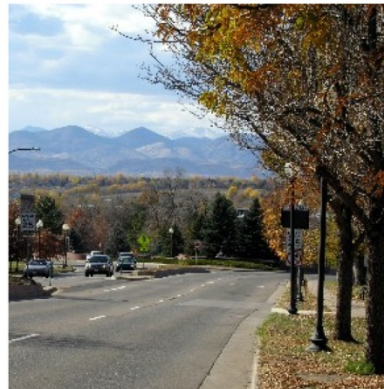


CLARION

CLARION ASSOCIATES, LLC



# LITTLETON, COLORADO

Reorganized Zoning Code  
with Revised Use-Related Regulations

STAFF DRAFT | JULY 2016



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# Title 10: Littleton Unified Zoning Ordinance

## Chapter 1: General Provisions

### 10-1-1 Title<sup>1</sup>

The provisions of this title shall be known and may be cited as the Littleton Unified Development Ordinance.

### 10-1-2 Authority

[TO BE ADDED]<sup>2</sup>

### 10-1-3 Purpose<sup>3</sup>

- (A) The purposes of the zoning regulations in this Title 10 are 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.
- (B) The purposes of the subdivision regulations in this Title 10 are:
1. To promote the health, safety, convenience and general welfare of the citizens of the city.
  2. To establish standards of subdivision design which will encourage the development of sound, economical and stable neighborhoods, to ensure a healthy living environment, and to protect the natural environment.
  3. To provide for lots of adequate size, configuration, and appropriate design for the intended uses.
  4. To encourage subdivision design flexibility and imagination.
  5. To provide for streets and walkways of appropriate capacity and construction with adequate measures to ensure safe movement of pedestrian and vehicular traffic.
  6. To ensure the provision of efficient, adequate and economical utilities, services and improvements.
  7. To provide for the coordination of subdivision development with requirements of schools, parks, recreation areas and other community facilities, and to ensure the provision of such facilities.

---

<sup>1</sup> Replaces zoning and subdivision titles in current 10-1-1 and 11-1-1.

<sup>2</sup> [To Be Added] Notes indicate sections where the February 2015 Littleton Zoning Ordinance Assessment and Annotated Outline indicated that the reorganized zoning ordinance should have content, but that the current Littleton Zoning Ordinance does not address. These sections will be added in later phases of the Littleton Zoning Ordinance update process.

<sup>3</sup> Combines content of current 10-1-3(A) and 11-1-2.

8. To ensure the desirable development of the community through the adherence to accepted principles of land use, intensity of development, distribution of growth, preservation of natural amenities and other elements of the city's development plans.

## 10-1-4 Applicability<sup>4</sup>

---

### (A) Zoning Regulations

---

The zoning regulations in this Title 10 apply as follows:

#### 1. 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 board, the regulations for zone districts established by this Title 10, 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].

#### 2. 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.

#### 3. 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.

#### 4. 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 10, shall be issued only when the activity being authorized is in full compliance with the provisions of this Title 10 and other applicable provisions of this Code, including any codes adopted by reference.

#### 5. No Creation of Vested Property Rights

Nothing in this Title is intended to create any vested property rights. Pursuant to Section 10-5-3(M), this Title 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 Section 10-5-3(M) shall be deemed to be repealed and the provisions hereof shall no longer be in effect.

---

### (B) Subdivision Regulations

---

The subdivision regulations in this Title 10 apply as follows:

1. The territorial jurisdiction under the provisions of these regulations shall include all land located within the corporate limits of the city.

---

<sup>4</sup> Combines current 10-1-3(B) through (E) and 11-1-3.

2. All plats of property which upon the effective date of these regulations have been previously submitted to and approved by the council or the board of commissioners of a county having jurisdiction are considered to be approved subdivisions as such requirements for approval exist in these regulations.

### **10-1-5 Minimum Requirements<sup>5</sup>**

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.

### **10-1-6 Relationship to Other Regulations<sup>6</sup>**

In addition to the regulations contained in this Title 10, reference should be made to the following regulations to determine their applicability in any zone district:

- (A) The "building code" as adopted in Title 4, Chapter 1 of this code;
  1. Derelict or unlicensed vehicles on private property or on public streets (Section 7-4-9 of this code);
  2. Parking of nonmotorized vehicles on public streets (Section 9-1-6 of this code);
  3. Parking of oversize vehicles in residential districts (Section 9-1-6 of this code);
  4. Off track betting facilities, under the provisions of Title 3, Chapter 17 of this code.
- (B) 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 10, the more restrictive regulation shall apply.

### **10-1-7 Relationship to Private Covenants and Conditions**

[TO BE ADDED]

### **10-1-8 Transition from Previous Ordinance<sup>7</sup>**

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#### **(A) Offenses and Liabilities Preserved**

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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.

### **10-1-9 Authority to Interpret the Ordinance**

[TO BE ADDED]

### **10-1-10 Severability<sup>8</sup>**

- (A) If for any reason any one or more sections, headings, clauses or parts of this Title 10 are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Title 10 but shall be confined in its operation to the specific sections, headings, clauses

---

<sup>5</sup> Current 10-1-7(B) retitled from "Interpretation".

<sup>6</sup> From current 10-1-3(G) and 10-4-13.

<sup>7</sup> From current 10-1-4(C).



or parts of this Title 10 held invalid, and the invalidity of any section, heading, clause or part of this Title in any one or more instances shall not affect or prejudice in any way the validity of this Title in any other instance.

- (B) If the application of any provision of these regulations to any tract of land shall be adjudged invalid, the same shall not affect, impair or invalidate these regulations or the application of any provision thereof, to any other tract of land.

---

<sup>8</sup> Provisions of current 11-1-5 expanded to apply to zoning regulations as well.

## Chapter 2: Zoning Districts

### 10-2-1 Zoning Districts Requirements

#### 1. Districts Created<sup>9</sup>

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.

Table 10-2-1: Littleton Zone Districts	
Abbreviation	Zone District Name
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
CA	Central Area Multiple Use District
STP	Scientific and Technological Park District
I-P	Industrial Park District
I-1	Light Industrial District
I-2	Heavy Industrial District
OS	Park/Open Space District
CEM	Cemetery District
PD	Planned Development District
PDO	Planned Development Overlay District

#### 2. 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.

<sup>9</sup> Current 10-1-5 (revised to show PDO) and 10-2-1.

### 3. 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.

## 10-2-2 A-1 Agricultural District<sup>10</sup>

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, Accessory Uses, and Home Occupations

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See Chapter 3 of this Title.

---

### (B) Dimensional Standards

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Table 10-2-2: A-1 District Dimensional Standards	
Lot Size	Minimum Standard
Lot area	10 acres
Lot width at front setback	300 feet
Unobstructed open space	90 percent
Setbacks	Minimum Standard
Front	25 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
Building Standards	Maximum Standard
Height	30 feet

## 10-2-3 R-S Residential-Suburban Agricultural District<sup>11</sup>

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

---

### (A) Land Uses, Accessory Uses, and Home Occupations

---

See Chapter 3 of this Title.

---

<sup>10</sup> Current 10-2-2 and 10-2-2(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<sup>11</sup> Current 10-2-3 and 10-2-3(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

10-2-4: R-L Residential-Limited Agricultural District<sup>11F</sup>**(B) Dimensional Standards**

<b>Table 10-2-3: R-S District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	5 acres
Lot width at front setback	300 feet
Unobstructed open space	90 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	25 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	30 feet

**10-2-4 R-L Residential-Limited Agricultural District<sup>12</sup>**

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, Accessory Uses, and Home Occupations**

See Chapter 3 of this Title.

**(B) Dimensional Standards**

<b>Table 10-2-4: R-L District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	2 acres
Lot width at front setback	100 feet
Unobstructed open space	50 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	25 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	30 feet

<sup>12</sup> Current 10-2-4 and 10-2-4(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

## 10-2-5 R-E Residential-Estates District<sup>13</sup>

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.

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### (A) Land Uses, Accessory Uses, and Home Occupations

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See Chapter 3 of this Title.

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### (B) Dimensional Standards

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Table 10-2-5: R-E District Dimensional Standards	
Lot Size	Minimum Standard
Lot area	26,500 sq. ft.
Lot width at front setback	100 feet
Unobstructed open space	50 percent
Setbacks	Minimum Standard
Front	25 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
Building Standards	Maximum Standard
Height	30 feet

## 10-2-6 R-1 Residential Single-Family District<sup>14</sup>

The R-1 residential single-family district allows larger lot suburban single-family residential development.

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### (A) Land Uses, Accessory Uses, and Home Occupations

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See Chapter 3 of this Title.

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### (B) Dimensional Standards

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Table 10-2-6: R-1 District Dimensional Standards	
Lot Size	Minimum Standard
Lot area	21,780 sq. ft.
Lot width at front setback	100 feet
Unobstructed open space	50 percent
Setbacks	Minimum Standard
Front	25 feet

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<sup>13</sup> Current 10-2-5 and 10-2-5(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<sup>14</sup> Current 10-2-6 and 10-2-6(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

10-2-7: R-2 Residential Single-Family District<sup>14F</sup>

Table 10-2-6: R-1 District Dimensional Standards	
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	30 feet

## 10-2-7 R-2 Residential Single-Family District<sup>15</sup>

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

### (A) Land Uses, Accessory Uses, and Home Occupations

See Chapter 3 of this Title.

### (B) Dimensional Standards

Table 10-2-7: R-2 District Dimensional Standards	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	9,000 sq. ft.
Lot width at front setback	75 feet
Unobstructed open space	50 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	25 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	30 feet

## 10-2-8 R-3 Residential Single-Family District<sup>16</sup>

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, Accessory Uses, and Home Occupations

See Chapter 3 of this Title.

<sup>15</sup> Current 10-2-7 and 10-2-7(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<sup>16</sup> Current 10-2-8 and 10-2-8(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.



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**(B) Dimensional Standards**

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Table 10-2-8: R-3 District Dimensional Standards	
Lot Size	Minimum Standard
Lot area	6,500 sq. ft.
Lot width at front setback	65 feet
Unobstructed open space	50 percent
Setbacks	Minimum Standard
Front	20 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
Building Standards	Maximum Standard
Height	30 feet

**10-2-9 R-3X Residential Multiple-Family District<sup>17</sup>**

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

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**(A) Land Uses, Accessory Uses, and Home Occupations**

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See Chapter 3 of this Title.

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**(B) Dimensional Standards**

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Table 10-2-9: R-3X District Dimensional Standards	
Lot Size	Minimum Standard
Lot area	6,500 sq. ft.
Lot area per residential unit	3,250 sq. ft.
Lot width at front setback	60 feet
Unobstructed open space	25 percent
Setbacks	Minimum Standard
Front	20 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
Building Standards	Maximum Standard
Height	30 feet, 2 stories

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<sup>17</sup> Current 10-2-9 and 10-2-9(B), except height requirement for wall, which is included in Landscaping and Buffering. Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

## 10-2-10 R-4 Residential Multiple-Family District<sup>18</sup>

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

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### (A) Land Uses, Accessory Uses, and Home Occupations

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See Chapter 3 of this Title.

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### (B) Dimensional Standards

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<b>Table 10-2-10: R-4 District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	6,500 sq. ft.
Lot area per residential unit	3,250 sq. ft.
Lot width at front setback	60 feet
Unobstructed open space	25 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	20 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	30 feet, 2 stories

## 10-2-11 MH Mobile Home District<sup>19</sup>

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 Section 10-7-3; nor shall the expansion of any such facility be permitted within any area of special flood hazard.

<sup>18</sup> Current 10-2-10 and 10-2-10(B), except height requirement for wall, which are included in Landscaping and Buffering. Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<sup>19</sup> Current 10-2-11 and 10-2-11(A) and (B).

## 10-2-12 R-5 Residential Multiple Family District<sup>20</sup>

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

### (A) Land Uses, Accessory Uses, and Home Occupations

See Chapter 3 of this Title.

### (B) Dimensional Standards

Table 10-2-11: R-5 District Dimensional Standards	
Lot Size	Minimum Standard
Lot area, residential	6,000 sq. ft.
Lot area, non-residential	7,500 sq. ft.
Lot area per residential unit	1,000 sq. ft.
Lot width at front setback	60 feet
Unobstructed open space	25 percent
Setbacks	Minimum Standard
Front	20 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
Building Standards	Maximum Standard
Height	30 feet with an additional foot with 1 additional foot for front, rear and side setbacks

## 10-2-13 B-P Business and Professional District<sup>21</sup>

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

<sup>20</sup> Current 10-2-12 and 10-2-12(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated. **Staff:** The version of Municipal Code and Title 10, Zoning Regulations that are on-line (Sterling Codifiers link from Littleton website) include minimum lot requirements for townhouses, subsection 10-2-12(C). This section is missing from the version of the Zoning Regulations provided by Littleton staff to Clarion. Please check if the townhome requirements are still in effect?

<sup>21</sup> Current 10-2-13 and 10-2-13(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

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**(A) Land Uses, Accessory Uses, and Home Occupations**

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See Chapter 3 of this Title.

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**(B) Dimensional Standards**

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<b>Table 10-2-12: B-P District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	7,500 sq. ft.
Unobstructed open space	25 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	20 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	30 feet
Floor to lot area ratio (FAR)	1:3

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**(C) Other Standards<sup>22</sup>**

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1. Portions of adjacent public right of way maintained as landscaped area shall not reduce the twenty-five (25) percent open space requirement within the lot.
2. A fifty (50) ft. 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.

## **10-2-14 T Transitional District<sup>23</sup>**

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 traffic ways.

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**(A) Land Uses, Accessory Uses, and Home Occupations**

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See Chapter 3 of this Title.

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**(B) Dimensional Standards**

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<sup>22</sup> Current 10-2-13(B)2(a) and (b).

<sup>23</sup> Current 10-2-14 and 10-2-14(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

10-2-15: B-1 Neighborhood Business District<sup>23F</sup>

<b>Table 10-2-13: T District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area, residential	6,000 sq. ft.
Lot area, non-residential	7,500 sq. ft.
Lot area per residential unit	2,000 sq. ft.
Lot width at front setback	60 feet
Unobstructed open space	25 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	20 feet
Rear	20 feet
Side, north and west	5 feet
Side, south and east	10 feet
Corner lot/street	10 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height, at setback lines	30 feet
Height, beyond setback lines	Front, rear and side setbacks shall be increased a sum of 1 foot for each additional foot in height

**10-2-15 B-1 Neighborhood Business District<sup>24</sup>**

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) sq. ft. of gross floor area or less.

**(A) Land Uses, Accessory Uses, and Home Occupations**

See Chapter 3 of this Title.

**(B) Dimensional Standards**

<b>Table 10-2-14: B-1 District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	None
Unobstructed open space	25 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	None
Rear	None
Side, north and west	None

<sup>24</sup> Current 10-2-15 and 10-2-15(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

10-2-16: B-2 Community Business District<sup>24F</sup>

<b>Table 10-2-14: B-1 District Dimensional Standards</b>	
Side, south and east	None
Corner lot/street	None
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	None
Floor to lot area ratio (FAR)	1:1

**10-2-16 B-2 Community Business District<sup>25</sup>**

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) sq. ft. of gross floor area.

**(A) Land Uses, Accessory Uses, and Home Occupations**

See Chapter 3 of this Title.

**(B) Dimensional Standards**

<b>Table 10-2-15: B-2 District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	None
Unobstructed open space	20 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	None
Rear	None
Side, north and west	None
Side, south and east	None
Corner lot/street	None
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	None
Floor to lot area ratio (FAR)	2:1

**10-2-17 B-3 General Business District<sup>26</sup>**

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.

<sup>25</sup> Current 10-2-16 and 10-2-16(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<sup>26</sup> Current 10-2-17 and 10-2-17(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.



**(A) Land Uses, Accessory Uses, and Home Occupations**

See Chapter 3 of this Title.

**(B) Dimensional Standards**

<b>Table 10-2-16: B-3 District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	None
Unobstructed open space	10 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	None
Rear	None
Side, north and west	None
Side, south and east	None
Corner lot/street	None
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	None
Floor to lot area ratio (FAR)	3:1

**10-2-18 CA Central Area Multiple Use District<sup>27</sup>**

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, Accessory Uses, and Home Occupations**

See Chapter 3 of this Title.

**(B) Dimensional Standards**

<b>Table 10-2-18: CA District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area, single-family detached	5,500 sq. ft./unit
Lot area, single-family attached	3,250 sq. ft./unit
Lot area, multiple-family	575 sq. ft./unit
Lot area, non-residential	none
Unobstructed open space	10 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	None
Rear	None
Side, north and west	None

<sup>27</sup> Current 10-2-18 and 10-2-18(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

10-2-19: STP Scientific and Technological Park District<sup>27F</sup>

Side, south and east	None
Corner lot/street	None
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	40 feet or 3 stories

**10-2-19 STP Scientific and Technological Park District<sup>28</sup>**

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, Accessory Uses, and Home Occupations**

See Chapter 3 of this Title.

**(B) Dimensional Standards**

<b>Table 10-2-19: STP District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	180,000 sq. ft.
Lot width at front setback	250 feet
Unobstructed open space	20 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
Front	50 feet
Rear	50 feet
Side	50 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	None
Floor to lot area ratio (FAR)	2:1

**10-2-20 I-P Industrial Park District<sup>29</sup>**

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, Accessory Uses, and Home Occupations**

See Chapter 3 of this Title.

**(B) Dimensional Standards**

<sup>28</sup> Current 10-2-19 and 10-2-19(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<sup>29</sup> Current 10-2-20 and 10-2-20(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

Table 10-2-20: I-P District Dimensional Standards	
Lot Size	Minimum Standard
Lot area	1 acre
Unobstructed open space	20 percent
Setbacks	Minimum Standard
Adjacent to a non-industrial zone district	25 feet
Adjacent to an industrial zone district	None
Building Standards	Maximum Standard
Height	None
Floor to lot area ratio (FAR)	None

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### (C) Other Standards<sup>30</sup>

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1. Portions of adjacent public right of way maintained as landscaped area shall not reduce the twenty (20) percent open space requirement within the lot; and
2. A twenty-five (25) ft. 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.

## 10-2-21 I-1 Light Industrial District<sup>31</sup>

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

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### (A) Land Uses, Accessory Uses, and Home Occupations

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See Chapter 3 of this Title.

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### (B) Dimensional Standards

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Table 10-2-21: I-1 District Dimensional Standards	
Lot Size	Minimum Standard
Lot area	None
Unobstructed open space	10 percent
Setbacks	Minimum Standard
Adjacent to a non-industrial zone district	25 feet
Adjacent to an industrial zone district	None
Building Standards	Maximum Standard

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<sup>30</sup> From 10-2-20(B)2(a) and (b). Move to Landscaping and buffering?

<sup>31</sup> Current 10-2-21 and 10-2-21(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<b>Table 10-2-21: I-1 District Dimensional Standards</b>	
Height	None
Floor to lot area ratio (FAR)	3:1

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**(C) Other Standards<sup>32</sup>**


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1. Portions of adjacent public right of way maintained as landscaped area shall not reduce the ten (10) percent open space requirement within the lot; and
2. A twenty-five (25) ft. 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.

**10-2-22 I-2 Heavy Industrial District<sup>33</sup>**

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

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**(A) Land Uses, Accessory Uses, and Home Occupations**


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See Chapter 3 of this Title.

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**(B) Dimensional Standards**


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<b>Table 10-2-22: I-2 District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Lot area	None
Unobstructed open space	None
<b>Setbacks</b>	<b>Minimum Standard</b>
Adjacent to a non-industrial zone district	25 feet
Adjacent to an industrial zone district	None
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	None
Floor to lot area ratio (FAR)	None

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**(C) Other Standards<sup>34</sup>**


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A twenty-five (25) ft. 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 of pedestrian activity, and shall not include principal or accessory structures, storage, parking or vehicular access.

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<sup>32</sup> From 10-2-21(B)2(a) and (b).

<sup>33</sup> Current 10-2-22 and 10-2-22(B). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<sup>34</sup> Current 10-2-22)(B)2.

## 10-2-23 OS Park/Open Space District<sup>35</sup>

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.

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### (A) Land Uses, Accessory Uses, and Home Occupations

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See Chapter 3 of this Title.

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### (B) Dimensional Standards

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Table 10-2-23: OS District Dimensional Standards	
Lot Size	Minimum Standard
Lot area	Not applicable
Lot width at front setback	Not applicable
Unobstructed open space	Not applicable
Setbacks	Maximum Standard
All property lines	20 feet or 1 foot for each one foot of building height whichever is less

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### (C) Other Standards

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Parking Requirements: Where applicable, twenty (20) parking spaces per general purpose play field, or as set by the approved master plan.

## 10-2-24 CEM Cemetery District<sup>36</sup>

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.

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### (A) Land Uses, Accessory Uses, and Home Occupations

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See Chapter 3 of this Title.

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### (B) Dimensional Standards

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<sup>35</sup> Current 10-2-24(A)1 and 2 and 10-2-24(C).

<sup>36</sup> Current 10-2-25 and 10-2-25(D) and (E)1 – 5(a).

10-2-25: PD Planned Development District<sup>37F</sup>

<b>Table 10-2-24: I-1 District Dimensional Standards</b>	
<b>Lot Size</b>	<b>Minimum Standard</b>
Land area	20 acres
Lot area	Not applicable
Lot width	Not applicable
Unobstructed open space	50 percent
<b>Setbacks</b>	<b>Minimum Standard</b>
All property lines	50 feet
<b>Building Standards</b>	<b>Maximum Standard</b>
Height	30 feet

**(C) Other Standards<sup>37</sup>**

1. 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.

**10-2-25 PD Planned Development District<sup>38</sup>****(A) Intent<sup>39</sup>**

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).
4. Planned Development - Holding zone for newly annexed property (PD-X)

**(B) Applicability**

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.

<sup>37</sup> Current Section 10-2-23(A) – (D) as noted.

<sup>38</sup> Current 10-2-23(A) and 10-2-23(D)1, 2(a) and (b), 3(a) and (b). Cross-references to land uses, accessory uses, and home occupation standards have been consolidated.

<sup>39</sup> Current Section 10-2-23(A). Reorganized with no change in content.



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.

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### **(C) Land Uses Permitted<sup>40</sup>**

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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) 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) of this section.

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<sup>40</sup> Current Section 10-2-23(C).

### **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 below and Sections 10-3-3(Y) and 10-4-9(A).<sup>41</sup>

### **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.
- (c) The director of community development may grant waivers to the requirements of subsection 10-2-25(C)4(b) of this section to bring an entire property zoned PD-X into full compliance with the PD district provisions provided:
  - (i) 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 10-2-25(C)4(b) of this section, does not contain less than 40 acres; and
  - (ii) The director of community development finds that the intent of the PD district, as stated in subsections 10-2-25(A) and 10-2-25(B) of this section, will be preserved or enhanced by the grant of such waiver.

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## **(D) Conditions and Performance Standards<sup>42</sup>**

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### **1. Dimensional Standards**

Dimensional standards for development in planned development zone districts shall be as follows:

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<sup>41</sup> Insert updated cross-references. Current 10-4-6 is Noise, Vibrations and Emissions and 10-4-7 is Outdoor Storage and Waste Disposal.

<sup>42</sup> Current 10-2-23(D). Dimensional standards reorganized into a table.

<b>Table 10-2-25: PD District Dimensional Standards</b>				
	<b>PD Zone District</b>			
	PD-R	PD-C	PD-I	PD-X
<b>Lot Size</b>	<b>Minimum Standard</b>			
Unobstructed open space		20 percent [1]	15 percent [1]	
Unobstructed open space, single family areas	50 percent			
Unobstructed open space, multi- family areas	25 percent [2]			
<b>Building Standards</b>	<b>Maximum Standard</b>			
Height		30 feet within 150 feet of a residential property boundary <sup>43</sup>	30 feet within 200 feet of a residential property boundary <sup>44</sup>	
<b>Notes:</b> [1] Shall also include a fifty (50) ft. wide area of unobstructed open space along any boundary that abuts any residential property not approved on the same general PD plan, or any subsequent amendment thereto. [2] May include private open space.				

## 2. Parking

### (a) PD-C

Minimum off-street parking and loading shall be provided in conformance with Section 10-4-4. Joint or multiple uses 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.

### (b) PD-I

Minimum off-street parking and loading shall be provided in conformance with Section 10-4-4.

## 3. Other

In the PD-I zone district all land uses must conform with the performance standards set forth in this subsection 10-2-25(D) and 10-4-9 as applicable to each use approved on a PD-I plan.

<sup>43</sup> 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.

<sup>44</sup> 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.

#### 4. PD Approval and Amendments Procedures

PD zone districts shall be approved and amended as shown in Sections 10-5-3(B).

### 10-2-26 PD-O Planned Development Overlay District<sup>45</sup>

#### (A) Intent<sup>46</sup>

It is the purpose of the PDO regulations to provide a procedure which permits more flexible site design and development than is possible under traditional zone districts, while maintaining the land use characteristics of those districts. Through application of the provisions of this Section 10-2-26, property may be developed in a more effective and efficient manner within the existing zone district.

1. Transfers of density, as defined in Section 10-7-3, are specifically encouraged under the provisions of this Section 10-2-26; and,
2. To the extent that more effective and efficient site design and development is promoted, the use of this technique is permitted subject to approval by the director of community development.

#### (B) Applicability<sup>47</sup>

If no change in density or permitted uses is sought, then the provisions of the PDO procedure contained herein may be applied in any zone district except MH (mobile home) district and PD (planned development) districts.

#### (C) Land Uses Permitted<sup>48</sup>

Only those principal and accessory uses specifically allowed in the applicable zone district regulations shall be permitted on the approved PDO plan.

#### (D) Development Density Permitted<sup>49</sup>

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

##### 1. Residential Density

- (a) A-1: 1.0 dwelling unit per 10.0 gross acres.
- (b) R-S: 1.0 dwelling unit per 5.0 gross acres.
- (c) R-L: 1.0 dwelling unit per 2.0 gross acres.
- (d) R-E: 1.6 dwelling units per gross acre.
- (e) R-1: 2.0 dwelling units per gross acre.

<sup>45</sup> Current 10-9.

<sup>46</sup> Current 10-9-1.

<sup>47</sup> Current 10-9-2.

<sup>48</sup> Current 10-9-3.

<sup>49</sup> Current 10-9-4. Retitled from "Conditions, Density of Use".

- (f) R-2: 4.8 dwelling units per gross acre.
- (g) R-3: 6.7 dwelling units per gross acre.
- (h) R-3X: 13.4 dwelling units per gross acre.
- (i) R-4: 13.4 dwelling units per gross acre.
- (j) R-5: 43.6 dwelling units per gross acre.
- (k) T: 21.8 dwelling units per gross acre.
- (l) CA: 100.0 dwelling units per gross acre.

## 2. Commercial/Industrial Density

- (a) B-P: Maximum floor area ratio of 1:3.
- (b) T: Maximum floor area ratio of 1:1.
- (c) B-1: Maximum floor area ratio of 1:1.
- (d) B-2: Maximum floor area ratio of 2:1.
- (e) B-3: Maximum floor area ratio of 3:1.
- (f) CA: Maximum floor area ratio of 5:1.
- (g) STP: Maximum floor area ratio of 2:1.
- (h) I-P: Maximum floor area ratio of 2:1.
- (i) I-1: Maximum floor area ratio of 3:1.
- (j) I-2: Maximum floor area ratio of 3:1.

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## (E) Development Standards<sup>50</sup>

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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:

### 1. Height

The height of structures shall be as established on the approved PDO plan.

### 2. Lot Width and Setback

Lot width and setback requirements shall be as established by the approved PDO plan.

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<sup>50</sup> Current 10-9-5.

### 3. 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.

### 4. Open Space

The minimum open space shall be as established on the approved PDO plan.

### 5. Off Street Parking and Loading

Minimum off street parking and loading requirements shall be as established on the approved PDO plan. Proposed off street parking and loading requirements less than those stated in Section 10-4-4 shall require documentation and justification showing that the adjacent streets or alleys shall not bear an unreasonable impact from the reduction in parking requirements.

### 6. Industrial Development

Industrial development shall meet the performance standards set forth in Sections 10-4-9.

### 7. Parking Garages and Lots

Automobile parking garages and lots may be permitted as a principal use in the B-1, B-2, B-3 and CA zone districts provided the following conditions are met:

- (a) An application for planned development overlay (PDO) is submitted for review and approval pursuant to the provisions of this Section 10-2-26 and Section 10-5-2, and following a duly advertised public hearing, the planning board finds:
  - (i) 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;
  - (ii) Access and increased traffic in adjacent residential neighborhoods generated by the use shall not have a significant detrimental impact on the neighborhood;
  - (iii) The use will be adequately screened from adjacent streets and abutting uses (landscaping standards for parking lots as provided in Section 10-4-4, and in the city's landscape manual, shall be the minimum requirements);
  - (iv) 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
  - (v) All outdoor lighting shall be required to come into conformance with Section 10-4-6 by submitting a lighting plan for approval with the site development plan.
- (b) 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

- (c) 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, which allows alteration or demolition of the site.

8. Design Guidelines Compatibility

The development shall be compatible with any design guidelines adopted by the planning board which affect the property to be developed under the proposed plan.

## Chapter 3: Use Regulations

### 10-3-1 Introduction

[TO BE ADDED]

### 10-3-2 Permitted Use Table

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#### (A) Applicability

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All land uses available in all zone districts within the City of Littleton are summarized in the Permitted Use Table in Subsection C below. No land use shall occur on any property in the city unless that land use is:

1. Listed as a P, C, A, or T use in the Permitted Use Table; or
2. Permitted as a legal nonconforming use of property as described in Chapter 6 of this Development Code.

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#### (B) Abbreviations<sup>51</sup>

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The abbreviations used in the Permitted Use Table are listed below.

##### 1. Permitted uses

A “P” indicates that the land use is allowed by right in that zoning district, subject to compliance with the use-specific standards listed in the right-hand column of the Permitted Use Table and all other applicable requirements of the Code. All uses permitted by right in a zoning district are also permitted as an accessory use in that zoning district.

##### 2. Conditional Uses

A “C” indicates that the land use is allowed in that zoning district upon approval of a Conditional Use by the Planning Board as described in Section 10-5-3(F) and compliance with any use-specific standards referenced in the right hand column of the Permitted Use Table and with all other applicable requirements of the Code. Each land use that was permitted as a use by right when it was established, but that is now listed as a C use in the Permitted Use Table, shall be deemed to have already obtained Conditional Use Permit, and the City will issue a Conditional use Permit at the request of the property owner.

##### 3. Accessory Uses

An “A” indicates that the land use is allowed in that zoning district only if it is incidental and subordinate to a “P” use or an approved “A” or “C” use in that zoning district provided that it complies with any use-specific standards listed in the right-hand column of the Permitted

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<sup>51</sup> The current abbreviations H (for Home Occupations), O (for Planned Development Overlay), R (for some types of multi-family residential), S (for uses by special permit, primarily related to some forms of indoor entertainment and recreation), and PS (for some forms of micro-breweries and wine-tasting retail uses) are no longer used. Home occupations are a form of accessory use listed in the Permitted Use Table, and the existing standards have been converted to Use-specific standards. Uses permitted through a planned development approval process are not generally included in a Permitted Use Table, since they are negotiated on a case-by-case basis. The conditions that attached to the R designation are now in the Use-specific standards for the multi-family dwelling use category, the conditions attached to the designations are now part of the Use-specific standards for the Indoor recreation and entertainment use category, and the conditions attached to the PS designation are now part of the Use-specific standards for breweries and distilleries.



Use Table and with all other applicable requirements of this Code. The Administrator shall determine whether a use is incidental and subordinate based on the amount of pedestrian or vehicle activity related to other uses on the site, the area of the site or building occupied by each use on the site, and the level of impact on surrounding properties generated by each use on the site. Any use listed as a “P” use in a Primary Zoning District may also be conducted as an accessory use in that district.

#### **4. Temporary Uses<sup>52</sup>**

A “T” indicates that the land use is allowed in that zoning district only for a specified time, and subject to any other use-specific standards for that use in the right-hand column of the Permitted Use Table and with all other applicable requirements of the Code. Permits for listed temporary uses may be approved by the Director of Community Development for a period of time not to exceed one year. A temporary use may be renewed upon application to the Planning Division. Any use permitted in the zone district as a permitted, approved conditional, or accessory use is also permitted as a temporary use.

#### **5. Prohibited uses**

A blank cell in the use table indicates that the land use is prohibited in that zoning district. In addition, any use that is not listed in the Permitted Use Table is prohibited in all zoning districts, unless the Administrator determines that it is substantially similar to a listed use.

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### **(C) Other Use-related Requirements**

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#### **1. Use-specific Standards**

When a land use is listed as a P, C, A, or T use in the Permitted Use Table, and the right hand column of the table lists a Use-specific standard for that use, the land use must comply with the Use-specific standards regardless of whether it is a P, C, A, or T use, unless the Planning Board approves a modification of the Use-specific standard through the Conditional Use process listed in Section 10-5-3(F). The cross-referenced Use-specific standards appear immediately following the Permitted Use Table. Some use-specific standards apply to entire categories of uses and are listed in the gray shaded headings for those use categories; others apply to individual uses unless a variance is obtained pursuant to Chapter 740, Article VII Improvement Location Permits.

#### **2. Conditions for Uses in the Park/Open Space Zone District (OS)<sup>53</sup>**

All uses in the Permitted Use Table listed as conditional uses in the OS district shall comply with the following standards, in addition to the general criteria for approval of conditional uses by the Planning Board.

- (a) The conditional use proposed shall comply with the intent statement of Subsection 10-2-23
- (b) 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.
- (c) The location of such a facility will not create a negative impact on existing or proposed adjacent development.

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<sup>52</sup> Edited to align with current Section 10-4-10: Temporary Uses. Specifically, Sections 10-4-10(A), and 10-4-10(E).

<sup>53</sup> Current 10-8-2(O). This material normally appears in Code chapter describing the zone district, and should be moved to that section when the City revises individual zone district standards.

- (d) Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 7-3-6.
- (e) The facility shall provide adequate exterior lighting and other security measures.
- (f) Hours of operation and other restrictions, including curfews established by Section 6-4-181, shall be posted.
- (g) Parking and access for patrons and spectators shall be designed to minimize use of local residential streets.

### **3. Unlisted Uses**

When a proposed land use is not explicitly listed in the Permitted Use Table, the Director of Community Development shall determine whether or not it is included in the definition of a listed use or is so consistent with the size, scale, operating characteristics and external impacts of a listed use that it should be treated as the same use. All such interpretations shall be made available to the public through the Littleton City web site and shall be binding on future decisions of the City until the Director makes a different interpretation and that new interpretation is posted on the city web site.

### **4. All Licenses and Permits Required**

For all uses listed in the Permitted Use Table, if the City of Littleton, State of Colorado, federal government, or other governmental authority requires that the owner or operator obtain a business license or other permit or license to engage in the activity, the owner or operator must obtain each required license, permit, or approval in order to engage in the activity, and must each required license, permit, or approval in effect at all times that the activity is conducted, and failure to do so is a violation of this Code.<sup>54</sup>

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<sup>54</sup> New provision. Requiring all applicable licenses and permits simplifies City administration by removing the need to regulate the same issues reviewed by licensing authorities.

**(D) Permitted Use Table**

Table 10-3-1: Permitted Use Table																								
Use Type	Residential										Mixed Use <sup>55</sup>					Special Purpose <sup>56</sup>					Use-Specific Standards			
	A-1	R-5	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5 <sup>57</sup>	MH <sup>57</sup>	B-P	T	B-1	B-2	B-3	CA <sup>58</sup>	STP <sup>58</sup>	I-P <sup>59</sup>	I-1 <sup>60</sup>		I-2 <sup>61</sup>	CEM <sup>62</sup>	OS <sup>63</sup>
RESIDENTIAL																								
Household Living																								
Dwelling, single-family detached	P	P	P	P	P	P	P	P	P	P			P				P							
Dwelling, single-family attached <sup>64</sup>	P	P	P	P	P	P	P	P	P	P			P				P							
Dwelling, duplex <sup>65</sup>																								
Dwelling, multi-family <sup>66</sup>										P	P		P	P	P <sup>67</sup>	P <sup>68</sup>	P	P						(A) <sup>69</sup>
Manufactured home <sup>70</sup>											P													(B) <sup>71</sup>
Group Living <sup>72</sup>																								
Group home, small <sup>73</sup>	P	P	P	P	P	P	P	P	P	P	P		P	P			P							(C) <sup>74</sup>
Group home, large <sup>75</sup>											P <sup>76</sup>			P	P	P	P	P						(C)

<sup>55</sup> Retitled from “Commercial and Business” because these districts should permit residential uses.

<sup>56</sup> Retitled from “Other Non-residential.”

<sup>57</sup> Mobile Home District is subject to provisions found in Chapter 4 of the Building Regulation section (Title 4) of the City Code.

<sup>58</sup> Moved from current “Business and Commercial” category.

<sup>59</sup> All facilities in I-P District are subject to performance standards found in sections 10-4-6: Noise, Vibrations, and Emissions, and 10-4-7 Outdoor Storage and Waste Disposal.

<sup>60</sup> All facilities in I-1 District are subject to performance standards found in sections 10-4-6: Noise, Vibrations, and Emissions, and 10-4-7 Outdoor Storage and Waste Disposal.

<sup>61</sup> All facilities in I-2 District are subject to performance standards found in sections 10-4-6: Noise, Vibrations, and Emissions, and 10-4-7 Outdoor Storage and Waste Disposal.

<sup>62</sup> 10-2-25(B) has “Offices necessary to administer the land uses, grounds maintenance, or storage of equipment or vaults” as an accessory use, but no such use is indicated in the current Land Use Table.

<sup>63</sup> 10-2-24: OS Parks/Open Space District is not included in the Land Use Table found in the City Code.

<sup>64</sup> Includes current “Two/three-family residence” and “Townhouse” use categories. In the A-1, R-S, R-L, R-E, R-1, R-2, R-3, and R-3X districts, “Townhouse” and “Two/three-family residences” are only permitted pursuant to Chapter 9 Planned Development Overlay. New Use-specific Standards incorporate Chapter 9 regulations and requirements.

<sup>65</sup> **Staff:** We have a note to add this use, even though it does not appear in the current code. Please indicate the zone districts where this should appear as a P or C use.

<sup>66</sup> Includes current “Apartments” and “Dwelling units located in the same structure as a nonresidential use and which meet the requirements of section 10-4-12 of this title” use categories.

<sup>67</sup> Use-specific Standard apply to residential dwellings located in same building as nonresidential uses in B1 and B2 districts.

<sup>68</sup> Use-specific Standard apply to residential dwellings located in same building as nonresidential uses in B1 and B2 districts.

<sup>69</sup> Current Sec. 10-4-12 standards for residential units located in B-1 and B-2 districts have been moved here.

<sup>70</sup> Current “Mobile homes.” Both “Manufactured home,” and “Mobile home” are defined in the City Code. “Manufactured home” is in the Flood Plain Regulations (10-6-2), as well as Zoning Regulations (10-1-2). The definition for “Mobile home” is in the Mobile Homes and Mobile Home Parks Chapter (4-4-1), and the Zoning Regulations (10-1-2). All definitions are similar, but none exactly the same. New use definitions have been created.

<sup>71</sup> Building regulations for mobile homes and travel trailers. Current 4-4-19 and 4-4-20 through 4-4-23.

<sup>72</sup> Current “Group home for children” use not carried over as obsolete. It addressed foster care, which is governed by state placement systems and is now covered in household living.

<sup>73</sup> New use category that covers, either portions or all of current “Group homes for handicapped,” “Group homes for elderly,” “Group homes for children,” and “Foster care homes” use categories. New Definition meets FHAA standards as well as Colorado state statute standards. New Use-specific Standards provide relevant size limits for each different group home type. Current Section 10-14-2 provision requiring a permit from Council for any group home for the elderly was not carried over; the requirement is very unusual and potentially in conflict with the FHAA.

<sup>74</sup> Current Use-specific Standard for original “Group homes for elderly” in 10-14 were revised to apply to all types of Group Homes and to comply with state and federal law.

<sup>75</sup> New use category. Includes current and “Independent living” use categories.

<sup>76</sup> Current “Group homes for children” use category allowed only in R5 district.

Table 10-3-1: Permitted Use Table																									
Use Type	Residential										Mixed Use <sup>55</sup>						Special Purpose <sup>56</sup>						Use-Specific Standards		
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5 <sup>57</sup>	MH <sup>57</sup>	B-P	T	B-1	B-2	B-3	CA <sup>58</sup>	STP <sup>58</sup>	I-P <sup>59</sup>	I-1 <sup>60</sup>	I-2 <sup>61</sup>	CEM <sup>62</sup>		OS <sup>63</sup>	
Monastery or convent <sup>77</sup>										P															
Nursing home or assisted living <sup>78</sup>										P			P	P	P	P	P								
Sorority or fraternity house										P							P								
PUBLIC, INSTITUTIONAL, and CIVIC																									
Community and Cultural																									
Child or adult day care center <sup>79</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C		C <sup>80</sup>	(D) <sup>81</sup>	
Club or lodge <sup>82</sup>												P	P	P	P	P	P								
Community correctional facility <sup>83</sup>															C <sup>84</sup>	C				C	C			(E) <sup>85</sup>	
Library or museum <sup>86</sup>												P	P	P	P	P	P	P							
Public service facility <sup>87</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				
Educational and Religious																									
College or university <sup>88</sup>										P							P								
Elementary or secondary school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C				
Other religious facilities <sup>89</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C			(F).	
Places of worship <sup>90</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P			(F)	
Trade or vocational school <sup>91</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C				
Other																									
Cemetery																						P			
Crematorium <sup>92</sup>													C									C		(G) <sup>93</sup>	
Detoxification center														P	P	P									
Hospital <sup>94</sup>														P	P	P	P								
Mortuary <sup>95</sup>													P									C			
Park, trail, or open space <sup>96</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
COMMERCIAL																									
Agriculture and Animal Related																									
Agriculture <sup>97</sup>	P	P	P																						

<sup>77</sup> Moved from current “Institutional residence, care or confinement facilities”.

<sup>78</sup> Includes current “Skilled nursing facility” and “Nursing home/congregate housing” and use categories.

<sup>79</sup> Use and definition revised to include care of elderly or handicapped adults.

<sup>80</sup> Childcare facilities are a conditional use in the OS District per 10-2-24(B)6.

<sup>81</sup> Current USS 10-8-2(B)

<sup>82</sup> Renamed from “social/fraternal clubs and lodges, union halls, and similar facilities.”

<sup>83</sup> Exclusion of county jail from this use is now in use definition rather than title of use.

<sup>84</sup> 10-8-2(J) States, “permitted with conditions in the B-3, I-1, I-2 zone districts,” however, the 10-3-2: Land Use Table indicates it is permitted as a conditional use in the B-2 district as well.

<sup>85</sup> Current USS 10-8-2(J)

<sup>86</sup> Retitled from “Library, reading room (private).”

<sup>87</sup> Added as P use in STP district.

<sup>88</sup> Definition states schools are teaching curricula and granting degrees recognized by the State of Colorado.

<sup>89</sup> Retitled current “Church facilities.”

<sup>90</sup> Retitled current “Churches.” Current USS 10-4-2.

<sup>91</sup> Moved from current Institutions section.

<sup>92</sup> Added as C use in CEM district.

<sup>93</sup> Current USS 10-8-2(N).

<sup>94</sup> Renamed from “Medical and dental outpatient facilities and hospitals.” P use deleted from B-P because intent was for medical offices, which are still permitted.

<sup>95</sup> Added as C use in CEM district.

<sup>96</sup> New use.

<sup>97</sup> Replaces current “Raising of crops (limited to the use and consumption by occupants of premises),” “Raising of livestock (other than horses) or fish (Not including furbearing animals raised for pelts, hog ranches, commercial feedlots, agricultural

Table 10-3-1: Permitted Use Table																										
	Residential										Mixed Use <sup>55</sup>						Special Purpose <sup>56</sup>									
Use Type	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5 <sup>57</sup>	MH <sup>57</sup>	B-P	T	B-1	B-2	B-3	CA <sup>58</sup>	STP <sup>58</sup>	I-P <sup>59</sup>	I-1 <sup>60</sup>	I-2 <sup>61</sup>	CEM <sup>62</sup>	OS <sup>63</sup>	Use-Specific Standards		
Animal boarding or care, general <sup>98</sup>														C	C	P				P	P				(H)	
Animal clinic <sup>99</sup>	P	P	P										P	P	P	P	P		P	P	P				(I)	
Beekeeping	P	P	P	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P <sup>100</sup>		(J)
Commercial stable <sup>101</sup>	P	P	P																							
Plant or tree nursery	P	P	P																							
Food, Beverage, and Lodging <sup>102</sup>																										
Bar or tavern <sup>103</sup>														P	P	P	P			P	P	P				(K)
Bed and breakfast <sup>104</sup>	C							C	C	C																(L)
Craft alcohol establishment <sup>105</sup>														P	P		P									(M)
Campground <sup>106</sup>											P															
Hotel <sup>107</sup>														P	P	P	P									
Restaurant <sup>108</sup>												V	P	P	P	P	P	A	A	A	A		C <sup>109</sup>			(N) <sup>110</sup>
Office																										
Office, large <sup>111</sup>														P	P	P	P	A	P	P	P	A <sup>112</sup>				(O)
Office, small <sup>113</sup>										P		P	P	P	P	P	P	A	A	A	A	A <sup>114</sup>				(O)

processing industry or farms for the disposal of garbage or other waste.” Majority of language found in current titles moved to definition.

<sup>98</sup> Current USS 10-4-15; 10-8-2(P). This use is now distinguished from small animal clinics by the fact that it includes larger animals.

<sup>99</sup> Combined following to create new use category “Treatment and boarding of small animals within enclosed structure” “Treatment of small animals and boarding only for treatment purposes”, “Outpatient treatment of small animals”, “Treatment and boarding of large animals (such as horses, cattle and other farm animals) and small animals outside enclosed structure” and kennel portion of “Kennels and pet animal boarding and raising revised to include horses”. Use-specific Standards now contain (a) Limitation of outdoor facilities to certain mixed use and non-residential districts (per current Code), (b) prohibition on boarding in T district, and (c) limitation on boarding in B1 other than for purpose of treatment.

<sup>100</sup> Per 10-2-24(B)5 Beekeeping is a permitted use in OS District. Current USS 10-4-14.

<sup>101</sup> City Code does not include a definition of “Stable,” however, the common definition includes the same uses found in 6-2-1 definition of “Kennel,” with difference being “Stable” definitions specify uses for horses, mules, and ponies. Current “Raising of horses” use category moved to Accessory and Temporary Uses section of this document. Definition also includes language related to riding academies, horse training facilities, and animal boarding and raising facilities.

<sup>102</sup> The current “Tourist Home” use was not carried over, but is replaced by “Bed and Breakfast” as a primary use, and by “Rooming or Boarding” as an accessory use.

<sup>103</sup> Now includes current “Nightclub” use. No definition for “bar” or “tavern” in City Code, so a new definition was created. USS current 3-2-20.

<sup>104</sup> New use.

<sup>105</sup> Retitled from “Brewery, distillery, and winery with tasting/retails sales room.” Now simply a Permitted use with Use-specific Standards as currently found in 10-4-16. Definition includes current use title “Brewery, distillery and winery with tasting/retail sales room.” Moved from current “Manufacturing, Including processing, creating, repairing, renovating, painting, cleaning, and assembly of goods, merchandise, and equipment” section. Current USS 3-2-20.

<sup>106</sup> Moved from “Miscellaneous Uses.” Separate “travel trailer park” use not carried over because none exist in the city.

<sup>107</sup> Moved from current “Residential” use category. “Hotel” is now a defined use in City Code.

<sup>108</sup> Combined “Service within enclosed area under roof without drive-through facility,” “Service within enclosed area under roof with drive-through facility,” “Takeout and delivery,” and “Automotive curbside service.” Changed from P to A use in the I-P, I-1, and I-3 districts. Added as A use in STP district.

<sup>109</sup> Per 10-2-24(B)6 “Restaurant (sit down type only)” are a permitted conditional use in the OS District.

<sup>110</sup> New Use-specific Standards restrict drive-throughs or curbside service to B-2 and B-3 districts.

<sup>111</sup> Intended to include activities covered by current use types “Medical, dental, or other health related offices: Buildings in excess of 10,000 square feet,” “Administrative and executive; business and professional; and general offices,” “Medical and dental outpatient facilities and hospitals,” and “General research and development.”

<sup>112</sup> New Accessory use per language found in 10-2-25(B).

Table 10-3-1: Permitted Use Table																									
Use Type	Residential											Mixed Use <sup>55</sup>						Special Purpose <sup>56</sup>						Use-Specific Standards	
	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH <sup>57</sup>	B-P	T	B-1	B-2	B-3	CA <sup>58</sup>	STP <sup>59</sup>	I-P <sup>59</sup>	I-1 <sup>60</sup>	I-2 <sup>61</sup>	CEM <sup>62</sup>	OS <sup>63</sup>		
Temporary labor hall																				P	P				(P)
Retail Sales and Personal Service																									
Adult retail sales <sup>115</sup>																				P	P				(Q) <sup>116</sup>
General personal services, large <sup>117</sup>															P	P	P		P	P	P				(O)
General personal services, small														P	P	P	P		P	P	P				(O)
General retail sales, large <sup>118</sup>																P	P	P		P	P	P			(O)
General retail sales, small <sup>119</sup>												P	P	P	P	P	P		P	P	P		A <sup>120</sup>		(O)
Medical Marijuana <sup>121</sup>																P	P	P		P	P	P			(R)
Open air market <sup>122</sup>	A	A	A									A	A	A	A	A	A				C	C			(S) <sup>123</sup>
Pawnshop																P	P								
Tattoo parlor <sup>124</sup>																C	C	C			P	P			
Studios for arts instruction <sup>125</sup>							C	C	C			P	P	P	P	P	P								(T) <sup>126</sup>
Recreation and Entertainment																									
Adult entertainment <sup>127</sup>																				P	P				(Q) <sup>128</sup>
Off-track betting																C	C			C	C				(U) <sup>129</sup>
Recreation/entertainment, indoor <sup>130</sup>																P	P	P	P	P	P	P			(V)
Recreation/entertainment, outdoor <sup>131</sup>																C	C								(W)

<sup>113</sup> Intended to include activities covered by existing use types of “Medical, dental, or other health related offices: Individual offices,” “Medical, dental, or other health related offices: Buildings of not more than 10,000 square feet,” “Administrative and executive; business and professional; and general offices,” “Studios for professional work,” and “Medical and dental outpatient facilities and hospitals.” New definition includes language re: use examples and size limit.

<sup>114</sup> New Accessory use per language found in 10-2-25(B).

<sup>115</sup> Retitled from “Adult bookstore, novelty store, video store” to cover more types of retail sales, but permitted in same zone districts as adult entertainment. Some studies show that adult retail has fewer secondary impacts than adult entertainment.

<sup>116</sup> Current USS 3-14-3.

<sup>117</sup> New category that includes “Cleaning/laundry operations, within enclosed structure, serving general public” and similar uses.

<sup>118</sup> Retitled current “General merchandise” and now includes the “Pharmacies” use. Consolidation extends pharmacy use into industrial districts. This category has been split into two categories for better control of scale. Large retail is no longer permitted in B-1. Not permitted in OS district, since current text shows that this is intended to be a smaller use.

<sup>119</sup> New category; small retail changed from P to A use in I-1, I-1 and I-2 districts, and added as a P use in B-P and T (pharmacies are already permitted in those district, where they can serve convenience needs of nearby residential districts.

<sup>120</sup> Per 10-2-24(B)6 “Retail and service uses accessory to a use permitted in the OS zone district which are located on the same parcel.” are conditional uses in the OS District.

<sup>121</sup> Allowed in same districts as “General retail sales, large.” USS refer to existing Chapter 20.

<sup>122</sup> This now includes “Farmers’ Market/Farm Stand.” Added as “A” use to the A-1, R-S, R-L, and Mixed Use zone districts.

