter 15 of this Title. (Ord. 20, Series of 2012)

(E) Storage Of Flammable Materials, Explosives Or Chemicals: Storage of flammable liquids, gases or other flammable materials, including, but not limited to, paint, motor oil and gasoline; all explosives, including, but not limited to, dynamite, ammunition and fireworks; and noxious chemicals, including, but not limited to, common garden and insect

sprays is prohibited, unlawful and shall be a criminal offense. This prohibition specifically includes motor oil and gasoline contained in any internal combustion engine or vehicle; any liquid or gas which is contained under pressure; and any of the potentially dangerous chemical compounds commonly associated with maintenance and repair activities.

(F) Maintenance: The exterior of structures and grounds shall be maintained in a neat, clean and orderly manner. At least one closed dumpster type trash container for each fifty (50) storage units and spaces shall be provided. Such containers shall be evenly distributed throughout the site in easily accessible and convenient locations.

(G) Signage: Signage for miniwarehouse developments shall be limited to establishment identification and directional purposes only, and shall be in compliance with the provisions of Chapter 17 of this Title.

(H) Management:

1. There shall be employed on the premises of any miniwarehouse development a full time manager of the operation. Such manager may be "live in", provided that a permanent residence which meets all the requirements of the City for residential occupancy is located on the site.
2. The lessee of any storage unit or space shall be provided with a document, whether a lease or other writing, which shall, at a minimum, contain clear statements of all limitations and prohibitions of these regulations. The operator shall require that the lessee acknowledge advisement of the limitations and prohibitions of these regulations.
3. A copy of the regulations shall be conveniently displayed throughout the premises.
4. It shall be the joint responsibility of the owner and the manager to ensure that the lessees comply with all applicable provisions of these regulations. (Revised 6-12-1992)

10-4-9 : PARKING AND LOADING:

(A) Parking Required: All development in the City for which an SDP is required shall provide sufficient parking spaces to accommodate the number of vehicles that are normally attracted to such development. In calculating total parking requirements for a site, any fraction of a space shall be rounded up to a whole parking space, and the required parking area whether surface or structured itself shall not count toward the gross floor area of the development. The following are minimum parking requirements:

1. Location Of Parking: Required off street parking spaces shall be located on the same site as the primary use, or on a lot contiguous to such use, if approved on the SDP. A street or public way shall not interrupt such contiguity. In the DT District parking may be located within a five hundred foot (500') radial distance of the site, as shown on the SDP.
2. Shared Use Of Parking Spaces: Multiple users may share off street parking spaces within the DT District based on a schedule of operation, including the proposed method of regulation, and approval by community development. (Ord. 20, Series of 2012)
3. Use And Maintenance Of Parking Spaces: Off street parking shall be utilized in accordance with the following provisions:
 - (a) Parking of commercial vehicles in residential areas is limited to not more than one commercial vehicle for each dwelling unit.

(b) Major repair and restoration of occupant owned vehicles may occur only within a fully enclosed garage. All off street parking may be used for minor repair of occupant owned vehicles. (Revised 6-12-1992)

(c) (1) Parking areas shall be surfaced with concrete, asphalt or pavers; parking areas on single- family lots may also be surfaced with gravel.

(2) Alternative parking surface materials that include, but are not limited to, recycled asphalt and recycled concrete may be used on the following land uses: plant and tree nurseries, raising of crops, commercial stables, riding academies, horse training and breeding, sand and gravel operations and other uses determined by community development to be similar in nature. All alternative parking surface material must be installed and maintained per the following standards: (Ord. 20, Series of 2012)

- A. The depth of the surface material shall at no time be less than four inches (4").
- B. Lines delineating parking spaces shall be visible.
- C. All weeds, trash and grass shall be removed from surface areas to maintain a clean appearance.
- D. The subgrade, or soil beneath the parking surface, shall be properly prepared to minimize the future maintenance expense and assure that traffic loads do not displace or deteriorate the parking surface.
- E. A weed barrier shall be placed on top of the subgrade to prevent the intrusion of weeds. Barriers must also allow for the efficient drainage of water to assure maximum stability of the parking surface.
- F. The parking surface shall be properly maintained to reduce the amount of loose debris transported onto public roads by motor vehicles. (Ord. 1, Series of 2010)

(d) In R-5 and lower zone districts, wheel guards shall be provided and located so that no part of parked vehicles will extend over sidewalks or into landscape areas.

(e) Parking shall be designed so that vehicles not be allowed to back out across any sidewalk or street.

(f) Parking on the front yard of a single-, two-family or three-family dwelling shall be restricted to the driveway which has been surfaced in conformance with Subsection (A)3(c)(1) of this Section.

(g) Except where retail sales of motor vehicles and trailers by a licensed dealer is allowed as a permitted use, no vehicle or trailer may be sold, or displayed for sale. Such vehicle or trailer must be owned by the owner or occupant of the lot on which the vehicle or trailer is displayed.

(h) The use of customer, employee or commercial parking lots for repair of motor vehicles is prohibited. (Revised 6-12-1992)

3.5. Construction And Maintenance Requirements For Residential Parking Spaces:

(a) Materials To Be Used: Pavement materials shall be concrete or asphalt of sufficient thickness to support the weight of parked vehicles, brick, concrete or stone pavers with a minimum depth of two and one-fourth inches (21/4") and placed over an appropriate road base, or crushed hard rock with a minimum depth of three and one-half inches (31/2"). Crushed hard rock shall have a nominal gradation of one and one-half inches (11/2") (100 percent passing a 13/4 inch screen and less than 10 percent passing a

1 1/4 inch screen). River cobble, lava rock, crushed shale, recycled concrete or asphalt or other similar materials shall not be used.

(b) Border Requirements: Borders are required if using crushed hard rock, brick, concrete or stone pavers, and shall be not less than three and one-half inches (31/2") in height made from four by four (4 x 4) pressure treated timbers, brick, concrete or stone pavers not less than three and one-half inches (31/2") in height or length and two and one-half inches (21/2") thick. When installed, borders shall be capable of sustaining vehicle loads without fracturing or otherwise deteriorating, and be backfilled such that three inches (3") of compacted material is placed against the outer perimeter of the border. The border must completely surround the driveway or parking space except for along any side adjacent to an approved driveway, street or alley.

(c) Improved Driveway Requirements: Access to any improved driveway or parking space shall be from an adjoining existing paved driveway or parking space or a public or private street or alley.

Minimum dimensions of an improved driveway or parking space shall be seven feet (7') wide by ten feet (10') long however, the improved surface shall be long enough to be accessed and used by any vehicles without driving or parking on adjacent areas not improved for vehicles.

The subgrade, or soil beneath the driveway or parking space, must be properly prepared to minimize the future maintenance expense and assure the traffic loads do not displace or deteriorate the drive or parking surface.

(d) Maintenance Requirements: The depth of crushed hard rock shall at no time be less than three and one-half inches (31/2"). All weeds, trash and grass must be removed from joints in pavers, borders, and gravel areas to maintain a clean appearance. Broken pavers shall be replaced.

It is highly recommended that each landowner place a landscape barrier on top of the subgrade to prevent the intrusion of weeds. Landscape tarps also allow for the efficient drainage of water to assure maximum stability of the driveway/parking space foundation. (Ord. 8, Series of 2002)

4. Number Of Parking Spaces Required: Off-street automobile parking shall be provided in accordance with the following minimum requirements:

() One-, Two- And Three-Family Dwellings and Townhomes: Two (2) spaces per dwelling unit.

(b) Multi-Family Dwellings Containing Four Or More Dwelling Units with common parking areas: One and one-half (1 1/2) spaces per dwelling unit, rounded up to the next whole number.

Elderly Housing (Self Or Limited Care) with common parking areas, rounded up to the next whole number:

(1) Buffet Unit: One-half (1/2) space per dwelling unit.

(2) One Bedroom Unit: Two-thirds (2/3) space per dwelling unit.

(3) Two Or More Bedroom Unit: One space per dwelling unit.

(d) Residential, Rooming Or Boarding House: One space per each living accommodation.

(e) Fraternities, Sororities, Student Houses Or Dormitories (Off-Campus): One space for every two (2) beds.

- (f) Motel/Hotel:
 - (1) Without Restaurant: One space per guest room or suite plus one additional space for resident owner/ manager.
 - (2) With Restaurant: Same as above plus one space per one hundred (100) square feet of gross floor area of restaurant.
- (g) Extended Care Facility, Nursing Home, Hospice: One space per two (2) beds.
- (h) Childcare Center (Daycare), Private School: Two (2) spaces per teacher, plus off-street student loading and unloading area.
- (i) Bowling Alley: One space per two hundred (200) square feet of gross floor area.
- (j) Retail Stores: One space per two hundred (200) square feet of gross floor area.
- (k) Retail Stores Handling Exclusively Bulky Merchandise Such As Furniture And Automobiles: One space per three hundred (300) square feet of gross floor area.
- (l) Service And Repair Shops: One space per three hundred (300) square feet of gross floor area.
- (m) Bank, Office Buildings: One space per three hundred (300) square feet of gross floor area.
- (n) Medical And Dental: One space per two hundred fifty (250) square feet of gross floor area.
- (o) Restaurants And Lounges:
 - (1) Drive-Thru Type: One space per sixty five (65) square feet of gross floor area.
 - (2) Carry-Out: One space per one hundred forty (140) square feet of gross floor area.
 - (3) Sit-Down Without Liquor License: One space per sixty five (65) square feet of gross floor area.
 - (4) Sit-Down With Liquor License: One space per seventy five (75) square feet of gross floor area.
- (p) Retail Shopping Centers: Gross Floor Area Required Spaces
 - (1) 25,000-400,000 sq. ft. 4 spaces per 1,000 square feet of gross floor area.
 - (2) 400,000-600,000 sq. ft.
 - A. Less than 500,000 sq. ft. 4 spaces per 1,000 sq. ft. gross floor area.
 - B. 0,000-600,000 sq. ft. 4.5 spaces per 1,000 sq. ft. gross floor area.
 - C. More than 600,000 sq. ft. (aggregate total) 5 spaces per 1,000 sq. ft. gross floor area.
- (q) Mortuaries: One space per four (4) seats or eight feet (8') of bench length in chapel.
- (r) Manufacturing And Assembly: Light manufacturing, one space per two hundred fifty (250) square feet of gross floor area; heavy manufacturing, one space per five hundred (500) square feet of gross floor area.
- (s) Warehousing Or Wholesaling Establishments: One space per eight hundred (800) square feet of gross floor area.
- (t) Miniwarehousing Facility: Shall be pursuant to Subsection 10-4-8(C)2(a) of this Chapter.
- (u) Hospital: One and one-half (1 1/2) spaces per bed.

- (v) Church: One space per forty (40) square feet of gross floor area in the main assembly area.
 - (w) Two Or More Uses: Where off street parking space is to be provided for two (2) or more uses located on the same lot, and the total gross floor area of the structures is less than twenty five thousand (25,000) square feet, the total parking required shall be the sum of the requirements for each use, based upon the prorated share of the gross floor area occupied by each use.
 - (x) Nonlisted Uses: Parking requirements for uses not specifically listed shall be determined by the zoning official based on an analysis of parking requirements for similar uses or on anticipated parking demands.
 - (y) PD Districts: Parking requirements for uses in planned development districts (PD) or for uses governed by a PDO, shall meet the minimum requirements set forth in this Section and shall be specified on the general PD plan. (Revised 6-12-1992)
 - (z) Main Street Historic District: Within the Main Street historic landmark district, no additional parking spaces shall be required for an existing building or if a new use would otherwise reduce or increase the amount of required off street parking. Parking spaces for new buildings and additions to existing buildings shall be provided at a rate of fifty percent (50%) of the number of parking spaces required by this Section. Existing parking spaces for an existing building, located either on the same lot or in an adjacent lot under the same ownership at the time of inclusion into the historic district, shall not count towards additional parking spaces required for a new building or an addition to an existing building. (Ord. 6, Series of 2005)
5. Compact Parking Spaces Permitted: Any parking area requiring more than twenty (20) parking spaces may provide compact car spaces not to exceed twenty five percent (25%) of the spaces required.
6. Dimensions for Standard, and Compact Car Parking Spaces:
- (a) Standard parking space length: 18 feet;
 - (b) Standard parking space width: 9 feet;
 - (c) Compact parking space length: 15 feet;
 - (d) Compact parking space width: 8 feet;
7. Accessible Parking Spaces:
- All accessible parking spaces and associated improvements shall be provided, designed, and designated in conformance with and pursuant to current United States Department of Justice, Americans with Disabilities Act Standards for Accessible Design.
8. Parking Lot Driveway Widths For Multiple-Family, Commercial And Industrial Properties:
- (a) One-way (parking angle 00 degrees - parallel parking - to 45 degrees): 12 feet;
 - (b) One-way (parking angle greater than 45 degrees and less than 90 degrees): 18 feet;
 - (c) One-way (parking angle 90 degrees - perpendicular parking): 23 feet; and
 - (d) Two-way (all angles): 23 feet. (Revised 6-12-1992)

9. Bicycle Parking: An approved bicycle parking facility may be substituted for off street vehicle parking on a ratio of three (3) bicycle parking spaces for one vehicle parking space; provided, that such substitution shall not replace more than ten percent (10%) of the total vehicle parking required under Subsection (A)4 of this Section. (Ord. 20, Series of 2012)

(B) Off Street Loading Requirements:

1. Location And Number Of Spaces: Off street loading space shall be provided in business and industrial zone districts as follows:

(a) Off street loading shall be located on the same lot as the use for which it is provided.

(b) Off street loading spaces shall be provided for each structure containing more than twenty five thousand (25,000) square feet of gross floor area as stated in the following table:

Square Feet Of Gross Floor Area	Required Off Street Loading Spaces
25,000 to 40,000	1
40,001 to 100,000	2
100,001 to 160,000	3
160,001 to 240,000	4
240,001 to 320,000	5
320,001 to 400,000	6
For each additional 100,000 over 400,000	1 additional

2. Additional Off Street Loading Standards: In addition to the requirements of Subsection (B)1 of this Section, the following standards shall apply to all required off street loading:

(a) Each loading space shall be ten feet (10') wide, thirty five (35') feet deep, and shall have fourteen feet (14') of vertical clearance.

(b) Ingress, egress, driveways, turns and curb cuts shall be designed, located and constructed to adequate dimensions to accommodate tractor/trailer delivery truck movement to and from off street loading areas.

(c) To the extent practical, no off street loading spaces shall be located in such a manner that vehicles are required to back across sidewalks or streets when entering or exiting the property.

(d) The appropriate city official or administrative agency may impose limitations on the hours for which off street loading spaces may be used if such spaces are located adjacent to residential areas, or if it is warranted due to potential conflicts with existing traffic patterns or traffic volumes.

(C) Limitations On Parking Of Motor Vehicles And Trailers: In all instances where goods, products or merchandise are to be stored or unloaded from or loaded into a motor vehicle or trailer for commercial purposes, said motor vehicle or trailer shall not remain in place at the same or approximately the same location for a longer period of time than forty eight (48) hours. (Revised 6-12-1992)

10-4-10 : TEMPORARY USES:

- (A) The uses enumerated below may be approved by community development as temporary uses for a specified period not to exceed one year. Such temporary uses shall not be approved unless the standards stated below are met: (Ord. 20, Series of 2012)
1. Noncommercial Concrete Batch Plant: Shall be located within one thousand feet (1,000') of the construction site for which the concrete is to be used.
 2. Construction Yard Or Office: Shall be located within the development where the construction is to take place.
 3. Temporary Structure Used As Sales Office:
 - (a) The structure must be a manufactured building designed for office use and inspected and approved by the building inspector.
 - (b) The office shall be located within the development where the sales are to take place. (Revised 6-12-1992)
 4. Existing Permitted Uses: Temporary use on a site which is occupied by a person conducting an existing permitted use, but which temporary use is proposed to be operated by another person, provided:
 - (a) Any temporary or portable structure use for such sales or services shall meet the applicable provisions of Title 4 of this code.
 - (b) Customer parking shall be on an improved surface.
 - (c) Temporary retail sales or service activities shall not be conducted within the required minimum setback areas or within unobstructed open space areas adjacent to public rights of way.
 - (d) Adequate sanitary facilities shall be made available for employees and customers of the temporary use, either by means of the facilities existing by virtue of the existing use on the site or by facilities provided by the person who proposes to operate the temporary use.
 - (e) Storage areas and trash containers shall be screened from view from adjacent residential property and public rights of way.
 5. Temporary Retail Sales Or Services: Temporary retail sales or service uses operated on an undeveloped site, provided:
 - () The use shall be a permitted use in the zone district.
 - (b) The site will not be occupied for more than six (6) months during a period of twelve (12) consecutive months.
 - (c) Any temporary or portable structure used for such sales or services shall meet the applicable provisions of Title 4 of this code.
 - (d) Customer parking shall be on an **all-weather surface**.
 - (e) Temporary uses and associated activities shall not be conducted within the required minimum setback areas or within unobstructed open space areas adjacent to public rights of way.
 - (f) Adequate sanitary facilities for customers and employees shall be provided.
 - (g) Storage areas and trash containers shall be screened from view from adjacent residential property and public rights of way.
 - (h) A **refundable deposit** shall be deposited with the city by the operator of the proposed temporary use in the amount of two thousand five hundred dollars (\$2,500.00). Said bond shall be for the purpose of ensuring the prompt repair, by

the operator, of any damage to public improvements, including, but not limited to, streets, sidewalks, curbs, gutters and landscaping which may occur as a result of the operation of the temporary use. Also, this cash bond may be applied if the operator fails to promptly repair damage to adjacent property caused by the temporary use, or to remove debris, litter, trash, mud or dirt permitted to remain on the site or on public property by the operator of such temporary use for any unreasonable amount of time. Such bond shall be released or returned to the operator upon certification by the zoning official that all of the requirements of this code have been met.

6. Occasional Sales: Occasional sales, exempted from the city's sales tax collection requirements by Subsection 3-9-3-2(A)19 of this code, are exempted from these provisions and may be operated in a business or industrial zone district or as an accessory use located on the premises permanently occupied by the seller. (Ord. 10, Series of 1993)

(B) An application must be submitted to the Planning Division and shall contain: (Ord. 20, Series of 2012)

1. A site plan showing the location of the temporary use on the property and patterns of pedestrian and vehicular traffic.
2. A statement of how any adverse impacts on adjacent properties will be minimized.
3. A description of exterior materials to be used in the structure, including color and texture; and fire rating.
4. A cash deposit, surety bond or letter of credit, adequate to cover any removal of structures and cleaning of the site, shall be provided in an amount equal to one hundred twenty five percent (125%) of the estimated removal and cleaning costs.
5. Name and address of applicant.
6. Name and address of property owner, if different from the applicant and a statement in writing authorizing the applicant to use the property as shown in the application.

(C) The applicant shall obtain all required building permits prior to moving the temporary facilities onto the site.

(D) All temporary uses will conform with the performance standards found in Sections 10-4-6 and 10-4-7 of this Chapter. (Revised 6-12-1992)

(E) A temporary use may be renewed upon application to the planning division. The same application requirements as for an original application shall apply. The application for renewal shall be approved if the use has been operated during the previous approval period in conformance with the conditions for approval specified at that time, and there have been no convictions for violations of the applicable provisions of this Code. (Ord. 20, Series of 2012)

10-4-11 : COMMERCIAL MOBILE RADIO SERVICE (CMRS) FACILITIES:

(Rep. by Ord. 09, Series of 2017)

10-4-12 : RESIDENTIAL OCCUPANCY IN NONRESIDENTIAL DISTRICTS:

Residential dwelling units are permitted to be located in the same structure as nonresidential uses in the B-1 and B-2 districts provided the following conditions have been met:

- (A) The residential use shall not occupy more than fifty percent (50%) of the gross floor area of the structure.
- (B) All building codes and housing code requirements for both the residential and nonresidential uses must be met.
- (C) No commercial activity, except for permitted home occupations, shall be conducted in the area of the structure designated for residential use.
- (D) Minimum lot standards for the zone district shall apply. Additionally, on site parking shall be provided in sufficient number to meet the requirements for both the residential and nonresidential uses.
- (E) Residential occupancy allowable under the conditions of this Section shall be subject to the prior written confirmation by the City's zoning official that the requirements of this Section have been met. (Ord. 12, Series of 1994)

10-4-13 : OTHER APPLICABLE SECTIONS OF THIS CODE:

In addition to the regulations contained in this Title, reference should be made to the following regulations to determine their applicability in any zone district:

- (A) Chapter 17, "Sign Code", of this Title;
- (B) The "Building Code" as adopted in Title 4, Chapter 1 of this Code;
- (C) Title 11, "Subdivision Regulations", of this Code;
- (D) Derelict or unlicensed vehicles on private property or on public streets (Section 7-4-9 of this Code); (Revised 6-12-1992)
- (E) Parking of nonmotorized vehicles on public streets (Section 9-1-6 of this Code);
- (F) Parking of oversize vehicles in residential districts (Section 9-1-6 of this Code);
- (G) Off track betting facilities, under the provisions of Title 3, Chapter 17 of this Code. (Ord. 3, Series of 1993)

10-4-14 : BEEKEEPING:

(A) Definitions: The following words, terms and phrases, when used in this Section, shall have meanings ascribed to them in this Section:

APIARY: A place where one or more beehives are kept.

BEE: The adult stage of the common domestic honeybee, *Apis mellifera* species.

BEEKEEPER: Any person who owns or maintains a bee colony.

COLONY: A hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

HIVE: A structure intended for the housing of one bee colony. A hive, including the attached honey supers, shall not exceed twelve (12) cubic feet in size.

ROBBING: The pilfering of honey from a weak colony by other honeybees or insects.

TRACT: A contiguous parcel of land under common ownership.

(B) Hives: All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.

(C) Setback: All hives shall be located at least five feet (5') from any adjoining property with the back of the hive facing the nearest adjoining property.

(D) Fencing Of Flyways: In each instance in which any colony is situated within twenty five feet (25') of a developed public or private property line of the tract upon which the apiary is situated, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least six feet (6') in height consisting of a solid wall or fence parallel to the property line and extending ten feet (10') beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet (6') above ground level over the property lines in the vicinity of the apiary.

(E) Water: Each property owner or beekeeper shall ensure that a convenient source of water is available at all times to the bees so that the bees will not congregate at swimming pools, bibcocks, pet water bowls, birdbaths or other water sources where they may cause human, bird or domestic pet contact. The water shall be maintained so as not to become stagnant.

(F) Maintenance: Each property owner or beekeeper shall ensure that no bee comb or other materials that might encourage robbing are left upon the grounds of the apiary site. Upon their removal from the hive, all such materials shall promptly be disposed of in a sealed container or placed within a building or other beeproof enclosure.

(G) Queens: In any instance in which a colony exhibits usually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition toward swarming, it shall be the duty of the beekeeper to requeen the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.

(H) Colony Densities:

1. It shall be unlawful to keep any colony on a multiple-family or mixed-use lot, except for on the rooftop, or to keep more than the following number of colonies on any tract within the city, based upon the size or configuration of the tract on which the apiary is situated:

(a) Less than one-half (1/2) acre lot size: Four (4) colonies;

(b) One-half (1/2) acre or more but less than one acre lot size: Six (6) colonies;

(c) One acre or larger lot size: Eight (8) colonies;

(d) Regardless of lot size, where all hives are situated at least two hundred feet (200') in any direction from all property lines of the lot on which the apiary is situated, there shall be no limit to the number of colonies.

2. For each two (2) colonies authorized under colony densities, Subsection (H)1 of this Section, there may be maintained upon the same tract one nucleus colony in a hive structure not exceeding one standard nine and five-eighths inch (95/8") depth ten (10) frame hive body with no supers attached as required from time to time for management of swarms. Each such nucleus colony shall be disposed of or combined with an authorized colony within thirty (30) days after the date it is acquired.

(I) Prohibited: The keeping by any person of bee colonies in the city not in strict compliance with this Section is prohibited. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously

been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the city manager or designee. (Ord. 9, Series of 2009)

10-4-15 : ANIMAL BOARDING AND CARE FACILITY:

Animal boarding and care facilities, as defined in Section 10-1-2 of this Title, which are proposed to be located in any DT, B-1, and B-2 district shall meet the conditions described in this Section and shall require approval by the planning commission as a conditional use. Animal boarding and care facilities are permitted uses in the B-3, I-1 and I-2 districts, provided the following conditions are met: (Ord. 6, Series of 2010; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(A) Animal boarding and care facilities shall not open before six thirty o'clock (6:30) A.M. and shall close no later than nine o'clock (9:00) P.M. No more than three (3) animals at a time shall be allowed outdoors after eight o'clock (8:00) P.M. until closing. No animals shall be allowed outdoors before six thirty o'clock (6:30) A.M.

(B) Dogs boarded overnight shall be housed in individual indoor Secured kennels when staff is not present.

(C) While inside overnight boarding is allowed, the picking up and dropping off of dogs shall be limited to six thirty o'clock (6:30) A.M. to nine o'clock (9:00) P.M.

(D) The facility must control odor, dust, noise, waste, drainage and Security so as not to constitute a nuisance, safety hazard or health problem to adjoining property or uses. The operator must provide a plan of operation demonstrating it can meet these provisions. (Ord. 6, Series of 2010)

(E) A perimeter fence must be provided for all on site outdoor recreation and socialization areas. The fence structure shall be deep enough and Secured sufficiently enough to the ground to prevent escape and provide full containment of the animals at all times. The perimeter fencing must be approved by community development and comply with one of the following criteria regarding fence height:

1. Eight feet (8') tall; or
2. Six feet (6') tall with a top angled in; or
3. Two (2) fences of at least six feet (6') in height, with one fence set inside the other fence and with a separation of three (3) to six feet (6') between fences. (Ord. 20, Series of 2012)

(F) Outdoor areas where animals will be allowed must be a minimum of twenty feet (20') from any property line abutting a residential use.

(G) The facility and the operation of the facility shall meet or exceed the minimum guidelines for operation of this type of facility established under the pet animal care and facilities act, Colorado Revised Statutes 35-80-101 through 117. A license from the state of Colorado department of agriculture must be obtained and a copy provided to the city. Additionally, all pertinent city of Littleton permits must be obtained.

(H) A site development plan in accordance with Chapter 7 of this Title or a sketch plan in accordance with Chapter 8 of this Title is required. (Ord. 6, Series of 2010)

10-4-16 : BREWERY, DISTILLERY, AND WINERY:

A brewery, distillery or winery which is proposed to be located in the DT, B-1, and B-2 zone districts is permitted only in conjunction with a tasting/retail sales room, subject to the following standards:types

- (A) The tasting/retail sales room shall be located in the same building as the manufacturing of the beverage.
- (B) The tasting/retail sales room must be oriented toward the public facade; the public facade of the building shall be established by the building's address. Within a shopping center this area must be oriented toward the common space where the public can access the building.
- (C) Within the DT zone district the maximum gross floor area of the manufacturing establishment cannot exceed six thousand (6,000) square feet, unless approved as a conditional use per Chapter 8 of this Title. (Ord. 36, Series of 2013)

10-4-17 : GROUP HOMES FOR PERSONS WITH DISABILITIES:

Group homes for persons with disabilities are subject to the following standards:

- (A) The home must register with the city before being operated as a group home.
- (B) The home must provide the city with a copy of its state license for operation.
- (C) No more than one cooking facility (kitchen) is allowed within the home.
- (D) The maximum number of persons with disabilities that may reside in the home is eight (8) or the maximum number licensed by the state, whichever is fewer.
- (E) City personnel shall have the right-of-entry to ensure safe habitability and public safety. City personnel shall advise on-site facility personnel of the purpose of their visit.
- (F) The Fire Marshal's Office shall perform a minimum of one annual inspection for each group care facility. Facilities shall comply with all applicable city codes, ordinances, policies and regulations.
- (EG) The maximum number of persons with disabilities that may reside in the home is eight (8) or up to twelve (12) if the provisions below are met. However, in no instance may the number of persons with disabilities in the home exceed the number licensed by the state.
 1. The home is compatible with the character of the neighborhood in terms of the architectural design, scale, form and location of the home on the site.
 2. The primary access to the home is located off of a city designated major arterial street.
 3. The home is licensed for such number by the state. (Ord. 27, Series of 2016)

10-4-17.1: CHILDCARE CENTER:

A childcare center which is proposed to be located in the DT district is subject to the following standards:

- (A) **Statutory Requirements.** Facilities shall comply with applicable Colorado statutes and administrative rules, including but not limited to Code of Colorado Regulations §7.702.8.
- (B) **All Character Areas.** In all character areas, the following additional provisions shall apply:
 1. **Play Area Fencing.** Notwithstanding any maximum fence heights to the contrary in this Ordinance, the boundaries of designated outdoor play areas shall be enclosed with a fence with a minimum height of four feet.
 2. **Play Area Buffering.** Outdoor play areas shall be buffered/screened from residential uses with a buffer.

10-4-17.2: PRIVATE ELEMENTARY OR SECONDARY SCHOOL:

A private elementary or secondary school which is proposed to be located in the DT district is subject to the following standards:

(A) **Access.** Access shall be taken from a collector or arterial street.

(B) **Internal Circulation.** Internal traffic circulation patterns shall be established and signed so that:

1. **Personal Vehicle Drop-Off and Pick-Up.** Dedicated child drop-off and pick-up areas are safe for children leaving and re-entering personal vehicles and vehicle stacking does not impede traffic on- or off-site;
2. **School Bus Drop-Off and Pick-Up.** A school bus, if applicable, can drop-off and pick-up children in designated areas and is able to either turn around within the drop-off area or, alternatively, re-access the street via a circular drive; and
3. **Pedestrian and Vehicular Conflicts.** Safe on-site vehicular and pedestrian circulation are provided, including minimizing conflicts between vehicles and pedestrians and bicycles.

(C) **Required Buffer.** The school shall be buffered from residential uses with a buffer.

10-4-17.3 PARKING LOT (OFF-SITE):

An off-site parking lot which is proposed to be located in the DT district is subject to the following standards:

(A) **Necessity.** The parking lot shall serve a use for which it is not possible for the applicant to provide sufficient structured, off-street, or on-street parking.

(B) **Distance.** The lot shall be located within 1,320 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks) from the entrance of the building to the center point of the parking lot.

(C) **Uses and Signs.**

1. **Use.** The area shall be used exclusively for temporary parking of vehicles belonging to customers or employees of the associated use.
2. **Signs.** Signs reserving spaces for the use of employees and customers shall be erected and parking shall be enforced by contract with a towing company at the expense of the operator of the benefiting use. Shared parking arrangements and agreements shall be noted on approved Site Development Plans, Sketch Plans, Conditional Use Permits, and Variances.

10-4-17.4: OFFICE:

An office that is greater than 8,000 square feet in gross floor area, which is proposed to be located in the DNR character area of the DT district, shall only be located in an existing single-family detached building type and shall require approval by the planning commission as a conditional use.

10-4-18 : DOWNTOWN BUILDING TYPES

(A) **Purpose.** The purpose of this Section is to provide design standards for building types permitted in the DT, Downtown zoning district, in addition to the dimensional standards in Section [10-2-18](#), *DT Downtown District*. This Section provides general standards, an

illustration of each building type, common design features, and a description of the building type.

(B) **Applicability.** The standards of this Section apply to:

1. **New.** New principal buildings;
2. **Minor Expansions or Alterations.** An expanded or altered portion of any existing principal building; and
3. **Major Expansions or Alterations.** The entire existing principal building when an expansion or alteration exceeds 50 percent of the building's existing square footage prior to the expansion or alteration.

(C) **Permitted Building Types by District.** Building types may be constructed only within character areas where the building type is permitted as set forth in Table 10-4-18 (H)-1, *Permitted Building Types by Character Area*, below.

(D) **Most Similar Building Type.** If the applicant proposes to expand or alter an existing structure, standards of the most similar building type, as determined by the Director, shall apply. The Director or their designee's determination shall be based on the following aspects of the existing structure:

1. **Dimensional.** The dimensional aspects of the structure;
2. **Placement.** The placement of the structure on the lot;
3. **Units.** The number of legally established residential and/or nonresidential units within the structure (where applicable); and

(E) **Maximum Height.** Maximum height standards in the tables below are expressed as both the maximum number of stories and the maximum overall height in feet for a structure. The maximum height includes both full and half stories. No structure shall exceed the maximum number of stories or the maximum height in feet.

(F) **Build-to-Zones.** Build-to-zones in the tables below are expressed as a minimum and maximum setbacks for the sides of a structure parallel or roughly parallel to a street. The first and second numbers in each build-to-zone measurement is the minimum and maximum distances, respectively, that the structure may be placed from the street. ~~The second number in each build-to-zone measurement is the maximum distance that the structure may be placed from the street.~~

(G) **Primary Entrances.**

1. **Position.** In residential building types containing more than one unit, at least two of the residential entrances shall be directly accessible to the street and on the forwardmost portion of the primary facade (excluding porches, bay windows, and similar architectural projections) or within six feet of the forwardmost portion of the primary street-facing facade. The remainder of residential entrances can be accessible to the street from a courtyard or passageway.
2. **Spacing.** Primary entrance spacing in the tables below is expressed as the maximum distance between primary entrances as measured along a building façade that faces a public street or public open space.

(H) **Building Type Table.** Table 10-4-18 (H)-1, *Permitted Building Types by Character Area*, shows the character area(s) where each building type ~~the Downtown zoning districts in which each building type~~ is permitted or prohibited. The symbols used in Table 10-4-18 (H)-1 are defined as follows:

P - Building type permitted

X - Building type prohibited

NOTE TO REVIEWERS: Table below, and all tables and images in this Section, are new but they are not highlighted as new text in order to make them more readable.

Table 10-4-18 (H)-1 Permitted Building Types by Character Area				
Building Type	Downtown Character Areas			
	Downtown Neighborhood Residential (DNR)	Downtown Transition Area (DTA)	Downtown Main Street (DMS)	Downtown Mixed Use (DMU)
Residential				
Apartment	X	P	X	P
Apartment Mixed Use Building (upper floor residential units)	X	P	XP	P
Dwelling, Single-Family Attached / Duplex	P	P	X	P
Dwelling, Single-Family Detached	P	P	X	P
Multiplex (3-6 residential units)	P	P	X	P
Townhouse	P	P	X	P
Nonresidential/Mixed-Use				
Live-Work	X	P	X	P
Mixed Use	X	P	P	P
Commercial	X	P	P	P
Office-Institutional	X	P	P	P
Parking Structure	X	P	P	P

(I) Dwelling, Single-Family Detached Building Type.

1. **Generally.** This Section provides design standards for the single-family detached dwelling building type. The illustration of a single-family detached dwelling building type identifies common design features. Next is a description of the building type followed by the tables providing the design standards.
2. **Description.** This building type is a small-scale, freestanding form that is one to 2.5 stories in height. The primary entrance is defined by a porch, stoop, or recessed entry. Details include a principal entrance on the front elevation that is clearly defined, usually by a porch, stoop, or recessed entry. Most have a pitched roof unless it's art-deco or contemporary in style. High quality, natural, and durable materials are features of this building type.

Figure 10-4-18 (I)-1
Annotated Illustration: Single-Family Detached Building Type



<p>A</p>	<p>Principal entrance is oriented to the street and often defined by a porch.</p>	<p>B</p>	<p>Some portion of the roof is typically pitched</p>
			<p>C Walkway leads to the primary entrance from the public way.</p> <p>D Autos access the property either from the alley or the street (where permitted)</p>

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



3. **Building Type Dimensional Standards.** The following table establishes dimensional standards for the Single-Family Detached Dwelling Building Type.

Figure 10-4-18 (I)-2
Table Symbolgies: Single-Family Detached Building Type
(see Table 10-4-18 (I)-1, below)





Building Activation



Building Form and Orientation

Table 10-4-18 (I)-1
Single-Family Detached Building Type Standards
(see Table Symbologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min./max. ft.)	20'/30'	10'/20'	NA	0'/10'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	85% / 60%	85% / 60%	NA	85% / 60%
C	Corner Lot Side Setback (min. ft.)	10'	10'	NA	10'
D	Interior Side Setback (min. ft.)	5'	5'	NA	5'
E	Rear Setback (min. ft. / min. ft. with alley)	20' / 20'	15' / 20'	NA	10' / 20'
F	Lot Coverage (max. %)	65%	75/65%	NA	70%
G	Public or Private Open Space and Tree Canopy Coverage (min %)	35%	25/35%	NA	30%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within BTZ	1	NA	NA	NA
B	Maximum Height (number of stories / feet)	2.5 / 30'	2.5 / 30'	NA	2.5/ 30'
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	NA
D	Maximum number of stories within 10 ft. of a sensitive edge	NA	NA	NA	NA
E	Ground Floor - Floor-to-Floor Height (max. ft.)	9'-10'	9'-10'	NA	9'-10'
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.)	8'-9'	8'-9'	NA	8'-9'
Building Activation					

Table 10-4-18 (I)-1 Single-Family Detached Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	NA	NA	NA
B	Blank Wall (max. ft.)	NA	NA	NA	NA
Street Facing Wall Articulation					
C	Maximum facade width before articulation	30'	NA30'	NA	30'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-1 for technique options)	1	NA1	NA	1
Mass Variation					
E	Minimum number of varied massing techniques required (refer to Table 10-4-18(Q)-2 for technique options)	NA	NA	NA	NA
Transparency					
F	Façade glazed: % ground floor wall area (min)	NA	NA	NA	NA
G	Façade glazed: % upper floor(s) wall area (min)	NA	NA	NA	NA
Building Form and Orientation					
Roof Form					
A	Minimum sloping roof form (hip, shed or gable) percentage of building in plan view	50%	NA50%	NA	50%
	Roof Slope	5:12 or steeper 3:12 or steeper for porches, add-ons, etc.	NA5:12 or steeper 3:12 or steeper for porches, add-ons, etc.	NA	5:12 or steeper 3:12 or steeper for porches, add-ons, etc.
Building Entry					
B	Primary entrance orientation	Directly facing the street.	Directly facing the street.	NA	Directly facing the street.
C	Primary entrance spacing (max)	NA	NA	NA	NA

4. **Additional Single-Family Detached Dwelling Building Type Standards.**

(a) **Front Height Limit in the BTZ.** Note that a one-story porch or one-story wing in front would meet the requirement.

(b) **Roof Form.** The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(J) **Dwelling, Single-Family Attached / Duplex Building Type.**

1. **Generally.** This Section provides design standards for the duplex building type. The illustration of a duplex building type identifies common design ~~some typical~~ features. Next is a description of the building type followed by ~~is next. Then, the~~ tables providing ~~that follow provide~~ the design standards.
2. **Description.** This building type is a small scale, freestanding structure. It is one to 2.53 stories in height. The primary entrance is defined by a porch, stoop, or recessed entry. An attached garage with a pitched roof may be present on the front elevation of the building ~~may occur~~ in some contexts, but it is a subordinate to the principal building feature. It includes a pitched roof.

**Figure 10-4-18 (J)-1
Annotated Illustration: Single-Family Attached / Duplex Building Type**



- A** Principal entrance is oriented to the street and may be defined by a porch.
- B** Parking is subordinate to the primary building.
- C** Walkway leads to the primary entrance from the public way.

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





3. **Building Type Dimensional Standards.** The following table establishes dimensional standards for the Single-Family Attached Dwelling / Duplex Building Type.

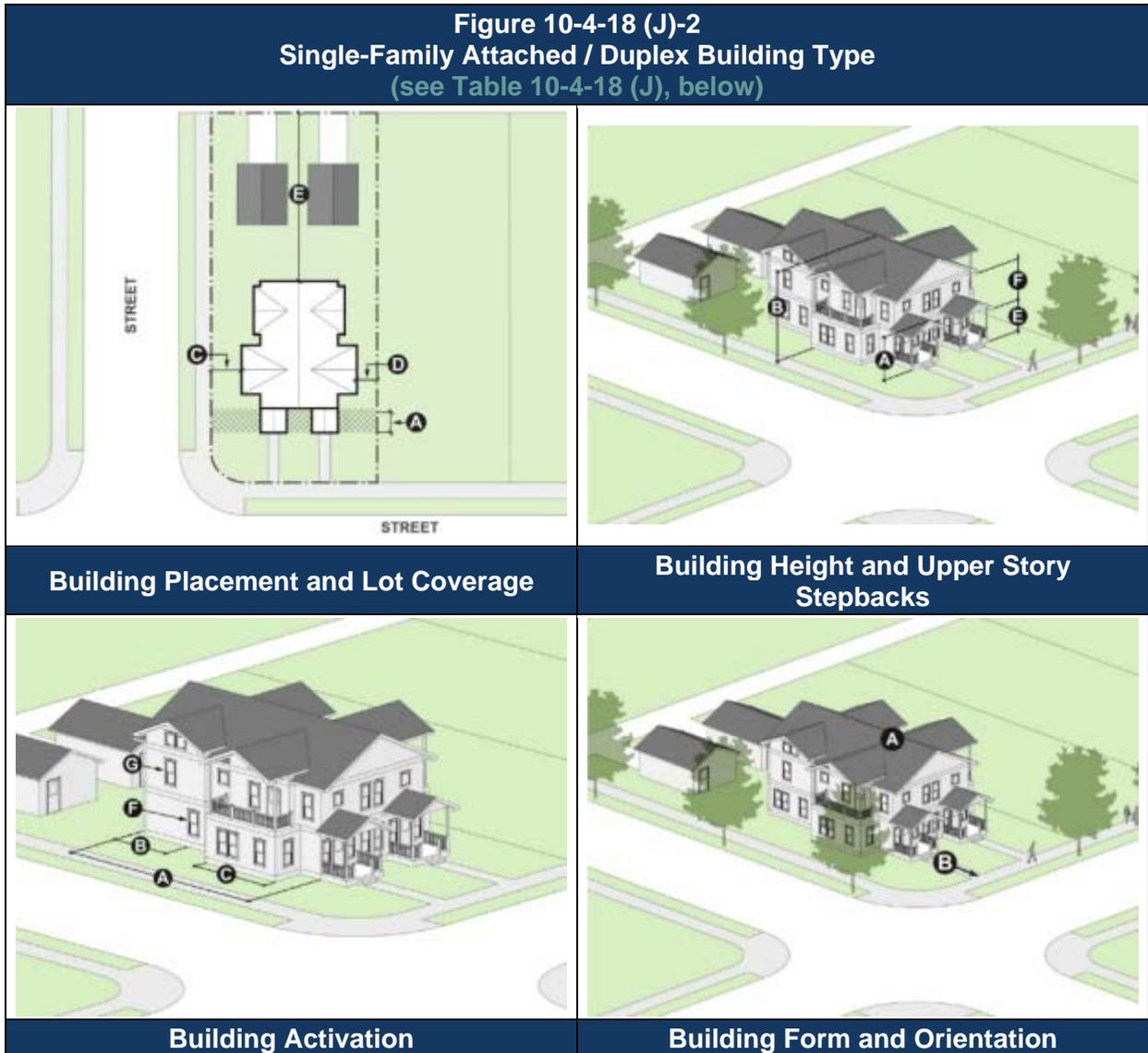


Table 10-4-18 (J)-1
Single-Family Attached / Duplex Building Type Standards
 (see Table Symbolologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	20'/30'	20'/30'	NA	0'/10'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	85% / 60%	85% / 60%	NA	85% / 60%
C	Corner Lot Side Setback (min. ft.)	10'	10'	NA	10'
D	Interior Side Setback (min. ft.)	5'	5'	NA	5
E	Rear Setback (min. ft. / min. ft. with alley)	20' / 20'	15' / 20'	NA	10' / 20'
F	Lot Coverage (max. %)	60%	60%	NA	60%
G	Public or Private Open Space and Tree Canopy Coverage (min %)	30%	25/30%	NA	25%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within BTZ	1	1	NA	NA
B	Maximum Height (number of stories / feet)	2.5 / 30'	2.5 / 30'	NA	2.5 / 30'
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	NA
D	Maximum number of stories within 10 ft. of a sensitive edge	NA	NA	NA	NA
E	Ground Floor - Floor-to-Floor Height (max. ft.)	9'10'	9'10'	NA	9'10'
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.)	8'9'	8'9'	NA	8'9'
Building Activation					
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	NA	NA	NA
B	Blank Wall (max. ft.)	30'	30'	NA	30'
Street Facing Wall Articulation					
C	Maximum facade length before articulation	25'	25'	NA	25'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-1 for technique options)	1	1	NA	1
Mass Variation					
E	Minimum number of varied massing techniques required (refer to Table 10-4-18(Q)-2 for technique options)	NA	NA	NA	NA

Table 10-4-18 (J)-1 Single-Family Attached / Duplex Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
Transparency					
F	Façade glazed: % ground floor wall area (min)	NA	NA	NA	NA
G	Façade glazed: % upper floor(s) wall area (min)	NA	NA	NA	NA
Building Form and Orientation					
Roof Form					
A	Minimum sloping roof form (hip or gable) percentage of top most floor	50%	NA50%	NA	50%
	Roof Slope	5:12 or steeper 3:12 or steeper for porches, add- ons, etc.	NA5:12 or steeper 3:12 or steeper for porches, add- ons, etc.	NA	5:12 or steeper 3:12 or steeper for porches, add- ons, etc.
Building Entry					
B	Primary entrance orientation	Directly facing the street.	Directly facing the street.	NA	Directly facing the street.
C	Primary entrance spacing (max)	NA	NA	NA	NA

4. **Additional Single-Family Attached / Duplex Building Type Standards.**

(a) **Front Height Limit.** A one-story porch or one-story wing in front is required would meet the requirement.

