City of Thornton

Agenda for the Regular Meeting of the Planning Commission

Located in City Hall Council Chambers or Zoom Virtual Meeting
June 4, 2025
6:00 p.m.

1. CALL TO ORDER

2. ROLL CALL OF PLANNING COMMISSION

3. APPROVAL OF AGENDA

4. APPROVAL OF MINUTES – May 6, 2025

5. PUBLIC HEARINGS – NONE

6. STAFF REPORTS/PRESENTATIONS

   A. Development Code update

7. OTHER MATTERS

   A. Upcoming meetings:

      i. No items scheduled for the June 17, 2025, meeting.

      ii. Currently one public hearing item is scheduled for the July 1, 2025, meeting, to consider the adoption of the new Development Code.

8. ADJOURNMENT

Agenda prepared by Desirae A. Lovato, City Development, for Warren Campbell, Current Planning Manager.

To Attend Virtually:

- Call 1-719-359-4580 and enter Meeting ID Number: 890 1113 3894
- Zoom Meeting quick link or you can type in the URL below into your internet browser: https://thorntonco.zoom.us/j/89011138943
- Scan the QR Code to the right to attend virtually

Planning Commission Meeting
Minutes
May 6, 2025

ROLL CALL: Those Present were: Chair, Rahem Mulatu; Vice-Chair, Andrew Bryant; and Commission Members Randy Stutz, Jeff Tompkins, Bruce Thomas, Nora Brandon, Stephen Butler, and Anna Sparks. **Absent/Excused – Commissioner Jacque Phillips**

STAFF MEMBERS PRESENT – Erika Delaney Lew, Senior Assistant City Attorney; Warren Campbell, Planning Manager; Kyle Kearns, Senior Planner; Lori Hight, Senior Planner; Karen Widomski, Long Range Planning Manager; Monica Gutierrez and Alexis Alarid, Recording Secretaries.

The meeting was called to order at **6:00 p.m.**

APPROVAL OF AGENDA:

MOTION WAS MADE BY COMMISSIONER THOMAS AND SECONDED BY COMMISSIONER BRANDON TO APPROVE THE AGENDA. MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE MINUTES:

MOTION WAS MADE BY COMMISSIONER BRYANT AND SECONDED BY COMMISSIONER TOMPKINS TO APPROVE THE PREVIOUS MEETING MINUTES. MOTION PASSED UNANIMOUSLY WITH COMMISSIONER SPARKS ABSTAINING AS THEY WERE NOT IN ATTENDANCE AT THE PREVIOUS MEETING.

OLD BUSINESS – NONE

NEW BUSINESS – PUBLIC HEARINGS – NONE

STAFF REPORTS/PRESENTATIONS

Development Code update – Review of changes proposed since acceptance of the first draft articles.

Ms. Widomski presented slides and provided an update to the proposed changes. Mr. Kearns provided additional information regarding Article 9.

Staff answered the commissioner's questions regarding the proposed changes.

OTHER MATTERS:

Upcoming meetings:

i. We currently have no items anticipated for May 20, 2025.

ii. We have a meeting scheduled for the Development Code Update on Wednesday, June 4, 2025.

THE MEETING WAS ADJOURNED AT 7:51 P.M.

PLANNING COMMISSION OF THE
CITY OF THORNTON, COLORADO

_____
Rahem Mulatu, Chairperson Signature

ATTEST:

_____
Recording Secretary Signature

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PLANNING COMMISSION COMMUNICATION

Meeting Date:	Agenda Item:	Agenda Location:	Legal Review
June 4, 2025	6) A.	STAFF REPORTS/PRESENTATIONS	DS
Subject: Development Code update – Project finalization			
Recommended by: Warren Campbell, Current Planning Manager Initial WC **Presenter(s):** Karen Widomski, Long Range Planning Manager; Mike Garrott, Planning Director Lori Hight, Senior Planner; Kyle Kearns, Senior Planner			

SYNOPSIS:

The city is in the concluding phase of the rewrite to Chapter 18 of the Thornton City Code, known as the Development Code. This presentation will inform the Commission of the final steps required to close out the Development Code update. Staff will discuss final edits, changes directed by Council, and an additional ordinance amending other City Code chapters to align with the changes to the Development Code. This is the final scheduled presentation prior to the public hearing process for Code adoption and staff is not seeking policy direction at this time.

BUDGET/STAFF IMPLICATIONS:

The Major Development Code Update project has a total approved budget of $500,000.

BACKGROUND (ANALYSIS/NEXT STEPS/HISTORY): (includes previous City Council action)

SECTION 1: OVERALL PROJECT BACKGROUND

Thornton's Development Code, codified as Chapter 18 of the Thornton City Code, contains the regulations that guide development in the city. This includes the requirements, standards, limitations, and performance expectations for land uses in the city. It defines the type of zoning that impacts development in the city. The Development Code has not been comprehensively updated since 1992, although numerous amendments have addressed specific issues. Many changes have occurred in the community, best management practices and industry standards since 1992, making it necessary to undertake a thorough review and major update of the entirety of the Development Code since the current regulations contain standards that are outdated and difficult to administer. The city engaged the consulting firm of Houseal Lavigne Associates to assist with the update.

The overall intent of this project is to align the Development Code with Thornton's 2020 Comprehensive Plan in accordance with the vision of the community. It is also intended to make the Code more user friendly, remove or update antiquated requirements and standards, increase efficiency in the development review process, incorporate newer development concepts, improve aesthetics, and promote the health, safety, and general welfare of the public.

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SECTION 2: PROJECT FINALIZATION
Per Council's direction, staff will proceed to the public hearing process to consider adoption of the new Development Code. Following are the final steps required to prepare for the public hearings.