<sup>123</sup> Current USS 10-8-2(L)

<sup>124</sup> Feb. 17, 2015, added this as a C use in the B-2, B-3, and CA districts.

<sup>125</sup> Retitled from “Studios for instruction of fine arts and martial arts”

<sup>126</sup> Current USS 10-8-2(Q).

<sup>127</sup> Includes all adult entertainment uses listed in definitions expect adult bookstore, which is now treated differently because of potentially different secondary impacts.

<sup>128</sup> Restriction on where Adult Entertainment Establishments may be located, from the Business Regulations section of the City Code. Current USS 3-14-3.

<sup>129</sup> Restriction on where Off-track Betting Facilities may be located, from the Business Regulations section of the City Code. Current USS 3-17-3.

<sup>130</sup> Combined current “Bowling alleys, ice skating and roller skating,” “Movie theater/theaters,” “Teen club,” and “amusements, not included in 11.11,” and “Health/recreation clubs.” Reference to current Conditional Use requirements are now Use-specific Standards. Current USS 10-8-2(E); 10-8-2(I); 10-8-2(K). Added as a “P” use to the STP, I-P, I-1, and I-2 zone districts.

Table 10-3-1: Permitted Use Table																								
Use Type	Residential										Mixed Use <sup>55</sup>					Special Purpose <sup>56</sup>					Use-Specific Standards			
	A-1	R-5	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5 <sup>57</sup>	MH <sup>57</sup>	B-P	T	B-1	B-2	B-3	CA <sup>58</sup>	STP <sup>58</sup>	I-P <sup>59</sup>	I-1 <sup>60</sup>		I-2 <sup>61</sup>	CEM <sup>62</sup>	OS <sup>63</sup>
Storage and Wholesale																								
Mini-warehousing																P			P	P	P			(X) <sup>132</sup>
Outdoor storage																P			P	P	P			(Y) <sup>133</sup>
Wholesale sales and distribution														A	A	P	A		P	P	P			(Z) <sup>134</sup>
Vehicle Related																								
Ambulance service <sup>135</sup>													C	C	P	P		C	P	P	P			
Automobile parking facility <sup>136</sup>				C	C	C	C	C	C			C	C	C	C	C	C							(AA)
Automobile sales, rental, or leasing <sup>137</sup>															P	P			P	P	P			(BB)
Automobile service station <sup>138</sup>															P	P	P		P	P	P			(CC)
Heavy vehicle and equipment services <sup>139</sup>																					P			
Light vehicle and equipment repair and service <sup>140</sup>														P	P	P	P		P	P	P			
INDUSTRIAL																								
General																								
Artisan fabrication and sale <sup>141</sup>														P	P	P	P	P	P	P	P			
Brewery, distillery, or winery <sup>142</sup>														P	P	P	P			P	P			
Commercial laundry <sup>143</sup>																P			P	P	P			
Heavy manufacturing <sup>144</sup>																					P			(DD)

<sup>131</sup> Combined current “Activity conducted primarily outside enclosed structure” and “Circuses/carnivals.” Current USS 10-8-2(F); 10-8-2(K).

<sup>132</sup> Current USS 10-4-8.

<sup>133</sup> Current USS 10-4-7

<sup>134</sup> Current USS 10-4-4(B)

<sup>135</sup> Combined current “Ambulance facilities” and “Ambulance service.” Current permitted use for “Ambulance facilities” only in B2, B3, CA, IP, I1, and I2. “Ambulance service” is currently a conditional use only in T, B1, B2, B3, CA, STP. Removed as a “P” use in the CA zone district.

<sup>136</sup> Combined with “Off-site commercial employee/customer parking on residential zoned property.” Current USS 10-8-2(H); 10-9-5(G). Although listed as a P use in some of the current business districts, the procedure for approval shows that this is really treated as a conditional use in all zone districts where it is permitted.

<sup>137</sup> Combination of “Sales of automobiles by licensed dealers,” “Sales of new automobiles,” and “Sales, leasing, rental or pawning of used motor vehicles.” All were Permitted uses in same districts, with the exception of “Sales, leasing, rental or pawning of used motor vehicles” in the B2 district, where it was a Conditional use. The associated requirements and conditions for this situation have become Use-specific Standards. Current USS 10-8-2(M).

<sup>138</sup> Combination of “Sales of gasoline” and “Services related to cleaning (e.g., car washes), mechanical (e.g. engine, steering, drive train, tires, brakes) and body repair.” Current uses are P in same zones. New definition includes language covering uses listed in original Use Categories, as well as convenience store use, and limits this use to minor repairs.

<sup>139</sup> New use.

<sup>140</sup> Combined current “Sales of automotive parts, not including wrecking yard operations” and “Services related to the installation of accessories including car stereos, window tinting, etc., and not including services related to mechanical, electrical or body repair.” The definition clarifies that this includes both major and minor repairs, while the auto service station only includes minor repairs. Current uses are Permitted in same districts. New definition includes language from current Use Category titles. Added as a “P” use in the B-1, B-2, and CA zone districts.

<sup>141</sup> Retitled from current “Assembly or fabrication for sale on premises only” and combined with “Assembly of prefabricated parts” and “Fabrication by stamping, cutting or otherwise shaping processed materials into useful products” Consolidation extends this to the B-2 district. Added as a “P” use in the B-1 and STP zone districts.

<sup>142</sup> We normally treat this as heavy manufacturing, but you allow it in a much wider range of districts, so we have kept it separate.

<sup>143</sup> Renamed from “Commercial cleaning/laundry operations.”



Table 10-3-1: Permitted Use Table																									
	Residential											Mixed Use <sup>55</sup>					Special Purpose <sup>56</sup>								
Use Type	A-1	R-5	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5 <sup>57</sup>	MH <sup>57</sup>	B-P	T	B-1	B-2	B-3	CA <sup>58</sup>	STP <sup>59</sup>	I-P <sup>59</sup>	I-1 <sup>60</sup>	I-2 <sup>61</sup>	CEM <sup>62</sup>	OS <sup>63</sup>	Use-Specific Standards	
Light manufacturing <sup>145</sup>																					P	P			
Solid waste incinerator or landfill <sup>146</sup>																						C			(EE)
Solid waste recovery or recycling facility <sup>147</sup>																						C			
Utility and Communications																									
Renewable energy equipment <sup>148</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	P	P	P	P	A		(OO)
Telecommunications antenna support structure <sup>149</sup>	C	C	C						C	C		C	C	C	C	C	C		P	P	P				(FF)
Towers, other <sup>150</sup>												A	A	A	A	A	A		P	P	P		A		(GG)
Utility installations, large <sup>151</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C				(HH)
Utility installations, small <sup>152</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	C		(HH)
ACCESSORY and TEMPORARY USES <sup>153</sup>																									
Cafeteria, for on-site employees <sup>154</sup>												A	A	A	A	A	A	A	A	A	A				
Garage or yard sale	A	A	A	A	A	A	A	A	A	A	A		A				A								(II)
Home child or adult care <sup>155</sup>	A	A	A	A	A	A	A	A	A	A	A		A				A								(JJ)
Home occupations	A	A	A	A	A	A	A	A	A	A	A		A	A	A	A	A								(KK)
Pigeon keeping <sup>156</sup>	A	A	A	A	A	A	A	A																	(LL)
Raising of poultry <sup>157</sup>	A	A	A	A	A	A	A																		(MM)
Raising of garden crops <sup>158</sup>				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		A		
Raising of horses <sup>159</sup>	A	A	A	A																					(NN)
Recycling collection point <sup>160</sup>												A	A	A	A	A		A	A	A	A				

<sup>144</sup> Retitled from current “Refining or initial processing of basic raw materials other than products related to mining or quarrying operations, petroleum and chemicals, alcohol distillation excepting distilleries, animal products or by-products, wood, rubber, metal, and gases excepting nitrogen and oxygen and similar products.”

<sup>145</sup> Everything that is not in “Heavy Manufacturing.”

<sup>146</sup> Current USS 10-8-2(G).

<sup>147</sup> New use.

<sup>148</sup> New use.

<sup>149</sup> Combined “Antenna support structure” and “Alternative tower structure within 2,000 foot separation requirement (Subsection 10-4-11(B)4 of this title).” Current USS 10-4-11(A); 10-4-11(B)4; 10-8-2 (C).

<sup>150</sup> New use. Definition includes radio and television transmission and wind generators. Current USS 10-8-2(C)

<sup>151</sup> Retitled from current “Utility installations per subsection 10-28-2(A) of this title.” Current USS 10-8-2(A). Please confirm whether these are P or C uses. Most cities make larger facilities C uses, but the existing text says that utilities shall be approved if they meet these conditions, which would make them P uses subject to USS.

<sup>152</sup> Now includes “ancillary utility structure. Consolidation extends the use to OS district, where it is changed to a C use. We interpret the 10-8-2(A) standards to mean smaller facilities are permitted without conditions.

<sup>153</sup> “Air supported membrane structures” use was not carried over. This is a type of structure, not a use.

<sup>154</sup> Added as an A use in the B-1, B-2, and B-3 districts.

<sup>155</sup> Moved from “Institutions” and is now an Accessory Use with Use-specific Standards. Current USS 10-4-5(B). Use and definition expanded to include care of elderly adults.

<sup>156</sup> Moved from current “Services and enterprises related to animals” Use Category. Current USS 10-4-4(B)2.6

<sup>157</sup> Moved from current “Services and enterprises related to animals” Use Category. Added as A use in A-1, R-S, and R-L districts, but Use-specific Standards aimed at more suburban and urban districts do not apply in those 3 districts. Current USS 10-4-4(B)2.5.

<sup>158</sup> Moved from current “Raising Crops” Use Category. Not listed as accessory in A-1, R-L, and R-S because full agriculture uses are available in those districts. Added as an “A” use to the mixed use and special purpose districts (except CA, where it is already an “A” use).

<sup>159</sup> Added as A use to A-1, R-S, and R-L districts, but Use-specific Standards aimed at more suburban and urban districts do not apply in those 3 districts. Current USS 10-4-4(B)2.

<sup>160</sup> New use.



**Table 10-3-1: Permitted Use Table**

	Residential											Mixed Use <sup>55</sup>					Special Purpose <sup>56</sup>								
Use Type	A-1	R-S	R-L	R-E	R-1	R-2	R-3	R-3X	R-4	R-5	MH <sup>57</sup>	B-P	T	B-1	B-2	B-3	CA <sup>58</sup>	STP <sup>58</sup>	I-P <sup>59</sup>	I-1 <sup>60</sup>	I-2 <sup>61</sup>	CEM <sup>62</sup>	OS <sup>63</sup>	Use-Specific Standards	
Rooming or boarding <sup>161</sup>	A	A	A	A	A	A	A	A	A	A	A		A				A								(PP)
Satellite communications dish	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A				
Telecommunications antenna, co-located <sup>162</sup>	A	A	A						A	A		A	A	A	A	A	A		A	A	A				(FF)
Temporary concrete batch plant <sup>163</sup>	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				(QQ)
Temporary construction building, office or yard <sup>164</sup>	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		(RR)
Temporary real estate sales/leasing office <sup>165</sup>	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				(SS)
Temporary retail sales or service <sup>166</sup>	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T				(TT)
Temporary activity or structure, other <sup>167</sup>	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		(UU)

### 10-3-3 Use-Specific Standards

#### (A) Dwelling, Multi-family<sup>168</sup>

Residential dwelling units may be located in the same structure as nonresidential uses in the B-1 and B-2 districts provided the following conditions have been met:

1. The residential use shall not occupy the ground floor of the structure.<sup>169</sup>
2. No commercial activity, except for permitted home occupations, shall be conducted in the area of the structure designated for residential use.

#### (B) Manufactured Home<sup>170</sup>

1. Location, Parking, and Occupancy<sup>171</sup>

<sup>161</sup> Moved from original "Residential" Use Category. Current USS 10-4-4(B)4.

<sup>162</sup> Current USS 10-4-11(A).

<sup>163</sup> Moved from current "Miscellaneous Uses" Use Category. Current USS 10-4-10(A)1

<sup>164</sup> Moved from current "Miscellaneous Uses" Use Category. Current USS 10-4-10(A)2

<sup>165</sup> Moved from current "Miscellaneous Uses" Use Category. Current USS 10-4-10(A)3.

<sup>166</sup> Listed in 10-4-10(A)5 but not included in the Land Use Table found in the City Code. Current USS 10-4-10(A)5

<sup>167</sup> Combines (a) "Existing Permitted Uses" and addressing non-retail sales activities operated by a third party on a site containing a permitted or approved conditional use, and (b) "Temporary structure, not otherwise listed" from the "Miscellaneous Uses" use category. Both are now allowed in all districts.

<sup>168</sup> Current 10-4-12. Requirement that all structures comply with building codes, that the development comply with minimum lot area standards, and that parking meet code requirements for both residential and nonresidential parking were deleted as unnecessary.

<sup>169</sup> Revised from current requirement that residential uses not occupy more than 50% of gross floor area of structure.

<sup>170</sup> Current 4-4-20 through 4-4-23 reorganized and reworded for clarity. Provisions of 4-4-21(E) requiring registration of a manufactured home on a residential lot within 90 days after adoption of 1971 ordinance was deleted as obsolete (registrations either did or did not occur). The detailed standards for "Fuel Storage and Connections" addressing construction of liquefied petroleum gas facilities and connections in current 4-4-19 were deleted. These would usually appear in engineering or public safety standards rather than the zoning ordinance. These are very old provisions; we suggest you check whether you have any LPG powered manufactured homes and if not then delete these provisions altogether.

<sup>171</sup> Revised to cover both manufactured homes (HUD compliant) and mobile homes.

- (a) No manufactured home or mobile home shall be parked or occupied on any private property other than in a licensed manufactured home park, travel trailer park, or manufactured home or travel trailer sales lot.
- (b) No manufactured home, mobile home, or travel trailer shall be occupied in a park unless the mobile home or travel trailer is situated on a designated space.
- (c) No travel trailer shall be occupied on a travel trailer space for more 180 days in any calendar year.
- (d) No manufactured home or mobile home shall be permitted in any park or portion of a park licensed for travel trailers for more than five days.
- (e) Jacks or stabilizers must be placed under the frame of the manufactured home, mobile home, or travel trailer (excluding campers mounted on trucks and buses) springs while the home is parked for occupancy.
- (f) Parking of manufactured home, mobile home, or travel trailer in public roadside parks shall be in accordance with posted signs and instructions in such parking areas.

2. Additions<sup>172</sup>

No additions shall be built onto or become a part of any manufactured home or mobile home except the following, each of which shall require a building permit:

- (a) Cabanas, patios or porches;
- (b) Skirting that includes approved vents as required by Section 4-4 of the Littleton Code; and
- (c) Fireplaces that have a manufacturer's certification for manufactured home installation and that provide outside combustion air into the firebox. For purposes of this Section, the term "fireplace" shall include all wood and coal burning or other appliance that use combustion air within a firebox as well as conventional fireplaces and zero clearance fireplaces.

3. Storage

- (a) Each manufactured home or mobile home space shall be provided with not less than 100 cubic feet of storage space, which may be provided within individual units located on each manufactured home or mobile home space or in a central building. All such storage units and buildings shall be of one-hour fire resistant construction.<sup>173</sup>
- (b) No storage shall be permitted underneath any manufactured home, mobile home or travel trailer.

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<sup>172</sup> Current 4-4-22 reworded for clarity. Text prohibiting harborage for rodents and fire hazards were deleted as obsolete, since both rodents and fire hazards are nuisances barred by other provisions of the Code. Most newer codes require skirting (i.e. it is not an option) and we recommend you require that unless it will create numerous nonconformities.

<sup>173</sup> Limitation that storage space in a central building serve no more than 4 spaces deleted as obsolete.

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**(C) Group Home, Large or Small<sup>174</sup>**

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1. No Small Group Home shall be located with 750 feet of another Small Group Home.<sup>175</sup>
2. A Group Home constructed after [effective date] shall not be of an architectural design or substantially inconsistent with the character of the surrounding neighborhood, based on the Director's review of the scale, form, and location of the group home on the site, and shall comply with all applicable design guidelines adopted by the Planning Board.<sup>176</sup>
3. No Small Group Home shall have residents needing skilled or intermediate care.<sup>177</sup>
4. No group home shall be reconfigured, or otherwise altered, to provide for more than one kitchen or cooking facility.<sup>178</sup>
5. No person associated with the ownership or operation of the group home shall have been convicted of a felony or of any violation of a license to operate any type of group home or residential facility providing care or services to its residents in the past 5 years.<sup>179</sup>
6. The proposed owner or operator of the group home shall submit an application to the City containing all information necessary to verify compliance with the standards in subsection 1 through 5 above.<sup>180</sup>

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**(D) Child or Adult Care Centers; Elementary or Secondary Schools; Other Religious Facilities<sup>181</sup>**

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1. Open play areas shall be screened or otherwise buffered to minimize noise and negative visual impacts on or from adjacent properties.
2. Adjacent public streets shall have adequate capacity to safely carry any additional vehicular traffic which may be generated by the facility.

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<sup>174</sup> Consolidates and reorganizes content of Chapter 10-14 (Group Homes for the elderly) to align with FHAA and state law, and to reflect consolidation of narrowly defined group living uses into "group home, small" and "group home, large". Requirement for a Council permit for each group home for the elderly was deleted as unnecessary given the Use-specific Standards and potentially in conflict with federal and/or state law. Provisions of 10-14 regarding publication and posting of notice and hearing criteria not carried over, since a conditional use permit hearing is no longer required. Criteria related to change of ownership of the facility, manner in which services are provided, prohibition on administrative activities in the facility, location near transportation lines and convenience shopping, restriction to owner-occupied and non-profit facilities, demonstration of skill and ability, requirement for an annual report were not carried over as outdated or generally covered by state licensing reviews. Materials prohibiting any change in the facility without another City Council permit were not carried over as unnecessary; modifications to group homes should be covered by the same rules applicable to changes to other types of permits and approvals.

<sup>175</sup> Current provision for elderly group homes extended to apply to all small group homes.

<sup>176</sup> Reworded for clarity and to add objective standards to guide Director's decision.

<sup>177</sup> Current provision for elderly group homes extended to apply to all small group homes. This should not apply to Large Group Homes, because assisted living facilities and nursing homes are permitted in the same zoning districts and they are allowed to provide these types of care.

<sup>178</sup> Current provision for elderly group homes extended to apply to all group homes.

<sup>179</sup> New criteria enabling the City to verify the quality of care or services likely to be provided without the need for a conditional use permit hearing. Replaces much vaguer "good moral character" standard in current Code.

<sup>180</sup> The list of application materials is very dated and has not been carried over.

<sup>181</sup> Current 10-8-2(B). Requirements for play area separation from traffic and for drop-off/pick-up areas deleted because those are covered by state licensing standards. Now applies to elementary/secondary schools, not just private schools.

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### **(E) Community Correctional Facility<sup>182</sup>**

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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.
2. No property containing a community correctional facility shall be located within 500 of any school, preschool, child or adult care center, playground, park that includes playground equipment or from any property zoned for residential use, measured from property line to property line.<sup>183</sup>
3. No facility located in compliance with Subsection 2 above shall be in violation of this Code if one of the land uses listed in Subsection 2 later locates within 500 feet of the facility.<sup>184</sup>
4. Full time supervision of the residents housed in the facility must be provided on-site.
5. The facility must be designed and constructed to be compatible in building form and outward appearance with the 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.
6. In addition to those provisions for termination or abatement of violations as specified in Section 10-5-3(F), a conditional use or renewal will be approved for a period up to 5 calendar years unless complaints are received concerning the operation of the facility or ownership of the facility changes. No later than 45 days prior to the expiration of the conditional use, or prior to the change in ownership of the facility, the operator of the facility shall request a public hearing before the planning board for the purpose of determining whether the facility shall be granted a renewal. The renewal shall be issued upon finding that the facility is in compliance with this Code and has operated within all conditions previously established.<sup>185</sup>

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### **(F) Place of Worship and Other Religious Facility<sup>186</sup>**

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All facilities that are located in a residential zone district or adjoin a residential use or zone district shall meet the following standards:

1. All facilities shall be set back at least 25 from each public right-of-way and at least 20 feet from each side and rear lot line.
2. The maximum building height shall be the height limit for the zone district in which the facility is located, except that steeples, or spires, or other vertical projections not designed for human occupancy are exempt from that height limit and may be constructed to the height approved on the final SDP.

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<sup>182</sup> Current 10-8-2(J).

<sup>183</sup> Revised to include new use names.

<sup>184</sup> New provision.

<sup>185</sup> Condition that the facility not have violated the intent of the Code was deleted, because violations of intent are very hard to establish or enforce.

<sup>186</sup> Current 10-4-2.

3. All requirements of this Code, including but not limited to site design (Section 10-4-2), parking (Section 10-4-4), and landscaping (Section 10-4-5) shall apply to places of worship and other religious facilities.

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**(G) Crematorium<sup>187</sup>**

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1. The facility must be located upon the same lot or parcel as a cemetery or mortuary.
2. The incineration unit shall be a minimum of 20 feet from any lot or property line. No variance shall be allowed from this minimum distance.
3. Emissions, ash or odors shall be controlled as provided in Title 7, Chapter 3 of this Code, Sections 10-4-9 of this Title and any federal or state statutes or regulations to minimize impacts on adjacent properties and the surrounding neighborhood. The Planning Board may require installation of monitoring devices to ensure compliance with this Section.
4. The outward appearance of the facility must be designed and constructed to be similar in building form, scale, and appearance to adjacent on-site and offsite 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.
5. Any smokestacks, vents or chimneys shall not exceed 30 feet above finished grade of the lot or parcel or 9 feet above the finished roofline, whichever is less.

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**(H) Animal Boarding or Care, General<sup>188</sup>**

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1. 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.
2. The facility shall comply with the Section 10-8-3.<sup>189</sup>
3. 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.
4. Picking up and dropping off of animals shall be limited to six thirty o'clock (6:30) A.M. to nine o'clock (9:00) P.M.<sup>190</sup>
5. No animals shall be allowed outdoors before six thirty o'clock (6:30) A.M., and no more than three (3) animals at a time shall be allowed outdoors after eight o'clock (8:00) P.M. until closing.
6. Animals boarded overnight shall be housed in individual indoor secured kennels when staff is not present.<sup>191</sup>

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<sup>187</sup> Current 10-8-2(N). Requirement that the facility be used only for incineration was deleted as unnecessary.

<sup>188</sup> Current 10-4-15, reworded and reorganized for clarity, and with changes as noted. Provision requiring filing a plan of operation and avoiding nuisances deleted as unnecessary;

<sup>189</sup> Moved from current 10-8-2 and reworded as a standard rather than a required finding. Requirement for compliance with intent was not carried over as difficult to administer due to vagueness of intent statements.

<sup>190</sup> Revised to apply to all animals, not just dogs.

7. Outdoor areas where animals will be allowed must be a minimum of 20 feet from any property line abutting a residential use.
8. A perimeter fence must be provided for all outdoor areas where animals will be allowed. The perimeter fencing must include either (1) a single fence 8 feet tall, or two fences between 6-8 feet in height, with one fence set inside the other fence and with a separation of 3-6 feet between fences.
9. A site development plan in accordance with Section 10-5-3(D) or a sketch plan in accordance with Section 10-5-3(F) required.<sup>192</sup>

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**(I) Animal Clinic<sup>193</sup>**

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1. In the T district, no overnight boarding of animals is permitted.
2. In the B-1 district, overnight boarding of animals is permitted only in connection with medical treatment of the animal.
3. In the A-1, R-S, and R-L zone districts, all activities must take place indoors, and no outside animal exercise or other areas are permitted.

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**(J) Beekeeping<sup>194</sup>**

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1. It shall be unlawful to keep any colony on a multi-family lot 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.

Table 10-3-2: Maximum Beekeeping Standards	
Parcel Size or Dimensions	Maximum Number of Colonies
Less than ½ acre	4
½ to 1 acre	6
Larger than 1 acre	8
If all hives are 200 ft. or more from all property lines	No limit, regardless of parcel size

2. For each 2 colonies authorized under Subsection 7 above, the parcel may also contain one nucleus colony in a hive structure not exceeding one standard nine and five-eighths inch ( $9\frac{5}{8}$ " ) depth 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 30 days after the date it is acquired.
3. All hives shall be located at least 5 feet from any adjoining property with the back of the hive facing the nearest adjoining property.
4. If any colony is situated within 25 of a property line of a developed public or private property, as measured from the nearest point on the hive to the property line, the beekeeper shall establish and maintain a flyway barrier at least 6 in height consisting of a solid wall or fence parallel to the property line and extending ten 10 beyond the

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<sup>191</sup> Revised from "Dogs" to "Animals." This is an issue normally addressed by state or local animal control laws or regulations and we recommend it be removed from the Code.

<sup>192</sup> This type of application requirement should appear on the City's web site – not in the Code. **Staff:** The current cross-reference is to "Chapter 8 of this Title," which is the Conditional Use procedures. Please confirm that is correct.

<sup>193</sup> Consolidates existing restrictions on these facilities.

<sup>194</sup> From current 10-4-14 with changes as noted. Definitions have been incorporated into this Development Code.

colony in each direction so that all bees are forced to fly at an elevation of at least 6 above the ground level of the property lines.

5. All bee colonies shall be kept in hives with removable combs, which shall be kept in sound and usable condition.
6. 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.
7. Each property owner or beekeeper shall ensure that no bee comb or other materials that might encourage robbing (i.e. the pilfering of honey from a weak colony by other honeybees or insects) 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 bee-proof enclosure.
8. If a colony exhibits usually aggressive characteristics by stinging or attempting to sting without due provocation or exhibits an unusual disposition towards swarming, it shall be the duty of the beekeeper to obtain a new queen bee for the colony. Queens shall be selected from stock bred for gentleness and nonswarming characteristics.
9. 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 by the City.

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**(K) Bar or Tavern<sup>195</sup>**

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1. Notwithstanding any provision of the Colorado Revised Statutes to the contrary:
  - (a) No beer or wine license may be issued in the CA zone district unless the location of the facility to be licensed is at least 300 feet from any elementary or secondary school.<sup>196</sup>
  - (b) No facility located in compliance with Subsection (a) above shall be in violation of this Code if one of the land uses listed in Subsection (a) later locates within 300 feet of the facility.
  - (c) No minimum distance from vocational schools and colleges shall be required for application for the issuance of a hotel and restaurant liquor license.

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**(L) Bed and Breakfast**

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1. The facility must provide 1 parking space, in addition to those required for a single-family detached residence, for each rentable bedroom.
2. Food and beverages may only be served to lodgers in the facility unless a temporary use permit has been obtained for a special event.

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<sup>195</sup> Current 3-2-20, with changes as noted.

<sup>196</sup> "Public or parochial school" replaced by "elementary or secondary school" to match use table titles.



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**(M) Craft Alcohol Establishment<sup>197</sup>**

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1. The tasting/retail sales room must be oriented toward the public façade, which is established by the building's address. Within a shopping center this area must be oriented toward a common space where the public can access the building.<sup>198</sup>
2. Within the CA zone district the maximum gross floor area of the manufacturing establishment cannot exceed 6,000 square feet, unless approved as a conditional use per Chapter 8 of this Title.

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**(N) Restaurant**

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1. In the OS district, only sit-down restaurants are permitted.<sup>199</sup>
2. Drive-through and curbside service facilities are only permitted in the B-2 and B-3 districts.

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**(O) Office, General Personal Services, and General Retail, Small or Large**

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1. Drive-through and curbside service facilities are only permitted in the B-2 and B-3 districts.

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**(P) Temporary Labor Halls<sup>200</sup>**

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1. No facility may be operated within 500 feet of:
  - (a) A place of worship or other religious facility;
  - (b) A school;
  - (c) A public park (not including trails);
  - (d) A residential zone district or a residential use; or
  - (e) A day care facility, unless operated primarily for the employees of the temporary labor hall.
2. No facility located in compliance with Subsection 1 shall be in violation of this Code if one of the land uses listed in Subsection later locates within 500 feet of the facility.

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**(Q) Adult Entertainment or Adult Retail Sales<sup>201</sup>**

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1. An adult entertainment or adult retail sales use shall not be operated within 500 feet of:
  - (a) A place of worship or other religious facility;
  - (b) A school or child or adult care center;<sup>202</sup>
  - (c) A public park (not including trails);
  - (d) A massage parlor licensed under provisions of the city code; or

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<sup>197</sup> Current 10-4-16, with changes as noted. This section is titled "Brewery, Winery, Distillery" but the content shows that it is intended for smaller, public-serving facilities.

<sup>198</sup> We think this standard is unnecessary and recommend it be deleted.

<sup>199</sup> Per 10-2-24(B)6.

<sup>200</sup> Current 3-18-3. Wording revised to match current use names.

<sup>201</sup> Current 3-14-3. Wording revised to match current use names.

<sup>202</sup> Expanded to include adult care.



- (e) A community correctional facility or the county jail.
2. An adult entertainment or adult retail sales use shall not be operated within 1,000 of another adult entertainment use, adult retail sales use, or a massage parlor as defined by section 12-48.5-103 Colorado Revised Statutes.
  3. Separation distances in Subsections 1 and 2 above shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult retail sales or adult entertainment use is located.<sup>203</sup>
  4. It shall be unlawful to cause or permit the operation or maintenance of more than one adult entertainment or adult retail sales use in the same building, structure or portion of a building or structure.
  5. Any adult entertainment or adult retail sales use lawfully operating on the effective date of this chapter<sup>204</sup> that is in violation of Subsections 1 through 4 above will be permitted to continue for a period 6 months from that date. However, the zoning administrator may grant an extension of time during which a use in violation of Subsections 1 through 4 will be permitted to continue upon a showing that the owner of the business has not had a reasonable time to recover the initial financial investment in the business. No such extension of time shall be for a period greater than that reasonably necessary for the owner of the business to recover his/her initial financial investment in the business. A use in violation of Subsections 1 through 4 may continue during such extended period, unless the use is sooner terminated for any reason or voluntarily discontinued for a period of 30 days or more. Any use subject to this Subsection 5 shall not be enlarged, extended or altered except that the business may be brought into compliance with this Code. If 2 or more adult entertainment or adult retail sales uses are within 1,000 of one another and otherwise in a permissible location, the adult entertainment or adult retail sales use that was first established and continually operating at its location will be deemed to be in compliance with Subsections 1 through 4, and the later established business(es) will be deemed to be in violation of Subsections 1 through 4 of this section.
  6. An adult entertainment or adult retail sales use lawfully operating is not rendered a nonconforming use by the later location of any of those listed in Subsection 1 above within 500 of the adult entertainment or adult retail sales use. However, if the adult entertainment or adult retail sales ceases operation for a period of one hundred eighty (180) days or more regardless of any intent to resume operation, it may not recommence operation in that location.
  7. An application for an adult entertainment or adult retail sales use shall approved, denied, or approved with conditions consistent with the provisions of this Code within 45 days after the applicant submits a complete application for that use. If the decision is appealed to the Board of Adjustment pursuant to Section 10-5-2(K), the Board shall make a decision on that appeal within 45 days after the appeal and all supporting documents identifying the grounds for the appeal have been filed with the City.<sup>205</sup>

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<sup>203</sup> Wording clarified.

<sup>204</sup> **Staff:** The effective date of the original adoption of these regulations needs to be inserted here.

<sup>205</sup> New provision based on the recent decisions in *City of Littleton v ZJ Gifts D-4 541 US 774 (2004)*; *JAM Rest. Inc. v City of Longmont, 140 P.3d 192 (Colo. App. 2006)*.

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**(R) Medical Marijuana Centers**

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1. All Medical Marijuana Centers must comply with requirements of Chapter 20.

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**(S) Open Air Market<sup>206</sup>**

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1. Visual impact and glare shall be minimized; and noise shall conform to the standards of Section 7-3-6.
2. Hours of operation and other restrictions, including curfews established by Section 6-4-181, shall be posted.
3. The operator shall employ 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.

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**(T) Studio for Arts Instruction<sup>207</sup>**

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1. In the R-3, R-3X, and R-4 zone districts, this use is only permitted if the Planning Board finds that the following conditions are met:
  - (a) The use is conducted within a nonresidential structure that was constructed for a place of worship, other religious facility, or school.
  - (b) The use and site complies with the off street parking requirements specified in Section 10-4-4.
  - (c) Exterior lighting is fully shielded and complies with the requirements of Section 10-4-6.
  - (d) All signage complies with Section 10-4-7.

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**(U) Off-Track Betting Facility<sup>208</sup>**

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1. Approval and Termination
  - (a) This use shall not be constructed, reconstructed, enlarged, relocated or otherwise established without City Council as provided in Section 3-17-4 of the Littleton Code.
  - (b) All applicable requirements of this Code shall be met and are deemed the minimum required. The Council shall impose such other conditions and limitations as it, in its sole discretion, may determine to be necessary to fulfill the purpose and intent of this Code as stated in Section 3-17-2 of the Littleton Code.
  - (c) Any one of the following shall terminate the right of a person to operate an off-track betting facility:

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<sup>206</sup> Current 10-8-2(L).

<sup>207</sup> Current 10-8-2(Q), with changes as noted. Standard that traffic be acceptable was deleted because it will always be met if the facility is a former church or school. Wording revised to match new use names.

<sup>208</sup> Current 3-17-3, reorganized and reworded for clarity.

- (i) Failure to initiate operation of the facility within 12 months from the date approved by the Council. Upon request of the applicant, the Council may grant a 6 month extension, but shall not grant more than 2 such extensions;
  - (ii) Discontinuance of off-track betting for a period of at least 12 months;
  - (iii) Violation of, or failure to comply with any provision of this Section 10-3-3(U) or condition of the permit shall be grounds for the suspension or revocation of the permit. In addition, and notwithstanding said penalties, the penalties and remedies contained in Sections 1-4-1 of the Littleton Code and Section 10-5-4 (Enforcement, Violations, and Penalties) may be applied to violations of any provision of this Subsection;
  - (iv) Failure to timely renew its permit in accordance with Subsection (e) below.
- (d) Unless a phased development plan is approved with the application, once any portion of the facility is utilized for off-track betting, all specifications and conditions pertaining to the license become immediately effective.
- (e) The process for reinstatement of any off-track betting permit which has been terminated under the terms of Subsection (c) above, shall be the same as for original approval; provided, that no off-track betting permit which has been revoked shall be reinstated for one year following the effective date of revocation.
- (f) All off-track betting permits shall be valid for one year from the date issued unless terminated pursuant to Subsection (c) above. If a renewal of the permit is desired, the permittee shall, at least 60 days preceding the date of the expiration of its permit request renewal of its permit on forms supplied by the City. Those forms shall, at a minimum, require the permittee to address whether or not the criteria set forth in Section 3-17-2 have continued to be met, and by what means. The forms shall also require the permittee to report all disturbances and police responses to its premises that have occurred during the preceding year.
2. Show Cause Hearings
- (a) Whenever a written complaint is filed by the staff with the Council charging any permittee for off-track betting facilities with a violation of any law or of any of the rules or regulations in this Code, the Council shall cause to be determined by investigation or otherwise the probable truth of such charges.
  - (b) If it shall appear from that investigation or shall otherwise come to the attention of the Council that there is probable cause to believe that a permittee has violated any such law, rule or regulation, the Council shall issue and cause to be served upon such permittee a notice of hearing and order to show cause why his or her permit should not be suspended or revoked.
  - (c) A hearing shall be held at a place and time designated by the Council on the day stated in the notice, or upon such other day as may be set for good cause shown. Evidence in support of the charges shall be given first, followed by cross-examination of those testifying. The permittee, in person or by counsel, shall then be permitted to give evidence in defense and in explanation, and shall be allowed to give evidence and statements in mitigation of the charges. In the event the

permittee is found to have committed the violation charged, or any other violation, evidence and statements in aggravation of the offense shall also be permitted.

- (d) If the evidence presented at the hearing does not support the charges stated in the notice and order served upon the permittee, but standing alone establishes the guilt of the permittee of a violation of some other law, rule or regulation, the permittee shall be permitted to give evidence and statements in defense, explanation and mitigation if then prepared to do so. If such evidence is not then available, but can be obtained by the permittee, the permittee shall state the substance thereof and upon his or her request the hearing may be recessed for not more than 10 days, and shall then continue under the same procedure as though no recess had occurred.
- (e) In the event the permittee is found not to have violated any law, rule or regulation, the charges against him or her will be dismissed. If the permittee is found to have violated some law, rule or regulation, his or her permit may be suspended, revoked or renewed.
- (f) Every permittee whose permit has been suspended by the Council shall post two (2) notices in conspicuous places, one on the exterior and one on the interior of his premises, for the duration of the suspension. The notices shall be of a size, and shall contain such content, as the City determines adequate to inform the public of the actions taken by Council.<sup>209</sup> Advertising or posting signs to the effect that the premises has been closed or business suspended for any reason other than by order of the Council, shall be deemed a violation of this subsection.
- (g) In all cases where a hearing is held regarding the potential suspension, revocation or nonrenewal of any permit issued, the Council shall consider the following factors in mitigation or aggravation:
  - (i) Seriousness of the violation(s) (affront to the public);
  - (ii) Corrective actions(s) taken (if any);
  - (iii) Prior violations and offenses at the permittee's premises and effectiveness of any prior corrective action;
  - (iv) Prior violations and offenses by the permittee or his or her employees;
  - (v) Violation as a repeated course of conduct or as a single event;
  - (vi) Likelihood of recurrence;
  - (vii) All circumstances surrounding the violations;
  - (viii) Willfulness of the violation(s);
  - (ix) Hardship on the permittee for the sanction proposed;
  - (x) Length of time the permit has been held by this permittee;
  - (xi) Previous sanctions imposed against his or her permit; and
  - (xii) Other factors making the situation with respect to the permittee or premises unique.

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<sup>209</sup> Details of the sign to be posted have not been carried over; those types of administrative details should be in an administrative document or on the City's web site, not in the Code.

**3. Location and Quality**

- (a) This use shall not be located within 500, measured from property line to property line, of any residential district, schools, place of worship, other religious facility, parks, playgrounds or other areas in which minors regularly travel or congregate.
- (b) Adjacent public streets shall have adequate capacity to safely and efficiently carry any additional vehicular traffic which may be generated by the facility.
- (c) No loudspeakers or other sound equipment, or other verbal presentation, shall be permitted which can be heard beyond the interior of the facility.
- (d) The operator shall provide for adequate exterior lighting and other security measures to ensure that any adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering and noise.
- (e) Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 10-4-9.
- (f) Traffic into residential areas shall be restricted.
- (g) The outward appearance of the facility must be designed and constructed to be compatible in building form and appearance with 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.
- (h) Off-track betting facilities shall, to the maximum extent possible, be oriented to minimize any harmful effect the use may have on any adjacent property or use.

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**(V) Recreation/Entertainment, Indoor<sup>210</sup>**

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- 1. Indoor amusement uses may only occupy more than 50 percent of the gross floor area of the establishment if the following conditions are met:<sup>211</sup>
  - (a) The facility complies with the hours of operation and other restrictions, including curfews established by Section 6-4-181 of the Littleton Code, and posts a notice of those hours of operation and restrictions inside the facility and near the main entrance door.
  - (b) The facility is designed and operated to ensure that adjacent properties are adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.
  - (c) Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 10-4-9.<sup>212</sup>
- 2. Circuses and carnivals are only permitted in the B-3 and CA zone districts, and shall comply with the following standards:

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<sup>210</sup> Current 10-8-2(E), with changes as noted. Definition of Teen Club was not carried over as outdated.

<sup>211</sup> Standards extended from B-2 and B-3 to CA.

<sup>212</sup> Replaces general statement about lighting, for consistency.

- (a) A license shall be obtained as required under Title 3, Chapter 3 of this Code; and
- (b) The license shall be for a period not to exceed 16 days.<sup>213</sup>

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**(W) Recreation/Entertainment, Outdoor<sup>214</sup>**

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- 1. Hours of operation and other restrictions, including curfews established by Section 6-4-181, shall be posted.
- 2. Adjacent properties shall be adequately protected from any negative impacts including, but not limited to, litter, loitering, and noise.
- 3. Visual impact and glare shall be minimized, and noise shall conform to the standards of Section 10-4-9.
- 4. The facility shall provide adequate exterior lighting and other security measures.<sup>215</sup>

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**(X) Mini-Warehousing<sup>216</sup>**

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- 1. Lot Requirements
  - (a) Limited to a maximum lot area of 3 acres in B-3 districts and 5 acres in I-P, I-1 or I-2 districts. Maximum lot area in planned development districts shall be set by the general PD plan.
  - (b) Lot coverage of all structures shall not exceed 35 percent of the total lot area.
  - (c) Building height shall not exceed 12 feet, unless otherwise established by an approved general PD plan or PDO plan or a Conditional Use Permit is obtained.<sup>217</sup>
- 2. Access, Circulation and Loading<sup>218</sup>
  - (a) Public access shall be restricted to a single location along a public street. The public access shall be equipped with a gate that shall be closed during the hours when the business is closed, and the access point shall be fully visible from the manager's office. At least one additional emergency access point, which shall be closed to the public, shall be provided. The emergency access shall be equipped with a knockdown type fence or similar barrier acceptable to the City's fire and police departments.
  - (b) All drives with loading lanes shall be not less than 30 feet wide. Drives without loading lanes shall be not less than 20 feet wide and shall be posted to prohibit parking or loading.
  - (c) Marked loading lanes shall be provided to give direct access to the structure in which storage units are located. Loading lanes shall be clearly marked for the exclusive use of the lessees of the storage units and shall not be used for the temporary or permanent storage of any item. Loading lanes shall be a minimum of 9 in width.

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<sup>213</sup> Text revised to confirm that since a license for a limited time period is required, a conditional use permit is not required.

<sup>214</sup> Current 10-8-2(F), with changes as noted.

<sup>215</sup> Standards extended to apply to all districts where the use is permitted.

<sup>216</sup> Current 10-4-8.

<sup>217</sup> Standards 2 and 3 assume that these will be single story structures, when some of the newer/nicer ones use more attractive multi-story designs. We recommend these standards be deleted.

<sup>218</sup> On-site parking standards were deleted as unnecessary.

3. Landscaping, Fencing and Lighting

- (a) In B-3 and I-P districts, landscaping and unobstructed open space shall comply with requirements for those districts.
- (b) As a minimum, facilities in I-1 and I-2 districts shall provide a 10 wide landscaped area adjacent to all abutting street rights of way. Any boundary of a site that adjoins or faces a residential district shall be buffered by a landscaped area of not less than 10 feet wide and shall be provided with a solid 6 foot screen fence.<sup>219</sup>
- (c) 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.
- (d) Adequate lighting shall be provided in conformance with Chapter 15 of this Title.<sup>220</sup>
- (e) 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 that is contained under pressure; and any of the potentially dangerous chemical compounds commonly associated with maintenance and repair activities.
- (f) The exterior of structures and grounds shall be maintained in a neat, clean and orderly manner. At least 1 closed dumpster type trash container for each 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 shall be limited to establishment identification and directional purposes only, and shall comply with the provisions of Title 4, Chapter 3 of this Code.<sup>221</sup>
- (h) A full time manager shall be responsible for the operation of the facility. Such manager may be "live in" on-site, provided that a permanent residence that meets all City requirements for residential occupancy.
- (i) The lessee of any storage unit or space shall be provided with a written document that shall, at a minimum, contain clear statements of all limitations and prohibitions of these regulations. The operator shall require that the lessee acknowledge that he or she has been advised of the limitations and prohibitions of these regulations.
- (j) A copy of the regulations shall be conveniently displayed on the premises.
- (k) 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.

<sup>219</sup> Vague standard requiring screening when adjoining "higher" zone districts was deleted as to vague to enforce. Screening adjacent to residential districts is still required.

<sup>220</sup> Again, we feel this is not necessary; all uses need to meet these standards.

<sup>221</sup> We recommend deleting the text referring to establishment identification and directional signs as unnecessary content-based regulation.



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**(Y) Outdoor Storage; Heavy Vehicle and Equipment Services<sup>222</sup>**

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1. All outdoor storage, and all heavy vehicle and equipment services, 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 that fully conceal such facilities from adjacent properties, as viewed from ground level.
2. 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.
3. All materials or wastes that might cause fumes or dust, that constitute a fire hazard, or that may be edible or otherwise attractive to rodents or insects, shall be stored outside in closed containers only.
4. 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.
5. 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.

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**(Z) Wholesale Sales and Distribution<sup>223</sup>**

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1. In the CA zone district, items sold at retail are permitted to be sold at wholesale; provided, that if wholesale sales are operated in the primary structure, it shall not occupy more than 50 percent of the gross floor area of the primary structure; and if operated outside the primary structure, shall not occupy more than 50 percent of the lot area.

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**(AA) Automobile Parking Garage or Lot<sup>224</sup>**

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1. Primary Use Parking in the Residential and T Districts  
In residential zone districts or the T district where this use is listed as a Conditional use in the Permitted Use Table, it must meet the following standards:
  - (a) Only a surface parking lot (not a parking garage) is permitted;<sup>225</sup>
  - (b) The parking lot must be located adjacent to B-P, T, B-1, B-2, B-3 or CA zone district;
  - (c) Parking shall be limited to applicant's customers and employees;
  - (d) Traffic into residential areas shall be restricted;
  - (e) Parking shall be screened from surrounding residential areas and adjacent public streets; and
  - (f) Sign limiting use of the parking lot to customer and employee parking, shall be placed on the site.

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<sup>222</sup> Current 10-4-7. Standards extended to new heavy vehicle services use.

<sup>223</sup> Current 10-4-4.

<sup>224</sup> Combines standards from current 10-8-2-(H) and 10-9-5(G).

<sup>225</sup> New provision to carry out intent of current regulations.



2. Primary Use Parking in the B-1, B-2, B-3 and C-A Districts

In the B-1, B-2, B-3 and C-A districts, this use must meet the following standards:<sup>226</sup>

- (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, and shall comply with all applicable requirements for parking lots in Section 10-4-5(I) and in the City's landscape manual;
- (d) All outdoor lighting shall comply with Section 10-4-6. A lighting plan shall be submitted for approval with the site development plan.<sup>227</sup>
- (e) In the case of a parking garage, architectural design of the building and building features including, but not limited to, building height, facades, fenestration, retaining walls and fences, shall be compatible with the form, shape, and detailing of 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;
- (f) The applicant shall provide written certification from the Director of Community Development that the proposed site, or existing structures on the site, is 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
- (g) If the proposed site is an area designated as having notable character or qualities of architectural and/or historical significance, the application for a conditional use permit contains a copy of a certificate of appropriateness obtained pursuant to Section 10-5-3(H) that allows alteration or demolition of the site.

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**(BB) Automobile Sales, Rental, or Leasing<sup>228</sup>**

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- 1. In the B-2 zone district, the sale, leasing, renting, or pawning of used motor vehicles is permitted subject to the following conditions:
  - (a) A minimum lot size of three (3) acres is required.
  - (b) No outdoor display ramps shall be permitted.
  - (c) 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.

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<sup>226</sup> Requirements for PDO overlay zoning approval and compatibility determination were deleted as unnecessary. This is now treated as a conditional use permit.

<sup>227</sup> We think this standard is unnecessary, and the submittal requirements should not appear in the Code.

<sup>228</sup> Current 10-8-2(M) with changes as noted. Expanded to include rental and leasing, because many establishments engage in more than one of these activities, and the land use impacts are similar.

- (d) Noise shall conform to the standards of Section 10-4-9 of this Code regarding amplified sound.<sup>229</sup>

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**(CC) Automobile Service Station<sup>230</sup>**

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1. In the B-2, B-3, and CA zone districts, no outdoor storage of vehicles awaiting repairs or awaiting pickup following repairs for a period longer than 48 hours is permitted.
2. Only vehicles that are awaiting service or pickup following service may be stored on the property; the use does not include sales or storage of other vehicles as an accessory use.
3. Each side and rear lot line of the property shall be landscaped as required by Section 10-4-5 and the City's landscaping manual, and shall include an opaque fence between 6-8 feet tall along the property line. This requirement may not be met with chain link fences with inserts.

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**(DD) Heavy Manufacturing<sup>231</sup>**

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1. Any establishment or facility that uses chemicals, materials or procedures that create a risk of explosion, fire, or accident such that the City's adopted building code contains additional safety or security requirements for the storage of materials or the rooms or places where the activity takes places, or where the City's adopted regulations will require pre-treatment of solid or liquid waste because of risks to public health, public safety, or the environment, shall require the issuance of a conditional use permit.

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**(EE) Solid Waste Incinerator or Landfill<sup>232</sup>**

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This use and similar use, including but not limited to waste transfer stations, shall comply with the following standards:

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 and Sections 10-4-9 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.

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<sup>229</sup> Again, we think conditions 3 and 4 are unnecessary and should be deleted; all uses need to comply with lighting and noise standards.

<sup>230</sup> New standards included in many newer codes.

<sup>231</sup> New standard included in many newer codes.

<sup>232</sup> Current 10-8-2(G).

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**(FF) Telecommunications Facilities<sup>233</sup>**

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All telecommunications facilities, including both primary and accessory uses, structures, and equipment, and including but not limited to Commercial Mobile Radio Service (CMRS) uses, structures and equipment, shall comply with the following standards.

1. Facilities Located or Collocated on Existing Structures

- (a) Telecommunications facilities that are supported entirely by a roof or wall of an existing nonresidential, mixed use, or multi-family<sup>234</sup> structure are allowed as a permitted accessory use in any zone district. A telecommunications facility may also be located as an accessory use on a multiple dwelling unit structure containing 8 or more dwelling units that is at least thirty 35 in height. Antennas, ancillary utility structures, and associated transmission equipment shall be a neutral color that is identical to, or closely compatible with, the color of the supporting structure. Antennas shall not extend more than 15 beyond the highest point of the supporting structure.
- (b) No antenna support structure owner or lessee or employee thereof shall act to exclude or attempt to exclude any other telecommunications provider from the same location. An antenna support structure owner or lessee or employee thereof shall cooperate in good faith to achieve collocation of antennas with other telecommunications facility providers.
- (c) The City shall administratively approve any application for collocation of any telecommunications facility that will not create a “significant change” to the existing structure, as defined in 47 C.F.R. § 1.40001(7).<sup>235</sup>
- (d) Requests for collocation, removal, or replacement, or “Eligible Facilities Requests,” as defined in this Code and under federal law, for a modification of an existing wireless telecommunications facility that does not create a “substantial change” in the physical dimension of the facility, as defined under federal law, shall be granted. The Department of Community Development shall determine whether the application constitutes an eligible facilities request, and grant the request within 60 days. Applications for collocations that do not qualify as eligible facilities requests shall be granted within 90 days. These review periods include the review for determining whether the application is complete. This timeframe may be extended by mutual agreement or if the City informs the applicant in timely manner that the application is incomplete.<sup>236</sup>

2. Antenna Support Structures<sup>237</sup>

- (a) Before any request for the construction of a new antenna support structure is approved, and where technologically feasible, collocation of antennas on existing

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<sup>233</sup> Current 10-4-11, with changes as noted. Wording revised and reordered for clarity. All references to “CMRS” have been revised to “Telecommunications” to make the code more easily understandable to citizens. We made no changes to these standards except to conform to recent federal rules and decisions.

<sup>234</sup> Provision extended to mixed use structures.

<sup>235</sup> New provision to comply with recent federal rule.

<sup>236</sup> New provision to comply with recent federal rule.

<sup>237</sup> There seems to be no difference in the treatment of “antenna support structures” and “alternative towers” except that the latter has a 2000 foot separation requirement in its title. It seems unusual to require separation for the less visible of these two uses.

antenna support structures shall be required. Where any party seeking access to an existing antenna support structure is unable to satisfactorily contract for collocation, the parties shall appoint an arbitrator for purposes of providing, by contract, for the terms, conditions, and costs which are to be associated with the collocation. In those situations where the parties cannot agree on an arbitrator, one shall, upon the request of the parties, be appointed by the city attorney. All costs of arbitration shall be at the sole expense of the parties. The decision of the arbitrator shall be final and shall be binding on the parties.