(b) **Roof Form.** The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(K) Multiplex Building Type.

1. **Generally.** This Section provides design standards for the multiplex building type. The illustration of this building type identifies common design some typical features. Next is a description of the building type followed by is next. Then, the tables providing that follow provide the design standards.

2. **Description.** This building type contains three to six residential units. This type reflects traditional residential structures in form, but is somewhat larger in scale. It is freestanding, and 1 to 2.53 stories in height in different contexts. Details include principal entrances in one or more locations. Each is defined by a porch, stoop, or recessed entry. A multiplex building generally includes a pitched roof.

**Figure 10-4-18 (K)-1
Annotated Illustration: Multiplex Building Type**



- A** Principal entrance is oriented to the street and may be defined by a porch.
- B** Pitched roof relates to traditional single-family buildings.
- C** Walkway leads to the primary entrance from the public way.

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



3. **Building Type Dimensional Standards.** The following table establishes dimensional standards for the Multiplex building type.

Figure 10-4-18 (K)-2
Multiplex Building Type
 (see Table 10-4-18 (K), below)

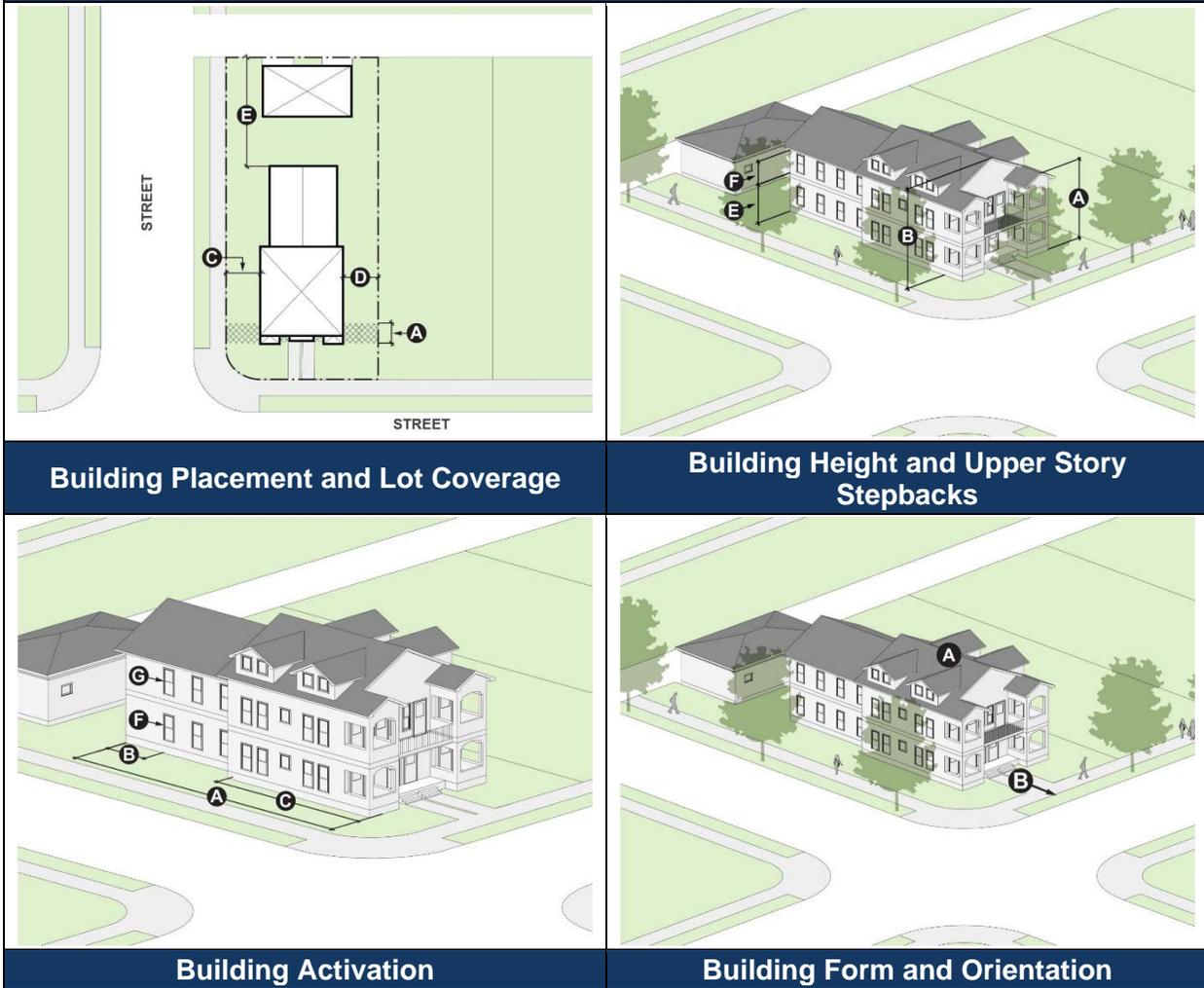


Table 10-4-18 (K)-1
Multiplex Building Type Standards
 (see Table Symbologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	20'/30'	20'/30'	NA	0'/10'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	85% / 60%	85% / 60%	NA	85% / 60%
C	Corner Lot Side Setback (min. ft.)	10'	10'	NA	10'
D	Interior Side Setback (min. ft.)	5'	5'	NA	5'

Table 10-4-18 (K)-1
Multiplex Building Type Standards
 (see Table Symbologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
E	Rear Setback (min. ft. / min. ft. with alley)	20' / 20'	15' / 20'	NA	10' / 20'
F	Lot Coverage (max. %)	70%	70%	NA	70%
G	Public Amenity / Outdoor Space and Tree Canopy Coverage (min %)	25%	25%	NA	25%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within BTZ	1	2	NA	2
B	Maximum Height (number of stories / feet)	2.5 / 30'	2.5 / 30' ³ / 45'	NA	2.5 / 30' ³ / 45'
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	NA
D	Maximum number of stories within 20 ft. of a sensitive edge	NA	NA ²	NA	NA ²
E	Ground Floor - Floor-to-Floor Height (max. ft.)	9'-10'	9'-10'	NA	9'-10'
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.)	8'-9'	8'-9'	NA	8'-9'
Building Activation					
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	NA	NA	NA
B	Blank Wall (max. ft.)	15'	15'	NA	15'
Street Facing Wall Articulation					
C	Maximum wall length before articulation	25'	25'	NA	25'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-1 for technique options)	2	1	NA	2
Mass Variation					
E	Minimum number of varied massing techniques (refer to Table 10-4-18(Q)-2 for technique options)	2	1	NA	2
Transparency					
F	Façade glazed: % ground floor wall area (min)	30%	30%	NA	30%
G	Façade glazed: % upper floor(s) wall area (min)	20%	20%	NA	20%
Building Form and Orientation					
Roof Form					

Table 10-4-18 (K)-1 Multiplex Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
A	Minimum sloping roof form (hip or gable) as percentage of building in plan view if not an art-deco or contemporary architectural style	50%	NA50%	NA	25%
	Roof Slope	5:12 or steeper 3:12 or steeper for porches, additions, etc	NA5:12 or steeper 3:12 or steeper for porches, additions, etc.	NA	5:12 or steeper 3:12 or steeper for porches, additions, etc
Building Entry					
B	Primary entrance orientation requirement	Directly facing the street.	Directly facing the street.	NA	Directly facing the street.
C	Primary entrance spacing (max)	NA	NA	NA	NA

4. **Additional Multiplex Building Type Standards.**

(a) Roof Form. The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(L) **Townhouse Building Type.**

1. **Generally.** This Section provides design standards for the townhouse building type. The illustration of a townhouse building type identifies common design features. Next is a description of the building type followed by the tables providing that follow provide the design standards.

2. **Description.**

(a) This building type accommodates three to eight single-family units which are attached to one another and are oriented to the street. They are to be compatible in mass and scale with nearby residential structures of lower scale.

(b) A Townhouse is one to three stories in height. The façade is designed to express each individual unit. Each unit has a principal entrance on the ground floor defined by a porch, stoop, or recessed entry. End units have window openings on three sides, while interior units have window openings only in the front and back. Parking is located in the rear.

**Figure 10-4-18 (L)-1
Annotated Illustration: Townhouse Building Type**



- A** Walkway leads to the principal entry from the public way
- B** Articulation techniques provide variety in scale and add visual interest
- C** A principal entrance may be defined by a covered porch, stoop, or covered entry.

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



3. **Building Type Dimensional Standards.** The following table establishes dimensional standards for the Townhouse building type.

Figure 10-4-18 (L)-2
Townhouse Building Type
 (see Table 10-4-18 (L), below)

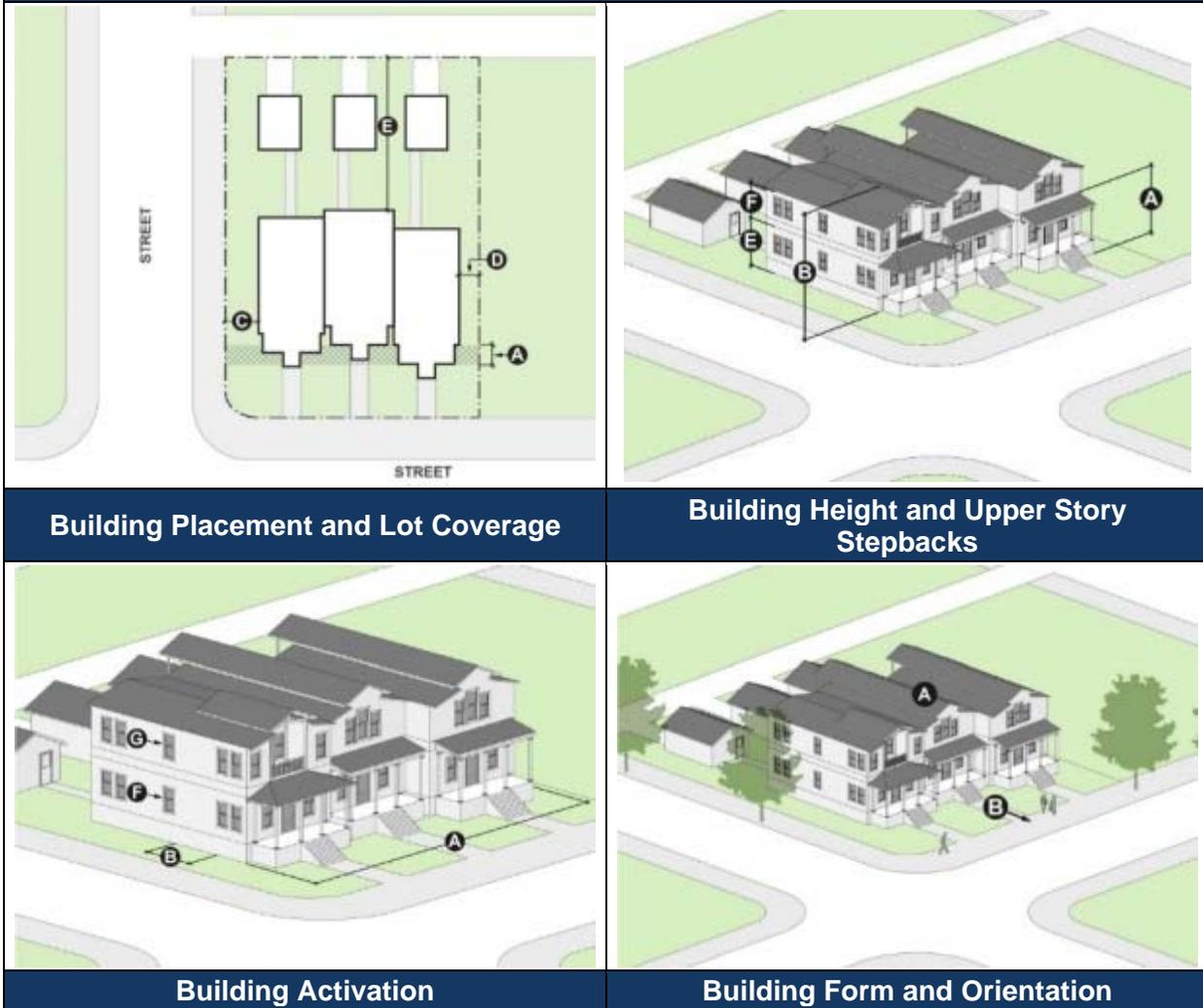


Table 10-4-18 (L)
Townhouse Building Type Standards
 (see Table Symbolologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	20'/30'	20'/30'	NA	0'/10'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	85% / 60%	85% / 60%	NA	85% / 60%
C	Corner Lot Side Setback (min.)	10'	10'	NA	10'
D	Interior Side Setback (min. ft.)	5'	5'	NA	5'

Table 10-4-18 (L) Townhouse Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
E	Rear Setback (min. ft. / min. ft. with alley)	20' / 20'	15' / 20'	NA	10' / 20'
F	Lot Coverage (max. %)	70%	70%	NA	70%
G	Public Amenity / Open Space and Tree Canopy Coverage (min %)	25%	25%	NA	25%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within BTZ	1	2	NA	2
B	Maximum Height (number of stories / feet)	3 / 45' 2.5 / 30' 35'	3 / 45'	NA	3 / 45'
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	NA
D	Maximum number of stories within 20 ft. of a sensitive edge	2	2	NA	2
E	Ground Floor - Floor-to-Floor Height (max. ft.)	9'10'	9'10'	NA	9'10'
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.)	8'9'	8'9'	NA	8'9'
Building Activation					
Street Facing Wall Lengths					
A	Overall (max. ft.)	125'	125'	NA	125'
B	Blank Wall (max. ft.)	15'	15'	NA	15'
Street Facing Wall Articulation					
C	Maximum facade length before articulation	25'	25'	NA	25'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-1 for technique options)	1	1	NA	1
Mass Variation					
E	Minimum number of varied massing techniques (refer to Table 10-4-18(Q)-2 for technique options)	1	1	NA	1
Transparency					
F	Façade glazed: % ground floor wall area (min)	30%	30%	NA	30%
G	Façade glazed: upper floor % upper floor(s) wall area (min)	20%	20%	NA	20%
Building Form and Orientation					
Roof Form					

Table 10-4-18 (L) Townhouse Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
A	Minimum sloping roof form (hip or gable) percentage of top most floor	25%	25%	NA	25%
	Roof Slope	5:12 or steeper 3:12 or steeper for porches, add- ons, etc	5:12 or steeper 3:12 or steeper for porches, add- ons, etc	NA	5:12 or steeper 3:12 or steeper for porches, add- ons, etc.
Building Entry					
B	Primary entrance orientation	Directly facing the street.	Directly facing the street.	NA	Directly facing the street.
C	Primary entrance spacing (max)	NA	NA	NA	NA

4. **Additional Townhouse Building Type Standards.**

(a) **Roof Form.** The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(M) **Apartment Building Type.**

1. **Generally.** This Section provides design standards for the apartment building type. The illustration of an apartment building type identifies common design features. Next is a description of the building type is next. Then, the followed by tables that follow provide providing the design standards.
2. **Description.** This building type includes multiple floors of residential units. The design is intended to be compatible in mass and scale with the pedestrian orientation of downtown. Apartment buildings commonly typically have one entrance on the street which accesses multiple dwelling units internally. A sense of scale is accomplished with variation in height and massing. It has a pedestrian-friendly facade which is achieved by incorporating high-quality ground floor design elements, such as transparency and clearly defined entrances. Parking is typically accommodated in structured or tuck-under formats.

**Figure 10-4-18 (M)-1
Annotated Illustration: Apartment Building Type**



- A** Central entry orients to the street or a shared open space.
- B** Variation in massing and wall articulation provides visual interest and reduces perceived mass.
- C** Windows provide a sense of connection to the public way.

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





3. **Building Type Dimensional Standards.** The following table establishes dimensional standards for the Apartment building type.

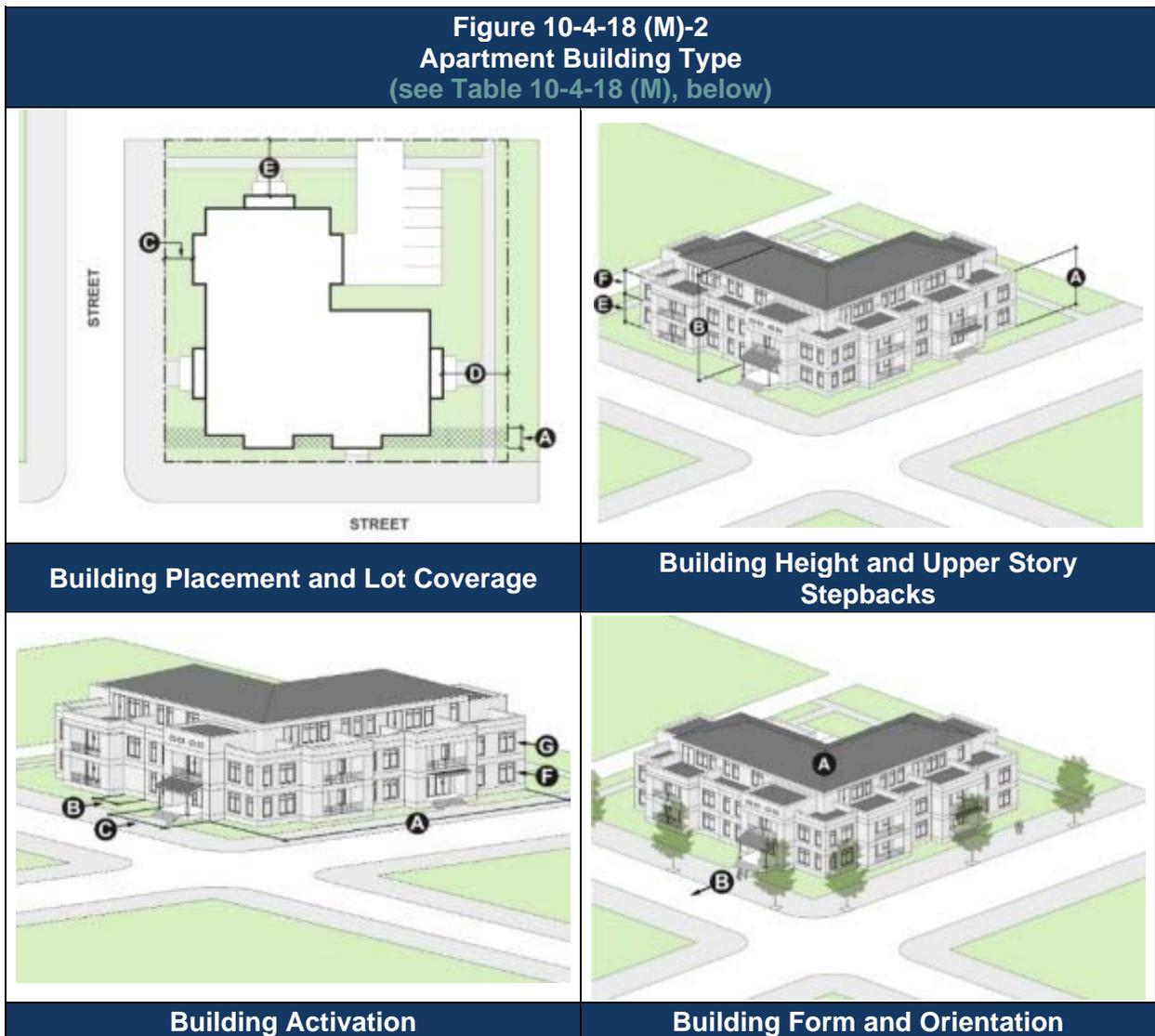


Table 10-4-18 (M)
Apartment Building Type Standards
 (see Table Symbologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	NA	10' / 30'	NA	5' / 20'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	NA	85% / 60%	NA	85% / 60%
C	Corner Lot Side Setback (min.)	NA	10'	NA	10'
D	Interior Side Setback (min. ft.)	NA	5'	NA	5'
E	Rear Setback (min. ft. / min. ft. with alley)	NA	15' / 20'	NA	10' / 20'
F	Lot Coverage (max. %)	NA	75-65%	NA	75%
G	Public Amenity / Outdoor Space and Tree Canopy Coverage (min %)	NA	25-35%	NA	25%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within 20 ft. of front property line (stepback distance of 20 ft.)	NA	2	NA	2
B	Maximum Height (number of stories / feet)	NA	3 / 45'	NA	4-55' 5-654 / 55''*
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	80%
D	Maximum number of stories within 10 ft. of a sensitive edge	NA	2	NA	2
E	Ground Floor - Floor-to-Floor Height (max. ft.)	NA	14'	NA	14'
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.)	8-NA	8-12'	NA	8-12'
*A maximum of four 5 stories is permitted in the DMU character area that lies between Church Avenue and Alamo Avenue (but not abutting Alamo), and north of Berry Avenue, except in the white hatched area of the Character Map, where the maximum height is three stories / 45'.					
Building Activation					
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	125'	425-NA	125'
B	Blank Wall (max. ft.)	NA	20'	20-NA	20'
Street Facing Wall Articulation					
C	Maximum facade length before articulation	NA	25'	NA	25'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-1 for technique options)	NA	2	NA	3

Table 10-4-18 (M) Apartment Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
Mass Variation					
E	Minimum number of varied massing techniques (refer to Table 10-4-18(Q)-2 for technique options)	NA	1	NA	1
Transparency					
F	Façade glazed: % ground floor wall area (min)	NA	40%	NA	40%
G	Façade glazed: % upper floor(s) wall area (min)	NA	30%	NA	30%
Building Form and Orientation					
Roof Form					
A	Minimum sloping roof form (hip or gable) as a percentage of building in plan view	NA	NA	NA	NA
	Roof Slope	NA	NA5:12 or steeper 3:12 or steeper for porches, additions, etc.	NA	NA
Building Entry					
B	Primary entrance orientation	NA	Directly facing the street.	NA	Directly facing the street.
C	Primary entrance spacing (max)	NA	50'	NA	50'

4. **Additional Apartment Building Type Standards.**

(a) **Roof form:** The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(b) (b)_Reserved.

(N) **Live-Work Building Type.**

- Generally.** This Section provides design standards for the live-work building type. The illustration of a live-work building type identifies common designsome of its typical features. Next is aA description of the building type followed by follows. Then, the tables providing that follow provide the design standards.
- Description.** This building type combines commercial uses with residential units in one structure. Those uses may be separated vertically or horizontally. Commercial uses include, but are not limited to, art studios, small offices, and technology support services. The design includes varied massing and articulation techniques to maintain human scale and a pedestrian-friendly facade. Windows facing the street enhance the pedestrian environment.

**Figure 10-4-18 (N)-1
Annotated Illustration: Live-Work Building Type**



A An easily identifiable entrance to the building.

B Step back of the upper floor reduces perceived mass.

C Transparency at the ground level engages the public way.

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





3. **Building Type Dimensional Standards.** The following table establishes dimensional standards for the Live-Work Building Type.



Table 10-4-18 (N) Live-Work Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	NA	5' / 10'	NA	0' / 10'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	NA	70% / 70%	NA	90% / 90%
C	Corner Lot Side Setback (min. ft.)	NA	0'	NA	10'
D	Interior Side Setback (min. ft.)	NA	0'	NA	5'
E	Rear Setback (min. ft. / min. ft. with alley)	NA	10' / 20'	NA	40' / 20'
F	Lot Coverage (max. %)	NA	80 / 70%	NA	80%
G	Public Amenity / Open Space and Tree Canopy and Tree Canopy Coverage (min %)	NA	20 / 30%	NA	20%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within 20 ft. of front property line (stepback distance of 20 ft.)	NA	2	NA	2
B	Maximum Height (number of stories / feet)	NA	3 / 45'	NA	3 / 45'
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	NA
D	Maximum number of stories within 10 ft. of a sensitive edge	NA	2	NA	2
E	Ground Floor - Floor-to-Floor Height (max. ft.)	NA	14'	NA	14'
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.)	NA	9' 12'	NA	9' 12'
Building Activation					
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	125'	NA	125'
B	Blank Wall (max. ft.)	NA	20'	NA	20'
Street Facing Wall Articulation					
C	Maximum facade length before articulation	NA	25'	NA	25'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-1 for technique options)	NA	1	NA	1
Mass Variation					

Table 10-4-18 (N) Live-Work Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
E	Minimum number of varied massing techniques (refer to Table 10-4-18(Q)-2 for technique options)	NA	1	NA	1
Transparency					
F	Façade glazed: % ground floor wall area (min)	NA	50%	NA	50%
G	Façade glazed: % upper floor(s) wall area (min)	NA	30%	NA	30%
Building Form and Orientation					
Roof Form					
A	Minimum sloping roof form (hip, shed or gable) as percentage of building in plan view	NA	NA50%	NA	50%
	Roof Slope	NA	NA5:12 or steeper 3:12 or steeper for porches, additions, etc.	NA	5:12 or steeper 3:12 or steeper for porches, additions, etc
Building Entry					
B	Primary entrance orientation	NA	Directly facing the street.	NA	Directly facing the street.
C	Primary entrance spacing (max)	NA	50'	NA	50'

4. **Additional Live-Work Building Type Standards.**

(a) **Roof Form.** The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(b) **Paseo Open Space Type.** Live-Work and Mixed-Use buildings are permitted in conjunction with a Paseo open space type, as established in Table 10-4-18 (I)-1, *Public Open Space Standards*.

(O) **Mixed-Use Building Type.**

1. **Generally.** This Section provides design standards for the mixed-use building type. The illustration of a mixed-use building type identifies common design features. Next is a description of the building type followed by the tables providing that follow provide the design standards.

2. **Description.** The mixed-use building type houses retail, office, commercial, and residential uses, and sometimes parking within a single structure. The design is intended to be compatible in mass and scale with the pedestrian-orientation of downtown. This is accomplished by varied heights, highly articulated masses, and a pedestrian-friendly facade. This includes a high degree of transparency and clearly

defined entrances, which are enhanced with canopies and awnings. High quality and durable materials are features of this building type.

**Figure 10-4-18 (O)-1
Annotated Illustration: Mixed Use Building Type**



A An easily identifiable entrance to the building.

B Step back of the upper floor reduces perceived mass.

C Transparency at the ground level engages the public way.

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



3. **Mixed Use Building Type Dimensional Standards.** The following table establishes dimensional standards for the mixed use Building Type.

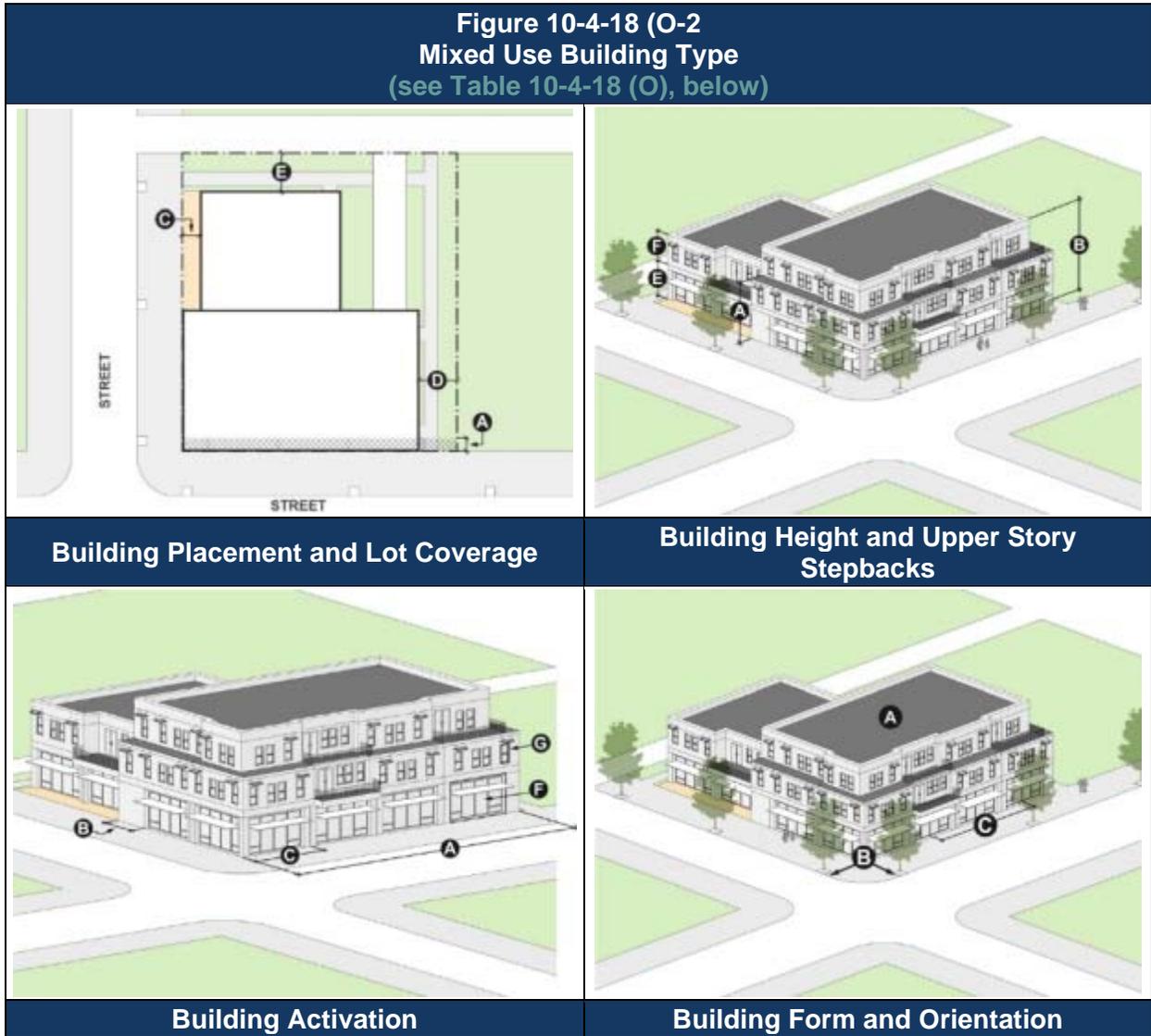


Table 10-4-18 (O)
Mixed Use Building Type Standards
 (see Table Symbolologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	NA	10' / 20'	0' / 5'	0' / 10'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	NA	70% / 70%	80% / 80%	80% / 80%
C	Corner Lot Side Setback (min. ft.)	NA	0'	0'	10'

Table 10-4-18 (O) Mixed Use Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
D	Interior Lot Side Setback (min. ft.)	NA	0'	0'	5'
E	Rear Setback (min. ft. / min. ft. with alley)	NA	10' / 10'	0' / 10'	0' / 10'
F	Lot Coverage (max. %)	NA	9075%	90%	90%
G	Public Amenity / Open Space and Tree Canopy Coverage (min %)	NA	4025%	0%	10%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within 20 ft. of front property line (stepback distance of 20 ft.)	NA	2	2	2
B	Maximum Height (number of stories / feet) (See Table 10-4-18(M) footnote.	NA	4' / 55'	3 / 45'	4 / 55*
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	8065%	NA	80%
D	Maximum number of stories within 10 ft. of a sensitive edge	NA	2	2	2
E	Ground Floor - Floor-to-Floor Height (max. ft.)	NA	14'15'	14'15'	14'15'
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.)	NA	9'10'	9'10'	9'10'
* A maximum of 3three stories / 45' stories is permitted in the white hatched area of DMU on the Character Map.					
Building Activation					
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	150'	150'	150'
B	Blank Wall (max. ft.)	NA	20'	20'	20'
Street Facing Wall Articulation					
C	Maximum facade width before articulation is required (refer to Table 10-4-18(Q)-1 for technique options)	NA	25'	25'	25'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-2 for technique options)	NA	1	2	2
Mass Variation					
E	Minimum number of varied massing techniques required	NA	1	1	1
Transparency					
F	Façade glazed: % ground floor wall area (min)	NA	65%	70%	65%

Table 10-4-18 (O) Mixed Use Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
G	Façade glazed: % upper floor(s) wall area (min)	NA	25%	20%	25%
Building Form and Orientation					
Roof Form					
A	Minimum sloping roof form (hip, shed, or gable) as percentage of building in plan view	NA	NA25%	NA	25%
	Roof Slope	NA	NA5:12 or steeper 3:12 or steeper for porches, add- ons, etc.	NA	NA5:12 or steeper 3:12 or steeper for porches, add- ons, etc. NA
Building Entry					
B	Primary entrance orientation	NA	Directly facing the street.		
C	Primary entrance spacing (max)	NA	50'	50'	50'

4. **Additional Mixed-Use Building Type Standards.**

(a) Roof Form. The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(b) Transparency. In the DMS character area, upper story windows shall be designed to reflect the traditional size and proportions of those seen on Contributing buildings in the Historic district.

(c) Paseo Open Space Type. Live-work and mixed-use buildings are permitted in conjunction with a Paseo open space type, as established in Table 10-2-18(I)-1 Public Open Space Standards.

(P) Commercial Building Type.

1. **Generally.** This Section provides design standards for the commercial building type. The illustration of a commercial building type identifies common design features. Next is a description of the building type followed by next. Then, the tables providing that follow provide the design standards.

2. **Description.** This building type houses commercial uses, such as retail, office, institutional, and service-oriented businesses. It occurs in a variety of sizes from a small retail store to a large grocery store. It has a pedestrian-friendly facade, which is achieved by incorporating a high degree of transparency. Entrances are clearly defined with canopies and awnings to enhance the pedestrian environment.

**Figure 10-4-18 (P)-1
Annotated Illustration: Commercial Building Type**



A Primary entrance identified by raised parapet entry type and small plaza.

B Variation in roof line provides interest and reduces perceived scale

C Display windows face onto the public way

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



- Commercial Building Type Dimensional Standards.** The following table establishes dimensional standards for the Commercial building type

Figure 10-4-18 (P)-2
Commercial Building Type
 (see Table 10-4-18 (P), below)

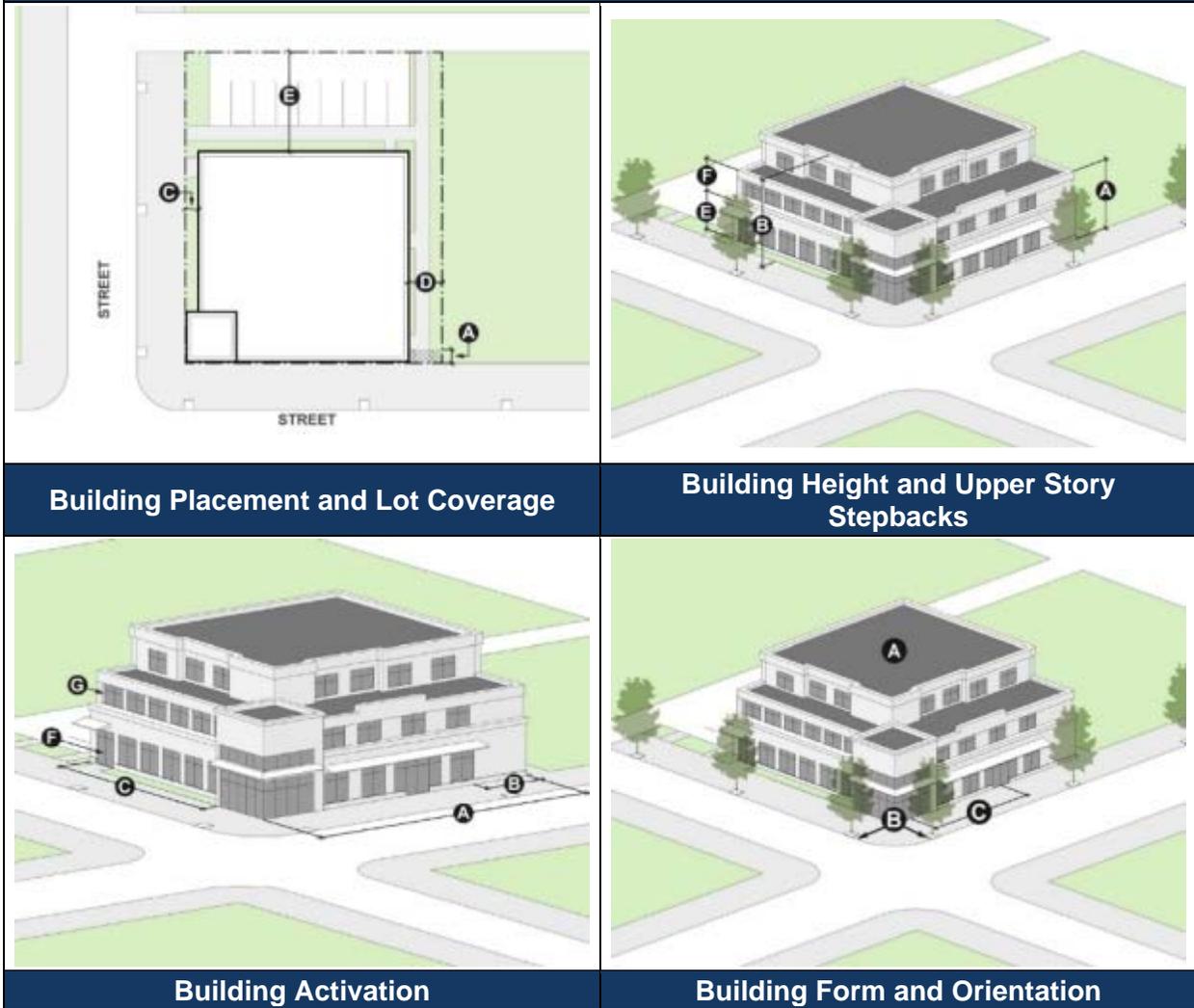


Table 10-4-18 (P)
Commercial Building Type Standards
 (see Table Symbologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	NA	10' / 20'	0' / 10'	0' / 10'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	NA	70% / 70%	90% / 90%	70% / 70%
C	Corner Lot Side Setback (min. ft.)	NA	0'	0'	10'
D	Interior Side Setback (min. ft.)	NA	0'	0'	5'

Table 10-4-18 (P) Commercial Building Type Standards <i>(see Table Symbologies above)</i>					
Symbol	Standard	DNR	DTA	DMS	DMU
E	Rear Setback (min. ft. / min. ft. with alley)	NA	10' / 10'	0' / 10'	0' / 10'
F	Lot Coverage (max. %)	NA	9075%	90%	90%
G	Open Space and Tree Canopy Coverage (min %)	NA	4025%	0%	10%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within 20 ft. of front property line (stepback distance of 20 ft.)	NA	2	2	2
B	Maximum Height (number of stories / feet)	NA	3 / 45'	3 / 45'	4 / 55*
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	80%
D	Maximum number of stories within 10 ft. of a sensitive edge	NA	2	2	2
E	Ground Floor - Floor-to-Floor Height (max. ft.)	NA	14'15'	14'15'	14'15'
F	Upper Floor(s) - Floor-to-Floor Height (max.)	NA	9'10'	9'10'	9'10'
* A maximum of 3 three stories / 45' stories is permitted in the white hatched area of DMU on the Character Map.					
Building Activation					
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	180'	180'	180'
B	Blank Wall (max. ft.)	NA	15'	15'	15'
Street Facing Wall Articulation					
C	Maximum facade length before articulation	NA	25'	25'	25'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-1 for technique options)	NA	2	3	3
Mass Variation					
E	Minimum number of varied massing techniques (refer to Table 10-4-18(Q)-2 for technique options)	NA	1	1	1
Transparency					
F	Façade glazed: % ground floor wall area (min)	NA	40%	60%	40%
G	Façade glazed: % upper floor(s) wall area (min)	NA	20%	20%	20%
Building Form and Orientation					
Roof Form					

Table 10-4-18 (P) Commercial Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
A	Minimum sloping roof form (hip or gable) as percentage of building in plan view	NA	NA25%	NA	25%
	Roof Slope	NA	NA5:12 or steeper 3:12 or steeper for porches, additions, etc.	NA	NA5:12 or steeper 3:12 or steeper for porches, additions, etc.
Building Entry					
B	Primary entrance orientation	NA	Directly facing the street.		
C	Primary entrance spacing (max)	NA	75'	75'	75'

4. **Additional Commercial Building Type Standards.**

(a) **Roof Form.** The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(b) **Transparency.** In the DMS character area, upper story windows shall be designed to reflect the traditional size and proportions of those seen on contributing buildings in the Historic district.

(Q) **Office - Institutional Building Type.**

1. **Generally.** This Section provides design standards for the office-institutional building type. The illustration of an office-institutional building type identifies common design some typical features. Next is a description of the building type followed by is next. Then, the tables providing that follow provide the design standards.
2. **Description.** The office-institutional building type provides space for a variety of businesses, civic uses, and public organizations, including medical facilities, public assembly, and corporate offices. A pedestrian-friendly facade is achieved by incorporating transparency, clearly defined entrances, architectural details, canopies and awnings to enhance the pedestrian environment. High quality, and durable materials sometimes with iconic forms, such as towers, are a strong feature of this building type.

**Figure 10-4-18 (Q)-1
Annotated Illustration: Office - Institutional Building Type**



A

Primary entrance connects to a public walkway.

B

Composition has a base, middle and a cap with articulated walls and varies massing.

C

A high degree of transparency activates the street level facade.

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



3. **Building Type Dimensional Standards.** The following table establishes standards for the office-institutional building type.