Final public comments. Throughout the two-year span of this project, the project team conducted extensive outreach to the public, boards and commissions, agencies, homebuilders, and nonresidential developers. Drafts of the Code have been made available for public review, with the first articles being published in June 2024. All public comments have been included in the relevant briefing packets and discussed with Council and the Commission throughout the project. The most recent developer comments are included in **Attachment B**. Staff discussed substantive changes related to these comments with the Commission and Council in May 2025 and at the June 3, 2025, Council Planning Session. Total outreach for this project included:

- Three public open house events in September 2023, May 2024, and May 2025. The May 2025 Open House comments are included as **Attachment C**.
- Display boards and flyers at Thorntonfest and quarterly Community Meetings.
- Twenty-one presentations to Council, Planning Commission, and former Development Permit and Appeals Board (DPAB).
- Three sets of Planning Commission and City Council public hearings to accept the general changes of the new Code.
- Consultant interviews with department heads and City Council members at beginning of process.
- Three presentations to the Businesses of Thornton Advisory Committee (BTAC).
- One presentation to the Adams County Regional Economic Partnership.
- Twelve consultant interviews with developers at the beginning of the process.
- Homebuilder survey distributed at beginning of process.
- Eight presentations to the Thornton Joint Task Force.
- Three presentations to the new Nonresidential Stakeholder group.
- Nine additional in-depth meetings with homebuilders and developers.
- Emails to utility companies and school districts to share information and request comments.
- Ongoing social media posts, website posts, City Voice articles, email blasts, and maintenance of a project website.

Complete final version of the Code. Draft 3 of the Development Code is included as **Attachment A**. Draft 3 includes final diagrams and a limited number of changes based on recent comments. Staff will complete a fourth and final draft of the Development Code for consideration for adoption. The final draft will include changes directed by Council at the June 3, 2025, Planning Session, minor edits and corrections, and final formatting of tables and accessibility compliance. The entire chapter will also be renumbered to be consistent with MuniCode formatting. All section references will need to be updated to match final section numbering.

To meet the deadlines for the scheduled public hearings, no additional substantial changes will be made. If the new Development Code is adopted, staff anticipates a "clean-up" amendment within the first year of adoption once the Code has been put into practice to fix errors, resolve identified issues,

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and address additional substantive comments or requests for changes that may come up. The Development Code is a living document that can be updated annually and on an as-needed basis to address specific issues.

Finalize new Zoning Map. A new version of the City's official Zoning Map will be finalized and included in the ordinance for adoption with the Development Code. As discussed with Council and Planning Commission at prior briefings, no land in the city is being rezoned. The map will be the same as the existing Zoning Map with the exception that some zoning districts are being renamed and map colors will be updated. A draft of the new Zoning Map is included as **Attachment D**. This map is not final and the following items still need to be addressed on the map before adoption:

- Include the full zone district name in the legend.
- Incorporate the Eastlake zoning area callout. Note, Eastlake Districts are not changing.
- Modify labels so that where there are two contiguous zone districts they share a label.
- Adjust font size and color for readability.
- Final check to ensure all parcels match current zoning designations, updated only to reflect new names of districts

Updating other City Code chapters. If the new Development Code is adopted, it will impact references in other chapters of the Thornton City Code. A separate ordinance is being drafted to ensure all City Code sections align with the new Development Code numbering and terminology. This ordinance addresses the following two aspects. The ordinance will be presented to Council for adoption.

- *Nuisance Code Amendment*. Provisions for blighted property are currently in the Development Code. However, staff determined that they are more appropriate in City Code Chapter 38, Article X, referred to as the Nuisance Code. As such, these provisions have been removed from the new Development Code and will be incorporated into the Nuisance Code. There are no policy changes to the provisions.
- *Amending References*. The ordinance will also include updates to all section references and terms throughout the City Code that reference Chapter 18 to correctly align with the new Development Code, if adopted. This does not include any changes to policy.

Adoption Public Hearings. Staff will present the new Development Code for consideration of adoption at a Planning Commission public hearing on July 1, 2025, and a City Council public hearing on July 22, 2025.

Effective date for new development applications. If adopted, the new Development Code will take effect on September 1, 2025. Applications currently under review or submitted prior to July 23, 2025, will be processed under the existing Development Code. If Council agrees to the timeframe, no new applications will be accepted between July 23 and August 31, 2025. Starting September 1, 2025, all new applications will be processed under the new Development Code. If resubmittals on pending applications are not filed within six months of adoption of the new Development Code, the applicant will need to file a new application with the city and that application will be subject to the new Development Code as adopted by Council.

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HISTORY:

- August 29, 2023: City Council Planning Session to discuss the purpose and scope of work for the overall Development Code Update and provide Council with background information on zoning regulations and options to regulate land uses.
- September 19, 2023: Development Permits and Appeals Board (DPAB) briefing to discuss the purpose and scope of work for the overall Development Code Update and gain DPAB's input on Code changes. *[Note: DPAB was dissolved in January 2024 and replaced by a Planning Commission and Board of Adjustments]*
- February 6, 2024: City Council Planning Session with the project consultant to present the consultant's overview of their initial analysis and preliminary recommendations for updating the Development Code.
- April 2, 2024: Planning Commission Session to discuss the purpose and scope of work for the overall Development Code Update and provide the Planning Commission with education on how the city regulates land use through zone districts and supplemental use standards. Staff also discussed preliminary key changes related to draft Articles 3 and 4.
- April 16, 2024: City Council Planning Session which included background information and education on how the city regulates land use through zone districts and supplemental use standards. Staff also presented and requested Council direction on preliminary key changes related to draft Articles 3 and 4.
- May 21, 2024: City Council Planning Session with the project consultant to review and obtain direction on draft Development Code Articles 3 and 4.
- May 22, 2024: Planning Commission briefing with the project consultant to review and obtain feedback on draft Development Code Articles 3 and 4.
- June 18, 2024: Planning Commission public hearing to approve a resolution recommending acceptance of the major changes proposed in Development Code Articles 3 and 4.
- July 9, 2024: City Council public hearing to approve a resolution acknowledging Council's acceptance (not adoption) of the major changes proposed in Development Code Articles 3 and 4.
- October 15, 2024: City Council Planning Session with the project consultant to review and obtain direction on draft Development Code Articles 6, 7, and 9.
- October 16, 2024: Planning Commission briefing with the project consultant to review and obtain feedback on draft Development Code Articles 6, 7, and 9.
- October 15, 2024: City Council Planning Session with the project consultant to review and obtain direction on draft Development Code Articles 6, 7, and 9.
- November 12, 2024: Planning Commission public hearing to approve a resolution recommending acceptance of the major changes proposed in Development Code Articles 6, 7 and 9.
- December 3, 2024: City Council public hearing to approve a resolution acknowledging Council's acceptance (not adoption) of the major changes proposed in Development Code Articles 6, 7, and 9.
- January 21, 2025: City Council Planning Session with the project consultant to review and obtain direction on draft Development Code Articles 1 and 8.
- January 22, 2025: Planning Commission briefing with the project consultant to review and obtain feedback on draft Development Code Articles 1 and 8.