- (b) An applicant for a new antenna support structure shall demonstrate that it has contacted the owners of all suitable structures within a 500 radius of the proposed facility, and was denied permission to locate its telecommunications facility on those structures.
- (c) Antenna support structures that are proposed to be located in any OS, A-1, R-S, R-L, R-4, R-5, B-P, T, B-1, B-2, B-3, CA, STP, CEM, or any PD zone district (except PD-R single-family) or that are proposed to be located within 250 feet of any R-E, R-1, R-2, R-3, R-3X, or PD-R zone district shall require as a conditional use.
- (d) The Department of Community Development may approve an application for proposed antenna support structures where the antennas of 2 or more telecommunications service providers will be located, based on the criteria applicable to conditional uses and the standards set forth in this section.
- (e) Community development may approve the installation of a proposed antenna support structure facility located on public property, based on the criteria applicable to conditional uses and the standards set forth in this section.
- (f) Excepting those antenna support structures permitted in the I-P, I-I, or I-2 zone districts, an antenna support structure shall not be permitted within a distance of 500 feet from an existing antenna support structure, except those facilities that are designed as alternative tower structures and that receive Planning Board approval as a conditional use.
- (g) The maximum permitted height of any antenna support structure shall be 60 feet for the first telecommunications service provider whose antennas are located on the structure, plus 20 feet for each additional provider's antennas, to a maximum height of 100 feet.
- (h) New antenna support structures shall be constructed to accommodate reasonably anticipated future collocated carriers.
- (i) An applicant for a new antenna support structure shall notify all telecommunications service providers licensed to offer service in the city that an application has been submitted. Notice shall include the address of the proposed facility.
- (j) The City will make a decision on applications for erection of a new antenna support structure within 150 days after receipt of a complete application.<sup>238</sup>

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<sup>238</sup> New provision to comply with federal advisory rule.

3. Site Development Plan (SDP) Requirement

- (a) Applications for telecommunications facilities that include an ancillary utility structure shall require approval of an SDP. Applications may also be referred to the Planning Board for review under the procedures established for conditional uses where unique environmental or aesthetic considerations exist that may affect the application.
- (b) Any decision to deny a request to place, construct, or modify personal wireless service telecommunications facilities shall be in writing and supported by substantial evidence contained in a written record.

4. Site Development Plan Standards

An SDP (see Chapter 7 of this Title) shall be required for all parcels upon which any antenna support structure is proposed to be installed. In addition to all applicable zone district standards, the following standards shall apply:

- (a) Telecommunications antennas attached to an antenna support structure may exceed the permissible height of the antenna support structure by no more than 15 feet.
- (b) Telecommunications facilities shall not occupy a leased parcel of more than 2,500 square feet of the total land area of the site on which they are located, except that where a freestanding telecommunications facility supports antennas of 2 or more providers, an additional 300 square feet of land area for each additional provider may be occupied.
- (c) Telecommunications facilities shall be landscaped and/or visually screened from adjacent residential properties and public rights of way. The exterior finish and color of Telecommunications facilities shall be compatible with adjacent development. Specific requirements for screening, landscaping, and/or exterior building finish shall be determined by the Department of Community Development for each application. Such requirements shall be based upon aesthetic considerations such as, but not limited to, preservation of views, compatibility with existing surrounding vegetation and development, and proximity of the proposed facility to residential properties and public rights of way. It is not the intent of this subsection to require the total screening of antenna support structures.
- (d) Ancillary utility structures shall meet the required minimum building setbacks. Antenna support structures that are not self-supporting shall be separated from any existing building except ancillary utility structures, by a distance not less than 25 percent of the antenna support structure's height. Antenna support structures shall meet the required minimum setbacks and separations unless specifically requested otherwise in a conditional use application and approved by the Planning Board.

5. Abandonment

- (a) Whenever a telecommunications service provider notifies the federal communications commission that a site is to be removed from service, the provider shall promptly provide a copy of that notice to the City Manager. Telecommunications facilities that are not in use for cellular purposes or that are deemed abandoned under Subsection 5.2 below for a period of 6 consecutive

months, shall be removed by the facility owner within 90 days after the end of the 6 month period. Upon removal, the site shall be revegetated to substantially the condition it was in prior to the existence of the telecommunications facility pursuant to a site plan approved by the city.

- (b) Without limiting the generality of Subsection 5.2 above, Telecommunications facilities shall be deemed abandoned if one or more of the following conditions exist:
- (c) Power service is intentionally disconnected, unless such disconnection is for the temporary purpose of maintenance or repair;
- (d) Any or all of the equipment required for transmission has been intentionally removed by the owner or lessee from the site; and/or
- (e) The affected telecommunications facility owner has lost ownership, lease rights, or other legal authority to use the property for purposes of operating a telecommunications facility.
- (f) Prior to any determination of abandonment by the City, the City shall notify the telecommunications facility owner in writing of its intent to declare the facilities abandoned. The telecommunications facility owner shall be entitled to respond within 30 calendar days after its receipt of such notice stating reasons why the determination of abandonment should not be made. A decision concerning the matter of abandonment shall be made by the Director of Community Development based upon the written response of the telecommunications facility owner within 15 days from its receipt of the owner's reasons. A Decision that the telecommunications facility has been abandoned shall be subject to appeal to the Planning Board in accordance with the provisions contained in Subsection 5.4 below.
- (g) The owner of a telecommunications facility that has been determined by the Director of Community Development to be abandoned may request a hearing before the Planning Board within 30 days after receipt of notice of the decision from the City. The Planning Board shall conduct a hearing concerning the matter of abandonment within 30 calendar days after its receipt of the owner's written request. A decision by the Planning Board that the telecommunications facility has been abandoned shall be final, shall direct the owner to remove the facility in conformance with Subsection 5.1 above, and shall be subject to judicial review under rule 106(a)(4), CRCP.
- (h) If the owner fails to remove the abandoned CMRS facility within the time specified in Subsection 5.1 above, the City is hereby authorized to remove or cause the removal of the abandoned telecommunications facility without any liability for trespass and all costs incurred by the City, including an administrative cost equal to 25 percent of all direct costs, shall be charged as a lien against such real property and the owners thereof.
- (i) If the amount specified in Subsection 5.5 above is not paid within 30 calendar days, the City shall have the right to seek collection of any amount due, plus statutory interest and any and all costs of collection, including, but not limited to, its attorney fees, through institution of an action at law or in equity.

- (j) If the telecommunications facility owner intends to abandon or cease use of a facility, he or she shall immediately notify the Director of Community Development in writing of such intent or cessation of usage. The owner shall thereafter have 90 days in which to remove the facility, and if he or she fails to remove the facility, then Subsections 5.5 and 5.6 above shall control.

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**(GG) Towers, Other<sup>239</sup>**

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This use shall comply with the following standards.

1. The setback of the tower from any property line shall be at least equal to the height of the structure plus 10 feet. 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.
2. The drawings and specifications for the structure and footings shall bear the seal of a registered engineer competent in structural design.
3. The maximum noise level permitted for any wind generator shall be as specified in Section 7-3-6.

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**(HH) Utility Installation, Large and Small<sup>240</sup>**

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Facilities for this use that occupy more than 1,000 square feet of gross land area or gross floor area shall comply with the following standards:

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. All applicable performance standards in this Title 10 shall be met.<sup>241</sup>

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**(II) Garage or Yard Sale<sup>242</sup>**

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Garage sales are permitted only one time per calendar year per residence, and may last no longer than 48 hours.

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**(JJ) Home Child or Adult Care<sup>243</sup>**

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This use must meet the following conditions unless the provider is only caring for children from one family other than the provider's own, in which case there are no restrictions:

1. Children for which care is being provided shall be 16 years of age or younger.
2. For purposes of establishing the number of children permitted, only those children of the operator who are 12 years of age or less shall be considered.

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<sup>239</sup> Current 10-8-2(C).

<sup>240</sup> Current 10-8-2(A).

<sup>241</sup> The current cross-reference is to performance standards in Chapter 4 of this title, but those standards have reorganized into different chapters of the revised ordinance. We do not think this changes the intent of the cross-reference.

<sup>242</sup> Current 10-4-4(B)5. Limitation to single-family detached dwellings and duplexes was removed.

<sup>243</sup> Current with changes as noted. Expanded to include adult care. Conditions for outdoor play area and drop-off/pick-up area were deleted, as these are considered by the state in its licensing procedure.



3. Full time care may be provided for not more than 2 additional children between the end of school in the spring and resumption of classes in the fall if the operator is licensed by the state for such care.

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**(KK) Home Occupations<sup>244</sup>**

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The activities listed in Subsection 1 are permitted as home occupations, and each such use shall comply with all conditions and requirements for the zone district in which the activity is located and the standards contained in Subsection 2 below.

1. Home Occupations Permitted<sup>245</sup>
  - (a) Office of any type, provided merchandise is not displayed, exchanged or sold directly from the premises.
  - (b) Studio for arts instruction or tutoring for groups of not more than 4 persons at a time.
  - (c) Any other activity that:
    - (i) Does not involve motor vehicle or equipment sales or repair; and
    - (ii) Does not create odors, fumes, or glare visible at the property line; and
    - (iii) Does not involve the delivery of a service or good that is not permitted as a permitted use in any zone district.

2. Standards

The following standards apply to all home occupations in all zone districts.

- (a) One or more home occupations may operate in each dwelling unit;
- (b) The uses shall be operated entirely within the principal structure or any permitted accessory structure on the site,<sup>246</sup> and only by its permanent residents;
- (c) The uses shall not generate more than 15 round trips of customer or delivery traffic per day.<sup>247</sup>
- (d) Parking shall be restricted to existing on street and onsite parking associated with the principal structures. Not more than 4 vehicles shall be parked at the location at any one time as the result of operating home occupations.
- (e) Retail or wholesale sales of supplies or products are not permitted unless sales are commonly related to a non-retail service provided at the location of the home occupation or delivery of the supplies or products is by mail order;
- (f) No external evidence of such operations, such as signage, is allowed and the use shall not alter the external appearance of the dwelling unit;<sup>248</sup>

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<sup>244</sup> Current 10-4-5 reordered and reworded for clarity, and with changes as noted. Revised to delete reference to residential districts, since these should also be permitted in residential uses in mixed-use districts.

<sup>245</sup> Specific list of uses (dressmaking, laundering) was deleted as very outdated and the list was broadened using general categories focused on the impacts of the use.

<sup>246</sup> Expanded to allow home occupations conducted in garages and sheds, which is common.

<sup>247</sup> Vague traffic standard replaced by objective one already in the current code.

<sup>248</sup> Expanded to clarify that external appearance may not be altered. Many cities allow a 1 sq. ft. sign in mixed-use areas.



(g) The area of the primary structure to be used for the home occupation, including any storage of materials or products, shall not exceed 20 percent of the total floor area of the primary structure, including the attached garage and basement. This limit does not apply to the conduct of home occupations in permitted accessory structures.

(h) The performance standards specified in Sections 10-4-6 and 10-4-7 shall apply.

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**(LL) Pigeon Keeping<sup>249</sup>**

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1. The use shall only be permitted as accessory to a single-family residential use.
2. Owner must maintain a letter with the City stating their current affiliation with any state or nationally recognized racing or homing pigeon association or federation.
3. A maximum of 100 pigeons may be kept on any parcel of land.
4. 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 1 square foot of floor space per pigeon, and must be set back from all lot lines as required for other accessory structures in the zone district.
5. All pigeon feed shall be stored in such containers as to protect against intrusion by rodents and other vermin.
6. 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.

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**(MM) Raising of Poultry<sup>250</sup>**

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When conducted in the R-E, R-1, R-2, or R-3 zone districts, this use shall comply with the following standards.

1. The use shall only be permitted as accessory to a single-family residential use.
2. A maximum of not more than 4 chicken hens are permitted. Roosters are prohibited.
3. Chickens may not be located in the front yard at any time.
4. 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 2 square feet of floor space per bird with an attached outdoor enclosure. The outdoor enclosure must have a minimum of 10 square feet per bird.
5. Neither the chicken house nor the outdoor enclosure may be located less than 15 feet from any abutting property line.
6. The chicken hens may not be killed by or at the direction of the owner or keeper, 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.

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<sup>249</sup> Current 10-4-4(B)2.6. Requirement that pigeons not be released until 4 hours after feeding was deleted as almost unenforceable.

<sup>250</sup> Current 10-4-4(B)2.5.

7. 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.

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**(NN) Raising of Horses<sup>251</sup>**

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A minimum of 25,000 square feet of lot area is required for each horse in the R-E district.

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**(OO) Renewable Energy Equipment<sup>252</sup>**

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1. Ground mounted solar energy panels may be located only in side or rear yards, and not within 5 feet of side or rear property lines.
2. Roof-mounted solar energy panels may extend through the maximum building height in the zone district by up to 18 inches.
3. Free standing equipment may be located only in side or rear yards, and must be set back a distance of equipment height plus 10 feet from property lines.
4. Wind energy equipment is subject to the maximum height limit for primary structures in all zone districts.

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**(PP) Rooming/Boarding<sup>253</sup>**

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1. As accessory to residential occupancy of a dwelling, a maximum of not more than 2 roomers and/or boarders are permitted.
2. The use shall not have a separate outside entrance.
3. No separate kitchen facilities, including stoves, refrigerators or ovens, shall be allowed or maintained for the benefit of roomers/boarders.

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**(QQ) Temporary Concrete Batch Plant<sup>254</sup>**

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This use shall be located within 1,000 feet of the construction site for which the concrete is to be used.

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**(RR) Temporary Construction Building, Office or Yard<sup>255</sup>**

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1. This use shall be located within the development where the construction is to take place.
2. The building or office, and all materials or equipment in the yard, must be removed within 60 days following the issuance of a certificate of occupancy for the last structure in the development.

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**(SS) Temporary Real Estate Sales/Leasing Office<sup>256</sup>**

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1. The structure must be a manufactured building designed for office use and inspected and approved by the building inspector.

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<sup>251</sup> Current 10-4-4(B)2. It seems strange that this would apply only in the R-E district and not in the more urban or more rural districts. Please confirm.

<sup>252</sup> New provisions for new use.

<sup>253</sup> Current 10-4-4(B)4.

<sup>254</sup> Current 10-4-1(A)1.

<sup>255</sup> Current 10-4-1(A)2. Standard 2 is new.

<sup>256</sup> Current 10-4-1(A)3. Standard 3 is new.

2. The office shall be located within the development where the sales are to take place.
3. The office building must be removed within 60 days following the sale of the last structure in the development.

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**(TT) Temporary Retail Sales or Service<sup>257</sup>**

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1. This use may only be operated on an undeveloped site or on an open space or parking lot of a developed site.
2. If the applicant is not the property owner, the applicant shall present written evidence that the property owner has granted permission for the use.
3. The use shall comply with all provisions of Subsection 10-3-3(UU) (Temporary Activities, Other).
4. 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.

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**(UU) Temporary Activity or Structure, Other<sup>258</sup>**

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1. The site will not be occupied for more than 6 months during a period of 12 consecutive months.
2. Any temporary or portable structure used for such sales or services shall meet the applicable provisions of Title 4 of this Code.
3. Customer parking on the site shall be provided if the Director determines it is necessary to prevent traffic congestion or parking in surrounding residential or mixed use areas, and if required shall be on an improved surface.<sup>259</sup>
4. The temporary activities shall not be conducted within the required minimum setback areas or within unobstructed open space areas adjacent to public rights-of-way.
5. Adequate sanitary facilities for customers and employees shall be provided, 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.
6. Storage areas and trash containers shall be screened from view from adjacent residential property and public rights-of-way.
7. If the Director of Community Development determines that there is a risk that the temporary activity may result in any damage to public improvements, the Director may require that a cash bond shall be deposited with the City by the operator of the proposed temporary use in the amount of \$2,500.00. The bond shall be for the purpose of ensuring the prompt repair, by the operator, of any damage to public improvements,

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<sup>257</sup> Current 10-4-1(A)5. Standard 2 is new. Provision that the use be permitted in the district was deleted; the primary purpose of this use is to allow sales for limited periods of time in districts where retail sales are not permitted. Some provisions covered through cross-reference to requirements for other temporary uses to reduce repetition. The provisions of current 10-4-1(A)5 (for retail sales) and 10-4-1(A)4 (for other activities) were very repetitive and seemed inconsistent (some of the provisions that should apply to other uses were applied to retail sales and vice versa).

<sup>258</sup> Current 10-4-1(A)1 and (A)4.

<sup>259</sup> Provision allowing Director to require parking, and criteria for the decision, added.

including, but not limited to, streets, sidewalks, curbs, gutters and landscaping that may occur as a result of the operation of the temporary use. The 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. The 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.<sup>260</sup>

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<sup>260</sup> Revised to allow the Director to make this determination; the current text requires the bond in each case.

## Chapter 4: Development and Subdivision Standards

### 10-4-1 Dimensional Standards

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#### (A) Primary Buildings

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[TO BE ADDED]<sup>261</sup>

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#### (B) Accessory Buildings

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[TO BE ADDED]

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#### (C) Summary table(s) of dimensional standards across all districts

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[TO BE ADDED]

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#### (D) Exceptions and encroachments to dimensional standards

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[TO BE ADDED]

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### 10-4-2 Site Layout / Subdivision Standards<sup>262</sup>

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#### (A) General Requirements<sup>263</sup>

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Planning, layout and design of a subdivision are of the utmost concern. The residents must have available to them within the area safe and convenient movement to points of destination or collection. Modes of travel to achieve this objective should not conflict with each other or abutting land uses. Lots and blocks should provide desirable settings for the buildings that are to be constructed, make use of natural contours and protect the view, afford privacy for the residents and protection from adverse noise and vehicular traffic. Natural features and vegetation of the area must be preserved if at all possible. Schools, parks, churches and other community facilities should be planned for as an integral part of the area.

##### 1. Names of Subdivisions

The name of a subdivision shall not duplicate or closely duplicate that of any existing subdivision within the Arapahoe County area.

##### 2. Uninhabitable Land

Land which is deemed to be uninhabitable because of the flooding, inadequate drainage, or excessive grades shall not be subdivided for any use which may increase danger to health, life or property or aggravate flood or other hazards. Such lands within

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<sup>261</sup> [To Be Added] Notes indicate sections where the February 2015 Littleton Zoning Ordinance Assessment and Annotated Outline indicated that the reorganized zoning ordinance should have content, but that the current Littleton Zoning Ordinance does not address. These sections will be added in later phases of the Littleton Zoning Ordinance update process.

<sup>262</sup> Current 10-6, 10-7, and 10-8, with changes as noted.

<sup>263</sup> Current 11-6-1.

a subdivision may be set aside for approved uses which will remedy the condition or conditions.

### **3. Regulatory Considerations**

When designing a subdivision, full compliance with the zoning regulations<sup>1</sup> of the City shall be required with particular attention given to the zone district in which the proposed subdivision is located.

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## **(B) Subdivision Layout<sup>264</sup>**

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### **1. Blocks**

- (a) The lengths, widths and shapes of blocks shall be determined with due regard to:
  - (i) Provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - (ii) Zoning requirements as to lot sizes and dimensions;
  - (iii) Needs for convenient and emergency access, circulation and traffic safety; and
  - (iv) Limitations and opportunities of topography.
- (b) Pedestrian access shall be required to provide links to neighborhood schools, playgrounds, shopping centers, and other community facilities where such facilities exist within reasonable walking distance of the subdivision.

### **2. Lots**

- (a) The lot size, width, depth, shape and orientation shall be appropriate for the type of development and use contemplated.
- (b) Residential lot dimensions shall conform to at least the minimum requirements of the zoning regulations of this Code.
- (c) Depth and width of properties shall be adequate to provide for the necessary private service and parking facilities required by the type of use and development contemplated.
- (d) Corner lots for residential use shall have extra width to permit appropriate building setback from and orientation to both roads.
- (e) Each lot shall be provided with a minimum frontage on an approved public or private street as specified in the zoning regulations. The feasibility of a suitable driveway from the adjacent street to a usable building area on each site must be demonstrated for each lot.
- (f) Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterials and limited access facilities or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten (10) ft. in width and across which there shall be no vehicular right of access may be required along the rear property line of lots abutting such traffic artery or other disadvantageous use.

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<sup>264</sup> Current 11-6-2. Title changed from Graphic Representation to better reflect content.

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## **(C) Street Standards<sup>265</sup>**

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### **1. Street Systems**

Street systems are to be laid out, designed and constructed in accordance with standards specified by the Director of Public Works. The following standards are only minimums and are designed to provide general guidelines to the subdivider.

### **2. Street Names**

Streets that are extensions of, or obviously in alignment with, existing named streets shall bear the names of the existing streets. Street names shall be subject to the approval of the Department of Community Development.

### **3. Street Layout**

- (a) Layout shall be considered in relation to existing and planned future streets, topographical conditions, soil conditions, particularly considering drainage and erosion factors, to public convenience and safety, to aesthetics and in their appropriate relation to the proposed use of the land to be served.
- (b) When any part of a collector, arterial or limited access facility, indicated as such on the transportation plan of the City, passes through a proposed subdivision, such part shall be dedicated in the location and at the width indicated on the plan.
- (c) The dedication of a half street shall not be accepted unless:
  - (i) The subdivider obtains for the City a dedication from the abutting landowner of the other one-half ( $\frac{1}{2}$ ) of the street; and
  - (ii) The subdivider obtains from the said abutting landowner an agreement in a form satisfactory to the City Attorney which guarantees the cost of the improvements and construction of the same on the half street within a time suitable to the Director of Public Works; and
  - (iii) The subdivider guarantees the construction of the improvements on the half street which he is dedicating; or
  - (iv) Any other similar arrangement recommended by the Director of Public Works and approved by the City Council.
- (d) Right angle intersections shall be used whenever practicable.
- (e) Intersecting collector and local streets shall not empty into the same side of an arterial street at intervals of less than eight hundred (800) ft.
- (f) Local and collector streets shall be laid out so that their use by major through traffic will be discouraged.
- (g) When a subdivision abuts and controls access to public lands or existing streets, access shall be provided in the form required by the public agency involved. When a

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<sup>265</sup> Current 11-6-3.

subdivision abuts private lands, the City may require the developer to provide access thereto.

- (h) Reserve strips controlling access to public streets shall be prohibited except where their ownership is given to the public agency having jurisdiction and where agreed to by that public agency. In general, reserve strips in the form of one-foot outlets are required to control access on perimeter and stub streets.
- (i) Alleys open at both ends may be required in commercial and industrial districts.
- (j) Where railroad crossings are proposed or are affected, provisions for grade separations, buffer strips and safety protection devices shall be provided by the applicant as required. Obtaining approval from the affected railroad company and the Colorado Public Utilities Commission where applicable shall be the applicant's responsibility.
- (k) Streets which are stub streets designated to provide future connection with adjacent unplatted land shall be provided with a temporary turnaround at the stub end.
- (l) Cul-de-sac streets are intended to serve only those dwelling units to which direct access is provided and shall have a turnaround with a minimum radius of fifty (50) ft. at the closed end. The length of a cul-de-sac street shall be based on the maximum permissible traffic volume (as determined by the City's Traffic Engineer); and on emergency vehicle access (as determined by the City's Fire and Police Departments). Cul-de-sac streets may be permitted due to limitations caused by topography, drainageways or other physical site conditions, and where an alternative means of connection with adjacent neighborhoods is provided, such as pedestrian paths. In the event the cul-de-sac drains into the closed end, storm sewers or other drainage structures shall be required to dispose of storm water satisfactorily.
- (m) Street curb intersections shall be rounded by a tangential arc with a minimum radius of twenty (20) ft. for single-family local residential streets and cul-de-sacs, and thirty (30) ft. for intersections including multi-family residential, business, industrial, collector and arterial streets. Corresponding radii for property lines shall be rounded by a tangential arc having the same center as the arc of the curb intersections.
- (n) All changes in street bearings shall be connected with curves tangent to the bearing at both ends.
- (o) When a subdivision abuts or contains an existing or proposed freeway or major arterial, restriction of access may require the platting of a frontage road and/or a visual screen planting easement.
- (p) Where vertical curbs with separated sidewalks are required, the planting area or that unpaved portion of the right of way between the curb and the sidewalk shall be landscaped and maintained by the abutting property owners. Landscaping shall normally be limited to sodding or seeding, except that trees, shrubs or other plant materials may be used subject to City approval of the location and species of planting materials to be installed.



#### 4. Private Streets

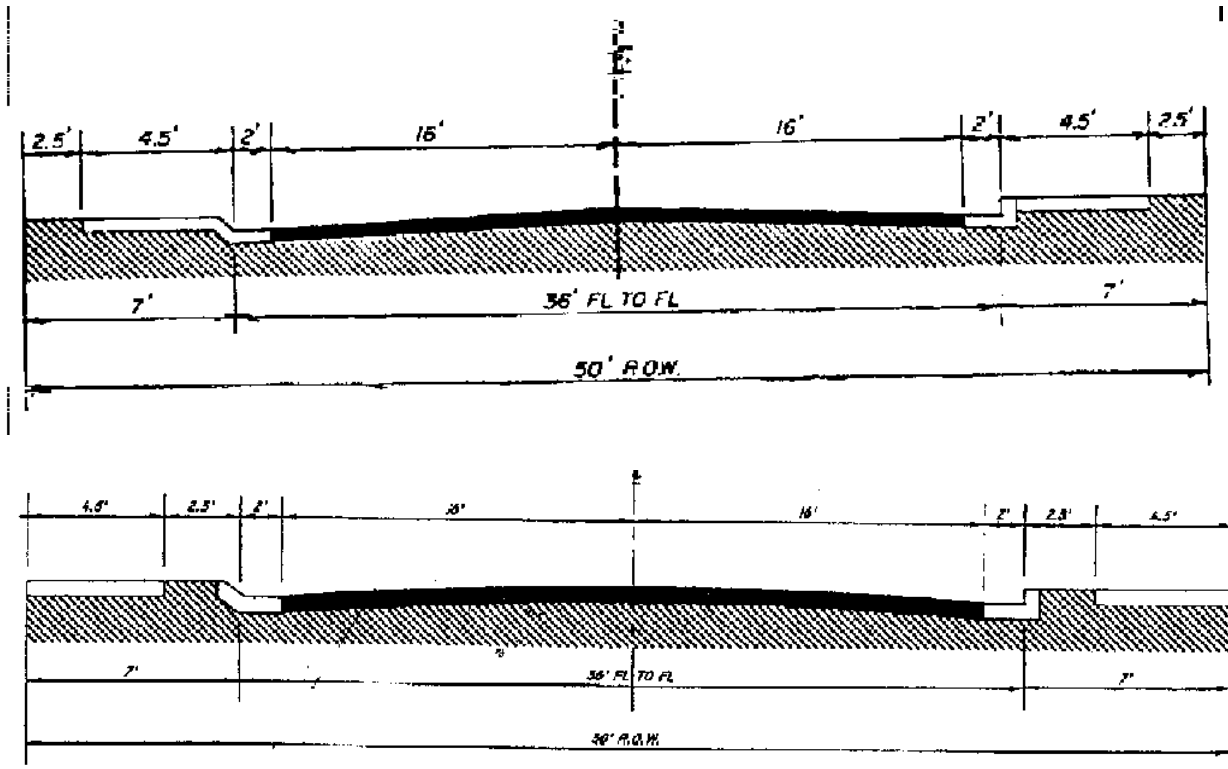
The use of private streets will be limited and is permitted only upon approval of the plan by the City Council. Private streets shall be confined to closed loops and dead-end streets not to be used for the convenience or safety of the general public.

#### 5. Design Criteria

- (a) Street design shall be in conformance with the following drawings and table of street design criteria and according to the proposed vehicular demands imposed by the development.
- (b) The use of a particular street classification shall be considered sufficient only when such choice is certified by the Director of Public Works.
- (c) In no case shall street grades exceed four (4) percent within one hundred (100) ft. from an intersection.

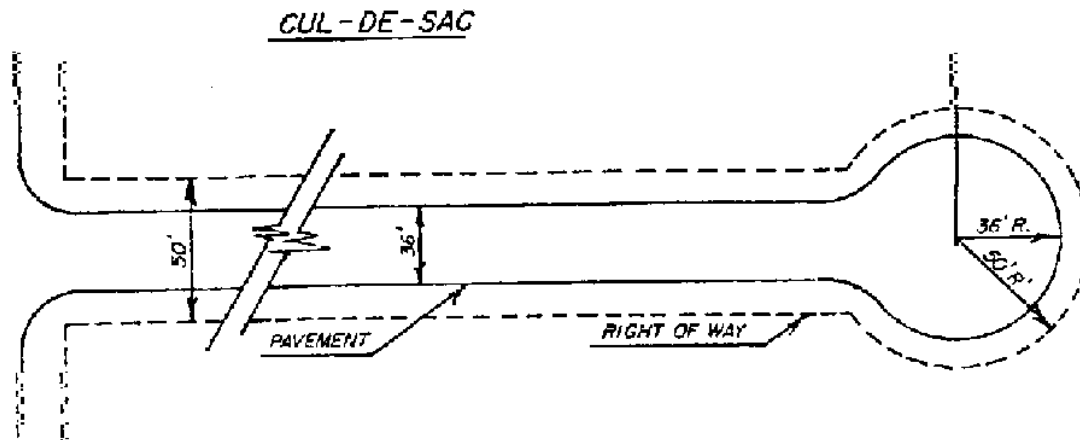
#### 6. Standards for Local Streets in Single-family Residential Areas

Table 10-4-1: Local Street Standards in Single-family Residential Areas	
Topic	Standard
Function	Local streets provide direct access to adjacent property. All traffic carried by local streets should have an origin or a designation within the neighborhood.
Right-of-Way Width	50 ft.
Number of Moving Lanes	2
Access Conditions	Intersections are at grade with direct access to abutting property.
Traffic Characteristics	Direct access to residential properties is by way of curb cuts or drive-over curbs. Parking is normally allowed on both sides of the street.
Planning Characteristics	Local streets should be designed to prevent through traffic from moving through the neighborhood. Local streets should not intersect arterial streets. Designated bikeways are not required. Attached or detached sidewalks are permitted in conformance with the two drawings shown below.



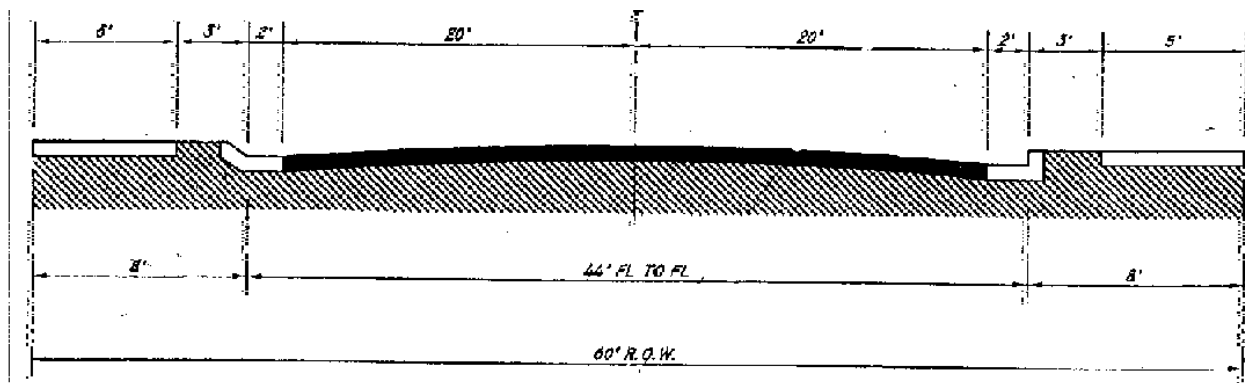
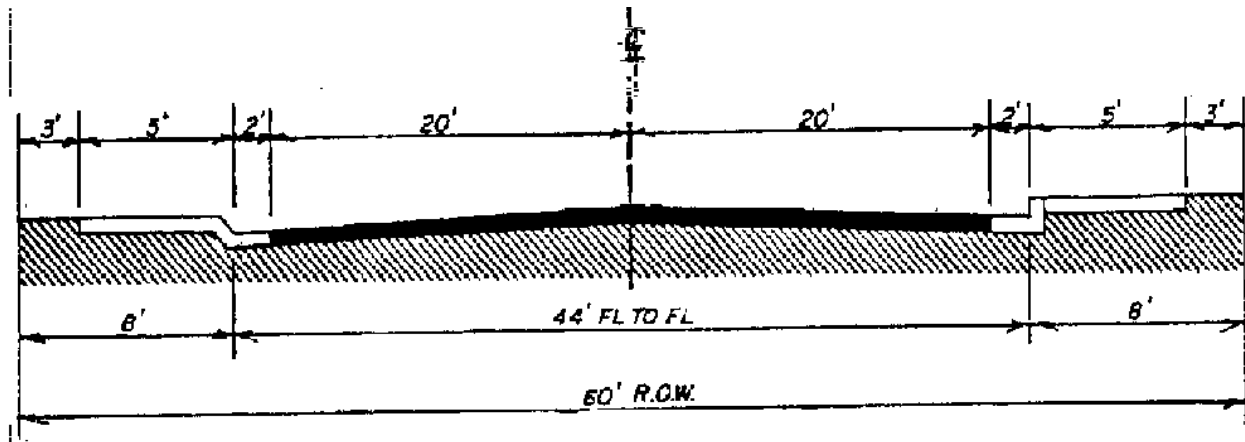
## 7. Standards for Local Street Culs-de-Sac

Table 10-4-2: Local Street Cul-de-Sac Standards	
Topic	Standard
Function	Cul-de-sacs provide direct access to adjacent property. All traffic carried by cul-de-sacs shall have an origin or a destination within the neighborhood.
Right-of-Way Width	50 ft.
Number of Moving Lanes	2
Access Conditions	Intersections are at grade with direct access to abutting property.
Traffic Characteristics	Direct access to residential properties is by way of curb cuts or drive-over curbs. Parking is normally allowed on both sides of the street, although may be prohibited within the circular portion if minimum.
Planning Characteristics	Cul-de-sacs shall not intersect arterial streets. Designated bikeways are not required.



## 8. Local Street Standards for Multifamily, Mixed Use, and Industrial Areas

Table 10-4-3: Local Street Standards for Multifamily, Mixed Use and Industrial	
Topic	Standard
Function	Local streets provide direct access to adjacent property. All traffic carried by local streets should have an origin or a destination within the immediate area.
Right-of-Way Width	60 ft.
Number of Moving Lanes	2
Access Conditions	Intersections are at grade with direct access to abutting property permitted.
Traffic Characteristics	Traffic and access requirements in these areas may require special design considerations for wider sidewalks and special curb cut designs, etc. Parking is normally allowed on both sides of streets.
Planning Characteristics	Local streets should be designed to discourage through traffic from moving through these areas. Local streets should not intersect arterial streets. Designated bikeways are not required. Attached or detached sidewalks are permitted in conformance with the following drawings.

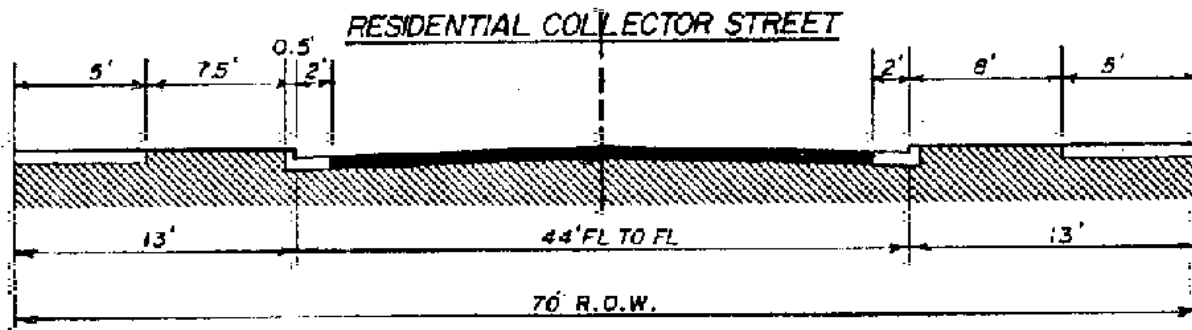


## 9. Standards for Collector Streets

Table 10-4-4: Collector Street Standards	
Topic	Standard
Function	Collector streets collect and distribute traffic between major arterial and local streets. Collector streets serve as main connectors within communities, linking one neighborhood with another or one industrial district with another. All traffic carried by collector streets should have an origin or a destination within the community.
Right-of-Way Width	70 ft.
Number of Moving Lanes	2
Access Conditions	Intersections are at grade with direct access to abutting property permitted.
Traffic Characteristics	Regulation of traffic between collector streets and other types of streets is accomplished by traffic control devices.
Planning Characteristics	Collector streets should have continuity throughout a neighborhood or industrial district but need not extend beyond the neighborhood or industrial district. Maximum

**Table 10-4-4: Collector Street Standards**

Topic	Standard
	length should not exceed three (3) miles. Intersections with arterial streets should be at least one-quarter ( $\frac{1}{4}$ ) mile apart. Sidewalks should be set back from the street. Designated bikeways may be required in lieu of parking on one side.



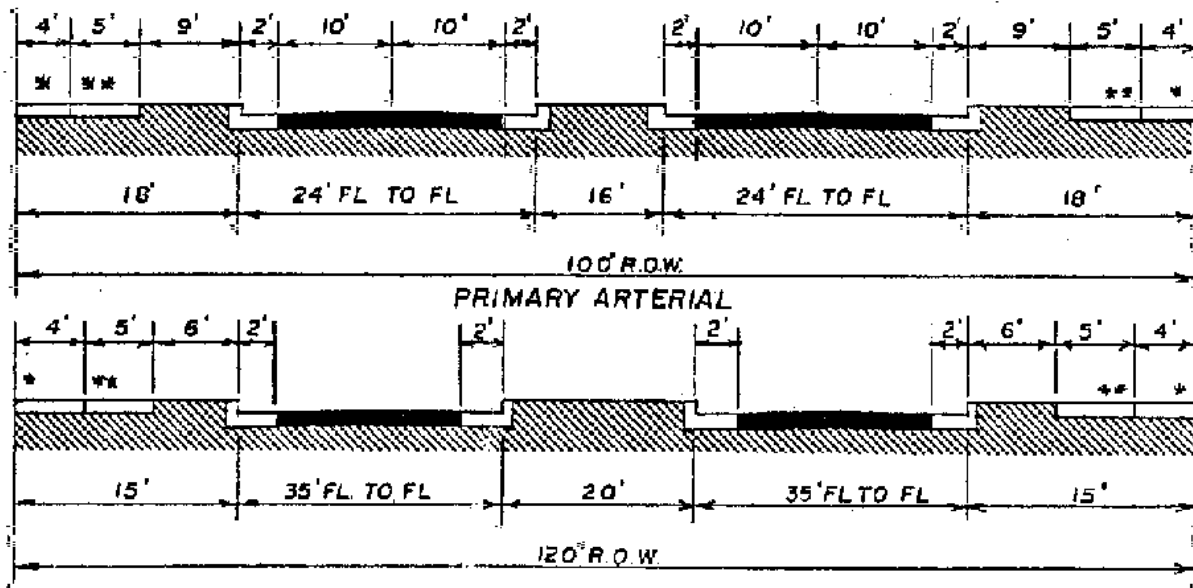
## 10. Standards for Arterial Streets

**Table 10-4-5: Arterial Street Standards**

Topic	Standard
Function	Arterial streets permit rapid and relatively unimpeded traffic movement throughout the City, connecting major land use elements as well as communities with one another.
Right-of-Way Width	Secondary Arterials: 100 feet Primary Arterials: 120 feet
Number of Moving Lanes	Secondary Arterials: 4 Primary Arterials: 6
Access Conditions	Intersections will generally be at grade. Intersections will normally not be permitted at intervals less than one-quarter ( $\frac{1}{4}$ ) mile. Normally, abutting properties and local streets will not be allowed indiscriminate direct access to the street.
Traffic Characteristics	Regulation of traffic shall be accomplished by traffic control devices and channelization. Parking shall be prohibited. Roadways shall have a median strip between them.
Planning Characteristics	Secondary arterial streets should traverse the entire City while primary arterials should, additionally, have continuity through the County and metropolitan area. Arterial streets should not bisect neighborhoods but should act as boundaries between them. Sidewalks should be set back from the street. Abutting properties should not face on the

**Table 10-4-5: Arterial Street Standards**

Topic	Standard
	roadway unless separated from it by a frontage road. Bikeways, adjacent to sidewalks and set back from the street, may be required on both sides of arterial streets.

**SECONDARY ARTERIAL**

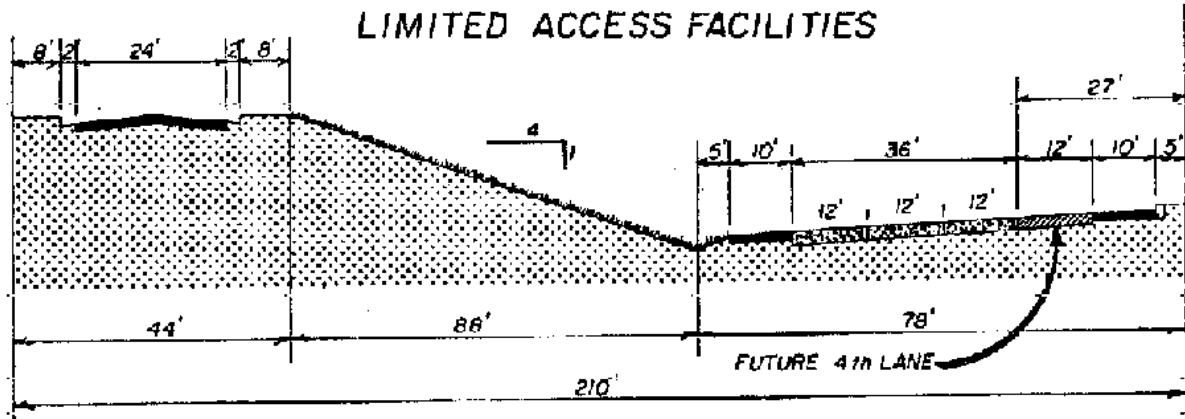
\* PEDESTRIAN WALK  
 \*\* BICYCLING PATH

**11. Standards for Limited Access Streets****Table 10-4-6: Limited Access Street Standards**

Topic	Standard
Function	Limited access facilities permit rapid and unimpeded movement of traffic through and around the City.
Right-of-Way Width	150-400 ft.
Number of Moving Lanes	4-8
Access Conditions	Expressways: Access partially or fully controlled. Grade separations at major intersections. Freeway: Access shall be completely controlled. Interchanges shall be made with arterial street and limited access facilities only. No intersections at grade shall be permitted.
Traffic Characteristics	No traffic signals except for at-grade expressway intersections. Parking prohibited. Two (2) separate one-

**Table 10-4-6: Limited Access Street Standards**

Topic	Standard
	way roadways with a dividing median strip.
Planning Characteristics	Limited access facilities should connect with main highways approaching and leaving the City from all directions. Limited access facilities should be so aligned as to serve the major traffic generators within the City such as the C.B.D., major industrial areas, regional shopping centers, etc. Limited access facilities should not bisect neighborhoods or communities but should act as boundaries between them. Added right of way is provided for landscaping, grass planting, added safety and the more generous designs of evolving national policy. Where desirable, consideration in design should be given to combined use by public transportation vehicles.



## 12. Street Improvements

- Paving in accordance with current department of public works standards is required for all public or private streets.
- Roadways, curb and gutter, and sidewalks are required as specified in current department of public works standards.
- All proposed intersections with state highways will require approval of the Colorado state highway department.
- Roadway drainage structures such as bridges, culverts, cross pans, inlets, curbs and gutters are to be provided as required and in conformance with current department of public works standards.

## 13. Mixed Use and Industrial Subdivisions

- Service access and parking for the uses proposed as required in the zoning regulations shall be provided.

- (b) Access openings to major public roads shall be kept to an absolute minimum to avoid impeding the roadway traffic and safety.

#### **14. Curbs, gutters and sidewalks**

Sidewalks and curbs and gutters shall be constructed in accordance with department of public works specifications.

#### **15. Pedestrian and bikeway facilities**

Trail or walkway systems or links are to be provided, where feasible, to schools, shopping areas, parks, greenbelts and other facilities as necessary. Trail systems and walkways through open space areas are encouraged as an alternate to pedestrian sidewalk requirements and may be used upon approval by the city providing the following criteria are met:

- (a) The system provides at least the same level of service as would the applicable sidewalk requirement.
- (b) Easements or open ways are platted and dedicated for the system.
- (c) Trails and walkways are either paved, treated or constructed from selected material to provide a suitable all weather surface that is easily maintained. The type of construction shall be compatible with the anticipated use.
- (d) A perpetual association or corporation or other suitable means is established for maintenance.
- (e) Unsafe road crossing locations shall be avoided. Special structures and/or traffic control devices may be required at road crossings for safety.
- (f) Facilities closely paralleling major roadways shall be avoided.

#### **16. Fire lanes**

Fire lanes shall be required where necessary to protect the area during the period of development and when developed, an easement therefor shall be dedicated, be twenty (20) ft. in width and remain free of obstructions, be of adequate load construction and provide access at all times.

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### **(D) Storm Drainage, Erosion, and Sediment Control<sup>266</sup>**

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#### **1. Storm Drainage:**

Facilities for storm water detention or retention shall be constructed by the owner and at the owner's sole expense as required by Title 7, Chapter 7 of the Littleton Code.

#### **2. Erosion And Sediment Control**

- (a) In addition to permanent measures which shall be required for erosion and sediment control, temporary erosion and sediment control measures shall also be required and provided by the owner during any grading or construction operations.

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<sup>266</sup> Current 11-6-4.



- (b) The owner shall at all times and during all phases of work, be responsible for the protection and maintenance of all existing drainage facilities, including streets, and for the protection of upslope, downslope, and adjacent properties.
- (c) Construction of the required permanent sediment and erosion control structures or measures shall be completed as soon as possible after the beginning of the construction process. Inlets for drainage structures are to be protected from sediment deposition.
- (d) Guidelines and regulations shall be adopted or prepared by the director of public services or his designee for purposes of providing for procedures for review of plans and to provide for design criteria for erosion and sediment control facilities or measures. Such criteria shall be made a part of the city's storm drainage design and technical criteria as such is authorized in Title 7, Chapter 7 of the Littleton Code and shall be drafted so as to provide the public with reasonable protection from erosion and sediment deposition. The performance guarantee, in addition to guaranteeing other required on or off site improvements, shall include specific provisions for guaranteeing both permanent and temporary erosion and sediment control facilities or measures.
- (e) Temporary and permanent erosion and sediment control facilities or measures and the regulations for such authorized herein shall not only apply to subdivisions, but shall also apply to all subdivision exemptions, planned development districts, planned development overlays and site plans, or manmade construction or demolition activities that result in land disturbance of equal to or greater than one acre, or less than one acre of total land area that is part of a larger common plan of development or sale, if the larger common plan will ultimately disturb equal to or greater than one acre, except agricultural activities.

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**(E) Utilities<sup>267</sup>**

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**1. General Criteria**

- (a) Existing and proposed telephone, cable television, electric, gas and other similar utility lines and services shall be placed underground in locations approved by the director of public services 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 necessarily appurtenant to underground facilities may be placed aboveground in locations approved by the director of public services. Utility lines, as approved by the director of public services, may be placed either within public road rights of way within the subdivision in accordance with adopted encroachment requirements or within easements or rights of way provided for the particular facilities in accordance with the approved improvements plan.
- (b) The subdivider shall be responsible for all construction or installation charges including those required by the agency serving utilities except those installed at the

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<sup>267</sup> Current 11-6-5.

expense of the utility company involved. Utilities are subject to all other applicable city, state and federal regulations.

- (c) All utilities' systems and facilities, such as sewer, water, gas and electrical systems, installed in any area of special flood hazard shall be designed, located and/or constructed to eliminate damage from floodwaters.
- (d) The director of public works may temporarily waive the underground placement requirements of this section when the owner of the proposed subdivision, on behalf of himself, his heirs, successors, and assigns, agrees by written contract or otherwise, in a form acceptable to the city attorney, to underground all required utilities in the future. The city council shall determine when the underground placement of utilities shall be required in its sole discretion. By means of example and not by means of limitation, council may consider, in establishing the future time for the underground placement of utilities, such matters as: the formation of a special improvement district to underground; and whether or not adjacent property owners are placing utilities underground so as to achieve more cost savings as to the entire project. In those instances where the underground placement requirements of this section are temporarily waived by means of a written contract, said contract shall be recorded in the records of the county clerk and recorder and shall be deemed to be an obligation running with land.

## **2. Easements**

New easements shall be planned so as to be free from conflicting legal encumbrances, to avoid unnecessary removal of trees or excessive excavations, and to be free from obstructions. Easements which coincide with common rear lot lines shall be at least sixteen (16) ft. wide, eight ft. of which shall be on each side of the common rear lot lines. Where an easement abuts a rear lot line which is not the rear lot line of another lot, or which is on the perimeter of the subdivision, the easement width shall be ten (10) ft. or more. Side lot easements, where necessary, shall be at least ten (10) ft. in width, five (5) feet of which shall be on each side of the common side lot line. Where easements are combined with a watercourse, drainageway, channel or stream, a usable utility easement of at least ten (10) ft. in width outside that required for water shall be provided if the use would be in conflict with drainage requirements. Multiple use of a given easement is encouraged. The developer is encouraged, in lieu of mechanically providing easements on each and every lot line, to propose a layout based upon a plan for providing the necessary utilities in order to reduce the number and complexity of easements. Such a proposal is subject to approval by the utility agencies involved and by the city. Easements are to be retained or, if nonexistent, provided for all existing utilities that are to remain.

## **3. Availability of Service**

- (a) The subdivider must present assurances from authorized representatives of all major suppliers of utilities to the proposed subdivision that said utilities are available and will be supplied to the project.
- (b) If such services are not presently available, the subdivider shall provide a written statement from the utility company(s) involved commenting on the anticipated date service will be available. Such utilities include, but may not be limited to, water, sanitary sewer, natural gas, electricity and telephone service.

#### 4. Water and Sewer Mains

- (a) In order to provide for the orderly construction of public improvements as areas are built and developed to avoid intermittent sections so improved or unimproved, and to promote the public health, safety and welfare, all water and sewer mains shall be installed and improved in accordance with the specifications of the city and appropriate water or sewer district.
- (b) All water and sewer mains shall be laid to the grades shown on the water and sewer profile and cross section plans submitted and approved and shall be inspected and checked for accuracy by the department of public works.

#### 5. Survey Monuments

Permanent plat boundary monuments shall be set at locations approved by the department of public works. Generally, such monuments shall be set at the surface of the ground not more than one thousand four hundred (1,400) ft. apart along any straight boundary line, at all angle points, points of change in direction or change in radius of any curved boundary, and at public land corners. In addition, road centerlines shall be monumented at all intersections and dead ends with suitable markers set in concrete and encased in a lidded metal box at least 0.3 feet below the finished road surface. Road monuments are subject to approval by the department of public works.

#### 6. Fire Protection

Fire hydrants are to be provided in all developments served by central system and are to be separated by no more than five hundred (500) ft.

#### 7. Reservation of Lands<sup>268</sup>

(a) Purpose<sup>269</sup>

Because of unique requirements for sites for community facilities, the City retains the right to reserve lands for new public facilities and streets at sites designated for such purposes on the City's Comprehensive Plan. Such reservation may be for future public buildings, school sites, open space, parks or streets above the classification of collector. These lands will be reserved for eventual purchase by the appropriate public body in the event that the projected need for public facilities on these sites becomes a reality.

(b) Time Limitations<sup>270</sup>

Lands may be reserved under the provisions of this Section 10-4-2 for a period of no longer than three (3) years after the approval of a final plat which includes the affected property. Within this three (3) year period, the public body for which the land is reserved must make a commitment for purchase or all rights to the reserved properties shall revert to the landowner.

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<sup>268</sup> Current 11-8.

<sup>269</sup> Current 11-8-1.

<sup>270</sup> Current 11-8-2.