Figure 10-4-18 (Q)-2
Office - Institutional Building Type
 (see Table 10-4-18 (Q), below)

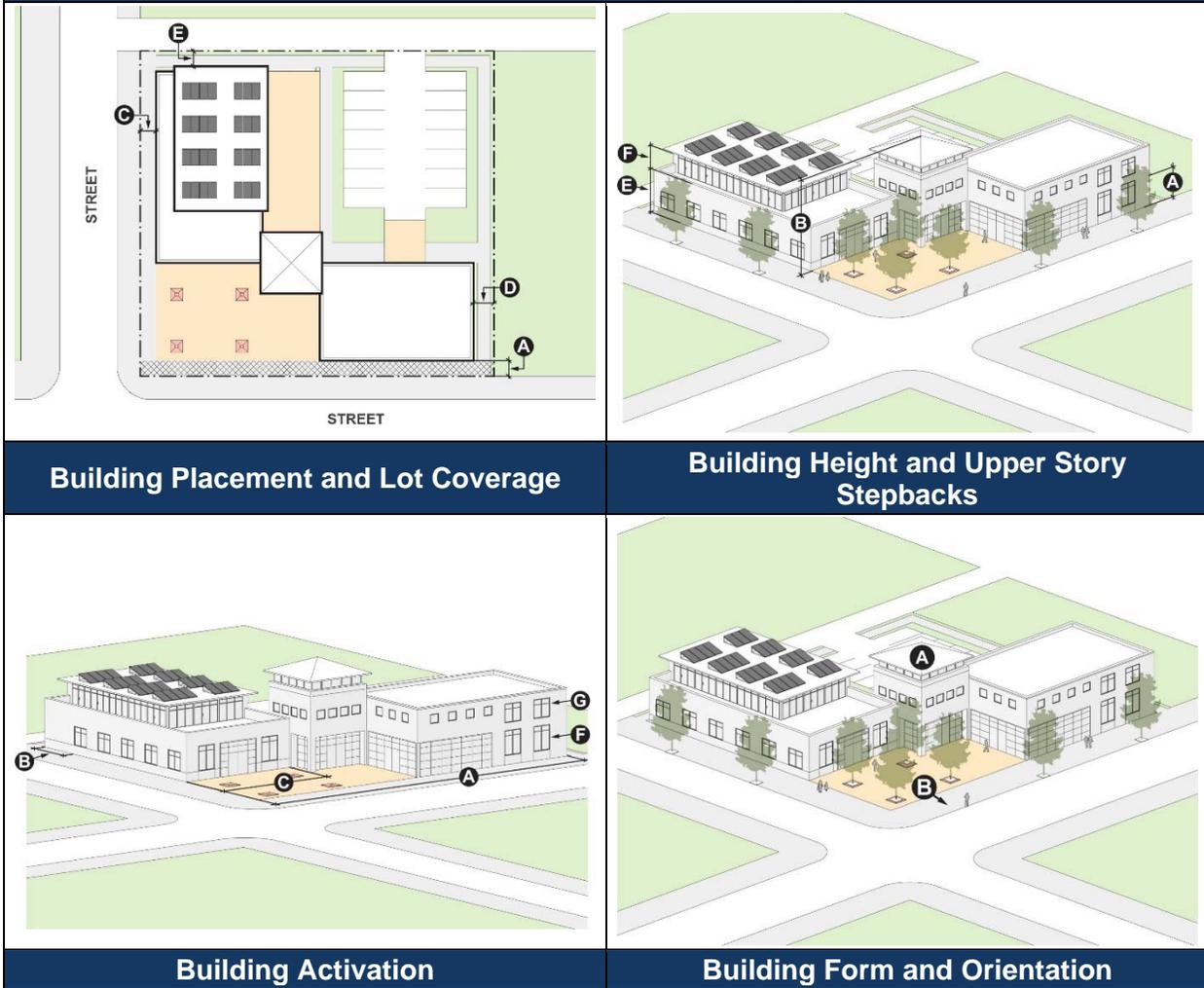


Table 10-4-18 (Q)
Office - Institutional Building Type Standards
 (see Table Symbologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	NA	5' / 20'	0' / 10'	0' / 20'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	NA	90% / 70%	90% / 90%	90% / 90%
C	Corner Lot Side Setback (min. ft.)	NA	10'	10'	10'
D	Interior Side Setback (min. ft.)	NA	0'	0'	5'

Table 10-4-18 (Q) Office - Institutional Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
E	Rear Setback (min. ft. / min. ft. with alley)	NA	10' / 10'	0' / 10'	0' / 10'
F	Lot Coverage (max. %)	NA	80%	90%	70%
G	Outdoor Space and Tree Canopy Coverage (min %)	NA	40%	0%	40%
Building Height and Upper Story Stepbacks					
A	Maximum number of stories within 20 ft. of front property line (stepback distance of 20 ft.)	NA	2	2	2
B	Maximum Height (number of stories / feet)	NA	3 / 45'	3 / 45'	4 / 50*
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	80%
D	Maximum number of stories within 20 ft. of a sensitive edge	NA	2	2	2
E	Ground Floor - Floor-to-Floor Height (max. ft.)	NA	14'12"	14'12"	14'12"
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.)	NA	9'10"	9'10"	9'10"
* A maximum of three 3 stories / 45' stories is permitted in the white hatched area of DMU on the Character Map.					
Building Activation					
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	150'	150'	100'
B	Blank Wall (max. ft.)	NA	15'	15'	15'
Street Facing Wall Articulation					
C	Maximum facade length before articulation	NA	25'	25'	25'
D	Minimum number of articulation techniques required (refer to Table 10-4-18(Q)-1 for technique options)	NA	2	2	3
Mass Variation					
E	Minimum number of varied massing techniques (refer to Table 10-4-18(Q)-2 for technique options)	NA	1	1	2
Transparency					
F	Façade glazed: % ground floor wall area (min)	NA	30%	60%	30%
G	Façade glazed: % upper floor(s) wall area (min)	NA	20%	20%	20%
Building Form and Orientation					

Table 10-4-18 (Q) Office - Institutional Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
Roof Form					
A	Minimum sloping roof form (hip, shed, or gable) as percentage of building in plan view	NA	NA5%	NA	5%
	Roof Slope	NA	NA5:12 or steeper 3:12 or steeper for porches, additions, etc.	NA	NA5:12 or steeper 3:12 or steeper for porches, additions, etc.
Building Entry					
B	Primary entrance orientation	NA	Directly facing the street.		
C	Primary entrance spacing (max)	NA	75'	75'	75'

4. **Additional Office Building Type Standards.**

(a) **Roof Form.** The percentage of sloped roof requirement is measured as a percentage of the building footprint in plan view. For roof slope (pitch) requirements, see the roof form provisions in the table above.

(b) **Transparency.** In the DMS character area, upper story windows shall be designed to reflect the traditional size and proportions of those seen on Contributing buildings in the Historic district.

(c) **Design Standards.**

- i. **Purpose.** The purpose of this Paragraph is to provide standards that assure that an office-institutional building makes a positive contribution to the public realm.
- ii. **Pedestrian Activity.** An office-institutional building shall be located such that it encourages pedestrian activity in the area and has the following characteristics:
 - I. The building is located in a manner that is highly visible from the public right-of-way.
 - II. Primary entrances are oriented to connect to primary pedestrian circulation routes.
 - III. Outdoor spaces associated with the building are oriented where they will activate the street edge.
- iii. **Human Scale.** An office-institutional building shall be designed to provide a pedestrian-friendly street level and convey a sense of human scale in building massing, materials, and details.
- iv. **Outdoor Civic Spaces.** To assure that an outdoor civic space, as required in Subsection 10-2-18(H), Greenscape and Tree Protection Requirements, makes a positive contribution to the public realm, such space shall be designed to enhance the network of streets, public spaces and sidewalks in the downtown.
 - I. The space shall be suitable for active public use.

- II. The space shall be designed to include streetscape furnishings such as decorative lighting, benches, and public art.
- III. The space shall provide convenient, safe, and aesthetically pleasing pedestrian connections.
- IV. The space shall maintain significant view corridors.
- V. The space shall minimize potential visual and safety impacts of automobiles.

(R) Parking Structure Building Type.

1. **Generally.** This Section provides design standards for the parking structure building type. The illustration of an parking structure building type identifies some typical features. A description of the building type is next. Then, the tables that follow provide the design standards.
2. **Description.** A Parking Structure building type accommodates vehicle parking in a form that is designed to be compatible with the character of downtown. Cars are concealed to the greatest extent feasible and auto entries are visually subordinate. This is accomplished by concealing the garage space with other active uses as a “wrap” around parking spaces, or with architectural screens that provide visual interest and a sense of human scale.

**Figure 10-4-18 (R)-1
Annotated Illustration: Parking Structure Building Type**



Activated street level “wrap”.



Architectural screening of parking levels.

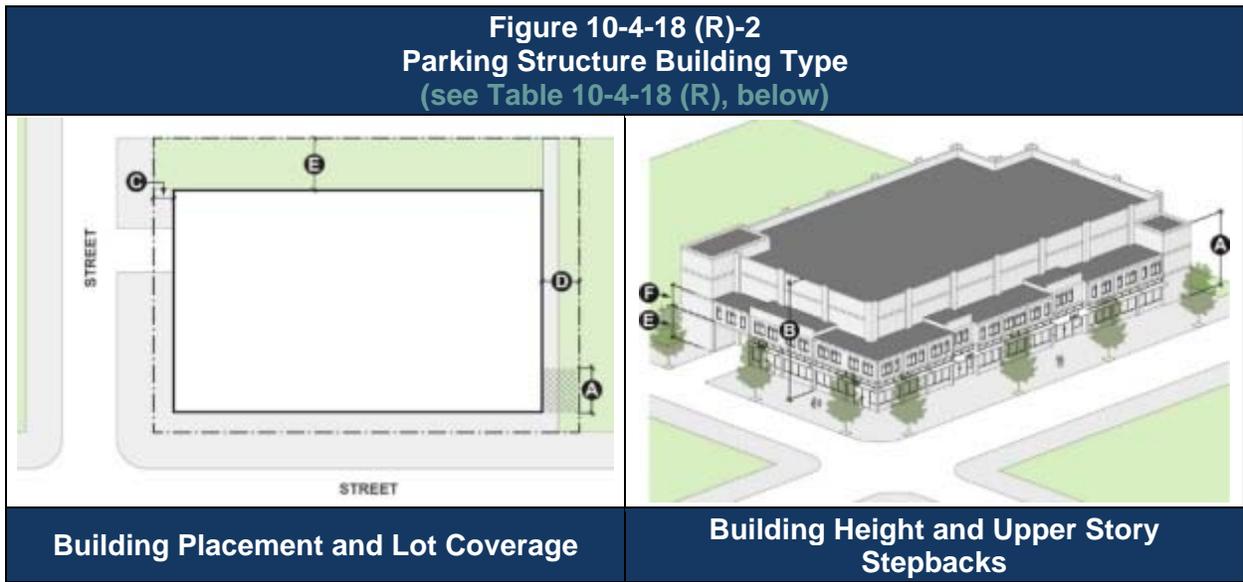


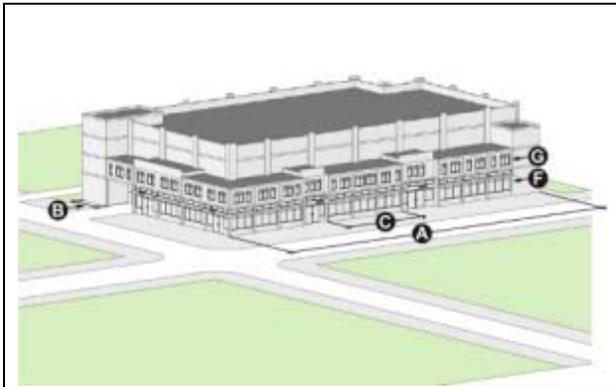
Varied massing and articulation.

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

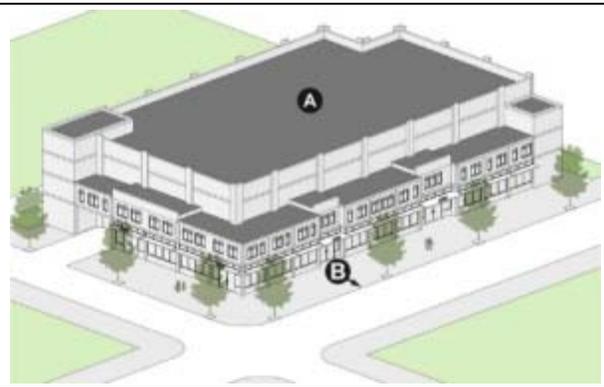


3. **Building Type Dimensional Standards.** The following table establishes dimensional standards for the Parking Structure building type, including those related to a “wrap” of other uses.





Building Activation



Building Form and Orientation

Table 10-4-18 (R)
Parking Structure Building Type Standards
 (see Table Symbolologies above)

Symbol	Standard	DNR	DTA	DMS	DMU
Building Placement and Lot Coverage					
A	Build-to Zone (BTZ) (min. / max. ft.)	NA	20' / 30'	20' / 30'	20' / 30'
B	Primary / Secondary Street Frontage (min. % of facade in BTZ)	NA	90% / 70%	90% / 90%	90% / 90%
C	Corner Lot Side Setback (min. ft.)	NA	10'	1'	15'
D	Interior Side Setback (min. ft.)	NA	0'	0'	10'
E	Rear Setback (min. ft. / min. ft. with alley)	NA	150' / 24'	0' / 24'	10' / 24'
F	Lot Coverage (max. %)	NA	9075%	90%	90%
G	Open Space and Tree Canopy Coverage (min %)	NA	4025%	0%	10%
Building Height and Upper Story Stepbacks (For building wrap)					
A	Maximum number of stories / feet of a "wrap" within 20 ft. of front property line (stepback distance of 20 ft.)	NA	2 / 30'	2 / 30'	2 / 30'
B	Maximum number of stories / feet of a "wrap"	NA	3 / 45'	3 / 45'	3 / 45'
C	Maximum 4th-floor plate area (percentage of 3rd-floor area)	NA	NA	NA	NA
D	Maximum number of stories / feet of a "wrap" within 10 ft. of a sensitive edge	NA	2 / 30'	2 / 30'	2 / 30'
E	Ground Floor - Floor-to-Floor Height (max. ft.) of a "wrap"	NA	44'16'	44'16'	44'16'
F	Upper Floor(s) - Floor-to-Floor Height (max. ft.) of a "wrap"	NA	9'10'	9'10'	9'10'
Building Activation					

Table 10-4-18 (R) Parking Structure Building Type Standards (see Table Symbologies above)					
Symbol	Standard	DNR	DTA	DMS	DMU
Street Facing Wall Lengths					
A	Overall (max. ft.)	NA	NA	NA	NA
B	Blank Wall (max. ft.)	NA	50'	50'	50'
Street Facing Wall Articulation					
C	Maximum facade length of "wrap" before articulation	NA	50'	50'	50'
D	Minimum number of articulation techniques required for "wrap" (refer to Table 10-4- 18(Q)-1 for technique options)	NA	2	2	2
Mass Variation					
E	Minimum number of varied massing techniques for "wrap"	NA	1	1	1
Transparency					
F	Façade glazed: % ground floor wall area (min) for "wrap"	NA	50%	50%	50%
G	Façade glazed: % upper floor(s) wall area (min) for "wrap"	NA	30%	30%	30%
Roof Form					
A	Minimum sloping roof form (hip, shed or gable) as percentage of building in plan view	NA	NA	NA	NA
Building Entry					
A	Primary entrance orientation for "wrap"	NA	Directly facing the street.		
B	Primary entrance spacing (max) for "wrap" (not including vehicle entries)	NA	50'	50'	50'

4. **Additional Parking Structure Building Type Standards.**

(a) **Purpose.** The purpose of these additional standards is to maintain a pedestrian-oriented environment and provide human scale and visual interest along any parking garage street frontage. This is accomplished by providing usable space on the ground floor, and/or by providing architectural treatments that avoid blank wall facades, ensuring consistency and is consistent with the architectural character and quality of downtown.

(b) **Street Level Uses.** A multi-story parking structure (two levels or more) with a façade facing public street rights-of-way shall provide a wrap with active uses at the street level.

i. The active use shall extend for a minimum of 80 percent of the linear frontage.

- ii. Active uses permitted are: commercial, live-work, residential and institutional space.

(c) **Openings.** Parking garage openings shall be vertically and horizontally aligned when viewed from a public street. Vehicle entrances shall be on an alley whenever one is present.

(d) **Context.** Each façade oriented to a street or public space shall be designed to fit with the context of the block and convey a human scale and provide visual interest. Methods include:

- i. Articulation of the building structure expressions of building structure;
- ii. Patterns of window, door or other openings that provide surface variation; iii. Changes in wall planes;
- iii. Changes in materials that define building modules or patterns;
- iv. Art; and
- v. Architectural details and ornamentation

(e) **Concealment.**

- i. Street-oriented facades, including those for sloped parking ramps, shall conceal or effectively reduce the impact of parked cars and light sources from the exterior public view for the full height of the structure. a
- ii. Openings in parking structure facades that face a street shall be proportioned to appear as separate windows in a wall rather than long horizontal gaps between the structural frame.

(S) **Urban Design Techniques.** The tables in this Subsection are referenced throughout this Section and shall apply to the applicable building types.

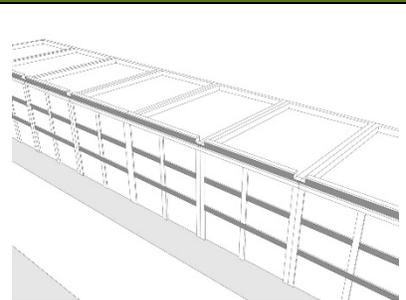
Table 10-4-18(S)-1 Applying Wall Articulation Techniques		
Articulation techniques shall be used in proportion to a building's overall mass. For example, wall plane offsets are needed as a building's length increases. A single method is insufficient to achieve reduced scale and provide interest. Combining methods is necessary. More than one of these methods shall be used to meet the building articulation requirement.		
Accent Lines		
An accent line is a vertical element, such as an attached column or a horizontal element, such as a cornice or molding that creates rhythm and sense of scale on a facade.		<ul style="list-style-type: none"> ● Minimum projection from the primary wall plane: 4 inches ● Minimum width: 4 inches
Wall Plane Offsets		

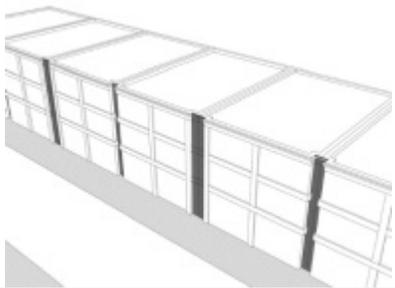
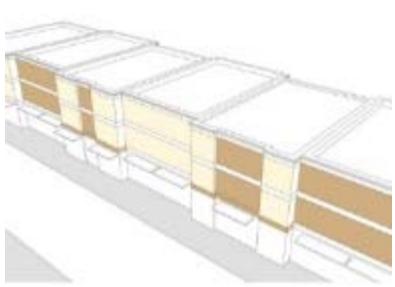
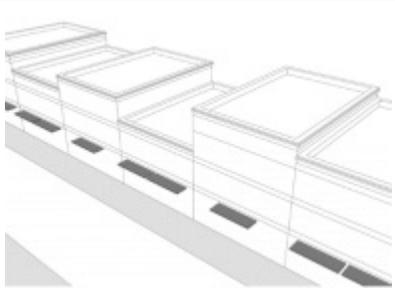
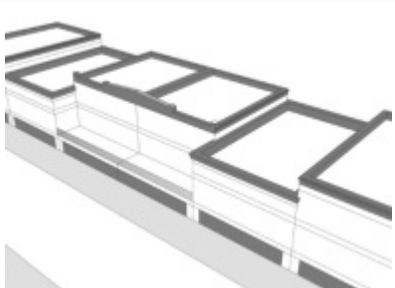
Table 10-4-18(S)-1 Applying Wall Articulation Techniques		
<p>Wall plane offsets are modest changes in wall planes that divide a facade into smaller modules to reduce scale</p>		<ul style="list-style-type: none"> • Minimum depth of wall offset: 1 foot • Minimum width of offset: 3 feet
Variations in Material and/or Color		
<p>A change in material that expresses a traditional facade dimension in height and width. When applied in units, panels or modules, materials can help convey a sense of scale.</p>		<ul style="list-style-type: none"> • A change in material or color may only count as an articulation technique when used in combination with another articulation technique.
Awnings & Canopies		
<p>Awnings, canopies or other projecting features help define the ground floor of a building and frame the pedestrian environment. They also provide shelter from the elements.H</p>		<ul style="list-style-type: none"> • Awnings and canopies shall be arranged to express individual building modules in order to count as an articulation technique.
Base, Middle, Cap		
<p>Horizontal articulation techniques may be used in combination to express a traditional base, middle and cap façade composition with well-defined ground or lower floors and a distinctive “cap.”</p>		<ul style="list-style-type: none"> • The use of a base, middle, cap composition may count as an articulation technique only when it is used to express individual building modules.

Table 10-4-18(S)-2 Applying Varied Massing Techniques	
<p>Varied massing shall be used to reduce the perceived scale of a building and to create an interesting building form. Stepping down the mass of a building adjacent to a pedestrian way or sensitive area shall be used to provide a smooth transition.</p>	
Height Variation	

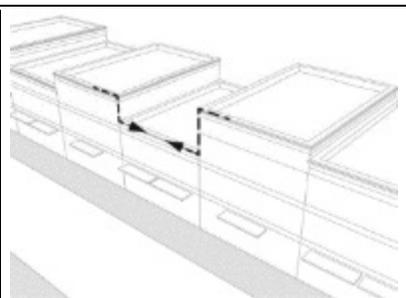
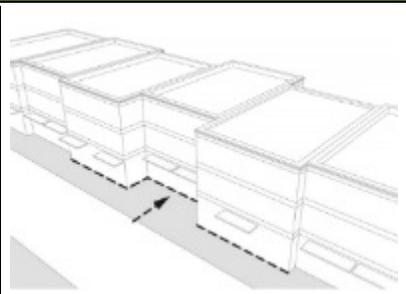
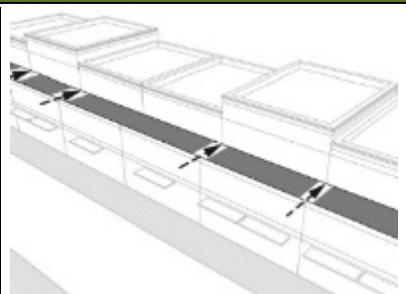
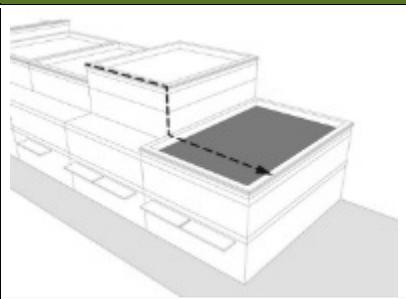
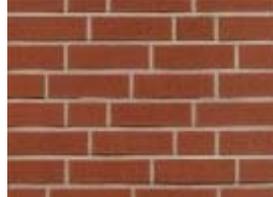
<p>Vertical variation is a change in the height of a portion building of at least one floor.</p>		<ul style="list-style-type: none"> • A change in height shall count as a massing variation technique when it extends back a minimum of 50% of the depth of the building.
Increased Setbacks		
<p>A substantial offset in wall planes which extends the full height of the building and expresses a building module.</p>		<ul style="list-style-type: none"> • Minimum offset: 15 feet • Minimum width: 20 feet
Upper Level Front Stepback		
<p>An upper level stepback adds visual interest and reduces the mass of a larger building.</p>		<ul style="list-style-type: none"> • Minimum stepback: 15 feet (unless otherwise specified in the tables above for specific contexts.)
Upper Level Side Stepback		
<p>A side stepback occurs at the end of a building and is effective in providing a compatible transition to a sensitive edge and to public walkways.</p>		<ul style="list-style-type: none"> • A change in height at the end of a building shall count as a massing variation technique when it extends back a minimum of 50% of the depth of the building.

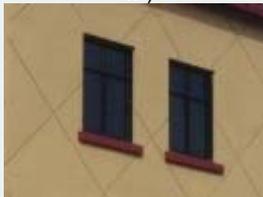
Table 10-4-18(S)-3 Building Materials Permitted For Each Character Area					
P = Primary material; S = Secondary material (less than 25% of facade area); X = Not permitted					
	Material Type	DNR	DMU	DMS	DTA
1	Masonry				
1a	Modular Brick	P,S	P,S	P,S	P,S
1b	Modular Stone	P,S	P,S	S	P,S
1c	Architectural cast or precast concrete (detailed)	S	P,S	S	P,S

Table 10-4-18(S)-3 Building Materials Permitted For Each Character Area					
P = Primary material; S = Secondary material (less than 25% of facade area); X = Not permitted					
1d	Architectural reinforced concrete (glass fiber, fiber)	X	P,S	X	S
1e	Cement board siding	P,S	P,S	X	S
1f	Terra cotta	P,S	P,S	P,S	P,S
1g	Cast stone	P,S	P,S	S	P,S
1h	Architectural concrete masonry unit	X	S	X	S
1i	Panelized brick or stone	S	P,S	X	S
2 Metal					
2a	Metal panels	X	S	S	S
2b	Metal accents	S	S	S	S
3 Siding					
3a	Horizontal lap (wood, cement board)	P,S	S	S*	P,S
3b	Shingles (wood, cement board)	P,S	S	X	P,S
	Vertical board and batten (wood, cement board)	P,S	X	X	P,S
4 Stucco					
4a	Authentic	P,S	P,S	P,S	P,S
4b	Synthetic (scored)	S	P,S	X	S
4c	Synthetic (not scored)	S	X	X	S
5 Glass					
5a	Curtain wall	X	S	X	S
5b	Glass Accent	S	S	S	S

TABLE NOTES:
*This is only allowed on upper stories that are stepped back from the building front.

Table 10-4-18(S)-4 Examples of Permitted Building Materials			
1 Masonry	Photo Example		
1a) Modular Brick			
1b) Modular Stone			
1c) Architectural cast or precast concrete (detailed)			
1d) Architectural reinforced concrete (glass fiber, fiber)			
1e) Cement board siding			
1f) Terra cotta			

<p>1g) Cast stone</p> <p>1h) Architectural concrete masonry unit</p> <p>1i) Prefabricated brick</p>	<p>1g)</p> 	<p>1h)</p> 	<p>1i)</p> 
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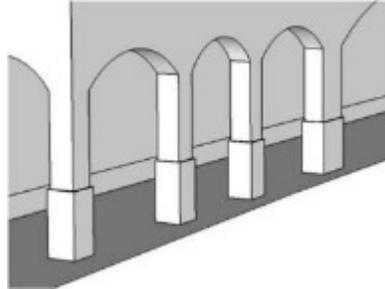
<p align="center">Table 10-4-18(S)-5 Examples of Permitted Building Materials</p>			
<p>2 Metal</p>		<p>Photo Example</p>	
<p>2a) Metal panels</p>	<p>2a)</p> 	<p>2b)</p> 	
<p>2b) Metal accents</p>			
<p>3 Siding</p>		<p>Photo Example</p>	
<p>3a) Wood lap (natural or cement)</p>	<p>3a)</p> 	<p>3b)</p> 	
<p>3b) Wood shingle (natural or cement)</p>			
<p>4 Stucco</p>		<p>Photo Example</p>	
<p>4a) Authentic (detailed)</p>	<p>4a)</p> 	<p>4b)</p> 	<p>4c)</p> 
<p>4b) Synthetic (scored)</p>			
<p>4c) Synthetic (not scored)</p>			
<p>5 Glass</p>		<p>Photo Example</p>	
<p>5a) Curtain wall</p>	<p>5a)</p> 	<p>5b)</p> 	
<p>5b) Glass accent</p>			

**Table 10-4-18(S)-6
Alternative Blank Wall Treatments**

In some cases, a building may have windowless areas in response to internal functions. A maximum amount of permitted blank wall is defined in the preceding tables of standards for individual building types. The intent is to minimize the amount of blank wall at the street level. When an area of blank wall would exceed the maximum length allowed, the amount of transparency shall be increased, or one of the alternative design options illustrated below shall be applied to meet a percentage of the transparency requirement.

Arcades

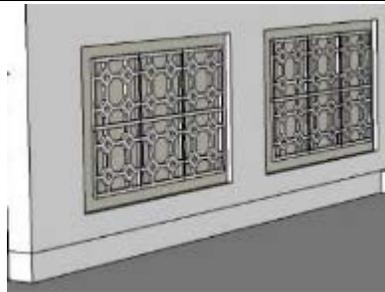
An arcade or loggia can help create a more transparent appearance on an otherwise windowless façade while also adding visual interest.



This treatment shall qualify for a maximum percentage of the street level transparency requirement in these character areas as follows:
DMU: 30%
DTA: 20%

Architectural Details/Screening

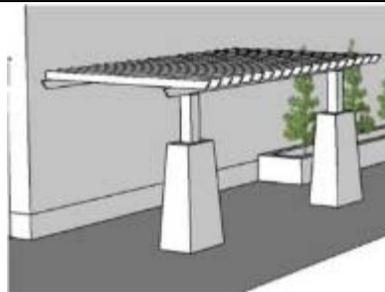
Details such as architectural screens or patterned materials can help create a more active appearance and add visual interest on a windowless wall area.



This treatment shall qualify for a maximum percentage of the street level transparency requirement in these character areas as follows:
DMU: 20%
DTA: 20%

Pergolas/Structures

Pergolas or other landscape structures can help soften the view of a windowless façade and help create a more active appearance.



This treatment shall qualify for a maximum percentage of the street level transparency requirement in these character areas as follows:
DMU: 20%
DTA: 20%

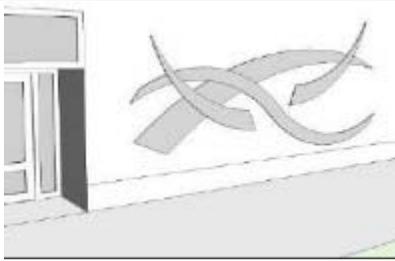
Vertical Trellis/Landscaping

A vertical trellis allows vines and plants to cover blank wall areas and provide visual interest. A vertical trellis may work in combination with a planter box.



This treatment shall qualify for a maximum percentage of the street level transparency requirement in these character areas as follows:
DMU: 30%
DTA: 20%
DMS: 20%

Outdoor Dining

Table 10-4-18(S)-6 Alternative Blank Wall Treatments		
<p>Outdoor dining provides activation at the street level and engages pedestrian activity.</p>		<p>This treatment shall qualify for a maximum percentage of the street level transparency requirement in these character areas as follows: DMU: 30% DTA: 20% DMS: 20%</p>
Display Cases		
<p>A display case creates pedestrian interest and allows the viewer to understand the use of the building they are passing.</p>		<p>This treatment shall qualify for a maximum percentage of the street level transparency requirement in these character areas as follows: DMU: 30% DTA: 20% DMS: 20%</p>
Mural		
<p>Murals are encouraged as a way of bringing visual interest and special identity to individual sites.</p>		<p>This Treatment shall qualify for a maximum percentage the street level transparency requirement in these character areas as follows: DMU: 20% DTA: 20% DMS: 20%</p>

(T) **Standards for Building Materials.**

1. **Purpose.** The purpose of these standards is to assure that materials of new buildings are compatible with traditional building materials in the downtown while accommodating innovative new materials.
2. **Transparency.**
 - (a) **Transparent Glass.** Transparent glass shall be provided in all windows and storefronts that face a public way.
 - (b) **Reflective or Obscured Glass.** Reflective or obscured glass shall not qualify as meeting the transparency requirement
3. **Materials Detailing.**
 - (a) **Authenticity.** Building materials shall be detailed to convey a sense of authenticity in construction.
 - i. Where differing materials are used on a single building, they shall express complete forms or logical construction practice and not appear as a superficial applique to a wall plane. A material shall wrap around a wall plan where materials change, to convey a sense of authenticity.
 - ii. A change in material in a horizontal wall plane shall occur at an inside corner.

iii. See also Table 10-4-18(S)-1, Applying Wall Articulation Techniques.

(b) **Change in Material.** A change in material shall be designed to express the scale of traditional building modules in the downtown, with changes in materials generally taking place a minimum of 25 feet and a maximum of 50 feet apart.

(U) **Additional Design Standards for All Character Areas.**

1. **Purpose.** The purpose of these standards is to maintain views from the public way to features that give distinct identity to downtown Littleton. These include views to historic landmarks and to the mountains. Specific view corridors may be defined in other planning documents, such as a Downtown Plan. Note that maintaining a partial view may meet the intent of this standard, as deemed appropriate by the City Council.

2. **Encroachment Agreement.** As a condition of approval of an encroachment permit for a permanent encroachment of public rights-of-way, including but not limited to, an awning, canopy, cornice, window sill, belt courses, or bay window, and as determined by the Director, the applicant shall execute an encroachment agreement to place all risks and liability for the encroachment on the permittee. f the appropriate county (Arapahoe, Douglas, or Jefferson), at the applicant's expense,

(V) **Terms.** The encroachment agreement shall contain the following general terms, among others as approved by the City Attorney:

i. **Assumption of the risk.** The permittee shall assume all risks of injury and damage relating to the encroachment.

ii. **Indemnification.** The permittee shall agree to indemnify the City of Littleton, its officers, employees and agents from all injuries, damages and costs relating to the encroachment.

iii. **Maintenance.** The permittee shall assume full responsibility for adequate maintenance of the encroachment.

iv. **Revocability.** The agreement shall state the right of the City to revoke the permit at any time.

(b) **Recordation.** The encroachment agreement shall be recorded with the Clerk and Recorder oagainst any real property owned by the permittee adjacent to the encroachment area before construction or placement of the encroachment within the right-of-way. Proof of recordation shall be given to the City prior to issuance of the encroachment permit.

2. **View Corridor.**

(a) **Key View Corridors.** Where a key view corridor from the public way exists, design a building to frame the view to a key community landmark or natural feature. Examples of key community landmarks and natural features include, but are not limited to:

i. Geneva Lodge;

ii. Carnegie Library;

iii. Littleton Courthouse;

iv. Columbine Mill; and

v. The Mountains

(b) **View Maintenance.** A view shall be maintained by:

- i. Locating a building on its site to permit a view through the site to the landmark.
 - ii. Stepping the building mass down to permit a partial view through to the landmark, **as deemed appropriate by the City Council.**
3. **Providing Focal Points.** A focal point may be a public art installation, a special landscape feature or an iconic building element, such as a corner tower, that gives distinct identity to individual sites in downtown Littleton. These should be incorporated into building design and serve as reference points and as means of providing interest in the character of the street. A site at the end of a street, where views terminate, is an example of a location that should be developed with a focal point.
4. **Human Scale in Buildings.**
 - (a) **Human Scale Techniques.** A building shall be designed to provide a sense of human scale. These techniques shall be used:
 - i. Variation in the building form, such as recessed or projecting bays;
 - ii. Expression of architectural or structural modules that reflect traditional building widths in the downtown;
 - iii. Compositions of window with similar shapes, and patterns;
 - iv. Emphasis of building entries through projecting or recessed forms, detail, color, and materials;
 - v. Variations of material, material modules, expressed joints and details, surface relief, color and texture;
 - vi. The repetition of columns or bay spacing which subdivide the building façade into smaller human-scaled elements; and
 - vii. See also Table 10-4-18(S)-2, Applying Varied Massing Techniques.
 - (b) **Façade Composition.**
 - i. A building façade shall have three vertical divisions: (1) a Base, (2) a Middle, and (3) a Cap.
 - ii. The Base shall be defined by one or more of these techniques:
 - I. A building foundation line (on lower scale residential buildings);
 - II. A street level of storefronts;
 - III. A series of stoops or porches; or
 - IV. Changing materials or their details to distinguish the Base from the Middle Section.
 - iii. The Middle shall be defined by one or more of these techniques:
 - I. A series of one or more floors above the ground level with similar patterns and materials;
 - II. Window patterns arranged to distinguish these intermediate floors from those below and above; or
 - III. Changing materials or their details to distinguish them from those below or above.
 - iv. The 'top' shall be designed to create a sense of terminating the building façade. This may be achieved by one or more of these techniques:
 - I. Provide a projecting cornice or eave;
 - II. Vary window patterns to distinguish the top floor from those below;

- III. Stepping back upper wall planes; or
- IV. Changing materials.

(c) **Depth of Architectural Details.** To assure that architectural details are of sufficient dimensions such that they contribute to a sense of human scale and provide visual interest, a façade that faces a public right-of-way shall include details that convey a depth sufficient to create interest and a sense of scale, through the interplay of light and shadow. Examples of techniques that meet this standard include:

- i. Recessed windows, at least three inches as permitted by design; ii. Recessed entries and doors;
- ii. Projecting sills;
- iii. Projecting pilasters and columns;
- iv. Balconies;
- v. Overhanging eaves, cornices, and roofs;
- vi. Porches;
- vii. Bay windows and other projecting bays; and
- viii. Dormers.

(d) **Adjacent Buildings.** A building shall be designed to provide human scale, interest, and variety while maintaining consistency with adjacent and nearby buildings. Examples of techniques that meet this standard are:

- i. Variation in the building form, such as recessed or projecting bays; ii. Expression of architectural or structural modules and detail;
- ii. Diversity of window size, shape, or patterns;
- iii. Accentuation of the building entry through projecting or recessed forms, details, color, or materials;
- iv. Variations of materials, expressed joints and details, surface relief, color, and texture to scale; and
- v. Frequent rhythm of column or bay spacing, subdividing the building façade into smaller human-scaled modules.

CHAPTER 5 LANDSCAPING

10-5-1 : PURPOSE AND INTENT:

It is the purpose and intent of this Chapter:

- () To improve the general appearance of the city and enhance its aesthetic appeal;
- (B) To improve the quality of life in the city by encouraging a quality design concept for development;
- (C) To ensure adequate buffering between adjacent land uses;
- (D) To conserve energy and water resources by encouraging the use of Xeriscaping;
- (E) To create tree lined streets with deciduous canopies; (Revised 6-12-1992)
- (F) To ensure the long term health of functional and attractive landscaping by encouraging the proper maintenance thereof; and

(G) To reduce pollutants in storm water runoff from landscaping. (Ord. 30, Series of 2005)

10-5-2 : AUTHORIZATION:

The director of community development is authorized to prepare and, after review by the council, adopt the administrative regulations, which shall be entitled "Landscape Design Criteria Manual" (hereafter "landscape manual"), and which shall be based on the provisions of this Chapter. The director of community development shall also have the authority to specify which criteria of this Chapter shall apply to each SDP application for all land uses except single-family residential; and shall have the authority, after council review, to amend the provisions of the landscape manual as necessary. (Revised 6-12-1992)

10-5-3 : APPLICABILITY:

(A) A landscape plan, prepared in conformance with this Chapter shall be submitted for:

1. The parking areas and unobstructed open space in all multiple-family, business and industrial development proposed within the city requiring approval of an SDP prior to the issuance of a building permit (see Chapter 7 of this Title).
2. The parking areas, unobstructed open space and common open space on all final PD plans required under the PD zone district (see Chapter 2 of this Title). All general PD plans which are submitted prior to the final PD plans, shall include a general landscaping plan drawn in conformance with Section 10-5-7 of this Chapter.

(B) A landscaping plan submitted with a final PD plan must comply with the landscaping requirements of the approved general PD plan, even if such requirements are more restrictive than this Chapter. Landscaping plans for single-family residential developments shall be required for common open space areas only, and not for individually owned lots.

(C) Unobstructed open space and common open space shall include, but are not limited to, landscaping, patios, plazas, arcades, pedestrian and/or bicycle pathways, fences, retaining walls, benches, fountains, statuary, kiosks, light fixtures and picnic shelters. Such improvements shall not be deemed to violate the prohibition against structures in unobstructed open space. (Revised 6-12-1992)

10-5-4 : PROCEDURE:

(A) Review Procedure: The procedure for review of a proposed landscape plan shall be as specified in Chapter 2 of this Title, for general PD plans and in Chapter 7 of this Title, for SDPs. (Revised 6-12-1992)

(B) Approval Or Disapproval: The proposed landscape plan shall be reviewed as a component of the SDP or final PD plan. Approval or disapproval of such plan shall be based on its conformance with the stated intent of this Chapter and the landscape manual. (Ord. 20, Series of 2012)

(C) Recording: A landscape plan, including all required modifications and all necessary signatures, shall be recorded in the office of the county clerk and recorder. Two (2) reproducible mylar copies of the approved plan shall be provided to the planning division for recording by the division, along with the recording fee, prior to issuance of a building permit. (Revised 6-12-1992)

10-5-5 : SUBMISSION REQUIREMENTS:

- (A) The landscape plan shall be prepared by a landscape architect licensed in the state of Colorado and include the name, address, telephone number, license number and seal of the registered landscape architect who prepared the landscape design. Landscaping improvements or modifications which are generally one thousand (1,000) square feet or less in size shall be exempt from the above requirement. In addition, the proposed landscape plan shall generally meet the requirements specified in the operating standards.
- (B) For all developments containing more than one phase, a phase development plan including a time schedule for installation of landscaping and street trees shall be submitted for all phases and adjacent rights of way. (Ord. 20, Series of 2012)

10-5-6 : IRRIGATION:

- (A) Underground automatic irrigation systems are required for landscaping which cannot survive on natural precipitation except for temporarily seeded areas as stated below. The use of drip, trickle, subterranean and other water conserving irrigation methods is encouraged, as is the use of organic mulches and other water conserving design features. The overall irrigation system design should emphasize efficient water use and conservation.
- (B) Developments with seeded areas shall provide an erosion control plan with irrigation provisions as required in the city's "Storm Drainage Design And Technical Criteria Manual". (Revised 6-12-1992)

10-5-7 : LANDSCAPING DESIGN CRITERIA:

All landscaping plans shall comply with the applicable design standards of this Chapter and the landscape manual.

(A) Parking Areas:

1. Coverage: At least five percent (5%) of the interior area of a parking lot shall be landscaped if the lot contains fifteen (15) or more spaces. This requirement shall be counted toward the unobstructed open space requirements of each zone district. At least seventy five percent (75%) of the required landscaped area shall include living plant material.
2. Islands: Landscaped parking lot islands must be delineated by a clear physical barrier such as concrete curbs or set landscaping timbers to protect the plant material from vehicular damage. All islands shall be irrigated in conformance with Section 10-5-6 of this Chapter.
3. Parking Lot Screening: To permit more flexible site design, parking may be located within the front setback if fully screened. Berms, walls, fences, plants, planters or combinations thereof, shall be used to screen the parking lot. All perimeter areas of the parking lot shall be landscaped to provide visual relief to large expanses of paving and to provide ample shading to reduce heat buildup. Whenever structures such as walls or fences are used to create a screen, plants shall be located on the sides of the structure which are visible from adjacent public rights of way. The top of the landscape screen around the parking area shall be at least three feet (3') higher than the surface of the parking area, except where clear visibility must be maintained as provided in Subsection 10-4-1(A)4 of this Title, due to traffic or pedestrian safety considerations.

- (B) Use Of Nonliving Materials: No artificial trees, shrubs, turf or plants shall be used. Nonliving landscaping such as decorative or pattern concrete, brick pavers, wood chips,

decorative rock or other similar materials, may be used to meet the requirements for landscaping but shall not exceed fifty percent (50%) of the total required landscaped area. Paved areas used for motor vehicle access and parking shall not be included in the land area required to fulfill the unobstructed open space requirements of this Title.

(C) Public Rights Of Way And Street Trees:

1. Public Rights Of Way: Landscaping shall be provided in the street right of way to the curb (when there is a detached sidewalk or no sidewalk); or extend to the back of sidewalk (when the sidewalk is attached to the curb). Landscaping in public rights of way shall be maintained as provided in Section 10-5-10 of this Chapter.
2. Street Trees: The street tree requirements for multiple-family residential, business and industrial developments are in addition to the requirements for minimum living landscape material. Street trees shall be located within the public right of way, but shall not encroach upon existing and planned utility lines or easements. The number of trees required for each property depends on the length of the property frontage and the spacing requirements for the species to be planted as specified in the landscape manual.

(D) Sight Distance Triangles: For safety and visibility purposes, a sight distance triangle, as defined in Subsection 10-4-1(A)4 of this Title, shall be created and maintained in which no landscape materials, earth berms or other visual obstructions are present between a height of two and one-half feet (2 1/2') and ten feet (10') above the adjoining street level, except as permitted by Subsection 8-1-6(B) of this code. (Revised 6-12-1992)

(E) Existing Landscaping:

1. The owner or developer shall, to the extent possible, incorporate existing healthy mature trees into the landscape design. Existing trees and other plants in reasonably healthy condition may be removed only if the owner or developer has satisfactorily demonstrated to the city that site design restrictions necessitate their removal. An evaluation of the existing landscaping proposed to be removed may be required. If the development requires removal of healthy mature trees, the owner or developer shall, to the extent possible, install new trees of not less than the minimum caliper sizes specified in Subsection 10-5-8(E) of this Chapter and generally be consistent with the number of those removed.
2. All existing trees and plants that are incorporated into the landscape design must be adequately protected by means of temporary fencing and be properly maintained during construction to ensure their survival. (Ord. 3, Series of 2014)

(F) Screening Of Site: In addition to the screening of parking areas required by Subsection (A)3 of this Section, outside trash receptacles, loading docks, open storage areas and utility boxes shall be screened from public sidewalks, streets and other areas from which the property is visible. Screening for such areas shall be opaque and be provided for by means of walls, solid fences or evergreen plantings. The following are special requirements for utility boxes and trash receptacles:

1. Utility Boxes: All utility boxes, which include electric transformers, switch gearboxes, cable television boxes, telephone pedestals and boxes, shall be screened on the sides visible from the public rights of way that are not used for service access.
2. Trash Receptacles: Trash receptacles and dumpsters shall be entirely screened from view and enclosed by a solid, gated wall at least six feet (6') in height. The trash enclosure shall be sited so the service vehicle can conveniently access the enclosure and maneuver without backing onto a public right of way. (Revised 6-12-1992)

(G) Public And Private Open Space, Detention Areas And Drainage Channels: All public and private open space, stormwater detention areas and drainage channels, not designated as natural areas in accordance with Section 7-4-2 of this code must be designed and landscaped in such a manner as to blend properly with the property and adjacent areas. Slopes shall not exceed the design standards for detention areas located in open space as specified in the city's "Storm Drainage Design And Technical Criteria Manual", except upon the approval of the city engineer, which approval may be granted in such instances where the natural topography is to be retained. Wetlands on public and private property shall be maintained in their natural state and the property owner may receive a credit, in kind, to a portion of **his or her their** open space, public land dedication and floodplain requirements. An overall grading plan must be submitted for the review and approval by the city engineer prior to the construction or landscaping of any public and private open space, stormwater detention areas or drainage channels not designated as natural areas.