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- February 4, 2025: City Council Planning Session with the project consultant to review and obtain direction on draft Development Code Article 2 (Session 1 on Article 2).
- February 5, 2025: Planning Commission briefing with the project consultant to review and obtain feedback on draft Development Code Article 2.
- February 18, 2025: City Council Planning Session with the project consultant to review and obtain direction on draft Development Code Articles 10 and 12.
- February 19, 2025: Planning Commission briefing with the project consultant to review and obtain direction on draft Development Code Articles 10 and 12.
- February 25, 2025: City Council Planning Session with the project consultant to review and obtain direction on draft Development Code Article 2 (Session 2 on Article 2).
- March 19, 2025: Planning Commission public hearing to approve a resolution recommending acceptance of the major changes proposed in Development Code Articles 1, 2, 8, 10, and 12. The Commission approved the resolution with the exception of the proposed new process for administrative approval of the Preliminary Plan.
- April 8, 2025: City Council public hearing to approve a resolution acknowledging Council's acceptance (not adoption) of the major changes proposed in Development Code Articles 1, 2, 8, 10, and 12.
- May 6, 2025: Planning Commission briefing to discuss changes to the Code since acceptance of Draft 1.
- May 13, 2025: Planning and Development Code orientation presentation for Councilmember Salazar.
- May 20, 2025: City Council Planning Session with the project consultant to discuss changes to the Code since acceptance of Draft 1.
- June 3, 2025: City Council Planning Session to discuss finalization and new development fees.

ATTACHMENTS:

Attachment A: Development Code Draft 3
Attachment B: Comments from Development Stakeholders
Attachment C: May 2025 Open House Comments
Attachment D: Draft Zoning Map

CITY OF THORNTON
CHAPTER 18 - DEVELOPMENT CODE
DRAFT 3 – MAY 27, 2025

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DIVISION 1. GENERALLY

Sec. 18-01-1. Title.

This chapter, effective as of September 1, 2025, shall be known and may be cited as the City of Thornton Development Code. This chapter may also be known and referred to as the Development Code.

Sec. 18-01-2. Official zoning map.

(a) The boundaries of the zoning districts are recorded on an official zoning map of the city. The official zoning district map is published on the city's website and is also on file with the department. The official map, which includes amendments to the original, is made part of and incorporated into this chapter.

(b) The director shall keep the zoning map up to date by posting or causing to be posted to the official zoning map any subsequent zoning district amendments and ensuring that the ordinance numbers of amendments are made available to the public.

Sec. 18-01-3. Relationship of Comprehensive Plan to zoning.

Table 18-01-4.1 indicates the general relationship between the Future Land Use Categories identified in the Thornton Comprehensive Plan and the zoning district designations described in Article III of this chapter.

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Table 18-01-4.1: Relationship of Future Land Use Categories to zoning districts.

Comprehensive Plan *Future Land Use Designation*	Development Code *Zone District*
Urban Reserve (UR)	Development Reserve - DR
Parks, Trails, and Open Space (PTO)	Parks and Open Space - POS Agricultural - AG
Estate Neighborhood (EN)	Agricultural - AG Residential Estate - RE
Single-Family Neighborhoods (SFN)	Single-Family Detached (Legacy) - SFD-L Residential–Low Density - RL Residential–Mid Density - RM
Mixed Residential Neighborhoods (MRN)	Residential–Mid Density - RM Residential–High Density - RH Manufactured Home (Legacy) - MH-L
Mixed-Use Neighborhoods (MUN)	Residential–Mid Density - RM Residential–High Density - RH Mixed-Use - MU Neighborhood Commercial - NC
Transit-Oriented Development (TOD)	Transit-Oriented Development - TOD
Commercial (COM)	Neighborhood Commercial - NC General Commercial - GC
Community Mixed-Use (CMU)	Residential–High Density - RH Mixed-Use - MU Neighborhood Commercial - NC General Commercial - GC
Regional Mixed-Use (RMU)	Residential–High Density - RH Mixed-Use - MU Regional Commercial - RC Business Park - BP
Employment Center (EC + ECW)	Regional Commercial - RC Business Park - BP
Institutional (INS)	Civic Institutional - CI

Sec. 18-01-4. Declaration of Home Rule Authority.

The city is a home rule municipality organized pursuant to Article XX of the State Constitution, whose citizens have adopted a charter bestowing upon the city all powers of home rule possible to have and securing the fundamental reservation of initiative and referendum to the people in such municipal matters. The council asserts that the control of land use, including zoning and regulation of

real property, within the territorial jurisdiction of the city is found to be and constitutes a matter inextricably bound to the concept of home rule as an area of local concern.

Sec. 18-01-5. Reserved.

Sec. 18-01-6. Reserved.

Sec. 18-01-7. Reserved.

DIVISION 2. PURPOSE AND APPLICABILITY

Sec. 18-01-8. Purpose.

Regulations in this chapter have been established to:

(a) Implement the vision, goals, policies, and recommendations of the city's Comprehensive Plan through the exercise of local control of land use;

(b) Promote the health, safety, and the general welfare of the city;

(c) Facilitate adequate provision of utilities and facilities such as transportation, water, sewer, natural gas, electricity, communications, parks and other public and or private facilities; and

(d) Ensure high quality development that promotes economic development, a diverse choice of housing and amenitized neighborhoods, and preserves and enhances the quality of life in the city.

Sec. 18-01-9. Applicability.

The standards of this chapter shall be applied as detailed in the applicability tables that are included in the beginning of certain articles to indicate which standards in those articles apply based on type of development. The following key shall be utilized in the interpretation of all applicability tables.

(a) **New Development**. New development includes:

(1) Development on a site that is unimproved regarding right-of-way, utilities that include but are not limited to water, sewer, natural gas, communications, and electricity, buildings, or structures; or

(2) Development on a site that is proposed after the demolition of existing buildings, structures, and/or site elements.

(b) **Redevelopment.** Redevelopment categories shall be defined as follows. If redevelopment activity meets the qualifications of multiple redevelopment categories, the standards of the more restrictive category shall apply:

(1) **Major Redevelopment**. Includes 50 percent or more increase in gross floor area, building height, dwelling units, or impervious surface area.