(c) **Compensation**<sup>271</sup>

All acquisition of reserved land shall be based upon the fair market value as determined by not less than two (2) independent appraisals at the time of acceptance of the final plat by the City. Taxes on reserved lands during the period of reservation shall be paid by the agency for which the land is reserved; if such taxes are not paid by the appropriate agency, the reservation shall cease.

(d) **Use of Land**<sup>272</sup>

During the period of reservation, lands may be used by the landowner for any purpose not incompatible with the proposed public use and the existing zoning on the property.

(e) **Denial of Plat**<sup>273</sup>

The subdivider shall be required to designate reserved lands on all plats as land reserved for public purchase. Failure to so designate such lands shall be a basis for denial of the final plat.

### 10-4-3 Floodplain Regulations<sup>274</sup>

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#### **(A) Statutory Authorization, Findings of Fact, Purpose and Objectives**<sup>275</sup>

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##### **1. Statutory Authorization and Findings**

The following flood plain regulations (hereafter in this Section 10-4-5 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:

- (a) 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.
- (b) 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.
- (c) Some properties, located within flood plains, are inadequately floodproofed, elevated, or otherwise protected from flood damage, and may contribute to the flood losses.

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<sup>271</sup> Current 11-8-3.

<sup>272</sup> Current 11-8-4.

<sup>273</sup> Current 11-8-5.

<sup>274</sup> Current 10-6.

<sup>275</sup> Current 10-6-1.

## **2. 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:

- (a) Protect human life and health;
- (b) Minimize expenditures of public money for costly flood control projects;
- (c) Minimize the need for post-flood rescue and relief efforts which are, generally, undertaken at public expense;
- (d) Minimize prolonged business interruptions;
- (e) 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;
- (f) Maintain a stable tax base by providing for the sound use and development of flood plains which has minimum flood damage potential;
- (g) Ensure that information is available to potential buyers that property is in a flood plain; and
- (h) Ensure that those who occupy flood plains know that they are responsible for their actions.

## **3. 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:

- (a) 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;
- (b) Require that uses and associated facilities which are vulnerable to floods are adequately protected against flood damage at the time of initial construction;
- (c) Control alteration of natural floodplains, stream channels, and natural protective barriers, which convey or confine floodwaters;
- (d) Control filling, grading, dredging, and other development which may increase flood damage; and
- (e) Prevent or regulate the construction of barriers in floodplains which will divert floodwaters and increase flood hazards in other areas.

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## **(B) General Provisions<sup>276</sup>**

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### **1. Applicability**

These regulations shall apply to all lands within the city located in floodplains, as established under Subsection 2 of this Section. Further, these regulations shall be interpreted to be in addition to, and may supersede, any restrictions imposed on the

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<sup>276</sup> Current 10-6-3.

same lands by zoning and/or subdivision regulations. When these regulations and the governing zoning or subdivision regulations conflict, the more restrictive shall control.

## **2. 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:

- (a) Engineering And Utilities Division, Department Of Public Services, Littleton Center, 2255 West Berry Avenue, Littleton, Colorado;
- (b) Bemis Public Library, 6014 South Datura Street, Littleton, Colorado; and
- (c) Office of the City Clerk, 2255 West Berry Avenue, Littleton, Colorado.

## **3. Use of Additional Data**

- (a) 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.
- (b) 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.

## **4. Minimum Requirements**

In the interpretation and application of this Section 10-4-3, 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.

## **5. 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.

## **6. 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.

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## **(C) Floodway Regulations<sup>277</sup>**

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### **1. 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.

### **2. Uses Permitted**

- (a) 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.
- (b) Public and private recreational uses including, but not limited to, parks, playfields, 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.

### **3. Uses Permitted by Conditional Uses<sup>278</sup>**

The following land uses are permitted within floodways only upon approval of the board:

- (a) Mineral extraction including, but not limited to, sand, gravel and quarry aggregate.
- (b) Public or private parking lots.
- (c) 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.

### **4. Requirements**

- (a) 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;
- (b) Provided that above Subsection 4(a) of this Section is satisfied, all new construction and substantial improvements shall comply with all applicable floodplain development requirements; and
- (c) No use shall affect the efficiency or restrict the capacity of any watercourse, drainage ditch, or any other drainage facility or system.
- (d) When a floodway has not been designated, no new construction, substantial improvement, or any other development (including fill) shall be permitted in zones

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<sup>277</sup> Current 10-6-6.

<sup>278</sup> Revised from Special Exception to match terminology in revised permitted use regulations.

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 (1) ft.

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## **(D) Floodplain Regulations<sup>279</sup>**

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### **1. 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.

### **2. 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.

### **3. General Standards<sup>280</sup>**

In all floodplains, the following standards shall apply:

#### **(a) Anchoring**

- (i) 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.
- (ii) 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.

#### **(b) Materials and Methods for all New Construction and Substantial Improvements**

- (i) Materials and utility equipment capable of resisting flood damage shall be used.
- (ii) Accepted methods and practices that minimize flood damage shall be applied.
- (iii) 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.
- (iv) 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)

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<sup>279</sup> Current 10-6-7.

<sup>280</sup> Current 10-6-8(B).



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 (1) ft. 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.

**(c) New and Replacement Utility Systems**

- (i) Water supply systems shall be designed to minimize or eliminate infiltration of floodwaters;
- (ii) 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
- (iii) On site waste disposal systems shall be located to avoid being damaged, or from releasing contaminants, during flooding.

**(d) Proposed Subdivisions in Floodplains**

- (i) Shall be designed in a manner consistent with the flood protection objectives of these regulations;
- (ii) Shall have utility systems and facilities located and designed to minimize flood damage potential;
- (iii) Shall meet the requirements of the Littleton storm drainage criteria manual; and
- (iv) Base flood elevation data shall be provided for all lots within, and immediately adjacent to, the floodplain.

#### **4. Specific Standards**

In all floodplains, the following standards shall apply:

**(a) Residential new construction and substantial improvement**

- (i) Any residential structure shall have the lowest floor (including basement) elevated to one (1) ft. above the base flood elevation.
- (ii) Within zones A, AO, AH, or areas of shallow flooding, residential structures shall have the lowest floor (including basement) elevated one (1) ft. above the highest adjacent grade, or the base flood elevation, or to the depth number specified on the FIRM, whichever is greater.
- (iii) 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**

Any nonresidential structure shall either have the lowest floor (including basement) elevated to one (1) ft. above the level of the base flood elevation; or, together with utility and sanitary services, shall:

- (i) Be floodproofed below an elevation one (1) ft. above the base flood elevation with substantially watertight walls;

- (ii) Have structural components which withstand hydrostatic and hydrodynamic loads of flood flows, and the effects of buoyancy; and
- (iii) 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.
- (iv) Within zones A, AO, AH, or areas of shallow flooding, nonresidential structures shall have the lowest floor (including basement) elevated one (1) ft. 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 (1) ft. above the base flood elevation, or to the depth number specified on the FIRM, whichever is greater with substantially watertight walls.
- (v) Within areas of shallow flooding, on site drainage shall be directed around and away from existing and proposed structures.

(c) **Manufactured Homes**

- (i) 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 (50) ft. long, two (2) additional ties per side at intermediate locations; and for units less than fifty (50) ft. long, one (1) additional tie per side.
  - b. Frame ties at each corner of each unit; for units greater than fifty (50) ft. long, five (5) additional ties per side at intermediate points; for units less than fifty (50) ft. 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.
- (ii) 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 (1) ft. 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 Section (B)2(c).

(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 Conditional Use by the board and based upon findings that:

- (i) Placement of fill material in a floodplain shall not adversely affect the efficiency of the watercourse to convey storm runoff.

- (ii) The amount of fill material to be deposited shall only be the minimum necessary to achieve the required floodproofing of structures.
- (iii) No fill materials are being placed in any floodway.
- (iv) Fill materials shall be adequately protected against erosion by strong vegetative cover, riprap, or bulkheads.
- (v) 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.

**(e) Recreational Vehicles**

Recreational vehicles placed on sites within zones A, AE, AH, AO, and A99 on the city's FIRM shall either:

- (i) Be on a site for fewer than one hundred eighty (180) days.
- (ii) 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.
- (iii) Meet the elevation and anchoring requirements for manufactured homes.

## 10-4-4 Parking, Loading, and Stacking Standards<sup>281</sup>

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### **(A) Parking Required**

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All development in the city for which a Site Development Plan is required shall provide sufficient parking spaces to accommodate the number of vehicles that are normally attracted to such 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 Site Development Plan. A street or public way shall not interrupt such contiguity. In the CA district parking may be located within a five hundred (500) ft. radial distance of the site, as shown on the Site Development Plan.

#### **2. Shared Use of Parking Spaces**

Multiple users may share off street parking spaces within the CA district based on a schedule of operation, including the proposed method of regulation, and approval by community development.

#### **3. Use and Maintenance of Parking Spaces**

Off street parking shall be utilized in accordance with the following provisions:

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<sup>281</sup> Current 10-4-9, with changes as noted.

- (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.
- (c) Surfacing
  - (i) Parking areas shall be surfaced with concrete, asphalt or pavers; parking areas on single-family lots may also be surfaced with gravel.
  - (ii) 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:
    - a. The depth of the surface material shall at no time be less than four (4) in.
    - 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.
- (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.

#### 4. Construction and Maintenance Requirements for Residential Parking Spaces<sup>282</sup>

(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 ( $2\frac{1}{4}$ ) in. and placed over an appropriate road base, or crushed hard rock with a minimum depth of three and one-half ( $3\frac{1}{2}$ ) in.. Crushed hard rock shall have a nominal gradation of one and one-half ( $1\frac{1}{2}$ ) in. (100 percent passing a one and three-fourth ( $1\frac{3}{4}$ ) in. screen and less than 10 percent passing a one and one-fourth ( $1\frac{1}{4}$ ) in. 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 ( $3\frac{1}{2}$ ) in. in height made from four by four (4 x 4) in. pressure treated timbers, brick, concrete or stone pavers not less than three and one-half ( $3\frac{1}{2}$ ) in. in height or length and two and one-half ( $2\frac{1}{2}$ ) in. thick. When installed, borders shall be capable of sustaining vehicle loads without fracturing or otherwise deteriorating, and be backfilled such that three (3) in. 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**

- (i) 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.
- (ii) Minimum dimensions of an improved driveway or parking space shall be seven (7) ft. wide by ten (10) ft. 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.
- (iii) 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**

- (i) The depth of crushed hard rock shall at no time be less than three and one-half ( $3\frac{1}{2}$ ) in. 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.
- (ii) 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.

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<sup>282</sup> Numbering revised from current 10-4-9(A)3.5 and later subsections renumbered sequentially.

## 5. Number of Parking Spaces Required<sup>283</sup>

Off-street automobile parking shall be provided in accordance with the following minimum requirements:

<b>Table 10-4-7: Minimum Off-Street Parking Standards</b>	
<b>Land Use</b>	<b>Minimum Off-Street Parking Required</b> SF GFA = square feet of gross floor area
One-, Two- And Three-Family Dwellings	Two (2) spaces per dwelling unit
Multi-Family Dwellings Containing Four or More Dwelling Units	One and one-half ( $1\frac{1}{2}$ ) spaces per dwelling unit
Elderly Housing (Self Or Limited Care)	Buffet Unit: One-half ( $\frac{1}{2}$ ) space per dwelling unit.
	One Bedroom Unit: Two-thirds ( $\frac{2}{3}$ ) space per dwelling unit
	Two or More Bedroom Unit: One space per dwelling unit
Residential, Rooming or Boarding House	One space per each living accommodation
Fraternities, Sororities, Student Houses or Dormitories (Off-Campus)	One space for every two (2) beds
Motel/Hotel	Without Restaurant: One space per guest room or suite plus one additional space for resident owner/ manager
	With Restaurant: Same as above plus one space per one hundred (100) SF GFA of restaurant
Extended Care Facility, Nursing Home, Hospice	One space per two (2) beds
Childcare Center (Daycare), Private School	Two (2) spaces per teacher, plus off-street student loading and unloading area
Bowling Alley	One space per two hundred (200) SF GFA
Retail Stores	One space per two hundred (200) SF GFA
Retail Stores Handling Exclusively Bulky Merchandise such as Furniture and Automobiles	One space per three hundred (300) SF GFA
Service and Repair Shops	One space per three hundred (300) SF GFA
Bank, Office Buildings	One space per three hundred (300) SF GFA
Medical and Dental	One space per two hundred fifty (250) SF GFA
Restaurants and Lounges	Drive-Thru Type: One space per sixty five (65) SF GFA
	Carry-Out: One space per one hundred forty (140) SF GFA
	Sit-Down Without Liquor License: One space per sixty five (65) SF GFA

<sup>283</sup> The list of land uses in the left hand column has not been revised to match the Table 10-3-1 (Permitted Use Table), because revisiting parking standards is not included in the Phase 1 updates. The table will be revised in a future phase of the Littleton Zoning Ordinance update process.

<b>Table 10-4-7: Minimum Off-Street Parking Standards</b>	
<b>Land Use</b>	<b>Minimum Off-Street Parking Required</b> SF GFA = square feet of gross floor area
	Sit-Down With Liquor License: One space per seventy five (75) SF GFA
Retail Shopping Centers	25,000-400,000 sq. ft.: 4 spaces per 1,000 SF GFA
	400,000-500,000 sq. ft.: 4 spaces per 1,000 SF GFA
	500,000-600,000 sq. ft.: 4.5 spaces per 1,000 SF GFA
	More than 600,000 sq. ft.: (aggregate total) 5 spaces per 1,000 SF GFA
Mortuaries	One space per four (4) seats or eight (8) ft. of bench length in chapel
Manufacturing and Assembly	Light manufacturing: one space per two hundred fifty (250) SF GFA
	Heavy manufacturing, one space per five hundred (500) SF GFA
Warehousing or Wholesaling Establishments	One space per eight hundred (800) SF GFA
Hospital	One and one-half (1½) spaces per bed
Church	One space per forty (40) SF GFA in the main assembly area
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) sq. ft., 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
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
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.
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 (50) percent 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

Table 10-4-7: Minimum Off-Street Parking Standards	
Land Use	Minimum Off-Street Parking Required SF GFA = square feet of gross floor area
	district, shall not count towards additional parking spaces required for a new building or an addition to an existing building.

## 6. Compact Parking Spaces Permitted

Any parking area requiring more than twenty (20) parking spaces may provide compact car spaces not to exceed twenty five (25) percent of the spaces required.

## 7. Dimensions for Standard, Compact Cars and Handicapped Parking Spaces

Table 10-4-8: Parking Space Dimension Standards		
Type	Minimum Length	Minimum Width
Standard Space	20 ft.	9 ft.
Compact Space	18 ft.	8 ft.
Handicapped Space	20 ft.	12 ft.

## 8. Handicapped Parking Requirements

### (a) Number Of Spaces Required

#### (i) Residential

For all two-family, three-family and multiple-family residential uses, handicapped parking shall be provided at the rate of one space for each dwelling unit that is designed for occupancy by the physically handicapped.

#### (ii) Nonresidential

Handicapped parking spaces shall be provided for all uses other than residential at the rate of four (4) percent of the total number of required parking spaces for the site.

### (b) Fulfillment of Requirements

Handicapped parking spaces required by this section shall count toward fulfilling off street parking requirements.

### (c) Location

Handicapped spaces shall be located so as to provide convenient access to a primary accessible building entrance unobstructed by curbs or other obstacles to wheelchairs.

### (d) Signage

Each handicapped space shall be painted with, and designated by, a sign showing the international disabled symbol of a wheelchair. Each sign shall be no smaller than one (1) foot by one (1) foot and shall be located at the end of the space at a height



between four (4) feet and seven (7) feet. The sign may either be wall mounted or freestanding.

#### 9. Parking Lot Driveway Widths for Multiple-Family, Commercial and Industrial Properties

Table 10-4-9: Parking Lot Driveway Width Standards		
Type	Angle	Width
One-way	0 degrees (parallel parking) to 45 degrees	12 ft.
One-way	Greater than 45 but less than 90 degrees	18 ft.
One-way	90 degrees (perpendicular parking)	23 ft.
Two-way	All Angles	23 ft.

#### 10. 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 (10) percent of the total vehicle parking required under Subsection (A)4 of this Section.

### (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) sq. ft. of gross floor area as stated in the following table.

Table 10-4-10: Off-Street Loading Space Standards	
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 (10) ft. wide, thirty-five (35) ft. deep, and shall have fourteen (14) ft. 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.

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### **(C) Limitations on Parking of Motor Vehicles and Trailers**

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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.

## **10-4-5 Landscaping and Buffering Standards<sup>284</sup>**

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### **(A) Purpose and Intent<sup>285</sup>**

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It is the purpose and intent of this Section 10-4-5:

- 1. To improve the general appearance of the city and enhance its aesthetic appeal;
- 2. To improve the quality of life in the city by encouraging a quality design concept for development;
- 3. To ensure adequate buffering between adjacent land uses;
- 4. To conserve energy and water resources by encouraging the use of Xeriscaping;
- 5. To create tree lined streets with deciduous canopies;
- 6. To ensure the long term health of functional and attractive landscaping by encouraging the proper maintenance thereof; and
- 7. To reduce pollutants in storm water runoff from landscaping.

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### **(B) Authorization to Adopt Regulations<sup>286</sup>**

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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

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<sup>284</sup> Current 10-5.

<sup>285</sup> Current 10-5-1.

<sup>286</sup> Current 10-5-2.

Criteria Manual" (hereafter "landscape manual"), and which shall be based on the provisions of this Section 10-4-5. The Director of Community Development shall also have the authority to specify which criteria of this Section 10-4-5 shall apply to each Site Development Plan 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.

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#### **(C) Applicability<sup>287</sup>**

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1. A landscape plan, prepared in conformance with this Section 10-4-5 shall be submitted for:
  - (a) 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.
  - (b) The parking areas, unobstructed open space and common open space on all final PD plans required under the PD zone district. All general PD plans which are submitted prior to the final PD plans, shall include a general landscaping plan drawn in conformance with Section 10-4-5.
2. 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 Section 10-4-5. Landscaping plans for single-family residential developments shall be required for common open space areas only, and not for individually owned lots.
3. 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.
4. All landscaping plans shall comply with the applicable design standards of this Section 10-4-5 and the landscape manual.

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#### **(D) General Landscaping Criteria**

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##### **1. Plant Selection<sup>288</sup>**

Except for all designated natural areas and wetlands, landscaping materials shall be placed or planted according to the provisions of this Section 10-4-5. In addition, Section 10-4-5(E) 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

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<sup>287</sup> Current 10-5-3 and 10-5-7 introduction text.

<sup>288</sup> Current 10-5-8 except as noted.

meet the requirements of this Section 10-4-5 for traditional landscaping and for xeriscape plans are listed in the landscape manual.

(b) **Use of Nonliving Materials**<sup>289</sup>

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 (50) percent of the total required landscaped area. Paved areas used for motor vehicle access and parking shall not be included in the land area required to fulfill the unobstructed open space requirements of this title.

(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) **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.

(i) **Trees**

Salix trees and all fruit trees, except for crab apple, shall not be planted within twenty five (25) ft. 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.

(ii) **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.

(e) **Grasses**

No more than fifteen (15) percent 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.

**2. Minimum Sizes and Standards for Required Landscaping and Screening**<sup>290</sup>

Trees, shrubs, and other material for required landscaping and screening shall at a minimum be the following sizes at the time of planting:

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<sup>289</sup> Current 10-5-7(B).

<sup>290</sup> Current 10-5-8(E).

<b>Table 10-4-11: Minimum Landscaping Size Standards</b>	
<b>Type of Vegetation or Material</b>	<b>Minimum Size</b>
Large Deciduous Trees (Shade Trees)	2 in. caliper, measured 6 in. above soil line
Ornamental Deciduous Trees	1.5 in. caliper, measured 6 in. above soil line
Coniferous (Evergreen) Trees	6 ft. in height, except that mugo pine shall have a 24 in. branch spread
Shrubs (Evergreen And Deciduous)	Five (5) gallon container
Rock or Stone	¾ in. size, installed to min. 2 in. depth 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
Mulch	No minimum size; shall be fibrous so that it binds together to prevent erosion

### 3. Seeding<sup>291</sup>

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 Section 10-4-5(L) 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.

### 4. Irrigation<sup>292</sup>

- (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.

<sup>291</sup> Current 10-5-7(H).

<sup>292</sup> Current 10-5-6.

- (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".

#### **5. Sight Distance Triangles<sup>293</sup>**

For safety and visibility purposes, a sight distance triangle, 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 ( $2\frac{1}{2}$ ) ft. and ten (10) ft. above the adjoining street level, except as permitted by Section 8-1-6(B) of this Code.

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### **(E) Xeriscape<sup>294</sup>**

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#### **1. 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 Section 10-4-5 apply to xeriscape plans, except as specifically provided in this Subsection (E).

#### **2. 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.

#### **3. Minimum Plant Sizes**

The minimum size for plants contained in Section 10-4-5 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.

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### **(F) Preservation of Existing Trees<sup>295</sup>**

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#### **1. General Requirement**

The owner or developer shall, to the extent possible, incorporate existing healthy mature trees and shrubs 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 development requires removal of healthy mature trees, new trees of not less than the minimum caliper sizes specified in Section 10-4-5 shall be installed at a ratio of two (2) new trees planted for every one (1) tree removed.

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<sup>293</sup> Current 10-5-7(D).

<sup>294</sup> Current 10-5-11.

<sup>295</sup> Current 10-5-7(E).

## **2. Protection During Construction**

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.

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## **(G) Site Design to Incorporate Stormwater Management**

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[TO BE DRAFTED]

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## **(H) Public Rights-of-Way and Street Trees<sup>296</sup>**

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### **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 10-4-5.

### **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.

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## **(I) Parking Area Landscaping<sup>297</sup>**

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### **1. Coverage**

At least five (5) percent 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 (75) percent of the required landscaped area shall include living plant material.

### **2. Island**

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 10-4-5.

### **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

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<sup>296</sup> Current 10-5-7(C).

<sup>297</sup> Current 10-5-7(A).

shall be at least three (3) ft. higher than the surface of the parking area, except where clear visibility must be maintained as provided in Section 10-4-5, due to traffic or pedestrian safety considerations.

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## **(J) Public and Private Open Space, Detention Areas, and Drainage Channels<sup>298</sup>**

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### **1. General Requirement**

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 the Littleton 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 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.

### **2. 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's arborist in accordance with the landscape manual.
- (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 board after referral comments are received from the urban drainage and flood control district.
- (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.

### **3. 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 10-4-5. Any storm runoff discharged from the property without benefit of detention must first be

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<sup>298</sup> Current 10-5-7(G).



treated by irrigated grass buffer strips or grass lined swales in accordance with volume 3 of the urban drainage and flood control district criteria.

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### **(K) Site Screening<sup>299</sup>**

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#### **1. General Requirement**

In addition to the screening of parking areas required by Section 10-4-5, 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:

#### **2. 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.

#### **3. Trash Receptacles**

Trash receptacles and dumpsters shall be entirely screened from view and enclosed by a solid, gated wall at least six (6) ft. 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.

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### **(L) Completion of Required Landscaping and Screening<sup>300</sup>**

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#### **1. 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.

#### **2. 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 3 of this Section 10-4-5(L).

#### **3. 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

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<sup>299</sup> Current 10-5-7(F).

<sup>300</sup> Current 10-5-9.

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 (125) percent 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.

#### 4. 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.

### (M)Fences<sup>301</sup>

#### 1. Fences In Residential Zone Districts

##### (a) General Provisions

Table 10-4-12: Residential Fence Standards	
Yard	Standard
Front	
<i>Max. height, general</i>	4 ft.
<i>Max height, R-3X and R-4 Districts</i>	20 ft.
<i>Construction</i>	Min. 50% of surface must be open
Side and Rear	
<i>Max. height</i>	6 ft.
<i>Max height, R-3X and R-4 Districts</i>	20 ft.
<i>Construction</i>	Max. 100% of surface may be solid
Sight Triangles	
<i>Max. height</i>	4 ft.
<i>Max height, R-3X and R-4 Districts</i>	20 ft.
<i>Construction</i>	Min. 50% of surface must be open
Swimming Pools	All swimming and wading pools with a depth greater than eighteen (18) in., measured from rim to lowest point, shall be fully enclosed by a fence of not less than sixty (60) in. in height, constructed in a manner to prohibit entry, and be equipped with a self-closing and latching gate

##### (b) Additional Standards

- (i) Prior to the installation or replacement of any fence, issuance of a building permit may be required by Section 4-1-10 of the Littleton Code.
- (ii) 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 (5) ft. from the property line.

<sup>301</sup> Current 10-4-3.

**2. Fences in SDPs**

Commercial fences contrary to or not reviewed as a component of a Site Development Plan shall require approval by community development.

**3. Fences in OS 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.

**10-4-6 Outside Lighting Standards<sup>302</sup>****(A) Purpose and Intent<sup>303</sup>**

It is the intent of this Section 10-4-6 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.

**(B) Applicability<sup>304</sup>****1. 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 Section 10-4-6. 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 Chapter 6: Nonconformities .

**2. Single-Family Residential**

All new single-family residential development must comply with the requirements of this Section 10-4-6. Exterior lighting on existing single-family residential development shall be considered nonconforming and subject to the provisions for nonconforming uses as stated in Chapter 6: Nonconformities.

**3. Outdoor Advertising Signage**

All new or renovated signage shall meet the requirements of this Section 10-4-6. All other existing signage shall be considered nonconforming and subject to the provisions for nonconforming uses as stated in Chapter 6: Nonconformities.

**4. Exemptions<sup>305</sup>**

The following are exempted from these regulations:

- (a) Roadway lighting on public roads and streets.
- (b) Temporary construction lighting by public entities, utilities, light rail transit or railroad companies.

<sup>302</sup> Current 10-15.

<sup>303</sup> Current 10-15-1.

<sup>304</sup> Current 10-15-2.

<sup>305</sup> Current 10-15-2(E).

- (c) Holiday lighting including Christmas tree sales lots within the following time limits:
  - (i) Christmas and other December holiday lighting shall be allowed from Thanksgiving through January 20.
  - (ii) All other holiday lights shall be allowed from one month prior to the specific holiday through one week after that holiday.
- (d) Illumination of American and state flagpoles, public art and monuments.
- (e) Underwater lighting at swimming pools and fountains.
- (f) Lighting on designated historic buildings or structures or districts as defined in Section 10-7-3.
- (g) "Emergency lighting" as defined in Section 10-7-3.
- (h) 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.

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#### **(C) Prohibitions<sup>306</sup>**

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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.

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#### **(D) Lighting Standards<sup>307</sup>**

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##### **1. 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 (45) degrees 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 (45) degree restriction provided the following standards are met:

- (a) The light output for each individual fixture shall not exceed eight hundred (800) lumens.
- (b) The lighting shall be subject to the provisions of Subsection 2 below relating to light trespass.

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<sup>306</sup> Current 10-15-2(D).

<sup>307</sup> Current 10-15-3.

- (c) The lighting is completely turned off at a time determined by the city if a curfew is deemed appropriate.

## **2. Light Trespass Standards**

All light fixtures shall be located, aimed or shielded so as to minimize stray light trespassing across all property boundaries.

### **(a) 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.

### **(b) Commercial, Industrial And Multiple-Family Residential**

No more than 0.1 foot-candle of light should be allowed, measured at a point ten (10) feet 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.

### **(c) 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.

## **3. Lighting Curfews**

Lighting curfews may be imposed in order to limit the adverse impacts of lighting if deemed necessary by the city.

## **4. Outdoor Advertising Signs**

### **(a) Externally Illuminated Sign Standards**

External illumination for signs shall conform to the shielding and light trespass standards of this Section.

### **(b) Internally Illuminated Sign Standards**

Internally illuminated panels or decorations not considered being signage according to Title 4, Chapter 3 of the Littleton Code (such as illuminated canopy margins, light bands or building faces) shall comply with the shielding and light trespass standards of this section.

### **(c) Illumination of Signs for Discontinued Uses**

Sign illumination shall be permanently extinguished within twenty four (24) hours if the business is no longer in operation.

## 10-4-7 Sign Standards<sup>308</sup>

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### (A) Purpose<sup>309</sup>

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It is the purpose of this legislative enactment to promote, preserve and protect the health, safety and general welfare of the present and future inhabitants of the City by providing reasonable regulations and standards relating to signs, as hereinafter set forth, to lessen congestion in the streets, provide for the promotion of traffic safety and the orderly movement of traffic, provide adequate light and air, protect and enhance the overall appearance of the community, and to conserve the value of buildings and encourage the most appropriate use of land throughout this Municipality. This Section 10-4-7 recognizes and subscribes to the right of those in business to advertise upon their own premises; subject to the reasonable regulations herein set forth for the purposes and reasons heretofore indicated.

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### (B) Applicability<sup>310</sup>

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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 Section 10-4-7, within the City, and the terms and provisions of this sign code 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 sign code.

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### (C) Severability and Transition of Sign Regulations<sup>311</sup>

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1. If for any reason any one or more sections, sentences, clauses or parts of this Section 10-4-7 (or any other provision of this Code related to signs or the administration or enforcement of sign regulations) are held invalid, such judgment shall not affect, impair or invalidate the remaining revisions of this sign code, but shall be confined in its operations to the specific sections, sentences, clauses or parts of this Section 10-4-7 (or any other provision of this Code related to signs or the administration or enforcement of sign regulations) held invalid, and the invalidity of any section, sentence, clause or part of this Section 10-4-7 (or any other provision of this Code related to signs or the administration or enforcement of sign regulations) or in any one or more instances shall not affect or prejudice in any way the validity of this Section 10-4-7 (or any other provision of this Code related to signs or the administration or enforcement of sign regulations) in any other instance.

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<sup>308</sup> Current Title 4, Chapter 3. Section 4-3-1-2 (Title) was not carried over, since the Sign Code is now part of the Zoning Code. Sections 4-3-1-3 (Rules of Construction) and 4-3-1-4 (Definitions) were moved to Section 10-6 (Definitions) of this Code and consolidated with similar materials from other portions of the Code. This section has not been reviewed for compliance with the 2015 U.S. Supreme Court decision in Reed v. Town of Gilbert, which has required many U.S. communities to revise their sign regulations.

<sup>309</sup> Current 4-3-1-1.

<sup>310</sup> Current 4-3-3-5, retitled for consistency with other similar Code provisions. Wording revised to reflect the integration of the sign regulations into Chapter 10, and to preserve the applicability of original effective dates of the various regulations.

<sup>311</sup> Current 4-3-3-6.

2. All offenses committed and all liabilities incurred prior to the effective date of any sign regulation adopted by the City Council and now codified in this Section 10-4-7 (or any other provision of this Code related to signs or the administration or enforcement of sign regulations), 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 of any sign regulation adopted by the City Council and now codified in this Section 10-4-7.

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**(D) Signs Permitted in All Districts Without a Permit<sup>312</sup>**

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The following signs may be erected and maintained in all districts without a permit and without being deducted from other permitted sign face areas:

1. Bulletin Boards

One bulletin board per street frontage not over twenty (20) sq. ft. in area for public, charitable or religious institutions where the same are located on the premises of said institutions.

2. Contractor Signs

Not more than twelve (12) sq. ft. in area naming the contractors engaged in the construction on the property where the sign is located, but only during such period in which actual construction is taking place.

3. Credit Card Type Signs

These signs shall be allowed only if nonilluminated or illuminated by a concealed light source, and shall show items such as credit cards accepted, redemption stamps offered, menus, or prices. Such signage for each primary use by right shall not exceed a total of four (4) square feet per face or eight (8) square feet for double-faced signage. Such signs may be attached to the building as projecting or wall signs; placed in a window of said business suspended from a canopy; or included as an integral part of a freestanding sign.

4. Directional Signs

Directional signs shall not promote the use or sale of any product or service, and shall not exceed seven (7) square feet in size per sign.

5. Flags

Flags bearing the copyrighted insignia or symbol of the user of the primary permitted use shall be permitted only when flown in conjunction with the national and State flags. Said flag shall be on a separate flagpole, and shall not exceed the individual sizes of the national and State flags which are flown adjacent thereto.

6. Memorial Signs

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<sup>312</sup> Current 4-3-2-1.

Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface, or inlaid so as to be part of the building when constructed of bronze or other incombustible material.

7. Occupant Signs

Signs limited in content to name of occupant, address of premises, and signs of danger or of a cautionary nature which are limited to wall and ground signs which shall consist of no more than two (2) per street front and shall be no more than three (3) sq. ft. per sign in area nor more than ten (10) feet in height above grade. Said signs shall not be animated, and may be illuminated only from a concealed light source which shall not flash, blink or fluctuate.

8. Political Signs

Political signs shall be allowed in windows in occupied buildings in business and industrial zoning districts and shall be subject to the height and the area restrictions therein. They shall be signs of a temporary nature, for a specified election and shall be removed within ten (10) days after the election to which these signs pertain.

9. Professional Signs

Nameplate signs not more than two (2) sq. ft. in area which are fastened directly to the building and do not project more than six (6) in. beyond the property line.

10. Public Signs

Signs required or specifically authorized for a public purpose by any law, statute or ordinance; which may be of any type, number, area, height above grade, location, illumination or animation, and authorized by the law, statutes or ordinances under which the signs are erected.

11. Real Estate Signs

A sign may be placed only on the offered property and shall be not more than seven (7) sq. ft. in size per face for residential property and twenty four (24) sq. ft. per face for commercial and industrial property. Said sign may advertise the sale, rental or lease of the premises upon which said sign is located. Said sign must be located entirely within the property line of the advertised property and shall not contain more than two (2) faces.

12. Signs in Display Windows

Window signs and temporary signs in the display window of a business use which are incorporated with a display of merchandise or a display relating to services or products offered. Said signs shall not be illuminated nor animated.

13. Signs Within Buildings

Any sign placed inside a building may be erected without a permit but shall be subject to the safety regulations of the building code, provided that any sign permanently attached to the interior of the structure and visible from the exterior thereof shall comply with the provisions of this Section 10-4-7.



#### 14. Subdivision Identification Sign

A permanent subdivision sign may be allowed at the entrance to any subdivision only after application to and review and approval by the director of community development. In residential subdivisions, such signs shall be limited to a maximum size of twenty (20) sq. ft. per face and shall not exceed two (2) faces per sign. In commercial and industrial subdivisions, such signs shall be limited to a maximum size of fifty (50) sq. ft., per face and shall not exceed two (2) faces per sign. Such signs shall complement the architectural style of the subdivision with regard to their coloration, design and materials.

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#### **(E) Signs Prohibited<sup>313</sup>**

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The following signs shall not be permitted in any zone district:

1. Rotating signs;
2. Portable or wheeled advertising devices, except as specifically permitted in Section 4-3-2-5(D);
3. Roof signs;
4. Third party signs, billboards, poster board, except as specifically permitted in Sections 4-3-2-6(H) and (I);
5. Price signs at gasoline service stations except as authorized by Section 4-3-2-5(G)4;
6. Other Signs: No person shall erect any sign except as authorized by this Section 10-4-7 or other ordinance of the City and then only in accordance with the provisions thereof.

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#### **(F) Signs Allowed by Special Permit<sup>314</sup>**

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The following signs may be allowed in any business, transitional, CA, or industrial zone district by special permit issued by the city manager or his designated representative for a specific event such as a special sale, national holiday, anniversary date or grand opening. Not more than two (2) permits may be issued each calendar year for a cumulative period of not more than sixty (60) days. Any such requested permit shall be issued if the purposes of the sign code, as specified in Section 10-4-7(A), have been met.

1. Hot air balloons and other types of lighter than air objects.
2. Banners, pennants, valances, or wind powered devices.
3. Searchlights.
4. Other sales promotion devices or signs which are within the intent of this Section 10-4-7.

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#### **(G) Signs Permitted in Single-Family Residence Zones<sup>315</sup>**

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Upon application to and issuance by the building official of a permit therefor, the following signs may be erected and maintained in single-family residentially zoned districts.

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<sup>313</sup> Current 4-3-2-2(A).

<sup>314</sup> Current 4-3-2-2(B).

<sup>315</sup> Current 4-3-2-3.

<b>Table 10-4-13: Sign Standards for Single-Family Residential Zones</b>	
<b>Topic</b>	<b>Standard</b>
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; shall be located on the same lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right.
Permitted Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services offered and events.
Permitted Sign Types	Wall, Window
Maximum Number	One sign for each front line of the lot on which the use by right is located.
Maximum Area	Three (3) sq. ft.
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 (18) in.
Permitted Illumination	None
Animation	Shall not be animated.
Prohibited Signs	Signs advertising home occupations shall be prohibited.

#### (H) Signs Permitted in Multi-Family Residence Zones and Transitional Zoned Districts<sup>316</sup>

Upon application to and issuance by the building official 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.

<b>Table 10-4-14: Signs in Multi-Family Residential and Transitional Zones</b>	
<b>Topic</b>	<b>Standard</b>
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; shall be located on the same lot as the use by right and shall be clearly incidental, customary and commonly associated with the operation of the use by right; provided, however, that no sign of any type shall be erected or maintained for or by a single-unit dwelling.
Permitted Contents	Identification by letter, numeral, symbol or design of the use by right by name, use, hours of operation, services offered and events.
Permitted	Wall, window and ground.

<sup>316</sup> Current 4-3-2-4.

<b>Table 10-4-14: Signs in Multi-Family Residential and Transitional Zones</b>	
<b>Topic</b>	<b>Standard</b>
Sign Types	
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.
Maximum Area	Three (3) sq. ft. per unit not to exceed twenty (20) sq. ft. total.
Maximum Height Above Grade	1. Wall And Window Signs: Twenty (20) ft. 2. Ground Signs: Twelve (12) ft.
Permitted Location	1. Wall and window signs 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, wall signs may project into the required setback space eighteen (18) in. 2. Ground signs shall be set back ten (10) ft. from the boundary lines of the lot on which it is located, provided that a clear area be maintained to a height of seventy two (72) in., within fifty-five (55) ft. of the intersection of two (2) streets, a railroad right of way and a street or a driveway and a street.
Permitted Illumination	May be illuminated but only from a concealed light source and shall not flash, blink or fluctuate.
Animation	Shall not be animated.

#### **(I) Signs Permitted in Business, Transitional and CA Zones and Industrial Zones<sup>317</sup>**

Upon application to and issuance by the building official 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.

<b>Table 10-4-15: Sign Standards for Business, Transitional, CA Zones, and Industrial Zones</b>			
<b>Topic</b>	<b>Standard</b>		
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 and shall be clearly incidental, customary and commonly associated with the operation of the use by right.		
Permitted Contents	Identification by letter, numeral, symbol or design of the uses by right by name, use, hours of operation, services and products offered, events and prices of products and services.		
Permitted Sign Types	Wall, window, ground, arcade, marquee, projecting, time and temperature signs and portable signs as described herein.		
Maximum Number	Linear Frontage of Lot	Max. Permanent Signs	Max. Ground Signs
	151 ft. or less	3	1

<sup>317</sup> Current 4-3-2-5.

<b>Table 10-4-15: Sign Standards for Business, Transitional, CA Zones, and Industrial Zones</b>			
<b>Topic</b>	<b>Standard</b>		
	151 ft. to 301 ft.	3	2
	301 ft. to 451 ft.	4	3
	451 ft. to 600 ft.	5	4
	601 ft. 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 wood or metal and shall contain no more than twelve (12) square feet per face. Signs where advertising is permanently attached to tools or vending devices incidental to, customary or commonly associated with the use by right shall not be included when computing the permitted maximum number of area of signs. No permitted portable sign, tool or vending device shall be located in any public right of way.		
Maximum Area	1. Each use by right shall be allowed the greater of thirty two (32) sq. ft., or one (1) sq.ft. of sign area for each one and one-half (1½) linear ft. of street frontage with a maximum total area per sign of one hundred (100) sq. ft. per face, two hundred (200) sq. ft. per sign and three hundred (300) sq. ft. 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 (1) sq. ft. of sign area for each one and one-half (1½) horizontal linear ft. of that portion of building frontage occupied by the use by right.		
	When the lot size shall allow only thirty two (32) sq. ft. of signage, an additional one (1) sq. ft. of signage shall be allowed for each two (2) ft. of setback of the primary structure on that lot, up to a maximum allowable area of fifty (50) sq. ft. These building setback provisions shall not apply to those lots which shall allow signs in excess of fifty (50) sq. ft. 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 (25) percent for each ten (10) ft. of height above thirty (30) ft., not to exceed two hundred (200) sq. ft. per sign. Example: thirty (30) ft. equals one hundred (100) sq. ft. of allowable sign area; forty (40) ft. equals one hundred twenty-five (125) sq. ft.; fifty (50) ft. equals one hundred fifty (150) sq. ft.; etc. Signs shall be limited to one (1) per building face.		
	On those buildings which are not set back from the public right of way, one projecting sign not exceeding eighteen (18) sq.ft. per face or thirty six (36) sq. ft. 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 (3) ft., shall not be lower than eight (8) ft. above grade, nor higher than twenty (20) ft. of the roof line or parapet wall of the building, whichever is less.		

<b>Table 10-4-15: Sign Standards for Business, Transitional, CA Zones, and Industrial Zones</b>	
<b>Topic</b>	<b>Standard</b>
Maximum Height Above Grade	<p>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 a mansard roof: signs may not project above fifty (50) percent of the height of the mansard.</p> <p>2. Ground, Arcade, Projecting And Marquee Signs: Twenty five (25) ft.</p> <p>3. Signs Projecting Into The Public Right Of Way (As Provided In “Permitted Locations” section of this table: Twenty five (25) ft. or not higher than the top plate or parapet of the building, whichever is less.</p>
Permitted Location	<p>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 (48) in. Wall signs may project into the public right of way a maximum of twelve (12) in.</p> <p>2. Ground signs shall be located in such a manner so that a clear area is maintained to a height of seventy two (72) in. within fifty-five (55) ft. 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.</p> <p>3. Projecting signs shall be located in such a manner that there is a clear area maintained to a height of eight (8) ft. above the public right of way.</p> <p>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) sq. ft. per face.</p>
Permitted Illumination	May be illuminated but only from a concealed light source.
Animation	<p>Shall not be animated except for changeable copy signs which may be approved by the director of community development when the following conditions are met:</p> <p>1. Traffic and Pedestrian Safety: The sign is located in such manner that it does not interfere with traffic or pedestrian safety. The minimum setback from the front property line shall be twenty (20) ft. At a signalized intersection the minimum setback shall be twenty five (25) ft.</p> <p>2. Message: The message portion of the sign must be limited in area to less than thirty two (32) sq. ft. The message must be stationary with a change sequence of not more than one change each two (2) seconds. The message shall consist of letters, numerals, grammatical and mathematical symbols. Graphic symbols may be utilized provided they meet the following limitations:</p> <p>(a) The graphic symbols do not change position or travel on the face of the sign; and</p> <p>(b) The graphic symbols shall be used in conjunction with a lettered message.</p>

<b>Table 10-4-15: Sign Standards for Business, Transitional, CA Zones, and Industrial Zones</b>		
<b>Topic</b>	<b>Standard</b>	
	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.	
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:	
	Permitted Sign Types	Wall and ground.
	Maximum Number	One (1) sign for each front line of the lot or for each five hundred (500) linear ft. of street frontage.
	Maximum Sign Area	The total overall size of any joint identification sign shall not exceed one hundred (100) sq. ft. per face. The allocation of space on the joint identification sign shall be determined by the landlord and the tenants with all tenants having access to the use of a portion of the sign.
	Maximum Height Above Grade	Twenty five (25) ft.
	Permitted Location	(a) Wall signs shall be set back from the boundary lines of the lot on which it is 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 (12) in. (b) Ground signs shall be located in such a manner so that a clear area is maintained to a height of seventy two (72) in. within fifty-five (55) ft. 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.
	Permitted Illumination	May be illuminated but shall not flash, blink or fluctuate.

<b>Table 10-4-15: Sign Standards for Business, Transitional, CA Zones, and Industrial Zones</b>		
<b>Topic</b>	<b>Standard</b>	
	Animation	<p>Shall not be animated except for changeable copy signs which may be approved by the director of community development when the following conditions are met:</p> <p>(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 (25) ft.</p> <p>(b) Message: The message portion of the sign must be limited in area to less than thirty two (32) sq. ft. The message must be stationary with a change sequence of not more than one change each two (2) seconds. The message shall consist of letters, numerals, grammatical and mathematical symbols only.</p> <p>(c) Light Intensity and Color: Such sign shall maintain a constant light intensity and color during the entire copy display.</p>

#### **(J) Shopping Center Signs<sup>318</sup>**

Upon application to and issuance by the building official of a permit therefor, the following signs may be erected and maintained in shopping centers:

<b>Table 10-4-16: Shopping Center Sign Standards</b>	
<b>Topic</b>	<b>Standard</b>
General	Signs may be erected, altered and maintained only for and by a use by right at the shopping center in which the business is located and such signs shall be located in the same general frontage area as the use by right. Such signs shall be clearly incidental, customary to and commonly associated with the operation of the use by right.
Permitted Contents	Signs shall identify the business by letter, numeral, name, symbol or design; or by use, hours of operation, services and products offered, events, and prices of products and services.
Permitted Sign Types	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 Section 10-4-7(G). 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 10-4-7(K) – Low Profile Signs have been met.
Maximum Number	Three (3) per use by right.
Maximum Area	Each use by right shall be allowed fifty (50) sq. ft. of sign area or one (1) sq. ft. of sign area for each one and one-half (1½) linear ft. of building

<sup>318</sup> Current 4-3-2-8.

<b>Table 10-4-16: Shopping Center Sign Standards</b>		
<b>Topic</b>	<b>Standard</b>	
	frontage or one (1) sq. ft. of sign area for each thirty (30) sq. ft. of gross floor area whichever is greater. The maximum total sign area allowed shall be limited to two hundred (200) sq. ft. per use by right.	
Maximum Height Above Grade	<ol style="list-style-type: none"> <li>1. Wall or window signs: Forty (40) ft.</li> <li>2. Ground signs used as shopping center identifiers: Thirty (30) ft.</li> <li>3. Low profile monument signs: Six (6) ft.</li> </ol>	
Permitted Location	<ol style="list-style-type: none"> <li>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 (36) in. Wall signs may project into the public right of way a maximum of twelve (12) in.</li> <li>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 (72) in. if said signs are located within fifty-five (55) ft. 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.</li> </ol>	
Permitted Illumination	Shopping center signs may be illuminated but only from a concealed light source.	
Animation	Shall not be animated except for changeable copy signs which may be approved by the director of community development when the following conditions are met:	
	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 (20) ft. At a signalized intersection the minimum setback shall be twenty-five (25) ft.
	Message	<p>The message must be limited in area to less than sixty (60) square feet. The message must be stationary with a change sequence of not more than one change each two (2) seconds. The message shall consist of letters, numerals, grammatical and mathematical symbols. Graphic symbols may be utilized provided they meet the following limitations:</p> <ol style="list-style-type: none"> <li>(a) The graphic symbols do not change position or travel on the face of the sign; or</li> <li>(b) The graphic symbols shall be used in conjunction with a lettered message.</li> </ol>
	Light Intensity and Color	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.



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### **(K) Low Profile Signs<sup>319</sup>**

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Signs of a low profile planter type design which are not more than six (6) ft. in height and designed in such a manner as to complement and reflect the architectural design of the building on the premises, may exceed the maximum area regulations for that specific lot, provided that an application is submitted to and approved by the board of adjustment and the location of the sign meets the following standards:<sup>320</sup>

1. Ground signs shall be located in such a manner so that a clear area is maintained to a height of seventy-two in. within fifty-five (55) ft. 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.
2. Joint identification wall signs shall be set back from the boundary lines of the lot on which it is 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 (12) in.
3. Joint identification ground signs shall be located in such a manner so that a clear area is maintained to a height of seventy-two (72) in. within fifty-five (55) ft. 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.

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### **(L) Signs for Areas Developed as Planned Development or Planned Development Overlays<sup>321</sup>**

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Such signs shall be as specified on the approved planned development plan. Further, they shall comply with the purposes of this sign code as specified in Section 10-4-7(A) and shall complement the architectural style of the development with regard to its coloration, design, and materials.

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### **(M) Temporary Signs<sup>322</sup>**

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Subject to the conditions hereinafter set forth and upon application to and issuance by the building official of a permit therefor, signs identifying or advertising development, sale, lease or rental of either a use by right or a designated land area; 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.

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<sup>319</sup> Current 4-3-2-7.

<sup>320</sup> Cross-references to current 4-3-2-5(G)2 and (J)5 replaced with text of those sections. STAFF: It is not clear whether this section is intended to apply only to signs in Business, Transitional, CA Zones and Industrial zones, or to Temporary Signs, or to some other subset of signs, or to all signs in all districts. In addition, although standard 2 is included in the cross-reference it doesn't really apply to low-profile signs and should probably be deleted.

<sup>321</sup> Current 4-3-2-9.

<sup>322</sup> Current 4-3-2-6.

<b>Table 10-4-17: Temporary Sign Standards</b>		
<b>Topic</b>	<b>Standard</b>	
Permitted Sign Types	Wall and ground.	
Maximum Number	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 in the table cell below.	
Maximum Area	Fifty (50) sq. ft. plus one square foot per acre of the designated land area, with no single sign exceeding one hundred (100) sq. ft. per face.	
Maximum Height Above Grade	Twelve (12) ft.	
Permitted Location	Wall signs 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, wall signs may project into the required setback space eighteen (18) in. Ground signs may project into the required setback space eighteen (18) in., provided that a clear area be maintained to a height of seventy-two (72) in, within fifty-five (55) ft. 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 public right of way.	
Permitted Illumination	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 or fluctuate.	
Animation	Shall not be animated.	
Developer Direction Signs	Developer direction signs may be erected only after review and approval by the director of community development and only for time periods, locations and designs as set by the director. Such signs shall meet the following criteria:	
	Maximum Number	Two (2) signs for each project.
	Maximum Area	Thirty- two (32) sq. ft. per face or sixty four (64) sq. ft. per sign. 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) sq. ft. per face or two hundred (200) sq. ft. per sign.
	Maximum Height Above Grade	Twelve (12) ft.
	Permitted Content	Contents of the sign shall be limited to a directional message or project location.
	Permitted Location	The location of the sign shall be at the direction of the director of community development, and 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

Table 10-4-17: Temporary Sign Standards		
Topic	Standard	
		<p>minor arterial street. Location established by the director of community development shall be determined in accordance with the following criteria:</p> <p>(1) Existence of other signs within one hundred (100) ft.</p> <p>(2) Whether the sign will be mounted alone or in conjunction with and as part of another sign already existing on the site.</p> <p>(3) Traffic safety and visibility including a consideration of curb cuts and safety to pedestrians.</p> <p>(4) Arrangement so as to minimize impact on adjacent residential areas.</p>
	Permitted Duration	<p>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. Time limits established by the director of community development shall be determined in accordance with the following criteria:</p> <p>(1) Proposed build out period; and</p> <p>(2) Number of lots available.</p>
	Permitted Design	<p>Design established by the director of community development shall be determined in accordance with the following criteria:</p> <p>(1) Shall not be sandwich or portable signs.</p> <p>(2) Shall be affixed in a manner to eliminate the possibility that the forces of nature will destroy or remove said sign.</p> <p>(3) Shall be made of materials which will not deteriorate over the life of the sign.</p> <p>(4) Colors shall be limited to black, white and earth tones.</p>
New Business Signs	New business direction signs may be erected only after review and approval by the director of community development. Such signs shall meet following criteria:	
	Maximum Number	One (1) sign per business.
	Maximum Area	Thirty-two (32) sq. ft. per face or sixty-four (64) sq. ft. per sign.
	Maximum Height Above Grade	Twelve (12) ft.
	Permitted Content	Content of the sign shall be limited to the business name, address, and directional message.
	Permitted Location	Location of the sign shall be at the direction of the director of community development but need not be placed on the premises of the subject business. A new business sign shall be located no nearer than one

<b>Table 10-4-17: Temporary Sign Standards</b>		
<b>Topic</b>	<b>Standard</b>	
		hundred (100) ft. from any other sign unless they are placed on an existing pedestal. No sign shall be allowed for a new or relocated business 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. Location shall be determined by the director of community development in accordance with the following criteria: (1) Existence of other signs within one hundred (100) ft. (2) Whether the sign will be mounted alone or in conjunction with and part of another sign already existing on the site. (3) Traffic safety and visibility including a consideration of curb cuts and safety to pedestrians. (4) Arrangement so as to minimize impact on adjacent residential areas.
	Permitted Duration	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.
	Permitted Design	Design shall be determined by the director of community development in accordance with the following criteria: (1) Shall not be sandwich or portable signs. (2) Shall be affixed in a manner to eliminate the possibility of the forces of nature will destroy or remove said sign. (3) Shall be made of materials which will not deteriorate over the life of the sign. (4) Colors shall be limited to black, white and earth tones.