1. Landscaping Materials: The following types and quantities of landscaping materials or other improvements shall be required within any public and private open space or stormwater detention area, except in natural areas or wetlands:
 - (a) All types of trees, shrubs, grass or other ground cover of a variety or blend of varieties and quantities as listed in the landscape manual.
 - (b) Natural and/or structural landscaping features of types, sizes, quantities and in locations approved by the city in accordance with the landscape manual. (Ord. 3, Series of 2014)
 - (c) In instances where public and private open space, stormwater detention areas or drainage channels are located within a 100-year floodplain, landscaping material quantities may be adjusted by the city floodplain administrator or by the planning commission after referral comments are received from the urban drainage and flood control district. (Ord. 3, Series of 2014; amd. Ord. 15, Series of 2016)
 - (d) Placement of floatable, erodible or any other landscape materials, which may be determined to add pollutants that negatively affect the quality of stormwater runoff shall not be permitted in drainage, stormwater detention or 100-year floodplain areas.
2. Irrigation: The landscaping located in public or private open space and stormwater detention areas or areas where any storm runoff will be discharged from the property without benefit of detention shall be irrigated in the same manner as described in Section 10-5-6 of this Chapter. Any storm runoff discharged from the property without benefit of detention must first be treated by irrigated grass buffer strips or grass lined swales in accordance with volume 3 of the urban drainage and flood control district criteria.
3. Maintenance: Landscaped public and private open space and stormwater detention areas shall be maintained as required in Section 10-5-10 of this Chapter, except for designated natural areas and wetlands which shall be maintained as required in Section 7-4-3 of this code. Failure to maintain these areas shall be unlawful and subject to penalties as set forth in Section 1-4-1 of this code. (Ord. 3, Series of 2014)

(H) Seeding: All future development phases within a site shall be seeded with an appropriate seed mixture to prevent wind and water erosion during the time the site remains undeveloped. Use of fertilizers in quantities exceeding or otherwise not in conformance

with manufacturer's recommendations will not be permitted. A guarantee required under Subsection 10-5-9(C) of this Chapter for seeding in stormwater detention areas, other drainage facilities, off site construction staging, construction trailer locations, material storage, temporary parking or access routes and future development phases shall not be released until the grass required to comply with these standards has become established in a manner which prevents erosion. (Ord. 30, Series of 2005)

10-5-8 : PLANT SELECTION:

Except for all designated natural areas and wetlands, landscaping materials shall be placed or planted according to the provisions of this Chapter. In addition, Section 10-5-11 of this Chapter provides criteria for xeriscape plans. Only those species which are healthy and compatible with the local climate and the site soil characteristics, drainage and water supply shall be planted. The following criteria are applicable to both traditional and xeriscape plans:

(A) Type Of Material: The quality and quantity of landscaping materials shall comply with the requirements of the landscape manual. The landscaping materials recommended to meet the requirements of this Chapter for traditional landscaping and for xeriscape plans are listed in the landscape manual.

(B) Plants Prohibited Near Sidewalks, Streets, And Utility Lines: Plants selected shall not by their growth habits obstruct, restrict, or conflict with the safe use of any roadway, sidewalk, alley or utilities.

1. Trees: Salix trees and all fruit trees, except for crab apple, shall not be planted within twenty five feet (25') of a public right of way. This restriction is due to the safety hazard created by fruit and twigs dropping onto the streets and sidewalks. No trees shall be planted within twelve feet (12') of overhead utility lines.
2. Shrubs And Other Plant Material: Plants which have thorns, spines or prickles shall not be planted or maintained upon public rights of way, or be closer than twelve inches (12"), measured horizontally, from walks or other pedestrian areas.

(C) Prohibited Species: The planting of Chinese and Siberian elms is prohibited. Such elms tend to be prone to disease, weak branches, suckering and the uncontrollable spread of seeds. American elms are excluded from the prohibition. Cotton bearing cottonwoods (female populus species), Russian olive and box elders are prohibited due to the uncontrollable spread of seeds.

(D) Grasses: No more than fifteen percent (15%) of multiple-family and nonresidential sites shall be planted in bluegrass. Bluegrass shall be limited to the pedestrian traffic areas of both multiple-family and nonresidential sites. Any additional turf shall be of varieties with lower water requirements. Appropriate seed mixes for grass types and details of proper soil preparation are provided in the landscape manual.

(E) Minimum Landscape Material Sizes: Trees and shrubs shall at a minimum be the following sizes at the time of planting:

1. Large Deciduous Trees (Shade Trees): All shade trees shall be a minimum of two inches (2") in caliper. The caliper shall be measured six inches (6") above the soil line.
2. Ornamental Deciduous Trees: All ornamental trees shall be a minimum of one and one-half inches (1 1/2") in caliper. The caliper shall be measured six inches (6") above the soil line.

3. Coniferous (Evergreen) Trees: Coniferous trees shall be minimum of six feet (6') in height, with the exception of the mugo pine, which shall have a twenty four inch (24") minimum branch spread.
4. Shrubs (Evergreen And Deciduous): All shrubs shall be of a size generally known in the nursery industry requiring a five (5) gallon container.
5. Rock Or Stone: All rock and stone used in the landscape design shall be a minimum of three- fourths inch (3/4") in size, and installed to a minimum depth of two inches (2") over a water permeable landscape fabric except where horizontally spreading shrubs or ground covers are planted. A nonpermeable landscape fabric shall be permitted if the building foundation design requires soil moisture protection at the perimeter.
6. Mulch: There is no minimum size requirement for mulch used in the landscape design. However, the mulch shall be fibrous so that it binds together to prevent erosion. (Revised 6-12- 1992)

10-5-9 : COMPLETION:

(A) Substitutions: All substitutions of plant material on an approved landscape plan must be in accordance with the plant lists included in the landscape manual and approved by the planning division.

(B) Inspections: Landscaping shall be installed and completed in compliance with the approved landscape plan. Upon completion, the owner or developer shall submit a letter certifying that the landscaping installation is in compliance with the approved plans and that no substitutions have been made without receiving approval from the planning division. All trees and shrubs shall be identified by tags prior to inspection. A certificate of occupancy shall not be issued until the improvements are inspected and approved by the city's planning division, unless an assurance is provided and approved according to Subsection (C) of this Section.

(C) Assurance Required Prior To Issuance Of Certificate Of Occupancy: In extenuating circumstances, such as adverse weather, where occupancy is requested prior to completion of landscaping, the owner or developer shall enter into an agreement with the city guaranteeing that the required landscaping will be completed within the next planting season at a date specified by the planning division staff. The owner/developer shall provide a cost estimate, from a qualified individual or firm, for any landscaping not installed at the time the certificate of occupancy is requested. The cost estimate shall include landscaping, irrigation system, and labor. Assurance equal to one hundred twenty five percent (125%) of the estimated landscaping costs, including installation, shall be provided by the owner or developer. The assurance shall be in the form of an irrevocable letter of credit, escrow account, performance bond, or cash, or such other form as may be acceptable to the city attorney, and shall not be released until all landscaping and irrigation systems shown on the approved landscape plan are installed and accepted by the planning division.

(D) Completion Of Landscape Improvements Using Guarantee: If the installation of the landscaping is not completed within the period specified in the agreement, or within an extension time authorized by the planning division, the guarantee may be used by the city to complete the installation. (Revised 6-12-1992)

10-5-10 : MAINTENANCE:

(A) Maintenance Of Required Landscaping On Private Property And Public Rights Of Way: The owner(s) of multiple-family residential, business and industrial property shall be

responsible for the proper maintenance of the landscaping and the irrigation systems on their property and on that portion of the public right of way between the curb line and the adjoining property line in which landscaping has been placed. The landscaping in public rights of way shall be maintained to meet the following standards, except that those areas designated as natural areas or large tracts of vacant land shall be maintained as provided in section 7-4-3 of this code.

1. Unless exempted under the provisions of section 7-4-3 of this code, grass shall not exceed eight inches (8") in height and shall be kept free of weeds. Grass shall not encroach into any public right of way intended for pedestrian or vehicular use.
2. Rock, mulch, or ground cover areas shall be kept free of weeds.
3. Trees and shrubs shall not overhang or encroach upon walkways, drives, parking areas, and traffic signs to the extent that they interfere with the intended use of those facilities. More specifically, tree limbs which overhang the public sidewalk shall be kept trimmed to a height of at least ten feet (10') above the sidewalk level. Tree limbs which overhang the public street shall be kept trimmed to a height of at least thirteen feet (13') above the street level. (Revised 6-12-1992)
4. Maintenance of landscaping shall be conducted to protect against negative impacts on the quality of stormwater runoff. Application, storage and disposal of fertilizers, herbicides and pesticides shall be in conformance with manufacturer recommendations and product label directions. Excess or waste products and containers for fertilizers, herbicides and pesticides shall be disposed of through a licensed waste management firm or a permitted treatment, storage and disposal facility in conformance with applicable federal and state regulations. Cuttings resulting from mowing operations shall be collected and removed if they are found to impact the hydraulic function of drainage facilities or negatively affect the quality of stormwater runoff. (Ord. 30, Series of 2005)

(B) Replacement Of Materials: Dead or diseased plant material shall be replaced with the same type of plant material and placed in substantially the same location as shown on the approved SDP. Substitutions may be allowed as replacement material provided the material is included in the plant lists of the landscape manual and is approved for conformance by the planning division. Replacement of plants may be delayed whenever the planning division determines that extenuating circumstances, beyond the owner's control, prevent the immediate replacement of dead or unhealthy plants. The provisions of subsections 10-5-9(C) and (D) of this Chapter regarding completion guarantees shall apply in any instance where replacement plantings are delayed.

(C) Failure To Maintain: The provisions of section 10-1-4 of this Title regarding violations shall apply if it is found that adequate maintenance is not being performed according to this section. (Revised 6-12-1992)

10-5-11 : XERISCAPE:

(A) Specific Xeriscape Design Criteria Which Differ From Traditional Landscaping Criteria: The owner or developer submitting the landscape plan is encouraged to review the informational literature regarding xeriscape methods provided at local nurseries, extension offices and the department of community development. This literature provides specific details on the design, methods of irrigation, preparation of soils and mulches, and appropriate landscape materials. All requirements stated in this Chapter apply to xeriscape plans, except as specifically provided in this Subsection.

(B) Plants: The plants listed in the landscape manual are low water using species which are commonly available and suitable to this area. Other low water plant varieties will be considered if recommended by a qualified individual or firm. Information regarding the plant's low water consumptive characteristics must be provided when an alternate plant material is selected.

(C) Minimum Plant Sizes: The minimum size for plants contained in Subsection 10-5-8(E) of this Chapter shall apply except in the case of native species which may not be available in the sizes specified. In this case, with the prior approval of the planning division, the size closest to the required size may be used. (Revised 6-12-1992)

10-5-12 : NONCONFORMING USES:

There may exist developments of land which were legal prior to the adoption of this Chapter, but which under the terms hereof, are now prohibited, restricted, or regulated. Nonconforming landscaping shall be permitted to continue until development or modification of the property requires submission and approval of an SDP, at which time the property shall be brought into compliance with this Chapter. (Revised 6-12-1992)

10-5-13 : VARIANCES:

(A) All Zone Districts, Except For PD And PD Overlay Zones: Administrative variances to the unobstructed open space requirements of Chapter 2 of this title and to the requirements of this Chapter may be granted as a component of SDP approval provided the following conditions are met: (Ord. 20, Series of 2012)

1. All applications for variances shall be filed, processed and reviewed in conformance with Chapter 7 of this title.
2. The strict application of the regulation in question is unreasonable given the development proposal or the property has extraordinary or exceptional physical conditions which prohibit strict compliance with this Chapter.
3. The essential character of the neighborhood in which the property is located will not be altered.
4. Adequate screening of conflicting land uses will be preserved.
5. All landscaping materials which were prescribed to be planted in the landscape areas, that were reduced or eliminated, shall be relocated to other areas within the site.
6. The size of plants to be planted or relocated shall be increased by doubling the minimum sizes required by Subsection 10-5-8(E) of this Chapter.

(B) PD And PD Overlay Zones: Amendments pertaining to landscape plans submitted with a general PD plan or final PD plan shall be processed in conformance with Subsections 10-2-23(H) and (I) of this title. In the event an administrative amendment is granted, the provisions of Subsection (A) of this Section shall also apply. (Revised 6-12-1992)

CHAPTER 6 FLOOD PLAIN REGULATIONS

10-6-1 : STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES:

(A) Statutory Authorization And Findings: The following flood plain regulations (hereafter in this Chapter referred to as "regulations") are hereby adopted pursuant to Section 31-15-103 Colorado Revised Statutes, as amended, in which authority has been delegated to local governments to adopt ordinances to promote the public health, safety and general welfare of its citizens, and by virtue of the City's home rule Charter. The City Council does hereby declare the following:

1. Certain areas of the City are subject to periodic flooding which may result in loss of life and property, health and safety hazards, disruption of business and governmental services, extraordinary public expense for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
2. Flood losses are caused by the cumulative effect of obstructions in flood hazard areas which increase flood heights and velocities, and which may cause damage to property outside flood plains.
3. Some properties, located within flood plains, are inadequately floodproofed, elevated, or otherwise protected from flood damage, and may contribute to the flood losses.

(B) Statement Of Purpose: It is the purpose of these regulations to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding within the City by adopting provisions which are intended to:

1. Protect human life and health;
2. Minimize expenditures of public money for costly flood control projects;
3. Minimize the need for post-flood rescue and relief efforts which are, generally, undertaken at public expense;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities which are located in flood plains, such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
6. Maintain a stable tax base by providing for the sound use and development of flood plains which has minimum flood damage potential;
7. Ensure that information is available to potential buyers that property is in a flood plain; and
8. Ensure that those who occupy flood plains know that they are responsible for their actions.

(C) Methods Of Reducing Flood Losses: In order to accomplish the intent of these regulations, one or more of the following safeguards may be required by the City as a condition to obtaining approval to develop in a flood plain. The City may:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to flooding or erosion hazards; or which cause greater flood heights and velocities;
2. Require that uses and associated facilities which are vulnerable to floods are adequately protected against flood damage at the time of initial construction;
3. Control alteration of natural floodplains, stream channels, and natural protective barriers, which convey or confine floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage; and
5. Prevent or regulate the construction of barriers in floodplains which will divert floodwaters and increase flood hazards in other areas. (Revised 6-12-1992)

10-6-2 : DEFINITIONS:

Unless specifically defined below or elsewhere in this code, words or phrases used in these regulations shall be interpreted to have the same meaning as in common usage, and to provide reasonable application of these regulations.

APPEAL: A request for review, held by the city's planning commission, of the floodplain administrator's interpretation of any provision of these regulations.

AREA OF SHALLOW FLOODING: An area susceptible to base flood depths ranging from one foot (1') to three feet (3') usually designated zone AO or AH on the city's flood insurance rate map (FIRM) with a one percent (1%) or greater chance of flooding in any given year, where a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD: Land within the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. The area may be designated zone A, AE, AH, AO, or A99 on the city's flood insurance rate map (FIRM).

BASE FLOOD: A flood having a one percent (1%) chance of being equaled or exceeded in any given year. Sometimes also known as a "100-year flood".

CHANNEL: A perceptible natural or artificial watercourse, with a definite bed and banks to confine and conduct continuous or intermittent water flows.

COMMISSION: The Littleton city planning commission, which is a duly appointed body of the city council created under Title 2 of this code.

CRITICAL FACILITY: A structure or related infrastructure, but not the land on which it is situated, that if flooded may result in significant hazards to the public health and safety or interrupt essential services and operations for the community at any time before, during and after a flood.

DEVELOPMENT: Any manmade change to improved or unimproved real property located within a floodplain including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

EXISTING MANUFACTURED HOME PARK: A manufactured home park, for which construction is complete, including installation of utilities, final site grading, or pouring of concrete pads, prior to July 18, 1978.

EXPANSION OF EXISTING MANUFACTURED HOME PARK: The construction of additional lots by the installation of facilities necessary for serving the units to be placed on such lots including the installation of utilities, the construction of streets, final site grading, or the pouring of concrete pads.

FEMA: Federal emergency management agency.

FLOOD: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- () The overflow of inland waters; and/or
- (B) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD INSURANCE RATE MAP (FIRM): The official map on which FEMA has delineated floodplains and the risk premium zones applicable to the city.

FLOOD INSURANCE STUDY: The official report, entitled "The Flood Insurance Study For Arapahoe County And Incorporated Areas", provided by FEMA, that includes flood profiles, the flood boundary/floodway map, and the water surface elevation of the base flood. The flood insurance study referred to in these regulations is the study dated December 17, 2010, or as may be revised.

FLOOD PROFILE: A graph of the longitudinal profile of a watercourse which shows the water surface elevation of a flood at various locations.

FLOOD PROTECTION ELEVATION: An elevation of one foot (1') above the water surface elevation of a base flood under existing channel and floodplain conditions, as established for a specific parcel of land.

FLOOD STORAGE AREA: The fringe portion of a floodplain in which flows are characteristically shallow and of low velocities.

FLOODPLAIN: The relatively flat or lowland area adjoining a river, watercourse, lake, or other body of surface water, which has been or may be temporarily covered by floodwater. For administrative purposes, the floodplain is also defined as the land area inundated by the base flood as defined in the flood insurance study, or by other recognized sources.

FLOODPLAIN ADMINISTRATOR (ADMINISTRATOR): The city manager or a designated representative.

FLOODPROOFING: Any combination of structural or nonstructural additions, changes or adjustments which are intended to reduce or eliminate the risk of flood damage to property, utilities, structures and their contents.

FLOODWAY: That portion of a floodplain that must be reserved in order to discharge the base flood without a cumulative increase in the water surface elevation more than one-half foot (0.5') for newly studied reaches or due to new development. Previously studied reaches and letters of map revisions to existing floodway delineations may continue to use the floodway criteria in place at the time of the existing floodway delineation.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE: Any structure that:

- (A) Is listed on the national register of historic places or by the Colorado Historical Society, or
- (B) Has been certified to contribute to the historical significance of a registered historical district.
- (C) Is individually listed on a local inventory of structures of historical merit.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basements). Enclosures in areas other than basements and which are used solely for parking, building access, or storage, are not to be considered in determining a building's lowest floor, provided that such enclosures do not violate the applicable requirements of these regulations.

MANUFACTURED HOME: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities for occupancy. The term "manufactured home" does not include recreational vehicles.

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

NEW CONSTRUCTION: Development for which the "start of construction" commenced on or after July 18, 1978.

NEW MANUFACTURED HOME PARK: A manufactured home park which is constructed, including the installation of utilities, construction of streets, and final site grading, or pouring of concrete pads, after July 18, 1978.

OTHER FLOOD AREAS: Areas of two-tenths percent (0.2%) annual chance flood, areas of one percent (1%) annual chance flood with average depths of less than one foot (1'), or with drainage areas less than one square mile. The area may be designated zone X on the city's flood insurance rate map (FIRM).

RECREATIONAL VEHICLE: A vehicle, built on a single chassis, which is four hundred (400) square feet or less when measured at the largest horizontal projections, which is not intended for permanent use as a dwelling, and is designed to be self-propelled or to be towed by an automobile or light truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreation, camping, travel or seasonal use.

SPECIAL EXCEPTION: A use which may be permitted in a floodplain upon approval by the commission, and to which the commission may attach specific performance requirements.

START OF CONSTRUCTION: The actual start of construction, i.e., the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

STRUCTURE: A walled and roofed building that is principally above ground, including manufactured homes.

SUBSTANTIAL DAMAGE: Damage, of any origin, sustained by a structure which results in costs to restore the structure to its original condition that equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: a) before the improvement or repair is started; or b) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not include either: a) any construction necessary to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or b) any alteration of any officially designated historic structure.

VARIANCE: A grant of relief from the requirements of these regulations by the commission which permits construction within a floodplain in a manner that would otherwise be prohibited.

VIOLATION: The failure of a structure or other development to be fully compliant with the city's floodplain regulations. A structure or other development where start of construction commenced on or after July 18, 1978, without an elevation certificate, other certifications or other evidence of compliance, is presumed to be in violation until such time as that documentation is provided.

WATER SURFACE ELEVATION DATA: The elevation, in relation to mean sea level, expected to be reached by floods of various magnitudes and frequencies at pertinent points along a watercourse.

WATERCOURSE: A channel, natural depression, slough, artificial channel, gulch, arroyo, stream, creek, pond, reservoir, or lake into which storm runoff and floodwater flows either regularly or infrequently. This includes major drainageways for carrying urban storm runoff. (Revised 6-12-1992; amd. Ord. 25, Series of 2010; Ord. 19, Series of 2012; Ord. 38, Series of 2013; Ord. 15, Series of 2016)

10-6-3 : GENERAL PROVISIONS:

(A) **Applicability:** These regulations shall apply to all lands within the city located in floodplains, as established under Subsection (B) of this Section. Further, these regulations shall be interpreted to be in addition to, and may supersede, any restrictions imposed on the same lands by zoning and/or subdivision regulations. When these regulations and the governing zoning or subdivision regulations conflict, the more restrictive shall control. (Revised 6-12-1992)

(B) **Basis For Establishing Floodplains:** Floodplains are identified by FEMA in a report entitled, "The Flood Insurance Study For Arapahoe County And Incorporated Areas" dated December 17, 2010, and includes flood insurance rate maps (FIRMs). This report, and any subsequent amendments thereto, are hereby adopted and declared to be a part of these regulations by this reference. The flood insurance study and FIRMs are on file and are available for public inspection during regular business hours at the following locations:

1. Engineering And Utilities Division, Department Of Public Services, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado;
2. Bemis Public Library, 6014 South Datura Street, Littleton, Colorado; and
3. Office Of The City Clerk, 2255 West Berry Avenue, Littleton, Colorado. (Ord. 25, Series of 2010)

(C) **Use Of Additional Data:**

1. In cases where the city defines any areas subject to a base flood which has not been identified in the flood insurance study, the city may adopt such floodplains provided the floodplains are defined by the urban drainage and flood control district, or other competent source.
2. For purposes of reviewing floodplain development proposals, the administration of these regulations by the floodplain administrator shall be based on the most current flood elevation data available.

(D) **Minimum Requirements:** In the interpretation and application of this Title, the provisions contained herein shall be the minimum requirements necessary and shall be liberally construed for the promotion of the public health, safety and general welfare.

(E) **Warning And Disclaimer Of Liability:** The degree of flood protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and

engineering considerations. Larger floods can and will occur on rare occasions. Flood levels may also be increased by manmade structures or terrain modifications, or by natural causes. These regulations do not imply that property or land uses outside of flood plains will be free from flooding or flood damage. These regulations shall not create liability on the part of the City, any official, officer, agent or employee thereof, for any flood damages that result from reliance on these regulations or any administrative decision made hereunder.

(F) Compliance: Except for any variance which may be granted hereunder, no structure or land shall be constructed, located, extended, converted or altered without full compliance with these regulations and other applicable requirements of the City. (Revised 6-12-1992)

10-6-4 : ADMINISTRATION:

(A) Flood Plain Administrator: The Flood Plain Administrator shall administer the provisions of these regulations.

(B) Duties And Responsibilities Of Administrator:

1. Development Application Review:

(a) Review all proposed flood plain development applications to determine that the requirements of these regulations have been, or will be, met.

(b) Review all proposed flood plain development applications to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which approval is required.

(c) Review all proposed flood plain development applications to determine if the proposed development is located in the floodway. If so, insure that the provisions of Subsection 10-6-6(D) of this Chapter are met.

2. Information To Be Obtained And Maintained:

(a) Obtain and record the actual elevation of the lowest floor of all new or substantially improved structures within the flood plain, and record whether or not such structures contain a basement;

(b) For all new or substantially improved floodproofed structures:

(1) Verify and record the actual elevation to which the structure was floodproofed; and

(2) Maintain records of required floodproofing certification.

(c) Maintain for public inspection all records pertaining to special exceptions, appeals and variances granted pursuant to these regulations.

3. Alteration Of Watercourses:

(a) Notify the U.S. Army Corps of Engineers, the Colorado Water Conservation Board, the Urban Drainage and Flood Control District and adjacent communities prior to any alteration or relocation of a watercourse, and submit evidence of such notification to FEMA.

(b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

(c) Discharges of dredged or fill material into a watercourse may require prior issuance of a permit by the U.S. Army Corps of Engineers pursuant to Section 404 of the Clean Water Act (33 USC 1344).

4. Interpretation Of Boundaries: Make interpretations where needed, as to the location of flood plain boundaries. Where there is evidence that a conflict exists between the boundary lines or the base flood elevation data contained in the Flood Insurance Study and actual field conditions, the dispute shall be settled in accordance with Section 10-6-5 of this Chapter. Local decisions which may result in a change of boundary lines and/or base flood elevations are subject to review and confirmation by FEMA. (Revised 6-12-1992)

10-6-5 : ADMINISTRATIVE APPEALS:

The commission is hereby designated to conduct public hearings to receive evidence and testimony, and to decide appeals, when it is alleged that there has been an error in any order, interpretation, determination, decision, or requirement made in the application of these regulations by the administrator. Public hearings shall be required and conducted as follows:

- (A) The party alleging to have been aggrieved shall file a written request for a public hearing within thirty (30) days after such decision is made. This request shall be filed with the administrator, who will place the matter on a regular commission meeting agenda within thirty (30) days after the request is filed. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
- (B) Any person alleging to have been aggrieved shall file an application with the city on a form provided by the administrator, which shall conform to the requirements of Subsection 10-6-8(A)1 of this Chapter. (Ord. 20, Series of 2012)
- (C) At least ten (10) calendar days prior to the public hearing date, notice of the hearing shall be made by the applicant. The required notice shall be made as provided in Subsection 10-1-9(C)2 of this Title. (Revised 6-12-1992)
- (D) In considering an appeal, the commission shall consider all pertinent technical data contained in the flood insurance study, and other relevant storm drainage studies; the standards specified in these regulations and the city storm drainage criteria manual; and the following: (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
 1. Potential danger from debris being conveyed to other properties and causing damage or injury to others;
 2. Potential hazard to life and property due to increased flooding or erosion;
 3. Potential risk for damage to the proposed development, its contents, and to the owners/occupants of the affected property;
 4. Anticipated contribution of the proposed use to the community;
 5. Necessity for the use to be placed in the location proposed, specifically in a floodplain;
 6. Feasibility of placing the proposed use in alternate locations;
 7. Compatibility of the proposed use with existing and proposed development in the general area;
 8. Relationship of the proposed use to the comprehensive plan and/or floodplain management programs;
 9. Routine and emergency access to the property under flooding conditions;
 10. Expected conditions created by flooding on the property including, for example, elevation, velocity, duration and erosion potential;
 11. Costs to government of providing relief during and after a flood event including, for example, repair or replacement of utilities, streets or bridges. (Revised 6-12-1992)

(E) The application shall be reviewed by the administrator, who shall forward a recommendation to the commission based on compliance with the applicable requirements of this code. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

(F) A concurring vote of the commission of a majority of the quorum present shall be required to reverse any order, interpretation, determination, decision, or requirement of the administrator.

(G) All actions by the commission concerning appeals to administrative decisions are final and subject only to judicial review. A permanent record of such actions shall be maintained by the administrator including minutes, transcripts, technical reports, and all data considered by the commission. Any action which reverses an administrative decision shall be reported to FEMA. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

10-6-6 : FLOODWAY REGULATIONS:

(A) Statement Of Intent: Located within floodplains are areas designated as floodways which are extremely hazardous due to the depth and velocity of floodwaters. Floodways are dangerous because they convey flows which carry damaging debris and cause serious erosion. The use of land in floodways is, therefore, restricted to uses which will not inhibit or alter flood flows. Such uses are generally limited to agriculture, recreation, and mineral extraction. These regulations, and related requirements, are intended to ensure that uses permitted within floodways are compatible with this statement of intent, and that such uses do not increase the flood hazard to property located outside floodways.

(B) Uses Permitted:

Agricultural uses including, but not limited to, general farming; raising of plants, flowers, sod and nursery stock; and grazing of livestock. No use shall include the construction of any new structures or the alteration of any existing structures.

Public and private recreational uses including, but not limited to, parks, play fields, golf courses, driving ranges, picnic grounds, fishing areas, and recreational trails. No use shall include the construction of any new structures or the alteration of any existing structures. (Revised 6-12- 1992)

(C) Uses Permitted By Special Exception: The following land uses are permitted within floodways only upon approval of the commission:

Mineral extraction including, but not limited to, sand, gravel and quarry aggregate.

Public or private parking lots.

Utility facilities including, but not limited to, drainage structures, transmission lines, water monitoring devices, roads, bridges, and water or sewage treatment facilities; provided, however, that all applicable requirements of these regulations are met. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(D) Requirements:

1. Any encroachments into a floodway, including fill, new construction, substantial improvements, or other development will be prohibited unless certified by a registered engineer competent in open channel hydraulics that such encroachments will not result in any increase in the base flood elevation;

2. Provided that Subsection (D)1 of this Section is satisfied, all new construction and substantial improvements shall comply with all applicable floodplain development requirements of Subsection 10-6-8(B) of this chapter; and
3. No use shall affect the efficiency or restrict the capacity of any watercourse, drainage ditch, or any other drainage facility or system. (Revised 6-12-1992)
4. When a floodway has not been designated, no new construction, substantial improvement, or any other development (including fill) shall be permitted in zones A1-30, and AE, unless it is demonstrated that the cumulative effect of the proposed development will not increase the water surface elevation of the base flood by more than one-half foot (0.5'). (Ord. 38, Series of 2013)

10-6-7 : FLOODPLAIN REGULATIONS:

(A) Flood Storage Areas: Portions of floodplains located outside floodways are known as flood storage areas and are normally subject to shallow flooding and low velocities. Flood damage in these areas, generally, results from standing water and silt deposits. Development may occur if appropriate protective measures are taken. Uses permitted in the governing zone district, therefore, may be allowed subject to compliance with all applicable floodplain development requirements of subsection 10-6-8(B) of this Chapter.

(B) Permitted Uses: Any use permitted in the governing zone district, except solid waste disposal facilities (including, but not limited to, junkyards, sanitary landfills, and automobile wrecking yards), and outdoor storage of any material. Full compliance with these regulations, and other applicable requirements, is required. (Revised 6-12-1992)

(C) Standards For Critical Facilities:

1. Classification Of Critical Facilities: Critical facilities are classified under the following categories:

() Essential services consisting of:

- (1) Public safety (police stations, fire and rescue stations, emergency vehicle and equipment storage, and emergency operation centers);
- (2) Emergency medical (hospitals, ambulance service centers, urgent care centers having emergency treatment functions, and nonambulatory surgical structures, but excluding clinics, doctor's offices, and nonurgent care medical structures that do not provide these functions);
- (3) Designated emergency shelters;
- (4) Communications (main hubs for telephone, broadcasting equipment for cable systems, satellite dish systems, cellular systems, television, radio, and other emergency warning systems, but excluding towers, poles, lines, cables, and conduits);
- (5) Public utility plant facilities for generation and distribution (hubs, treatment plants, substations and pumping stations for water, power and gas, but not including towers, poles, power lines, buried pipelines, transmission lines, distribution lines, and service lines);
- (6) Air transportation lifelines (airports municipal and larger, helicopter pads and structures serving emergency functions, and associated infrastructure (aviation control towers, air traffic control centers, and emergency equipment aircraft hangars).

Specific exemptions to this category include historic structures, wastewater treatment plants, nonpotable water treatment and distribution systems, and hydroelectric power generating plants and related appurtenances.

Public utility plant facilities may be exempted if it can be demonstrated to the satisfaction of the floodplain administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same utility or available through an intergovernmental agreement or other contract) and connected, the alternative facilities are either located outside of the floodplain or are compliant with the provisions of this Subsection (C), and an operations plan is in effect that states how redundant systems will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the floodplain administrator on an as needed basis upon request.

(b) Hazardous materials facilities including facilities that produce or store highly volatile, flammable, explosive, toxic and/or water reactive materials including:

- (1) Chemical and pharmaceutical plants and manufacturing;
- (2) Laboratories containing highly volatile, flammable, explosive, toxic and/or water reactive materials;
- (3) Refineries;
- (4) Hazardous waste storage and disposal sites;
- (5) Aboveground gasoline or propane storage or sales centers.

Facilities shall be determined to be critical facilities if they produce or store materials in excess of threshold limits. If the owner of a facility is required by the occupational safety and health administration (OSHA) to keep a material safety data sheet (MSDS) on file for any chemicals stored or used in the workplace, and the chemicals are stored in quantities equal to or greater than the threshold planning quantity (TPQ) for that chemical, then that facility shall be considered to be a critical facility. The TPQ for these chemicals is: either five hundred (500) pounds or the TPQ listed (whichever is lower) for the three hundred fifty six (356) chemicals listed under 40 CFR Section 302 (2010), also known as extremely hazardous substance; or ten thousand (10,000) pounds for any other chemical. This threshold is consistent with the requirements for responsible chemicals established by the Colorado department of public health and environment, OSHA requirements for MSDS can be found in 29 CFR Section 1910 (2010). The environmental protection agency (EPA) regulation "designation, reportable quantities, and notification" 40 CFR Section 302 (2010) and OSHA regulation "occupational safety and health standards" 29 CFR Section 1910 (2010) are incorporated herein by reference and include the regulations in existence at the time of the promulgation of this Subsection (C), but exclude later amendments to or editions of the regulations.

Specific exemptions to this category include:

- (1) Historic structures;
- (2) Finished consumer products within retail centers and households containing hazardous materials intended for household use, and agricultural products intended for agricultural use;

- (3) Buildings and other structures containing hazardous materials for which it can be demonstrated to the satisfaction of the floodplain administrator by hazard assessment and certification by a qualified professional that a release of the subject hazardous material does not pose a major threat to the public;
- (4) Pharmaceutical sales, use, storage, and distribution centers that do not manufacture pharmaceutical products.

These exemptions shall not apply to buildings or other structures that also function as critical facilities under another category outlined in this Subsection.

- (c) At risk population facilities include medical care, congregate care and schools consisting of:
 - (1) Eldercare (nursing homes);
 - (2) Congregate care serving twelve (12) or more individuals (daycare and assisted living);
 - (3) Public and private schools (preschools, K - 12 schools), before school and after school care serving twelve (12) or more children.

Specific exemptions to this category include historic structures.

- (d) Facilities vital to restoring normal services including government operations consisting of:
 - (1) Essential government operations (public records, courts, jails, building permitting and inspection services, community administration and management, maintenance and equipment centers);
 - (2) Essential structures for public colleges and universities (dormitories, offices, and classroom only).

Specific exemptions to this category include historic structures. Facilities may be also exempted if it is demonstrated to the floodplain administrator that the facility is an element of a redundant system for which service will not be interrupted during a flood. At a minimum, it shall be demonstrated that redundant facilities are available (either owned by the same entity or available through an intergovernmental agreement or other contract), the alternative facilities are either located outside of the floodplain or are compliant with this Subsection (C), and an operations plan is in effect that states how redundant facilities will provide service to the affected area in the event of a flood. Evidence of ongoing redundancy shall be provided to the floodplain administrator on an as needed basis upon request.

- 2. Protection For Critical Facilities: All new and substantially improved critical facilities and new additions to critical facilities located within the area of special flood hazard or other flood areas shall be regulated to a higher standard than structures not determined to be critical facilities. For the purposes of this Subsection (C), protection shall include one of the following:
 - (a) Location outside the area of special flood hazard or other flood areas, or
 - (b) Elevation or floodproofing of the structure to at least two feet (2') above the base flood elevation, or elevation at or above the two-tenths percent (0.2%) annual chance flood elevation, where designated, whichever is greater.

3. Ingress And Egress For New Critical Facilities: New critical facilities shall, when practical as determined by the floodplain administrator, have continuous noninundated access (ingress and egress for evacuation and emergency services) during a base flood event. (Ord. 38, Series of 2013)

10-6-8 : USE BY SPECIAL EXCEPTION:

Prior to issuing a building permit for development within a floodplain, the proposed development shall be approved by the commission as a use by special exception. Such development shall comply with these regulations, and to all other applicable requirements. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(A) Procedure:

1. Application: Any property owner, or designated agent, may request permission to develop property located within a floodplain by filing an application with the administrator. The request shall be prepared in accordance with an application form provided by the administrator, which shall include the following: (Ord. 20, Series of 2012)

(a) A site plan, certified by a registered engineer competent in open channel hydraulics. Such plan shall be prepared at a scale of one inch equals one hundred feet (1" = 100'), or larger, and shall include:

- (1) Existing zone district boundaries;
- (2) Location of floodplain/floodway limits and watercourse;
- (3) Legal description of the property;
- (4) Description of all existing adjacent development located in or out of the floodplain;
- (5) Description of the proposed use;
- (6) Elevations of the site and immediately surrounding area, in relation to mean sea level;
- (7) Location and size of existing and proposed structures, and the elevation of the lowest floor of these structures;
- (8) Location and elevation of all excavation and fill;
- (9) Location and elevation of adjacent streets and on site areas of impervious surface; and
- (10) Location and elevation of water supply, sanitary facilities, and other utilities.

(b) A typical valley cross section showing the watercourse and adjoining floodplain, the cross sectional area to be occupied by the proposed development, and the base flood elevation.

(c) Profile showing the slope of the bottom of the watercourse, e.g., channel of a stream; and showing the existing and proposed base flood elevations.

(d) Specifications for building construction including, but not limited to, material types, floodproofing measures, and water and sanitation facilities.

(e) Comments on the proposed floodplain development from affected agencies, as applicable, including, but not limited to, the following:

City engineer, building inspection, police, and fire;

- (2) U.S. army corps of engineers;
 - (3) Urban drainage and flood control district;
 - (4) State highway department;
 - (5) State water conservation board; and
 - (6) Adjacent jurisdictions. (Revised 6-12-1992)
 - (f) If deemed necessary, the administrator and/or the commission may require that an applicant furnish additional information necessary to determine impacts, if any, of the proposed development on adjacent properties. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
 - (g) Applications determined by the administrator to be incomplete or inaccurate shall not be accepted for processing, and shall be returned to the applicant.
2. Submission Deadline: The completed application and application fee shall be submitted to the administrator in accordance with the operating standards as established by the department of community development. (Ord. 20, Series of 2012)
 3. Public Hearing Notice: Notice of a public hearing shall be provided by the city and the applicant as prescribed by state law and in the operating standards as established by the department of community development. Notice of the public hearing shall be made at least ten (10) calendar days prior to the planning commission public hearing date.
 4. Administrator Action: The application shall be reviewed by the administrator, which shall forward a recommendation to the commission based on compliance with the applicable requirements of this code.
 5. Commission Action:
 - (a) The application, together with comments and recommendations by the administrator and pertinent referral agencies, shall be forwarded to the commission. Copies of the comments and recommendation shall be available for the applicant.
 - (b) The commission shall conduct a public hearing to receive technical evidence and testimony from city staff, the applicant, and opponents, if any.
 - (c) Based on the evidence and testimony received, and based on the objectives and policies stated in Section 10-6-1 of this Chapter, the commission shall make a decision on the application. The commission may approve the application, approve with conditions, deny the application, or table the matter to a specific date pending the receipt of additional information. Any action by the commission is final and subject only to judicial review. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
- (B) Floodplain Development Requirements:
1. General Standards: In all floodplains, the following standards shall apply:
 - (a) Anchoring:
 - (1) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement, and shall resist the hydrostatic and hydrodynamic loads of floods. (Revised 6-12-1992)
 - (2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement, and the hydrostatic and hydrodynamic loads of

- floods. This requirement is in addition to state and local anchoring requirements for wind forces. (Ord. 25, Series of 2010)
- (b) **Materials And Methods For All New Construction And Substantial Improvements:**
 - (1) Materials and utility equipment capable of resisting flood damage shall be used.
 - (2) Accepted methods and practices that minimize flood damage shall be applied.
 - (3) Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering into these service facilities during floods. (Revised 6-12-1992)
 - (4) Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrodynamic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect; or have a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, the bottom of all openings shall be no higher than one foot (1') above grade, and openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit automatic entry and exit of floodwaters. (Ord. 25, Series of 2010)
 - (c) **New And Replacement Utility Systems:**
 - (1) Water supply systems shall be designed to minimize or eliminate infiltration of floodwaters;
 - (2) Sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and to prohibit discharges from the systems into floodwaters; and
 - (3) On site waste disposal systems shall be located to avoid being damaged, or from releasing contaminants, during flooding.
 - (d) **Proposed Subdivisions In Floodplains:**
 - (1) Shall be designed in a manner consistent with the flood protection objectives of these regulations;
 - (2) Shall have utility systems and facilities located and designed to minimize flood damage potential;
 - (3) Shall meet the requirements of the Littleton "Storm Drainage Criteria Manual"; and
 - (4) Base flood elevation data shall be provided for all lots within, and immediately adjacent to, the floodplain.
2. **Specific Standards:** In all floodplains, the following standards shall apply:
- (a) **Residential New Construction And Substantial Improvement:**
 - (1) Any residential structure shall have the lowest floor (including basement) elevated to one foot (1') above the base flood elevation. (Revised 6-12-1992)

(2) Within zones A, AO, AH, or areas of shallow flooding, residential structures shall have the lowest floor (including basement) elevated one foot (1') above the highest adjacent grade, or the base flood elevation, or to the depth number specified on the FIRM, whichever is greater. (Ord. 25, Series of 2010)

(3) Within areas of shallow flooding, on site drainage shall be directed around and away from existing and proposed structures.

(b) Nonresidential New Construction And Substantial Improvement:

(1) Any nonresidential structure shall either have the lowest floor (including basement) elevated to one foot (1') above the level of the base flood elevation; or, together with utility and sanitary services, shall:

- A. Be floodproofed below an elevation one foot (1') above the base flood elevation with substantially watertight walls;
- B. Have structural components which withstand hydrostatic and hydrodynamic loads of flood flows, and the effects of buoyancy; and
- C. Have certified, in a manner acceptable to the administrator, by a registered professional engineer or architect, that the proposed design and methods of construction are in accordance with accepted standards for meeting the requirements of these regulations. (Revised 6-12-1992)

(2) Within zones A, AO, AH, or areas of shallow flooding, nonresidential structures shall have the lowest floor (including basement) elevated one foot (1') above the highest adjacent grade, or the base flood elevation, or to the depth number specified on the FIRM, whichever is greater; or, together with utility and sanitary services, shall be floodproofed below an elevation one foot (1') above the base flood elevation, or to the depth number specified on the FIRM, whichever is greater with substantially watertight walls. (Ord. 25, Series of 2010)

(3) Within areas of shallow flooding, on site drainage shall be directed around and away from existing and proposed structures. (Revised 6-12-1992)

(c) Manufactured Homes:

(1) Manufactured homes shall be anchored in accordance with one or more of the following requirements:

- A. Over the top ties at each of the four (4) corners of each unit; for units greater than fifty feet (50') long, two (2) additional ties per side at intermediate locations; and for units less than fifty feet (50') long, one additional tie per side.
- B. Frame ties at each corner of each unit; for units greater than fifty feet (50') long, five (5) additional ties per side at intermediate points; for units less than fifty feet (50') long, four (4) additional ties per side.
- C. Each component of the anchoring system shall be capable of sustaining a force of four thousand eight hundred (4,800) pounds.
- D. Any additions to a manufactured home shall be similarly anchored.

(2) All new manufactured homes, which are placed or substantially improved or have suffered substantial damage as a result of a flood in an existing, expanded, or new manufactured home park or subdivision in zones A99, AH, and AE shall be placed on a permanent foundation so that the lowest floor is

elevated one foot (1') above the base flood elevation; and be securely anchored to a foundation system to resist flotation, collapse and lateral movement and shall be securely anchored as required by this Subsection (B)2(c). (Ord. 25, Series of 2010)

(d) Placement Of Fill Material: Placement of fill material on a site located within a floodplain is permitted only upon approval of a use by special exception by the commission and based upon findings that: (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(1) Placement of fill material in a floodplain shall not adversely affect the efficiency of the watercourse to convey storm runoff.

(2) The amount of fill material to be deposited shall only be the minimum necessary to achieve the required floodproofing of structures.

(3) No fill materials are being placed in any floodway.

(4) Fill materials shall be adequately protected against erosion by strong vegetative cover, riprap, or bulkheads.

(5) A determination that the granting of the use by special exception will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with other existing local laws or ordinances. (Revised 6-12-1992)

(e) Recreational Vehicles: Recreational vehicles placed on sites within zones A, AE, AH, AO, and A99 on the city's FIRM shall either:

(1) Be on a site for fewer than one hundred eighty (180) days.

(2) Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels, is attached to the site only by quick disconnect type utilities and security devices, and has no permanent attached structures.

(3) Meet the elevation and anchoring requirements for manufactured homes in Subsection (B)2(c) of this Section. (Ord. 25, Series of 2010)

10-6-9 : VARIANCE PROCEDURE:

(A) Commission Established: There is hereby established a commission which shall hear and decide requests for variances to the requirements of these regulations, within the conditions established under Subsection (B) of this Section. The commission shall adopt procedures for conducting public hearings to consider such applications.