(2) **Intermediate Redevelopment**. Includes 25 percent or more but less than 50 percent increase in gross floor area, building height, dwelling units, or impervious surface area.

(3) **Minor Redevelopment**. Includes any exterior changes to buildings or changes to required site elements not meeting the thresholds of other redevelopment categories.

(4) Any redevelopment, regardless of percentage of gross floor area, that disturbs one acre or more in an area shall follow the requirements of this chapter as well as Chapter 22, Section ### for stormwater quality provisions.

Sec. 18-01-10. Effects of private covenants.

Nothing in this chapter shall be construed to render inoperative any restriction established by covenants running with the land, unless such restrictions are prohibited or are less restrictive than the provisions of these regulations. In the event of a conflict, this chapter controls.

Sec. 18-01-11. Reserved.
Sec. 18-01-12. Reserved.
Sec. 18-01-13. Reserved.
Sec. 18-01-14. Reserved.
Sec. 18-01-15. Reserved.

DIVISION 3. ENFORCEMENT

Sec. 18-01-16. Required compliance and types of violations.

(a) **Compliance required**. Under this Development Code, compliance is required as follows:

(1) No permit, certificate, license, or other approval, the use of which is subject to the provisions of this chapter, shall be issued by any department, agency, board, commission, or the council until it has been determined that all substantive requirements have been met and all procedures have been followed.

(2) Offenses committed and all liabilities incurred prior to the effective date of any subsequent amendments to this Development Code shall be treated as though all prior applicable regulations were in full force and effect for the purpose of sustaining any suit, action or prosecution with respect to such offenses and liabilities.

(b) **Types of violations**. Any of the following shall be a violation of this Development Code and shall be subject to the remedies and penalties provided by this Code and State law.

(1) **Development without authorization.** Engaging in the development, use, construction, land disturbance, or any other activity subject to the jurisdiction of this Code without all required plan approvals, permits, certificates, or other forms of authorization required by this Code.

(2) **Development inconsistent with authorization.** Engaging in development, use, construction, land disturbance or other activity subject to the jurisdiction of this Code inconsistent with any approved plan, plat, permit, certificate, or other form of authorization granted for such activity, including conditions of such approvals.

(3) **Violation by act of omission.** Undertaking any activity contrary to the provisions of this Code, including but not limited to any act or omission, or failure to comply with any other provisions, procedures, or standards as required by this Code.

(4) **Illegal subdivisions/sale of land.** Subdividing land contrary to the provisions of this Code or transferring or selling of land by reference to, exhibition of, or any other use or a plat showing a subdivision of the land before the plat has been properly approved under the terms of this Development Code and recorded in the office of the County Clerk and Recorder, as appropriate.

Sec. 18-01-17. Enforcement actions.

(a) **Enforcement authority**. This chapter may be enforced by the director.

(b) Each violation of any of the provisions of this code shall be a separate offense for each and every day or portion thereof during which the violation is committed, permitted, or continues.

(c) Violations of the standards of this chapter shall be subject to the fines provided for in accordance with Chapter 1, Article II of this Code.

Sec. 18-01-18. Reserved.

Sec. 18-01-19. Reserved.

Sec. 18-01-20. Reserved.

Sec. 18-01-21. Reserved.

Sec. 18-01-22. Reserved.

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ARTICLE II: DEVELOPMENT REVIEW PROCEDURES

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Chapter 18 / Article II: Development Review Procedures

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DIVISION 1. GENERALLY

Sec. 18-02-01. PURPOSE AND APPLICABILITY.

(a) **Purpose**. The purpose of this article is to establish the review and decision-making processes required to develop land within the jurisdiction of the city.

(b) **Applicability**. The provisions of this article shall be applicable to all development activity within the city's jurisdiction, including amendments to previously approved development activity. Where there are ambiguities in the associated review procedures and decision-making criteria for particular applications, the director shall interpret the procedures and identify the review process for such application or development activity.

Sec. 18-02-02. APPLICATION PROCEDURES.

(a) **Application requirements**.

(1) All applications shall meet all applicable requirements of this article and shall be made on forms specified by the director.

(2) All information shall be submitted as specified on an application submittal checklist furnished by the department unless otherwise specified by the director. Each application is unique, and therefore more or less information may be required according to the needs of the particular project at the sole discretion of the director.

(b) **Pre-application meeting**.

(1) **Purpose.** The purpose of a pre-application meeting is to provide an opportunity for the applicant and city staff to review applicable submittal requirements, procedures, and schedules, and to discuss development requirements. The city's verbal and written responses provided to the applicant during and following the pre-application meeting are not land use decisions and are non-binding.

(2) **Applicability.** A pre-application meeting is required for application types in accordance with Table 18-02-04.1 Development Review Procedures Overview. A pre-application meeting is optional for all other application types.

a. The director may waive the requirement for a pre-application, in their sole discretion.

(3) The applicant shall provide the materials detailed in the city submittal checklists.

(4) A pre-application is not part of the formal application and does not constitute a required completeness review as identified in Section 18-02-02(d).

(c) **Authority to file**.

(1) An application for review or approval under this article shall be filed by the person having legal authority to take action in accordance with the approval sought. The applicant shall be the record owner, purchaser under a sale, or the duly authorized agent of the record owner. If the applicant is not the landowner, the owner shall provide a signature on the application form or provide a letter giving the applicant authority to submit the application.

(2) The city council or the city manager may initiate applications under this article without an application from affected property owners.

(d) **Completeness review**.

(1) **Director review.** All applications shall be substantially complete before the director is required to review the application. An application shall be considered substantially complete if it is submitted in the required form per the city's submittal checklists, includes all required submittal information, including all items or exhibits specified by the director, and is accompanied by the applicable processing fee. The director may waive one or more of the items listed as submission requirements if they are not applicable given the nature of the proposed action. Only substantially complete applications, as set forth in this provision, shall be considered an "application" pursuant to C.R.S. § 24-68-101 et seq., as amended.

(2) **Application incomplete**.

a. If an application is determined to be incomplete, the director shall notify the applicant and specify the ways in which the application is deficient.

b. No further processing of the incomplete application shall occur until the deficiencies are corrected.

(3) **Application complete**. If an application is determined to be complete, the director shall provide written notice to the applicant that the application has been accepted for review and shall then process the application pursuant to this article.