## **(N) Construction and Marking**

### **1. Identification and Marking**

Each sign, requiring a permit under the terms of this Section 10-4-7, 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 code. All signs and structures shall be designed and constructed to meet building code requirements.

## 10-4-8 Historic Preservation Standards<sup>323</sup>

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### (A) Policy, Purpose, and Intent<sup>324</sup>

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1. The council finds that the pressures of population growth and development may result in the destruction, impairment or drastic alteration of the buildings, structures and areas important to the city's cultural, historic and architectural heritage. It is further found that the prevention of needless destruction and impairment and the attendant preservation of the city's cultural, historic and architectural heritage is essential to the public health, safety and welfare.
2. The purpose of this Section 10-4-8 is to promote the public health, safety and welfare through:
  - (a) The protection, enhancement, perpetuation and use of buildings, structures, sites and areas that are reminders of past eras, events and persons important in local, state or national history, or which provide significant examples of architectural styles of the past, or which are unique and irreplaceable assets to the city and its neighborhoods, or which provide for this and future generations examples of the physical surroundings in which past generations lived;
  - (b) The development and maintenance of appropriate settings and environments for such buildings and structures, and in such sites and areas;
  - (c) The enhancement of property values, the stabilization of neighborhoods and areas of the city, the increase of economic and financial benefits to the city and its inhabitants, and the promotion of tourist trade and interest;
  - (d) The preservation and enhancement of a city of varied architectural styles, reflecting the distinct phases of its history: cultural, social, economic, political and architectural;
  - (e) The enrichment of human life in its spiritual, educational and cultural dimensions by fostering knowledge of the living heritage of the past; and
  - (f) The provision of educational opportunities and to increase the appreciation of Littleton's history.
3. The intent of this Section 10-4-8 is to create a reasonable balance between private property rights and the public interest in preserving Littleton's unique historic character and culture. It is also the intent of this Section 10-4-8 not to preserve every old building in the city, but rather to prevent the destruction of historic and architecturally significant sites, buildings, structures, neighborhoods and districts by restricting the use of land and the moving, demolition, reconstruction, restoration or alteration of such buildings, sites and structures.

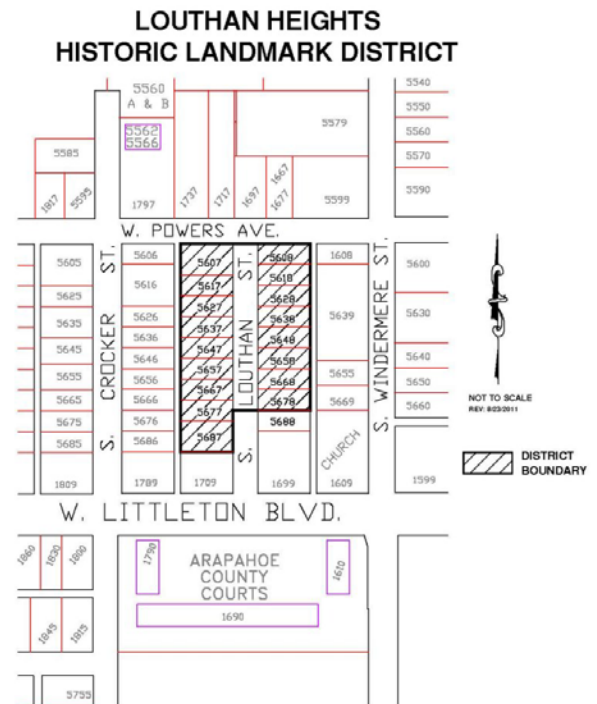
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<sup>323</sup> Current Title 4, Chapter 6. Section 4-6-1 Short Title was not carried over as inapplicable now that the content is in Title 10.

<sup>324</sup> Current 4-6-2.

### (B) Louthan Heights Historic District Boundaries<sup>325</sup>

The Louthan Heights historic district is located on the 5600 block of Louthan Street. The boundaries of the Louthan Heights historic district are as shown in the map to the right. Properties within the Louthan Heights historic district shall be designated either as contributing properties or noncontributing properties pursuant to resolution of the board.

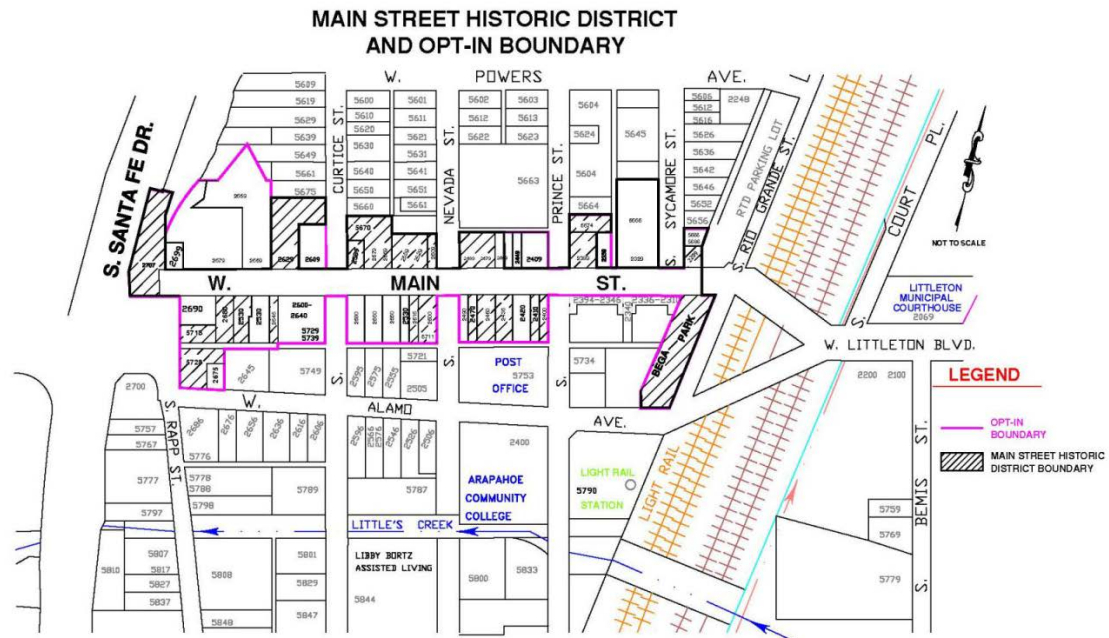


### (C) Main Street Historic District Boundaries and Opt In Boundary<sup>326</sup>

The Main Street historic district and the opt in boundary are generally located on the 2200 through 2700 blocks of Main Street. The boundaries of the Main Street historic district and the opt in boundary of the Main Street historic district are as shown on the map below. Except as noted below, properties within the Main Street historic district shall be designated either as contributing properties or noncontributing pursuant to resolution of the board. Any owner of property within the opt in boundary may apply with the director to be included in the Main Street historic district and upon receipt of such application, the director shall include such property in the Main Street historic district and shall designate such property as a contributing property or a noncontributing property.

<sup>325</sup> Current 4-6-4.

<sup>326</sup> Current 4-6-5.



#### (D) Procedures and Approvals Required<sup>327</sup>

1. Historic structures and districts may be designated pursuant to Sections 10-5-3(H)1 (Nomination of Historic Landmarks and Districts), 10-5-3(H)2 (Legal Protection for Nominated Properties), 10-5-3(H)3 (Designation of Historic Landmarks and Districts), and 10-5-3(H)3(g) (Criteria for Designation).
2. All construction or modification of a designated historic landmark or within a designated historic district shall only begin after application for and issuance of a certificate of historic appropriateness pursuant to Section 10-5-3(H)4 (Certificate of Historic Appropriateness).
3. No designated historic landmark shall be relocated except after compliance with the provisions of Section 10-5-3(H)4(g) (Standards and Limitations for Relocation of a Historic Landmark).
4. No designated historic landmark shall be demolished except after compliance with the provisions of Section 10-5-3(H)5 (Total Demolition of a Historic Landmark).
5. If the owner of a designated historic landmark or a property in a designated historic district applies for and is denied a certificate of historic appropriateness or a certificate of demolition, the property owner may apply for a certificate of economic hardship pursuant to Section 10-5-3(H)6 (Economic Hardship).

<sup>327</sup> New section to cross-reference relevant procedures in Section 10-5.



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## **(E) Economic Incentives for Historic Preservation<sup>328</sup>**

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### **1. Economic Incentives**

An owner of a property that has been designated as a historic landmark, as described in Section 10-5-3(H)3, may apply for the following economic incentives for the restoration or rehabilitation of the property, and such additional incentives as may be available, including, but not limited to:

- (a) Matching funds for survey work.
- (b) Funds through the certified local government program.
- (c) Matching funds available through local preservation organizations.
- (d) State and national rebate and tax incentive programs available for historic properties.

### **2. Refund of City of Littleton Taxes**

The owner of any designated property may apply for a refund of certain ad valorem taxes paid to the city, if any, which have been paid upon a historic landmark or any property located within a historic district during the year of designation and for all subsequent years that said property is so designated provided that maintenance and rehabilitation activities as required by the council are completed and this property maintained as provided herein. The amount of refund shall be computed by multiplying the mill levy imposed by the city for the current year on the assessed valuation of said property. The amount of refund will be:

- (a) Historic properties: One hundred (100) percent refund.
- (b) Property located within a historic district: Fifty (50) percent refund.
- (c) This subsection shall not apply to any property within the Main Street historic district.

### **3. Maintenance Checklist Required**

A checklist of activities critical to the maintenance of a historic landmark to be completed as a requirement for receiving a tax rebate can be obtained through the community development department. The Historical Preservation Board may modify this checklist from time to time at its discretion.

### **4. Other Economic Incentives; Notice of Refunds**

The Historical Preservation Board shall attempt to identify and implement other economic incentives for historic properties. The Board shall notify the owners of historic properties of economic incentive opportunities available. The Board shall distribute public information informing citizens of the tax refund for historic buildings.

### **5. Main Street Historic District Grant Fund**

There is hereby created a special fund to be known as the Main Street historic district grant fund. Monies in this fund shall be established by city council. The funds may be granted to property owners or tenants of properties within the Main Street historic

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<sup>328</sup> Current 4-6-12.



district or designated historic landmarks in downtown Littleton used for commercial purposes. Grant funds shall be used for architectural design assistance, facade work, removal of graffiti, maintenance, for signage or other improvements to new tenants. Application for such funds shall be made to the historic preservation board and granted to the applicant upon approval by the board.

#### **6. Other Exemptions**

Owners of properties within the Main Street historic district are entitled to other exemptions for sales and use tax under Sections 3-9-3-2 and 3-9-4-3 of the Littleton Code, parking requirements under Section 10-4-4, and building permit fees pursuant to resolution 2006-02.

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### **(F) Special Duties and Obligations of Owners of Historic Properties<sup>329</sup>**

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#### **1. Plan Submittal To Reconstruct, Improve, Demolish Or Alter**

Owners intending to reconstruct, improve, demolish or in any way significantly alter or change a historic landmark must first submit their plan for review to the Historical Preservation Board and appropriate city departments as to compliance with all city codes and ordinances.

#### **2. Certificate Granted**

After consultation with the city's department of community development the owner shall submit a plan for the review by the Historical Preservation Board which shall pursuant to the process set forth in this section, grant a certificate of historic appropriateness to properties that the board feels can be altered without diminishing the historic character of the property.

#### **3. Permits Required**

If a certificate of historic appropriateness is granted by the Historical Preservation Board, the applicant must obtain all necessary permits required by the city ordinances.

#### **4. Prohibited Acts**

It shall be unlawful for owners of historic landmarks to allow:

- (a) The deterioration of exterior walls or other vertical supports;
- (b) The deterioration of roofs or other horizontal members;
- (c) The deterioration of external chimneys;
- (d) The deterioration or crumbling of exterior plasters, mortars, brick, stone or wood siding;
- (e) The ineffective waterproofing of exterior walls, roof, and foundations, including windows and doors;
- (f) The peeling of paint, rotting, holes and other forms of decay;

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<sup>329</sup> Current 4-6-13.

- (g) The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures and landscaping to produce a detrimental effect on a historic landmark;
- (h) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

#### **5. Compliance With City Codes**

No owner, lessee, or occupant of any historic landmark or structure in a historic district shall fail to comply with all applicable provisions of this section and other ordinances of the city regulating property maintenance. To include, but not be limited to, those codes as established in Sections 4-1-1 and 5-2-1 of this code or the health and sanitation ordinances in title 7 of this code.

#### **6. Owner Notification**

Before the city attorney files a complaint in municipal court for failure to maintain the historic landmark or structure in a historic district, the Historical Preservation Board shall notify the property owner, lessee, or occupant of the need to repair or maintain, and shall assist the owner, lessee, or occupant in determining how to preserve the property, and shall give the owner a reasonable time to perform such work, which time shall not exceed ninety (90) days. The Board may grant extensions of the time period for good cause.

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### **(G) Unsafe or Dangerous Conditions Exempted<sup>330</sup>**

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Nothing in this Section 10-4-8 or related procedures in Chapter 5 (Zoning and Subdivision Procedures) shall be construed to prevent any measures of construction, alteration, removal, or demolition necessary to correct the unsafe or dangerous condition of any structure, other feature, or parts thereof where such condition is declared unsafe or dangerous by the city community development department or fire department and where the proposed measures have been declared necessary by the chief building official to correct the condition, as long as only such work that is absolutely necessary to correct the condition is performed. Any temporary measures may be taken without first obtaining a certificate of historic appropriateness, but a certificate is required for permanent alteration, removal, or demolition.

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### **(H) Conflicts With Other Provisions<sup>331</sup>**

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If there is a conflict between the provisions of this Section 10-4-8 and any other provision in this code or any other code adopted by the city of Littleton, the more restrictive provision shall apply.

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<sup>330</sup> Current 4-6-19.

<sup>331</sup> Current 4-6-23.

## 10-4-9 Operating and Maintenance Standards

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### (A) Noise, Vibrations and Emissions<sup>332</sup>

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#### 1. Noise

Any noise produced on the site shall be subject to limitations in Title 7, Chapter 3 of this code.

#### 2. 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.

#### 3. 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.

#### 4. Heat, Odor, Air Pollution, Toxic Gasses, and Radiation

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.

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### (B) Maintenance

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#### 1. Landscaping

##### (a) Private Open Space and Stormwater

Landscaped public and private open space and stormwater detention areas shall be maintained as required in subsection (b) below, 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.<sup>333</sup>

##### (b) 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

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<sup>332</sup> Current 10-4-6.

<sup>333</sup> Current 10-5-7(G).

## 10-4-9: Operating and Maintenance Standards

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.<sup>334</sup>

- (i) Unless exempted under the provisions of Section 7-4-3 of this Code, grass shall not exceed eight (8) in. 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.
- (ii) Rock, mulch, or ground cover areas shall be kept free of weeds.
- (iii) 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 (10) ft. above the sidewalk level. Tree limbs which overhang the public street shall be kept trimmed to a height of at least thirteen (13) ft. above the street level.
- (iv) 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.

(c) **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 Sections 10-5-9(C) and (D) regarding completion guarantees shall apply in any instance where replacement plantings are delayed.

(d) **Failure To Maintain**

The provisions of Section 10-1-4 regarding violations shall apply if it is found that adequate maintenance is not being performed according to this section.

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<sup>334</sup> Current 10-5-10.

## Chapter 5: Zoning and Subdivision Procedures<sup>335</sup>

### 10-5-1 Review and Decision-Making Bodies<sup>336</sup>

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#### (A) City Council<sup>337</sup>

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The council is the governing body of the city, with all of those powers granted by the state and the City Charter. In the context of this Title 10, the council has the following powers:

1. To adopt the Comprehensive Plan and amendments to it;<sup>338</sup>
2. To adopt the text, amendments to that text, and interim ordinances related to this Title 10, pursuant to Section 10-5-3(A).<sup>339</sup>
3. To adopt the official zoning map and all amendments to it pursuant to Section 10-5-3(A), (B), or (C);
4. To approve the following land use applications:
  - (a) General Planned Development Plan
  - (b) Planned Development Overlay
  - (c) Vested Property Rights
  - (d) Final Subdivision Plat
  - (e) Minor Subdivision Plat
  - (f) Planned Development Amendment
5. To hear appeals of decisions of the planning board on Planned Development Overlay applications.

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#### (B) Planning Board<sup>340</sup>

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In addition to the duties and responsibilities set forth in Section 2-9-1 of this code, the Planning Board shall review and decide applications as authorized in this Section 10-5.

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#### (C) Historical Preservation Board<sup>341</sup>

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The historical preservation board shall have the following powers and duties.

1. Review properties nominated for designation as a historic landmark, historic district, and make recommendations to the city council regarding historic designations.

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<sup>335</sup> This chapter consolidates all existing procedures for different types of applications and permits. No substantive changes to procedures were made. Some gaps in current regulations were highlighted.

<sup>336</sup> New section consolidating existing information on decision-making bodies.

<sup>337</sup> New section identifying existing land use procedures with City Council final approval authority.

<sup>338</sup> New section to clarify existing practice.

<sup>339</sup> New section to clarify existing practice.

<sup>340</sup> New section to clarify existing practice.

<sup>341</sup> Current 4-6-6.

10-5-1: Review and Decision-Making Bodies<sup>335F</sup>

2. Review and provide comments and recommendations on nominations of properties to the national register of historic places. Assist in public education programs including, but not limited to, walking tours, brochures, a marker program for historic properties, lectures, and conferences.
3. Review and issue a certificate of historic appropriateness, a certificate of economic hardship, and/or a certificate of demolition, when appropriate, on any application for alterations, moving or demolishing a designated historic landmark or contributing property or noncontributing property in a historic district.
4. Advise the city council on matters related to preserving the historic character of the city.
5. Make recommendations to the planning board on design guidelines for historic districts and historic landmarks.

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**(D) Board of Adjustment**


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1. The Board of Adjustment shall have the power to hear and decide appeals and requests for variances under this Title where authorized, as authorized in Section 2-3-1 of this code.<sup>342</sup>
2. In addition to the duties and responsibilities set forth in Section 2-3-1, the Board of Adjustment shall review and decide applications as authorized in this Section 10-5.
3. The decisions of the Board of Adjustment are final and require no further action by City Council.<sup>343</sup>

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**(E) Flood Plain Administrator<sup>344</sup>**


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The Flood Plain Administrator shall administer the city's flood plain regulations, and shall have the following duties and responsibilities.

**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 Section 10-6-6(D) 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;

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<sup>342</sup> Current 10-11-1 with cross-reference to Section 2-3-1 added.

<sup>343</sup> Current 10-11-4.

<sup>344</sup> Current 10-6-4.

- (b) For all new or substantially improved floodproofed structures, verify and record the actual elevation to which the structure was floodproofed, and 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. Local decisions which may result in a change of boundary lines and/or base flood elevations are subject to review and confirmation by FEMA.

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## **(F) Flood Plain Variance Board<sup>345</sup>**

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### **1. Board Established**

There is hereby established a board which shall hear and decide requests for variances to the requirements of the flood plain regulations, within the conditions established under Section 2 below. The board shall adopt procedures for conducting public hearings to consider such applications.

### **2. Conditions for Granting Variances**

The board 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 board finds that the following conditions exist.

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## **(G) Planning Division**

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The planning division shall be responsible for the general administration of activities necessary to implement this Title 10, which shall include, but is not necessarily limited to:<sup>346</sup>

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<sup>345</sup> Current 10-6-9(A). The Board does not have a specific name in the current ordinance. **Staff:** Is there a board with this responsibility? Is it the same as the planning board, which is referenced in the floodplain regulations as the board responsible for hearing appeals to decisions under the floodplain regulations?

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.
3. Maintain written records of all actions taken by the planning division, board of adjustment, planning board, historical preservation board or council authorized by this Title 10.

### (H) Summary Table of Procedures<sup>347</sup>

The following table summarizes the major procedures for review of applications for land use and development activity.

<b>Table: 10-5-1: Summary Table of Littleton Review Procedures</b>						
<b>R = Review/Recommendation D = Decision A = Appeal Decider &lt; &gt; = Public Hearing M = Mandatory</b>						
<b>Application Review Procedure</b>	<b>Pre-Submittal Meeting</b>	<b>Director</b>	<b>Board of Adjustment</b>	<b>Historical Preservation Board</b>	<b>Planning Board</b>	<b>City Council</b>
<b>Plan and Ordinance Amendments</b>						
Amendment to text <sup>348</sup>						
Rezoning (amendment to official zoning map – including Planned Development Rezoning)	M	R			<R>	<D>
<b>Land Use Approvals and Permits</b>						
Planned Development – General PD Plan	M	R			<R>	<D>
Planned Development - Final PD Plan <sup>349</sup>	M	D				
Planned Development Overlay - General <sup>350</sup>	M	R		<R> <sup>351</sup>	<D>	A
Planned Development Overlay - Final <sup>352</sup>	M	R				

<sup>346</sup> Current Section 10-1-7(D)

<sup>347</sup> New table based on existing procedures and practices.

<sup>348</sup> No procedures specified in current code

<sup>349</sup> Final PD plans are submitted and reviewed as provided for Site Development Plans, Sections 10-5-2 and 10-5-3(D). (Current SDP section 10-7-3 as per current section 10-7-1(B)). **Staff:** Current code does not specify that a Final PD plan is eligible for the appeal process for SDPs (current 10-7-4) so there does not seem to be any appeal process for a Final PD plan.

<sup>350</sup> Current code references both “general” and “proposed” PDO plan; not clear if these are the same.

<sup>351</sup> Current 10-5-3(C)5. If within historic district, Historical Preservation Board reviews architecture per current 10-9-8(B).

<sup>352</sup> PDO application meeting the requirements of current subsection 10-7-2(C) and section 10-7-3 (SDP) is not required to process a final PDO. Final PDO plan is processed same as Final PD Plan per current section 10-9-10.



10-5-1: Review and Decision-Making Bodies<sup>335F</sup>

<b>Table: 10-5-1: Summary Table of Littleton Review Procedures</b>						
<b>R = Review/Recommendation D = Decision A = Appeal Decider &lt; &gt; = Public Hearing M = Mandatory</b>						
<b>Application Review Procedure</b>	<b>Pre-Submittal Meeting</b>	<b>Director</b>	<b>Board of Adjustment</b>	<b>Historical Preservation Board</b>	<b>Planning Board</b>	<b>City Council</b>
Landscape Plan Variance <sup>353</sup>	M	D				
Conditional Use with Sketch Plan	M	R			<D>	
Conditional Use with Site Development Plan	M	R			<D>	
Floodplain Conditional Use		R			<D>	
Floodplain Certificate		D				
Site Development Plan	M	D			<A>	
Sign Permit <sup>354</sup>						
Temporary Uses		D				
Vested Property Rights		R				<D>
<b>Subdivision Approvals</b>						
Preliminary Subdivision Plat	M	R			D (public meeting)	
Final Subdivision Plat	M	R				D (public meeting)
Minor Subdivision Plat	M	R				D (public meeting)
Subdivision Exemption	M	D				
<b>Amendments and Relief Procedures</b>						
PD Administrative Amendment – General Plan	M	D				
PD Amendment – General Plan	M	R			<R>	<D>
PD Amendment – Final Plan	D	D				
PDO Administrative Amendment – General Plan	M	D				
PDO Amendment – General Plan	M	R		<R> <sup>355</sup>	<D>	<A>
PDO Amendment – Final Plan	M	D				
Appeals	M	R	<D>			
Variances - General	M	R	<D>			
Variances – Landscape Plan <sup>356</sup>		D			<A>	

**Staff:** This section does not state that the SDP appeals process (current 10-7-4) applies, so it is not clear how appeals work.

<sup>353</sup> Variances must be processed in conformance with procedures for Site Development Plan, Section 10-5-3(D) in revised draft, and may be granted as a component of SDP approval. [Current Section 10-5-13(A)]

<sup>354</sup> No sign permit listed in the code

<sup>355</sup> If within historic district, Historical Preservation Board reviews architecture per current 10-9-8(B).

10-5-2: Common Review Procedures<sup>356F</sup>

<b>Table: 10-5-1: Summary Table of Littleton Review Procedures</b>						
<b>R = Review/Recommendation D = Decision A = Appeal Decider &lt; &gt; = Public Hearing M = Mandatory</b>						
<b>Application Review Procedure</b>	<b>Pre-Submittal Meeting</b>	<b>Director</b>	<b>Board of Adjustment</b>	<b>Historical Preservation Board</b>	<b>Planning Board</b>	<b>City Council</b>
Variances - Sign	M	R	<D>			
Variances – Flood Plain		R			<D>	
Nonconforming Lots		D				
<b>Historic Preservation Procedures</b>						
Certificate of Historic Appropriateness		R		<D>		
“Opt-in” to Main Street		D				
Designation of Historic Landmarks and Districts		R		<R>		<D>

**10-5-2 Common Review Procedures<sup>357</sup>****(A) Applicability<sup>358</sup>**

The common development review procedures in this Section 10-5-2 shall apply to the development applications listed below unless an exception to the common procedures is expressly identified elsewhere in this Code.

1. Initial zoning of newly annexed territory;
2. Rezoning;
3. Planned Development plans (PD);
4. Planned Development Overlays (PDO);
5. Conditional uses;
6. Uses by special permit pursuant to title 3, chapter 17 of this code;
7. Site Development Plans (SDP); and
8. Subdivision.

<sup>356</sup> Landscape plan variances must be processed as a component of Site Development Plan approval and must comply with the conditions in Section 10-5-3(L)(3). Except for amendments to Landscape Plans submitted with a general or final PD plan, which are processed under Section 10-5-3(B).

<sup>357</sup> Current Section 10-1-9 renamed. Incorporates common review procedures found in other reviews as noted.

<sup>358</sup> Current Section 10-1-9(A). Incorporates Subdivision Section 11-2-1(A) and (B).

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## **(B) Preapplication Conference<sup>359</sup>**

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All applicants for those types of applications shown in Table 10-5-1 as requiring a preapplication conference 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.

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## **(C) General Application Requirements and Procedures<sup>360</sup>**

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### **1. Official Application Form<sup>361</sup>**

- (a) 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.<sup>362</sup>
- (b) An official application form shall be provided by the department of community development 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:
  - (i) Name, address and telephone number of the applicant, legal property owner, engineer and/or land surveyor.
    - a. 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(s) 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 (B)1 of this section.
    - b. Such statement by the property owner(s) shall be notarized.
  - (ii) A current title commitment (not required for site development plan).
  - (iii) Notice to the mortgagee(s)
    - a. 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.

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<sup>359</sup> Current Section 10-9-1(A). Incorporates Subdivision, Section 11-2-2(A), SDP Section 10-7-2(A), Board of Adjustment Section 10-11-2(A)2. **Staff:** Subdivision references "Department of community development", BOA references "zoning official". Both were conformed to "planning division" as referenced in current section 10-9-1, General Application Requirements.

<sup>360</sup> Current 10-1-9(A) thru (F); incorporates Subdivision, SDPs and all Final PD plan applications as referenced.

<sup>361</sup> Incorporates Subdivision Section 11-2-2(B)1, PDO Sections 10-9-6 and 10-9-7, Board of Adjustment Section 10-11-2(A)2, Rezoning Section 10-12-4(A), SDP Section 10-7-2(B)1 and 2 and conforms SDP submittal with other submittals.

<sup>362</sup> New section heading with text from current 10-1-9(A).

- b. A copy of the notice and the original returned receipt shall be attached to the application.
- (c) In the case of application documents related to zoning, it is the specific intent of this 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.<sup>363</sup>
- (d) In the case of application documents related to subdivision of land, it is the applicant's sole responsibility to provide all required information, forms, statements and fees at the time an application is filed. Incomplete application materials may cause delays in the review process.<sup>364</sup>

## **2. Application Fee<sup>365</sup>**

The council shall, by resolution, establish the required application fees. Application fees shall be paid at the time of application.

## **3. Referral Procedure**

### **(a) Application Requirements**

The applicant shall submit a preliminary application to the planning division, including the preliminary plat or 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 plat or 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

### **(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.

## **4. Submitting Final Applications for Public Hearing**

### **(a) Content**

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.

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<sup>363</sup> Current 10-1-9(A).

<sup>364</sup> Current 11-2-1(B).

<sup>365</sup> Incorporates Section 10-1-9(A) with Subdivision Section 11-2-2(C), SDP Section 10-7-2(C), Floodplain Section 10-6-8(A)2. New language added clarifying payment due at application, to reflect current practice.

**(b) Completeness**

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.

**(c) No Further Amendments to Application Materials**

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 board. Final application deadlines and copy requirements shall be in accordance with the operating standards.

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**(D) Staff Review Procedure**

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**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 – Final Applications**

City staff shall review the proposal in light of the provisions of this Title 10, 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.

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**(E) Planning Board Review Procedure<sup>366</sup>**

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**1. Schedule Hearing**

After city staff has formulated a recommendation, the planning division shall schedule a public hearing before the reviewing board. 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 public hearing date.

**3. Review**

The planning division shall prepare a report for the planning board containing the division's analysis and recommendation.

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<sup>366</sup> Incorporates current 10-11-2(B).

#### 4. Recommendations

After reviewing and considering the evidence and testimony presented at the public hearing, the planning board shall render a decision or recommendation as appropriate based on the following provisions of the code:

- (a) Rezoning, including PD district: Sections 10-5-3(A) and 10-5-3(B);
- (b) PDO: Section 10-5-3(C); and
- (c) Conditional use: Section 10-5-3(F).

#### 5. Continuance

The planning board 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 reviewing board shall either make a final recommendation or take final action, whichever is applicable, on the application.

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### (F) City Council Review and Action

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Applications for rezoning, initial zoning and PD plans shall be granted or denied by the council in accordance with the procedures set forth in Section 10-5-3(A), (B), or (C).

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### (G) Capital Facility Impact Fee<sup>367</sup>

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#### 1. Purpose and Legislative Intent<sup>368</sup>

##### (a) Purpose

The purpose of this Section 10-5-2(G) is to charge a capital facility impact fee to applicants for nonresidential and residential development in the city to fund capital improvements needed to address demand attributable to new development for fire, museum, police, facilities, library and transportation.

##### (b) Legislative Intent

The city council recites the following legislative findings and statements of intent that were taken into consideration in the adoption of this Section 10-5-2(G).

- (i) The capital facility impact fees collected pursuant to this Section 10-5-2(G) are not intended to fund operation, maintenance or replacement costs or otherwise fund the general costs of government.
- (ii) The capital facility impact fee applies regardless of the value of the property developed. The capital facility impact fee shall be imposed in addition to other fees, taxes or charges of the city.
- (iii) The capital facility impact fee established in this Section 10-5-2(G) is based in part on the methodology in the "Impact Fee Study" prepared by BBC Research & Consulting, Inc., dated July 30, 2013, as updated by a supplemental memorandum dated June 5, 2014.

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<sup>367</sup> Current 10-7.

<sup>368</sup> Current 10-7-1.

- (iv) The city council finds that the impact fee study and this Section 10-5-2(G) establish capital facility impact fees that are generally applicable to broad classes of property; quantifies the reasonable impacts of proposed development on capital facilities; and establishes charges at a level no greater than necessary to defray such impacts directly related to proposed development.
- (v) The city council intends that the capital facility impact fees collected pursuant to this Section 10-5-2(G) are to be used to fund expenditures for capital facilities attributable to new development.

## 2. General Requirements<sup>369</sup>

### (a) Capital Facility Impact Fee Payment

Any person engaged in nonresidential or residential development in the city shall pay the capital facility impact fee described in subsection (b) below.

### (b) Impact Fee Rate

Capital facility impact fees shall be assessed and collected according to the standards of this Section 10-5-2(G) and the following rates.

Table 10-5-2: Capital Facility Impact Fee Rates							
Use	Fire	Museum	Library	Police	Facilities	Transportation	Total
Residential (per dwelling unit)	\$453	\$515	\$542	\$319	\$1,550	\$317	\$3,696
Nonresidential (per sq. ft.)	\$0.227	\$0.0	\$0.0	\$0.160	\$0.775	\$0.784	\$1.946

## 3. Capital Facility Impact Fee Timing

The capital facility impact fee prescribed by this Section 10-5-2(G) is in addition to any other fee, tax or charge required by this code or any other ordinance of the city. The capital facility impact fee shall be paid at the time of the issuance of a building permit.

## 4. Capital Facility Impact Fee on Nonresidential Development<sup>370</sup>

### (a) New Nonresidential Development

Any person who proposes to construct a structure in a nonresidential development shall pay the capital facility impact fee in subsection 2 of this section.

### (b) Replacing an Existing Nonresidential Structure

Any person who proposes to replace a structure in a nonresidential development shall pay the capital facility impact fee in subsection 2 of this section for the net increase in floor area.

<sup>369</sup> Current 11-7-3.

<sup>370</sup> Organization of content of current 11-7-3-D simplified without changes to substance.

(c) **Additional Floor Area**

Any person who proposes to add floor area to any nonresidential development shall pay the capital facility impact fee in subsection 2 of this section for the net increase in floor area for nonresidential development.

(d) **Decreased Floor Area**

Any person who proposes to decrease the floor area of any nonresidential development shall be exempt from paying the capital facility impact fee in subsection 2 of this section and shall not receive any refund or credit for the decrease in floor area for nonresidential development.

(e) **Calculation**

- (i) In calculating the capital facility impact fee, the city manager, or his designee, shall credit the nonresidential development with an amount equal to the fee that would have been charged to the existing use at the time of redevelopment. If the credit is less than the amount of the capital facility impact fee for each capital facility classification, the applicant shall pay the difference. If the credit is greater than the amount of the capital facility impact fee for each capital facility classification, the applicant will not be required to pay for each such capital facility classification.
- (ii) The credit prescribed by this subsection applies only to the property served and only to the capital facility impact fee owed to the city and not to other fees, taxes, or charges.
- (iii) No refund for any credit prescribed by this subsection shall be paid to any person.

## **5. Capital Facility Impact Fee on Residential Development**

(a) **New Residential Development**

Any person who proposes to construct a dwelling unit in a residential development shall pay the capital facility impact fee in Table 10-5-2.

(b) **Increased Number of Dwelling Units**

Any person who proposes to increase the number of dwelling units of any residential development shall pay the capital facility impact fee in Table 10-5-2 for the net increase in dwelling units for residential development.

(c) **Decreased Number of Dwelling Units**

Any person who proposes to decrease the number of dwelling units of any residential development shall be exempt from paying the capital facility impact fee in Table 10-5-2 and shall not receive any refund or credit for the decrease in dwelling units for residential development.

(d) **Additions to Structures in Residential Development**

An accessory building of a residential use or an addition to an existing dwelling unit, provided no additional dwelling units are created, shall be exempt from paying a capital facility impact fee.



## **6. Capital Facility Impact Fee on Changes in Use**

For existing residential or nonresidential development, whenever there is a change of use classification the applicant shall pay the capital facility impact fee for the new use as described below:

### ***(a) Determination of Capital Facility Impact Fee Rate for a Change of Use***

For conversions of existing floor area to different uses, the capital facility impact fee will be the difference in rate between each of the capital facility classifications for the existing use and for the proposed use as follows:

### ***(b) Calculation***

- (i) In calculating the capital facility impact fee, the city manager, or his designee, shall credit each developed property with an amount equal to the fee that would have been charged to the existing use at the time of the change in use. If the credit is less than the amount of the capital facility impact fee for each capital facility classification, the applicant shall pay the difference. If the credit is greater than the amount of the capital facility impact fee for each capital facility classification, the applicant shall not pay for each such capital facility classification.
- (ii) The credit prescribed by this subsection applies only to the property served and only to the capital facility impact fees owed to the city and not to other fees, taxes or charges.
- (iii) No refund for any credit prescribed by this subsection shall be paid to any person.

## **7. Capital Facility Impact Fee on Mixed Use Development**

For mixed use development, the applicant shall pay the residential rate of the capital facility impact fee for the residential development portion of the project and shall pay the nonresidential rate of the capital facility impact fee for the nonresidential development portion of the project. The provisions of this Section 10-5-2(G) applicable to residential development shall be applicable to the residential development portion of the mixed use development as if such portion of the mixed use development were solely residential development, and the provisions of this Section 10-5-2(G) applicable to nonresidential development shall be applicable to the nonresidential development portion of the mixed use development as if such portion of the mixed use development were solely nonresidential development.

## **8. Interpretation of Use Classifications**

The city manager, or his designee, may decide questions of interpretation of the use classification in subsection 2 of this section. This decision shall be based on precedents, similar situations, relative impacts, trip generation rates, employees per demand unit or the methodology used to create such classifications in the "Impact Fee Study" prepared by BBC Research & Consulting, Inc., dated July 30, 2013, as updated by a supplemental memorandum dated June 5, 2014.

#### **9. Measurement of Floor Area**

No person applying for a building permit shall fail to provide the city with a floor area measurement for nonresidential development. The floor area measurement shall be signed by a professional engineer or architect licensed by the state of Colorado, or in another form acceptable to the city manager, or his designee, at the time of such application. The fee imposed by this Section 10-5-2(G) shall be apportioned according to such measurement. The rate of fee for each accessory use shall be the same as that for the principal use to which the accessory use is related.

#### **10. Rate at Time of Application**

The fee shall be calculated and charged at the rates in effect at the time of acceptance of a complete application for a building permit and shall be payable upon building permit issuance.

#### **11. Capital Facilities Impact Fee Credit<sup>371</sup>**

- (a) The city manager, or his designee, may recommend to council a capital facility impact fee credit on any of the fees imposed by this Section 10-5-2(G) if secured by a development agreement, subdivision improvement agreement or other legally binding instrument in which the owner and/or developer has agreed to make and dedicate to the city any capital improvements beyond those required by any provision of this code that would benefit the public at large to the same degree as collection of the capital facility impact fee, and that granting the credit will not result in a substantial increase in the city's costs of providing capital improvements in the future.
- (b) The amount of the credit shall be equal to the cost of such improvements to the person, as determined by the city manager, or his designee, and in no event shall the credit be greater than the amount of capital facility impact fee for each category that would be due on the property. No certificate of occupancy, temporary or otherwise, shall be issued for the property until such improvements have been completed to the satisfaction of the city manager, or his designee, and dedicated to the city, or a financial guarantee in a form allowed under Sections 11-5-1(D)5 and (D)7 of this title or as provided in any development agreement, subdivision improvement agreement or other legally binding instrument and in an amount sufficient to secure the full costs, as determined by the city manager, or his designee, of constructing or installing the improvements, has been provided by the owner and/or developer.
- (c) Upon written request of the owner and/or developer, the city manager, or his designee, may grant a credit to such owner and/or developer who have paid the previous public facility fee or parks/open space fee but have not applied for a building permit. The amount of credit shall be equal to the amount expended for those fees and in no event shall the credit be greater than the amount of those fees paid previously for the property.

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<sup>371</sup> Current 11-7-4.

## **12. Capital Facility Impact Fees to be Earmarked<sup>372</sup>**

- (a) The city shall establish and maintain a capital facility impact fee account for each category of capital facility for which a capital facility impact fee is imposed. Each such account must be clearly identified as to the category of capital facility for which the capital facility impact fee has been imposed.
- (b) The city shall reflect the historical allocation of the capital facility impact fee in each annual budget. The funds collected will be allocated according to the following capital facility categories: fire, museum, library, police, facilities, and transportation and shall be used exclusively for the purpose of capital improvements related to each particular category.

## **13. City Manager Rules<sup>373</sup>**

The city manager, or his designee, is authorized to adopt rules and regulations necessary in order to interpret, further define or implement the provisions of this Section 10-4-2(F).

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## **(H) Recording<sup>374</sup>**

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- 1. All approved general PD plans, PDO plans, final PD plans, final SDPs, final major subdivision plats, minor subdivision plats, subdivision exemption maps, and other documents under the procedures set forth in this Title 10 shall be recorded in the clerk and recorder's office of the appropriate county (Arapahoe, Douglas or Jefferson).
  - (a) All required modifications and all necessary signatures shall be included.
  - (b) Recording shall be at the applicant's expense.
  - (c) 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 map, plan or plat documents, including all required signatures, and the applicable recording fee.
- 2. 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 this subsection (H) and subsection (J) below prior to city review of any final PDO plans.<sup>375</sup>

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## **(I) Lapse of Approval<sup>376</sup>**

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Failure of the applicant to timely meet the submittal requirements for recording in Section 10-5-2(H) shall cause the approval and related plat or map 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 (J) below.

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<sup>372</sup> Current 11-7-5.

<sup>373</sup> Current 11-7-6.

<sup>374</sup> Incorporates current zoning 10-1-9(E), subdivision 11-2-2(E), SDP 10-7-5(A)2, PD 10-2-23(E)5, and PDO 10-9-9 and expanded to apply to all approvals requiring recordation.

<sup>375</sup> Current PD 10-2-23(E)5.

<sup>376</sup> Current 10-1-9(E). New heading.

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## **(J) Time Extension<sup>377</sup>**

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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.

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## **(K) Appeals<sup>378</sup>**

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### **1. Applicability<sup>379</sup>**

This Section 10-5-2(K) sets forth the process for appealing land use decisions made under this Title 10.

- (a) Unless a different process is listed for a Specific Procedure in Section 10-5-3 below, a decision made in the administration or enforcement of this Title 10 may be appealed to the Board of Adjustment as described in this Section 10-5-2(K).
- (b) Decisions made in the application of the Subdivision Standards of Section 10-4-1 may not be appealed to the Board of Adjustment. Requests for adjustments to the Subdivision Standards may be made pursuant to the waivers allowed under Section 10-5-3(E) (Subdivision of Land). Procedures for the appeal of a decision on a subdivision application may be made pursuant to the applicable appeals provision for the subdivision application in Section 10-5-3(E) (Subdivision of Land).<sup>380</sup>

### **2. Authority<sup>381</sup>**

- (a) The board of adjustment 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 Section 10 except as provided below.
  - (i) The City Council shall hear and decide appeals of decisions by planning board on conditional use and planned development overlay.
  - (ii) The planning board shall hear and decide appeals of decisions by city staff on site development plan and floodplain regulations.<sup>382</sup>
- (b) The board of adjustment 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.
- (c) The concurring vote of three (3) members of the board of adjustment shall be necessary to reverse or modify any order, requirement, decision or determination of

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<sup>377</sup> Incorporates 10-1-9(F), Subdivision 11-2-2(F), and Conditional Use 10-8-3(F).

<sup>378</sup> Current 10-11, with clarifications as noted. Provisions for appeal of Capital Facility Impact Fee were not carried over as a special section, because they cross-reference the general appeal procedures.

<sup>379</sup> New section to clarify some specific procedures have different appeals process.

<sup>380</sup> New language to clarify current practice for appeals of Subdivision requirements.

<sup>381</sup> Current Section 10-11-1 and references other appeal bodies based on current 10-7-4, 10-8-4, and 10-9-8.

<sup>382</sup> **Staff:** It is unclear if planning board decision of an appeal for an SDP can be appealed to BOA or if it is a final decision.

the City; or to approve an application on any matter upon which the board of adjustment has been granted the jurisdiction.<sup>383</sup>

- (d) 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.

### **3. Application Requirements<sup>384</sup>**

All applications to appear before the board of adjustment shall be filed with the zoning official. The applicant shall pay the applicable fee, as established by the council, at the time the application is filed.

#### **(a) Preapplication Conference**

All applicants shall meet with the zoning official at a preapplication conference to discuss their request and review the application requirements.

#### **(b) 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.

#### **(c) Public Hearing Notice**

- (i) 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.
- (ii) Notice of the public hearing shall be made at least ten (10) calendar days prior to the board of adjustment public hearing date.

#### **(d) 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.

### **4. Procedures and Action by Board of Adjustment<sup>385</sup>**

Subject to the approval of council, the board of adjustment 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;

<sup>383</sup> **Staff:** Unclear if this is to apply to all actions of the BOA. In current code it is specifically under the Appeals section.

<sup>384</sup> Current 10-11-2.

<sup>385</sup> Combines current 10-11-1(A) and 10-11-3. Subsection 1 of this new combined section will be referenced by the Variance procedures for process of variance requests since these procedures apply to variances under current code.

- (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.
- (i) All evidence and testimony presented shall be considered by the board in reaching its decision.
- (ii) 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.
- (iii) The record of proceedings shall be filed in the office of the city clerk and shall be a public record.

#### **5. Appeals of Board of Adjustment Decisions<sup>386</sup>**

Any decision of the board of adjustment is final and subject only to judicial review by the appropriate district court.

#### **6. Appeals Process for City Council and Planning Board<sup>387</sup>**

The appeals process for appeals of conditional use, planned development overlay, and site development plan decisions is as follows:

- (a) An appeal request shall be in writing and shall be filed with the community development department within ten (10) days after the decision or the right to appeal shall be deemed to have been waived.
- (b) The appeal request shall be placed on the agenda of the appeal body 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.
- (c) The appeal body will conduct a public hearing to receive evidence and testimony from the applicant, city staff and interested parties.
- (d) After conducting the public hearing, the appeal body may approve, deny, or approve the application with modifications.
- (e) In making its decision on an appeal of a decision on an SDP, the planning board shall consider the SDP requirements as set forth in Section 10-5-3(D).

#### **7. Special Provisions for Appeals of Flood Plain Regulations<sup>388</sup>**

The planning board 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 Section 10-4-3 by the flood plain administrator.

##### **(a) Conduct of Public Hearings**

- (i) 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

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<sup>386</sup> Current Section 10-11-4.

<sup>387</sup> Relocates and combines Sections 10-8-4(C), 10-9-8(C) and Section 10-7-4. No change in content.

<sup>388</sup> Reorganizes current 10-6-5. No change in content. **Staff:** Need to clarify whether this is the planning board or a flood plain variance board not described in the current code.

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filed with the floodplain administrator, who will place the matter on a regular board meeting agenda within thirty (30) days after the request is filed.

- (ii) Any person alleging to have been aggrieved shall file an application with the city on a form provided by the floodplain administrator, which shall conform to the requirements of Section 10-5-3(G)1.
- (iii) 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 Section 10-5-2(E)2.
- (iv) The application shall be reviewed by the administrator, who shall forward a recommendation to the board based on compliance with the applicable requirements of this code.
- (v) A concurring vote of the board of a majority of the quorum present shall be required to reverse any order, interpretation, determination, decision, or requirement of the administrator.
- (vi) All actions by the board 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 board. Any action which reverses an administrative decision shall be reported to FEMA.

(b) **Criteria**

In considering an appeal, the planning board shall consider all pertinent technical data contained in the flood insurance study, and other relevant storm drainage studies; the standards specified in Section 10-4-3<sup>389</sup> and the city storm drainage criteria manual; and the following:

- (i) Potential danger from debris being conveyed to other properties and causing damage or injury to others;
- (ii) Potential hazard to life and property due to increased flooding or erosion;
- (iii) Potential risk for damage to the proposed development, its contents, and to the owners/occupants of the affected property;
- (iv) Anticipated contribution of the proposed use to the community;
- (v) Necessity for the use to be placed in the location proposed, specifically in a floodplain;
- (vi) Feasibility of placing the proposed use in alternate locations;
- (vii) Compatibility of the proposed use with existing and proposed development in the general area;
- (viii) Relationship of the proposed use to the comprehensive plan and/or floodplain management programs;
- (ix) Routine and emergency access to the property under flooding conditions;

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<sup>389</sup> Replaces “these regulations” and references new section number for floodplain regulations.

- (x) Expected conditions created by flooding on the property including, for example, elevation, velocity, duration and erosion potential;
- (xi) Costs to government of providing relief during and after a flood event including, for example, repair or replacement of utilities, streets or bridges.

#### **8. Special Provisions for Appeals of Sign Regulations<sup>390</sup>**

- (a) Any aggrieved person who believes an alleged violation as contained in the an order of the Building Official issued pursuant to Section 10-5-4(D)(5), violations to sign code, is factually or legally contrary to the provisions of Section10-4-6, may appeal the order in a manner provided by the Board of Adjustment.
- (b) In the alternative, an aggrieved person may request variance from the requirement of Section 10-4-6. The filing of such request shall be in the manner provided by the Board of Adjustment.
- (c) Any aggrieved person may also appeal any decision of ruling of the Building Official involving the interpretation of any provision or term of Section 10-4-6.
- (d) Before the Board hears an appeal, however, from a ruling of the Building Official that a particular proposed building or other structure will itself constitute a sign, for which reason the Building Official has refused to issue a building permit, the Board shall receive an advisory report from the Building Official, in which the Building Official shall state his opinion whether the proposed structure constitutes a sign.
- (e) Procedure for Filing Appeal
  - (i) The Board shall have no jurisdiction to hear an appeal from an order of the Building Official unless such appeal is filed with the City Clerk within thirty (30) days from the date of such order.
  - (ii) In every appeal before the Board, the burden of proof shall be on the Building Official or his designee to support the alleged violation by a preponderance of the evidence.
- (f) Effect of Failure to Appeal<sup>391</sup>

The order of the Building Official shall become a final order of the Board of Adjustment upon the occurrence of any of the following events:

- (i) The failure of the applicant to appeal the order of the Building Official to the Board of Adjustment within the prescribed period of time for bringing such appeal.
- (ii) 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.
- (iii) When the judgment of a court of competent jurisdiction becomes final, as determined by the rules of such court.

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<sup>390</sup> Current Sections 4-3-4-2 and 4-3-4-3.

<sup>391</sup> Current Section 4-3-4-7



#### **9. Special Provisions for Appeal of Historic Preservation Decisions<sup>392</sup>**

- (a) The applicant or property owner may appeal any decision or designation made pursuant to the provisions of Section 10-5-3(H)4 or 5 as follows:
  - (i) Decision of the director may be appealed to the Historical Preservation Board within thirty (30) days of notice of such decision.
  - (ii) Decision of, or designation by, the Historical Preservation Board may be appealed to the city council within thirty (30) days of such decision or designation.
- (b) After notice as provided in Section 10-5-3(H)8, the city council shall hold a public hearing to consider the appeal.
  - (i) Council review shall be limited to whether the board has abused its discretion.
  - (ii) The decision of city council shall be a final order subject to appeal in accordance with Section 2-2-5 (Appeals from Boards and Commissions).

### **10-5-3 Specific Procedures**

#### **(A) Amendment to Zoning Map/Rezoning and Text Amendments<sup>393</sup>**

##### **1. Declaration of Public Policy<sup>394</sup>**

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.

##### **2. Limitations on Amendments to Official Zoning Map**

- (a) Except as may be exempted in subsection (c) below 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:
  - (i) The area of public rights of way lying within the boundaries of the parcel proposed for rezoning; and
  - (ii) 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.

<sup>392</sup> Current Section 4-6-18. Reformatted; no change in content.

<sup>393</sup> Current Section 10-12 et. seq. and 10-1-7(C) as noted. Staff: Probably need a new clause confirming that rezonings to PD are governed by the next section.

<sup>394</sup> Current Section 10-12-1.

- (iii) Contiguity, as applied in this subsection 2 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.
- (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.

### **3. Application Requirements<sup>395</sup>**

- (a) Amendments to the provisions of this Title 10 may be proposed by motion of the council, the city manager, by the request of any person, or by recommendation of the planning board.
- (b) 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.
- (c) In addition to the application requirements of Section 10-5-2(A), all applications for a rezoning shall include:
  - (i) Name and address of all mineral owners and lessees of mineral owners;
  - (ii) A brief statement describing how the application meets the "declaration of public policy for rezoning" as the basis for granting the request.