(B) Conditions For Granting Variances: The commission may grant, in specific cases, variances to the requirements of these regulations which do not conflict with the public interest. Variances may be granted when, due to exceptional and extraordinary circumstances, literal enforcement of these regulations will result in unnecessary hardship. No variance shall be approved unless the commission finds that the following conditions exist: (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

1. Variances shall not be issued within any designated floodway if any increase in base flood elevation would result;
2. Variances may be issued for new construction and substantial improvements on lots of one-half (1/2) acre or less which are contiguous to, and surrounded by, existing

development constructed below the base flood elevation, provided the following criteria are met:

- (a) A showing of good and sufficient cause.
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, or conflict with other existing local laws or ordinances.
3. Variances shall only be issued upon determination that the variance is the minimum necessary to afford relief considering the flood hazard. (Revised 6-12-1992)
 4. Consideration shall be given by the commission to all relevant technical data, and to the factors stated in Subsection 10-6-5(D) of this Chapter. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
 5. Variances may be issued for the preservation, rehabilitation or restoration of historic structures without regard to the procedures set forth in the remainder of this Chapter. (Revised 6-12-1992)

(C) Application: Any person requesting a variance to the requirements of these regulations shall file an application with the city on a form provided by the administrator, which shall conform to the requirements of Subsection 10-6-8(A)1 of this Chapter. (Ord. 20, Series of 2012)

(D) Public Hearing Notice: Notice of a public hearing shall be provided by the city and the applicant as prescribed by state law and in the operating standards as established by the department of community development. Notice of the public hearing shall be made at least ten (10) calendar days prior to the planning commission public hearing date.

(E) Administrator Action: The application shall be reviewed by the administrator, who shall forward a recommendation to the commission based on compliance with the applicable requirements of this code. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

(F) Presentation Of Evidence And Testimony: All evidence and testimony shall be presented publicly. The commission may also consider any relevant facts personally known to any member of the commission provided, such facts are stated into the record.

(G) Filing Of All Actions: All actions by the commission concerning variances to these regulations shall be filed with the administrator. The permanent record of such actions shall include minutes, transcripts, technical reports, and all data considered by the commission. Any action to approve a variance shall be reported to FEMA. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

- (H) Notice To Applicant: The applicant shall be notified in writing by the administrator that:
1. The approval of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance; and
 2. Construction below the base flood elevation increases risks to life and property.
 3. Such notification shall be maintained with the permanent record of all variance actions as required above. (Revised 6-12-1992)

10-6-10 : NONCONFORMANCES:

The existing use of a structure or property which is not in conformance with these regulations may be continued subject to the following conditions:

- (A) No such use shall be expanded or enlarged except in conformance with these regulations.
- (B) Substantial improvement to any nonconforming structure or use shall result in the structure or use conforming with these regulations.
- (C) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the structure or property shall conform to these regulations.
- (D) Any alteration, addition or repair to any existing nonconforming structure shall be protected, where applicable, by the floodplain development requirements of Subsection 10-6-8(B) of this Chapter. (Revised 6-12-1992)

10-6-11 : CERTIFICATE OF COMPLIANCE:

- (A) Within floodplains, no new structure may be constructed and no new use of property may be initiated until a certificate of compliance is issued by the administrator. (Revised 6-12-1992)
- (B) No certificate of occupancy shall be issued for any structure, manufactured home, or other use until such certificate of compliance has been issued by the administrator. (Revised 6-12-1992; amd. Ord. 25, Series of 2010)
- (C) Any person seeking a certificate of compliance for property located in a floodplain shall submit a certified report from a registered engineer competent in open channel hydraulics that the fill, building flood elevations, floodproofing measures, or other protective measures are complete and in compliance with these regulations. If the report certifies full compliance with these regulations, and with any conditions attached to an approval of a use by special exception, the administrator shall issue the certificate of compliance within ten (10) days of receipt of the report.
- (D) The specific elevation of the lowest floor (including basements), or the specific elevation to which the structure is floodproofed, shall be recorded on the certificate of occupancy.
- (E) A certificate of compliance is not, for any purpose, a certificate of occupancy, nor does it waive any requirements for building permits. (Revised 6-12-1992)

CHAPTER 7 SITE DEVELOPMENT PLAN

10-7-1 : APPLICABILITY:

- (A) Approval of a site development plan (SDP) shall be required for commercial, industrial and multiple-family residential development if one or more of the following are proposed to occur on the site:
 1. The construction of a new principal structure;
 2. The construction of a building addition of fifteen percent (15%) or more of existing gross floor area, accessory structures over one hundred twenty (120) square feet in gross floor area, additional surface parking and/or other paved or concrete surface which results in an increase to the existing parking surface area by more than ten percent (10%). (Ord. 16, Series of 2019)
- (B) Final PD plans, as required in Subsection 10-2-23(E)6 of this Title, shall be submitted and reviewed in conformance with the requirements and procedures set forth in this Chapter. (Revised 6-12-1992)

10-7-2 : SUBMISSION REQUIREMENTS:

- (A) Preapplication Conference: A preapplication conference with the Planning Division is required for all SDP applications prior to formal submission of the application. (Revised 6-12-1992)
- (B) Site Development Plan:
1. Application Submittal: The applicant shall submit to the Planning Division the proposed SDP pursuant to the requirements listed below, together with the application, a processing fee as established by the Council, and other application materials for technical and final review. The time frame for processing the application shall be in accordance with the operating standards as established by the Department of Community Development.
 2. Application Requirements: The SDP application must meet the submission requirements stated in this Chapter and in the operating standards. Applications in a designated historic district shall include all requirements under this Subsection for a Certificate of Appropriateness, if required. Applications shall specifically include:
 - (a) Location and size of all parking areas, lighting and signs;
 - (b) Proposed construction timing;
 - (c) Required approvals from other governmental entities;
 - (d) Locations of trash containers and screening;
 - (e) Adjacent property lot lines, parking and access;
 - (f) Depiction of the location of existing and proposed buildings, location of setback lines;
 - (g) Transportation and circulation plans;
 - (h) Proposed changes in occupancy between commercial and residential uses;
 - (i) Application fee as established by the Council;
 - (j) Any documents required to demonstrate compliance with Littleton's operating standards and the site development plans approval criteria.
 3. Neighborhood Meeting: For every site development plan defined as a Major Site Development Plan in Section 10-1-2 of this Title, at least one neighborhood meeting shall be required and the applicant shall notify (at minimum) surrounding property owners in accordance with Subsection 10-1-9(C)3 of this Title.
 4. Review Procedure:
 - (a) Referrals: The application materials for the SDP shall be distributed to other City staff and outside agencies to review for compliance with this Code and other requirements related to health, safety and welfare.
 - (b) Review: Following initial review, the affected City staff will submit written comments regarding the proposal to the Planning Division. Planning Division will then forward the concerns to the applicant. If the applicant disagrees with any of the concerns or requirements, or needs further clarification, a technical review meeting may be set between the applicant and the City staff to discuss and resolve the issues.
 5. Technical Review Meeting: In the event a technical review meeting is necessary, the Planning Division will prepare a comprehensive report on the SDP application containing the various concerns and recommendations. The revised SDP will be

reviewed by City staff at a scheduled meeting with the applicant. Certain conditions may be attached to the approval of the SDP based on the criteria set forth in Section 10-7-3 of this Chapter. The conditions of the SDP must be met prior to the issuance of any building permit.

6. Limitations On Approval: Approval of a SDP does not constitute approval required by any other provision of this Code. (Ord. 16, Series of 2019)

10-7-3 : APPROVAL CRITERIA:

(A) The Community Development Director shall take final action on the site development plan application and either approve, approve with conditions or deny such application.

(B) Approval of a site development plan shall not be final until the applicant meets all conditions of approval and submits a corrected site plan to the Community Development Department. Notification of approval of a site development plan shall be sent in writing or via digital communication to the applicant from the Community Development Department.

(C) Approval of a site development plan requires that the plan shall meet all of the following criteria:

1. Comprehensive Plan: Shall be consistent with the comprehensive plan.
2. Other Consistencies: Shall be consistent with any General Planned Development Plan, framework, vision or other land use approval.
3. Design Standards: Shall comply with any design standards adopted by the Planning Commission.
4. Zoning District Standards: Shall comply with all applicable development and design standards including those of the applicable zoning district.
5. Adjacent Development Compatibility: Shall be compatible with adjacent development to the subject property based on the factors identified in Subsection (C)7 of this Section.
6. Meeting Provisions: Shall meet all provisions of this Title, particularly the general supplementary standards as stated in Chapter 4 of this Title, together with any conditions of approval stipulated through any other review process which affects the property.
7. Shall Mitigate Adverse Effects: Any significant adverse impacts resulting from the use shall be mitigated or eliminated to the extent reasonably feasible, including:
 - (a) Location of buildings, structures and improvements;
 - (b) Vehicular ingress and egress;
 - (c) Internal vehicular circulation;
 - (d) Setback lines;
 - (e) Height of building;
 - (f) Service facilities;
 - (g) Walls;
 - (h) Open space and landscaping;
 - (i) Sidewalks;
 - (j) Exterior lighting.

8. Architecture And Colors: All architecture (including rooflines), building materials and colors shall be complementary to and compatible with existing or proposed development on surrounding properties.
9. Signage: Proposed signs shall not, by size, location, color or lighting, interfere with traffic or limit visibility and conform to the provisions of the City's Sign Code. Sign packages are to be prepared separately but may be submitted concurrently with the Site Development Plan.
10. Water And Sewer Systems: Water and sewer systems contain the capacity and are adequate to serve the proposed development.
11. Stormwater Runoff: Stormwater runoff problems shall not be compounded because of the development.
12. Curb Cuts: Curb cuts onto arterial and collector streets shall be kept to a minimum and shall be placed in safe locations as approved by the Public Works Director. (Ord. 16, Series of 2019)

10-7-4 : APPEALS:

(A) Minor Site Development Plans: The decision of the Community Development Director on a minor SDP shall be final unless the applicant files a written appeal to the decision. Such appeal request, together with the fee adopted by City Council for appeals, shall be filed with the Planning Division within ten (10) days after the final decision or the right to appeal shall be deemed to have been waived. The appeal is not a quasi-judicial hearing, but an administrative review of the Community Development Director's decision. In making its decision, the Planning Commission shall consider the SDP requirements as set forth in this Chapter. The appeal request shall be placed on the agenda of the Planning Commission within thirty (30) calendar days after receipt of the written appeal unless a longer time frame, not to exceed sixty (60) calendar days, is requested by the applicant. The Planning Commission will review the matter at a public meeting and may consider all relevant information, including without limitation, information from City staff, the applicant and interested members of the public. The Planning Commission may approve the minor SDP, approve the minor SDP with conditions or deny the minor SDP.

(B) Major Site Development Plans: The decision of the Community Development Director on the major SDP shall be final unless the applicant or a person owning real property (excluding owners of easements or rights-of-way) within seven hundred feet (700') of the exterior boundary of the subject parcel, file a written appeal to the decision. Such appeal request together with the fee adopted by City Council shall be filed with the Planning Division within twenty (20) days after the final decision or the right to appeal shall be deemed to have been waived. For purposes of this Subsection, the "final decision date" is hereby defined as the date the applicant provides certification to nearby property owners of mailing of the decision of the Community Development Director to the City. The appeal shall specifically indicate which approval criteria are the basis for the appeal. Upon an appeal being filed by a party other than the applicant, the applicant shall have thirty (30) calendar days to respond to the appeal. The appeal shall be placed on the agenda of the Planning Commission within thirty (30) days following the appeal or the receipt of the applicant's response whichever is later. The time may be extended by the Chair of the Planning Commission for good cause shown. However, in no event shall the appeal be heard later than sixty (60) days after the filing. The Planning Commission shall consider the approval criteria contained in this Chapter in ruling upon any appeal. The appeal is not a quasi-judicial hearing, but an administrative review of the Community Development

Director's decision. However, all parties shall have the right to present all relevant evidence relating to the approval criteria to the Planning Commission. The Planning Commission may approve the major SDP, approve the major SDP with conditions or deny the major SDP.

(C) Judicial Review Of Major And Minor Site Plans: An applicant or where applicable with respect to a Major Site Development Plan, or a person owning real property (excluding owners of easements or rights-of-way) within seven hundred feet (700') of the exterior boundary of the subject parcel may seek judicial review under rule 106(a)(2) of the Colorado Rules of Civil Procedure of the final decision of the Planning Commission on the SDP. (Ord. 16, Series of 2019)

10-7-5 : REQUIREMENTS PRIOR TO BUILDING PERMIT ISSUANCE:

(A) Recording: Following the applicable appeal period, an approved SDP, including all required modifications and all necessary signatures, shall be recorded in the Office of the County Clerk and Recorder pursuant to this Title prior to the issuance of a building permit.

(B) Time Frame: Even if the SDP has been recorded, the approval will become null and void after one year from the date of approval if a building permit has not been issued unless a time extension is granted pursuant to this Title. All construction described in the SDP must be completed within three (3) years.

(C) Distribution: After recording the approved final SDP, such plans shall be distributed to: Planning Division, Engineering Division, the applicant or owner and any other party as determined to be appropriate by the Community Development Director.

(D) Notification For Major Site Development Plans: In a form acceptable to the City, the applicant shall notify all property owners within seven hundred feet (700') of the development of the date of administrative approval of a major site development plan using the addresses on file with the County Assessor and shall provide the City with a written notarized certification of making such notice.

(E) Additional Material: The following documents must be submitted and approved, if applicable, prior to issuance of a building permit:

1. The proposed method of phasing development, and the legal documentation providing for the ownership, management, development and maintenance of all common open space.
2. Final grading and drainage studies and plans.
3. Plans and/or agreements for placing utilities underground.
4. Right-of-way and easement documents sufficient to convey clear and unencumbered Title.
5. Title insurance policies warranting free and unencumbered Title to any public easement or land dedication within the area of the SDP to be conveyed to the City.
6. Traffic studies and signal plans.
7. Construction plans and agreements for off-site improvements (i.e., sidewalks, curb and gutter installation, and removal).

(F) Completion Of Improvements: All on-site and off-site improvements associated with the SDP approval must be completed prior to the issuance of a certificate of occupancy for the principal structure. Under extenuating circumstances, such as adverse weather, certain improvements, excluding paving, may be delayed for a specified period of time provided that one or more of the following items are submitted:

1. An acceptable form of guarantee, approved by the City Attorney, to secure to the City installation of all required off-site improvements; and/or
2. An acceptable form of guarantee, approved by the City Attorney, for on site open space, buffer yards or other required facilities. (Ord. 16, Series of 2019)

10-7-6 : SKETCH PLAN:

(A) There may be certain circumstances where a site development plan is not required, but certain architectural, landscaping, drainage or parking modifications will require the submittal of a sketch plan in order for City staff to evaluate a proposal in compliance with design guidelines, drainage criteria and landscaping criteria.

(B) The sketch plan shall generally meet the requirements specified in the operating standards.

(C) For development on a single lot, a plot plan may be required showing size and location of structures to be erected and such other information as provided in the operating standards.

(D) Sketch or plot plan approval shall be valid for one year from the date of decision. Should a building permit not be issued within the one year time frame, the sketch or plot plan approval shall expire. (Ord. 16, Series of 2019)

CHAPTER 8 CONDITIONAL USES

10-8-1 : LEGISLATIVE PURPOSE:

The council does hereby declare that certain uses of land may exist only upon the imposition of extraordinary conditions through which compatibility with adjacent neighborhoods, or the community, may be achieved. These certain uses, designated below, may exist within the corporate limits of Littleton only upon application to and approval by the planning commission based on findings by the commission that: (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

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

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

1. The nature of the proposed site, including its size, shape and topography and the proposed size, location and arrangement of structures;
2. The accessibility and patterns of pedestrian and vehicular traffic, including the type and volume of such traffic, location of points of ingress and egress, and the adequacy of off street parking and loading;
3. The provisions for conformance with the performance requirements contained herein and in chapter 4 of this title, as applicable; and
4. The provisions for landscaping, screening, unobstructed open space, service areas, lighting and signage. (Revised 6-12-1992)

(C) The proposed use will comply with the applicable provisions of this title and of this code, any design guidelines adopted by the planning commission, and will not adversely affect the comprehensive plan. (Ord. 5, Series of 2006; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

10-8-2 : REQUIREMENTS AND CONDITIONS FOR SPECIFIC USES:

Except for conditional uses specified in Subsection 10-2-24(B)6 of this Title for the OS zone district, all land uses requiring conditional use approval are designated in Section 10-3-2 of this Title. The following are uses which require conditional use permits, and minimum performance standards and zone district limitations which apply: (Ord. 8, Series of 2000)

(A) Utility Installations: Utility installations which occupy more than one thousand (1,000) square feet are permitted with conditions in all zone districts, including telephone exchange, water reservoir, gas regulator stations, electric substations and utility pumping stations, including water wells, not including local transmission and distribution lines, provided the following conditions are met:

1. The location of such a facility will not create a negative impact on existing or proposed adjacent development.
2. Facilities must be screened from general public view.
3. Performance standards of Chapter 4 of this Title shall be met.

(B) Childcare Centers; Private Schools; Church Facilities: Childcare centers and private schools for any number of children, and church facilities are permitted with conditions in all zone districts, provided the following are met:

1. The operators of childcare centers and private schools shall be licensed in accordance with State requirements.
2. Open play areas shall be screened or otherwise buffered to minimize noise and negative visual impacts on or from adjacent properties.
3. Play areas shall be protected from vehicular traffic by distance separation or by physical barriers.
4. A safe drop off/pick up point for children shall be provided on site.
5. Adjacent public streets shall have adequate capacity to safely carry any additional vehicular traffic which may be generated by the facility. (Revised 6-12-1992)

(C) Radio Transmission/Broadcast Towers, Wind Generators And Similar Structures:

1. Radio transmission towers (except for wireless communication facilities (WCF), as defined in Section 10-1-2 of this Title), wind generators and similar structures are permitted in all zone districts provided the conditions set forth below, at a minimum, are met:

(a) The setback of the structure from any property line shall be at least equal to the height of the structure plus ten feet (10'). Height shall be measured from ground level to the top of the highest attachment or, in the case of wind generators, the largest rotary blade, when vertical.

(b) The drawings and specifications for the structure and footings shall be approved by and bear the seal of a registered engineer competent in structural design.

(c) The maximum noise level permitted for any wind generator shall be as specified in Section 7-3- 6 of this Code. (Ord. 09, Series of 2017)

(D) (Rep. by Ord. 27, Series of 1993)

(E) Indoor Amusements: Indoor amusements, including, but not limited to, foosball, pinball, electronic games and other coin operated amusement devices which occupy more than fifty percent (50%) of the gross floor area of the establishment are permitted in the B-2 and B-3 Zone Districts provided the following conditions are met:

1. The operator shall provide for adequate exterior lighting and other security measures.
2. Hours of operation and other restrictions, including curfews established by Section 6-4-181 of this Code, shall be posted.
3. Physical and security measures shall be employed to ensure that adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.

(F) Commercial Outdoor Recreational Uses: Commercial outdoor recreational uses including, but not limited to, go-kart tracks, skateboard and roller skating rinks, miniature golf courses, driving ranges, tennis courts and swimming pools are permitted with conditions in the B-2 and B-3 Zone Districts provided the following conditions are met:

1. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6 of this Code.
2. The facility shall provide adequate exterior lighting and other security measures.
3. Hours of operation and other restrictions, including curfews established by Section 6-4-181 of this Code, shall be posted.
4. Adjacent properties shall be adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.

(G) Solid Waste Incinerators, Transfer Stations, And Similar Uses: Solid waste incinerators, transfer stations, and similar uses are permitted with conditions in the I-2 Zone District provided the following conditions are met:

1. The use shall not have an adverse impact on water resources.
2. The use shall be fully screened from adjacent properties and public ways.
3. Noise and odors shall be controlled as provided in Title 7, Chapter 3 of this code and Sections 10-4-6 and 10-4-7 of this Title to minimize impacts on adjacent properties and the surrounding neighborhood.
4. Adequate and appropriate pest control(s) shall be required.
5. Transport of materials to and from site shall be clean and safe and shall not pass through residential neighborhoods except for routine collection service.
6. Hours of operation shall be reasonably restricted if the use is located adjacent to residential property. (Revised 6-12-1992)

(H) Off Site Parking: Off site parking for commercial uses is permitted with conditions on residentially zoned lots which are located adjacent to B-P, T, B-1, B-2, or B-3 zone districts provided the following conditions are met:

1. Parking shall be limited to applicant's customers and employees.
2. Traffic into residential areas shall be restricted.
3. Parking shall be screened from surrounding residential areas and adjacent public streets.
4. Adequate posting, limiting the use to customer and employee parking, shall be placed on the site. (Ord. 26, Series of 2015)

(I) Commercial Teen Clubs: Commercial teen clubs are permitted with conditions in the B-2 and B-3 zone districts provided the following conditions are met:

1. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6 of this code.
2. The facility shall provide adequate exterior lighting and other security measures.
3. Hours of operation and other restrictions, including curfews established by Section 6-4-181 of this code, shall be posted.
4. Adjacent properties shall be adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.

(J) Community Correctional Facilities: Community correctional facilities are permitted with conditions in the B-3, I-1, and I-2 zone districts provided the following conditions are met:

1. No privately owned or operated community correctional facility can be approved or allowed to continue operating without a contract or agreement to provide services to a judicial district, a correctional department of a unit of local government, the state, or federal government. All state and county permits as required for operating such a facility shall be kept in full force and effect. (Revised 6-12-1992)
2. No property containing a community correctional facility shall be located within five hundred feet (500') of any school, preschool, **childcare** center, playground, park which includes playground equipment or from any property zoned for residential use, measured from property line to property line. (Ord. 3, Series of 2005)
3. Full time supervision of the residents housed therein must be provided on site.
4. The outward appearance of the facility must be designed and constructed in a manner which will be compatible with the appearance of adjacent uses and buildings. Designs of a new facility or proposed changes to an existing structure shall be submitted with the required application materials and shall include, at a minimum: building elevations, proposed building materials and colors, a landscaping plan and any plans for fencing or other enclosure materials. (Revised 6-12- 1992)
5. In addition to those provisions for termination or abatement of violations as specified in Subsection 10-8-3(D) of this Chapter and Section 10-1-4 of this Title, a conditional use or renewal thereafter granted will be approved for a period up to five (5) calendar years unless complaints are received concerning the operation of the community correctional facility or ownership of the facility changes. No later than forty five (45) days prior to the expiration of the conditional use, the operator of the community correctional facility shall request a public hearing before the planning commission for the purpose of determining whether said facility shall be granted a renewal. The renewal shall be issued upon finding that the facility has operated within all conditions previously set forth and that the facility has not been in violation of the intent requirements of Section 10-8-1 of this Chapter. (Ord. 3, Series of 2005; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(K) Circuses And Carnivals: Circuses and carnivals are permitted in the B-3 and **DT** zone districts, subject to the following conditions:

1. Licensing as required under Title 3, Chapter 3 of this code; and
2. Conditional use approval shall not allow circuses and carnivals for periods in excess of sixteen (16) days.

(L) Open Air Markets: Open air markets are permitted in I-1 and I-2 districts, subject to the following:

1. Visual impact and glare shall be minimized; and noise shall conform to the standards of Section 7-3-6 of this code.
2. Hours of operation and other restrictions, including curfews established by Section 6-4-181 of this code, shall be posted.
3. Employ such physical and security measures to ensure that adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.
4. Vehicular traffic shall not have a significant impact on adjacent residential neighborhoods. (Revised 6-12-1992)

(M) Used Motor Vehicles: The sale, leasing, renting, or pawning of used motor vehicles is permitted in the B-2 zone district, subject to the following conditions:

1. Any lights used to illuminate the premises shall be arranged to reflect light away from any public right of way and away from any adjoining residentially zoned or used property.
2. Noise shall conform to the standards of Subsection 7-3-5(K) of this code regarding amplified sound.
3. No outdoor display ramps shall be permitted.
4. A minimum lot size of three (3) acres is required. (Ord. 5, Series of 1995)

(N) Crematorium: A crematorium is permitted in the T zone district provided the following conditions are met: (Ord. 3, Series of 2003)

1. Emissions, ash or odors shall be controlled as provided in Title 7, Chapter 3 of this code, Sections 10-4-6 and 10-4-7 of this Title and any federal or state statutes or regulations to minimize impacts on adjacent properties and the surrounding neighborhood. The planning commission may require installation of monitoring devices to ensure compliance with this Section. (Ord. 3, Series of 2003; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
2. The outward appearance of the facility must be designed and constructed in a manner which will be compatible with the appearance of on site and off site adjacent uses and buildings. Chimneys, smokestacks and vents must be designed with or screened by similar exterior materials to those used on the building in which the crematoria unit is located. Designs of a new facility or proposed changes to an existing structure shall be submitted with the required application materials and shall include, at a minimum: building elevations, proposed building materials and colors, a landscaping plan and any plans for fencing or other enclosure materials.
3. The facility must be located upon the same lot or parcel as a cemetery or mortuary.
4. The facility shall be used only for incineration.
5. Any smokestacks, vents or chimneys shall not exceed thirty feet (30') above finished grade of the lot or parcel or nine feet (9') above the finished roofline, whichever is less.
6. The incineration unit shall be a minimum of twenty feet (20') from any lot or property line. No variance shall be allowed from this minimum distance. (Ord. 3, Series of 2003)

(O) OS Zone District: Conditional uses specified in Subsection 10-2-24(B)6 of this Title may be allowed in the OS zone district provided that the following conditions are met:

1. The conditional use proposed shall comply with the intent statement of Subsection 10-2-24(A) of this Title.

2. The conditional use shall be designated as a use included on the master plan for park or open space site for which the use is proposed.
3. The location of such a facility will not create a negative impact on existing or proposed adjacent development.
4. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6 of this Code.
5. The facility shall provide adequate exterior lighting and other security measures.
6. Hours of operation and other restrictions, including curfews established by Section 6-4-181 of this Code, shall be posted.
7. Parking and access for patrons and spectators shall be designed to minimize use of local residential streets. (Ord. 8, Series of 2000)

(P) Animal Boarding And Care Facility: "Animal boarding and care facility", as defined in Section 10-1-2 of this Title, is permitted in the B-1 and B-2 Districts provided that all conditions described in Section 10-4-15 of this Title are met; requirements of Section 10-8-3 of this Chapter are met and the Planning Commission finds the proposal to be in compliance with the legislative purposes described in Section 10-8-1 of this Chapter. (Ord. 6, Series of 2010; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(Q) Certain Nonresidential Uses In Residential Zone Districts: Studios for teaching fine arts and martial arts are permitted with conditions in the R-3, R-3X, and R-4 Zone Districts provided the following conditions are met:

1. The use is conducted within a nonresidential structure that was constructed for a church or school.
2. The use and site shall comply with the off street parking requirements specified in Section 10-4- 9 of this Title.
3. Exterior lighting shall be fully shielded and comply with the requirements of Chapter 15 of this Title in order to mitigate negative impacts to the surrounding residential properties.
4. Adjacent public streets shall have adequate capacity to safely carry any additional vehicular traffic which may be generated by the use.
5. All signage must comply with Section 10-17-6-3 of this Title. (Ord. 24, Series of 2011)

(R) Tattoo Parlors And Body Arts Studios: Tattoo parlors and body arts studios may be permitted in the B-2, B-3 and DT Districts subject to being no closer than one thousand feet (1,000') from another tattoo parlor or body arts studio within the City. The Planning Commission may apply conditions to reduce the impact of the use on adjoining properties which may include, but not limited to, hours of operation, parking, outdoor lighting and security measures. All signage must comply with Section 10-17-6-5 of this Title. (Ord. 14, Series of 2015; amd. Ord. 15, Series of 2016)

(S) Indoor Shooting Ranges: Indoor shooting ranges shall comply with the following requirements:

18. Notice of the public hearing on the conditional use permit shall be provided to all owners of real property pursuant to Subsection 10-1-9(C) of this Title;
19. Shall not be located within five hundred feet (500') of a Residential Zoning District;
20. Shall not be located within five hundred feet (500') of a childcare center, church, school-public; school private or park used for active or passive recreation;

21. If retail sales and repair of weapons and/or ammunition is conducted on the shooting range premises, the management shall comply with all licensing and operation requirements of the United States Bureau of Alcohol, Tobacco and Firearms and all State and local regulations;
 22. An alarm system, cut wire protected, shall be supplied to provide security on the premises, and a security plan shall be submitted to the City for review and recommendation by the Police Department;
 23. Firearms that are stored on the premises shall be secured, when the shooting range is closed for business, by either:
 - (a) A vault with an alarm system, independent of the general alarm system and cut wire protected; or
 - (b) In a case connected by a cut resistant cable;
 24. The shooting range area shall be equipped with a video surveillance system and media shall be retained for law enforcement inspection for a period of not less than ninety (90) days;
 25. The design and construction of the shooting range shall totally confine all fired projectiles within the building in a controlled manner;
 26. The design and construction of the shooting range shall be certified by a professional design consultant registered in this State and shall include the specifications and construction of the bullet traps, ceilings, exterior and interior walls and floors;
 27. No ammunition shall be used in the shooting range that exceeds the certified design and construction specifications of the shooting range; and
 28. On-site supervision of the shooting range shall be supplied at all times by a person eighteen years of age or older with credentials as a qualified range master
- (T) Outdoor Shooting Ranges: Outdoor shooting ranges shall comply with the following requirements:
1. Notice of the public hearing on the conditional use permit shall be provided to all owners of real property pursuant to Subsection 10-1-9(C) of this Title;
 2. All activities, improvements, and structures shall be set back a minimum of five hundred feet (500') from adjoining properties and a minimum of one thousand five hundred feet (1,500') from residential or agricultural buildings;
 3. Shall not be sited within one mile of structures located in the direct line of fire;
 4. Shall be designed to provide protection for accidental or stray ammunition discharge for surrounding properties and to minimize noise with the placement of landscaping and restriction of operating hours;
 5. The property must be fenced and controlled by a lockable gate;
 6. Warning signs identifying the shooting range must be posted around the perimeter of the property;
 7. No retail sales of firearms or their repair shall be permitted as an accessory use to an outdoor shooting range;
 8. No ammunition shall be used in the shooting range that exceeds the certified design and construction specifications of the shooting range;
 9. On-site supervision of the shooting range shall be supplied at all times by a person eighteen

18. (18) years of age or older with credentials as a qualified range master; and
10. Storage of firearms shall be prohibited at outdoor shooting ranges. (Ord. 13, Series of 2019)

10-8-3 : REQUIREMENTS AND CONDITIONS FOR ALL CONDITIONAL USES:

All conditional uses specified above shall also be subject to the following requirements and conditions: (Revised 6-12-1992)

(A) Application And Approval: Except as hereinafter provided, no conditional use shall be constructed, reconstructed, enlarged, relocated or otherwise established within the corporate limits of the City without application to, and approval by the Planning Commission as provided in Section 10-8-4 of this Chapter. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(B) Harmful Effects: Conditional uses shall, to the maximum extent possible, be oriented to minimize any harmful effect the use may have on any adjacent property or use. (Revised 6-12- 1992)

(C) Minimum And Additional Conditions: All applicable requirements of this Code shall be met and are deemed the minimum required. The Planning Commission shall impose such other conditions and limitations as they, in their sole discretion, may determine to be necessary to fulfill the purpose and intent of this Chapter as stated in Section 10-8-1 of this Chapter. (Revised 6-12- 1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

(D) Termination: Any one of the following shall terminate the right to operate a conditional use: (Ord. 20, Series of 2012)

1. Failure to initiate operation of the conditional use within twelve (12) months from the date approved by the Planning Commission unless a time extension is granted pursuant to Subsection (F) of this Section; (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
2. Changing to a use permitted by right in the governing zone district;
3. Discontinuance of the conditional use for a period of at least twelve (12) months;
4. Violation of, or failure to comply with, the approved conditional use after reasonable notice to comply has been given by the city. In addition, the penalties and remedies of Section 1-4-1 of this code and Section 10-1-4 of this Title may be applied.

(E) Specifications Effective: Unless a phased development plan is approved with the application, once any portion of the conditional use is utilized, all specifications and conditions pertaining to the conditional use become immediately effective. (Revised 6-12-1992)

(F) Time Extension: An extension of approval for no more than one year may be granted by the director of community development, provided a written request for extension is filed with the planning division prior to the date of expiration. In the event additional time is needed, a second time extension of no more than one year may be granted by the planning commission. (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

(G) Reinstatement: The process for reinstatement of any conditional use that has been terminated under the terms of Subsection (D) of this Section shall be the same as for original approval. (Ord. 20, Series of 2012)

10-8-4 : PROCEDURES:

All applications for permission to establish a conditional use are subject to the following procedures:

(A) Application Procedures: An official application form and materials required in Subsection 10- 1-9(A) of this Title, together with the materials required in this Subsection, shall be submitted by the applicant. The official application form shall be provided by the planning division which shall generally contain the requirements specified below and elsewhere in this Title. Actual requirements will be dependent upon the type and nature of the conditional use being requested. For example, some application requirements which apply to commercial outdoor recreation uses would not be required of childcare centers. An application for a conditional use is separate and distinct from any requirement to file an application for a business license, or for a rezoning or a subdivision plat as may be required elsewhere in this code. General application requirements shall include: (Ord. 10, Series of 1993)

1. Supplemental Information: The conditional use application shall also include the existing land use, and a written description of the proposed use detailing the nature of the proposed operation including type of business, hours of operation and traffic generation. Other requirements as specified in the official application form shall be provided to enable thorough and accurate analysis of the request. (Revised 6-12-1992)
2. Site Development Plan (SDP): If the proposed conditional use involves the development of vacant land, redevelopment of a developed parcel of land or the construction of a new principal or accessory structure or an addition to an existing principal or accessory structure, the applicant shall submit an SDP drawn in conformance with Section 10-7-2 of this Title. The SDP shall show all contiguous real property ownership or interests of the applicant. For purposes of this Section, public rights of way shall not be considered to interrupt this requirement. In addition to the requirements of Section 10-7-2 of this Title, the SDP shall also include, at a minimum, an area map providing the following information: a) existing ownerships of the subject property and all abutting property; and b) existing zoning and land use on the subject property and all property lying within five hundred feet (500'). (Ord. 34, Series of 2009)
3. Sketch Plan: If the proposed conditional use will be located in an existing principal or accessory structure on a developed parcel and where no expansion of such structure is required or the conditional use involves the placement of a structure that is not a building on improved property, the applicant shall submit a sketch plan instead of an SDP. The sketch plan shall show all contiguous real property ownership or interests of the applicant. For purposes of this Section, public rights of way shall not be considered to interrupt this requirement. In addition to the information required in the operating standards, the sketch plan shall include the following:
 - (a) Name and address of the proposed conditional use.
 - (b) Area map providing the following information:
 - (1) Existing ownerships of the subject property and all abutting property.
 - (2) Existing zoning and land use on the subject property and all property lying within five hundred feet (500').
 - (c) Written description of the proposed conditional use.
4. Additional Material Required: Additional written and graphic materials may be required by the planning division to accurately establish conformance of an application with the

intent and standards of this Chapter, other applicable provisions of this code, and with the comprehensive plan.

(B) Review Procedure:

1. City Staff Review Procedure: Applications for a conditional use shall be reviewed pursuant to Subsection 10-1-9(B) of this Title. (Ord. 20, Series of 2012)
2. Planning Commission Review Procedure:
 - (a) Applications for conditional use are considered by the planning commission at a public hearing. All requests for conditional use shall be submitted and heard pursuant to the requirements and procedures set forth in Subsection 10-1-9(C) of this Title.
 - (b) The planning commission shall determine if the request meets the statement of legislative purpose set forth in Section 10-8-1 of this Chapter based on the evidence and testimony presented at the public hearing. The planning commission may approve the application, approve with conditions or deny the request. The planning commission may table the matter to a date certain pending the provision of further information.
 - (c) The planning commission may require conditions other than the minimum performance standards established in Section 10-8-2 of this Chapter and deemed reasonably essential for the health, safety and general welfare of the public. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

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

10-8-5 : AMENDMENTS:

(A) The procedure for amending any approved conditional use shall be the same as prescribed for original approval. No amendment approved by the planning commission shall violate the conditions, requirements or limitations set forth in this code. Provided the applicable conditions of Subsection (B) of this Section are met, the director of community development may approve administrative amendments for those changes specified below: (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)

1. Relocation of access points from the property onto local and collector streets, but not including arterial streets or state highways;
2. Changes in the location and type (ground, monument, wall, etc.) of signage, but which do not increase the maximum allowable sign area; or
3. Relocation of structures, parking and open spaces, but not including any variation from the maximum or minimum standards for each established by the approved conditional use. (Ord. 10, Series of 1993)

(B) The director of community development may approve a request for an administrative amendment to an approved conditional use which does not contain any of the following: (Ord. 20, Series of 2012)

1. A change to any specific conditions attached to the original approval, or to any subsequent amendment thereto, approved by the planning commission; (Ord. 10, Series of 1993; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
2. A change in the approved use; (Ord. 10, Series of 1993)
3. An increase in the approved gross floor area greater than twenty five percent (25%) above the amount approved in the application by the planning commission; (Ord. 10, Series of 1993; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
4. An increase in the approved building height;
5. An increase in the approved access to public streets;
6. A reduction of required private and/or public open space;
7. A reduction of required off street parking and loading space; or
8. A reduction of required landscaping and/or screening requirements. (Ord. 10, Series of 1993)

CHAPTER 9 PLANNED DEVELOPMENT OVERLAY

10-9-1 : INTENT:

It is the purpose of the PDO regulations to provide a procedure which permits more flexible site design and development than is possible with the underlying zone district. (Ord. 20, Series of 2018)

10-9-2 : APPLICABILITY:

The provisions of the PDO procedure contained herein may be applied in any zone district except MH (Mobile Home), residential as primary use in **DT** and T, all residential zone districts, and PD (Planned Development) Districts. (Ord. 20, Series of 2018)

10-9-3 : USES PERMITTED:

Only those principal and accessory uses specifically allowed in the applicable zone district regulations shall be permitted on the approved PDO plan. (Ord. 20, Series of 2018)

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

No increase in density or floor area ratio (FAR) is permitted through a PDO. Densities and floor area ratios are established in the individual zone districts. (Ord. 20, Series of 2018)

10-9-5 : DEVELOPMENT STANDARDS:

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

- (A) Height: The height of structures shall be as established on the approved PDO plan.
- (B) Lot Width And Setback: Lot width and setback requirements shall be as established by the approved PDO plan.
- (C) Lot Size: Lot size shall be as established by the approved PDO plan. A variation of lot sizes below the minimum required by the underlying zone district is acceptable if the average size of all lots within the PDO plan meets the minimum lot size requirement of the underlying zone district.
- (D) Open Space: The minimum open space shall be as established on the approved PDO plan.
- (E) Industrial Development: Industrial development approved under this Chapter shall meet the performance standards set forth in Sections 10-4-6 and 10-4-7 of this Title.
- (F) Parking Garages And Lots: Automobile parking garages and lots may be permitted as a principal use in the B-1, B-2, B-3 and DT Zone Districts provided the following conditions are met:
 - 1. An application for planned development overlay (PDO) is submitted for review and approval pursuant to the provisions of this Chapter and, following a duly advertised public hearing, the Planning Commission finds:
 - (a) The proposed use is compatible with existing and permitted uses of adjacent properties and will not result in the destruction of existing structures in any historic district or area;
 - (b) Access and increased traffic in adjacent residential neighborhoods generated by the use shall not have a significant detrimental impact on the neighborhood;
 - (c) The use will be adequately screened from adjacent streets and abutting uses (landscaping standards for parking lots as provided in Section 10-5-7 of this Title, and in the City's Landscape Manual, shall be the minimum requirements);
 - (d) Architectural design of proposed features including, but not limited to, building height, facades, fenestration, retaining walls and fences, shall complement, and be compatible with, adjacent structures, especially those structures designated, or there is a proposal pending for designation, as having notable character or qualities of architectural and/or historical significance; and
 - (e) All outdoor lighting shall be required to come into conformance with Chapter 15 of this Title by submitting a lighting plan for approval with the site development plan.
 - 2. The applicant provides written certification from the Director of Community Development that the proposed site, or existing structures on the site, are not currently designated, and there are no pending proposals for designation, as an area having notable character or qualities of architectural and/or historical significance; or

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

(G) Design Guidelines Compatibility: The development shall be compatible with any adopted design standards or guidelines which affect the property to be developed under the proposed plan. (Ord. 20, Series of 2018)

10-9-6 : LIMITATION ON APPLICANTS:

The party filing an application for approval of a PDO plan shall be the property owner, or their authorized agent. (Ord. 20, Series of 2018)

10-9-7 : APPLICATION PROCEDURES:

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

(B) PDO Plan: Applications for approval of development under the City's PDO regulations shall include a proposed PDO plan. The proposed PDO plan shall generally meet the requirements specified in the operating standards. (Ord. 20, Series of 2018)

10-9-8 : REVIEW PROCEDURES:

(A) Planning Commission Review Procedure:

1. Applications for a PDO plan are considered by the Planning Commission at a public hearing. All requests for PDO plans shall be submitted and heard pursuant to the requirements and procedures set forth in Section 10-1-9 of this Title.
2. The Planning Commission shall determine if the application meets the provisions of Section 10-9-5 of this Chapter, based on the evidence and testimony presented at the public hearing. The Planning Commission may vote to approve the application, to approve subject to modification, to deny the application, or the Planning Commission may table the matter to a date certain, pending provision of further information by the applicant. Approval of a PDO plan application by the Planning Commission shall be by resolution.

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

1. The Planning Commission shall refer review of proposed architectural design features to the Historical Preservation Board, through the certificate of historic appropriateness process (Section 4-6-14 of this Code).

(C) Appeals: The decision of the Planning Commission on the PDO shall be final unless the applicant files a written appeal of the decision. Such appeal request shall be filed with the Community Development Department within ten (10) days after the Planning Commission decision or the right to appeal shall be deemed to have been waived. The appeal request shall be placed on the agenda of the City Council within thirty (30) calendar days after receipt of the written appeal unless a longer time frame, not to exceed sixty (60) calendar days, is requested by the applicant. The City Council will conduct a public hearing to receive evidence and testimony from the applicant, City staff and interested parties. After

conducting the public hearing, the City Council may approve, deny, or approve the PDO with modifications. (Ord. 20, Series of 2018)

10-9-9 : RECORDING:

An approved general PDO plan, including all required modifications and all necessary signatures, shall be recorded in the Office of the County Clerk and Recorder pursuant to Subsections 10-1-9(E) and (F) of this Title prior to City review of any final PDO plans. (Ord. 20, Series of 2018)

10-9-10 : ENFORCEMENT:

Enforcement of an approved general PDO plan shall be in the same manner as specified in Subsection 10-2-23(G) of this Title. (Ord. 20, Series of 2018)

10-9-11 : AMENDMENTS:

The procedure for amending an approved PDO plan shall be the same as prescribed for in the original approval. (Ord. 20, Series of 2018)

CHAPTER 10 NONCONFORMING USES AND STRUCTURES

10-10-1 : NONCONFORMING USES:

(A) Unless an amortization period is specified for any nonconforming use, the use may be continued on the same land area and within the same floor area as that which existed on the date when the use first became nonconforming. A permitted use shall not be considered nonconforming for failure to comply with off-street parking requirements, off-street loading requirements or sign regulations, except when the parking, loading or sign is the primary use of the property.

(B) Enlargement: The area occupied by a nonconforming use within an existing structure or on a tract of land may not be enlarged or extended.

(C) Termination: Any one of the following acts or conditions shall immediately terminate the right to operate a nonconforming use:

1. Changing to a conforming use;
2. Abandonment;
3. Nonoperation or nonuse for a period of twelve (12) or more consecutive months;
4. Damage or destruction of the structure in which the use is operated where the cost of bringing the structure into lawful compliance with the currently applicable requirements of this Code exceeds fifty percent (50%) of the replacement cost of the structure on the date on which the damage occurred. (Revised 6-12-1992)

10-10-2 : NONCONFORMING STRUCTURES:

(A) A nonconforming structure may be occupied, operated and maintained.

(B) Enlargement: Nonconforming structures shall not be enlarged or extended unless the improvements are made in compliance with all of the applicable requirements of this Code.

(C) Termination: Any one of the following shall immediately terminate the right to use or operate and maintain a nonconforming structure:

1. Damage to the nonconforming structure where the cost of repairing such damage exceeds fifty percent (50%) of the replacement cost of such structure as of the date of such damage;
2. The nonconforming structure becomes obsolete or substandard under any currently applicable Section of this Code, and the cost of placing such structure in lawful compliance with the applicable Section exceeds fifty percent (50%) of the replacement cost of such structure as of the date of the official order. (Revised 6-12-1992)

CHAPTER 11 BOARD OF ADJUSTMENT

10-11-1 : AUTHORITY:

The Board of Adjustment shall have the power to hear and decide appeals and requests for variances under this Title where authorized:

(A) Appeals:

1. The Board shall hear and decide appeals where it is alleged that there is an error in any order, requirement, decision or determination made by the City in the administration of this Title. The Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made; and, to that end, shall have all of the powers of the officer or department from whom the appeal is taken.
2. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, decision or determination of the City; or to approve an application on any matter upon which the Board has been granted the jurisdiction.
3. An appeal from an order, requirement, decision or determination made by the City shall stay all proceedings unless the Zoning Official certifies that such stay would cause imminent peril to life or property.