(e) **Resubmittal.** If, after an application has been accepted for review, revisions are necessary based on review comments from the city, a revised submittal shall be resubmitted no later than six months from the date of the comments. If a revised application is not resubmitted within the stated timeframe of six months, the application will be considered withdrawn, and a new application and fee shall be submitted to re-initiate the process. The director may authorize one three-month extension to the resubmittal period. If more than three resubmittals are required, the applicant shall pay a resubmittal fee for each subsequent resubmittal.

(f) **Amendments**. Unless otherwise specified in this chapter, any proposed change to approved plans, permits, or other approvals shall require the submittal of a new application for review and approval. Any change not approved shall invalidate the plan, permit, or other approval and any subsequent building permits.

Sec. 18-02-03. Fees.

(a) Any application under this article that requires a fee shall not be processed unless the fee has been paid.

(b) Fees shall not be required for applications initiated by the city council or the city manager.

(c) Fees are established by a resolution adopted by the city council. A fee schedule is available on the City of Thornton website.

(d) The applicant shall pay all county recording fees.

Sec. 18-02-04. Development review procedures overview.

Table 18-02-04.1 provides an overview of the recommending and decision-making bodies for each of the City of Thornton development review procedures and shall be interpreted using the following key:

R = Recommending Body

D = Decision Making Body

P = Pre-Application Meeting Required

* = Public Hearing Required

Blank = Not Applicable

Table 18-02-04.1: Development Review Procedures Overview

Procedure	Reference	Pre-application meeting	Director	Board of Adjustment	Planning Commission	City Council
Administrative Adjustments	18-02-12		D			
Administrative Amendments	18-02-13		D			
Administrative Review for Priority Projects	18-02-14		D			
Annexations	18-02-31	P	R		R*	D*
Appeals of Administrative Decisions	18-02-32			D*		

Procedure	Reference	Pre-application meeting	Director	Board of Adjustment	Planning Commission	City Council
Appeals of Planning Commission Decisions	18-02-30(b)					D*
Comprehensive Plan Amendments	18-02-33	P	R		R*	D*
Comprehensive Plan Updates	18-02-15		D			
Developer's Agreements	18-02-16		D			
Development Code Text Amendments	18-02-34	P	R		R*	D*
Development Plans	18-02-17		D			
Development Plan or Special Use Permit Revocation	18-02-18		D			
Interpretations	18-02-19		D			
Minor Planning Permits	18-02-20		D			
Preliminary Plans	18-02-21	P	D		R* When PD-Overlay zoning is proposed	D* When PD-Overlay zoning is proposed
Short-Term Rental Licensing Reviews	18-02-22		D			
Special Use Permits	18-02-35		R		D*	
Subdivision Plats	18-02-23		D			
Temporary Use Permits	18-02-24		D			
Variances	18-02-36		R	D*		
Vested Rights	18-02-37	P	R		R*	D*

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Procedure	Reference	Pre-application meeting	Director	Board of Adjustment	Planning Commission	City Council
Zoning Amendments	18-02-38	P	R		R*	D*

Sec. 18-02-05. PUBLIC NOTIFICATION.

(a) **Responsibility**.

(1) Unless otherwise stated, it shall be the responsibility of the applicant to ensure public notice is completed in accordance with the requirements of this section. At the hearing, the applicant shall present sufficient documentation demonstrating that the applicable public notice requirements have been satisfied.

(b) **Public notice types**.

(1) **Notice by publication**.

a. Public notice shall be posted by city staff as required by Section 2-1.

b. The public notice shall be posted at least 10 days prior to the hearing.

c. In the case of annexations, notice shall be published in a newspaper of general circulation in the area proposed to be annexed per C.R.S. 31-12-108.

(2) **Notice by mail**.

a. Public notice shall be sent via mail to all owners of all property, in whole or in part, within 1,500 feet of the subject property measured in all directions from the subject property lines, excluding public and railroad right-of-way.

b. The public notice shall be mailed no less than 15 days and no more than 30 days in advance of the hearing/meeting date.

1. In the case of Preliminary Plans the public notice shall be mailed 7 days prior to the decision of the director.

c. The public notice shall be addressed to the name and address on the most recent real estate tax records of the applicable county.

d. All recognized homeowners' associations or neighborhood associations that have provided the department with notice of their desire to receive public notices, and the address to which the notice is to be sent. It is the responsibility of the association to keep a current address on file with the department.

e. In the case of public hearings, city staff will mail the public notice. In the case of neighborhood meetings, the applicant shall mail the public notice.

(3) **Notice by sign**.

a. Notification of development review, neighborhood meeting and public hearing shall be printed on a freestanding sign in a size, type, and location as determined by the director and posted on the property by the applicant.

b. The sign(s) shall be made visible from all rights-of-way abutting the subject property by being placed as close as possible to the road without blocking pedestrian access.

c. The applicant shall install the sign subsequent to the first review and prior to the second review. The second review shall not commence until proof of sign posting is submitted in a form as determined by the director.

d. The sign shall be updated with specific meeting information per the director's direction ten days in advance of the neighborhood meeting and ten days prior to the public hearing date.

e. The applicant shall remove the sign within three days of the rendering of the final decision and return the sign to the city.

(4) **Neighborhood meeting**.

a. Subsequent to receiving the first application review comments from the city but, prior to making a second submittal to the city, a neighborhood meeting shall be hosted by the applicant when required by Table 18-02-05.1.

b. The neighborhood meeting shall be conducted in-person, virtually, or in a hybrid format at the discretion of the director, based on the context and needs of the project, to present information and invite feedback on the application from property owners and all recognized homeowners' associations or neighborhood associations.

c. The meeting location shall be approved by the city.

d. The notice by mail Section 18-02-05(b)(2) and notice by sign Section 18-02-05(b)(3) requirements shall be met.

e. All owners of real property lying within 1,500 feet of the boundary of the area of request shall be noticed. The measurement of the 1,500 feet includes streets and alleys.

(5) **Changes subsequent to public notice.**

a. If the applicant chooses to increase the intensity or size of the application request after public notice of the hearing has been established, and mailing or postings have occurred, the director may request a continuance of the pending hearing for further review and amendment of any communications prepared for the review and hearing of the application or request.

b. If the applicant chooses to reduce the intensity or the area involved in the pending application after public notice of the hearing has been established, the hearing may be held as publicly noticed.