### **4. Review Procedure<sup>396</sup>**

- (a) Applications for official zoning map amendment (rezoning) shall be reviewed pursuant to Section 10-5-3(A), (B), or (C) as applicable. A copy of the proposed ordinance to enact the requested official zoning map amendment shall accompany the city staff report described in Section 10-5-2(D).
- (b) The planning board shall determine if the request meets the provisions of the declaration of public policy for amending the official zoning map, set forth in section 10-5-3(A)1, based on the evidence and testimony presented at the public hearing. The planning board may vote to:
  - (i) Recommend approval of the request;
  - (ii) Recommend approval with conditions reasonably related to meeting the criteria upon which the granting of the application would be based;
  - (iii) Recommend approval of a higher classification than requested;
  - (iv) Recommend denial of the request; or

<sup>395</sup> Current 10-1-7(C) and 10-12-4 (A) 1 and 2.

<sup>396</sup> Current Sections 10-12-4(B).

- (v) 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.
- (c) All recommendations adopted by the planning board shall be by resolution.
- (d) The planning division shall transmit the following materials to the council following the planning board meeting at which a recommendation on the requested amendment is made:
  - (i) Rezone application;
  - (ii) Proposed rezoning ordinance;
  - (iii) Planning board resolution;
  - (iv) Minutes of planning board meeting at which recommendation is made; and
  - (v) Staff report.
- (e) Council shall schedule a public hearing pursuant to the procedures for enactment of ordinances stated in the charter.
- (f) The council shall determine if the request meets the provisions of the declaration of public policy set forth in Section 10-5-3(A)1, based on the evidence and testimony presented at the public hearing. The council may:
  - (i) Approve the request;
  - (ii) Approve the request with conditions reasonably related to meeting the criteria upon which the granting of the application would be based;
  - (iii) Approve a higher classification than requested;
  - (iv) Deny the request; or
  - (v) Table the matter, to a date certain, pending the provision of further information by the applicant or staff.

#### **5. Special Procedure for Newly Annexed Territory**

- (a) 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.
- (b) The procedure for establishing initial zoning for newly annexed territory shall be as prescribed in this section.
- (c) The applicant shall post and publish notice as prescribed in Sections 10-5-2(E)2 and 10-5-3(A)4(e) 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".
- (d) 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.
- (e) No newly annexed land shall be developed until it is zoned.

- (f) 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 Section 10-2-25(C)4, are met.
- (g) Limitations on Application Revision
  - (i) The planning board may recommend, and the council may approve, a higher zone classification than requested in the application. However, the board 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 10-5-2(C).
  - (ii) 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 board, unless such revisions are limited to incorporating recommendations made by board. No application amendment shall be considered a minor revision which has the effect of:
    - 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.
- (h) Amendments to applications which are not minor, shall be processed in the same manner as new applications in accordance with Sections 10-5-2(C) and this Section 10-5-3(A).

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## **(B) Approval of Planned Development (PD) Rezoning<sup>397</sup>**

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### **1. Application Procedure**

All requests for approval of any PD zone district shall be subject to the requirements set forth below. All requests for PD zoning shall be submitted and processed pursuant to the procedures established in chapters 1 and 12 of this title. In addition to the requirements of Section 10-5-2 of this code, all requests for approval of any PD zone district shall include:

(a) **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.

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<sup>397</sup> Current Section 10-2-23(E).

**(b) Terms and Conditions**

The applicant shall submit a statement including 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.

**(c) Objectives to be Achieved**

The applicant shall submit a written description of the objectives to be achieved by the particular development concept being proposed. 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. This statement shall include, but is not limited to:

- (i) The manner in which the proposed development meets or exceeds the intent of the planned development district;
- (ii) The proposed architectural and site design concepts including style, placement of structures to maximize views and take advantage of site's natural characteristics, and building materials (type, textures, and colors).
- (iii) 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.

**(d) Time Schedule**

The applicant shall submit a written statement description 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.

## **2. Review and Approval of General PD Plan<sup>398</sup>**

The procedure for review of a proposed general PD plan shall be as prescribed in Chapter 1 (General Provisions), Sections 10-5-1, 10-5-2, 10-5-3(A) and this 10-5-3(B). The planning board 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 in Section 10-2-25 (PD Planned Development District).

**(a) Planning Board**

- (i) The planning board may recommend:
  - a. Approval of the request,
  - b. Approval with conditions reasonably related to meeting the criteria upon which the granting of the application would be based,

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<sup>398</sup> Current 10-2-23(E)4 and 5.

- c. Approval of a higher classification than requested,
- d. Denial, or
- e. Table the matter to a date certain, pending the provision of further information, provided the continuance is agreed to by the applicant.

(ii) All recommendations adopted by the board shall be by resolution.

**(b) City Council**

(i) The council may:

- a. Approve the request,
- b. Approve the request with conditions reasonably related to meeting the criteria upon which the granting of the application would be based
- c. Approve a higher classification than requested,
- d. Deny the request, or
- e. Table the matter to a date certain, pending provision of further information by the applicant or staff.

(ii) 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.

**(c) 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 Sections 10-5-2(H) and 10-5-2(J) prior to filing an application for the review of any final PD plans.

**3. Review and Approval of Final PD Plans<sup>399</sup>**

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 10-5-3(D)4. Final PD plans shall conform to the approved general PD plan and shall contain:

**(a) 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 Section 10-2-25 PD (Planned Development District) and this Section 10-5-3(B) .

**(b) 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 Chapter 10-4-2 (Site Layout / Subdivision Standards).

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<sup>399</sup> Current 10-2-23(E)6.

(c) **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:

- (i) Fulfill the applicable requirements of Chapter 10-4-2 (Site Layout / Subdivision Standards); and
- (ii) Complete the SDP requirements and review procedures set forth in Section 10-5-3(D) (Site Development Plan Approval).<sup>400</sup>

**4. Optional Subdivision Procedure<sup>401</sup>**

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 this section. Such preliminary subdivision plat application shall meet all of the requirements of Section 10-4-2 (Site Layout / Subdivision Standards).

**5. Amendment Procedure<sup>402</sup>**

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.

(a) **Administrative Amendments**

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 (2) below of this section are met:

- (i) Transfer of density as provided in Section 10-9-1 of this title;
- (ii) Relocation of access points from the property onto local and collector streets, but not including arterial streets or state highways;
- (iii) Changes in the location and type (ground, monument, wall, etc.) of signage, but not including the total allowable sign area; or
- (iv) Relocation of structures, parking, and open spaces, but not including the maximum or minimum standards for each established by the approved PD plan.

(b) **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.

- (i) There will be no change in permitted uses;

<sup>400</sup> Current 10-7-1(B) and 10-2-23(E)6(b)2.

<sup>401</sup> Current Section 10-2-23(F).

<sup>402</sup> Current Sections 10-2-23(H) and (I).

- (ii) There will be no increase in total building coverage;
- (iii) There will be no increase in dwelling unit density or total commercial/industrial gross floor area;
- (iv) There will be no increase in maximum building height;
- (v) Any projected increases in traffic volume are within the design capacities of the existing or planned internal and adjacent public street system;
- (vi) The existing or planned internal and adjacent public utilities have adequate capacities to serve the proposed amendment;
- (vii) Existing or planned private and/or public open space meets the applicable minimum requirements;
- (viii) Off street parking or loading space meets the applicable minimum requirements;
- (ix) 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
- (x) The basic content of the amended general PD plan will remain in conformance with the originally approved PD plan.

(c) **Amended Plan**

A proposed amended general PD plan shall generally meet the requirements specified in the operating standards.

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**(C) Planned Development Overlay<sup>403</sup>**

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**1. Limitation on Applicants<sup>404</sup>**

The party filing an application for approval of a PDO plan shall be the property owner, or his/her authorized agent.

**2. Application<sup>405</sup>**

(a) **Application**

All applications for a PDO shall be submitted and processed pursuant to the procedures established in Section 10-5-2.

(b) **PDO Plan<sup>406</sup>**

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.

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<sup>403</sup> Current Chapter 10-9, excepting 10-9-4 which is relocated to Chapter 2 (PDO standards).

<sup>404</sup> Current 10-9-6.

<sup>405</sup> Current 10-9-7, 10-9-10 and 10-9-11.

<sup>406</sup> Staff: Current code references both "proposed" and "general" PDO plan. Are these the same?



(c) **Final PDO Plan**

Final PDO plans shall be submitted and processed in the same manner as final PD plans as required in Section 10-5-3(B)3.

- (i) 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 Sections 10-1-9(E) and (F) of this title prior to city review of any final PDO plans.<sup>407</sup>
- (ii) Any PDO applications meeting the requirements of Sections 10-5-3(D)3 and 10-5-3(D)4 of this code shall not be required to process a final PDO.

(d) **Optional Subdivision Procedure**

Any applicant may file an application for approval of a preliminary subdivision plat to be reviewed concurrently with an application for approval of a general PDO plan. Such preliminary subdivision plat shall meet all of the requirements of Section 10-4-2 (Site Layout / Subdivision Standards).

**3. Review Procedure<sup>408</sup>**

(a) **Planning Board Review**

- (i) Applications for a PDO plan are considered by the planning board at a public hearing. All requests for PDO plans shall be submitted and heard pursuant to the requirements and procedures set forth in Section 10-5-2 of this code.
- (ii) The planning board shall determine if the application meets the provisions of Section 10-2-26 (PD-O Planned Development Overlay District)<sup>409</sup>, based on the evidence and testimony presented at the public hearing.
- (iii) The planning board may vote to:
  - a. Approve the application,
  - b. Approve subject to modification,
  - c. Deny the application, or
  - d. Table the matter to a date certain, pending provision of further information by the applicant.
- (iv) Approval of a PDO plan application by the planning board shall be by resolution.

(b) **Coordination with Historical Preservation Board**

For properties either within a historic district or designated as a historic landmark:

- (i) The planning board shall defer the review of proposed architectural design features to the historical preservation board.
- (ii) The historical preservation board shall perform a preliminary architectural review and forward all comments to both the planning board and city council for review at their respective scheduled public hearings, or

<sup>407</sup> Current PD 10-2-23(E)5.

<sup>408</sup> Current 10-9-8.

<sup>409</sup> Insert correct cross reference – development standards for PDOs

- (iii) The process for a certificate of historic appropriateness as described in Section 10-5-3(H)4 may take the place of the above preliminary architectural review.

(c) **Appeals**<sup>410</sup>

The decision of the planning board on the PDO shall be final unless the applicant files a written appeal to the decision pursuant to Section 10-5-2(K).

**4. Recording**<sup>411</sup>

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 Sections 10-5-2(H) and 10-5-2(J) prior to city review of any final PDO plans.

**5. Final PDO Plans**<sup>412</sup>

- (a) Final PDO plans shall be submitted and processed in the same manner as final PD plans as required in Section 10-5-3(B)3.
- (b) Any PDO applications meeting the requirements of Sections 10-5-3(D)3 and 10-5-3(D)4 shall not be required to process a final PDO.

**6. Optional Subdivision Procedure**<sup>413</sup>

Any applicant may file an application for approval of a preliminary subdivision plat to be reviewed concurrently with an application for approval of a general PDO plan. Such preliminary subdivision plat shall meet all of the requirements of Section 10-4-2 (Site Layout / Subdivision Standards).

**7. Enforcement**<sup>414</sup>

Enforcement of an approved general PDO plan shall be in the same manner as specified in Section 10-5-4(C).

**8. Amendment Procedure**<sup>415</sup>

The procedure for amending an approved general PDO plan or final PDO plan shall be the same as prescribed for in the original approval, except in the event that a general PDO plan is administratively amended. The director of community development may approve administrative amendments provided the applicable conditions of Section 10-5-3(B)5 are met.

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<sup>410</sup> Current Section 10-9-8(C). Process for appeal relocated to new consolidated common appeals procedures section as referenced.

<sup>411</sup> Current Section 10-9-9.

<sup>412</sup> Current Section 10-9-10.

<sup>413</sup> Current Section 10-9-11.

<sup>414</sup> Current Section 10-9-12.

<sup>415</sup> Current Section 10-9-13. Heading revised to match format of PD section.

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## **(D) Site Development Plan Approval<sup>416</sup>**

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### **1. Applicability**

#### **(a) General Requirement**

Approval of a final 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:

- (i) The construction of a new principal structure;
- (ii) The construction of a building addition, accessory structure, additional surface parking and/or other paved or concrete surface, resulting in significant impacts, which may include, but not be limited to, drainage, parking, traffic, and landscaping.

#### **(b) Sketch Plan Alternative**

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. The sketch plan shall generally meet the requirements specified in the operating standards.<sup>417</sup>

#### **(c) Landscape Plan<sup>418</sup>**

##### **(i) Submission Requirements**

- a. The landscape plan shall be prepared by a landscape architect licensed in the state of Colorado and shall include the name, address, telephone number, license number and seal of the registered landscape architect who prepared the landscape design.
- b. Landscaping improvements or modifications which are generally one thousand (1,000) square feet or less in size shall be exempt from the above requirement.
- c. The proposed landscape plan shall generally meet the requirements specified in the operating standards.
- d. 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.

##### **(ii) Procedure**

- a. The procedure for review of a proposed landscape plan shall be as specified in Section 10-5-3(B) for general PD plans and in Section 10-5-3(D) for SDPs.

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<sup>416</sup> Current 10-7-1. **Staff:** there is no amendment process for SDP in current code.

<sup>417</sup> Current 10-7-6 (Sketch Plan).

<sup>418</sup> Current 10-5-4 and 10-5-5.

- b. 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 Section 10-5-3(D) and the landscape manual.
- c. 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.

## **2. Conceptual Site Development Plan**

### **(a) Submittal Requirements**

A conceptual SDP shall be submitted and reviewed under the common review procedures requirements of Section 10-5-2.

### **(b) Conceptual Plan Variations**

There is no restriction on the number of conceptual SDP variations which may be submitted. Applicants are strongly encouraged to submit at least two (2) or three (3) variations with the original submission.

## **3. Final Site Development Plan**

### **(a) Submittal Requirements**

A final SDP shall be submitted and reviewed under the common procedures requirements of Section 10-5-2 and 10-5-3(B)3.

### **(b) Additional Review**

Following individual 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 second technical review meeting may be set between the applicant and the city staff to discuss and resolve the issues.

### **(c) Technical Review Meeting**

In the event a second technical review meeting is necessary, the planning division will prepare a comprehensive report on the final SDP application containing the various concerns and recommendations. The revised final SDP will be reviewed by city staff at a scheduled meeting with the applicant. Certain conditions may be attached to the approval of the final SDP based on the criteria set forth in Section 10-5-3(D)4. The conditions of the final SDP must be met prior to the issuance of any building permit.

### **(d) Approval Limitations**

Approval of a final SDP does not constitute approval required by any other provision of this code.

#### **4. Approval Criteria**

City staff shall approve the SDP if it finds that:

**(a) Provisions to be Met**

All provisions of this title are met, particularly the development standards of Chapter 4 of this title, together with any conditions of approval stipulated through any other review process which affects the property.

**(b) Mitigate Adverse Effects**

The following are so arranged that traffic congestion is avoided, pedestrian and vehicular safety and welfare are protected; adequate fire protection can be provided; and adverse effects on adjacent property are mitigated or eliminated:

- (i) Location of buildings, structures and improvements;
- (ii) Vehicular ingress and egress;
- (iii) Internal vehicular circulation;
- (iv) Setback lines;
- (v) Height of building;
- (vi) Service facilities;
- (vii) Walls;
- (viii) Open space and landscaping;
- (ix) Sidewalks;
- (x) Exterior lighting.

**(c) 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.

**(d) Signage**

Proposed signs will not, by size, location, color or lighting, interfere with traffic or limit visibility.

**(e) Water and Sewer Systems**

Water and sewer systems are adequate to serve the proposed development.

**(f) Stormwater Runoff**

Stormwater runoff problems are not compounded because of the development.

**(g) Curb Cuts**

Curb cuts onto arterial and collector streets shall be kept to a minimum and shall be placed in safe locations.

(h) **Design Guidelines Compatibility**

The development shall be compatible with any design guidelines adopted by the planning board which affect the property to be developed under the proposed plan.

**5. Requirements Prior to Building Permit Issuance**

(a) **Distribution of Final SDP**

After recording the approved final SDP, such plans shall be distributed to: planning division, engineering division and the applicant or owner.

(b) **Additional Material**

The following documents must be submitted and approved, if applicable, prior to issuance of a building permit:

- (i) The proposed method of phasing development, and the legal documentation providing for the ownership, management, development and maintenance of all common open space.
- (ii) Final drainage study.
- (iii) Plans and/or agreements for placing utilities underground.
- (iv) Right of way and easement documents sufficient to convey clear and unencumbered title.
- (v) 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.
- (vi) Traffic studies and signal plans.
- (vii) Construction plans and agreements for off-site improvements (i.e., sidewalks, curb and gutter installation, and removal).

**6. Completion of Improvements<sup>419</sup>**

All on-site and off-site improvements associated with an approval under this Title 10 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:

- (a) An acceptable form of guarantee, approved by the city attorney, to secure to the city installation of all required off-site improvements; and/or
- (b) An acceptable form of guarantee, approved by the city attorney, for on-site open space, buffer yards or other required facilities.

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<sup>419</sup> Current SDP 10-7-5(C).

## **7. Appeals<sup>420</sup>**

The decision of city staff on the SDP shall be final unless the applicant files a written appeal to the decision pursuant to Section 10-5-2(K)6(Appeals Process for City Council and Planning Board).

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## **(E) Subdivision of Land**

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The provisions of Section 10-5-2 (Common Procedures) shall apply to applications under this section, as supplemented below.

### **1. Application<sup>421</sup>**

- (a) An applicant filing an official subdivision application form shall be the owner(s) of the subject parcel; a purchaser of said parcel under written contract, duly executed; or by an authorized agent of the owner(s) or purchaser(s).
- (b) In addition to those items required by Section 10-5-2(G)1 (Official Application Form), the applicant shall submit to the City:
  - (i) Name, address and telephone number of mortgages, if any, including the signature of a corporate officer and the corporation seal.
  - (ii) Names and address of all mineral owners and lessees of mineral owners.
  - (iii) A subdivision plat which shall include details specified in the operating standards.

(c) **Submission**

The applicant shall submit the preliminary plat application pursuant to the requirements and process described in Section 10-5-2 and this Section 10-5-3(E). The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department of community development.

### **2. Plat Required<sup>422</sup>**

(a) **Plat Preparation**

The applicant shall cause the preparation of a subdivision plat on the subject property by a registered land surveyor. The subdivision plat shall comply with the detailed application form, the regulations as set forth herein or of the ordinances of the City and State law.

(b) **Plat Details**

Without limiting an applicant's right to file additional materials, the following subdivision plat details shall apply to all applications for subdivisions:

- (i) Name of proposed subdivision.

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<sup>420</sup> Current SDP 10-7-4. Process for appeal relocated to new consolidated common appeals procedures section.

<sup>421</sup> Current 11-2-1. Requirements included in Common Procedures are not repeated here.

<sup>422</sup> Current Chapter 11-5 (Plat Details).

- (ii) Name, address and telephone number of the applicant, legal property owner(s) and the designer, surveyor and/or engineer; the name and address of the owner(s) of subsurface mineral estates, including mineral lessees, if any.
  - (iii) Metes and bounds legal description including monumentation certified by a registered land surveyor, and the total number of acres to be subdivided shall be shown.
  - (iv) North point with written and graphic indication of the scale.
  - (v) Location map showing the subject site, streets, street names, schools, parks, railroads, public transit facilities, other identifying features of the area and any other public facilities within one-half (1/2) mile from the proposed subdivision.
  - (vi) Existing and proposed contours, width and direction of flow of all watercourses and any area inundated by the 100-year frequency flood.
  - (vii) The plat shall show all adjacent and included right-of-way locations, dimensions of proposed streets, with delineation of proposed right-of-way dedication, names of existing and proposed streets; the proposed lot layouts, lot dimensions, lot areas and lot and block numbers; adjacent and included pedestrianways; and all approximate locations of all building setback lines within and immediately adjacent to the subdivision.
  - (viii) The names, locations and property lines of adjacent subdivisions and the owners' names, locations and property lines of abutting unplatted tracts and public lands.
  - (ix) The existing uses on the property proposed for subdividing and all abutting property; and the building outline of all permanent structures located on the subject property which are to be retained.
  - (x) The location, size, type, and where applicable, grades of all adjacent and included existing utilities and easements, and all new utilities and easements proposed for subject property, including fire hydrant locations and postal facilities.
  - (xi) Designation of existing zoning on the subject property and abutting properties.
  - (xii) The location of bridges, culverts, catch basins and all other provisions for collecting and discharging surface and subsurface drainage.
  - (xiii) The location, area and dimensions of all parcels to be reserved for the common use of all property owners in the proposed subdivision and/or land to be dedicated for public parks, open space, schools or other public uses.
- (c) **Materials Required to Accompany Subdivision Plat**<sup>423</sup>
- A minimum of three (3) copies of the following materials shall accompany the submittal of the subdivision plat:
- (i) In the event a preliminary plat covers only a portion of the applicant's entire holding, a sketch of the prospective street system for the entire tract shall

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<sup>423</sup> **Staff:** Please confirm this is a list for preliminary plats, since final plats are covered in the next section.



accompany said plat. Filing fees will not be paid on the additional area until such time that a subdivision plat is submitted for such area.

- (ii) If any drainageway exists within the proposed subdivision, or adjacent to said subdivision that would be affected by any additional runoff caused by the development of the proposed subdivision, the applicant shall provide a drainage plan.
  - a. Such plan shall incorporate existing and future upstream development and drainageway modifications, the impact of the proposed subdivision with respect to increased runoff contribution and drainageway modification, means to minimize the additional runoff and increased flow rates, and consider immediate and future downstream implications.
  - b. Such plan shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines within the proposed subdivision.
  - c. Should it be determined that a preliminary drainage plan is not required, the applicant shall provide a grading plan of the proposed subdivision which shall show the existing topography by dashed lines, and the approximate proposed grading shall be indicated by solid lines.

**(d) Material Required to Accompany Final Plats**

- (i) The size of all final plats shall be twenty four inches by thirty six inches (24" x 36").
- (ii) Three (3) copies of an improvements plan which shall include, as applicable, profiles, grades, specifications, estimated construction costs, time schedule and other necessary information for the construction and installation of all improvements.
- (iii) If there is evidence of unsuitable surface and/or subsurface soils conditions, the applicant shall provide a report, prepared by a licensed engineering geologist, which examines slope, stability and erosion characteristics, water table elevations, swelling pressure potential, bedrock depth, or other geological characteristics necessary to ensure all hazards and special precautions have been identified.
- (iv) If the proposed subdivision is five (5) acres or larger, and there is evidence of sand, gravel, quarry aggregate or other mineral deposits underlying the subject property, the applicant shall provide a report, prepared by a licensed engineering geologist, which shall show the thickness and quality of such deposits, map the limits of the deposits, and other required information to determine the commercial value of such deposit, in accordance with State law.  
Note: Six (6) copies of this report shall be required.
- (v) One copy of the computed closure sheets for the entire subdivision.
- (vi) Collateral, in the form of an irrevocable letter of credit and/or cash or performance bond in a form acceptable to and approved by the City Attorney, to secure to the City the actual construction and installation of all required improvements, shall be transmitted upon approval of the final plat and prior to

signing said plat for recording. Such collateral 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 projected time of installation, the Director of Public Services shall review the amount of collateral and may require that the amount of collateral be revised in accordance with the then current costs of engineering, materials and construction.

- (vii) A subdivision improvements agreement by which the applicant agrees to construct any required improvements shown on the final plat, or other agreements or contracts setting forth the plan, methods and parties responsible for the construction of said improvements. As improvements are completed, the applicant may apply for release of part or all of the deposited collateral. If the Director of Public Services determines that any such improvements are not constructed in compliance with specifications, the applicant shall be furnished with a list of specific deficiencies and the City shall withhold sufficient collateral to ensure such compliance. If the deficiencies are not brought into compliance, the City may withdraw funds from the deposit of collateral to bring the improvements into compliance.
- (viii) A development assurance for common open space. Adequate assurance may be required to ensure that any common open space and/or facilities will be provided as shown on the approved subdivision plat. Such assurance may be in the form of a bond, corporate surety or other financial guarantee approved as to form by the City Attorney. The financial assurance, if required, 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 projected time of completion, the Director of Community Development 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 costs of engineering, materials and construction.
- (ix) If development is proposed to occur in phases, assurances that common open spaces and/or facilities will be provided as shown on the approved subdivision plat shall stipulate that such open space and/or facilities will be completed in the same proportion as that particular phase is of the entire development.
- (x) The requirements of this subsection are deemed separate, distinct from and are not met by the requirements for collateral to secure construction of public improvements as provided hereinabove.

**(e) Certificates and Statements**

All subdivision plats shall have the following certificates and statements unless otherwise noted:<sup>424</sup>

*I, \_ , owner, or designated agent thereto, do hereby agree to develop the above described property in accordance with the use, restrictions, and conditions contained herein, and current Ordinances, resolutions, and standards of the City of Littleton, Colorado.*

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<sup>424</sup> Certificate language updated to reflect dates in 2000 and delete specific name of City Council president.

*Signature of Owner and/or Agent*

*Address*

*Subscribed and sworn to before me this \_ day of \_ , 20\_ .*

*My Commission expires \_ , 20\_ .*

*Notary Public*

*Note: In circumstances where a corporation, financial institution or other business entity is initiating or has a financial interest in the proposed subdivision, an officer of the lending institution and the secretary's signatures, with the corporation seal, shall be shown on the plat.*

*Note: If there is to be a dedication of land for public rights of way, easements, parks, open space, schools or other public use, then the following notary's certificate and attorney's certificate shall be placed on the plat.*

*STATE OF COLORADO )*

*COUNTY OF ARAPAHOE)*

*The foregoing dedication was acknowledged before me this \_ day of \_ , 20\_ , by \_ for \_ .*

*Witness my hand and Official Seal*

*Notary Public*

*My Commission expires \_ .*

**ATTORNEY'S CERTIFICATE**

*I, \_ , an attorney at law duly licensed to practice before Courts of Record of the State of Colorado do hereby certify that I have examined the title of all lands herein dedicated and shown upon the within plat as public ways, easements and/or Public Land dedication to fulfill the provisions of Chapter 8 of the Littleton City Subdivision Regulations, and the title of such lands being dedicated is free and clear of all liens and encumbrances.*

*Dated this \_ day of \_ , 20\_ .*

*Attorney at Law Registration No.*

*I, \_ , a registered Professional Land Surveyor in the State of Colorado, do hereby certify that the survey represented herein was made under my supervision and the monuments shown thereon actually exist, and the plat accurately represents said survey.*

*Name, address, L.S. No.*

*APPROVED AS TO FORM:*

*Littleton City Attorney*

*Approved this \_ day of \_, 20\_ , by the Littleton City Planning Board.*

*Chairman*

*ATTEST:*

*Board Secretary*

*Approved this \_ day of \_, 20\_ , by the Director of Community Development.*

*Director of Community Development*

*Approved this \_ day of \_, 20\_ , by the Director of Public Services.*

*Director of Public Services*

*Approved this \_ day of \_, 20\_ , by the Littleton City Council.*

*Council President*

*Attest:*

*City Clerk*

**CLERK AND RECORDER'S CERTIFICATE**

*This document was filed for records in the office of the County Clerk and Recorder of County at m. on the day of \_ A.D., 20\_ , in Book , Page , Map , Reception No. .*

*County Clerk and Recorder*

*by:*

*Deputy*

**3. Major Subdivision Preliminary Platting Procedure<sup>425</sup>**

**(a) Action on Preliminary Plat**

**(i) City Staff Review and Recommendation**

City staff shall review the proposed preliminary plat for compliance with the provisions of this title, other applicable regulations, the comprehensive plan,

<sup>425</sup> Current 11-2-2 and 11-3-1. Requirements included in Common Procedures are not repeated here. Current Section 11-3-1(C)3 has been relocated to Appeals Procedures.

existing and proposed development, and comments from affected agencies and shall frame the city staff's formal recommendation on the proposed plat.

**(ii) City Planning Board Action**

The board shall review the preliminary plat and the city staff's report and recommendations at a regularly scheduled public meeting. The board shall approve said plat, or approve said plat with modifications.

**(iii) Appeal of Planning Board's Action**

If the board approves the plat with modifications, the applicant may appeal the board's action to the city council.

- a. Such appeal must be made in writing to the department of community development within ten (10) calendar days of the board's action.
- b. The council shall receive the appeal request and shall schedule a public hearing to review the decision of the board, approve the plat as submitted, or concur with the decision of the planning board.
- c. The department of community development shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled.

**(b) Effective Time Period for Approved Preliminary Plat**

**(i) Effective Time Period**

The applicant shall submit for administrative approval a final plat on all or a portion of the approved preliminary plat within twelve (12) months from the date of the planning board's approval of said preliminary plat.

**(ii) Extension of Effective Time Period**

Upon written request from the applicant, the director of community development shall grant an extension to the effective time period of an approved preliminary plat, said extension shall not exceed twelve (12) months, provided the character of the area has not changed and said plat is still in conformance with the city's comprehensive plan.

**(iii) Failure to Request Extension**

Failure of the applicant to submit a written request for an extension of an approved preliminary plat prior to the end of the twelve (12) month time limit shall cause said plat to become null and void.

**(iv) Timely Submission of Remaining Portions of Plat**

The applicant shall submit a final plat on the remaining portions of the approved preliminary plat every twelve (12) consecutive months from the date of the last approved final plat until the entire area included in the approved preliminary plat has been completed and recorded. Failure of the applicant to submit a final plat on the remaining portion(s) of the approved preliminary plat within the twelve (12) month time limit shall cause the remaining portion(s) of the approved preliminary plat to be reviewed by the planning division for conformance with the city's comprehensive plan, changing conditions within the

neighborhood and/or amendments to the provisions of this title. If amendments to the preliminary plat are deemed necessary and such amendments cannot be approved by the director of community development under the provisions of Section 10-5-3(E)4(c)(i), said preliminary plat shall be subject to the same review procedures as required for original approval.

#### **4. Major Subdivision Final Platting Procedures<sup>426</sup>**

**(a) Preparation**

The subdivider shall cause the preparation of a final plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations or of the ordinances of the city and state law.

**(b) Submission**

The applicant shall submit the final plat application pursuant to the requirements and process described in Section 10-5-2 and this Section 10-5-3(E). The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department of community development.

**(c) Director of Community Development's Action**

The director of community development shall check the final plat for conformance with the approved preliminary plat and, if any, special provisions. The Director<sup>427</sup> may approve minor modifications to the approved preliminary plat when all of the following conditions exist: (i) any rearrangement of lot lines does not substantially alter the general lot and street layout of the approved preliminary plat, and remains compatible with surrounding development; (ii) the requested modification is in compliance with the zoning and subdivision regulations of this code, and other applicable city ordinances; and (iii) the requested modification does not conflict with established policies of the department of public works or other city agency, public and private utilities, school district or recreation and park district.

**(i) Certification (Approval)**

If the director of community development finds that the final plat conforms with the approved preliminary plat and, if any, special provisions, and the subdivider has fulfilled all requirements of these regulations or of the ordinances of the city, then the director of community development shall certify said plat.

**(ii) Modification or Appeal**

If the director of community development determines that the final plat is not in compliance with the approved preliminary plat and any provisions and/or these regulations, then the director of community development shall give written notification of this determination to the applicant, who may make all necessary changes, additions or corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal the decision as provided in Section 10-5-3(E)4(f).

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<sup>426</sup> Current 11-3-2.

<sup>427</sup> Reworded "he" to "the Director"

**(d) Director of Public Works' Action**

The director of public works shall check the final plat to ensure compliance with these regulations, established policies of the department of public works and other applicable city ordinances.

**(i) Certification (Approval)**

If the director of public works finds the final plat and required accompanying material is in compliance with accepted engineering principles, these regulations and other applicable city ordinances, then the director of public works shall certify said plat.

**(ii) Modification or Appeal**

If the director of public works determines that the affidavits, offers of dedication, survey data or other requirements necessary to ensure compliance with these regulations and accepted engineering principles are inadequate, then the director of public works shall give written notification of this determination to the applicant, who may make all necessary changes, additions or corrections. If the applicant does not desire to make the necessary changes, the applicant may appeal this decision as provided in Section 10-5-3(E)4(f).

**(e) Approval of Final Plats**

If the director of community development and the director of public works certify that a final plat is in compliance with the approved preliminary plat, accepted engineering principles, and the ordinances of the city, and the plat is approved as to form by the city attorney, said plat shall be submitted to the city council for final approval.

**(f) Appeal of Administrative Action**

The applicant may appeal to the council the action of the director of community development or the director of public works on the final plat.

- (i) Such appeal must be made in writing, specifying the grounds on which the appeal is being made, to the director of community development within ten (10) days of the administrative action.
- (ii) The council shall receive the appeal request and schedule a public hearing to review the decision of the administration. The council may approve the plat as submitted, or may affirm the decision of the director of community development or the director of public works, or make such changes as are in conformance with this code.
- (iii) The department of community development shall notify the applicant of the time and place of the hearing within two (2) calendar days after the hearing is scheduled.

## 5. Minor Subdivision Procedures<sup>428</sup>

### (a) **Applicability**

- (i) Any subdivision of land which complies with all of the following requirements as herein defined shall be processed within the provisions of this Section 10-5-3(E)5.
  - a. The proposed plat shall contain ten (10) or fewer lots;
  - b. All lots must abut a dedicated and accepted city street;
  - c. The proposed plat shall meet the minimum requirements of the subdivision regulations and zoning regulations.
- (ii) Any proposed subdivision that does not comply with all of the requirements as in subsection (a)(i) above shall be considered a major subdivision and must be processed in compliance with Sections 10-5-3(E)3 and 4.

### (b) **Preparation**

The subdivider shall cause the preparation of a preliminary and final plat of the proposed subdivision by a registered land surveyor. The plat shall comply with the provisions of these regulations, and other ordinances of the city and state law.

### (c) **Submission**

The applicant shall submit the preliminary plat application pursuant to the requirements and process described in Section 10-5-2and this Section 10-5-3(E). The application deadlines and required number of copies shall be in accordance with the operating standards as established by the department of community development.

### (d) **Action on the Preliminary and Final Plats**

#### (i) **City Staff Review and Recommendation**

City staff shall review the proposed preliminary plat and final plat for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies and shall frame the city staff's formal recommendation on the proposed final plat.

#### (ii) **Appeal of Staff's Recommendation**

If the staff approves the plat with modifications, the applicant may appeal to the city council the staff's decision.

- a. Such appeal must be made in writing to the department of community development within ten (10) calendar days of the staff's decision.
- b. The council shall receive the appeal request and shall schedule a public hearing to review the decision, approve the plat as submitted, or concur with the decision of city staff.

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<sup>428</sup> Current Sections 11-4-1 and 11-4-2. Reformatted 11-4-1 as new subsection.



- c. The department of community development shall notify the applicant of the time and place of said hearing within two (2) calendar days after the hearing is scheduled.

**(iii) City Council Action**

If the director of community development and the director of public works certify that the final plat is in compliance with the accepted engineering principles, and the ordinances of the city, and the plat is approved as to form by the city attorney, said plat shall be submitted to city council for final approval. The Littleton city planning board shall receive a report on all final plats approved by the Littleton city council.

**6. Subdivision Standards Waivers and Modifications<sup>429</sup>**

- (a) Upon written request to the department of community development by a subdivider, the city council may waive or modify the requirements of these regulations upon a finding that the requested waiver or modification meets the following criteria:
  - (i) The granting of the waiver or change will not be detrimental to the health, safety, convenience and general welfare of the citizens of the city; and
  - (ii) The waiver or change shall not, in any manner, vary the provisions of the zoning ordinance; and
  - (iii) The waiver or change will be consistent with the goals and policies of the applicable neighborhood policy plan and the comprehensive plan of the city; and
  - (iv) The waiver or change shall not be injurious to the permitted usage of adjacent property; and
  - (v) The waiver or change will allow conformance with existing improvements; or
  - (vi) The waiver or change will improve the design, character and quality of the new development by facilitating more efficient and economic provision of streets and utilities; and by preserving natural and scenic features of the particular site.
- (b) Waivers or modifications authorized hereunder shall bind the development of the specific property regardless of any change in ownership of the property.
- (c) Waivers or modifications authorized hereunder shall be indicated in written or graphic form on the final plat prior to recording the approved final plat in the office of the county clerk and recorder.
- (d) No waiver or modification may be considered or granted for minor subdivisions.

**7. Land Reservation<sup>430</sup>**

**(a) Purpose**

Because of unique requirements for sites for community facilities, the City retains the right to reserve lands for new public facilities and streets at sites designated for

<sup>429</sup> Current Section 11-6-6.

<sup>430</sup> Current Chapter 11-8.

such purposes on the City's Comprehensive Plan. Such reservation may be for future public buildings, school sites, open space, parks or streets above the classification of collector. These lands will be reserved for eventual purchase by the appropriate public body in the event that the projected need for public facilities on these sites becomes a reality.

**(b) Time Limitations**

Lands may be reserved under the provisions of this Section 10-5-3(E) for a period of no longer than three (3) years after the approval of a final plat which includes the affected property. Within this three (3) year period, the public body for which the land is reserved must make a commitment for purchase or all rights to the reserved properties shall revert to the landowner.

**(c) Compensation**

All acquisition of reserved land shall be based upon the fair market value as determined by not less than two (2) independent appraisals at the time of acceptance of the final plat by the City. Taxes on reserved lands during the period of reservation shall be paid by the agency for which the land is reserved; if such taxes are not paid by the appropriate agency, the reservation shall cease.

**(d) Use of Land**

During the period of reservation, lands may be used by the landowner for any purpose not incompatible with the proposed public use and the existing zoning on the property.

**(e) Denial of Plat**

The subdivider shall be required to designate reserved lands on all plats as land reserved for public purchase. Failure to so designate such lands shall be a basis for denial of the final plat.

**8. Subdivision Exemption<sup>431</sup>**

**(a) Purpose**

It is the purpose and intent of this Section 10-5-3(E)8 to allow the owner or purchaser of land, or agent thereof, to divide such land into not more than two (2) parcels, which meet the requirements of the governing zone district classification, without requiring submission of a subdivision plat. Approval of a subdivision exemption shall not exempt the applicant from securing and/or providing the necessary improvements including, but not limited to, sidewalks, curbs, gutters, street paving, storm drainage and utilities. Such land, or parcel which results from the approval of a subdivision exemption as hereinafter provided, shall not be eligible for any subsequent division under the provisions of this Section 10-5-3(E)8.

**(b) Eligibility**

The following procedures shall apply to all applications for subdivision exemptions:

<sup>431</sup> Current Sections 11-9-1, 11-9-2, and 11-9-3

**(i) Eligibility for Subdivision Exemptions**

The owner, purchaser, or agent thereof, must verify all of the following requirements prior to the submittal of a subdivision exemption application to the department of community development:

- a. A division of land must not exceed two (2) lots;
- b. Such division will not violate the minimum requirements of the governing zone district classifications, the subdivision regulations and other applicable city ordinances and resolutions;
- c. All lots must abut a dedicated and accepted city street;
- d. The applicant must show evidence that adequate sanitary sewer facilities exist to serve the subject lots;
- e. The applicant must show evidence that adequate water facilities exist to serve the subject lots.

**(ii) Compliance**

Any proposed subdivision exemption which does not comply with all of the requirements as defined hereinabove shall be considered as a minor or major subdivision as applicable.

**(c) Procedures**

**(i) Preparation**

The subdivider shall cause the preparation of a subdivision exemption map by a registered land surveyor. The map shall comply with the provisions of these regulations, and other ordinances of the city and state law.

**(ii) Submission**

The applicant shall submit the application and the subdivision exemption map pursuant to the requirements and process described in Section 10-5-2 and this Section 10-5-3(E). The application deadlines, required number of copies and map details shall be in accordance with the operating standards as established by the department of community development.

**(iii) Administrative Action**

City staff shall review the proposed subdivision exemption map for compliance with the provisions of this title, other applicable regulations, the comprehensive plan, existing and proposed development, and comments from affected agencies. City staff may approve the application, approve the application subject to modifications, or recommend the application be processed under the major or minor subdivision procedure.

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## **(F) Conditional Use Approval<sup>432</sup>**

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### **1. Intent<sup>433</sup>**

The council does hereby declare that certain conditional 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 in Section 10-3-2 (Permitted Use Table), may exist within the corporate limits of Littleton only upon application to, and approval by the planning board as provided in this section.

### **2. Application Requirements<sup>434</sup>**

#### **(a) General Requirement**

In addition to the application requirements of Section 10-5-2, all applications for conditional uses shall include:

##### **(i) Supplement Information**

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.

##### **(ii) 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 Section 10-5-3(F), other applicable provisions of this code, and with the comprehensive plan.

##### **(iii) Actual Requirements May Vary**

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 daycare centers.

#### **(b) Separate Approval**

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.

#### **(c) Site Development Plan<sup>435</sup>**

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 10-5-3(D).

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<sup>432</sup> Current 10-8-1, 10-8-3, 10-8-4, 10-8-5.

<sup>433</sup> Current Section 10-8-1.

<sup>434</sup> Current 10-8-4(A), (A)1 and (A)4. Reorganized, no change in content.

<sup>435</sup> Current 10-8-4(A)2.

- (i) 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.
- (ii) In addition to the requirements of Section 10-5-3(D), 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 (500) ft.

**(d) Sketch Plan**<sup>436</sup>

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.

- (i) 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.
- (ii) In addition to the information required in the operating standards, the sketch plan shall include the name and address of the proposed conditional use and an area map providing the following information:
  - a. Existing ownerships of the subject property and all abutting property.
  - b. Existing zoning and land use on the subject property and all property lying within five hundred (500) ft.
  - c. Written description of the proposed conditional use.

**3. Review Procedure**<sup>437</sup>

**(a) City Staff Review Procedure**

Applications for a conditional use shall be reviewed pursuant to Section 10-5-2(D).

**(b) Planning Board Review Procedure**

- (i) Applications for conditional use are considered by the planning board at a public hearing. All requests for conditional use shall be submitted and heard pursuant to the requirements and procedures set forth in Section 10-5-2(E).
- (ii) The planning board shall determine if the request meets the statement of legislative purpose set forth in Section 10-5-3(F)1 based on the evidence and testimony presented at the public hearing.
- (iii) The planning board may approve the application, approve with conditions or deny the request. The planning board may table the matter to a date certain pending the provision of further information.

<sup>436</sup> Current 10-8-4(A)3.

<sup>437</sup> Current 10-8-4(B).

- (iv) The planning board may require conditions other than the minimum performance standards established in Section 10-3-3 (Use-Specific Standards) and deemed reasonably essential for the health, safety and general welfare of the public.

(c) **Review and Approval Criteria**

Conditional uses, designated in may exist within the corporate limits of Littleton only upon application to and approval by the planning board based on findings by the board that:

- (i) 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.
- (ii) 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:
  - a. The nature of the proposed site, including its size, shape and topography and the proposed size, location and arrangement of structures;
  - b. 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;
  - c. The provisions for conformance with the performance requirements contained herein and in Sections 10-3-3 (Use-Specific Standards) and Chapter 4 (Development and Subdivision Standards)<sup>438</sup>, as applicable; and
  - d. The provisions for landscaping, screening, unobstructed open space, service areas, lighting and signage.
- (iii) The proposed use will comply with the applicable provisions of this title and of this code, any design guidelines adopted by the planning board, and will not adversely affect the comprehensive plan.

**4. Requirements and Conditions for All Conditional Uses<sup>439</sup>**

(a) **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.

(b) **Minimum and Additional Conditions**

All applicable requirements of this code shall be met and are deemed the minimum required. The planning board shall impose such other conditions and limitations as they, in their sole discretion, may determine to be necessary to fulfill the purpose and intent stated in Section 10-5-3(F)1 .

<sup>438</sup> Current reference is to “Chapter 4 of this title,” but the content of Chapter 4 has been split between new 3.3 and Section 10-4.

<sup>439</sup> Current 10-8-3.

(c) **Termination**

Any one of the following shall terminate the right to operate a conditional use:

- (i) Failure to initiate operation of the conditional use within twelve (12) months from the date approved by the planning board unless a time extension is granted pursuant to subsection (e) below.
- (ii) Changing to a use permitted by right in the governing zone district;
- (iii) Discontinuance of the conditional use for a period of at least twelve (12) months;
- (iv) 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 the Littleton Code and Section 10-5-4 (Enforcement, Violations, and Penalties) may be applied.

(d) **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.

(e) **Time Extension**

A one year extension of approval may be granted as allowed in Section 10-5-2(J). In the event greater than one year is needed, a second time extension of no more than one year may be granted by the planning board.

(f) **Reinstatement**

The process for reinstatement of any conditional use that has been terminated under the terms of subsection (c) above shall be the same as for original approval.

## 5. Amendments<sup>440</sup>

(a) **Major Amendments**

The procedure for amending any approved conditional use shall be the same as prescribed for original approval. No amendment approved by the planning board shall violate the conditions, requirements or limitations set forth in this code.

(b) **Administrative Amendments**

Provided the applicable conditions of subsection (c) below are met, the director of community development may approve administrative amendments for those changes specified below:

- (i) Relocation of access points from the property onto local and collector streets, but not including arterial streets or state highways;
- (ii) Changes in the location and type (ground, monument, wall, etc.) of signage, but which do not increase the maximum allowable sign area; or

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<sup>440</sup> Current 10-8-5.

- (iii) 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.

**(c) Criteria for Administrative Amendments**

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:

- (i) A change to any specific conditions attached to the original approval, or to any subsequent amendment thereto, approved by the planning board;
- (ii) A change in the approved use;
- (iii) An increase in the approved gross floor area greater than twenty five percent (25%) above the amount approved in the application by the planning board;
- (iv) An increase in the approved building height;
- (v) An increase in the approved access to public streets;
- (vi) A reduction of required private and/or public open space;
- (vii) A reduction of required off street parking and loading space; or
- (viii) A reduction of required landscaping and/or screening requirements.

**6. Appeals<sup>441</sup>**

The decision of the planning board of the conditional use shall be final unless the applicant files a written appeal to the decision pursuant to Section 10-5-2(K)6.

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**(G) Flood Plain Conditional Use<sup>442</sup>**

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Prior to issuing a building permit for development within a flood plain<sup>443</sup>, the proposed development shall be approved by the planning board as a flood plain conditional use.<sup>444</sup> Such development shall comply with these regulations, and to all other applicable requirements.

**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:

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<sup>441</sup> Current 10-8-4(C). Appeals procedures relocated to appeals section under common procedures.

<sup>442</sup> Current 10-6-8(A). Terminology revised from Special Exception to Conditional Use to match terminology in revised permitted use regulations.

<sup>443</sup> **Staff:** It is unclear whether this refers to all construction in floodplains, or only to construction of those items listed as conditional uses in the substantive floodplain regulations.

<sup>444</sup> **Staff:** Changed “use by special exception” to new “floodplain conditional use” per new terminology in revised permitted use regulations.



- (a) A site plan, certified by a registered engineer competent in open channel hydraulics. Such plan shall be prepared at a scale of one (1) inch equals one hundred (100) ft. (1 in. = 100 ft.), or larger, and shall include:
  - a. Existing zone district boundaries;
  - b. Location of floodplain/floodway limits and watercourse;
  - c. Legal description of the property;
  - d. Description of all existing adjacent development located in or out of the floodplain;
  - e. Description of the proposed use;
  - f. Elevations of the site and immediately surrounding area, in relation to mean sea level;
  - g. Location and size of existing and proposed structures, and the elevation of the lowest floor of these structures;
  - h. Location and elevation of all excavation and fill;
  - i. Location and elevation of adjacent streets and on site areas of impervious surface; and
  - j. 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:
  - (i) City engineer, building inspection, police, and fire;
  - (ii) U.S. army corps of engineers;
  - (iii) Urban drainage and flood control district;
  - (iv) State highway department;
  - (v) State water conservation board; and
  - (vi) Adjacent jurisdictions.
- (f) If deemed necessary, the administrator and/or the board may require that an applicant furnish additional information necessary to determine impacts, if any, of the proposed development on adjacent properties.
- (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.

## **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 board public hearing date.

## **4. Administrator Action**

The application shall be reviewed by the administrator, which shall forward a recommendation to the board based on compliance with the applicable requirements of this code.

## **5. Planning Board Action**

The application, together with comments and recommendations by the administrator and pertinent referral agencies, shall be forwarded to the planning board. Copies of the comments and recommendation shall be available for the applicant.

- (a) The planning board shall conduct a public hearing to receive technical evidence and testimony from city staff, the applicant, and opponents, if any.
- (b) Based on the evidence and testimony received, and based on the objectives and policies stated in Section 10-4-3(A), the planning board shall make a decision on the application. The planning board 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 planning board is final and subject only to judicial review.

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## **(H) Historic Preservation Procedures<sup>445</sup>**

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The Historical Preservation Board shall conduct its proceedings in accordance with the "City Of Littleton Handbook For Boards, Commissions and Committees" which sets forth additional rules and procedures regarding officers' duties, member resignations, vacancies, agenda procedures, etc.<sup>446</sup>

### **1. Nomination of Historic Landmarks and Districts<sup>447</sup>**

#### **(a) Who May Nominate**

The historical preservation board, city council, or owner(s) may nominate a property, area or structure for designation as a historic landmark or historic district.

#### **(b) Nomination Requirements**

Upon inquiry for nomination, the director and at least one member of the historical preservation board shall contact the owner or owners of such historic properties

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<sup>445</sup> Relocates current Historic Preservation Code procedures from Chapter 6 of Title 4, (Building Code).

<sup>446</sup> Current 4-6-7. Renamed section; no change in content.

<sup>447</sup> Current 4-6-9.

outlining the reasons and effects of designation as a historic property and, if possible, shall secure the consent of the owner or owners to such designation before the nomination is accepted as complete for review.

**(c) Filing an Application**

If the property is found to have a potential for designation, an application shall be filed with the director on forms prescribed by the historical preservation board, and shall include:

- (i) The names of all owners of property included in the proposed designation, and
- (ii) All data required by the historical preservation board. The director shall transmit copies of the application to relevant city departments including the Littleton Historical Museum.
- (iii) The director shall in all cases notify, in writing, all owners of property included in the proposed designation, other than applicants, that designation proceedings have been initiated.

**(d) Nomination Contents**

- (i) Each nomination shall include:
  - a. A description of the characteristics of the proposed historic landmark which justify its designation;
  - b. A description of the particular features that should be preserved, and shall include; and
  - c. A legal description of the location and boundaries of the historic property.
- (ii) Each nomination for a historic district shall also include:
  - a. A period of significance; and
  - b. A list of contributing and noncontributing properties within the proposed historic district boundaries.
- (iii) Any such designation shall be in furtherance of and in conformance with the purposes and standards of Section 10-4-8 (Historic Preservation Standards).

**2. Legal Protection for Nominated Properties<sup>448</sup>**

For a property or district which has been nominated but not yet designated, permits to alter or remodel the exterior of the property or properties within the proposed district or to build, relocate, or raze shall not be issued during the ninety (90) day period following the date nomination is received by the director.

**3. Designation of Historic Landmarks and Districts**

**(a) Designation With Owner's Consent**

**(i) Filing of Application**

Any completed application for designation, once reviewed by the director, shall be promptly referred to the board. The board shall hold a public hearing on the

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<sup>448</sup> Current 4-6-10.

proposal not less than thirty (30) days, nor more than sixty (60) days after the filing of the application to consider the adoption of the designation resolution.

**(ii) Notice of Hearing**

Notice of the hearing shall be given in accordance with Section 10-5-3(H)8. The director shall be responsible for giving notice.

**(iii) Review**

The director shall review the proposed designation with respect to:

- a. Its relationship to the comprehensive plan;
- b. The effect of the designation on the surrounding neighborhood; and
- c. Such other planning considerations as may be relevant to the proposed designation.