(B) Variances: The Board may authorize variances from the requirements of this Title, subject to terms and conditions fixed by the Board, where due to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Title will result in unnecessary hardship. Every variance granted is not personal to the applicant, but shall transfer and run with the land. No variance shall be authorized unless the Board finds that all of the following conditions exist:

1. That the variance will not authorize the operation of a use other than those uses specifically listed as primary permitted uses for the zone district in which the affected property is located;
2. That the variance will not alter the essential character of the neighborhood or zone district in which the property is located or substantially or permanently impair the allowed use or development of adjacent property;
3. That the variance is the minimum that will afford relief and is the least possible modification to the provision in question;
4. That the variance will not adversely affect the public health, safety and welfare;
5. That the hardship, if any, under which the variance is sought, was not created by the owner, occupant or agent of the owner of the property in question; nor was it suffered as a result of a violation of any provision of this Code.

(C) Limited Authority: Nothing herein contained shall be construed to empower the Board to change the provisions of this Title, to effect changes in the Official Zoning Map, to add to the specific uses permitted in any zone district, or to grant an extension or enlargement to that part of a structure or lot occupied by a nonconforming use.

(D) Time Limit: Any decision of the Board which requires issuance of a building permit to become effective shall automatically expire twenty four (24) months after the date such decision is made, or after final determination of any appeal, unless actual construction has started, or property rights have been vested in accordance with Chapter 13 of this Title. (Revised 6-12-1992)

10-11-1.5: VARIANCES FOR QUALIFIED INDIVIDUALS WITH DISABILITIES:

(A) For purposes of this Section, a "qualified individual with a disability" shall be defined as having, with respect to a person:

1. A physical or mental impairment which substantially limits one or more of the individual's major life activities;
2. A record of having such an impairment; or
3. Being regarded as having such an impairment.

(B) For purposes of this Section the term "qualified individual with a disability" shall not be deemed to include an individual who is currently illegally using or is addicted to a controlled substance as defined in Section 802 of Title 21, USC.

(C) Upon compliance with all of the other provisions of this Title as it relates to the filing and processing of variance requests before the board of adjustment, the board shall have the authority to grant variances from the provisions of this Title to any person who establishes ~~his or her~~their status as a qualified individual with a disability and who requires a reasonable accommodation from the provisions of this Title when such accommodation may be necessary to afford the individual equal opportunity to use and enjoy a dwelling.

(D) In considering the reasonableness of any requested accommodation, the board may consider such matters including, but not necessarily limited to, the following:

1. The nature of the individual's disability;
2. Whether there is an alternative which better or equally serves the needs of the individual which results in less of a variance to the ordinance provisions in issue;
3. Whether the requested variance reasonably relates to the individual's ability to use and enjoy a dwelling;
4. The negative impacts or hardships placed on adjoining properties or property owners should the individual's request be granted; and
5. Any hardship placed on the city or adverse impacts which would result on the legitimate goals of the city's zoning ordinance should the individual's request be granted.

(E) Nothing in this Chapter shall be construed to allow for the granting of any variance to any qualified individual with a disability whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others. (Ord. 24, Series of 1992)

10-11-2 : APPLICATION REQUIREMENTS:

All applications to appear before the board shall be filed with the zoning official. Applications shall be on a form provided by the zoning official. The applicant shall pay the applicable fee, as established by the council, at the time the application is filed. (Revised 6-12-1992)

(A) Application Procedures:

1. Preapplication Conference: All applicants shall meet with the zoning official at a preapplication conference to discuss their request and review the application requirements.
2. Official Application Form: An official application form shall be provided by the planning division and shall contain the requirements specified in the operating standards as established by the department of community development.

(B) Public Hearing Notice: Notice of a public hearing shall be provided by the city and the applicant as prescribed by state law and in the operating standards as established by the department of community development. Notice of the public hearing shall be made at least ten (10) calendar days prior to the board of adjustment public hearing date. (Ord. 20, Series of 2012)

(C) Transmittal Of Applications: All applications may be transmitted by the zoning official for comments to any agency or office, either public or private, which might be affected by approval of such application. (Revised 6-12-1992)

10-11-3 : PROCEDURES AND ACTION:

Subject to the approval of council, the board shall adopt rules governing all its proceedings. Such rules shall provide and require that:

(A) All hearings shall be open to the public;

(B) All evidence and testimony shall be presented publicly. The board may take notice of, and may consider, any relevant facts within the personal knowledge of any member of the board which are publicly stated into the record;

(C) The board shall cause a record of its proceedings to be prepared, which shall include all documents and physical evidence considered in each case together with minutes of the proceedings. All evidence and testimony presented shall be considered by the board in reaching its decision. Minutes shall state the grounds for each decision, and shall indicate by name the maker and second of each motion and the vote on each motion. The record of proceedings shall be filed in the office of the city clerk and shall be a public record. (Revised 6-12-1992)

10-11-4 : APPEALS TO BOARD DECISIONS:

Any decision of the board is final and subject only to judicial review by the appropriate district court. (Revised 6-12-1992)

CHAPTER 12 AMENDMENT PROCEDURE

10-12-1 : DECLARATION OF PUBLIC POLICY FOR REZONING:

The council has determined that the official zoning map should not be amended unless the amendment is consistent with the goals and policies of the comprehensive plan, and promotes the general welfare of the community. If a proposed amendment to the official zoning map is not consistent with the comprehensive plan, then the request may only be approved if the applicant demonstrates that the requested rezone is justified because of changed or changing conditions in the particular area, or in the city in general; or the rezone is necessary to correct a manifest error in the existing zone classification. (Revised 6-12-1992)

10-12-2 : LIMITATIONS ON AMENDMENTS TO OFFICIAL ZONING MAP:

(A) Except as may be exempted in Subsection (C) of this Section, no amendment to the official zoning map shall be approved which creates a freestanding zone district of less than one hundred eighty thousand (180,000) square feet. For the purpose of determining the size of an area to establish compliance with this limitation, there shall be included with the subject parcel the following:

1. The area of public rights of way lying within the boundaries of the parcel proposed for rezoning; and
2. The area of land within the city which is contiguous to the subject parcel and which bears the same or lower zone district classification than is proposed, provided the lower zone district has the same letter district designation.
3. Contiguity, as applied in this Subsection (A) shall not be affected by the existence of a street, alley or other public right of way.

(B) For purposes of meeting the one hundred eighty thousand (180,000) square foot requirement of Subsection (A) of this Section, the transitional T district may be considered similar to either residential R zone districts or business B zone districts, as applicable. (Revised 6-12-1992)

(C) This provision shall not apply to the initial zoning of newly annexed territory, or to any parcel proposed to be placed in the OS zone district. (Ord. 8, Series of 2000)

10-12-3 : APPLICATION FOR AMENDMENTS TO OFFICIAL ZONING MAP:

All applications for amendments to the official zoning map shall be submitted and processed pursuant to the procedures established in Chapter 1 of this Title and this Chapter. (Ord. 20, Series of 2012)

10-12-4 : PROCEDURES FOR AMENDMENTS TO OFFICIAL ZONING MAP:

(A) Application Procedures: The official application form and requirements as stated in Subsection 10-1-9(A) of this Title, and the requirements and procedures as set forth in this Section shall generally apply to all applications to amend the official zoning map. An official application form shall be provided by the planning division which shall contain the requirements specified in the operating standards as established by the department of community development. General requirements shall include the following documents in addition to the requirements in the operating standards:

1. Name and address of all mineral owners and lessees of mineral owners;

2. A brief statement describing how the application meets the "declaration of public policy for rezoning" as the basis for granting the request. (Ord. 20, Series of 2012)
- (B) Review Procedure: Applications for official zoning map amendment are considered by the planning commission and the council, as follows: (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
1. City Staff Review Procedure: Applications for official zoning map amendment shall be reviewed pursuant to Subsection 10-1-9(B) of this Title. (Ord. 20, Series of 2012)
 2. Planning Commission Review Procedure:
 - (a) All requests for official zoning map amendment shall be submitted, reviewed, and heard pursuant to the requirements and procedures set forth in Subsection 10-1-9(C) of this Title and this Subsection (B). A copy of the proposed ordinance to enact the requested official zoning map amendment shall accompany the report described in Subsection 10-1-9(C)4 of this Title. (Revised 6-12-1992)
 - (b) The planning commission shall determine if the request meets the provisions of the declaration of public policy for amending the official zoning map, set forth in Section 10-12-1 of this Chapter, based on the evidence and testimony presented at the public hearing. The planning commission may vote to recommend approval of the request, to recommend approval with conditions reasonably related to meeting the criteria upon which the granting of the application would be based, to recommend approval of a higher classification than requested, or to recommend denial, or to table the matter to a date certain, pending the provision of further information by the applicant or the staff, provided the continuance is agreed to by the applicant. All recommendations adopted by the planning commission shall be by resolution. (Ord. 10, Series of 1993; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
 3. Council Review Procedure:
 - (a) Materials To Be Transmitted: The planning division shall transmit the following materials to the council following the planning commission meeting at which a recommendation on the requested amendment is made: (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
 - (1) Rezone application;
 - (2) Proposed rezoning ordinance; (Ord. 20, Series of 2012)
 - (3) Planning commission resolution;
 - (4) Minutes of planning commission meeting at which recommendation is made; and (Ord. 20, Series of 2012; amd. Ord. 15, Series of 2016)
 - (5) Staff report.
 - (b) Scheduling Of Public Hearing: Council shall schedule a public hearing pursuant to the procedures for enactment of ordinances stated in the charter.
 - (c) Public Hearing Notice: Notice of a public hearing shall be provided by the city and the applicant as prescribed by state law and in the operating standards as established by the department of community development. Notice of the public hearing shall be made at least ten (10) calendar days prior to the city council public hearing date. (Ord. 20, Series of 2012)
 - (d) Mailed Notice: At least fifteen (15) days prior to the required public hearing, the applicant shall mail written notice of the hearing by first class mail to the address

of each property owner and each address including all known unit numbers (if applicable), if different from the address of the property owner, within seven hundred feet (700') of the subject property. The property owner address shall be as shown in the records of the applicable county assessor's office. Within the notification area, notices shall be sent to the board of directors of any homeowners' association as well as the owners of all units within the required notification area.

The notice shall read substantially the same as the notice also required by this Subsection. At least ten (10) days prior to the public hearing, the applicant shall submit the following to the community development department:

- (1) Alphabetical list of the property owners within the required notification area;
 - (2) Map showing the property owners within the required notification area;
 - (3) Copy of the notice sent to the property owners; and
 - (4) Notarized certificate of mailing. (Ord. 14, Series of 2016)
- (e) Council Decision: The council shall determine if the request meets the provisions of the declaration of public policy set forth in Section 10-12-1 of this Chapter, based on the evidence and testimony presented at the public hearing. The council may approve the request; approve the request with conditions reasonably related to meeting the criteria upon which the granting of the application would be based, approve a higher classification than requested; deny the request; or table the matter, to a date certain, pending the provision of further information by the applicant or staff. (Ord. 10, Series of 1993; amd. Ord. 14, Series of 2016)

(C) Procedure For Newly Annexed Territory:

1. The applicant for establishment of initial zoning for newly annexed territory shall be the same party as is responsible for initiating annexation of the territory.
2. The procedure for establishing initial zoning for newly annexed territory shall be as prescribed in this Section.
3. The applicant shall post and publish notice as prescribed in Subsection 10-1-9(C)2 of this Title and Subsection (B)3 of this Section, except that the statement of the existing zone classification shall be prefaced with the name of the appropriate jurisdiction (e.g., Arapahoe County); and the statement of the proposed zone classification shall be prefaced by the term "City Of Littleton".
4. The ordinance which establishes initial zoning may be considered concurrently with the ordinance annexing the subject property; and both ordinances may be enacted at the same meeting of the council.
5. No newly annexed land shall be developed until it is zoned. (Revised 6-12-1992)
6. Initial zoning of PD-X may be requested for newly annexed properties without submitting a general PD plan and without designating land uses or subdistricts. City council may approve such requests for PD-X for newly annexed properties provided the land uses and principal structures permitted on the properties are limited to those existing at the time the PD-X designation is granted, and providing the conditions in Subsection 10-2-23(C)4 of this Title, are met. (Ord. 3, Series of 1993)

(D) Limitations On Application Revision:

1. The planning commission may recommend, and the council may approve, a higher zone classification than requested in the application. However, the commission shall

- not recommend, nor shall the council approve, a lower classification than requested. If it is deemed that a lower classification is appropriate, then the city or the applicant may initiate such amendment as provided in Section 10-12-3 of this Chapter. (Revised 6-12-1992; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
2. An applicant may, after filing an application, make minor revisions to the application which are necessary to address comments received from referral agencies. Except for corrections for errors and omissions, revisions shall not be made to a final application after review by the planning commission, unless such revisions are limited to incorporating recommendations made by commission. No application amendment shall be considered a minor revision which has the effect of: (Ord. 10, Series of 1993; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)
 - (a) Increasing the intensity or density of use;
 - (b) Increasing the impacts of the proposed development;
 - (c) Changing the proposed land use; or
 - (d) Changing the requested zoning classification.
 3. Amendments to applications which are not minor, shall be processed in the same manner as new applications in accordance with Section 10-12-3 of this Chapter and this Section. (Revised 6-12-1992)

CHAPTER 13 VESTED PROPERTY RIGHTS

10-13-1 : SHORT TITLE:

This Chapter shall be known as the *VESTED PROPERTY RIGHTS ORDINANCE*. (Revised 6-12-1992)

10-13-2 : LEGISLATIVE PURPOSE:

The City Council does hereby find and declare:

(A) The purpose of this Chapter is to provide the procedures necessary to implement article 68 of Title 24 Colorado Revised Statutes, which purports to establish a vested property right to undertake and complete development and use of real property under the terms and conditions of a site specific development plan. By adoption of this Chapter, it is the intent of the City Council to provide only those procedures necessary to implement the provisions of that State statute. The City is a home rule municipality organized pursuant to article XX of the Colorado Constitution, whose citizens have adopted a Charter bestowing upon the City all rights and powers of home rule including the fundamental reservation of initiative and referendum to the citizens. The Council hereby avers that land use regulation, zoning and development approval for real property within the jurisdictional limits of Littleton are inextricably bound to the concept of home rule. Vested property rights legislation, adopted pursuant to article 68 of Title 2 Colorado Revised Statutes, is an unacceptable impingement upon that municipal authority and an intolerable burden upon the initiative and referendum rights of the people.

(B) Enactment of this Chapter is made in recognition of the General Assembly's declaration that vested property rights are a matter of Statewide concern. The Council declares, however, that all rights, powers and prerogatives granted and reserved by the Constitution

of the State of Colorado, the City Charter and the ordinances of the City are preserved and are not in any manner diminished by such enactment.

(C) The property rights to be vested by the procedures established hereunder are limited to the right to develop and use real property as approved pursuant to this Chapter and this Code. Approval of vested property rights, authorized by article 68 of Title 24 Colorado Revised Statutes, or by this Chapter, shall not imply or be interpreted to mean that any other property rights including, but not limited to ownership, minerals, water, mortgage liens, covenants, etc., are approved, amended, or otherwise affected. (Revised 6-12-1992)

10-13-3 : CONDITIONS:

(A) Nothing contained in this Code shall be construed to prohibit the City administration or the Council from recommending or imposing such terms and conditions on any Vesting Plan as may be reasonably necessary to protect the public health, safety and general welfare of Littleton's citizens.

(B) Notwithstanding the provisions of Section 24-68-106 (2) Colorado Revised Statutes, nothing herein shall preclude the landowner from waiving vested property rights granted by any other local government pursuant to an annexation agreement between such landowner and the City.

(C) Any vested property rights which may be established pursuant to article 68 of Title 24 Colorado Revised Statutes, shall not preclude the City from applying all ordinances, resolutions or the regulations of the City which are general in nature and are applicable to all parcels of real property which are subject to land use regulation by the City.

(D) Failure to abide by the terms and conditions set forth herein, or in a vesting plan approved pursuant to this Chapter, shall result in the forfeiture of any property rights which may have been vested hereunder. (Revised 6-12-1992)

10-13-4 : DEFINITIONS:

All words used in this Chapter, except where specifically defined herein, shall carry their customary meanings when not inconsistent with the context. Definitions contained elsewhere in this City Code shall apply to this Chapter unless modified hereinbelow.

DEVELOPMENT: Any permanent construction of structures or on-site improvements including, but not limited to: pouring of concrete slabs or footings; installation of underground utilities; or placement of curb, gutter, sidewalk and paving. "Development" shall not include land preparation which includes, for example, clearing, grading, filling, dredging, mining, drilling or excavation. For purposes of this Chapter, the terms "redevelopment", "construction", "reconstruction" and "substantial improvement" shall be deemed to be "development".

DIRECTOR: The Director of the City's Department of Community Development or his designee.

LANDOWNER: The owner of a legal or equitable interest in real property including heirs, successors, and assigns of such ownership interest.

PROPERTY: All real property subject to land use regulation by the City.

REDEVELOPMENT: Any replacement of existing buildings, structures or on-site improvements. Also, "reconstruction". Redevelopment is deemed to be development for purposes of this Chapter. Redevelopment may be preceded by demolition of existing structures or improvements. Demolition shall not, however, be construed as development for purposes of this Chapter.

SITE SPECIFIC DEVELOPMENT PLAN: See definition of Vesting Plan.

SUBSTANTIAL IMPROVEMENT: Any repair, reconstruction, redevelopment, improvement or addition to an existing structure (or structures), the cost of which equals or exceeds fifty percent (50%) of the actual value (County Assessor's calculations) of said structure either: a) before the improvement is started; or b) if the structure has been damaged and is being restored, before the damage occurred.

VESTED PROPERTY RIGHT: The property right to be vested hereunder shall be limited to the right to undertake and complete development of real property, and to use such property, pursuant to, and in accordance with, a vesting plan approved in the manner specified in this Chapter.

VESTING PLAN: Those certain documents referenced in this Chapter which, when taken together, provide the City with the specific details of proposed development necessary to apply for vested property rights approval pursuant to the review process provided herein. Only a "vesting plan", as further described in Subsection 10-13-6(B) of this Chapter, shall be construed to be a "site specific development plan" pursuant to article 68 of Title 24 Colorado Revised Statutes, zoning, rezoning, general PD plans, PDOs, subdivision plats and/or SDPs are not deemed to be vesting plans for any purpose. (Revised 6-12-1992)

10-13-5 : ELIGIBILITY:

Vested property rights shall not be created except upon specific application for approval of such rights by a landowner, as hereinafter provided in this Chapter, and approval by the Council of a vesting plan. Any landowner may, but is not required to, apply for the creation of vested property rights provided that, at least, the following conditions exist:

- (A) The subject property is located within the City.
- (B) Zoning exists to permit the specific use or uses for which vesting is sought. Note: The vesting procedure set forth herein shall not, under any circumstances, be construed as a means by which zoning variances, conditional uses, or changes in use, density, height limits, or other established development standards are warranted, varied, changed, waived or otherwise approved or amended.
- (C) A subdivision final plat has been approved and recorded in the appropriate County Clerk's Office for the subject property, or for land of which the subject property is a part.
- (D) The landowner has completed and submitted a proposed vesting plan, as herein described, and notice and hearing requirements of this Chapter have been met. (Revised 6-12-1992)

10-13-6 : APPLICATION:

An application for the creation of vested property rights shall contain, at a minimum, the following:

- (A) An application form, obtained from the Director, fully completed and signed by the landowner of the subject property.
- (B) A proposed vesting plan which shall contain, at a minimum, the following:
 1. Name, address and telephone number of the landowner.
 2. North point, scale, and date.
 3. Legal description.
 4. Details of the proposed site development pursuant to Subsection 10-7-2(B) of this Title, the existing zone district, and the name of the governing subdivision plat, if any. It is

the specific intent of this Section that the full requirements of Subsection 10-7-2(B) of this Title shall apply regardless of zone district designation. In addition, the proposed vesting plan shall include, at a minimum the following:

- (a) A specific statement of the term of the vesting period which shall include the date of adoption and date of termination. Such term shall be three (3) years from the date of approval of the vested property right pursuant to Subsection 10-13-8(A) of this Chapter. A term less than, or greater than, three (3) years may be approved provided a detailed statement of the conditions under which such lesser or greater term is justified is incorporated in the proposed vesting plan. A vesting period greater than three (3) years may be approved if warranted after consideration of all relevant circumstances including, but not limited to, the size and phasing of the development, economic cycles, and market conditions.
 - (b) A description of the use, density and/or floor to lot area ratio, minimum open space, architectural character and style of the structures and the general character of the landscape concept(s).
 - (c) A description and cost estimate of all private on-site and related off-site (where required) improvements including, but not limited to, drainage facilities, paving, water, sanitary sewer, pedestrian walks, and landscaping features.
 - (d) A description and cost estimate of all public on-site and related off-site (where required) improvements including, but not limited to, storm drainage facilities, curb, gutter and sidewalk, street construction, street lighting, traffic signals, traffic control devices and/or signage and sanitary sewer.
 - (e) A detailed construction/schedule outlining phasing sequences, as applicable.
5. Additional materials, drawings, and/or information may be required by the Director to determine compliance of the proposed vesting plan with the applicable State Statutes, ordinances and regulations of the City.
6. The proposed vesting plan shall have the following certifications:

I, , owner, do hereby agree that the above described property will be developed in accordance with the uses, restrictions, and conditions contained in this Vesting Plan. I understand that failure to abide by the terms and conditions of this Vesting Plan shall result in the forfeiture of any development rights which may be vested by virtue of the approval of this Plan.

Signature of Owner

Subscribed and sworn before me this date of , 19 .

Witness my hand and official seal.

My Commission expires .

Notary Public

APPROVAL OF THIS PLAN MAY CREATE A VESTED PROPERTY RIGHT PURSUANT TO ARTICLE 68 OF TITLE 24, COLORADO REVISED STATUTES.

APPROVED AS TO FORM:

City Attorney

Approved this day of , 19 , by the Littleton City Council.

President

ATTEST:

City Clerk

This document was filed for record in the office of the County Clerk and Recorder of County at

.m. on the day of A.D., 19 , in Book , Map Reception No. .

County Clerk and Recorder

By:

Deputy Clerk and Recorder

(Revised 6-12-1992)

10-13-7 : SUBMISSION, NOTICE, AND PUBLIC HEARING REQUIREMENTS:

(A) General: Vested property rights, which may be applied for under this Chapter by the landowner, are created only by the Council after conduct of a duly advertised public hearing pursuant to this Chapter; and the subsequently approved vesting plan is recorded in the office of the appropriate county clerk and recorder. A reproducible copy of the vesting plan with completed county clerk and recorders certificate shall be provided to the Director at the landowner's expense.

(B) Submission Requirements: Any landowner wishing to apply for the creation of vested property rights shall submit, at a minimum, the following information:

1. Fifteen (15) copies of the proposed vesting plan as described in Subsection 10-13-6(B) of this Chapter;
2. Fifteen (15) copies of the completed application form, described in Subsection 10-13-6(A) of this Chapter, signed by the landowner;
3. Three (3) copies of a drainage study completed in accordance with requirements of the City Engineer; and
4. Payment of the required application fee which shall be established by resolution of the Council.

(C) Submission Deadline:

1. The landowner shall submit the materials, specified in Subsection (B) of this Section, at least thirty (30) calendar days prior to the meeting of the Council at which the landowner wishes the vested property rights hearing to be conducted; and
2. The Director shall place the application on the agenda of the Council for public hearing which shall be not less than thirty (30) nor more than sixty (60) calendar days following the submission date.

(D) Public Hearing Notice:

1. Posting: Not less than fifteen (15) days prior to the Council public hearing date, the landowner shall cause the subject property to be posted by means of one or more signs, erected in a conspicuous location, with at least one sign posted on each street which abuts the property. Signs shall be at least three feet by four feet (3' x 4') in size,

supported by corner posts, with the bottom of the sign at least four feet (4') above ground level. Letters shall be at least one inch (1") in height, or large enough to be intelligible from the nearest public street. Signs shall read as follows:

NOTICE OF PUBLIC HEARING

TO CREATE VESTED PROPERTY RIGHTS

NOTICE IS HEREBY GIVEN THAT APPLICATION HAS BEEN MADE TO CREATE VESTED PROPERTY RIGHTS FOR THIS PARCEL PURSUANT TO ARTICLE 68 OF TITLE 24, CRS. A PUBLIC HEARING WILL BE HELD BEFORE THE LITTLETON CITY COUNCIL AT (Insert location of Hearing), LITTLETON, COLORADO, AT (Insert Time) P.M. ON THE (Date) OF (Month), 19(Yr). ALL THOSE WISHING TO BE HEARD SHOULD BE PRESENT AT THE TIME AND PLACE STATED ABOVE.

LANDOWNER

(Revised 6-12-1992)

2. Publication: Notice of the public hearing shall be published at least fifteen (15) calendar days prior to the city council hearing, which shall read:

NOTICE OF PUBLIC HEARING

TO CREATE VESTED PROPERTY RIGHTS

PURSUANT TO ARTICLE 68 OF TITLE 24, CRS, NOTICE IS HEREBY GIVEN THAT APPLICATION HAS BEEN FILED WITH THE CITY OF LITTLETON TO CREATE VESTED PROPERTY RIGHTS FOR THE PARCEL DESCRIBED AS (Insert Address or Legal Description). A PUBLIC HEARING WILL BE HELD BEFORE THE LITTLETON CITY COUNCIL AT 2255 WEST BERRY AVENUE, LITTLETON, COLORADO, AT (Insert Time) P.M. ON THE (Date) OF (Month), 19(Yr), AT WHICH TIME ALL THOSE WISHING TO BE HEARD SHOULD BE PRESENT AT THE TIME AND PLACE STATED ABOVE.

Dated this day of , 20 .

Name of Landowner

3. Compliance: The landowner shall submit to the director, not less than seven (7) calendar days prior to the scheduled public hearing date, certified statements that the posting and publication did occur in compliance with the requirements set forth hereinabove. The statement certifying to the adequacy of the sign posted on the subject property shall be accompanied by a photograph, or photographs, showing the placement of the sign on the subject property and shall be sufficiently legible to read the text of the notice on the sign. (Ord. 11, Series of 2007)

(E) Public Hearing Procedure:

1. The director shall review the required materials, including any comments from affected city agencies, and shall prepare a report for the council containing his analysis and recommendations. The director shall advise the landowner of his recommendations at least three (3) calendar days prior to the council hearing. Copies of the director's report shall be available for the reasonable cost of its reproduction.

2. Conduct of the public hearing shall be in accordance with rules of procedure adopted by the council.
3. After receiving and considering evidence and testimony presented at the public hearing the council may, by ordinance, approve the vesting plan with conditions that may be reasonably necessary to protect the public health, safety or welfare, or table the matter to a date certain pending the provision of further information.
4. Any action by the council shall be considered final and subject only to judicial review and all rights of referendum. (Revised 6-12-1992)

10-13-8 : EFFECTIVE DATE OF APPROVAL; EXPIRATION:

(A) Effective Date Of Approval:

1. The effective date that vested property rights shall be deemed to be created shall be the date on which the council approves the vesting plan.
2. For purposes of judicial review and referendum, the effective date that vested development rights are deemed to be created shall be the date of publication of a notice advising the general public of the approval and creation of vested property rights. The landowner shall cause such publication to be made, which shall occur not later than fourteen (14) days following the date of council approval. Such notice shall read:

NOTICE

VESTED PROPERTY RIGHTS CREATED

Notice is hereby given that on the day of , 19 , the City Council of Littleton approved a Vesting Plan for the property described as (General legal Description or address). Approval of such Vesting Plan may have created vested property rights pursuant to Article 68 of Title 24, CRS. The approved Vesting Plan, for the property described hereinabove, has been recorded in the County of in Book at Page . Such approval is subject to all rights of referendum and judicial review.

Dated this day of , 19 .

Name of Landowner

(B) Expiration: Any vested property rights which may have been approved pursuant to this Chapter shall be deemed to have expired and/or terminated should any of the following occur:

1. A period of three (3) years, or such lesser or greater period of time as may be specified in the vesting plan, has lapsed since the date of council approval and no development has occurred on the subject property;
2. Failure by the landowner to conform with the terms and conditions of the vesting plan approved by the council; or
3. Failure by the landowner to publish notice of creation of vested property rights in a newspaper of general circulation within the jurisdiction within the required fourteen (14) day period following council approval. (Revised 6-12-1992)

10-13-9 : SUBSEQUENT REGULATION PROHIBITED:

Any vested property right, once established, shall not be subject to any zoning or land use action by the city which would alter, impair, prevent, diminish, or otherwise delay the development or use of the property as set forth in an approved vesting plan, with the following exceptions:

- (A) With the consent of the affected landowner;
- (B) Upon the discovery of natural or human-made hazards on or in the immediate vicinity of the subject property, which hazards could not reasonably have been discovered at the time of vesting plan approval, and which hazards, if uncorrected, would pose a serious threat to the public health, safety, and welfare; or
- (C) To the extent that the affected landowner receives just compensation for all costs, expenses, and liabilities incurred by the landowner, including, but not limited to, all fees paid in consideration of financing, and all architectural, planning, and marketing, legal, and other consultant fees incurred after approval of the vesting plan by the council, together with interest thereon at the legal rate until paid. Just compensation shall not include any diminution in the value of the property which is caused by such action. (Revised 6-12-1992)

10-13-10 : EXTENSION AND AMENDMENTS:

(A) Extension: No extension of the vesting period shall be granted unless such extension is approved by the council following a public hearing. Such request for extension shall be filed by the landowner together with all materials and fees required by this Chapter to be submitted for original approval. No extension shall be granted by the council for a period greater than one year.

(B) Amendments:

1. Minor amendments to the approved vesting plan may be approved by the director provided that none of the amendments would result in any of the following:
 - (a) A change in permitted use;
 - (b) An increase in total building coverage;
 - (c) An increase in dwelling unit density or total commercial/industrial floor area;
 - (d) An increase in building height;
 - (e) An increase in traffic generation;
 - (f) A reduction of approved private and/or public open space;
 - (g) A reduction of approved off street parking and/or loading space; or
 - (h) A reduction of approved street right of way paving widths.
2. Publication: All other applications for amendment to the approved vesting plan must be submitted and reviewed under the same procedures set forth in this Chapter as required for original approval.
3. Amendments to the vesting plan approved pursuant to this Subsection (B) shall not automatically extend the approved vesting period. Specific application for the extension of an approved vesting period shall be required as set forth in Subsection (A) of this Section. (Revised 6- 12-1992)

10-13-11 : UNCONSTITUTIONALITY:

Nothing in this Chapter is intended to create any vested property rights. Pursuant to Section 10-13-2 of this Chapter, this Chapter only establishes the procedures necessary to implement the provisions of article 68 of Title 24 Colorado Revised Statutes. In the event of the repeal of said state statute, or a judicial determination that said statute is invalid or unconstitutional, this Chapter shall be deemed to be repealed and the provisions hereof shall no longer be in effect. (Revised 6-12-1992)

CHAPTER 14 GROUP HOME FOR THE ELDERLY CODE

10-14-1 : SHORT TITLE:

This Chapter shall be known and cited as the *GROUP HOME CODE*. (Revised 6-12-1992)

10-14-2 : PERMIT REQUIRED:

(A) No group home for the elderly (hereinafter "facility") shall be established and/or operated within the City prior to obtaining a permit for such use from the Council.

(B) No residence, approved by Council as a facility under this Chapter, shall be enlarged, altered, repaired, improved or converted in any manner without first obtaining a building permit for such modifications. Residences approved for use as group homes for the elderly shall not be reconfigured, or otherwise altered, to provide for more than one kitchen or cooking facility. (Revised 6-12-1992)

10-14-3 : PROCEDURE:

All applications for permission to establish a facility within the City and hearings on said applications shall be subject to the following procedures:

(A) Applications For Permit: The proposed owner or operator of a facility shall submit an application to the Planning Division for a permit for said group home which application shall contain the following information:

1. The name and capacity (i.e., owner, lessee, operator, etc.) of the applicant.
2. The address of the applicant.
3. The address and legal description of the proposed facility.
4. The telephone number of the applicant.
5. Whether the facility will be new construction or existing.

(a) If the facility is existing construction, a statement as to whether any modifications are planned to the interior or exterior of the structure, and if so, a description of the nature of the changes and modifications, including the materials which will be utilized, the colors, and detailed elevations of the structure.

(b) If the facility is to be new construction, detailed elevations of the structures; a description of all materials and colors to be utilized; and a site plan showing all improvements and landscaping.

6. A description of the nature and extent of services which will be provided by the administrative staff to the occupants of the facility and the size and makeup of the administrative staff.

7. An area map showing the proposed facility in relation to various facilities including convenience stores, commercial services, transportation services and public recreation; and the distance of the proposed location to such services.
8. Such other information, related to the performance or impacts of a proposal, as the Director of the Department of Community Development may request.
9. Information as to whether or not the facility will be owner-occupied or nonprofit in nature and documentation of the nonprofit status of the proposed facility which shall include, but not be limited to:
 - (a) If the applicant is a corporation, a certificate of incorporation or certificate of authority to do business issued by the Secretary of State;
 - (b) If the applicant is a corporation, a list of all corporate directors, officers, and employees who will be involved in any manner in the management or operation of the proposed home, their dates of birth, their home and business addresses and the proposed compensation for their participation in the corporation's and group home's affairs;
 - (c) If the applicant is a corporation, a statement as to its principal place of business, what state's laws it was organized under, the date of filing of its last annual corporate report to the Secretary of State, a list of all members including their home and business addresses, dates of birth, and a copy of its articles of incorporation, bylaws, and corporate minutes authorizing the application for a group home;
 - (d) If the applicant is a partnership or an individual, the name of the individual or name and class of each partner, any employee who will be involved in any manner in the management or operation of the proposed home, their home and business addresses and dates of birth, a copy of the partnership agreement, its trade name affidavit, and the date the partnership began to do business;
 - (e) A statement as to whether the applicant has, or will have, legal possession of the premises by virtue of ownership or a lease or lease option and, if leased or lease optioned, a copy of same; and
 - (f) A list of those persons, partnerships, or corporations who now or will have a financial interest, evidenced either by loans or equity ownership in the group home, specifying their names, home and business addresses, dates of birth, and copies of all notes, loan documents and security instruments, and financial releases authorizing the City to obtain or verify such documents.
10. Information as to the background and criminal history of the applicant, any employee who will be involved in any manner in the management or operation of the proposed home, and any officer, member, director, manager, partner, or person having a financial interest in the proposed group home which shall include, but not be limited to:
 - (a) A statement as to whether or not any of the above mentioned persons have ever been convicted of a crime and if so:
 - (b) An explanation in detail of the crime including statements as to: the person who committed the crime; the date of its commission; the location of the crime; the criminal justice agency involved; the date of conviction or entry of plea; if plea bargained, a statement as to what the original charge was; the fine or penalty imposed; and if jail was imposed, the date such person was released; and
 - (c) If any of the above mentioned persons have been convicted of a crime, a written statement addressing any evidence of rehabilitation.

(B) Publication And Posting Of Notice: Upon receipt of a complete application for the establishment of a facility, the Planning Division shall notify the City Manager who in turn shall place the application upon the agenda for review by the Council within thirty (30) days from receipt. The Planning Division shall notify the applicant in writing of the date and time when the application will be heard by the Council. The applicant shall then publish notice of the hearing and post the premises as follows:

1. Posting: At least seven (7) calendar days prior to the Council meeting at which the application for a permit for a facility shall be considered by the Council, the applicant shall post notice of the public hearing by means of a sign or signs at least three feet by four feet (3' x 4') in size erected in a conspicuous location on the premises. At least one such sign shall be erected on each public street abutting the subject property. Said sign or signs shall be supported by corner posts with the bottom of the sign four feet (4') above ground level, and reading in letters not less than one inch (1") in height:

PUBLIC HEARING FOR GROUP HOME FOR THE ELDERLY

NOTICE IS HEREBY GIVEN THAT APPLICATION HAS BEEN MADE TO PERMIT THE ESTABLISHMENT OF A GROUP HOME FOR THE ELDERLY ON THIS PROPERTY. A PUBLIC HEARING WILL BE HELD BEFORE THE LITTLETON CITY COUNCIL WITH REGARD TO THE ESTABLISHMENT OF THIS USE IN THE CITY COUNCIL CHAMBERS AT 2255 WEST BERRY AVENUE, LITTLETON, COLORADO, AT 7:30 P.M. ON THE DAY OF , 19_ , AT WHICH TIME AND PLACE ALL THOSE WISHING TO BE HEARD SHALL APPEAR.

DATED THIS DAY OF , 19_ .

NAME OF APPLICANT

(Revised 6-12-1992)

2. Publication: Notice of the public hearing shall be published at least once within the ten (10) days immediately prior to said hearing to read as follows:

PUBLIC HEARING FOR GROUP HOME FOR THE ELDERLY

NOTICE IS HEREBY GIVEN THAT AN APPLICATION HAS BEEN MADE FOR A PERMIT FOR THE ESTABLISHMENT OF A GROUP HOME FOR THE ELDERLY ON THE PROPERTY DESCRIBED AS: (general legal description or address) LITTLETON, COLORADO.

A PUBLIC HEARING WILL BE HELD BEFORE THE LITTLETON CITY COUNCIL WITH REGARD TO THIS APPLICATION AT THE CITY COUNCIL CHAMBERS, 2255 WEST BERRY AVENUE, LITTLETON, COLORADO, AT 7:30 P.M. ON THE DAY OF , 19_ , AT WHICH TIME ALL THOSE WISHING TO BE HEARD SHOULD APPEAR.

DATED THIS DAY OF , 20_ .

NAME OF APPLICANT

(Ord. 11, Series of 2007)

10-14-4 : HEARING CRITERIA:

At the hearing regarding the issuance of a permit for a facility, the council shall consider evidence of the following matters and shall grant the permit as requested unless it finds that one or more of the following criteria will not be met:

- (A) No facility shall be located within seven hundred fifty feet (750') of any other group home for the elderly.
- (B) The facility shall comply with all building, fire and housing codes of the city.
- (C) The facility must comply with the height, setback, area coverage, lot size, and external signage, and other requirements applicable to the particular zone district in which the facility is to be located.
- (D) The facility shall not be of an architectural design or style substantially inconsistent with the character of the surrounding neighborhood.
- (E) No administrative activities of any private or public organization or agency shall be conducted on the premises.
- (F) No treatment activities or rendering of service shall be conducted in a manner substantially inconsistent with the activities otherwise allowed in the zone district in which the facility is to be located.
- (G) The proposed facility shall be within a reasonable distance of convenience stores, commercial services, transportation services, and other public facilities including public recreation facilities when considered in light of:
 1. The transportation and shopping needs of the residents.
 2. The nature and volume of traffic on streets or roadways which must be crossed in order for the residents of the proposed facility to make use of commercial and transportation services, and whether or not the streets are marked and signaled to allow safe crossing by said residents. Consideration of alternative means of access to necessary services may be required if crossing of adjacent streets by the residents is determined by the city's traffic engineer to be hazardous for the elderly.
 3. Location of services.
 4. Alternative shopping areas.
 5. Alternative means of access to the facilities.
- (H) No facility shall have residents needing skilled or intermediate care.
- (I) The proposed facility will either be owner occupied or nonprofit in nature.
- (J) Whether the applicant, its officers, directors, managers, partners, members, employees, or those having a financial interest in the proposed facility are of good moral character.
- (K) The proposed owners and/or operators have submitted sufficient written evidence of their experience, training and skills to demonstrate that they are properly qualified to administer and care for the facilities and their occupants. (Revised 6-12-1992)
- (L) The proposed facility meets any applicable design guidelines adopted by the planning commission. (Ord. 5, Series of 2006; amd. Ord. 19, Series of 2012; Ord. 15, Series of 2016)

10-14-5 : COMPLIANCE WITH LAWS:

Any facility approved pursuant to this chapter shall comply with any and all applicable licensing requirements of the state. (Revised 6-12-1992)

10-14-6 : AMENDMENTS AND ANNUAL REPORTS:

After the granting of a permit for a facility by the council, no change, modification or amendment to the home, as approved, the method of operation, or the services to be provided, shall be made without advance formal approval by the council. In order to ensure compliance with this requirement and in order to ensure that the facility continues to comply with the criteria specified in Section 10-14- 4 of this Chapter, the applicant shall provide the planning division with an annual report, on or within ten (10) days of the anniversary date of its license, which advises the planning division of any changes to any of the information which was required to be supplied on its original or any subsequently amended application. If no changes whatever have occurred, then the annual report may consist of a written statement to that effect. (Revised 6-12-1992)

10-14-7 : CHANGE OF OWNERSHIP:

No change of ownership shall occur for any facility unless the application and permit requirements of this Chapter shall have been met. (Revised 6-12-1992)

10-14-8 : PENALTIES:

It shall be unlawful for any person to operate or purchase a facility without having first obtained a permit therefor. It shall also be unlawful for any permittee to fail to file an annual report as required in Section 10-14-6 of this Chapter. Violations hereof shall be punishable as provided by Section 1-4-1 of this code. (Revised 6-12-1992)

10-14-9 : REMEDIES NOT EXCLUSIVE:

In addition to any criminal penalties which may be imposed as specified in Section 10-14-8 of this Chapter, the council may, after reasonable notice and hearing, revoke the permit of any group home for the elderly permittee who has failed to comply with any of the provisions of this Chapter.

Additionally, the city attorney is hereby authorized, on behalf of the city, to bring an action at law or in equity to abate and enjoin any violation of this Chapter, for damages, and for the costs of such abatement including, but not limited to, the city attorney fees. (Revised 6-12-1992)

CHAPTER 15 LIGHTING REQUIREMENTS

10-15-1 : PURPOSE AND INTENT:

It is the intent of this Chapter to define practical and effective measures to evaluate and limit off site lighting impacts which result in glare and light pollution while preserving a safe environment, security, and the nighttime use and enjoyment of property. (Ord. 17, Series of 2011)

10-15-2 : APPLICABILITY:

(A) Commercial, Industrial And Multiple-Family Residential: New construction, renovation or redevelopment that is either subject to a site development plan review by the city of Littleton or exterior renovations which includes the replacement of exterior lighting shall meet the requirements of this Chapter. Exterior lighting on all other existing commercial, industrial and multiple-family residential developments shall be considered nonconforming and subject to the provisions for nonconforming uses as stated in Section 10-10-1 of this Title.

(B) Single-Family Residential: All new single-family residential development must comply with the requirements of this Chapter. Exterior lighting on existing single-family residential development shall be considered nonconforming and subject to the provisions for nonconforming uses as stated in Section 10-10-1 of this Title.

(C) Outdoor Advertising Signage: All new or renovated signage shall meet the requirements of this Chapter. All other existing signage shall be considered nonconforming and subject to the provisions for nonconforming uses as stated in Section 10-10-1 of this Title.

(D) Prohibitions: The following are prohibited:

1. Laser source lights or similar high intensity light used for outdoor advertising or entertainment when projected above a line horizontal with the light source.
2. Searchlights.
3. Flashing lights.

(E) Exemptions: The following are exempted from these regulations:

1. Roadway lighting on public roads and streets.
2. Temporary construction lighting by public entities, utilities, light rail transit or railroad companies.
3. Holiday lighting including Christmas tree sales lots within the following time limits: Christmas and other December holiday lighting shall be allowed from Thanksgiving through January 20.
 - (a) All other holiday lights shall be allowed from one month prior to the specific holiday through one week after that holiday.
4. Illumination of American and state flagpoles, public art and monuments.
5. Underwater lighting at swimming pools and fountains.
6. Lighting on designated historic buildings or structures or districts as defined in Section 10-15-6 of this Chapter.
7. "Emergency lighting" as defined in Section 10-15-6 of this Chapter.
8. Strings of lighting which produce low levels of illumination over outdoor eating areas, plazas, rooftop decks or other outdoor seating areas shall be allowed as approved by the director of community development. Such lighting shall be completely turned off at close of business. (Ord. 17, Series of 2011)

10-15-3 : LIGHTING STANDARDS:

(A) Shielding Standards: All outdoor lighting fixtures having initial output greater than or equal to two thousand (2,000) lumens shall be fully shielded. All outdoor lighting fixtures having an initial output less than two thousand (2,000) lumens need not be fully shielded, but shall not be aimed more than forty five degrees (45°) from the surface upon which the fixture is mounted when the source is visible from any off site residential property or public roadway. All outdoor lighting shall be subject to the provisions of Subsection (B) of this Section. Architectural and landscape accent lighting for commercial, industrial and multiple-family residential uses and decorative fixtures for residential uses with less than four (4) dwelling units may be allowed to exceed the forty five degree (45°) restriction provided the following standards are met:

1. The light output for each individual fixture shall not exceed eight hundred (800) lumens.

2. The lighting shall be subject to the provisions of Subsection (B) of this Section relating to light trespass.
3. The lighting is completely turned off at a time determined by the City if a curfew is deemed appropriate.