(c) **Public notice requirements by procedure**. Public notice shall be required by procedure type in accordance with Table 18-02-05.1. Table 18-02-05.1 shall be interpreted using the following key:

R = Required Public Notice Type

O = Optional per Director Discretion

Blank = Not Applicable

* = Public Notice Type Required for Future Land Use Map Amendments Only

** = Public Notice Required for Site Specific Applications Only

Table 18-02-05.1: Public Notice Requirements by Procedure

Procedure	Reference	Neighborhood Meeting	Notice by Publication	Notice by Mail	Notice by Sign
Administrative Adjustments	18-02-12				
Administrative Amendments	18-02-13				
Administrative Review for Priority Projects	18-02-14		R		R
Annexations	18-02-31	R	R	R	R
Appeals of Administrative Decisions	18-02-32		R	R**	R**
Appeals of Planning Commission Decisions			R	R**	R**
Comprehensive Plan Amendments	18-02-33	R*	R	R*	R*
Comprehensive Plan Updates	18-02-15				
Developer's Agreements	18-02-16				
Development Code Text Amendments	18-02-34		R		
Development Plans	18-02-17	O	R		R
Development Plan or Special Use Permit Revocation	18-02-18				
Interpretations	18-02-19				
Minor Planning Permits	18-02-20				
Preliminary Plans	18-02-21	R	R		R
Short-Term Rental Licensing Reviews	18-02-22				
Special Use Permits	18-02-35	R	R	R	R

Procedure	Reference	Neighborhood Meeting	Notice by Publication	Notice by Mail	Notice by Sign
Subdivision Plats	18-02-23				
Temporary Use Permits	18-02-24				
Variances	18-02-36		R	R	R
Vested Rights	18-02-37	R	R	R	R
Zoning Amendments	18-02-38	R	R	R	R

Sec. 18-02-06. Reserved.

Sec. 18-02-07. Reserved.

Sec. 18-02-08. Reserved.

Sec. 18-02-09. Reserved.

Sec. 18-02-10. Reserved.

DIVISION 2. ADMINISTRATIVE PROCEDURES

Sec. 18-02-11. General administrative procedures.

(a) **Description**. Administrative review procedures are procedures which are reviewed and decided upon by the director based on an established set of criteria.

(b) **Limitation on director discretion**. All decisions regarding administrative procedures shall be made based on the review criteria established per procedure type.

(c) **Delivery of administrative decision**. All administrative decisions shall be in writing and delivered via electronic mail, personal delivery, or first-class mail to the property owner and the party seeking determination, if different from the owner.

(d) **Appeals**. All results of an administrative procedure may be appealed to the board of Adjustment per Section 18-02-30, with the exception of Short-Term Rental Licenses which shall be appealed in accordance with Section 18-02-22.

Sec. 18-02-12. Administrative Adjustments.

(a) **Purpose.** The purpose of an Administrative Adjustment is to provide a process to allow modifications or deviations from the development standards of this chapter for developments that, while not meeting the standards of this chapter, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the Development Code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist. An Administrative Adjustment is not a waiver or an amendment, but rather a modification of a standard within

a specified range that can be approved administratively when specific conditions related to the development site are met for specified uses of the Development Code.

(b) **Applicability**. Administrative Adjustments allow the director to review and approve, approve with conditions, or deny specific modifications of this chapter as follows:

(1) **Prohibited Administrative Adjustments.** Notwithstanding subsections (b)(2) and (b)(3) of this section, an adjustment shall not be granted to:

a. Allow a use or activity not permitted by this chapter;

b. Change the use allowance as described in Article IV;

c. Modify a definition or use classification;

d. Modify limited use or specific use standards;

e. Modify temporary use standards;

f. Modify any time restriction or standard;

g. Modify aesthetic, material, or non-numerical standards that are qualitative and are not otherwise stated as adjustable as a specific adjustment per Section 18-02-12(b)(3).

h. Modify the applicability or purpose of any requirement of this chapter;

i. Modify a standard of this chapter that is specifically identified as non-adjustable;

j. Modify a standard of this chapter that contains the word “prohibit” or “prohibited;”

k. Modify a procedural requirement under this chapter;

l. Modify a condition of approval placed on a property through a previous action or development review procedure;

m. Modify a standard such that applicable state or federal laws cannot be satisfied; or

n. Modify a standard such that applicable requirements or permitted mitigations of the other chapters of the City Code cannot be satisfied.

(2) **General Administrative Adjustments to numerical and quantitative standards.**

a. An Administrative Adjustment to any standard that is numerical or quantitative within this chapter may be sought as outlined in Table 18-02-12.1.

b. Only standards described in Table 18-02-12.1 may be permitted general Administrative Adjustments and shall be subject to the criteria in Section 18-02-12(d).

c. Required landscaping TEs shall only be reduced as an Administrative Adjustment only when Section 18-8-37, Deviation from Standards, is not applied.

Table 18-02-12.1. Allowances for general Administrative Adjustments for numerical and quantitative standards.

Standard for Adjustment	Adjustment Amount
Dimensional standards contained within Article III when the minimum lot size is less than 5,000 sf	Up to a 10 percent reduction or increase
Dimensional standards contained within Article III when the minimum lot size is more than 5,000	Up to a 20 percent reduction or increase
Required landscaping tree equivalents (TE)	Up to a 15 percent reduction
Numerical or quantitative standard not otherwise listed	Up to a 20% reduction or increase

(3) **Specific Administrative Adjustments to standards of this chapter.**

a. Standards not described in Table 18-02-12.1 but that are permitted an adjustment within a specific section of this chapter shall be considered specific Administrative Adjustments.

b. Specific Administrative Adjustments shall meet the approval criteria of Section 18-02-12(d) and shall be subject to any additional criteria or conditions as described within the applicable section of this article that permits the specific Administrative Adjustment.

(4) **Cumulative impact of multiple Administrative Adjustments.**

a. The cumulative impact of any number of Administrative Adjustments together shall be considered when the director makes a decision.

b. The director shall determine if a Variance per Section 18-02-36, or other process shall be required when the cumulative impacts of multiple Administrative Adjustments are determined to exceed the intent of the underlying standards and zone district from which the requested Administrative Adjustment derive.

(c) **Procedures**.

(1) **Pre-application meeting.** If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review and decision.** Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria and either:

a. Approve the Administrative Adjustment,

b. Approve the Administrative Adjustment with conditions, or

c. Deny the Administrative Adjustment.

(d) **Review criteria**.