- (iv) The director shall provide written comments and recommendations regarding the proposed designation to the board no less than seven (7) days before the hearing.

**(b) Designation Without Owner's Consent**

If the owner or owners of the property or owners of a majority of the properties in a proposed historic district nominated for designation does not consent to the review, the historical preservation board shall consider the following criteria in addition to meeting a minimum of three (3) of the criteria listed in Section 10-5-3(H)3(g).

- (i) Whether the property or district has overwhelming historic importance to the entire community. The term "overwhelming significance" shall, for purposes of this section, mean that the property or district:
  - a. Possesses such unusual or uncommon significance that the structure's or district's potential demolition or major alteration would diminish the character and sense of place in the community of Littleton;
  - b. Possesses superior or outstanding examples of the architectural, social or geographic historic significance criteria outlined in the standards and criteria. The term "superior" shall mean excellence of its kind and the term "outstanding" shall mean marked by eminence and distinction.

**(c) Public Hearing Before the Historical Preservation Board**

- (i) Any application for designation shall be promptly referred to the Historical Preservation Board. The board shall hold a public hearing on the proposal not less than thirty (30) days, nor more than sixty (60) days after the filing of the application to consider the adoption of the designation resolution.
- (ii) At least five (5) of seven (7) members of the Historical Preservation Board must be present at the hearing in order to establish a quorum.
  - a. In the event of vacancies on the board, then two-thirds (2/3) of board members shall constitute a quorum.

- b. If a quorum is missing then the chairperson of the board may set a new date for a special hearing or the matters scheduled for that hearing shall be heard on the next regularly scheduled hearing date.

(iii) Notice of hearing shall be given in accordance with Section 10-5-3(H)8.

**(d) Proceedings Before the Council**

- (i) Within sixty (60) days after the date of any referral from the board, the council shall hold a public hearing on the proposed designation, after giving notice in conformance with Section 10-5-3(H)8. The council may continue or postpone the public hearing for the convenience of the council, the applicant or the public.
- (ii) The council shall, by ordinance, approve, modify and approve, or disapprove the proposed designation and shall issue written findings in accordance with and after considering the criteria as set forth for historic landmarks and historic districts. The owner(s) of the property nominated shall be notified of council's decision.
- (iii) Before filing an action in a court of competent jurisdiction, the owner may request the matter be submitted to mediation through the office of dispute resolution in the state judicial department. The city shall pay the fees of any mediator.

**(e) Recording the Designation**

- (i) The historic designation ordinance of the city council shall be recorded within the real estate records of the county in which the property is located as soon as possible after the effective date of the ordinance.
- (ii) Within fifteen (15) days after recording of the historic designation, the director shall send a copy of the ordinance to the owner.
- (iii) A record of properties designated as historic landmarks or historic districts is maintained on file in the city.

**(f) Designation is Permanent**

A property designated as a historic landmark shall retain that designation for perpetuity, unless the property has lost its historic character as determined pursuant to Section 10-5-3(H)7(c).

**(g) Criteria for Designation**<sup>449</sup>

The Historical Preservation Board will consider the following criteria in reviewing nominations of properties for designation:

**(i) Criteria**

Properties receiving historic designations shall be at least forty (40) years old except as otherwise provided herein and possess architectural, social, or geographical/environmental importance by meeting one or more of the following:

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<sup>449</sup> Current 4-6-8.

- a. Exemplifies specific elements of an architectural style or period;
- b. Is an example of the work of an architect or builder who is recognized for expertise nationally, statewide, regionally, or locally;
- c. Demonstrates superior craftsmanship or high artistic value;
- d. Represents an innovation in construction, materials or design;
- e. Represents a style particularly associated with the Littleton area;
- f. Represents a built environment of a group of people in an era of history;
- g. Represents a pattern or grouping of elements representing at least one of the above criteria;
- h. Has undergone significant historic remodel;
- i. Is the site of historic event that had an effect upon society;
- j. Exemplifies cultural, political, economic or social heritage of the community;
- k. Represents an association with a notable person or the work of a notable person;
- l. Represents a typical example/association with a particular ethnic group;
- m. Represents a unique example of an event in Littleton's history;
- n. Enhances sense of identity of the community;
- o. Is an established and familiar natural setting or visual feature of the community.

**(ii) Additional Criteria for Historic Districts**

A district is related by a pattern of either physical elements or social activities. Significance is determined by applying criteria to the pattern(s) and unifying element(s).

- a. Except as provided for in Section 10-5-3(H)3(b), designations will not be considered unless the application contains written approval of a majority of the property owners within the district boundaries.
- b. Properties that do not contribute to the significance of the historic district may be included within the boundaries, as long as the noncontributing elements do not noticeably detract from the district's sense of time, place and historic development.
- c. Noncontributing elements will be evaluated for their magnitude of impact by considering their size, scale, design, location, and/or information potential.
- d. District boundaries will be defined by visual changes, historic documentation of different associations or patterns of development, or evidence of changes in site type or site density as established through testing or survey.

- e. In addition to meeting at least one of the criteria outlined in this section, the majority of the structures in the district should be at least forty (40) years old. The district could be exempt from the age standard if the resources are found to be exceptionally important in other significant criteria.

#### **4. Certificate of Historic Appropriateness<sup>450</sup>**

***(a) When Required***

A certificate of historic appropriateness shall be obtained in conformance with any applicable adopted design guidelines, and in addition to any other permit or other approval required by this code for any designated historic landmark structure or any property in a historic district.

- (i) A certificate of historic appropriateness shall be obtained from the board, in conformance with any applicable adopted design guidelines, and in addition to any other permit or other approval required by this code for any designated historic landmark structure or any property in a designated historic district for:
  - a. Demolition, new construction, addition or modification, including chimneys, doors, stoops and windows, or handrails on commercial structures, of or to the front or side facade of any principal structure.
  - b. The demolition of existing or construction of new accessory structures.
  - c. Swimming pools, hot tubs or spas, air conditioning condensers, swamp coolers, HVAC units, or other mechanical equipment visible from any public street.
- (ii) The director shall issue a certificate of historic appropriateness for any designated historic landmark structure or any property in a historic district when the criteria contained in this Section 10-5-3(H)4 have been met for any:
  - a. Demolition, new construction, addition or modification, including chimneys, doors, stoops, windows, or handrails on commercial structures, of or to the rear facade of any principal structure;
  - b. Change in the exterior of accessory structures, to include garages, greenhouses, covered or closed decks, work or storage sheds and similar structures;
  - c. Changes in roofing materials, architectural features, including, but not limited to, shutters, awnings, cornices, antennas, satellite dishes, painting of previously unpainted surfaces, wind generators or electrical exterior light fixtures;
  - d. Patios, decks and stoops less than thirty inches (30") above grade and visible from the public street fronting the structure;
  - e. Swimming pools, hot tubs or spas, air conditioning condensers, swamp coolers or HVAC units not visible from any public street.

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<sup>450</sup> Current 4-6-14.

**(b) Exceptions to Requirement**

No certificate of appropriateness shall be required for the following, except when the work will have a significant visual impact from a public right of way, in which case a certificate of historic appropriateness shall be obtained from the historical preservation board.

- (i) Any change to the interior of a historic landmark or any structure on a property in a historic district;
- (ii) Replacement of roofing with the same type and color of materials;
- (iii) Painting of previously painted surfaces;
- (iv) Other routine maintenance;
- (v) The placement of window well covers on basement windows;
- (vi) Replacement of handrails or guardrails on residential structures; or
- (vii) Landscape features.
- (viii) To restore any structure damaged by fire, vandalism, flood, wind or other act of God, to its condition existing before the damage with substantially similar materials of like kind and quality. The director shall review any building permits to repair such damage to ensure that substantially similar materials of like kind and quality are being used for the repair.

**(c) Records**

The director shall maintain a current record of:

- (i) Designated historic landmarks;
- (ii) Historic districts and list of contributing properties and noncontributing properties within any historic district; and
- (iii) All pending proposed designations.

**(d) Applications**

- (i) Upon any application for a permit to carry out any construction, alteration, removal or demolition of a building or other designated feature to a historic landmark or a property in a historic district, which would materially alter the exterior of such a building, site or structure, or which involves more than ordinary maintenance, the department of community development shall not issue the requested permit until approved as provided herein, and shall promptly forward such application to the board.
- (ii) The Historical Preservation Board shall review any permit applications so forwarded to it to determine whether a certificate of historic appropriateness for the work proposed should be issued.
- (iii) Applications shall contain such information as is required by the board, so as to assure full presentation of pertinent facts for proper consideration of the application.



- (iv) The application shall be accompanied by plans and specifications showing the proposed exterior appearance, including color, texture of materials and architectural design and detail.
- (v) Drawings or photographs showing the property in the context of its surroundings shall also be required.
- (vi) In addition, the applicant shall file with his/her application the names and addresses of abutting property owners.

**(e) Criteria for Certificate of Historic Appropriateness**

The Historical Preservation Board shall issue a certificate of historic appropriateness for any proposed work on a historic landmark or any property in a historic district when the proposed work would not detrimentally alter, destroy or adversely affect any architectural or landscape feature which contributes to its original historic designation and is otherwise in conformance with any applicable adopted design guidelines.

- (i) The Board must find the proposed work visually compatible with designated historic structures located on the property in terms of design, finish, material, scale, mass and height.
- (ii) When the subject site is within a historic district, the Board must also find that the proposed work is visually compatible with the development on adjacent properties.
- (iii) In the case of partial demolitions, the Board must also find that the partial demolition is required for the renovation, restoration or rehabilitation of the structure and impacts on the historic importance and architectural integrity of the structure(s) located on the property have been mitigated to the greatest extent possible.

**(f) Standards and Limitations for Alterations of a Historic Landmark**

In determining whether to issue a certificate of historic appropriateness the Historical Preservation Board shall consider:

- (i) The effect of the proposed change on the general architectural and/or historic character of the structure or district;
- (ii) The architectural style, arrangement, textures and materials used on existing and proposed structures and their relation to other structures in the district;
- (iii) The uniqueness of the structure and how it ties in with the history of the area;
- (iv) The size of the structure, its setbacks, its site, location, and the appropriateness thereof, when compared to existing structures and the site;
- (v) The effects of the proposed work in creating, changing, destroying or otherwise affecting the exterior architectural features of the structure upon which such work is done;
- (vi) The effect of the proposed work on the protection, enhancement, perpetuation and use of the structure, area or district;
- (vii) The use to which such structure or area shall be put;

- (viii) The condition of existing improvements and whether they are a hazard to the public health or safety;
- (ix) The economic viability of maintaining the structure or area as is;
- (x) Whether the property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
- (xi) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (xii) Limitations On Alterations: The following criteria shall apply to all alterations or changes:
  - (xiii) Alterations shall not create a false sense of historic development, such as adding conjectured features or architectural elements from other buildings.
  - (xiv) Most properties change over time; those changes that have acquired a historic significance in their right shall be retained and preserved.
  - (xv) Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
  - (xvi) Deteriorated historic features shall be repaired rather than replaced. When the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
  - (xvii) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
  - (xviii) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
  - (xix) New additions, exterior alterations or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the property and its environment.
  - (xx) New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic landmark and its environment would be unimpaired.
  - (xxi) Alterations, new additions and related new construction shall be in conformance with any applicable adopted design guidelines.

***(g) Standards and Limitations for Relocation of a Historic Landmark***<sup>451</sup>

In considering applications for relocating a historic landmark, a structure on a historic site, a building or structure within a historic district; a structure onto a historic site; or a structure onto property in a historic district, the Historical Preservation Board shall apply the following criteria in addition to criteria for alterations to a historic structure in Section 10-5-3(H)4(f):

- (i) For consideration of the original site, the board will review for compliance with all of the following criteria:
  - a. Documentation showing the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
  - b. The contribution the structure makes to its present setting;
  - c. Whether plans are specifically defined for the site to be vacated, and have been approved by city staff;
  - d. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure;
  - e. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and resiting;
  - f. Whether a structural report submitted by a licensed structural engineer experienced in preservation of structures adequately demonstrates the soundness of the structure proposed for relocation.
- (ii) For consideration of the new location, the board will review for compliance with all of the following criteria:
  - a. The building or structure must be compatible with its proposed site and adjacent properties and if the receiving site is compatible in nature with the structure or structures proposed to be moved.
  - b. The structure's architectural integrity is consistent with the character of the receiving neighborhood.
  - c. The relocation of the historic structure would not diminish the integrity or character of the neighborhood of the receiving site.
  - d. A relocation plan has been submitted and approved by the city staff, including posting a bond, to ensure the safe relocation, preservation and repair (if required) of the structure, site preparation and infrastructure connections.

***(h) Proceedings and Action by the Board***<sup>452</sup>

- (i) The board shall hold a public hearing on any application for a certificate of historic appropriateness referred to it.

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<sup>451</sup> Current 4-6-15. Introductory text reworded for clarity.

<sup>452</sup> Existing text on board proceedings and board action have been consolidated.

- (ii) The hearing shall be held within a reasonable time not to exceed forty five (45) days after the filing of the completed application.
- (iii) Notice of the hearing shall be given in accordance with Section 10-5-3(H)8.
- (iv) The Historical Preservation Board shall approve or disapprove the application in whole or in part. The board may continue the hearing to a date certain with the consent of the applicant.

#### **5. Total Demolition of a Historic Landmark<sup>453</sup>**

- (a) It shall be unlawful for any historic landmark or property in a historic district to be totally demolished without having first obtained a certificate for demolition.
- (b) If a certificate for demolition is requested on any basis other than that of an imminent hazard or economic hardship, a certificate of demolition will not be issued until all criteria in this section are met.
- (c) Applicants requesting a certificate of demolition must provide evidence to clearly demonstrate that the situation meets all of the following criteria:
  - (i) The structure proposed for demolition is not structurally sound; and
  - (ii) The structure cannot be rehabilitated or reused on site to provide for any reasonable beneficial use of the property; and
  - (iii) The structure cannot be practically moved to another site in Littleton; and
  - (iv) The applicant demonstrates that the proposal mitigates to the greatest extent practical the following:
    - a. Any impacts that occur to the visual character of the neighborhood where demolition is proposed to occur.
    - b. Any impact on the historic importance of the remaining structure(s) located on the property and adjacent properties.
    - c. Any impact to the architectural integrity of the remaining structure(s) located on the property and adjacent properties.
  - (v) In the case of archeological sites, whether archaeological information can be recovered as part of the demolition process.

#### **6. Economic Hardship<sup>454</sup>**

##### **(a) Application for Determination of Economic Hardship**

Following denial of a certificate of historic appropriateness or a certificate of demolition, the property owner may apply for a certificate of economic hardship by submitting to the Historical Preservation Board a completed application for a certificate of economic hardship on a form prepared by the director.

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<sup>453</sup> Current 4-6-16.

<sup>454</sup> Current 4-6-17. Some materials are reordered for readability and consistency.

**(b) Public Hearing Process**

The Historical Preservation Board shall hold a public hearing within sixty (60) days of receipt of a completed application for a certificate of economic hardship.

- (i) Notice of the public hearing shall be in conformance with Section 10-5-3(H)8.
- (ii) At the public hearing, the Board shall take testimony and other evidence presented by the owner/applicant and any other interested parties concerning the economic hardship that the owner/applicant will suffer without the proposed alteration, construction, relocation, removal or demolition being sought by the owner/applicant.

**(c) Standards for Determination of Economic Hardship**

- (i) The Historical Preservation Board shall issue a certificate of economic hardship only if the board finds that:
  - a. The subject property cannot be put to any reasonably beneficial use; **or**
  - b. The owner/applicant will suffer a substantial economic loss thereon without the alteration, construction, relocation, removal or demolition being sought by the owner/applicant; and
  - c. The owner/applicant is not responsible in any way for the hardship from which he or she is seeking relief.
- (ii) The factors to be considered by the Board on the issue of economic hardship shall include, but are not limited to, the following:
  - a. A substantial decrease in the fair market value of the property as a result of the denial of the certificate of historic appropriateness or certificate of demolition;
  - b. A substantial decrease in the financial return to owners of record or other investors in the property as a result of the denial of the certificate of historic appropriateness or certificate of demolition;
  - c. The structural soundness of any structures on the property and their suitability for restoration or rehabilitation;
  - d. The economic feasibility of restoration, rehabilitation or reuse of the existing structure or improvement on the property in the case of a proposed demolition.
- (iii) Economic hardship does not include:<sup>455</sup>
  - a. Self-created hardships;
  - b. Willful or negligent acts by the owner;
  - c. Purchase of the property for substantially more than the market value;
  - d. Failure to perform normal maintenance and repairs;
  - e. Failure to diligently solicit and retain tenants; or

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<sup>455</sup> Retitled from “willful or negligent acts.”

f. Failure to provide normal tenant improvements.

- (iv) The owner/applicant's purchase of the subject property without making said purchase contingent upon the owner/applicant first obtaining necessary Board approvals under the historic preservation code shall be deemed to be conclusive evidence of the fact that the owner/applicant is responsible for his or her own economic hardship, if any.

(d) **Evidence**

The owner/applicant shall submit evidence at the hearing to support the economic hardship which the owner/applicant alleges he or she would suffer if the owner/applicant is not granted a certificate of historic appropriateness or certificate of demolition. Specific information and documentation which should be presented by the owner/applicant at the hearing shall include, but not be limited to, the following:

- (i) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased;
- (ii) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years;
- (iii) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years;
- (iv) Real estate taxes for the previous three (3) years and assessed value of the property according to the two (2) most recent assessed valuations by the county assessor for the county in which the property is located;
- (v) All appraisals obtained within the previous three (3) years by the owner or applicant in connection with the purchase, financing or ownership of the property;
- (vi) Any listings of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years;
- (vii) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
- (viii) Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to rehabilitate or renovate the existing property for continued use;
- (ix) Estimated market value of the property in the current condition after completion of the demolition and proposed new construction; and after renovation of the existing property for continued use, and the testimony of an architect, developer, real estate consultant, appraiser, or other professional

experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

- (x) Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

***(e) Issuance or Denial of Certificate of Economic Hardship***

- (i) If the Historical Preservation Board finds that the owner/applicant has established that the owner/applicant will suffer a demonstrable economic hardship as a result of the denial of a certificate of historic appropriateness or certificate of demolition, then the board shall issue a certificate of economic hardship. In that case, the Board shall also issue the certificate of historic appropriateness or certificate of demolition, as the case may be.
- (ii) If the Board finds that the owner/applicant has not established that the owner/applicant will suffer a demonstrable economic hardship as a result of the denial of a certificate of historic appropriateness or certificate of demolition, then the Board shall deny the certificate of economic hardship.

***(f) Noneconomic Hardship<sup>456</sup>***

A noneconomic hardship is considered when designation creates a situation substantially inadequate to meet the applicant's needs because of specific health and/or safety issues.

**7. Resubmission, Amendment and Revocation of Designation<sup>457</sup>**

***(a) Limitation on Resubmission and Reconsideration of Proposed Designation***

Whenever the city council disapproves a proposed designation, no person shall submit an application that is the same or substantially the same for at least one year from the effective date of the final action on the original proposal.

***(b) Amendment of Designation***

Designation of a historic landmark may be amended to add features or property to the site or district under the procedures prescribed by Section 10-5-3(H)3 for initial designations. Whenever a designation has been amended, the department shall promptly notify the owners of the property included therein and shall record the amending ordinance in the real estate record of the county in which the property is located.

***(c) Revocation of Designation***

If a building or special feature on a designated historic landmark site was lawfully removed or demolished, the owner may apply to the board for a revocation of the designation.

- (i) The Historical Preservation Board shall revoke a designated historic landmark if, after following the procedures prescribed by Section 10-5-3(H)5, it determines that without the demolished building or feature, the site as a whole no longer

<sup>456</sup> Retitled from "health and safety issues."

<sup>457</sup> Current Section 4-6-21

## 10-5-3: Specific Procedures

meets the purposes and standards of Section 10-5-3(H)1 and the Board's review standards for designation.

- (ii) Revocation of a designation is final. Upon the board's decision to revoke a designation, the director shall cause to be prepared an ordinance including the legal description of the affected property stating notice of the revocation, and schedule the item for city council review as described in Section 10-5-3(H)3(d). Upon adoption by the city council, the ordinance shall be recorded in the real estate records of the county in which the property is located.

## 8. Notice<sup>458</sup>

"Notice" when required by this Section 10-5-3(H) shall mean:

- (a) One publication of the date, time, place and a brief summary of the subject of the hearing and the basis of the proposed designation if the hearing concerns a proposed designation, at least ten (10) days prior to any historic preservation board hearing and ten (10) days prior to any city council hearing.
- (b) Notification by first class mail to all property owners of record whose properties are within or abut the property which is the subject of the hearing. Such notice shall be mailed at least ten (10) days before any historic preservation board hearing and ten (10) days prior to any city council hearing. Mailed notices shall include the date, time, place of hearing and brief summary of the proposed action.
- (c) Posting on the property a sign obtained from the director, and visible from the public street abutting the property. The applicant shall pay a deposit equal to the cost of the sign for each sign obtained. The deposit shall be refunded to the applicant if the sign is returned in good condition to the community development department within thirty (30) days after the final hearing date.

## (I) Sign Permit<sup>459</sup>

### 1. Applicability<sup>460</sup>

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 building permit for each such sign, pursuant to this Section 10-5-3(I) and in compliance with Section 10-4-7 (Sign Standards), subject to the exceptions contained in Section 10-4-7(D).<sup>461</sup>

### 2. Application<sup>462</sup>

In addition to the information required to be contained by the building code of the City, each application for a building permit for a sign shall also contain or be accompanied by the following information:

<sup>458</sup> Current 4-6-22.

<sup>459</sup> Relocates current Section 4-3-3-4 from Building Code, as noted. **Staff:** Building Official is referenced in current regulations as responsible for inspections and declaration of abatement. Should this be changed to Zoning Official or someone else?

<sup>460</sup> Current 4-3-3-4.

<sup>461</sup> Changed "building permit" to "sign permit". **Staff:** Please confirm these are different permits.

<sup>462</sup> Current 4-3-3-4(A).



- (a) Name and address of owner of the sign.
- (b) Name and address of owner of the premises where the sign is located or to be located.
- (c) Name and address of person entitled to possession of premises where sign is located or to be located.
- (d) 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.
- (e) Plans showing the dimensions, supports, sizes and materials of sign.
- (f) Statement of valuation of all materials and labor incorporated in sign.

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**(J) Floodplain Certificate of Compliance<sup>463</sup>**

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- 1. 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.
- 2. 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.
- 3. 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.
- 4. 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.
- 5. A certificate of compliance is not, for any purpose, a certificate of occupancy, nor does it waive any requirements for building permits.

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**(K) Temporary Use<sup>464</sup>**

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The uses listed in Table 10-3-1 (Permitted Use Table) as temporary uses may be approved by the community development department as temporary uses for a specified period not to exceed one year.

- 1. Such temporary uses shall not be approved unless the Use-specific Standards listed for that use in Section 10-3-3 are met.
- 2. An application must be submitted to the planning division and shall contain:
  - (a) A site plan showing the location of the temporary use on the property and patterns of pedestrian and vehicular traffic.
  - (b) A statement of how any adverse impacts on adjacent properties will be minimized.

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<sup>463</sup> Current 10-6-11.

<sup>464</sup> Current 10-4-10(A) (first paragraph only) and (B) – (E)

## 10-5-3: Specific Procedures

- (c) A description of exterior materials to be used in the structure, including color and texture; and fire rating.
  - (d) 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.
  - (e) Name and address of applicant.
  - (f) 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.
3. The applicant shall obtain all required building permits prior to moving the temporary facilities onto the site.
  4. All temporary uses will conform with the performance standards found in Sections 10-4-9(A) (Noise, Vibrations and Emissions) and 10-3-3(Y) (Outdoor Storage; Heavy Vehicle and Equipment Services).
  5. 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.

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**(L) Variances<sup>465</sup>**


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**1. General Provisions****(a) Applicability**

The board of adjustment may authorize variances from the requirements of this Title, subject to terms and conditions fixed by the Board, except where a specific variance procedure authorizes another reviewing body.<sup>466</sup> Every variance granted is not personal to the applicant, but shall transfer and run with the land.

**(b) Application and Procedures<sup>467</sup>**

- (i) Applications shall be filed with the zoning official and shall be submitted in accordance with the Applications section of Section 10-5-2(K).
- (ii) Applications shall be reviewed and decided by the Board of Adjustment in accordance with the Procedures and Review section of Section 10-5-2(K).
- (iii) Any decision of the board of adjustment is final and subject only to judicial review by the appropriate district court.<sup>468</sup>

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<sup>465</sup> Current 10-11-1(B) and incorporates 10-4-3(C) (variance to requirements for fences).

<sup>466</sup> Language added to clarify that Board of Adjustment does not review all variances.

<sup>467</sup> Current 10-11-2 (Procedures and Action); current 10-11-3 has been consolidated with Appeals Procedures section and cross-referenced.

<sup>468</sup> Current 10-11-4.

(c) **General Variance Criteria**

- (i) The Board of Adjustment may authorize variances where due to exceptional and extraordinary circumstances, literal enforcement of the provisions of this Title will result in unnecessary hardship.<sup>469</sup>
- (ii) No variance shall be authorized unless the Board finds that all of the following conditions exist:
  - a. 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;
  - b. 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;
  - c. That the variance is the minimum that will afford relief and is the least possible modification to the provision in question;
  - d. That the variance will not adversely affect the public health, safety and welfare;
  - e. 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.

(d) **Limited Authority**

Nothing herein contained shall be construed to empower the Board of Adjustment to change the provisions of this Title 10, 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.

(e) **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 Section 10-5-3(M).

**2. Special Provisions for Variances for Qualified Individuals With Disabilities<sup>470</sup>**

Upon compliance with all of the other provisions as they relate 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 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.

<sup>469</sup> Relocated from current section 10-11-1(B)

<sup>470</sup> Current Section 10-11-1.5. Subsections 10-11-1.5 (A and (B) relocated to Definitions Section.

- (a) In considering the reasonableness of any requested accommodation, the board may consider such matters including, but not necessarily limited to, the following:
  - (i) The nature of the individual's disability;
  - (ii) 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;
  - (iii) Whether the requested variance reasonably relates to the individual's ability to use and enjoy a dwelling;
  - (iv) The negative impacts or hardships placed on adjoining properties or property owners should the individual's request be granted; and
  - (v) 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.
- (b) Nothing in this Section 10-5-3(L) 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.

### **3. Special Provisions for Landscaping Variances<sup>471</sup>**

#### **(a) Variances Outside PD and PDO Zones**

Administrative variances to the unobstructed open space requirements of Chapter 10-2 (Zoning Districts) or Section 10-4-1 (Dimensional Standards) and to the Use-specific Standards applicable to an accessory use or structure may be granted as a component of SDP approval provided the following conditions are met:

- (i) The SDP is not located in a PD zone or PD Overlay zone.
- (ii) All applications for variances shall be filed, processed and reviewed in conformance with Sections 10-5-2(C) and 10-5-3(D).
- (iii) 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 Section 10-4-5.
- (iv) The essential character of the neighborhood in which the property is located will not be altered.
- (v) Adequate screening of conflicting land uses will be preserved.
- (vi) 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.
- (vii) The size of plants to be planted or relocated shall be increased by doubling the minimum sizes required by Section 10-4-5(D)2.

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<sup>471</sup> Current Section 10-5-13

**(b) Variances in PD and PDO Zones**

Amendments pertaining to landscape plans submitted with a general PD plan or final PD plan shall be processed in conformance with Sections 10-5-3(B)5. In the event an administrative amendment is granted, the provisions of subsection 3(a) above shall also apply.

**4. Special Provisions for Sign Variances<sup>472</sup>**

**(a) Criteria**

In every case in which a request for a variance from the requirements of Section 10-4-7 (Sign Standards) has been filed, the Board of Adjustment shall not grant a variance unless it specifically finds each and every one of the following conditions to exist:

- (i) There are special circumstances or conditions such as:
- (ii) 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; and
- (iii) 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.
- (iv) The variance would be in general harmony with the purposes of Section 10-4-7 (Sign Standards), 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.
- (v) The variance is the minimum one necessary to permit the applicant to reasonably draw attention to his business or enterprise.

**(b) Conditions**

The Board of Adjustment 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 Section 10-4-7.<sup>473</sup>

**5. Special Provisions for Flood Plain Variances<sup>474</sup>**

The Planning Board may grant, in specific cases, variances to the requirements of Section 10-4-3 (Floodplain Regulations) that do not conflict with the public interest.

**(a) Application**

Any person requesting a variance to the requirements of the floodplain regulations in Section 10-4-3 shall file an application which shall conform to the requirements of Sections 10-5-2 and 10-5-3(G)1.

<sup>472</sup> Current 4-3-4-4. Fee provisions not carried over because covered by Common Procedure.

<sup>473</sup> Current Section 4-3-4-5

<sup>474</sup> Current 10-6-9(B) through (H); materials have been reordered for parallel structure. **Staff:** Please clarify whether a Flood Plain Variance Board exists.

**(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 planning board public hearing date.

**(c) Administrator Action**

The application shall be reviewed by the administrator, who shall forward a recommendation to the board based on compliance with the applicable requirements of this code.

**(d) Presentation of Evidence and Testimony**

All evidence and testimony shall be presented publicly. The board may also consider any relevant facts personally known to any member of the board provided, such facts are stated into the record.

**(e) Criteria**

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 planning board finds that the following conditions exist:

- (i) Variances shall not be issued within any designated floodway if any increase in base flood elevation would result;
- (ii) Variances may be issued for new construction and substantial improvements on lots of one-half ( $\frac{1}{2}$ ) 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.
- (iii) Variances shall only be issued upon determination that the variance is the minimum necessary to afford relief considering the flood hazard.
- (iv) Consideration shall be given by the board to all relevant technical data, and to the factors stated in Section 10-5-2(K)7(b).
- (v) Variances may be issued for the preservation, rehabilitation or restoration of historic structures without regard to the procedures set forth in the remainder of Section 10-5-3(J).

**(f) Filing of all Actions**

All actions by the board 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 board. Any action to approve a variance shall be reported to FEMA.

**(g) Notice to Applicant**

- (i) The applicant shall be notified in writing by the administrator that:
  - a. The approval of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance; and
  - b. Construction below the base flood elevation increases risks to life and property.
- (ii) Such notification shall be maintained with the permanent record of all variance actions as required above.

**6. Special Provisions for Lot Variances**

**(a) Applicability**<sup>475</sup>

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 (20) percent of the minimum lot requirements, established in Chapter 2 (Zoning Districts).

**(b) Limitations**

Variances granted under this provision shall be restricted to:

- (i) 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;
- (ii) Minimum lot width at the front setback line;
- (iii) Building setbacks for primary and accessory structures;
- (iv) Distribution of unobstructed open space adjacent to rights of way in commercial and industrial zone districts; and
- (v) Percentage of lots to be retained in unobstructed open space.

**(c) Criteria**

- (i) Any variance granted under the provisions of this subsection shall meet all of the following criteria:
- (ii) The variance will not alter the essential neighborhood character, nor will it substantially impair the permitted use or development of adjoining property;
- (iii) The variance shall be the minimum necessary to grant relief from a demonstrated hardship;

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<sup>475</sup> Current 10-1-7(E).

- (iv) 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.

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## **(M)Vested Property Rights<sup>476</sup>**

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### **1. Intent**

The purpose of this section 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 Section 10-5-3(M), 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.

- (a) Enactment of this Section 10-5-3(M) 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.
- (b) 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 Section 10-5-3(M) and the Littleton Code. Approval of vested property rights, authorized by article 68 of title 24 Colorado Revised Statutes, or by this Section 10-5-3(M), 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.

### **2. 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

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<sup>476</sup> Current Section 10-13 et. seq.



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 Section 10-5-3(M), shall result in the forfeiture of any property rights which may have been vested hereunder.

### **3. 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 Section 10-5-3(M) 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 Section 10-5-3(M) have been met.

### **4. 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:
  - (i) Name, address and telephone number of the landowner.
  - (ii) North point, scale, and date.
  - (iii) Legal description.
  - (iv) Details of the proposed site development pursuant to Section 10-5-3(D)3, the existing zone district, and the name of the governing subdivision plat, if any. It is the specific intent of this Section 10-5-3(M) that the full requirements of Section

## 10-5-3: Specific Procedures

10-5-3(D)3 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 Section 10-5-3(M)6. 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.
- (v) 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.
- (vi) 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 \_\_, 20\_\_ .*

*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 \_\_, 20\_ , 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., 20\_ , in Book\_ , Map Reception No. \_.*

*County Clerk and Recorder*

*By:*

*Deputy Clerk and Recorder*

## **5. Submission, Notice, and Public Hearing Requirements**

### **(a) General**

Vested property rights, which may be applied for under this Section 10-5-3(M) by the landowner, are created only by the Council after conduct of a duly advertised public hearing pursuant to this Section 10-5-3(M); 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:

- (i) Fifteen (15) copies of the purposed vesting plan as described in Section 10-5-3(M)4(b);
- (ii) Fifteen (15) copies of the completed application form, described in Section 10-5-3(M)4(a), signed by the landowner;
- (iii) Three (3) copies of a drainage study completed in accordance with requirements of the City Engineer; and
- (iv) Payment of the required application fee which shall be established by resolution of the Council.

### **(c) Submission Deadline**

- (i) 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

- (ii) 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**

(i) **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 3 x 4) ft. in size, supported by corner posts, with the bottom of the sign at least four (4) ft. above ground level. Letters shall be at least one (1) in. 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), 20(Yr). ALL THOSE WISHING TO BE HEARD SHOULD BE PRESENT AT THE TIME AND PLACE STATED ABOVE.

LANDOWNER

(ii) **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), 20(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

**(iii) Compliance**

The landowner shall submit to the director, not less than seven 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.

**(e) Public Hearing Procedure**

- (i) 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.
- (ii) Conduct of the public hearing shall be in accordance with rules of procedure adopted by the council.
- (iii) 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.
- (iv) Any action by the council shall be considered final and subject only to judicial review and all rights of referendum.

**6. Effective Date of Approval; Expiration**

**(a) Effective Date of Approval**

- (i) 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.
- (ii) 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 \_\_, 20\_\_, 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 \_, 20\_ .

Name of Landowner

**(b) Expiration**

Any vested property rights which may have been approved pursuant to this Section 10-5-3(M) shall be deemed to have expired and/or terminated should any of the following occur:

- (i) 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;
- (ii) Failure by the landowner to conform with the terms and conditions of the vesting plan approved by the council; or
- (iii) 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.

**7. 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 manmade 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.

**8. 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 Section 10-5-3(M) to be submitted for original approval. No extension shall be granted by the council for a period greater than one year.

## 10-5-4: Enforcement, Violations, and Penalties

**(b) Amendments**

- (i) 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.
- (ii) All other applications for amendment to the approved vesting plan must be submitted and reviewed under the same procedures set forth in this Section 10-5-3(M) as required for original approval.
- (iii) 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.

**9. Unconstitutionality**

Nothing in this Section 10-5-3(M) is intended to create any vested property rights. Pursuant to Section 10-5-3(M)1, this Section 10-5-3(M) 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 Section 10-5-3(M) shall be deemed to be repealed and the provisions hereof shall no longer be in effect.

**10-5-4 Enforcement, Violations, and Penalties****(A) Enforcement Authority<sup>477</sup>**

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 10, 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

<sup>477</sup> Current 10-1-7(A).

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 10. 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 10.

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## **(B) Violations and Additional Remedies<sup>478</sup>**

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### **1. Violations**

- (a) It shall be unlawful for any person to violate any of the provisions of this Title 10. Any person who is found guilty, pleads guilty or no contest to a violation of any section of this Title 10 shall be punished as provided for in Section 1-4-1 of the Littleton Code and this Section 10-5-4 (Enforcement, Violations, and Penalties).
- (b) No owner or agent of the owner of any land shall transfer, sell, agree to sell or offer to sell any land by reference to or by use of a plan or plat of a subdivision before such plan or plat has been approved in accordance with the provisions of this Title 10 and recorded with the county clerk and recorder. Each transaction involving any single lot, or interest therein, shall be deemed a separate violation of the terms of this provision. Nothing herein contained shall prevent the City from seeking other relief, such as injunctive relief, against violation or proposed violation of the subdivision regulations and procedures in this Title 10.
- (c) No building permits shall be issued for the construction or alteration of any structure on any property unless a plat of such property has been prepared, approved and recorded in accordance with the requirements of this Title 10, except as exempted in Section 4-1-9 of the Littleton Code.

### **2. Additional Remedies**

In the event that any structure or land is found to be in violation of this Title 10, 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 10.

### **3. Offenses And Liabilities Preserved**

All offenses committed and all liabilities incurred prior to the effective date of this Title 10 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.

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<sup>478</sup> Combines current Sections 10-1-4 and 11-1-4.



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**(C) PD Plan and PDO Plan Enforcement**<sup>479</sup>

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**1. General PD Plan or General PDO Plan**

An approved general PD plan or approved general PDO plan shall bind the development of the subject property regardless of any change in ownership of that property.

**2. Final PD Plan or Final PDO Plan**

- (a) Adequate assurance shall be required to ensure that common open space and/or facilities will be provided as shown on the final PD plan or final PDO plan.
  - (i) 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.
  - (ii) 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.
  - (iii) 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.
- (b) 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 or final PDO plan, which plan shall stipulate that such improvements shall be completed in the same proportion as that particular phase is of the entire development.
- (c) 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.

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**(D) Historic Preservation Enforcement and Penalties**<sup>480</sup>

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- 1. No person shall violate or permit to be violated any of the requirements of Section 10-5-3(H) or the terms of a certificate of historic appropriateness.
- 2. Violations of Sections 10-4-8(Historic Preservation Standards) or 10-5-3(H) (Historic Preservation Procedures) are punishable as provided in Section 1-4-1 of the Littleton Code.
- 3. In addition:
  - (a) Alterations to a designated historic landmark or historic district without an approved certificate of historic appropriateness will result in a one year moratorium on all building permits for the subject property;

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<sup>479</sup> Combines current 10-9-12 and 10-2-23(G).

<sup>480</sup> Current Section 4-6-20.

- (b) Moving or demolishing or allowing demolition by neglect of a designated structure without an approved certificate of historic appropriateness will result in a five (5) year moratorium on all moving, demolition, or building permits for the structure and for the property at the structure's original location.
- (c) In addition to the other remedies provided in this Section 10-5-4, the city attorney may commence an action at law or equity in any court of competent jurisdiction to enforce the provisions of Section 10-5-3(H).

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## **(E) Sign Regulation Enforcement and Violations<sup>481</sup>**

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### **1. Inspections and Maintenance**

#### **(a) Inspections**

All signs shall be subject to inspections by the Building Inspector and all other persons duly authorized for such purposes under the ordinances of the City.

#### **(b) Maintenance**

- (i) 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.
- (ii) 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.
- (iii) The Building Official 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.

### **2. Signs Declared Nuisance**

The Building Official may declare any sign found by him 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.

- (a) Any such declaration shall state the reasons of the Building Official for such declaration.
- (b) 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 sign code, is hereby declared to be a public nuisance.
- (c) The Building Official 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 sign code.

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<sup>481</sup> Current Sections 4-3-3-4(B) – (O).

### **3. Abatement Process**

#### **(a) Service of Declaration of Nuisance**

- (i) The Building Official shall serve a copy of a Declaration of Nuisance upon the owner of the sign and the person entitled to the possession of the premises upon which the sign is located, together with a notice requiring the owner or person entitled to possession of the building or premises, within forty eight (48) hours, to commence either the required repairs or improvement, or the demolition and removal of the sign declared to be a public nuisance; and such repair, improvement or demolition and removal shall be completed within thirty (30) days from the date of notice, unless otherwise stipulated by the Building Official.
- (ii) Service of such notice and declaration shall be by personal service upon the person entitled to possession, if he shall be found within the City limits; but if he shall not be found within the City limits, such service may be made upon him by registered mail or certified mail, return receipt requested; provided, that if such notice is by registered mail or certified mail, return receipt requested, the designated period within which said person is required to comply with the order of the Building Official shall commence three (3) days following the day of mailing of such notice.
- (iii) If the owner of the premises shall not be the same person as the person entitled to possession of the premises, a true copy of such declaration and notice shall also be mailed to said owner by certified or registered mail at the address shown upon the tax rolls of the County.
- (iv) If the owner of the sign shall not be the same person as the person entitled to possession of the premises, a true copy of such declaration and notice shall also be mailed to said owner by certified or registered mail at his last known address.
- (v) The notice given by the Building Official shall state not only the remedial action required to be taken, but shall also state that if such action is not taken within the time limits set forth in this Section 10-5-4(E), the cost of demolition and removal may be assessed against the property on which the sign is located, together with an additional five (5) percent for inspection and incidental costs and an additional ten (10) percent penalty for cost of collection, and collected in the same manner as real estate taxes against the property.

#### **(b) Failure to Comply with Declaration of Nuisance Notice**

- (i) In the event that the owner of the premises, or person entitled to possession, or the owner of the sign, shall fail, neglect or refuse to comply with the notice to repair, rehabilitate or demolish the sign declared to be a nuisance, the owner of the sign, the owner of the premises upon which the sign is located, and the person entitled to possession thereof (if other than the owner of the premises), or all or any of them, may be prosecuted for violation of the sign regulations and procedures in this Title 10; and the Building Official may demolish and remove the sign declared to be a public nuisance.
- (ii) If it shall be necessary for the Building Official to demolish and remove any sign pursuant to the provisions hereof, the Building Official shall certify to the City

Clerk the legal description of the property upon which the work was done, together with the name of the owner thereof, as shown by the tax rolls of Arapahoe County, together with a statement of work performed, the date of performance and the cost thereof.

- (iii) Upon receipt of such a statement, the City Clerk shall mail a notice to the owner of said premises as shown by the tax rolls, at the address shown upon the tax rolls, by first class mail, postage prepaid, notifying such owner that work has been performed pursuant to this Section 10-5-4(E), stating the date of performance of the work, the nature of the work, and demanding payment of the cost thereof (as certified by the Building Official), together with five (5) percent for inspection and other incidental costs in connection therewith. Such notice will state that if said amount be not paid within thirty (30) days of mailing the notice, it shall become an assessment upon and a lien against the property of said owner, describing the same, and will be certified as an assessment against such property, together with a ten (10) percent penalty, for collection in the same manner as the real estate taxes upon the property.
- (iv) If the Clerk shall not receive payment within the period of thirty (30) days following the mailing of such notice, the Clerk shall inform the City Council of such fact and the Council shall thereupon enact an ordinance assessing the whole cost of such work, including five (5) percent for inspection and other incidental costs in connection therewith, upon the lots and tracts of land from which the sign has been removed, and together with a ten (10) percent penalty for cost of collection.

(c) **Collection of Penalty**

- (i) Following passage of such ordinance upon second reading, the Clerk shall certify the same to the County Treasurer, who shall collect the assessment, including the ten (10) percent penalty for cost of collection, in the same manner as other taxes are collected.
- (ii) 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.
- (iii) 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 Building Official.

**4. Remedies Not Exclusive<sup>482</sup>**

In the event that any sign shall be declared a public nuisance by the Building Official, 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 Section 10-5-4, 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.

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<sup>482</sup> Current Section 4-3-3-7

## **5. Violations<sup>483</sup>**

When it is the opinion of the Building Official that a violation of Section 10-4-6 exists, he shall issue a written order to the alleged violator.

- (a) The order shall specify those Chapter sections of which the individual is alleged to be in violation.
- (b) The written order shall specify a period of not less than three (3) hours or more than ten (10) days from the date of the order to correct the alleged violation.
- (c) The time specified in the order shall depend on the difficulty of removing the unlawful sign.

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<sup>483</sup> Current Section 4-3-4-1

## Chapter 6: Nonconformities

### 10-6-1 Nonconforming Uses<sup>484</sup>

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#### (A) Declaration of Public Policy

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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.

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#### (B) Enlargement

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The area occupied by a nonconforming use within an existing structure or on a tract of land may not be enlarged or extended.

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#### (C) Termination

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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 (50) percent of the replacement cost of the structure on the date on which the damage occurred.

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#### (D) Landscaping<sup>485</sup>

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There may exist developments of land which were legal prior to the adoption of this Title 10, 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 Title 10.

### 10-6-2 Nonconforming Structures<sup>486</sup>

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#### (A) Applicability

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A nonconforming structure may be occupied, operated and maintained.

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<sup>484</sup> Combines provisions from current 10-5-12 and 10-10-1.

<sup>485</sup> Relocates current section 10-5-12. No change in content.

<sup>486</sup> Current 10-10-2.

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**(B) Enlargement**

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Nonconforming structures shall not be enlarged or extended unless the improvements are made in compliance with all of the applicable requirements of this Code.

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**(C) Termination**

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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 (50) percent 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 (50) percent of the replacement cost of such structure as of the date of the official order.

### 10-6-3 Nonconforming Lots

[TO BE ADDED]<sup>487</sup>

### 10-6-4 Nonconforming Site Features

[TO BE ADDED]

### 10-6-5 Nonconforming Signs<sup>488</sup>

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**(A) Declaration of Public Policy**

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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.

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**(B) Continuance of Nonconforming Signs**

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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 Title 10 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.

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<sup>487</sup> [To Be Added] Notes indicate sections where the February 2015 Littleton Zoning Ordinance Assessment and Annotated Outline indicated that the reorganized zoning ordinance should have content, but that the current Littleton Zoning Ordinance does not address. These sections will be added in later phases of the Littleton Zoning Ordinance update process.

<sup>488</sup> Current 4-3-3-3.

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.

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### **(C) Termination of Nonconforming Signs**

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#### **1. Abandonment**

Abandonment of such nonconforming sign shall terminate immediately the right to maintain such sign.

#### **2. Violation of Nonconforming Sign Provisions**

Any violation of this Section 10-6-5 shall terminate immediately the right to maintain a nonconforming sign.

#### **3. 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 (50) percent 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. Amortization**

The right to keep, own, use, maintain or display signs prohibited by the terms of this sign code 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:
  - (i) 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 (60) percent 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.



10-6-6: Nonconformity with Floodplain Regulations<sup>489F</sup>

- (ii) 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.

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**(D) Nonconformity with Floodplain Regulations<sup>489</sup>**


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**1. Applicability**

The existing use of a structure or property which is not in conformance with the floodplain regulations of Section 10-4-2 may be continued subject to the conditions listed in subsection 2 below.

**2. 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 Section 10-4-2.

**10-6-6 Nonconformity with Floodplain Regulations<sup>490</sup>**

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 regulations of Section 10-4-3.

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<sup>489</sup> Current 10-6-10.

<sup>490</sup> Current 10-6-10.

## Chapter 7: Definitions and Rules of Construction

### 10-7-1 Rules of Construction

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#### (A) In General

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[TO BE ADDED]

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#### (B) For Sign Regulations<sup>491</sup>

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The words and terms defined, interpreted or further described in Section 10-4-7 shall be construed as follows. In the event of a conflict between these rules of construction and the general rules of construction in subsection (A) above in the application and enforcement of Sign Regulations, the provisions of this subsection (B) shall apply.<sup>492</sup>

1. The particular controls the general.
2. The present tense includes the future tense.
3. Words used in the singular number include the plural, and words used in the plural number include the singular, unless the context clearly indicates to the contrary.
4. The word "shall" is mandatory and the word "may" is permissive.
5. The word "person" includes firm, association, organization, partnership, trust, company or corporation as well as an individual.

### 10-7-2 Rules of Measurement

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#### (A) Signs<sup>493</sup>

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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.

1. 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.

2. Signs Without Backing

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<sup>491</sup> Current 4-3-1-3.

<sup>492</sup> New sentence to clarify intent.

<sup>493</sup> Current 4-3-3-1.

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.

3. 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.

### 10-7-3 General Definitions<sup>494</sup>

The following listed specific words and terms are defined as follows. Definitions of permitted uses are contained in Section 10-7-4 below.

#### Adaptive Reuse

The reuse of an existing structure for a purpose other than its original intended use; reuse should maintain the exterior architectural feature(s) of the structure.

#### Alteration

Any act defined as an alteration in the building codes adopted in Title 4, Chapter 1.

#### 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.

#### Architectural and/or Historic Significance

That which has a special historic or aesthetic interest or value as part of the development, heritage, cultural or historic character of the city, region, state or nation.

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<sup>494</sup> Consolidates definitions from all portions of the current Municipal Code now included in this Unified Zoning Ordinance, including but not limited to current 4-3-1-4 and 4-3-3-3(B) (Sign Code Definitions), 4-6-3 (Historic Preservation Definitions), 11-7-2 (Capital Facilities Impact Fee Definitions), Where a term defined for one purpose could be interpreted as applying in other (unintended) situations, a phrase clarifying the current applicability of the term has been added.

### **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.

### **Billboard**

A flat surface, as of a panel, wall or fence on which signs are posted advertising a business, product or service not available on the premises.

### **Board**

The city's historical preservation board as created in Section \_\_\_\_ [4-6-6].

### **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. (See Chapter 1 of this Title 10 and Chapter 1 of Title 4 of the Littleton Code.)

### **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.)

### **Building Inspector**

The city officials charged with the responsibility of administering and enforcing those building codes adopted by the city.

### **Building Official**

The City Manager or his authorized representative charged with the administration of the City's building permit regulations.

### **Bulletin Board**

A sign used for the purpose of notification to the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.

### **Capital Facility Classification**

Each separate municipal capital facility area for which the capital facility impact fee is charged, including library, museum, facilities, police, fire and transportation.

### **Capital Facility Impact Fee**

The fee charged in accordance with Section 10-5-2(G).

### **Certificate of Demolition**

The official document approving an application for a permit for the total demolition of a historic landmark or of a contributing property or noncontributing property within a historic district.

### **Certificate of Economic Hardship**

The official document granted by the board authorizing the work described in a denied application for a certificate of historic appropriateness or a certificate of demolition.

### **Certificate of Historic Appropriateness**

The official document approving an application for a permit for the erection, partial demolition, moving, reconstruction, restoration or alteration of any structure, site or object in a historic district or designated as a historic landmark.

### **Certified Local Government or CLG**

For purposes of historic preservation regulations, a local government that has been certified to carry out the purposes of the national historic preservation act, as amended, 16 USC 470(a).

### **Changeable Copy Sign**

A sign on which the copy changes automatically on a lampbank or through mechanical means, e.g., electronic time and temperature units.

### **Community Development**

The city's Department of Community Development.

### **Compatible**

For purposes of historic preservation regulations, the term "compatible" shall mean consistent with, harmonious with, and/or enhances the mixture of complementary architectural styles either of the architecture of an individual structure or the character of the surrounding structures.

### **Contributing Property**

A site, structure, or object within a historic district that is determined to be historically significant. It is so because it was: a) present during the period of significance and possesses sufficient integrity to convey its history, or b) independently meets the criteria for landmark designation. A contributing property may have experienced some degree of alteration from its original design, yet retains sufficient building fabric to still be considered contributing.

### **Cultural Landscape**

A geographic area (including both cultural and natural resources and the wildlife or domestic animals therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values.

### **Demolition**

For purposes of historic preservation regulations, any act or process which destroys, in part or in whole, the historic integrity of a structure, or otherwise alters the structure so that it no longer qualifies as a historic landmark or a contributing property within a historic district. "Partial demolition" is demolition that results in the destruction of less than fifty (50) percent of the external walls of a structure. "Total demolition" is demolition that results in the destruction of fifty (50) percent or more of the external walls of a structure.

### **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.

### **Development and Developed Property**

For purposes of the Capital Facility Impact Fee, the construction, existence or the intensification of any structure attached to real property.

### **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.

### **Directional Sign**

Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot.

### **Director**

The city's director of community development or his or her designee.

### **Display Surface or Face**

The display surface is the area made available by the sign structure for the purpose of displaying the advertising message, or which is intended to draw attention to the advertising message.

### **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.

### **Downtown**

When used in connection with lighting regulations, 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.

### **Downtown**

When used in connection with the main street historic district grant fund, "downtown Littleton" means the area bounded by Santa Fe Drive on the west, the railroad depression on the east, W. Church Avenue on the south and W. Crestline Avenue on the north.