(B) Light Trespass Standards: All light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across all property boundaries.

1. Single-Family Residential: Any lamp installed on single-family residential property and visible from any other single-family residential property must be shielded such that light trespass on the other residential property does not exceed 0.1 foot-candle at the property line.
2. Commercial, Industrial And Multiple-Family Residential: No more than 0.1 foot-candle of light should be allowed, measured at a point ten feet (10') beyond any property line, as a direct result of on site lighting regardless of what type or types of outdoor lighting fixtures are used. When like commercial, industrial, or multiple-family residential uses abut each other the Director of Community Development may waive this requirement if the light trespass will not reach any residential use.
3. Traffic And Pedestrian Hazards: Light fixtures shall not impede pedestrian or vehicular travel. Neither direct nor reflected light from any light source, including signage, shall create a traffic hazard to operators of motor vehicles on public streets.

(C) Lighting Curfews: Lighting curfews may be imposed in order to limit the adverse impacts of lighting if deemed necessary by the City.

(D) Outdoor Advertising Signs:

1. Externally Illuminated Sign Standards: External illumination for signs shall conform to the shielding and light trespass standards of this Section.
2. Internally Illuminated Sign Standards: Internally illuminated panels or decorations not considered being signage according to Chapter 17 of this Title (such as illuminated canopy margins, light bands or building faces) shall comply with the shielding and light trespass standards of this Section.
3. Signage For Discontinued Uses: Sign illumination shall be permanently extinguished within twenty four (24) hours if the business is no longer in operation. (Ord. 17, Series of 2011)

10-15-4 : SUBMITTAL REQUIREMENTS AND REVIEW PROCESS:

(A) The requirements of this Section shall not apply to any single-family residential lot. In addition, the requirements of this Section shall not apply to any commercial, industrial and/or multiple-family residential development existing at the time this Chapter is adopted. However, the property owner may be required to submit information as deemed necessary by the City to evaluate glare and light trespass if complaints concerning the exterior lighting are received by the City.

(B) Submittal requirements for commercial, industrial and multiple-family residential developments: At the time of final site development plan review or building permit review, whichever is applicable, the applicant shall provide, as required by the City, information to adequately determine that the proposed development will comply with the provisions of this Chapter. Such information may include, but not be limited to, light fixture information and/or a photometric plan to determine light levels and glare which may project beyond the property lines of the site.

(C) For all projects where a lighting plan has been approved, a certificate of installation by an electrical engineer or equivalent shall be provided before a certificate of occupancy can be issued. (Ord. 17, Series of 2011)

10-15-5 : MODIFICATIONS:

There are certain sites and uses that present unique lighting issues that cannot be easily addressed with the requirements of Section 10-15-3 of this chapter. The following are examples of typical scenarios which will require evaluation on a case by case basis to determine the most appropriate lighting design which will meet the intent of this chapter.

(A) Uses:

1. Parking lot lighting within downtown.
2. Parking structures.
3. Illuminated areas located more than twenty (20) vertical feet above street level or adjacent property.
4. Outdoor recreational facilities including, but not limited to, playing fields, driving ranges and tennis courts.
5. Special event lighting.
6. Temporary lighting associated with construction or repair.
7. Images or signs projected onto a surface such as a wall or sidewalk.
8. Other uses that, at the discretion of the director of community development, cannot adequately be addressed using the criteria within this Chapter.
9. New technologies that meet the intent of this Chapter, but are not applicable to the specific requirements of this Chapter. (Ord. 17, Series of 2011)

(B) Procedures For Review: The above described uses and other unique site situations shall be reviewed by the director of community development. If a modification meets the intent of this Chapter, the director may approve the modifications. Curfews may be required to better achieve conformance with the intent of this Chapter. If applicable, a plan to bring the property into compliance with this Chapter within a stated and agreed upon time frame may be required. Approval or denial of a modification shall be based on the following criteria: (Ord. 20, Series of 2012)

1. The lighting meets the intent of this Chapter.
2. The lighting is used only when and where needed.
3. The light levels are limited to that which supports a safe environment.
4. Off site impacts of brightness or glare are mitigated in such a way that the lighting conforms to the intent of Section 10-15-3 of this Chapter relating to shielding and light trespass. (Ord. 17, Series of 2011)

10-15-6 : DEFINITIONS:

As used in this Chapter, unless the context clearly indicates otherwise, certain words and phrases shall mean the following:

ARCHITECTURAL ACCENT LIGHTING: Lighting used to highlight or enhance a specific architectural element, feature or symbol without providing a wash of light over an entire wall or facade.

CURFEW: The time determined on a case by case basis at which outdoor lighting is reduced or extinguished.

DESIGNATED HISTORIC BUILDINGS OR STRUCTURES AND DISTRICTS: Those buildings or structures designated as historic landmarks by state, local and/or federal agencies and buildings or structures included within historic districts which contribute to the historical character of the district.

DIRECTOR OF COMMUNITY DEVELOPMENT: The city's director of community development, or their designee.

DOWNTOWN: The pedestrian oriented downtown of Littleton bounded on the west by South Santa Fe Drive, on the north by West Belleview Avenue, on the east by the railroad tracks and on the south by West Church Avenue.

EMERGENCY LIGHTING: Temporary lighting provided by emergency responders or the City of Littleton used to illuminate activities related to fire, traffic accidents, emergency repair to infrastructure, natural disasters, or crime or terrorist scenes.

FIXTURE: The complete lighting unit assembly consisting of a lamp, or lamp and ballast, reflectors, lens, diffusers and exterior casing or housing.

FOOT-CANDLE: A unit of illuminance on a surface that is everywhere one foot (1') from a uniform point source of light of one candle and equal to one lumen per square foot.

FULLY SHIELDED LIGHT FIXTURE: A luminaire constructed and installed in such a manner that all light emitted by the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal plane through the luminaire's lowest light emitting part.

GLARE: Light directly visible to the human eye causing visual discomfort or reduced visibility.

GOVERNMENTAL REGULATIONS: Regulations by the Federal, State or local government that have specific lighting requirements such as, but not limited to, lighting for aviation, railroads and mines.

IESNA: The Illuminating Engineering Society of North America.

ILLUMINANCE: The amount of light falling onto a unit area of surface measured in lumens per square meter (lux) or lumens per square foot (foot-candles).

INTERNALLY ILLUMINATED PANELS: Internally illuminated panels or decorations not considered signage in Chapter 17 of this Title including, but not limited to, illuminated canopy margins, light bands, or panels located on a building, post or private monument.

LAMP: A generic term for a source producing light. Lamps are sometimes referred to as bulbs or tubes and include both traditional light sources that generate light by a glowing filament or gas discharge source (metal halide, high pressure sodium, incandescent, fluorescent and induction, neon, argon, mercury or other gases) and solid state lighting.

LIGHT POLLUTION: Any adverse effect of human-made light.

LIGHT TRESPASS: The amount of light directly illuminating adjacent property or uses.

LUMEN: The amount of light energy emitted from a lamp or light source.

LUMINAIRE: See definition of fixture.

MONUMENT: A statue, column, war memorial or other commemorative structure, as defined by the Director of Community Development, located on public property.

OUTDOOR EATING AREA: The outdoor area associated with a restaurant or eating establishment, including rooftop dining areas, as allowed by all applicable codes and ordinances.

PUBLIC ART: Artwork located on public property.

ROADWAY: Roads, streets and alleys owned and controlled by the City of Littleton, or the Counties of Arapahoe, Jefferson, or Douglas, or the State of Colorado.

SAFE ENVIRONMENT: An environment where threatening behavior can be seen or identified in time to react or seek safety. This means one can see into and through the illuminated area well enough to see activity and people but does not require enough light to read or identify details.

SEARCHLIGHT: A lighting assembly designed to direct the output of a contained lamp in a specific tightly focused direction (a beam) with a reflector located external to the lamp, and with a swiveled mount to allow the assembly to be easily redirected. Such lights are commonly used to sweep the sky for advertisement purposes.

SEASONAL/HOLIDAY LIGHTING: Temporary lighting on buildings, landscaping or poles which are associated with a specific holiday.

SIGN, EXTERNALLY ILLUMINATED: A sign illuminated by an independent light source aimed at the sign for the purpose of lighting the signage.

SIGN, INTERNALLY ILLUMINATED: A sign illuminated by light sources enclosed entirely within the sign cabinet and not directly visible from outside the sign.

SOLID STATE LIGHTING (SSL): A form of lighting that uses semiconductor materials to emit light, rather than using glowing filaments or gas discharge sources including, but not limited to, LEDs (light emitting diodes) and OLEDs (organic light emitting diodes).

UPLIGHT: Light emitted above the lens of a fixture or luminaire as defined in the luminaire classification system. (Ord. 17, Series of 2011)

CHAPTER 16 WIRELESS COMMUNICATIONS FACILITIES (WCFS)

10-16-1 : INTENT AND PURPOSE:

In order to accommodate the communication needs of residents and businesses while protecting the public health, safety, and general welfare of the community, the City Council finds that these regulations are necessary to:

- (A) Provide for the managed development and installation, maintenance, modification, and removal of wireless communications infrastructure in the City with the fewest number of wireless communications facilities (WCFs) to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;
- (B) Promote and protect the public health, safety, and welfare by reducing the visibility of WCFs to the fullest extent possible through techniques including but not limited to camouflage design techniques and undergrounding of WCFs and the equipment associated therewith;

- (C) Encourage the deployment of smaller, less intrusive WCFs to supplement existing larger WCFs;
- (D) Encourage the use of wall-mounted panel antennas;
- (E) Encourage roof-mounted antennas only when wall-mounted antennas will not provide adequate service or are not otherwise feasible;
- (F) Encourage the location of towers in non-residential areas, in a manner that minimizes the total number of towers needed throughout the community;
- (G) Encourage strongly the collocation of WCFs on new and existing sites;
- (H) Encourage owners and users of antennas and towers to locate them, to the extent possible, in areas where the adverse impact on the community is minimized;
- (I) Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, and efficiently;
- (J) Effectively manage WCFs in the public right-of-way;
- (K) Manage amateur radio facilities and over-the-air receiving devices in the City. (Ord. 09, Series of 2017)

10-16-2 : APPLICABILITY:

- (A) The requirements set forth in this Chapter shall apply to all WCF applications for base stations, alternative tower structures, alternative tower structures located within right-of-way, and towers as defined in Section 10-1-2 of this Title and further addressed herein.
- (B) The requirements set forth in this Chapter shall not apply to:
 - 1. Amateur Radio Antennas: Amateur radio antennas that are owned and operated by a Federally licensed amateur radio station operator or are used exclusively for receive-only antennas, provided that the requirement that the height be no more than the distance from the base of the antenna to the property line is met.
 - 2. Pre-Existing WCFs: Any WCF for which a permit has been properly issued prior to June 6, 2017, shall not be required to meet the requirements of this Chapter, other than the requirements of Section 10-16-4 of this Chapter. Changes and additions to pre-existing WCFs (including trading out of antennas for an equal number of antennas) shall meet applicable requirements of Section 10-16-4 of this Chapter. Notwithstanding the foregoing, any modifications qualifying as an eligible facilities requests shall be evaluated under Subsections 10-16-5(A)5 and (A)8 of this Chapter.
 - 3. Miscellaneous Antennas: Antennas used for reception of television, multi-channel video programming and radio such as OTARD antennas, television broadcast band antennas, and broadcast radio antennas, provided that any requirements related to accessory uses contained in this Chapter and the requirement that the height be no more than the distance from the base to the property line are met. The Director or his or her designee has the authority to approve modifications to the height restriction related to OTARD antennas and OTARD antenna structures, if in the reasonable discretion of the City, modifications are necessary to comply with Federal law. (Ord. 09, Series of 2017)

10-16-3 : OPERATIONAL STANDARDS:

- (A) Federal Requirements: All WCFs shall meet the current standards and regulations of the FAA, the FCC and any other agency of the Federal government with the authority to

regulate WCFs. If such standards and regulations are changed, then the owners of the WCF governed by this Section shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling Federal agency. Failure to meet such revised standards and regulations shall constitute grounds for the removal of the WCF at the owner's expense.

(B) Radio Frequency Standards: All WCFs shall comply with Federal standards for radio frequency emissions. If concerns regarding compliance with radio frequency emissions standards for a WCF have been made to the City, the City may request that the owner or operator of the WCF provide information demonstrating compliance. If such information suggests, in the reasonable discretion of the City, that the WCF may not be in compliance, the City may request and the owner or operator of the WCF shall submit a project implementation report which provides cumulative field measurements of radio frequency emissions of all antennas installed at the subject site, and which compares the results with established Federal standards. If, upon review, the City finds that the facility does not meet Federal standards, the City may require corrective action within a reasonable period of time, and if not corrected, may require removal of the WCF pursuant to Subsection (A) of this Section. Any reasonable costs incurred by the City, including reasonable consulting costs to verify compliance with these requirements, shall be paid by the applicant.

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

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

(E) Operation And Maintenance: To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have thirty (30) days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner, the City's Chief Building Official may extend such compliance period not to exceed ninety (90) days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.

(F) Abandonment And Removal: If a WCF has not been in use for a period of three (3) months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three (3) months. Any WCF that is not operated for a continuous period of six (6) months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall

remove the same within thirty (30) days of receipt of written notice from the City. If such WCF is not removed within said thirty (30) days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. (Ord. 09, Series of 2017)

10-16-4 : DESIGN STANDARDS:

(A) The requirements set forth in this Section shall apply to the location and design of all WCFs governed by this Section as specified below; provided, however, that the City may waive these requirements if it determines that the goals of this Section are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the City, consistent with other provisions of this Code.

1. Camouflage/Concealment: All WCFs and any transmission equipment shall, to the extent possible, use camouflage design techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF into the surrounding natural setting and built environment. Design, materials and colors of WCFs shall be compatible with the surrounding environment. Designs shall be compatible with structures and vegetation on the same parcel and adjacent parcels.

(a) Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g., proximity to historic or aesthetically significant structures, views, and/or community features). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed (e.g., placed underground, depressed, or located behind earth berms) to minimize their profile.

(b) The camouflage design may include the use of alternative tower structures should the Community Development Director determine that such design meets the intent of this Code and the community is better served thereby.

(c) All WCFs, such as antennas, vaults, equipment rooms, equipment enclosures, and tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).

2. Hazardous Materials: No hazardous materials shall be permitted in association with WCFs, except those necessary for the operations of the WCF and only in accordance with all applicable laws governing such materials.

3. Siting:

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

(b) Collocation: WCFs may be required to be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF unless the City approves an alternative design. No WCF owner or operator shall unfairly exclude a competitor from using the same facility or location.

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

2. Lighting: WCFs shall not be artificially lighted, unless required by the FAA or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purposes. If lighting is required, the City may

- review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding views. Lighting shall be shielded or directed to the greatest extent possible so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
3. Landscaping And Fencing Requirements:
 - (a) WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel, below Code standards.
 - (b) WCFs shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from adjacent residential property. The standard buffer shall consist of the front, side, and rear landscaped setback on the perimeter of the site.
 - (c) In locations where the visual impact of the WCF would be minimal, the landscaping requirement may be reduced or waived altogether by the Director or assigned designee.
 - (d) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible. In some cases, such as WCFs sited on large, wooded lots, natural growth around the site perimeter may be sufficient to buffer.
 - (e) No trees larger than four inches (4") in diameter measured at four and one-half feet (4 1/2') high on the tree may be removed, unless authorized by the Community Development Director. To obtain such authorization the applicant shall show that tree removal is necessary, the applicant's plan minimizes the number of trees to be removed and any trees removed are replaced at a ratio of two (2) to one (1).
 4. Noise: Noise generated on the site must not exceed the levels permitted in this Code, except that a WCF owner or operator shall be permitted to exceed City Code noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the City.
 5. Additional Design Requirements: Additional design requirements shall be applicable to the various types of WCFs as specified below:
 - (a) Base Stations: If an antenna is installed on a structure other than a tower, such as a base station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including for example, without limitation, painting the antennas and equipment to match the structure.
 - (b) Alternative Tower Structures And Small Cell Facilities: Alternative tower structures shall be designed and constructed to look like a building, facility, or structure typically found in the area and shall:
 - (1) With respect to its pole-mounted components, be located on or within an existing utility pole serving another utility; or
 - (2) Be camouflaged/concealed consistent with other existing natural or human-made features in the right-of-way near the location where the alternative tower structure will be located; or
 - (3) With respect to its pole components, be located on or within a new utility pole where other utility distribution lines are aerial, if there are no reasonable

alternatives, and the applicant is authorized to construct the new utility pole; or

(4) To the extent reasonably feasible, be consistent with the size and shape of the pole-mounted equipment installed by communications companies on utility poles near the alternative tower structure;

(5) Be sized to minimize the negative aesthetic impacts to the right-of-way;

(6) Be designed such that antenna installations on traffic signal standards are placed in a manner so that the size, appearance, and function of the signal will not be considerably altered;

(7) Require that any ground-mounted equipment shall be located in a manner necessary to address both public safety and aesthetic concerns in the reasonable discretion of the Director, and may, where appropriate, require a flush-to-grade underground equipment vault; and

(8) Not alter vehicular circulation or parking within the right-of-way or impede vehicular, bicycle, or pedestrian access or visibility along the right-of-way. The alternative tower structure must comply with the Americans With Disabilities Act and every other local, State, and Federal law and regulations. No alternative tower structure may be located or maintained in a manner that causes unreasonable interference. Unreasonable interference means any use of the right-of-way that disrupts or interferes with its use by the City, the general public, or other person authorized to use or be present upon the right-of-way, when there exists an alternative that would result in less disruption or interference. Unreasonable interference includes any use of the right-of-way that disrupts vehicular or pedestrian traffic, any interference with public utilities, and any other activity that will present a hazard to public health, safety, or welfare.

(c) Towers:

(1) Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards, be painted a neutral color so as to reduce visual obtrusiveness as determined by the City;

(2) Tower structures should use existing land forms, vegetation, and structures to aid in screening the facility from view or blending in with the surrounding built and natural environment;

(3) Monopole support structures shall taper from the base to the tip;

(4) All towers, excluding alternative tower structures in the right-of-way, shall be enclosed by security fencing or wall at least six feet (6') in height and shall also be equipped with an appropriate anti-climbing device.

(d) Related Accessory Equipment: Accessory equipment for all WCFs shall meet the following requirements:

(1) All buildings, shelter, cabinets, and other accessory components shall be grouped as closely as technically possible;

(2) The total footprint coverage area of the WCF's accessory equipment shall not exceed three hundred fifty (350) square feet;

(3) No related accessory equipment or accessory structure shall exceed twelve feet (12') in height;

(4) Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the accessory equipment shall be camouflaged or concealed. (Ord. 09, Series of 2017)

10-16-5 : REVIEW PROCEDURES AND REQUIREMENTS:

(A) No new WCF shall be constructed and no collocation or modification to any WCF may occur except after a written request from an applicant, reviewed and approved by the City in accordance with this Chapter. All WCFs except eligible facilities requests which are reviewed under Subsections (A)5 and (A)8 of this Section, shall be reviewed pursuant to the following procedures:

1. **Submittal Requirements:** In addition to an application form, signal interference letter, and submittal fees, each applicant shall submit a scaled site plan, photo simulation, scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate qualified professionals, showing the location and dimension of all improvements, including information concerning topography, radio frequency coverage, tower height, setbacks, drives, parking, fencing, landscaping, adjacent uses, drainage, and other information deemed by the Director to be necessary to assess compliance with this Section.
2. **Inventory Of Existing Sites:** Each applicant for a WCF shall provide to the Director a narrative and map description of the applicant's existing or then currently proposed WCFs within the City, and outside of the City within one (1) mile of its boundaries. In addition, the applicant shall inform the City generally of the areas of the City in which it believes WCFs may need to be located within the next three (3) years. The inventory list should identify the site name, site address, and a general description of the facility (i.e., rooftop antennas and ground mounted equipment). This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. Rather, it is an attempt to provide a mechanism for the City and all applicants for WCFs to share general information, assist in the City's comprehensive planning process, and promote collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

The Community Development Department may share such information with other applicants applying for administrative approvals or conditional permits under this Section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the Community Development Department is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

3. **Review For Conformance:** In all zoning districts and planned developments, applications for base stations, alternative tower structures and alternative tower structures within right-of-way, shall be reviewed by the Director for conformance to this Section and Code using the site plan review procedures set forth in Chapter 7 of this Title. Except for WCFs in the rights-of-way that otherwise meet all requirements of this Title, should the Director consider the proposed WCF to have a significant visual impact, (i.e., proximity to historical sites) or otherwise be incompatible with the structure or surrounding area, or not meet the intent of these provisions, the Director

- may refer the application to City Council for approval, after a recommendation by Planning Commission.
4. **Conditional Uses:** In all zoning districts and planned developments, all other towers may be permitted only as a conditional use. WCFs shall be reviewed for conformance to this Section and Code using the conditional use review procedures set forth in Section 10-8-1, et seq., of this Title. All applications for towers shall demonstrate that other alternative design options such as base stations or alternative tower structures are not viable options as determined by the City. Notwithstanding anything in this Title to the contrary, no towers located in the right-of-way shall exceed thirty five feet (35') in height.
 5. **Review Procedures For Eligible Facilities Requests:**
 - (a) **Application:** In all zoning districts and planned developments, eligible facilities requests shall be considered a use by right subject to administrative review. The City shall prepare and, from time to time, revise and make publicly available, an application form which shall be limited to the information necessary for the City to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the project:
 - (1) Would result in a substantial change;
 - (2) Violates a generally applicable law, regulations, or other rule codifying objective standards reasonably related to public health and safety.The application may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.
 - (b) **Type Of Review:** Upon receipt of an application for an eligible facilities request pursuant to this Section, the Director shall review such application to determine whether the application so qualifies.
 - (c) **Timeframe For Review:** Subject to the tolling provisions of Subsection (A)5(d) of this Section, within sixty (60) days of the date on which an applicant submits an application seeking approval under this Section, the City shall approve the application unless it determines that the application is not covered by this Subsection.
 - (d) **Tolling Of The Timeframe For Review:** The 60-day review period begins to run when the application is filed, and may be tolled only by mutual agreement of the City and the applicant, or in cases where the Director determines that the application is incomplete:
 - (1) To toll the timeframe for incompleteness, the City must provide written notice to the applicant within thirty (30) days of receipt of the application, specifically delineating all missing documents or information required in the application;
 - (2) The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the City's notice of incompleteness; and
 - (3) Following a supplemental submission, the City will notify the applicant within ten (10) days that the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified in Subsection (A)5(d)(1) of this Section. In the

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

(e) Failure To Act: In the event the City fails to act on a request seeking approval for an eligible facilities request under this Section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the City in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.

(f) Interaction With Telecommunications Act Section 332(C)(7): If the City determines that the applicant's request is not an eligible facilities request as delineated in this Chapter, the presumptively reasonable timeframe under Section 332(C)(7), as prescribed by the FCC's shot clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is necessary, the City may request additional information from the applicant to evaluate the application under Section 332(C)(7) reviews.

6. Abandonment And Removal: Prior to approval, affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six (6) months.
7. Decision: Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.
8. Compliance With Applicable Law: Notwithstanding the approval of an application for new WCFs or collocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building structural, electrical and safety requirements as set forth in this Code and any other applicable laws or regulations. In addition, all WCF applications shall comply with the following:
 - (a) Comply with any permit or license issued by a local, State, or Federal agency with jurisdiction of the WCF;
 - (b) Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
 - (c) Be maintained in good working condition and to the standards established at the time of application approval; and
 - (d) Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten (10) calendar days from the time of notification by the City or after discovery by the owner or operator of the site. Notwithstanding the foregoing, any graffiti on WCFs located in the rights-of-way or on other City- owned property may be removed by the City at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within thirty (30) days after receipt of an invoice from the City.
9. Compliance Report: Upon request by the City, the applicant shall provide a compliance report within forty five (45) days after installation of a WCF, demonstrating that as installed and in operation, the WCF complies with all conditions of approval, applicable Code requirements and standard regulations. (Ord. 09, Series of 2017)

10-16-6 : STANDARDS FOR APPROVAL:

(A) It is the intent of the City to provide for approval of WCFs administratively in cases where visual impacts are minimized, view corridors are protected, WCFs utilize appropriate camouflage/concealment design techniques to avoid adverse impacts on the surrounding area, and WCFs are designed, maintained, and operated at all times to comply with the provisions of this Title and all applicable law. Notwithstanding the approval of an application for collocation as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in this Code and any other applicable regulations.

WCFs, which are not eligible facilities requests, shall be evaluated for approval subject to compliance with the design standards of Section 10-16-4 of this Chapter and the following criteria:

1. Base Stations:

- (a) Such facilities shall be architecturally compatible with respect to attachments, and colored to match the building or structure to which they are attached;
- (b) The maximum protrusion of such facilities from the building or structure face to which they are attached shall be six feet (6');
- (c) Wall-mounted WCFs shall not extend above the roofline; and
- (d) Roof-mounted WCFs shall be approved only where an applicant demonstrates a wall mounted WCF is inadequate to provide service and evaluated for approval based upon the following criteria. By filing an application for a roof-mounted WCF, an applicant is certifying agreement to the City's determination that the height extensions described in Subsections (A)1(d)(1) and (A)1(d)(2) of this Section are the maximum heights that will allow the WCF to be camouflaged, and that any additional increase in height will undermine the camouflage nature of the site:
 - (1) Roof-mounted antennas shall extend no more than ten feet (10') above the parapet of any flat roof or ridge of a sloped roof to which they are attached; and
 - (2) Other roof mounted transmission equipment shall extend no more than ten feet (10') above any parapet of a flat roof upon which they may be placed, and shall not be permitted on a sloped roof.

2. Alternative Tower Structures:

- (a) Such structures shall be architecturally compatible with the surrounding area;
- (b) Height and size of the proposed alternative tower structure should be minimized as much as possible;
- (c) WCFs shall be sited in a manner that evaluates the proximity of the facility to residential structures and residential district boundaries;
- (d) WCFs should take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses;
- (e) Compatibility with the surrounding topography;
- (f) Compatibility with the surrounding tree coverage and foliage;
- (g) Compatibility of the design of the site, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness; and

- (h) Impact on the surrounding area of the proposed ingress and egress, if any.
3. WCFs Within Right-Of-Way: An alternative tower structure or small cell facility may be deployed in the right-of-way, including utilization of a traffic signal, street light pole, or similar structure within a public right-of-way. Such facilities shall remain subject to the alternative tower structures standards of approval noted above and subject to the following criteria below:
- (a) The pole or structure is not more than ten feet (10') higher (as measured from the ground to the top of the pole) than any existing utility or traffic signal within five hundred feet (500') of the pole or structure.
 - (b) Any such pole shall in no case be higher than thirty five feet (35').
 - (c) Any new pole for WCFs shall be separated from any other similar pole, accessory equipment or wireless communication facility in the right-of-way by a distance of at least six hundred feet (600').
 - (d) When placed near a residential property, the WCF shall be placed adjacent to the common side yard property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent properties. In the case of a corner lot, the WCF may be placed adjacent to the common side yard property line between adjoining residential properties, or on the corner formed by two (2) intersecting streets.
 - (e) Collocations are strongly encouraged and the number of poles within the right-of-way should be limited as much as possible.
 - (f) Equipment enclosures shall be located out of view as much as possible.
4. All Other Towers: The City shall consider the following factors in determining whether to issue a conditional use approval, although the City may waive or reduce the burden on the applicant of one (1) or more of these criteria if the City concludes that the goals of this Title are better served thereby:
- Height or size of the proposed tower;
 - (b) Proximity of the tower to residential structures and residential district boundaries;
 - (c) Nature of uses on adjacent and nearby properties;
 - (d) Compatibility with the surrounding topography;
 - (e) Compatibility with the surrounding tree coverage and foliage;
 - (f) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (g) Proposed ingress and egress;
 - (h) No new towers shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the applicant proposes to address with its tower application. Evidence submitted to demonstrate that no existing WCF can accommodate these needs may consist of the following:
 - (1) No existing WCFs with a suitable height are located within the geographic area required to meet the applicant's engineering requirements;
 - (2) Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;

(3) The applicant's proposed WCFs would cause electromagnetic interference with the WCFs on the existing WCFs or the existing WCF would cause interference with the applicant's proposed WCF; and

(4) The applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for collocation.

(i) **Setbacks And Separation:** The following minimum setbacks and separation requirements shall apply to all WCFs for which a conditional use approval is required; provided, however, that the City may reduce standard setbacks and separation requirements if the applicant demonstrates that the goals of this Section can be better met by reduced setback and separation requirements that protect the public health and safety, view corridors, or minimize adverse impact. A tower shall meet the greater of the following minimum setbacks from all property lines:

(1) The setback for a principal building within the applicable zoning district or planned development;

(2) Twenty five percent (25%) of the facility height, including WCFs and related accessory equipment;

(3) The tower height, including antennas, if the tower is in or adjacent to a residential district; and

(4) Towers over ninety feet (90') in height shall not be located within one-quarter (1/4) mile from any existing tower that is over ninety feet (90') in height, unless the applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs. (Ord. 09, Series of 2017)

CHAPTER 17 SIGN CODE

10-17-1 : GENERAL PROVISIONS, TITLE:

This Chapter shall be known and may be cited as the *SIGN CODE OF THE CITY OF LITTLETON*. (Ord. 16, Series of 2018)

10-17-2 : SCOPE, INTENT AND PURPOSES:

(A) **Scope:** This Chapter regulates signs, as defined herein, which are located within the corporate limits of the City of Littleton, Colorado ("City"), and over which the City has land use regulatory authority.

(B) **Intent:** By adoption of this Chapter, the City Council intends to create and implement a comprehensive system for the regulation of signs within the scope of this Chapter, with a regulation system that: 1) accommodates the expression rights of the First Amendment to the U.S. Constitution and the corollary provisions of the Colorado Constitution; and 2) comports with all applicable principles of Federal and State constitutional, statutory and administrative law.

(C) **Purposes And Interests Served:** The purposes of this Chapter include, but are not limited to: serving the governmental and public interests in controlling visual clutter, protecting community aesthetics, and safety of drivers, passengers, and pedestrians; 2) aiding in the identification of properties, land uses, and establishments; 3) enhancing the general

appearance and aesthetics of the urban environment; and 4) protecting the natural beauty of the City. (Ord. 16, Series of 2018)

10-17-3 : BASIC PRINCIPLES:

(A) Message Neutrality Policy: It is the policy of the City to regulate signs in a manner that does not favor commercial speech over noncommercial speech and does not regulate protected noncommercial speech by message content.

(B) Message Substitution Policy: A constitutionally protected noncommercial message may be substituted, in whole or in part, for any allowed commercial message or any other protected noncommercial message, provided that the sign structure or mounting device is legal. Any substitution shall require the private property owner's consent. The purpose of this provision is to prevent any favoring of commercial speech over noncommercial speech, or favoring of any particular protected noncommercial message over any other protected noncommercial message. This message substitution policy does not: 1) create a right to increase the total amount of sign display area on a site or parcel; 2) create a right to substitute an offsite commercial message in place of an onsite commercial message or in place of a noncommercial message; 3) affect the requirement that a sign structure or mounting device must be properly permitted; 4) authorize changing the physical method of image presentation (such as digital or neon display) without a permit; or 5) authorize a physical change to the sign structure without compliance with applicable Building Codes, Safety Codes, and neutrally applicable rules for sign size, height, orientation, setback, separation or illumination.

(C) Enforcement Authority: The Community Development Director is authorized and directed to administer and enforce this Chapter. For purposes of this Chapter, Community Development Director shall include all designees of the Community Development Director.

(D) Administrative Interpretations: Interpretations of this Chapter are to be made by the Community Development Director and are to be exercised in light of the foregoing message neutrality and message substitution policies.

(E) Responsibility For Compliance: The responsibility for compliance with this Chapter rests jointly and severally upon the sign owner, the permit holder, all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent or knowledge of the owner and/or other parties holding the legal right to immediate possession and control.

(F) On Site-Off Site Distinction: Within this Chapter, the distinction between onsite signs and off site signs applies only to commercial messages. It does not apply to noncommercial messages. (Ord. 16, Series of 2018)

10-17-4 : DEFINITIONS:

The following listed specific words and terms are defined as follows:

ANIMATED SIGN: Any sign or part of a sign which changes physical position by movement or rotation, or gives the illusion of such change of position, or any changeable copy sign.

ARCADE SIGN: A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade. **This sign is perpendicular to the entry of the building.**



AWNING: A movable shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supporting building.



BANNER: Any flexible material, such as cloth, plastic, vinyl, paper, cardboard or thin metal, with or without a message, attached outdoors to a building, structure or mounting device, or attached indoors to a building, structure or mounting device so as to be visible from the exterior of a building or structure, and used for the purpose of attracting attention.

BILLBOARD: A permanent sign structure in a fixed location which meets any one or more of the following criteria: a) it is used for the display of offsite commercial messages; b) the message display area, or any part thereof, is made available to message sponsors other than the owner(s) or operator(s) of the sign, typically for a fee or other consideration, i.e., general advertising for hire; c) the sign is a principal or secondary use of the land, rather than an appurtenant, accessory or auxiliary use serving some other principal use of the land.

BUILDING CODE: The Building Code of the City of Littleton as adopted by the City Council, including such codes as may be in the future so adopted.

BUILDING FAÇADE: Any exterior building elevation, extending from grade to top of parapet or eave, and sometimes further identified as 'front', 'side', or 'rear'.

BUILDING FRONT: The horizontal, linear dimension of that side of a building which abuts a street, a parking area, a mall, or other circulation area open to the general public; and having either a main window display of the enterprise or a public entrance to the building. (In industrial districts a building side with an entrance open to industrial employees shall also qualify as a building frontage.)

BULLETIN BOARD: A device where members of the public may post notices of public events.

CABINET SIGN: A sign with text or symbols printed on a plastic or acrylic sheet that is mounted on a box or cabinet that houses the lighting source and equipment.



CHANNEL LETTERS: Three-dimensional individually cut letters or figures, illuminated or not illuminated, and affixed to a structure.



CHANGEABLE COPY SIGN: A sign displaying a message that may be changed by means of movable letters, slats, lights, light emitting diodes, or movable background material. Signs utilizing digital or dynamic display or changeable electronic variable message (CEVM) are all within this definition.

COMMERCIAL MASCOT: A person or animal costumed or decorated to function as a commercial advertising device. Includes "sign twirlers", "sign clowns", "human sandwich boards", and persons or animals holding or supporting any sign or advertising device displaying commercial speech or conveying a commercial message. The definition also applies to robotic devices intended to simulate a live person and/or animal.

COMMUNITY DEVELOPMENT DIRECTOR: The Community Development Director or authorized representative charged with the administration of this Chapter.

COPY: The visually communicative elements, including, but not limited to, words, letters, numbers, designs, figures or other symbolic presentation incorporated into a sign with the purpose of attracting attention to the subject matter or message.

DEVELOPER DIRECTION SIGN: A third party sign used to give directions to a residential development area, which shall mean more than a single lot development.

DIGITAL OR DYNAMIC DISPLAY: Display methods utilizing LED (light emitting diode), LCD (liquid crystal display), plasma display, projected images, or any functionally equivalent technology, and which is capable of automated, remote or computer control to change the image, either in a "slide show" manner (series of still images), or full motion animation, or any combination of them.

DIRECTIONAL SIGN: Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot.

DISPLAY SURFACE OR FACE: The display surface is the area made available by the sign structure for the purpose of displaying, or drawing attention to, the communicative image.

DISTANCE OF SIGN PROJECTION: The distance from the exterior wall surface of the building to the outer extremity of a sign attached to a building.

ESTABLISHMENT: Any legal use of land, other than long term residential, which involves the use of structures subject to the Building Code. By way of example, and not limitation, this definition includes businesses, schools, hospitals, hotels and motels, offices and libraries, but does not include single- family homes or mobile homes. Multi-unit housing developments are considered establishments during the time of construction but individual multi-family units are not within the meaning of establishment once a certificate of occupancy has been issued and residency begins.

EXTERIOR WALL SURFACE: The most exterior part of a wall, sun screen or any screening or material covering a building.

EXTERNAL DOWNLIGHTING: Illumination from a light source that is located above a sign, pointing downward, and not contained within a sign or awning.



FEATHER BANNER (Also Known As QUILL BANNER, FEATHER FLAG, QUILL FLAG, Or Other Similar Names): An attention attracting device consisting of a pole with fabric attached, generally in the shape of a feather or quill. The definition applies regardless of whether there is any symbol, text or logo printed on the fabric.

FLAG: A piece of fabric or other flexible material, usually rectangular, of distinctive design, used as a symbol.

FLAGPOLE: A freestanding structure or a structure attached to a building/structure or to the roof of a building/structure and used for the purpose of displaying flags.

FLASHING SIGN: Any directly or indirectly illuminated sign either stationary or animated which exhibits changing natural or artificial light or color effects by any means whatsoever.

GRADE: The average elevation of the ground at the common boundary line of the street, and the property or sidewalk and property lines, not including common boundary lines with freeways.

GROUND SIGN: A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.

HALO ILLUMINATION: Individually mounted opaque, internally backlit letters that illuminate the wall or surface to which the letters are attached.



HUMAN SIGNS: A sign that is continuously held, spun, or attached to a person that advertises a business, commodity, service or product, including persons dressed as mascots.

ILLUMINATED SIGN: A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

INTERNAL ILLUMINATION: Illumination from a light source that is contained within a sign or awning and not visible outside the sign.



JOINT IDENTIFICATION SIGN: A sign which serves as a common or collective identification for two (2) or more establishments on the same lot or adjoining lots which use common entrances or parking facilities.

MARQUEE: A permanently roofed structure attached to and supported by a building, and projecting from the building.

MARQUEE SIGN: A sign attached to, painted on, erected against or extending from a marquee.

MURAL: A piece of artwork painted or applied directly on an exterior wall, ceiling or other permanent exterior surface. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture.

NEW ESTABLISHMENT SIGN: A third party type sign used to advertise and give directions to a new or relocated establishment that has been located or established, within thirty (30) days of the request for the sign.

ON SITE: A location that contains a business, products or services sold or offered to the public.

OFF SITE: A location other than the premises that contains a business, products or services not sold or offered to the public.

PERMANENT SIGN: A sign constructed or installed to remain indefinitely.

PERMANENT SIGN, DETACHED: A permanent sign located on the ground or on a structure located on the ground and not attached to a building. (as described in table 10-2-18 (I)-3)

PORTABLE SIGN: A sign that is not permanently affixed to a building, structure or ground. Portable signs include but are not limited to sandwich board signs that are constructed in such a manner to form an "A" with sign face on each side, and intended to communicate specific information about the business that placed the sign.

PROJECTING SIGN: A sign other than a wall sign which projects from a wall or roof and is supported by a wall or roof of a building.

PUBLIC RIGHTS-OF-WAY: Streets, roadways, highways, alleys, sidewalks, paths, and all other areas or ways owned, dedicated, or conveyed to the public, to be used primarily for vehicle, bicycle, or pedestrian traffic.

ROOF SIGN: A sign erected upon or above the roofline or parapet of the building or structure, including all signs for which any portion of the support structure is attached to a roof.

ROOFLINE: The highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.

ROTATING SIGN: A sign in which the sign itself or any portion of the sign moves in a revolving or similar manner. Such motion does not refer to methods of changing copy.

SAFETY CODES: Those codes, adopted by the City, which state rules for safe construction, including, by way of example and not limitation, building, electrical, grading, and demolition.

SIGN: Any visually communicative image placed on public display and visible from the exterior of any portion of the public right-of-way or place open to passage by the public. For the purpose of defining the regulatory scope of this Chapter, the term "sign" does **NOT** include:

- (A) Decorative or architectural features of buildings (not including lettering, trademarks or moving parts) which do not perform a communicative function, such as stripes around a building;
- (B) Newsracks, newspaper vending devices, newsstands, automated teller machines (ATMs) and self-serve gasoline dispensing devices;
- (C) Cornerstones and foundation stones;
- (D) The legal use of fireworks, candles and artificial lighting not otherwise regulated by this Chapter;
- (E) Grave markers, gravestones, headstones, mausoleums, shrines, and other markers of the deceased;

- (F) Interior graphics which are visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof;
- (G) Manufacturers' marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;
- (H) Doormats, floor mats, welcoming mats and similar devices;
- (I) Personal appearance, such as makeup, masks, wigs, costumes, jewelry, apparel and the like, unless it constitutes a commercial mascot;
- (J) Searchlights used as part of a search and rescue or other emergency service operation (this exclusion does not apply to searchlights used as attention attracting devices for commercial or special events);
- (K) Shopping carts, golf carts, horse drawn carriages, bicycles and similar devices, and properly licensed motorized vehicles that legally pass through the City.

SIGN PERMIT: A permit that authorizes the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to the Building Code of the City and this Chapter.

SIGN STRUCTURE: All supports, uprights, braces and framework of the sign but not including the communicative image.

SITE: A tract, building site, lot, parcel or portion of land separated from other parcels or portions by descriptions as on a subdivision or record of survey map, or by metes and bounds, for the purpose of sale, lease or separate use.

STREET FRONT: Any boundary line of a lot or parcel of land that runs parallel to and within twenty feet (20') of the right-of-way of a street or highway designated and assigned an individual name or number by the legislative action of the City.

STREET PROPERTY LINE: A common boundary between private property and a dedicated street or alley.

SUBDIVISION ENTRANCE SIGN: A permanent sign installed at or near a public entrance to a development.

TEMPORARY SIGN: A sign that is constructed of lightweight or flimsy material, and is easily affixed to a building and removed using ordinary hand tools. Such signs include real estate "FOR SALE", "FOR RENT", and "OPEN HOUSE" signs, garage sale signs, temporary signs identifying the architect, engineer or contractor for work currently under construction, on-site commercial messages, or temporary noncommercial messages including political, election, or ideological signs.

TIME AND/OR TEMPERATURE DEVICES: Signs consisting of devices which provide time and/or temperature information.

USE BY RIGHT: The primary permitted use or accessory use as defined by this Title.

WALL SIGN: A sign attached to, painted on or erected against a wall of a building and whose display surface is parallel to the face of the building upon which the sign is attached.

WIND SIGN: Any sign in the nature of a series of two (2) or more banners, flags, pennants or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind, breeze, or forced air. By way of example only, includes devices known by commercial names such as wind dancer and AirCrow.

WINDOW: For purposes of this Chapter, a window shall be an opening in the wall of a building, said opening to be covered with glass or similar material for the purpose of admitting light and/or air.

WINDOW SIGN: A sign which is applied or attached to the interior of a window only, which sign can be seen through the window from the exterior of the structure. (Ord. 16, Series of 2018; amd. Ord. 35, Series of 2018)

10-17-5 : SIGNS FOR AREAS DEVELOPED AS PLANNED DEVELOPMENTS OR PLANNED DEVELOPMENT OVERLAYS:

Such signs shall be as specified on the approved planned development plan. Further, they shall comply with the purposes of this Chapter as specified in Section 10-17-2 of this Chapter. (Ord. 16, Series of 2018)

10-17-6 : REGULATIONS OF SIGNS:

10-17-6-1 : SIGNS PERMITTED IN ALL DISTRICTS WITHOUT A PERMIT:

The following signs may be erected and maintained in all districts without a permit and without being deducted from other permitted sign face areas:

- (A) Bulletin Boards: One bulletin board per street frontage not over twenty (20) square feet in area.
- (B) Construction Site Signs: A sign mounted on a site where duly permitted, actual construction is currently in progress, not exceeding twelve (12) square feet in image display area.
- (C) Directional Signs: Non Illuminated directional signs not exceeding seven (7) square feet in size per sign. However, if such signs are illuminated then such signs shall be subject to regulation under this Code. Illuminated means having a light that shines on the sign allowing the public to see the sign during night time hours regardless of whether the illumination is used.
- (D) Flags: For purposes of this Section, flags shall consist of the United States flag, flag of any state or political subdivision of the United States, including educational institutions operated by a state or its political subdivisions, flag of any city, flag of any foreign nation, historical flags of the United States flown over any state.
- (E) Signs On Residences: For each dwelling unit, a total sign display area of ten feet (10') is allowed. Such signs may not be used as general advertising for hire. This provision does not override terms of private agreements, contracts and leases between landlords and tenants.
- (F) Signs In Display Windows: Window signs and temporary signs in the display window of an establishment, which are incorporated with a display of merchandise or a display relating to services or products offered.
- (G) Decorations On Display From January 1 To December 31: Such decorations may not be used as general advertising for hire. (Ord. 16, Series of 2018)

10-17-6-2 : SIGNS PROHIBITED AND SIGNS ALLOWED BY SPECIAL PERMIT:

- (A) Signs Prohibited: The following signs shall not be permitted in any zone district:

1. Temporary rotating signs;
2. Portable signs and portable sandwich board signs except as specifically permitted in Subsection 10-17-6-5(C) of this Section 10-17-6;
3. Roof signs; or roof illumination designed to illuminate signs located elsewhere on the building. A building element constructed to only contain a sign shall not be permitted;
4. Billboards, as defined in this Chapter, except as specifically permitted in Subsection 10-17-6- 6(H) of this Section 10-17-6;
5. Price signs at gasoline service stations except as authorized by Subsection 10-17-6-5(F)4 of this Section 10-17-6;
6. Other signs: No person shall erect any sign except as authorized by this Chapter or other ordinance of the City and then only in accordance with the provisions thereof.