(1) **General review criteria.** The Administrative Adjustment shall be:

a. Consistent with the purpose and intent of the applicable regulation,

b. In the case of dimensional standard modifications, the smallest modification necessary to accommodate the proposed improvement or resolve the subject issue, and

c. Consistent with the Comprehensive Plan.

(2) **Additional review criteria**. The Administrative Adjustment is either:

a. Required to compensate for some unusual aspect of the development site or the proposed development that is not shared by landowners generally (e.g. lot shape or configuration),

b. Proposed to protect sensitive natural resources or save healthy existing trees,

c. Proposed to facilitate infill development up to five acres,

d. Proposed to facilitate affordable housing,

e. Required to eliminate a minor inadvertent failure to fully comply with a standard,

f. Required due to natural conditions, such as watercourses, riparian buffers, natural rock formations, or topography,

g. Required due to the presence of existing utilities or other easements on infill or redevelopment sites, or

h. Proposed for site security purposes, based on a site security plan meeting all checklist requirements.

(e) **Effect of decisions**.

(1) **Validity.** Upon approval, the Administrative Adjustment shall be valid for one year. Once the specific improvement is built and has obtained a certificate of occupancy or other such approval, the approval is valid in perpetuity.

(2) **Extension.** The director may grant one, one-year extension of this period upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

Sec. 18-02-13. Administrative Amendments.

(a) **Purpose.** The purpose of this section is to establish a process by which the director may review minor amendments to previously approved Conceptual Site Plans, Overall Development Plans, Planned Development Overlay Standards, or Planned Development Standards for conformance with the Development Code.

(b) **Applicability**.

(1) An amendment to previously approved Planned Development Overlay Standards, Planned Development Standards or the Overall Development Plan is a change in zoning district classification and shall follow the Zoning Amendment procedures set out in this article, except the director may authorize minor changes to Planned Development Overlay Standards, Planned Development Standards or the Overall Development Plan as detailed below.

(2) An amendment to a previously approved Conceptual Site Plan shall be processed as a new application and follow the Preliminary Plan procedures set out in this article and all new Code provisions adopted since the original approval, except the director may authorize minor changes to the originally approved Conceptual Site Plan as detailed below.

(c) **Procedures**.

(1) **Pre-application meeting**. If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review and decision**. Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria and either:

a. Approve the Administrative Amendment,

b. Approve the Administrative Amendment with conditions, or

c. Deny the Administrative Amendment.

(d) **Review criteria**.

(1) The director may authorize minor changes to a previously approved Conceptual Site Plan, Overall Development Plan, Planned Development Overlay Standards, or Planned Development Standards that do not:

a. Alter the basic relationship of the proposed development to adjacent property,

b. Change the uses permitted,

c. Increase the maximum density, floor area ratio, or height,

d. Decrease the amount of required off-street parking, or

e. Reduce the minimum setbacks required at the boundary of the site.

(e) **Effect of decisions**.

(1) **Permit validity**. A Conceptual Site Plan or Preliminary Plan Amendment shall not extend the expiration of the original approval.

Sec. 18-02-14. Administrative review for Priority Projects.

(a) **Purpose.** The council desires to accelerate development review for places of employment in order to promote employment opportunities in the city.

(b) **Applicability**.

(1) All applications for a Special Use Permit for the following uses shall be reviewed through the administrative review process without the need to apply for the administrative review process:

a. General Office,

b. Heavy Industrial, Indoor,

c. Hospital,

d. Light Industrial, Indoor,

e. Light Industrial, Outdoor,

f. Parking Structure,

g. Private Convention Center,

h. Warehouse – Distribution, and

i. Warehouse - Storage.

(2) All applications for a Special Use Permit for qualifying uses per the review criteria of Subsection (d) of this section within the North Washington Subarea shall be reviewed

through the administrative review process without the need to apply for the administrative review process.

(3) All applications for a Special Use Permit for qualifying uses per the review criteria of Subsection (d) of this section within areas previously designated by the council as areas of economic significance shall be reviewed through the administrative review process without the need to apply for the administrative review process.

(4) Applications which do not meet the criteria in Section 18-02-14(b)(1), (2), or (3), may request such designation from the council per Section 18-02-14(c).

(5) Developments shall at a minimum satisfy the qualifications stated in Section 18-02-14(d).

(c) **Procedures**.

(1) **Pre-application meeting**. If a pre-application meeting is requested, the applicant shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**.

a. When an application does not meet the criteria in Section 18-02-14(b), an application may be made to the director to use the administrative review process. In this instance, the decision is in the sole discretion of the council.

b. If the council authorizes the process by resolution, the procedures in this section shall govern the review of the Special Use Permit.

c. In the event the applicant does not submit a complete application or does not make timely revisions to the application, then the director may terminate the administrative review.

d. The applicant may at any time terminate this process and follow the requirements of Chapter 18 for review by the commission. The administrative review process shall not create for an applicant any substantive right not created in the Special Use Permit processes.

e. Upon determination that a Special Use Permit may follow the administrative review process, the application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review and decision**. Once the application is accepted, the director shall:

a. notify the applicant so that they may meet the public notice requirements of Section 18-02-05, and

b. review the application based on Section 18-02-02 and the review criteria and either:

1. Approve the Administrative Special Use Permit,

2. Approve the Administrative Special Use Permit with conditions, or

3. Deny the Administrative Special Use Permit.

(d) **Review criteria**. To qualify for the administrative process, the application shall meet the following requirements:

(1) The application shall be for nonresidential or mixed-use developments where at least 50 percent of the development is nonresidential.

(2) The application does not require a zone change. If the application requires a zone change, a concurrent application for the administrative review process may be submitted. Upon council approval of the zone change, the application for a Special Use Permit shall be reviewed under the administrative review process.

(3) The application meets the requirements for the zoning district in which it is located.

(4) The use will not be a detriment to the public health, safety or welfare.

(5) The use will significantly increase sales, use or property taxes or other revenues to the city, significantly increase employment, advance the redevelopment of property, or provide other significant benefits as determined by the council.

(6) The application shall meet all the requirements of the Code for a Special Use Permit.

Sec. 18-02-15. Comprehensive Plan updates.

(a) **Purpose.** The purpose of this section is to establish a process by which the director may review and approve minor updates to the Comprehensive Plan.

(b) **Applicability**.