### **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.

### **Exterior Architectural Features**

For purposes of historic preservation regulations, the architectural style and general arrangement of the exterior of the structure including type and texture of the building materials and including all windows, doors, lights, signs and other fixtures appurtenant thereto.

### **Exterior Wall Surface**

For purposes of sign regulation, the most exterior part of a wall, sun screen or any screening or material covering a building.

### **External Improvements**

For purposes of historic preservation regulations, any structure, place, work of art, natural feature, landscape element or other object constituting a physical change of real property and/or improvements which are visible from a public way or adjoining properties.

### **Fixture**

When used in connection with lighting regulations, the complete lighting unit assembly consisting of a lamp, or lamp and ballast, reflectors, lens, diffusers and exterior casing or housing.

### **Flashing Signs**

Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

### **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.

### **Good Repair**

For purposes of historic preservation regulations, a condition which not only meets minimum standards of health and safety but which also guarantees continued structural soundness and continued usefulness.

### **Grade**

For purposes of sign regulation, 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.

### **Historic Designation**

The formal recognition of a historic structure, site, or district.

### **Historic District**

A geographically definable area including a concentration, linkage or continuity of subsurface sites, cultural landscapes, buildings, structures, and/or objects.

### **Historic Landmark**

Any resources of this city, at least forty (40) years old, both public and private, including buildings, homes, replicas, structures, objects, properties, cultural landscapes or sites that have importance in the history, architecture, archeology, or culture of this city, state or nation, as determined by the board and having received a historic designation.

### **Historic Site**

A landscape significant for its association with a historic event, activity or person.

### **Historical Museum**

The city's historical museum.

### **Holiday Lighting**

Temporary lighting on buildings, landscaping or poles which are associated with a specific holiday.

### **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).

### **Illuminated Sign**

A sign lighted by or exposed to artificial lighting either by lights on or in the sign or directed toward the sign.

### **Internally Illuminated Panels**

When used in connection with lighting regulations, internally illuminated panels or decorations not considered signage in Section 10-4-7 (Sign Standards) including, but not limited to, illuminated canopy margins, light bands, or panels located on a building, post or private monument.

### **Joint Identification Sign**

A sign which serves a common or collective identification for two (2) or more business or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof, or may serve as general identification only for such developments as shopping centers, industrial parks and the like.

### **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 manmade light.

### **Light Trespass**

The amount of light directly illuminating adjacent property or uses.

### **Lot**

For purposes of sign regulation, a tract, building site, 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.

### **Louthan Heights Historic District**

The historic district described in Section 4-6-4 with a period of significance beginning in 1921 and extending through 1929.

### **Lumen**

The amount of light energy emitted from a lamp or light source.

### **Luminaire**

See definition of Fixture.

### **Main Street Historic District**

The historic district described in Section 4-6-5 with a period of significance beginning in 1870 and extending through 1970.



### **Maintenance and Repair**

For purposes of historic preservation regulations, any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration, decay of, or damage to a structure or any architecturally significant part thereof and to restore or replace, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

### **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.

### **Mixed Use Development**

Development that combines residential development and nonresidential development on the same real property.

### **Monument**

When used in connection with lighting regulations, A statue, column, war memorial or other commemorative structure, as defined by the director of community development, located on public property.

### **New Business Sign**

A third party type sign used to advertise and give directions to a new or relocated business which has been located or established, within thirty (30) days of the request for the sign.

### **Nonconforming Signs<sup>495</sup>**

A nonconforming sign shall be any sign which:

- (A) On the effective date hereof<sup>496</sup> 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 Section 10-4-7 for the district in which the sign is located; or
- (B) On or after the effective date hereof was lawfully maintained and erected in accordance with the provisions of Section 10-4-7, but which sign, by reason of amendment to this Title 10 after the effective date thereof, does not conform to the limitations established by the amendment to this Section 10-4-7 in the district in which the sign is located.

### **Noncontributing Property**

A site, structure or object within a historic district which does not possess sufficient significance because it: a) lacks sufficient integrity to convey its history, or b) was not present during the period of significance.

### **Nonresidential Development**

The principal use of developed property as other than single-family residential or multi-family residential development and includes without limitation motels, hotels, resorts, nursing homes and bed and breakfasts.

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<sup>495</sup> From current 4-3-3-3(B).

<sup>496</sup> **Staff:** We need to insert the effective date of this provision.

### **Opt In Boundary**

For purposes of historic preservation regulations, the boundary shown on the map of the Main Street historic district and is attached as exhibit B to the ordinance codified herein. Properties not in the Main Street historic district, but in the opt in boundary of the Main Street historic district, may elect to be included in the Main Street historic district pursuant to the procedure outlined in Section 4-6-5.

### **Outdoor Eating Area**

When used in connection with lighting regulations, the outdoor area associated with a restaurant or eating establishment, including rooftop dining areas, as allowed by all applicable codes and ordinances.

### **Outdoor General Advertising Device**

A sign relating to products, services or uses not on the same lot.

### **Period of Significance**

For purposes of historic preservation regulations, the span of time in which a group of properties within a proposed or existing historic district attained the significance for which they meet the historic district criteria.

### **Permanent Attachment of Signs**

Roof, marquee, arcade, wall, projecting and ground signs shall be considered permanently attached signs.

### **Portable Sign**

A sign that is not permanently affixed to a building, structure or the ground.

### **Preservation**

For purposes of historic preservation regulations, the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic landmark.

### **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 Art**

Artwork located on public property.

### **Reconstruction**

For purposes of historic preservation regulations, the act or process of depicting, by means of new construction, the form, features, and detailing of a nonsurviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

### **Rehabilitation**

For purposes of historic preservation regulations, the act or process of making a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historic, cultural or architectural values.

### **Residential Development**

Multi-family residential development or single-family residential development.

### Restoration

For purposes of historic preservation regulations, the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from other periods in its history.

### Roadways

When used in connection with lighting regulations, those 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.

### Roof Line

For purposes of sign regulation, the highest point on any building where an exterior wall encloses usable floor area including roof area provided for housing mechanical equipment.

### Roof Sign

Roof sign shall mean a sign erected upon or above the roof line or parapet of the building or structure.

### Safe Environment

When used in connection with lighting regulations, 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.

### Sign

A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, fixtures, designs, symbols, fixtures, colors, motion, illumination or projected images. Signs do not include the following:

- (A) Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes or to identify streets or to warn of danger.
- (B) Works of fine art which in no way identify or advertise a product or business.
- (C) Temporary decoration or displays, when such are clearly incidental to and are customarily and commonly associated with any national, local or religious holiday or celebration.
- (D) Temporary or permanent signs erected by public utility companies or construction companies to warn of dangerous or hazardous conditions.
- (E) Merchandise, pictures or models of products or services which are incorporated in a window display.
- (F) Scoreboards located on athletic fields which in no way identify a product or business.

- (G) Traffic-control signs and devices privately owned and containing messages such as "exit only", "restricted for ", and the like, the sole purpose of which is to direct and control traffic and which does not exceed twenty feet (20') in height nor contain more than twelve (12) square feet per face.
- (H) Signs located on vehicles which are merely incidental to the use of the vehicle such as the name of a business appearing on an automobile or truck.
- (I) Clocks or digital time devices which are installed in towers or similar structures and are part of the building structure itself. Any such movement of said devices shall be restricted to the changing of time.

#### **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.

#### **Sign Permit**

A building permit issued for the erection, construction, enlargement, alteration, repair, moving, improvement, removal, conversion or demolition of any sign, issued pursuant to the building code of the City.

#### **Sign Structure**

Sign structure shall mean any supports, uprights, braces and framework of the sign which does not include any portion of the sign message.

#### **Sign With Backing**

Any sign that is displayed upon, against, or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

#### **Sign Without Backing**

Any work, letter, emblem, insignia, figure of similar character or group thereof, that is neither backed by, incorporated in or otherwise made part of any larger display area.

#### **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).

#### **Street Front**

For purposes of sign regulation, any boundary line of a lot or parcel of land that runs parallel to and within twenty (20) feet of the right of way of a street or highway designated and assigned an individual name or number by the legislative action of the Municipality.

#### **Street Property Line**

For purposes of sign regulation, a common boundary between private property and a dedicated street or alley.

### **Subdivision Identification Sign**

A sign identifying a subdivision wherein only the name of the subdivision is specified.

### **Temporary Sign**

A temporary sign shall be a sign which is not permanently affixed to the structural portion of a building and which shall not remain in place for a period in excess of six (6) months.

### **Third Party Sign**

Any sign which advertises or directs attention to a business, commodity, service or activity conducted, sold or offered elsewhere than on the lot on which said sign is located.

### **Time and/or Temperature Devices**

Signs consisting of devices which provide time and/or temperature information only.

### **Uninhabitable Area**

For purposes of the Capital Facility Impact Fee, a room that has a six (6) ft. or less floor to ceiling height, or a room housing mechanical or electrical equipment that serves the building, with less than three (3) ft. of clearance in any dimension between the equipment (except supply and return air ducts and wiring) and the adjacent wall.

### **Uplighting**

Light emitted above the lens of a fixture or luminaire as defined in the luminaire classification system.

### **Use By Right**

The primary permitted use or accessory use as defined by the Zoning Ordinance of the City.

### **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 which call attention to a project or service, fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

### **Window**

For purposes of sign regulation, 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 of a temporary nature 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.

## **10-7-4 Land Use Definitions**

Permitted, Conditional, Accessory, and Temporary Uses listed in Table 10-3-1 (Permitted Use Table) are defined in this section. Definitions of other terms used in this Ordinance are contained in Section 10-7-3 above.

## 10-7-4: Land Use Definitions

**Accessory Use or Structure**<sup>497</sup>

A use or structure that is:

1. Clearly incidental to, and commonly associated with, the primary permitted use or primary structure on the lot;
2. 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. Does not include structures or structural features inconsistent with the primary structure;
4. Does not include residential occupancy; and
5. If operated partially or entirely within any primary structure, does not occupy more than 50 percent of the gross floor area of that structure. If operated outside the primary structure, does not occupy more than 10 percent of the area of the lot.

**Adult Entertainment**<sup>498</sup>

An adult arcade, adult cabaret, adult motel, adult motion picture theater, adult theater, or an adult model studio, as those terms are defined below. The definition "Adult Entertainment" shall not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the State engages in medically approved and recognized sexual therapy.

**Adult Arcade**

Any place to which the public is permitted or invited, in which coin-operated, token-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to 5 or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."

**Adult Cabaret**

A nightclub, bar, restaurant, or similar commercial establishment that regularly features persons who appear in nude or semi-nude; or live performances characterized by the exposure of specified anatomical areas; or films, motion pictures, videocassettes, slides or other photographic reproductions characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas".

**Adult Model Studio**

A commercial establishment that regularly features a person(s) appearing nude or semi-nude to be observed, sketched, drawn, painted, sculptured, or photographed by other persons who pay money or any form of consideration, but shall not include a school or educational institution licensed by the State of Colorado or a college, junior college or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

**Adult Motel**

A hotel, motel, or similar commercial establishment, that offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions characterized by the exhibition or

<sup>497</sup> Current 10-4-4. Maximum lot coverage reduced from 50% to 10%.

<sup>498</sup> Combination of current definitions "Adult Arcade," "Adult Business," "Adult Cabaret," "Adult Motel," "Adult Motion Picture Theater," "Adult Theater," and "Nude Model Studio" from current 3-14-2 of City Code. Nude model studio renamed to adult model studio.

## 10-7-4: Land Use Definitions

display of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way that advertises the availability of this type of photographic reproductions; and either (a) offers a sleeping room for rent for less than 10 hours, or (b) allows a tenant or occupant of a sleeping room to sublease or sublet the room for less than 10 hours.

**Adult Motion Picture Theater**

A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

**Adult Theater**

A theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or semi-nude, or live performances characterized by the exposure of "specified anatomical areas".

**Adult Retail Sales**<sup>499</sup>

A commercial establishment that (a) devotes a significant or substantial portion of its stock-in-trade or interior floor space to; (b) receives a significant or substantial portion of its revenues from; or (c) devotes a significant or substantial portion of its advertising expenditures to the promotion of: the sale, rental or viewing (for any form of consideration) of books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, other visual representations, or retail goods which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas". An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as an adult retail establishment. Such other business purposes will not serve to exempt such establishment from being categorized as an adult bookstore, adult novelty store or adult video store so long as the provisions of this definition are otherwise met.

**Agriculture**<sup>500</sup>

The raising of food and feed crops and products, and including tree and vine products, animal husbandry including beekeeping, dairying, poultry, and pasturage, but excluding other uses such as abattoirs, commercial feedlots, and stockyards. This uses includes the ordinary accessory uses and structures for preparing, treating, and storing agricultural products, equipment and machinery, but does not include fat rendering, meatpacking, or tanning, cutting curing, cleaning or storing of green hides or skins, slaughtering or meatpacking of animals not raised on the premises, poultry dressing of animals not raised on the premises.

**Ambulance Service**<sup>501</sup>

Services provided by a licensed ambulance provider in the ground or air transportation of a sick or injured person in a specially designed and equipped vehicle as defined above, which includes a trained ambulance attendant who is licensed or certified as required by state law.

<sup>499</sup> Retitled from current "Adult Bookstore, Adult Novelty Store, or Adult Video Store" to cover the widening range of these products on the market.

<sup>500</sup> New definition for new use that replaces current "Raising of crops (limited to the use and consumption by occupants of premises)" and "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.")

<sup>501</sup> New definition for existing use.

## 10-7-4: Land Use Definitions

**Animal Boarding or Care, General**<sup>502</sup>

A facility that is licensed by the State of Colorado and that is maintained by or for the use of a licensed veterinarian in the diagnosis, treatment, and boarding of large animals (such as horses, cattle, and other farm animals) and small animals, and that may include secured outdoor areas. The facility may offer veterinary care, grooming, training, retail sales of pet supplies, day care and overnight boarding for animals permitted to be kept in the city. This use includes a kennel, but does not include a Commercial Stable, Beekeeping, or any other use listed separately in the Permitted Use Table.

**Animal Clinic, Small Animals**<sup>503</sup>

A facility that is licensed by the State of Colorado and that is maintained by or for the use of a licensed professional engaged in practicing veterinary medicine, dentistry, or surgery for companion animals where all services are performed or provided indoors. This use is limited to the treatment of companion animals such as dogs and cats, not farm animals or livestock. This use does not include a Commercial Stable, Beekeeping, or any other use listed separately in the Permitted Use Table. Animals shall not be bred, sold or let for hire from this facility. This use shall not include rescue shelters, impounded canines or fostering.

**Antenna (or Telecommunications Antenna)**

A transmitting and/or receiving device used in telecommunications that radiates or captures radio signals.

**Antenna Support Structure**

A conventional or monopole mast, guyed tower or similar upright structure, designed to withstand extreme lateral forces, which is primarily intended for supporting commercial mobile radio service (CMRS) antennas, and any ancillary utility structures. This use includes an Alternate Tower Structure, as defined below.

**Alternative Tower Structure**<sup>504</sup>

A manmade tree, clock tower, bell tower, telephone or power pole, light standard, electric transmission tower, or similar structure which is capable of being used as an alternative to conventional or monopole masts for the mounting of antennas that is compatible with its natural setting and surrounding structures, and which camouflages or conceals the presence of antennas. This definition includes any antenna or antennas attached to the alternative tower structure.

**Apiary**<sup>505</sup>

A place where one or more beehives are kept.

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<sup>502</sup> Definition revised to include animals larger than dogs and cats and to distinguish from other listed uses. Replaces large animal portion of "Treatment and boarding of large animals (such as horses, cattle and other farm animals) and small animals outside an enclosed structure".

<sup>503</sup> New definition for combined current uses, "Treatment and boarding of large animals (such as horses, cattle and other farm animals) and small animals outside an enclosed structure," "Treatment and boarding of small animals within enclosed structure," "Treatment of small animals and boarding only for treatment purposes," and "Outpatient treatment of small animals."

<sup>504</sup> Because it appears that alternative tower structures are not regulated significantly differently from other antenna support structures, we have combined these definitions.

<sup>505</sup> From current 10-4-14.



## 10-7-4: Land Use Definitions

**Artisan Fabrication and Sale<sup>506</sup>**

Application, teaching, making, or fabrication of crafts or products by an artist, artisan or craftsperson either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in non-industrial zoning districts such as welding and sculpting.

**Automobile Parking Garage or 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.

**Automobile Sales, Rental or Leasing<sup>507</sup>**

A lot, tract, or site where the primary use is the sale, rental, or leasing of two or more new or used automobiles. All automobiles offered for sale shall be mechanically operable and shall not be wrecked or similarly damaged. The business shall be operated out of a primary structure meeting all requirements of this Code and the City's adopted building codes.

**Automobile Service Station**

A commercial enterprise providing where the primary activity is the sales of motor vehicle fuels for automobiles and other light vehicles and equipment. This use shall include the provision of electric vehicle charging stations and/or liquefied natural gas or other automobile and light vehicle fuels. Accessory uses may include the sale of food, drink, and convenience goods and the performing of minor vehicle repairs such as mechanical repairs such as oil changes, lubrication, engine tune-ups, tire repairs, and muffler, shock absorber, or brake replacement, or similar repairs typically performed in less than 4 hours. This use does not include an automotive body shop engaged in in bodywork, painting, bodywork, any use included in the definition of Light Vehicle Repairs and Servicing, or a facility regularly engaged in the purchase and sale of automobiles and light vehicles.<sup>508</sup>

**Bar or Tavern<sup>509</sup>**

An establishment in which beer, wine, or liquor is sold by the drink to the general public and where food or packaged liquors may be served or sold as accessory to the primary use. This definition shall not include dancing facilities, a craft alcohol establishment, an adult cabaret, or an adult nightclub.

**Bed And Breakfast<sup>510</sup>**

An establishment operated in a structure originally designed as a private residence that provides temporary accommodations overnight guests for a fee, and at which a breakfast is provided to overnight guests as part of the accommodation fee.

**Beekeeper<sup>511</sup>**

Any person who owns or maintains a bee colony.

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<sup>506</sup> New definition for new use.

<sup>507</sup> New definition for new use that is a combination of current uses, "Sales of automobiles by licensed dealers," "Sales of new automobiles," and "Sales, leasing, rental or pawning of used motor vehicles."

<sup>508</sup> Definition expanded and clarified. Electric vehicle and alternative fuels are now included, convenience sales are now included, and repairs are limited to minor work.

<sup>509</sup> New definition for current use. **Staff:** Per our discussion, we merged the nightclub and bar/tavern definitions to include entertainment but not dancing, but we think this is a mistake. Although the group could not think of a bar that has dancing, many do. We suggest that the second sentence of this definition be deleted.

<sup>510</sup> New definition for current use.

<sup>511</sup> From current 10-4-14.

### **Beekeeping<sup>512</sup>**

The act of managing and maintaining Honey Bees in a Hive or Hives.

### **Brewery, Distillery, or Winery<sup>513</sup>**

An establishment where malt liquors, fermented malt beverages, wine, vinous liquors, spirituous liquors, or other alcoholic beverages are manufactured.

### **Campground or Travel Trailer Park<sup>514</sup>**

Any tract of land used or designed to accommodate temporary occupancy for recreational purposes including tents, camping or travel trailers, motor homes or other recreational equipment that includes living accommodations, and that areas generally retain the natural, open character of the land.

### **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.

### **Child or Adult Care Center**

Any facility operated to provide full or part time care for any number of children or adults that are elderly, handicapped, or disabled, in other than a residence, or that is staffed by persons who are not full time residents on site. This use does not include home child or adult care or child or adult care that is provided by an employer on the same premises as the business and solely for the benefit of the employees of that business.<sup>515</sup>

### **Club or Lodge<sup>516</sup>**

Private organizations of persons for special purposes, social/fraternal gatherings and events, or for the promulgation of sports, arts, literature, politics, or other common goals, interests, or activities. A private club or lodge is characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship. This use includes union halls and similar uses.

### **College or University<sup>517</sup>**

A permanent facility for the purpose of undergraduate and graduate instruction. The institution may be privately or publicly funded and may also include on-campus dormitories for enrolled students.

### **Collocation**

The siting of 2 or more telecommunication antenna arrays of similar or different technologies on the same antenna support structure, and that is designed to allow appropriate separation of antennas to eliminate radio frequency interference between telecommunications service providers.

### **Colony<sup>518</sup>**

In connection with beekeeping, a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

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<sup>512</sup> New definition for current use.

<sup>513</sup> Current definition of brewery expanded to cover all three uses.

<sup>514</sup> Wording expanded and clarified.

<sup>515</sup> Please confirm that you want to keep the last sentence. Many cities treat employer run accessory childcare uses the same as others. Excluding them from this definition (among other things) means lack of a license is not a Code violation.

<sup>516</sup> New definition for current use.

<sup>517</sup> New definition for current use.

<sup>518</sup> From current 10-4-14.

### **Commercial Laundry**<sup>519</sup>

An establishment engaged in dry-cleaning, laundry, and linen services for the public or for businesses or institutions. This use includes pressing, repair, and dry-cleaning primarily for pick-up from and distribution to customers located off-site.

### **Commercial Mobile Radio Service (CMRS)**

Low power wireless telecommunication services including, but not limited to, cellular, enhanced specialized mobile radio (ESMR), paging and personal communication systems, and point to point microwave.

### **Commercial Stable**<sup>520</sup>

Any place where horses, mules, or ponies are hired, bred, shown or boarded on a commercial basis. To include, but not limited to riding academies and horse training facilities.

### **Community Correctional Facility**

A facility that 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. This use does not include the county jail or any other general correctional institution.<sup>521</sup>

### **Correctional Institution**

A 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.

### **Craft Alcohol Establishment**

A brewery, distillery or winery that contains a tasting or retail sales room located in the same building as the manufacturing facility, and where food may be served or sold as accessory to the primary use.

### **Crematorium**<sup>522</sup>

A facility containing furnaces for the reduction of dead bodies to ashes by incineration.

### **Curfew**

When used in connection with lighting regulations, the time determined on a case-by-case basis at which outdoor lighting is reduced or extinguished.

### **Detoxification Center**<sup>523</sup>

Any facility, premises or part of a premises, 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.

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<sup>519</sup> New Definition.

<sup>520</sup> New definition for new use that is combination of current uses, "Kennels and pet animal boarding and raising," "Raising horses."

<sup>521</sup> Reference to jail moved here from title of use.

<sup>522</sup> New definition for current use.

<sup>523</sup> This sounds like a residential facility. If it is, it should move to the "Group Living" section of the Use Table.

### **Dwelling, Multi-Family**<sup>524</sup>

Any building structurally divided into 2 or more separate dwelling units, each of which is occupied by only one family unless otherwise required by state or federal law.

### **Dwelling, Single-Family Detached**<sup>525</sup>

A detached principal structure, other than a mobile home, designed and used as a single residential dwelling unit, each of which is occupied by only one family, unless otherwise provided for in state or federal law. This use includes a factory built structure that is built in conformance with the "Federal Manufactured Home Construction Safety Standards", is transportable in one or more sections, and is built on a permanent foundation, that is not constructed with a permanent hitch and does not have wheels or axles permanently attached to its body or frame.

### **Dwelling, Single-Family Attached**<sup>526</sup>

Two or more single-family dwelling units, each with its own outside entrance, that are joined together by a common party wall or connecting permanent structures such as breezeways, carports or garages, whether located on one lot or on adjoining lots, each of which is designed and used as a single residential dwelling that is occupied by only one family unless otherwise required by state or federal law.

### **Dwelling Unit**<sup>527</sup>

One or more rooms connected together but structurally divided from other structures or from all other rooms in the same structure and providing residence for a family living together as a single housekeeping unit.

### **Elderly**

Those persons 60 years of age or older.

### **Elementary or Secondary School**<sup>528</sup>

Public, private, charter, or parochial schools providing education from kindergarten through 12<sup>th</sup> grade, or some of those years, with curriculum equivalent to that of a public elementary or high school, and related facilities such as including gymnasiums, stadiums, and dormitories if located on the campus.

### **Eligible Facilities Request**

For purposes of telecommunications facility regulations, the collocation, removal, replacement, and modification of transmission equipment on an existing wireless tower or base station, provided this action does not substantially change the physical dimensions of the tower or base station, under the Middle Class Tax Relief and Job Creation Act (2012) (as amended and interpreted by the federal courts). This includes structural enhancements involving the hardening of equipment when necessary for a

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<sup>524</sup> Now tied to definition of family, which includes the "no more than 3 unrelated occupancy limit". Text on sex offender occupancy limits now appears only in the definition of family to avoid repetition.

<sup>525</sup> Definition now includes current definition of "manufactured housing". Reference to manufactured homes added because the text now distinguishes between manufactured homes and mobile homes. Text on sex offender occupancy limits now appears only in the definition of family to avoid repetition. The exclusion of manufactured homes is unusual. The better practice is to include HUD-compliant mobile homes in the definition of single-family detached homes and then require that the form or shape of those units match any design standards applicable to stick-built homes in the same district.

<sup>526</sup> New definition. We included the sex offender language for consistency, although we don't think it belongs here.

<sup>527</sup> Text on sex offender occupancy limits now appears only in the definition of family to avoid repetition. The second sentence, on sex offenders, in each of these definitions, should not be in the definition. These are definitions of who can occupy the dwelling, and should be included in the definition of a Household or Family or in the City's occupancy code.

<sup>528</sup> New definition for current use.

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covered collocation, replacement, or removal of transmission equipment, but does not include the replacement of the underlying structure.<sup>529</sup>

**Establishment, Adult**

In regard to an adult entertainment or adult retail sales use, means and includes any of the following:

1. The opening or commencement of any such business as a new business;
2. The conversion of an existing business into an adult entertainment or adult retail sales use;
3. The addition of an adult entertainment or adult retail sales use to any other existing adult entertainment or adult retail sales use; or
4. The relocation of an adult entertainment or adult retail sales use.

**Fabrication**

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

**Family<sup>530</sup>**

Any number of persons related by blood, marriage or adoption, living together and normally, but not always, consisting of 2 parents and their children; or persons living together for the purpose of guardian, ward or foster family who may or may not be related by blood or marriage to the head of the household; or a group of not more than 3 unrelated individuals living together in a dwelling unit. A family shall not include more than one unrelated individual over the age of 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, 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. Provided however, that this section shall not require a resident to leave the home upon becoming 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.

**Farm Stand or Farmer's Market<sup>531</sup>**

A form of accessory retail use that includes an accessory structure or land used for the sale, by the owner or his family or tenant, or by others with the permission of the property owner, of agricultural or horticultural produce, or merchandise principally produced on that farm, but may include produce grown on other farms and accessory products, and does not change the character of the premises.

**Fence**

A structure designed or intended to constitute an enclosure or barrier, either physical or visual, including a wall or a planter not exceeding twenty four inches (24") in width, or other similar structure.

**Flea Market**

See definition of Open Air Market.

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<sup>529</sup> New definition to simplify compliance with recent federal rule.

<sup>530</sup> Text on sex offender occupancy appears here to avoid repetition. We recommend replacing this term with "household" throughout the use regulations, but probably need to discuss that with the City Attorney first.

<sup>531</sup> New definition for new use.

### **Garage or Yard Sale**<sup>532</sup>

A periodic sale of personal property conducted on a residential property or the residential portion of a mixed use property.

### **General Personal Service**

An establishment that is engaged in the provision of informational, instructional, personal improvement, personal care, and similar services. Examples include but are not limited to; catering establishments, custom dressmaking, film processing, optical and optician services, service and repair establishments, sun tan centers, bicycle rental, laundry and dry-cleaning drop-off centers, and small craft rental. This use includes the following:

#### **General Personal Service, Large**

A facility in which all general personal services uses combined include more than 10,000 square feet of gross floor area.

#### **General Personal Service, Small**

A facility in which all general personal services uses combined do not include more than 10,000 square feet of gross floor area.

### **General Retail Sales**<sup>533</sup>

A commercial enterprise that sells goods directly to the consumer for consumption by the consumer and not for resale, where such goods are available for immediate purchase and removal from the premises by the consumer, and that does not meet the definition of any other retail use listed in the Permitted Use Table. This use includes the following:

#### **General Retail Sales, Large**

A facility in which all general retail sales uses combined include more than 10,000 square feet of gross floor area.

#### **General Retail Sales, Small**

A facility in which all general retail sales uses combined do not include no more than 10,000 square feet of gross floor area.

### **Glare**

Light directly visible to the human eye causing visual discomfort or reduced visibility.

### **Governmental Regulations**

When used in connection with lighting 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.

### **Group Home, Large**<sup>534</sup>

A residential facility in which personal service, personal assistance, personal care and/or protective care are provided to more than 8 unrelated individuals. This use includes but is not limited to facilities for persons of 55 years of age and older, and facilities for individuals whose rights to live together are protected by the federal Fair Housing Act Amendments of 1988 as amended and interpreted by the

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<sup>532</sup> Definition revised and broadened to include mixed use areas.

<sup>533</sup> New definition.

<sup>534</sup> New definition for new use. Replaces current definitions of "Group Home for Children," "Group Home for Persons with Handicaps," and "Group Home for the Elderly."

courts. This use does not include a nursing home or assisted living facility or any other group residential use listed separately in the Permitted Use Table.

#### **Group Home, Small**<sup>535</sup>

A residential facility in which personal service, personal assistance, personal care and/or protective care are provided to not more than 8 unrelated individuals. This use includes but is not limited to facilities for persons of 55 years of age and older, and facilities for individuals whose rights to live together in small groups in small facilities similar in size to those in the surround neighborhood are protected by the State of Colorado or the federal Fair Housing Act Amendments of 1988 as amended and interpreted by the courts. This use does not include a nursing home or assisted living facility or any other group residential use listed separately in the Permitted Use Table.

#### **Handicap**<sup>536</sup>

A physical or mental impairment that substantially limits one or more of a person's major life activities, as further defined in the federal Fair Housing Act Amendments of 1988, as amended and interpreted by the courts.

#### **Heavy Manufacturing**<sup>537</sup>

The assembly, fabrication, or processing of goods and materials using processes that ordinarily have significant impacts on the use and enjoyment of other properties in terms of noise, smoke, fumes, odors, glare, or health or safety hazards, frequency of deliveries by heavy trucks or rail cars, or that do not meet the definition of "light manufacturing," and any use where the area occupied by outdoor storage of goods and materials exceeds 25 percent of the floor area of all buildings on the lot. Examples include but are not limited to: refining or processing of raw materials using chemicals; mining and quarrying; battery manufacture; production or processing of animal products or byproducts; bottling works; production of dairy products; foundry casting; and plastic products manufacturing. This use does not include any use listed separately in the Permitted Use Table.

#### **Heavy Vehicle and Equipment Services**<sup>538</sup>

The sale, rental, leasing, servicing, storage, and/or repair of heavy vehicles and equipment typically used in agricultural, commercial, or industrial operations, including, but not limited to, trucks with a gross vehicle weight of over 10,000 pounds, buses, semi-trucks or trailers, tractors, harvesters, loaders, farm machinery, and tracked vehicles, as well as the sales of parts for heavy vehicles and equipment.

#### **Hive**<sup>539</sup>

A structure intended for the housing of one bee colony that does not exceed 12 cubic feet in size.

#### **Home Child or Adult Care**<sup>540</sup>

Care of children or the elderly that is operated as an accessory use to a residential dwelling unit and that is staffed only by full time residents of the premises. Home child or adult care is limited to the full or

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<sup>535</sup> New definition for new use.

<sup>536</sup> Definition revised for clarity.

<sup>537</sup> New definition for use retitled from current "Refining or initial processing of basic raw materials other than products related to mining or quarrying operations, petroleum and chemicals, alcohol distillation excepting distilleries, animal products or by-products, wood, rubber, metal, and gases excepting nitrogen and oxygen and similar products."

<sup>538</sup> New definition, combining existing uses.

<sup>539</sup> From current 10-4-14.

<sup>540</sup> Definition clarified and expanded to include language permitting home child and adult care facilities only as accessory use. Definition expanded to include adult care.



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part time care of not more than 6 children and elderly adults, including children of the operator, and not more than 2 additional children for before and after school care.

**Home Occupation**<sup>541</sup>

A business that is operated as an accessory use to a residential dwelling unit, that is carried on solely by residents of that residential dwelling unit, that is clearly incidental and secondary to the primary use for residential purposes and that does not alter the exterior of the property or affect the residential character of the neighborhood.

**Hospital**<sup>542</sup>

An institution providing health services, primarily for inpatients and medical or surgical care of the sick or injured, including related facilities such as laboratories, out-patient facilities, training facilities, central service facilities, and staff offices.

**Hotel**<sup>543</sup>

A building or portion of a building containing 4 or more individual rooms or suites of rooms offered for transient sleeping accommodations for periods of 29 days or less and providing customary lodging services to guests, such as furnishing and upkeep of furniture and linens, concierge services, and communication and fitness facilities. This use includes motels but does not include Tourist Homes or any use listed separately in the Permitted Use Table.

**Household Pet**<sup>544</sup>

Any domesticated animal commonly kept at a place of residence.

**Kennel**<sup>545</sup>

A place where dogs or cats are born, bred, raised, boarded, fed, or sold for any valuable consideration. This use does not include a household that sells only the offspring of a female dog or female cat maintained solely as a family pet.

**Library, Museum, or Art Gallery**<sup>546</sup>

A facility containing collections of books, manuscripts, and similar materials for study and reading, or exhibiting works of science or art or objects in one or more of the arts and sciences.

**Light Manufacturing**<sup>547</sup>

The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials does not exceed 25 percent of the floor area of all buildings on the lot. This use does not include any use listed separately in the Permitted Use Table.

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<sup>541</sup> Definition clarified and expanded to include language permitting Home Occupation uses only as Accessory Use.

<sup>542</sup> New definition for current use.

<sup>543</sup> New definition for current use.

<sup>544</sup> Definition revised to avoid overlap or inconsistency with Animal Control definitions.

<sup>545</sup> From current 6-2-1.

<sup>546</sup> Retitled from current "Library, reading room (private)." Current 6-9-6 definition expanded to include works of art, and does not restrict operation to "by the City of Littleton, Colorado, or on behalf of the City of Littleton, Colorado."

<sup>547</sup> New definition for new use.



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**Light Vehicle and Equipment Repair and Service**<sup>548</sup>

A facility that performs major repairs, major servicing, bodywork, or painting on light vehicles, including but not limited to automobiles, pickup trucks, motorcycles, boats and watercraft, recreational vehicles, travel trailers, all-terrain vehicles, and similar vehicles not used for construction or heavy transportation services. This use does not include an Automobile Service Station. Major repairs generally include repairs that require the removal or replacement of major component parts of the vehicle, including but not limited to motors, transmissions, axels, driveshafts, and radiators.

**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.

**Manufactured Home**<sup>549</sup>

A structure, transportable in one or more sections, that 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, that was constructed after June 15, 1976, and that meets the construction standards of the federal Department of Housing and Urban Development. The term "manufactured home" does not include a recreational vehicle, a travel trailer, or a mobile home.

**Manufactured Home Park**<sup>550</sup>

A plot of ground occupied or intended for occupancy by 2 or more manufactured homes or mobile homes that are occupied for regular dwelling or sleeping purposes, regardless of whether or not a charge is made for the use of such accommodations.

**Mast, Conventional**

An upright structure made of wood, lattice metal or other material, typically guyed by cables and primarily intended for supporting antennas.

**Mast, Monopole**

An upright, single spire structure made of metal or fiberglass, which is self-supporting and designed to withstand extreme lateral forces, and which is primarily intended for supporting cellular telecommunications antennas.

**Mini-Warehouse**<sup>551</sup>

A building containing individual, small, self-contained units that are leased or owned for the indoor storage of business and household goods or contractors' supplies. No occupancy of storage units; 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 any person is permitted. Accessory uses may include office space and living quarters incidental to the management and operation of the facility.

**Mixed Use Development**<sup>552</sup>

Development that combines residential development and nonresidential development on the same real property.

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<sup>548</sup> New definition

<sup>549</sup> From current 10-6-2, revised to clarify that this use meets the HUD safety standards, but does not include "Mobile homes" that do not meet those standards.

<sup>550</sup> From current 4-4-1. Currently "Mobile Home Park."

<sup>551</sup> New definition for current use.

<sup>552</sup> From current 11-7-2.

## 10-7-4: Land Use Definitions

**Mobile Home**<sup>553</sup>

A structure, transportable in one or more sections, that 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, that was constructed on or before June 15, 1976, and that does not meet the construction standards of the federal Department of Housing and Urban Development. The term "mobile home" does not include a recreational vehicle, a travel trailer, or a manufactured home.

**Monastery or Convent**<sup>554</sup>

A structure used for the purpose of housing persons on a permanent basis who constitute a religious community typically consisting of nuns, priests, monks, or other similar religious personnel. For the purpose of this definition the terms convent and monastery are interchangeable and shall have the same meaning. Assembly for worship services may be conducted in conjunction with the convent use but only for the residents of the monastery or convent.

**Mortuary**<sup>555</sup>

An establishment in which the dead are prepared for burial or cremation, the body may be viewed, and funeral services are sometimes held.

**Motor Vehicle**<sup>556</sup>

Any vehicle or device in, upon, or by which any person or property is or may be transported or drawn upon a public highway. Motor vehicles include but are not limited to automobiles, motorcycles, pickup trucks, trucks, truck-trailers, semi-trailers, trailers, busses, trailers, recreational vehicles, travel trailers, snowmobiles, minibikes, go-karts, and any other vehicle that is self-propelled. This use does not include devices moved by human power or used exclusively upon stationary rails or tracks.

**Nursing Home or Assisted Living**<sup>557</sup>

A residential facility for more than 8 elderly and/or handicapped persons that provides living and sleeping facilities, shared food preparation service and major dining areas and common recreation, social and service facilities, and that may also provide domestic care, semi-skilled or skilled nursing care, staff-supervised meals, housekeeping, personal care, and/or medication supervision for the exclusive use of its residents. This use includes a facility that specializes in the care of residents with Alzheimer's or other forms of dementia.

**Off Track Betting Facility**<sup>558</sup>

A facility that is in the business of accepting wagers on horseraces or dog races at locations other than the place where the race is run, and that is licensed by the State of Colorado to conduct that activity.

**Office**<sup>559</sup>

An establishment providing executive, business, management, administrative, or professional services, including medical or dental services, but not involving the regular sale of merchandise, as a primary use

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<sup>553</sup> Definition in 4-4-1 revised to clarify that this is a non-HUD compliant home.

<sup>554</sup> New definition for current use.

<sup>555</sup> New definition for current use.

<sup>556</sup> Combines definitions from current 3-9-1-2, 7-3-3, and 9-1-8. References to aircraft and mobile homes were deleted.

<sup>557</sup> New definition, combining current uses "Skilled nursing facility" and "Nursing home/congregate housing" and integrates a second definition of "Assisted Living Facility."

<sup>558</sup> New definition for current use.

<sup>559</sup> New definition for an existing use. Includes uses in current "Administrative and executive; business and professional; and general offices," "Studios for professional work," and "Medical and dental outpatient facilities and hospitals." One category of medical offices was previously limited to 10,000 sq. ft.

## 10-7-4: Land Use Definitions

of the property. This use does not include office areas accessory to another permitted or approved conditional use. This use includes the following:

**Office, Large**

A facility in which all office uses combined include more than 5,000 square feet of gross floor area.

**Office, Small**

A facility in which all office uses combined do not include more than 5,000 square feet of gross floor area.

**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".

**Other Religious Facility<sup>560</sup>**

Any facility that is located on the same lot as a place of worship, but that 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, child or adult care centers, daycare centers, bingo parlors, gymnasiums and reception or banquet halls.

**Outdoor Storage**

The storage of supplies, materials and equipment in other than a fully enclosed structure.

**Pawn Shop<sup>561</sup>**

An establishment where money is loaned on the security of personal property pledged in the keeping of the business owner or operator. Accessory uses include the retail sales of primarily used items after the property securing the loan becomes the property of the business owner or operator.

**Park, Trail, or Open Space**

A parcel of land dedicated, designated or reserved for public use and enjoyment, and that 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.

**Pigeon**

For the purposes of this section, "pigeon" includes all varieties and breeds of domesticated flying and sporting pigeons; and "loft" includes all quarters in which pigeons are housed.

**Place of Worship<sup>562</sup>**

A building 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.

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<sup>560</sup> Retitled from current "Church facilities." Reference to parsonage was dropped because many parsonages are now sprinkled throughout residential neighborhoods rather than adjacent to the place of worship.

<sup>561</sup> New definition for current use.

<sup>562</sup> Retitled from current "Church."

### **Planned Development (or PD)**

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 (or PDO)**

A zoning overlay district that contains special standards to allow a 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.

### **Plant or Tree Nursery**<sup>563</sup>

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

### **Principal Structure**

A structure that contains or is intended to contain a principal use.

### **Primary Use (or Principal Use)**<sup>564</sup>

The predominant use of the property, generally the use that occupies or takes place in the largest amount of gross floor area or land area, and that is not incidental or subordinate to any other use of the property. In addition to amount of space occupied or used, the primary use may be determined by considering areas generating the greatest 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.

### **Public Service Facility**<sup>565</sup>

Facilities necessary for delivering public services that do not meet the definitions of any other use in the Public, Institutional, and Civic uses category. This use does not include facilities containing only administrative offices for public services, which are included in the definition of Offices.

### **Recreation or Entertainment, Indoor**<sup>566</sup>

A facility providing entertainment or recreation activities where all activities take place within enclosed structures, but not including a conference center. This use includes but is not limited to: teen clubs, theaters, bowling alleys, nightclubs, game centers, gymnasiums, health and fitness clubs, martial arts studios, yoga studios, climbing wall centers, and indoor amusement games (including but not limited to foosball, pinball, electronic/video games, virtual reality games), and other coin operated amusements .

### **Recreation or Entertainment, Outdoor**<sup>567</sup>

A facility providing entertainment or recreation activities where majority of activities take place outside enclosed structures. This use includes but is not limited to go-kart tracks, skateboard and roller skating rinks, miniature golf courses, driving ranges, tennis courts and swimming pools.

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<sup>563</sup> New definition for current use.

<sup>564</sup> Revised and simplified definition.

<sup>565</sup> New definition for new use.

<sup>566</sup> New definition.

<sup>567</sup> New definition including elements of current use titles.

## 10-7-4: Land Use Definitions

**Recreational Vehicle**<sup>568</sup>

A self-propelled wheeled or tracked vehicle primarily designed to be operated for recreational purposes on land, or on land and water, and that may be capable of being on surfaces other than roads or highways. This definition shall include, but is not limited to motorcycles, motor bikes, motor scooters, motor bicycles, trail bikes, mini-bikes, dune buggies, go-carts, snowmobiles and all-terrain vehicles.

**Recycling Collection Point**<sup>569</sup>

An accessory use including containers or enclosures for the collection of recyclable materials for onward transfer to a solid waste recovery or recycling facility.

**Renewable Energy Equipment**<sup>570</sup>

Accessory structures and equipment used to generate electric power or heat from solar, wind, or geothermal energy, primarily for on-site consumption, with incidental sales to public utilities permitted.

**Restaurant**<sup>571</sup>

An establishment whose principal business is to serve food and beverages in a ready-to-consume state for consumption either within the restaurant building, within a motor vehicle parked on the premises, off the premises as carry-out orders; or in an outdoor seating area on the premises.

**Retail Marijuana Cultivation Facility**<sup>572</sup>

An entity licensed to cultivate, prepare, and package marijuana and sell marijuana to retail marijuana stores, to marijuana product manufacturing facilities, and to other marijuana cultivation facilities, but not to consumers. This use is prohibited in all zoning districts.

**Retail Marijuana Establishment**<sup>573</sup>

A retail marijuana store, a retail marijuana cultivation facility, a retail marijuana product manufacturing facility, or a retail marijuana testing facility. This use is prohibited in all zoning districts.

**Retail Marijuana Product Manufacturing Facility**<sup>574</sup>

An entity licensed to purchase marijuana; manufacture, prepare, and package marijuana products; and sell marijuana and marijuana products to other marijuana product manufacturing facilities and to retail marijuana stores, but not to consumers. This use is prohibited in all zoning districts.

**Retail Marijuana Store**<sup>575</sup>

An entity licensed to purchase marijuana from marijuana cultivation facilities and marijuana and marijuana products from marijuana product manufacturing facilities and to sell marijuana and marijuana products to consumers. This use is prohibited in all zoning districts.

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<sup>568</sup> Current 9-1-8.

<sup>569</sup> New definition for new use.

<sup>570</sup> New definition for new use.

<sup>571</sup> New definition for new use that combines current uses, "Service within enclosed area under roof without drive-thru facility," "Service within enclosed area under roof with drive-thru facility," "Takeout and delivery," and "Automotive curbside service."

<sup>572</sup> From current 3-21-1. We listed the retail marijuana uses because they are land uses, and then noted that they are prohibited. Let us know if you would rather have them not listed in the development code.

<sup>573</sup> From current 3-21-1.

<sup>574</sup> From current 3-21-1.

<sup>575</sup> From current 3-21-1.

**Retail Marijuana Testing Facility<sup>576</sup>**

An entity licensed to analyze and certify the safety and potency of marijuana. This use is prohibited in all zoning districts.

**Rooming or Boarding<sup>577</sup>**

The act of renting one or more rooms in a residential structure, but not the entire residential structure, for occupancy, with or without meals, for compensation, while the owner of the property is also residing in the property, as an accessory use of the residential property.

**Satellite Communications Dish**

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

**Semi-Trailer<sup>578</sup>**

A wheeled vehicle, without motive power, that is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo rests upon or is carried by such truck tractor, and is generally and commonly used to carry and transport property over the public highways.

**Short Term Home Rental<sup>579</sup>**

The rental of a residential dwelling intended for permanent occupancy to a person(s) who is not the owner or general resident of the property for a period of 30 days or less, for occupancy while the property owner or general resident is not occupying the property. This use does not include a bed and breakfast or activities meeting the definition of rooming and boarding.

**Site Development Plan (or SDP)**

A detailed site plan that is required to be submitted prior to the issuance of a building permit for any new structures to be located in any zone district, except single-family dwellings.

**Solid Waste Recovery or Recycling Facility<sup>580</sup>**

Any use of real property for the transfer, 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. This use does not include a solid waste incinerator or landfill.

**Solid Waste Incinerator or Landfill<sup>581</sup>**

A permanent facility operated for the purpose of disposing of solid waste through burning or through disposal on the land in compliance with all state and federal laws.

**Sorority or Fraternity House<sup>582</sup>**

A building, rented, occupied or owned by a national or local chapter of an organized college fraternity or sorority that is officially recognized by a college, university, or other educational institution.

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<sup>576</sup> From current 3-21-1.

<sup>577</sup> Revised definition describes the act of rooming or boarding, not a rooming/boarding house.

<sup>578</sup> From current 9-1-6.

<sup>579</sup> New definition for new use.

<sup>580</sup> Retitled to include recycling.

<sup>581</sup> New definition for current use, "Solid waste landfill."

<sup>582</sup> New definition for current use.

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**Studio for Arts Instruction**

A facility in which instructors teach small groups of students in the fine arts. For purposes of this definition, the fine arts include 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.

**Tattoo Parlor<sup>583</sup>**

A facility where permanent marks, scars, or designs are made on the skin by a process of pricking and ingrainin an indelible pigment or by raising scars; or in which other bodily decorations, such as piercing, are provided. This use includes a body arts studio.

**Telecommunication Service<sup>584</sup>**

Low power wireless telecommunication services including, but not limited to, cellular, enhanced specialized mobile radio (ESMR), paging and personal communication systems, and point to point microwave.

**Telecommunication Facility<sup>585</sup>**

An unmanned facility which consists of equipment for the reception, switching and transmission of wireless telephone or data communications. Such facility may include elevated transmitting and receiving antennas, radio frequency transmission equipment and interconnection equipment. Facility types include: (a) roof and/or building mounted facilities; (b) antenna support structures; (c) collocated facilities; and (d) ancillary utility structures.

**Temporary Concrete Batch Plant<sup>586</sup>**

A non-permanent manufacturing facility for the production of concrete for a specific construction project.

**Temporary Construction Building, Office, or Yard<sup>587</sup>**

A facility or area used as a temporary field construction office, temporary outdoor storage of construction equipment and materials associated with an active permit to demolish or construct buildings, structures or infrastructure.

**Temporary Labor Hall<sup>588</sup>**

Any real property or structures used for the registration of, or congregation of industrial temporary laborers, and in or at which laborers remain on or about the premises for purposes of obtaining or being transported to a job or job site.

**Temporary Laborer<sup>589</sup>**

A nonclerical worker who is generally hired to do physical labor that does not require advanced educational prerequisites, and that is generally performed and paid for on a daily or hourly basis and not on a fixed or predictable schedule.

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<sup>583</sup> New definition for current use.

<sup>584</sup> Retitled definition (renamed from CMRS service).

<sup>585</sup> Retitled definition (renamed from CMRS facility).

<sup>586</sup> New definition for current use.

<sup>587</sup> New definition for current use.

<sup>588</sup> From current 3-18-2. Renamed from "Industrial Temporary Labor Halls".

<sup>589</sup> From current 3-18-2. Renamed from "Industrial Temporary Laborers".

## 10-7-4: Land Use Definitions

**Temporary Retail Sales or Service**<sup>590</sup>

Any permitted retail and service use that is operated only for a temporary period of time stated in the temporary use permit issued by the City, which may not exceed more than six (6) months in any twelve (12) month period.

**Towers, Other**<sup>591</sup>

A tower structure, other than an antenna support structure or alternate tower structure, that includes but is not limited to radio transmission towers, wind energy generators, and similar structures.

**Trade or Vocational School**<sup>592</sup>

A secondary or higher education facility primarily teaching usable skills that prepares students for jobs in a trade or in industry, construction, or commerce, and meeting all applicable state requirements for a facility of its type.

**Travel Trailer**<sup>593</sup>

A portable structure built on a single chassis, not exceeding 40 feet in length, designed to be used for temporary dwelling or sleeping quarters for travel, recreational and vacation purposes, that is not self-propelled but designed to be towed by an automobile or truck. For purposes of these regulations the term "travel trailer" shall be construed to include automobile vehicles adapted for use as such temporary dwelling and sleeping purposes, and units constructed to be placed on trucks for use for such purposes.

**Trailer**<sup>594</sup>

Any wheeled vehicle, without motive power, that is designed to be drawn by a truck or motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.

**Utility Installation, Large**<sup>595</sup>

A utility installation that generally occupies an area of more than 1,000 square feet of land area or provides a service to a large area of land or a large population. This use includes but is not limited to a telephone exchange, water reservoir, water treatment facility, wastewater treatment facility, wastewater utility, gas regulator stations<sup>596</sup>, electric power generation plants (including solar, wind, biomass, and geothermal power plants) high tension electric power lines, electric substations and utility pumping stations, including water wells. This use does not include telecommunications facilities, antenna support structures, alternative tower structures, other towers, or local transmission and distribution lines or pipes.

**Utility Installation, Small**<sup>597</sup>

A subordinate utility facility or equipment used to provide public services or telecommunication services, generally including local transmission and distribution lines, wires, and utility boxes that are

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<sup>590</sup> New definition.

<sup>591</sup> New definition for new use, incorporating terms from existing use titles.

<sup>592</sup> New definition for current use.

<sup>593</sup> Combines current 4-4-1 with definition of recreational vehicle from current 11-7-2.

<sup>594</sup> From current 9-1-6.

<sup>595</sup> Includes language from current 10-8-2(A), and uses found in 7-5-2. Definition expanded to include renewable energy facilities.

<sup>596</sup> From current 7-5-2.

<sup>597</sup> New definition incorporating current definition of "Utility Structure, Ancillary".



10-7-4: Land Use Definitions

needed in order for public utility services to reach individual parcels. This use does not include antenna support structures, alternative tower structures, or other towers.

**Wholesale Sales and Distribution**

Sales by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale. This use does not include retail sale by wholesalers to users or customers for direct consumption as opposed to resale.