(B) Signs Allowed By Special Permit:

1. The following signs shall be allowed for an individual business located in any business, Transitional, **DT**, or industrial zone district by special permit. Not more than four (4) permits may be issued each calendar year for a cumulative period of not more than one hundred twenty (120) days.
 - (a) Hot air balloons and other types of lighter than air objects;
 - (b) Banners, feather banners or wind signs;
 - (c) Flags that are not the flag of the United States, any foreign nation, any state or political subdivision of the United States or political subdivision of this State or flag of a political entity having existed in the United States having historical or cultural significance.
2. Portable sandwich board signs shall be allowed in accordance with the provisions of this Code by special permit. The application for the permit shall be filed with the Community Development Department, together with the required fee.
3. Murals shall be allowed in accordance with the provisions of this Code by special permit. The application shall be filed with the Community Development Department together with the required fee.

(C) Subdivision Entrance Sign: Two (2) permanent subdivision entrance signs shall be allowed. In residential subdivisions, each sign shall be limited to a maximum size of twenty (20) square feet per display face and shall not exceed two (2) faces per sign. In commercial and industrial subdivisions, each sign shall be limited to a maximum size of fifty (50) square feet per display face and shall not exceed two (2) faces per sign. Any subdivision having an entrance sign or signs prior to the effective date of this Section shall be permitted to retain the sign or signs as a grandfathered sign, providing that the sign or signs are not expanded in size.

(D) Display Window Signs: Signs inside display windows visible from the street that are designed to advertise the business as compared to merchandise or displays are not covered by the exception in this Title.

(E) Human Signs:

1. May not exceed 2 feet by 4 feet in size;
2. May not block ingress and egress on any driveway entrance from a public or private street into a parcel;
3. May not obstruct the public sidewalk denying access to persons with disabilities;

4. Require an annual permit from the Community Development Department;
5. May not be placed outside the limits established on the permit.

(F) Rotating Signs:

1. External rotating signs shall be prohibited under this Title. (Ord. 35, Series of 2018)

10-17-6-3 : SIGNS PERMITTED IN SINGLE-FAMILY RESIDENCE ZONES:

Upon application to and issuance by the Community Development Director of a permit therefor, the following signs may be erected and maintained in single-family residentially zoned districts:

- (A) General: Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located and shall be located on the same lot as the use by right.
- (B) Permitted Sign Types: Wall, window.
- (C) Permitted Maximum Number: One sign for each front line of the lot on which the use by right is located.
- (D) Permitted Maximum Sign Area: Three (3) square feet per display face.
- (E) Permitted Location: Permitted signs shall be set back from the boundary lines of the lot on which they are located, the same distance as a structure containing a use by right; provided, however, wall signs may project into the required setback space eighteen inches (18").
- (F) Permitted Illumination: None.
- (G) Animation: Shall not be animated. (Ord. 16, Series of 2018)

10-17-6-4 : SIGNS PERMITTED IN MULTI-FAMILY RESIDENCE ZONED AND TRANSITIONAL ZONED DISTRICTS:

Upon application to and issuance by the Community Development Director of a permit therefor, the following signs may be erected and maintained in multi-family residentially zoned districts and in transitionally zoned T Districts which in the case of such T districts are used for the following purposes: residential use, club or lodge, library or reading room, tourist home.

- (A) General: Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located and shall be located on the same lot as the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single dwelling unit.
- (B) Permitted Sign Types: Wall, window and ground.
- (C) Permitted Maximum Number: One wall or window and one ground sign for each front line of the lot on which the use by right is located.
- (D) Permitted Maximum Sign Area: Three (3) square feet per unit, not to exceed twenty (20) square feet total.
- (E) Permitted Maximum Height Above Grade:
 1. Wall and window signs: Twenty feet (20').
 2. Ground signs: Twelve feet (12').
- (F) Permitted Location:

1. Wall and window signs shall be set back from the boundary lines of the lot on which they are located, the same distance as a structure containing a use by right; provided, however, wall signs may project into the required setback space eighteen inches (18").
 2. Ground signs shall be set back ten feet (10') from the boundary lines of the lot on which they are located, provided that a clear area be maintained to a height of seventy two inches (72"), within fifty five feet (55') of the intersection of two (2) streets, a railroad right-of-way and a street, or a driveway and a street.
- (G) Permitted Illumination: May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.
- (H) Animation: Shall not be animated. (Ord. 16, Series of 2018)

10-17-6-5 : SIGNS PERMITTED IN BUSINESS, TRANSITIONAL, ZONES AND INDUSTRIAL ZONES:

Upon application to and issuance by the Community Development Director of a permit therefor, the following signs may be erected and maintained in business and transitionally zoned T Districts which in the case of such T Districts are used for a commercial parking garage or lot, correctional institution, hospital, medical service center, mortuary, office, post office, studio, restaurant, motel and hotel, and savings and loan association and in industrially zoned districts:

- (A) General: Signs may be erected, altered and maintained only for and by a use by right in the district in which the signs are located and shall be located on the same lot as the use by right.
- (B) Permitted Sign Types: Wall, window, ground, arcade, marquee, projecting, time and temperature signs, murals and portable signs, including signs inside the window designed to be visible from the street and designed to advertise the business as a whole as described herein.
- (C) Permitted Maximum Number: The following table shall be used to determine the maximum number of signs allowed for a use by right. In the following table, the center column indicates the total number of allowed permanent signs, while the far right column indicates how many of the signs listed in the center column may be ground signs. For example, in the first row, the total number of permanent signs is three (3), and of those three (3), not more than one may be a ground sign.

Linear Front Feet Of Lot	Number Of Permanent Signs Allowed	Number Of Ground Signs Allowed
151 or less	3	1
151 to 301	3	2
301 to 451	4	3
451 to 600	5	4
600 or more	5	5

In addition, not more than one portable sign shall be allowed for each street front line on the lot for which the use by right is located. Such portable signs shall be constructed of an approved material and shall contain no more than twelve (12) square feet per display face. No permitted portable sign, tool or vending device shall be located in any public right-of-way, except as provided by this Code.

- (D) Permitted Maximum Sign Area:

1. Each use by right shall be allowed the greater of thirty two (32) square feet, or one square foot of sign area for each one and one-half (1 1/2) linear feet of street frontage with a maximum total area per sign of one hundred (100) square feet per display face, two hundred (200) square feet per sign and three hundred (300) square feet per use; provided, however, that in computing the area of such signs, the measurement of not more than two (2) contiguous front lot lines shall be used. If a lot has two (2) or more uses by right, the same limitations shall apply. However, the basis for measurement of signage for each use by right shall be one square foot of sign area for each one and one-half (1 1/2) horizontal linear feet of that portion of building frontage occupied by the use by right.

When the lot size shall allow only thirty two (32) square feet of signage, an additional one square foot of signage shall be allowed for each two feet (2') of setback of the primary structure on that lot, up to a maximum allowable area of fifty (50) square feet. These building setback provisions shall not apply to those lots which allow signs in excess of fifty (50) square feet due to the amount of linear front footage on that lot.

In addition to the maximum size sign area allowed by this Subsection, the maximum size of wall signs may be increased by twenty five percent (25%) for each ten feet (10') of height above thirty feet (30'), not to exceed two hundred (200) square feet per sign. Example: thirty feet (30') equals one hundred (100) square feet of allowable sign area; forty feet (40') equals one hundred twenty five (125) square feet; fifty feet (50') equals one hundred fifty (150) square feet; etc. Signs shall be limited to one per building face.

2. On those buildings which are not set back from the public right-of-way, one projecting sign not exceeding eighteen (18) square feet per display face or thirty six (36) square feet per sign shall be allowed for each use by right; provided, however, that the sign shall not project into the public right-of-way more than three feet (3'), shall not be lower than eight feet (8') above grade, nor higher than twenty feet (20') of the roofline or parapet wall of the building, whichever is less.

(E) Permitted Maximum Height Above Grade:

1. Wall or window signs: Shall be permitted to the maximum height of the wall structure. Buildings with flat roof: Signs may not project above the parapet wall. Buildings with peaked roof: Signs may not project above the top plate of the wall. Buildings with mansard roof: Signs may not project above fifty percent (50%) of the height of the mansard.
2. Ground, arcade, projecting and marquee signs: Twenty five feet (25').
3. Signs projecting into the public right-of-way as provided in Subsection (F) of this Section: Twenty five feet (25') or not higher than the top plate or parapet of the building, whichever is less.

(F) Permitted Location:

1. Any projecting marquee or wall sign shall be set back from the boundary lines of the lot on which it is located the same distance as a structure containing a use by right; provided, however, that projecting marquee signs may project into the public right-of-way a maximum of forty eight inches (48"). Wall signs, with the exception of murals may project into the public right-of-way a maximum of twelve inches (12").
2. Ground signs shall be located in such a manner so that a clear area is maintained to a height of seventy two inches (72") within fifty five feet (55') of the intersection of the

- edges of rights-of-way of two (2) streets, a railroad right-of-way and a street, or a driveway and a street. No ground sign may project into public rights-of-way.
3. Projecting signs shall be located in such a manner that there is a clearance of at least eight feet (8') above the public right-of-way.
 4. Price signs at gasoline service stations shall be limited to the gasoline pumps and to the allowed ground sign, provided that they are made a part of the ground sign and the price portion of the sign does not exceed twenty five (25) square feet per display face.
 5. Menu ordering signs at restaurants that offer drive through service shall be located within two feet (2') of the curb of the drive through and shall be attached to the ground and the total sign shall not exceed twenty five (25) square feet. The sign may have a separate light at the top designed to illuminate the sign but shall be shielded to force illumination on the sign.
- (G) Permitted Illumination: May be illuminated but only from a concealed light source.
- (H) Animation: Shall not be animated except for changeable copy signs when the following conditions are met:
1. Traffic And Pedestrian Safety: The sign is located in such a manner that it does not interfere with traffic or pedestrian safety. The minimum setback from the front property line shall be twenty feet (20'). At a signalized intersection the minimum setback shall be twenty five feet (25').
 2. Display Face: The display face of the sign must be limited in area to less than thirty two (32) square feet and must be stationary with a change sequence of not more than one change each two (2) seconds.
 3. Constant Light Intensity: Such signs shall maintain a constant light intensity and color during the entire copy display. Mode changes such as reverse, flashing, and inverse flashing are prohibited.
- (I) Joint Identification Signs: Subject to the conditions hereinafter set forth and upon application to and issuance by the building official of a permit therefor, joint identification signs are permitted for two (2) or more uses by right on the same lot as the sign, excluding parking. The following joint identification signs are in addition to all other permissible signs and must comply with all of the following conditions:
1. Permitted Sign Types Of Joint Identification Signs: Wall and ground.
 2. Permitted Maximum Number Of Joint Identification Signs: One sign for each front line of the lot or for each five hundred (500) linear feet of street frontage.
 3. Permitted Maximum Sign Area Of Joint Identification Signs: The total overall size of any joint identification sign shall not exceed one hundred (100) square feet per display face. The allocation of space on the joint identification sign shall be determined by the landlord and the tenants.
 4. Permitted Maximum Height Above Grade Of Joint Identification Signs: Twenty five feet (25').
 5. Permitted Location Of Joint Identification Signs:
 - (a) Wall signs shall be set back from the boundary lines of the lot on which they are located the same distance as a structure containing the use by right. Wall signs may project into the public right-of-way a maximum of twelve inches (12").
 - (b) Ground signs shall be located in such a manner so that a clear area is maintained to a height of seventy two inches (72") within fifty five feet (55') of the

intersection of two (2) streets, railroad right-of-way and a street, or a driveway and a street. No ground sign may project into the public right-of-way.

6. Permitted Illumination Of Joint Identification Signs: May be illuminated but shall not flash, blink or fluctuate.
7. Animation Of Joint Identification Signs: Shall not be animated except for changeable copy signs when the following conditions are met:
 - (a) Location: The sign is located in such manner that it does not interfere with traffic safety. At a signalized intersection the minimum setback shall be twenty five feet (25').
 - (b) Display Face: The display face of the sign must be limited in area to less than thirty two (32) square feet and must be stationary with a change sequence of not more than one change each two (2) seconds.
 - (c) Constant Light Intensity: Such sign shall maintain a constant light intensity and color during the entire copy display. Mode changes such as reverse, flashing, and inverse flashing are prohibited. (Ord. 16, Series of 2018)

10-17-6-6 : TEMPORARY SIGNS:

Upon application to and issuance by the Community Development Director of a permit therefor, the following temporary signs may be erected and maintained and each such permit shall be valid for a period of not more than six (6) calendar months and shall not be renewed for more than four (4) successive periods at the same location:

- () Permitted Sign Types Of Temporary Signs: Wall and ground.
 - (B) Permitted Number Of Temporary Signs: A minimum of one sign for each lot or designated land area on which the signs are to be located. The maximum number of permitted signs shall be determined by the total sign area permitted as defined in Subsection (C) of this Section.
 - (C) Permitted Sign Area Of Temporary Signs: Fifty (50) square feet plus one square foot per acre of the designated land area, with no single sign exceeding one hundred (100) square feet per display face.
 - (D) Permitted Maximum Height Above Grade Of Temporary Signs: Twelve feet (12').
 - (E) Permitted Location Of Temporary Signs: Wall signs shall be set back from the boundary lines of the lot on which they are located the same distance as a structure containing a use by right; provided, however, wall signs may project into the required setback space eighteen inches (18"). Ground signs may project into the required setback space eighteen inches (18"), provided that a clear area be maintained to a height of seventy two inches (72") within fifty five feet (55') of the intersection of two (2) streets, a railroad right-of-way and a street or a driveway and a street. No ground sign may project into the public right-of-way.
 - (F) Permitted Illumination Of Temporary Signs: Temporary signs may not be illuminated in a single-family residential zone, but may be illuminated from a concealed light source only in other zones so long as they do not flash, blink, fluctuate or use intermittent light or digital display.
 - (G) Animation Of Temporary Signs: Shall not be animated.
 - (H) Developer Direction Signs: Developer direction signs shall meet the following criteria:

1. Shall not exceed thirty two (32) square feet per display face or sixty four (64) square feet per sign.
2. Shall not exceed twelve feet (12') in height.
3. Signs allowed shall be limited to not more than two (2) signs for each project.
4. The location of the sign shall be located on the nearest major arterial street only. No sign shall be allowed for a development which is located on a completed and through major arterial or on lesser streets when the traffic count on said streets exceeds that for a minor arterial street.
5. A building permit shall be required which makes the sign valid for a period not to exceed twenty four (24) months or the duration of the project, whichever occurs first. The expiration date of the permit shall be affixed on the sign.
6. When two (2) or more developers utilize the same sign, the size of the sign may be increased by a factor equal to the number of users except that no such sign shall exceed one hundred (100) square feet per display face or two hundred (200) square feet per sign.
7. Shall be arranged so as to minimize impacts on traffic safety and visibility and impact on adjacent residential areas.
8. Shall not be sandwich board or portable signs.
9. Shall be affixed in a manner to minimize the possibility that the forces of nature will destroy or remove said sign.
10. Shall be made of materials which will not deteriorate over the life of the sign.

(I) New Establishment Signs: New establishment direction signs may be erected only after approval by the Director of Community Development. Approval is automatic when signs meet all of the following criteria:

1. Shall not exceed thirty two (32) square feet per display face or sixty four (64) square feet per sign.
2. Shall not exceed twelve feet (12') in height.
3. Number of signs is limited to one sign per establishment.
4. A new establishment sign shall be located no nearer than one hundred feet (100') from any other sign unless they are placed on an existing pedestal. No sign shall be allowed for a new or relocated establishment which is located on a completed and through major arterial or on such lesser street when the traffic on said street exceeds the traffic level normally established for a minor arterial.
5. A building permit shall be required which makes the sign valid for a period of not to exceed six (6) months. The expiration date of the permit shall be affixed on the sign.
6. Shall be arranged so as to minimize impacts on traffic safety and visibility and impact on adjacent residential areas.
7. Shall not be sandwich board or portable signs.
8. Shall be affixed in a manner to minimize the possibility that the forces of nature will destroy or remove said sign.
9. Shall be made of materials which will not deteriorate over the life of the sign.

(J) Portable Sandwich Board Signs: Portable sandwich board signs may be permitted in accordance with this Subsection.

1. Portable sandwich board signs shall require a separate permit or be indicated separately on a sign application.
 2. The sign may not be more than two feet (2') wide nor more than four feet (4') tall.
 3. If it is to be located on private property, a sign permit is still required.
 4. The sign may be located in the public right-of-way subject to the following:
 - (a) Based on the diagram submitted by applicant, the City determines that there is sufficient clearance in the public right-of-way to meet all Americans With Disabilities Act requirements permitting individuals with disabilities full access of the public sidewalks.
 - (b) The sign will not block any traffic control devices; utility infrastructure and telecommunications facilities and will not interfere with or damage any landscaping, public or private.
 - (c) The sign shall be placed, constructed or designed in such a manner not to be disturbed by natural forces such as wind, rain, hail or snow or to fall down if bumped into.
 - (d) The sign placement shall not interfere with ingress or egress from legally parked vehicles.
 - (e) Signs may only be placed on the right-of-way during business hours and must be removed during non-business hours.
 - (f) No off-premises portable signs under this Subsection shall be permitted.
 - (g) If six feet (6') is not available or the City right-of-way is less than six feet (6') in width, the sign must be placed flat against the building and in such a manner as to avoid falling down or obstructing use of the sidewalk.
 5. Sign permits under this Subsection shall be valid for one year and must be renewed. Failure to comply with this Subsection shall be grounds for denial of a sign permit or renewal.
 6. Only one sign shall be permitted per each property fronting on a street; however, multiple businesses located in the same store front property may be identified on the single sign.
 7. The applicant shall be required to execute an indemnification agreement indemnifying the City and its officials from any cause, action, damages, expenses or claim arising out of injuries on the public right-of-way from the use of, location and/or placement of the portable sign.
 8. Planned development zones that prohibit such signage shall govern notwithstanding this Subsection.
- (K) Temporary Signs Associated With A Non-Commercial Event, Including But Not Limited To Political Signs, Election Related Signs Or Any Other Type Of Political Sign: Temporary signs include those associated with noncommercial events, such as a community fair and subject to the following requirements:
1. Message substitution: An election or political message is permitted on, any otherwise duly permitted or allowed sign under this Chapter, provided it conforms to the size and height limitations of such sign.
 2. Time limitation: For purposes of election-related signs, the sign shall be removed within ten (10) calendar days after the event. The event is defined as the primary or general election day.

3. Size limitation: Six (6) square feet per side; twelve (12) square feet maximum/four feet (4') maximum height.
4. Location: Permitted in all districts. (Ord. 16, Series of 2018)

10-17-6-7 : LOW PROFILE SIGNS:

Signs of a low profile planter type design which are not more than six feet (6') in height, may exceed the maximum area regulations for that specific lot, provided that an application is submitted to and approved by the Community Development Director and the location of the sign is not in conflict with Subsections 10-17-6-5(F)2 and (I)5 of this Chapter. An applicant may appeal a rejection of a sign application under this Subsection or request additional signs to the Board of Adjustment. (Ord. 16, Series of 2018)

10-17-6-8 : SHOPPING CENTERS; SIGNS PERMITTED:

Upon application to and issuance by the Community Development Director of a permit therefor, the following signs may be erected and maintained in shopping centers. Signs that require a separate structure from the physical building may also require a building permit and be reviewed in accordance with the City's adopted Building Code:

- (A) General: Signs may be erected, altered and maintained only for and by a use by right at the shopping center in which the establishment is located and such signs shall be located in the same general frontage area as the use by right.
- (B) Permitted Sign Types: Sign types shall be wall, window, arcade, or marquee signs. Ground signs shall be allowed only as the shopping center identifier or as a joint identification sign as specified in Subsection 10-17-6-5(I) of this Chapter. Individual pads within the shopping center may be allowed a low profile monument type sign upon application to and approval by the Director of Community Development if the conditions of Section 10-17-6-7 of this Chapter have been met.
- (C) Permitted Maximum Number: The maximum number of signs allowed to a use by right shall be three (3).
- (D) Permitted Maximum Sign Area: Each use by right shall be allowed fifty (50) square feet of sign area or one square foot of sign area for each one and one-half (1 1/2) linear feet of building frontage or one square foot of sign area for each thirty (30) square feet of gross floor area, whichever is greater. The maximum total sign area allowed shall be limited to two hundred (200) square feet per use by right.
- (E) Permitted Maximum Height Above Grade:
 1. Wall or window signs: Forty feet (40').
 2. Ground signs used as shopping center identifiers: Thirty feet (30').
 3. Low profile monument signs: Six feet (6').
- (F) Permitted Location:
 1. Any projecting marquee or wall sign shall be located upon the structure in the same general area as the use by right. Projecting signs may project into the public right-of-way a maximum of thirty six inches (36"). Wall signs may project into the public right-of-way a maximum of twelve inches (12").
 2. Ground signs shall be located in such a manner so that a clear area is maintained below them to a minimum height of seventy two inches (72") if said signs are located within fifty five feet (55') of the intersection and the edges of the rights-of-way of two

(2) streets, a railroad right-of-way and a street, or a driveway and a street. No ground sign may project into any public right-of-way.

(G) Permitted Illumination: Shopping center signs may be illuminated but only from a concealed light source.

(H) Animation: Shall not be animated except for changeable copy signs when the following conditions are met:

1. Location: The sign is located in such a manner that it does not interfere with traffic or pedestrian safety. The minimum setback from the front property line shall be twenty feet (20'). At a signalized intersection the minimum setback shall be twenty five feet (25').
2. Display Face: The display face must be limited in area to less than sixty (60) square feet and must be stationary with a change sequence of not more than one change each two (2) seconds.
3. Constant Light Intensity: Such sign shall maintain a constant light intensity and color during the entire copy display. Mode changes such as reverse, flashing and inverse flashing are prohibited. (Ord. 16, Series of 2018)

10-17-7 : ADMINISTRATION:

10-17-7-1 : SIGN AREA MEASUREMENT:

The area of a sign shall be measured in conformance with the regulations as herein set forth provided that the structure or bracing of a sign shall be omitted from measurement unless such structure or bracing is made part of the message or face of the sign. Where a sign has two (2) or more display faces, the area of all faces shall be included in determining the area of the sign.

(A) Signs With Backing: The area of all signs with backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the areas of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

(B) Signs Without Backing: The area of all signs without backing or a background, material or otherwise, that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), emblems or figures of similar character including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.

(C) All Other Signs Or Combinations Thereof: The area of any sign having parts both with and without backing shall be measured by determining the total area of all squares, rectangles, triangles, portions of a circle or any combination thereof constituting the smallest single continuous perimeter enclosing the extreme limits of any of the following combinations; the display surface or face of the sign including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support for parts of the sign that have backing and each word, written representation (including any series of letters), emblems or figures of a similar character including all frames, face plates,

nonstructural trim or other component parts not otherwise used for support for parts of the sign having no backing. (Ord. 16, Series of 2018)

10-17-7-2 : REGISTRATION OF EXISTING SIGNS:

(Rep. by Ord. 49, Series of 1988)

10-17-7-3 : NONCONFORMING SIGNS:

(A) Declaration Of Public Policy: It is reasonable that a time limit be placed upon the continuance of existing nonconforming signs. An amortization program permits the owner to plan during a period when he is allowed to continue the nonconforming signs while at the same time assuring that the district in which the nonconforming signs exist will eventually benefit from a substantial uniformity of permanent signs.

(B) Definition Of Nonconforming Signs: A nonconforming sign shall be any sign which:

1. On the effective date hereof was lawfully maintained and had been lawfully erected in accordance with the provisions of any prior zoning ordinance, but which sign does not conform to the limitations established by this Chapter in the district in which the sign is located; or
2. On or after the effective date hereof was lawfully maintained and erected in accordance with the provisions of this Chapter, but which sign, by reason of amendment to this Chapter after the effective date thereof, does not conform to the limitations established by the amendment to this Chapter in the district in which the sign is located.

(C) Continuance Of Nonconforming Signs: Subject to the termination hereinafter provided, any nonconforming sign may be continued in operation and maintained after the effective date hereof; provided, however, that no such sign shall be changed in any manner that increases the noncompliance of such sign with the provisions of this Chapter established for signs in the district in which the sign is located; and provided, further, that the burden of establishing a sign to be nonconforming under this Section rests entirely upon the person or persons, firm or corporation claiming a nonconforming status for a sign.

1. One stay of any portion of this amortization schedule may be granted by the Board of Adjustment for a period of six (6) months, if substantial attempt at compliance is proven.
2. Any owner or operator of a nonconforming sign in a newly annexed area shall terminate such nonconforming sign in accordance with the schedule set forth in this Section, with the effective date of the annexation ordinance being the start of the time limitation.

(D) Termination Of Nonconforming Signs:

1. By Abandonment: Abandonment of such nonconforming sign shall terminate immediately the right to maintain such sign.
2. By Violation Of This Chapter: Any violation of this Chapter shall terminate immediately the right to maintain a nonconforming sign.
3. By Destruction, Damage Or Obsolescence: The right to maintain any nonconforming sign shall terminate and shall cease to exist whenever the sign is damaged to the extent that the cost of repair would be greater than fifty percent (50%) of the replacement cost, or destroyed, from any cause whatsoever, or becomes obsolete or

- substandard under any applicable ordinance of the Municipality to the extent that the sign becomes a hazard or a danger.
4. By Amortization: The right to keep, own, use, maintain or display signs prohibited by the terms of this Chapter within the City as a legal nonconforming use shall cease and terminate in accordance with the following schedule:
- (a) The use of searchlights shall cease on the effective date hereof.
 - (b) Animation, fluctuation, rotation or flashing of any sign within the City shall cease on the effective date hereof.
 - (c) The use or display of banners, pennants, balloons, wind operated signs and other portable signs which would cost less than one hundred fifty dollars (\$150.00) to replace shall cease on the effective date hereof.
 - (d) The use or display of banners, pennants, balloons, wind operated signs and other portable signs which would cost one hundred fifty dollars (\$150.00) or more to replace shall cease on the effective date hereof.
 - (e) The use or display of any permanently attached legal nonconforming sign shall cease within three (3) years of the effective date hereof, subject to the following:
 - (1) That the City recognizes a reasonable and proper amortization period of seven (7) years from the date of the initial installation of such signs or the date of the renovation of such signs where the cost of renovation exceeded sixty percent (60%) of the initial cost of the sign, whichever comes later. Provided, however, that any such renovation shall have been completed on or before the effective date hereof.
 - (2) That it shall be the responsibility of the owner or lessee of an affected sign to prove to the City that the grace period described above would constitute a period of amortization less than the permitted seven (7) years. Business records indicating the date of initial installation or the date and cost of renovation shall be acceptable to the City. Upon presentation to and acceptance by the City of such business records, the City shall issue a special permit extending the grace period until the full seven (7) year amortization period is realized. (Ord. 16, Series of 2018)

10-17-7-4 : PERMITS, INSPECTIONS AND MAINTENANCE:

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, convert or demolish any sign in the City, or cause the same to be done, without first obtaining a separate sign permit for each such sign, pursuant to this Chapter of the City, subject to the exceptions contained herein.

- (A) Permits: In addition to the information required to be contained by this Chapter, each application for a sign permit shall also contain or be accompanied by the following information:
- 1. Name and address of owner of the sign.
 - 2. Name and address of owner of the premises where the sign is located or to be located.
 - 3. Name and address of person entitled to possession of premises where sign is located or to be located.
 - 4. Plot plan definitely showing the location of the sign which is the subject of the permit and all other existing signs on the same premises.

5. Plans showing the dimensions, supports, sizes and materials of sign.
6. Statement of valuation of all materials and labor incorporated in sign.

(B) Inspections: All signs shall be subject to inspections by the Community Development Director and all other persons duly authorized for such purposes under the ordinances of the City.

(C) Maintenance: Every sign in the City, including, but not limited to, those signs for which no permits or permit fees are required, shall be maintained in good structural condition at all times. All signs, including such exempted signs, shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant materials. The Community Development Director shall inspect and have the authority to order the painting, repair, or removal of a sign which shall constitute a nuisance or hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, or which shall constitute such a hazard for any other reason. (Ord. 16, Series of 2018)

10-17-7-5 : NUISANCE AND ABATEMENT:

(A) Signs Declared Nuisance: The Community Development Director may declare any sign found to be a nuisance or hazard to safety, health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, to be a public nuisance. Any such declaration shall state the reasons of the Community Development Director for such declaration. Any sign owned, kept, displayed or maintained by any person within the City, the ownership, keeping, display or maintenance of which is unlawful pursuant to the provisions of this Chapter, is hereby declared to be a public nuisance. The Community Development Director may declare any such unlawful sign to be a nuisance, and any such declaration shall state the reason or reasons why such sign and the keeping, owning, maintenance and display or operation thereof are unlawful under the terms of this Chapter.

(B) Enforcement: The Community Development Director is authorized and directed to enforce all provisions of this Chapter including the authority to review and approve or deny sign permits. For such purpose, the Community Development Director shall have the powers to enter at reasonable times any building, structure, or premises in the City to perform any duty imposed upon him or her by this Chapter with the consent of the lawful occupant of the premises or upon probable cause to obtain an inspection warrant.

(C) Failure To Comply: A failure to comply with the provisions of this Chapter shall be unlawful, and subject to the penalties in Section 1-4-1 of this Code. Any person violating or failing to comply with any of the provisions of this Chapter shall, upon conviction thereof, be punished as provided in Section 1-4-1 of this Code. Such penalty shall not relieve any person from fully complying with the requirements of this Chapter or from any other penalties prescribed in this Chapter.

(D) Remedies: If any sign or sign structure is erected, constructed, displayed, maintained or used in violation of this Chapter, the Community Development Director may institute any appropriate action or proceedings to correct such violation. The imposition of any penalty under this Section shall not preclude the Community Development Director from instituting any appropriate action or proceeding to require compliance with the provisions of this Chapter and with administrative orders and determinations made under this Chapter.

(E) Removal: Any sign in violation of this Chapter may be removed in accordance with this Chapter. When removal of a sign is required, the entire sign and all supporting structures

shall be removed. Signs painted directly on an exposed brick, stone, or concrete wall shall be removed by a process that strips the entire sign from the wall, not by painting over the sign. Placement of signs in medians, parks, open space areas, on any traffic control device, in any rights-of-way without authorization, or in a manner impairing traffic or pedestrian visibility is prohibited, such signs being subject to immediate removal without notice to the owner.

(F) Notice To Repair Or Remove And Creation Of Lien: In addition to any other violation or penalty provided for in this Chapter, the Community Development Director shall give notice to the owner or to any person occupying such property that the sign on his or her premises is in violation of the provisions of this Chapter. The party receiving notice from the City may request a hearing before the City Manager or a Hearing Officer appointed by the City for such purpose. Upon an adverse decision after such a hearing, the City Manager shall, upon determination of costs incurred by the City, certify the costs for collection to the County Treasurer. The cost shall include the cost of removal, a five percent (5%) inspection fee and if unpaid after thirty (30) calendar days of receiving notice a ten percent (10%) collection fee. Unpaid amounts shall bear interest at the rate of twelve percent (12%) per annum commencing on the date of imposition of the collection fee until paid.

1. Notice may be sent by registered or certified United States mail return receipt requested to the address of the property and the address of the owner on the tax roll of the County. In the event that the person in possession of the property of the owner as set forth on the tax rolls may not be located, the notice may be served by publication in a newspaper of general circulation in the City or by personal service upon any person of reasonable age and discretion residing at the address on the tax roll.
2. The person in lawful possession of the property or the owner of the property as set forth on the tax roll shall have seven (7) calendar days to file a written request with the Community Development Director for a hearing before the City Manager.
3. The decision of the City Manager or Hearing Officer appointed for such purpose is final and not subject to any further review.

(G) Notification And Collection Of Costs: The Community Development Director shall notify the owner or occupant of the premises of the total costs, including penalties and collection fees incurred for such repair or removal of the sign. If the owner or occupant shall fail within thirty (30) days after the notification to pay the entire costs and expenses of such repair or removal, the collection fee shall be imposed and such costs and expenses shall become a lien against the property. The Finance Director of the City shall certify the costs and expenses to the Treasurer of the appropriate county for collection in the same manner as General Property Taxes are collected.

(H) Total Costs: The amount certified by the Director of Finance to the County Treasurer for collection shall include the actual cost of repair or removal of the sign, plus any costs associated with any penalty, collection fee and interest for the cost of collection.

(I) Liens: Each such assessment shall be a lien against each lot or tract of land assessed, until paid, and shall have priority over all other liens except general taxes and prior special assessments.

(J) Ownership: For all purposes hereof, the owner of the premises shall be presumed to be the owner of all signs thereon, unless the contrary shall appear from facts brought to the attention of the Community Development Director.

1. Identification And Marking: Each sign, requiring a permit under the terms of this Chapter, hereafter erected or remodeled shall bear, in a permanent position thereon,

a clearly legible identification plate stating the name and address of the owner of the sign, and the person responsible for its construction and erection, and the date of erection. Electrical signs shall be marked with input amperes at full loss input.

2. Allowable Stresses, Materials And Engineering Standard: The design of all members shall conform to the requirements of the Building Code. Loads, both vertical and horizontal, shall not produce stresses exceeding those specified in the Building Code; and materials, construction and structures shall be of the quality and grade required by the Building and Sign Codes. All signs and structures shall be designed and constructed to meet Building Code requirements. (Ord. 16, Series of 2018)

10-17-7-6 : ILLEGAL SIGNS; SIGN CODE TO GOVERN IN EVENT OF CONFLICT:

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, convert, maintain, own, or display any sign prohibited by the terms of this Chapter, within the City, and the terms and provisions of this Chapter shall prevail in the event of any conflict between the provisions hereof and any ordinance of this City heretofore enacted or in the event of any conflict between the provisions hereof and any other provisions of the zoning ordinance other than this Chapter. (Ord. 16, Series of 2018)

10-17-7-7 : SEVERABILITY AND TRANSITION OF SIGN CODE:

If for any reason any one or more sections, sentences, clauses or parts of this Chapter are held invalid, such judgment shall not affect, impair or invalidate the remaining revisions of this Chapter, but shall be confined in its operations to the specific sections, sentences, clauses or parts of this Chapter held invalid and the invalidity of any section, sentence, clause or part of this Chapter or in any one or more instances shall not affect or prejudice in any way the validity of this Chapter in any other instance.

All offenses committed and all liabilities incurred prior to the effective date hereof, shall be treated as though all prior applicable ordinances and amendments thereto were in full force and effect for the purpose of sustaining any proper suit, action or prosecution with respect to such offenses and liabilities. Nothing herein contained shall be taken to authorize or to make lawful or to permit a period of amortization for any nonconforming sign or billboard or device which was not a legal nonconforming use prior to the effective date hereof. (Ord. 16, Series of 2018)

10-17-7-8 : REMEDIES NOT EXCLUSIVE:

In the event that any sign shall be declared a public nuisance by the Community Development Director, the City Attorney is hereby authorized on behalf of the City to bring action to abate and enjoin any such nuisance, and for damages, and for the cost of abatement, in addition to any other remedies which may be sought under this Chapter, or action, or remedy exercised hereunder, shall be exclusive, and none shall preclude the bringing of any charges of violation, or the exercise of any other remedy hereunder. (Ord. 16, Series of 2018)

10-17-7-9 : ORDERS OF THE COMMUNITY DEVELOPMENT DIRECTOR:

When it is the opinion of the Community Development Director that a violation of this Chapter exists, a written order shall be issued to the alleged violator. The order shall specify those Chapter sections of which the individual is alleged to be in violation. The written order shall specify a period of not more than seven (7) calendar days from the date of the order, excluding Sunday and legal holidays as defined by the State to correct the alleged violation. The time specified in the order shall depend on the difficulty of removing the unlawful sign. (Ord. 16, Series of 2018)

10-17-7-10 : APPEAL TO AND REQUEST FOR VARIANCE FROM BOARD OF ADJUSTMENT:

(A) Any aggrieved person who believes the alleged violation as contained in the order of the Community Development Director is factually or legally contrary to the provisions of this Chapter, may appeal the same to the Board of Adjustment, hereinafter sometimes referred to as the "board", in a manner provided by such board. Unless the appeal indicates that the relief requested includes a variance, the Board of Adjustment shall only act on the appeal of the order. An aggrieved person may request that the board grant a variance from the requirement of this Chapter. The filing of such request shall be in the manner provided by the board. Notwithstanding the foregoing, any order requiring demolition or removal of the sign as a nuisance pursuant to Section 10-17-7-5 of this Chapter may only be appealed in accordance with that Section and the Board of Adjustment shall have no jurisdiction over such appeals.

(B) Any aggrieved person may also appeal to the board any decision of ruling of the Community Development Director involving the interpretation of any provision or term of this Chapter. Before the board hears an appeal, however, from a ruling of the Community Development Director that a particular proposed structure will itself constitute a sign, for which reason the Community Development Director has refused to issue a sign permit, the board shall receive a written determination from the Community Development Director or designee on the application for a sign permit and the basis for the decision by the Community Development Director or designee.

(C) The board shall have no jurisdiction to hear an appeal from an order of the Community Development Director unless such appeal is filed with the Community Development Department within twenty eight (28) calendar days from the date of such order. In every appeal before the board, the burden of proof shall be on the Community Development Director to support the alleged violation by a preponderance of the evidence.

(D) The application requesting a variance before the board shall be submitted with the fee established by the City Council for such hearings. (Ord. 16, Series of 2018)

10-17-7-11 : VARIANCES:

In every case in which a request for a variance from the requirements of this Chapter has been filed, the board shall not grant a variance unless it specifically finds each and every one of the following conditions to exist:

(A) There are special circumstances or conditions such as the existence of buildings, topography, vegetation, sign structures or other matters on adjacent lots or within the adjacent public right-of-way, which would substantially restrict the effectiveness of the sign in question; provided, however, that such special circumstances or conditions must be peculiar to the particular business or enterprise to which the applicant desires to draw attention, and do not apply in general to all businesses or enterprises in the area.

(B) The variance would be in general harmony with the purposes of this Chapter, and specifically would not be injurious to the neighborhood in which the business or enterprise to which the applicant desires to draw attention is located.

(C) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.

(D) The board may grant a variance subject to any conditions which it deems necessary or desirable to make the device which is permitted by the variance compatible with the purposes of this Chapter. (Ord. 16, Series of 2018)

10-17-7-12 : EFFECT OF FAILURE TO APPEAL:

The order of the Community Development Director or designee shall become a final order of the Board of Adjustment upon the occurrence of any of the following events:

(A) The failure of the applicant to appeal the order of the Community Development Director to the Board of Adjustment within the prescribed period of time for bringing such appeal.

(B) The failure of the applicant to appeal the order of the Board of Adjustment to a court of competent jurisdiction within the prescribed period of time for bringing such appeal.

(C) When the judgment of a court of competent jurisdiction becomes final, as determined by the rules of such court. (Ord. 16, Series of 2018)

10-17-8 : PRIVATE PARTY SIGNS ON CITY PROPERTY AND IN PUBLIC RIGHTS-OF-WAY:

10-17-8-1 : PURPOSE AND INTENT:

(A) Purpose: The purpose of this Section is to identify what types of private party signs are allowed to be displayed on City property and in the public right-of-way, and the specific standards under which they may be displayed.

(B) Intent: The City declares its intent that all City property shall not function as a designated public forum, unless some specific portion of City property is designated herein as a public forum of one particular type; in such case, the declaration as to public forum type shall apply strictly and only to the specified area and the specified time period, if any. (Ord. 16, Series of 2018)

10-17-8-2 : PRIVATE PARTY SIGNS:

(A) Private parties may not display or post signs on City property or in public easements or rights-of-way, except as specifically allowed in this Chapter.

(B) Private party posted signs on traffic control devices, including signals, caution signs, City, County and State highway directional, reassurance and informational signs, streetlights and power poles are deemed a public nuisance and may be immediately removed and confiscated, notwithstanding any other provisions of this Chapter. Notice may be given to the owner if such information is available. Failure to pick up the signs within three (3) business days shall result in the City discarding such signs. (Ord. 16, Series of 2018)

10-17-8-3 : PERSONALLY HELD SIGNS IN TRADITIONAL PUBLIC FORUM AREAS:

In areas qualifying as traditional public forums, such as the surfaces of City streets, parks and sidewalks, as well as the surface of exterior areas immediately around Littleton Center (and not including interior areas of the Littleton Center or park ramadas, gazebos and playgrounds), persons may display signs, subject to all of the following:

- (A) Each sign must be personally held by a person, or personally attended by one or more persons. "Personally attended" means that a person is physically present within three feet (3') of the sign at all times.
- (B) The signs may be displayed only during the time period of sunrise to sunset, except on evenings when a public meeting is being held at Littleton Center and on days when the polls are open; on such occasions, the display may continue until one hour after the close of the public meeting or one hour after the close of the polls.
- (C) The maximum aggregate size of all signs held by a single person is ten (10) square feet.
- (D) The maximum size of any one sign, which is personally attended by two (2) or more persons, is fifty (50) square feet.
- (E) In order to serve the City's interests in traffic flow and safety, persons displaying signs under this Section may not stand in any vehicular traffic lane or parking space or in a way that interferes with vehicle sight distance at intersections or crosswalks, and persons displaying signs on public sidewalks must give at least five feet (5') width clearance for pedestrians to pass by.
- (F) This Section does not override the Municipal Election Code or Uniform Election Code, which prohibits sign display and electioneering near polling places on election day. (Ord. 16, Series of 2018)

10-17-8-4 : CITY-PLACED SIGNS:

- (A) The following signs may be placed by the City or other governmental unit on City property or in the public right-of-way:
 - 1. Traffic control, traffic directional, warning or street identification signs erected by the City, another governmental unit or public utility;
 - 2. Official notices required by law;
 - 3. Signs or notices placed by the City or other governmental unit in furtherance of its governmental functions or proprietary capacity;
 - 4. Signs expressing the City's own message to the public.
- (B) Banners may be placed by the City on City property or in the public right-of-way for any message, event or program.
- (C) Wayfinding directional signs may be placed by the City on City property or in the public right-of-way, based upon selection, location, and design criteria established by the City Manager, or designee. Such wayfinding directional signage shall be permitted for the following:
 - 1. Public and quasi-public buildings and facilities, such as City, County, State and Federal buildings and light rail facilities;
 - 2. City and south suburban parks and recreation facilities, such as parking lots, recreation centers, parks and trails;
 - 3. Cultural/historical/tourist destinations, such as museums, libraries, and courthouses;
 - 4. Points of public interest, such as Hudson Gardens;

5. City entries and neighborhood entries;
6. Locations or destinations where wayfinding signage would be of public benefit; and
7. Local establishments.

(D) All City placed signs shall be installed by the City. (Ord. 16, Series of 2018)

10-17-8-5 : REMEDIES AND PENALTIES:

Any sign posted on City property, contrary to the provisions of this Chapter, which poses an immediate threat to public safety may be summarily removed as a trespass and a nuisance by the City. Upon removal or with respect to signs that do not pose an immediate threat to public safety, the City shall make reasonable efforts to contact the sign owner and inform the owner of the reason for the removal or nonconformance. Any sign that has been properly removed under this Chapter shall be returned to the owner upon request; provided, however, that if no request is made for the return of the sign, the Community Development Director, or designee, is authorized to destroy or dispose of the removed sign not earlier than twenty one (21) consecutive days after the removal of such sign. (Ord. 16, Series of 2018)