(1) Administrative updates to the Comprehensive Plan shall be processed to:

a. Update statistical or quantitative information, to correct previous errors or omissions, and to correct narrative or graphic information; or

b. Provide an update upon changes to the Future Land Use Map identified separate from 18-02-33 - Comprehensive Plan Amendments.

(2) Administrative updates shall not constitute amendments to the Comprehensive Plan as defined in Section 18-02-33.

(c) **Procedures**.

(1) Comprehensive Plan Updates shall only be initiated by the city.

(2) The director shall initiate, review, and approve administrative updates.

(3) The director shall have the discretion to determine whether any update should be considered an amendment to be referred to the commission for review and

recommendation to city council upon a determination that the public interest would be best served by doing so.

Sec. 18-02-16. Developer's Agreements.

(a) **Purpose.** The purpose of a Developer's Agreement is to ensure the completion of public improvements.

(b) **Applicability**.

(1) A Developer's Agreement shall be completed prior to or concurrent with the recordation of the Subdivision Plat and is required whenever any public improvements are proposed or required with a project.

a. This requirement may be waived in writing, at the sole discretion of the director, if limited public improvements are required for the project and the director determines there is low potential for risk to public safety and health as a result of potential failure to perform work by the owner/developer.

b. When the director agrees to waive the requirement for a Developer's Agreement, any construction permit shall include a specific condition to complete the identified public improvements for the project.

(c) **The Developer's Agreement shall**:

(1) Set forth the list of required improvements and their costs,

(2) Set forth the requirements to ensure completion of improvements in concert with the requirements of the city,

(3) Set forth the specific amounts of cash-in-lieu payments, if any, to be made by the applicant to the city,

(4) Set forth the schedule for the development of the project or the subdivision, including project phasing and the related timing of construction of the required improvements. A map or drawing identifying the phases shall accompany the schedule,

(5) Set forth provisions for indemnification, insurance, warranty,

(6) Set forth other requirements which the applicant shall satisfy as a condition of approval of any development application, and

(7) Be in a format established by the city.

(d) **Assurances of dedication and improvement**.

(1) The developer's agreement shall include the specifics for the following dedication and improvement assurances:

a. Current title policy naming the city as an additional insured party, for the property and/or facilities to be conveyed and dedicated which shows that the rights-of-way, easements and other dedicated lands are free and clear of all liens and encumbrances, unless specifically permitted by the city attorney;

b. An initial site assessment demonstrating that the land to be dedicated is free of any hazardous substance; and

c. The listing of all required dedication statements on the face of the site plan or Subdivision Plat in a form acceptable to the city.

(2) In addition to the improvement assurances outlined in the Developer's Agreement, the developer shall provide a temporary easement which allows the city to enter and perform the improvements in the event the developer does not comply with the requirements of this section.

(3) In phased development projects or subdivisions, the city in its discretion may permit the developer to provide dedication and improvement assurances in accordance with this chapter on a portion of the overall development project or Subdivision Plat, with assurance expiration dates consistent with the agreed phasing schedule in the developer's agreement. The amount of the guaranties shall be sufficient to secure the satisfactory construction, installation, and warranty of the required improvements for the project phase under construction. Specifically, the city in its discretion may permit the phasing of dedication and construction of parks, open space or trails or the payment of cash-in-lieu requirements consistent with the approved Subdivision Plat phases.

(e) **Enforcement**.

(1) Where assurances of completion have been provided and the required improvements have not been fully and satisfactorily completed within the terms of the developer's agreement, the city may:

a. Require that all incomplete improvements be installed regardless of the extent of the project or subdivision development at the time of default,

b. Withhold acceptance of or approval of any or all development applications, building permits, certificates of occupancy applied for in the development, and

c. Impose any other legal remedy.

(f) **Procedures**.

(1) **Pre-application meeting**. If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Required Developer's Agreement information shall be submitted in concert with a Subdivision Plat, unless otherwise

determined by the director, or at the request of the director when public improvements are proposed or required. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review and decision**. Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria and either:

a. Sign the Developer's Agreement, or

b. Issue a denial of the Developer's Agreement.

(g) **Review criteria**.

(1) The Developer's Agreement shall be in a format as established by the director, and

(2) Developer's Agreement shall include requirements for dedication and improvement assurance in accordance with this section.

(h) **Completion of the Developer's Agreement process.**

(1) Procedures for signing of the Developer's Agreement are as follows:

a. Developer's Agreements may be signed only after receiving approval from the director.

b. The Developer's Agreement shall be signed by the applicant, property owner if other than the applicant, deed of trust holders, and City Attorney, director. The City Clerk shall attest all city signatures.

c. Once the Developer's Agreement is signed, the city shall:

1. File the fully approved Developer's Agreement with the county clerk and recorder of the county in which the project is located.

2. In the case of a Developer's Agreement for improvements that are part of a subdivision, it shall be recorded concurrently with the Subdivision Plat. In the case of a Developer's Agreement for improvements for a Development Plan, it shall be recorded prior to the issuance of a construction or building permit.

Sec. 18-02-17. Development Plans.

(a) **Purpose.** The purpose of a Development Plan is to ensure that development activities comply with the standards of the Development Code and the applicable zoning district. In addition, development plans ensure performance criteria and the Standards and Specifications adopted by city council are met. Review of a Development Plan provides assurance of conformance of applicable standards through the review of site, landscape, and architectural plans prior to the issuance of a Building Permit.

(b) **Applicability**. Approval of a Development Plan shall be required prior to the issuance of a Building Permit for new development, major redevelopment, intermediate redevelopment, and minor redevelopment as described in Section 18-01-9, except as listed in Section 18-02-17(b)(2).

(1) A Development Plan is required for the establishment of a limited use as required within Table 18-04-09.1., Principal use table.

(2) A Development Plan is not required for the following:

a. All land use, development and improvements of any type funded by the city and constructed on property owned by the city,

b. Manufactured homes located in the MH-L Zoning District,

c. Residential buildings and additions that do not exceed 500 square feet or are not visible from the public right-of-way,

d. Nonresidential buildings that do not exceed 1000 square feet,

e. Retaining walls under four feet in height, swimming pools, decks, patio covers, fences, flagpoles or other similar structures, and

f. The following types of wireless telecommunication facilities:

1. Amateur telecommunications antennae either attached to an existing structure other than a tower, or ground-mounted, where the height of the antenna does not exceed the height limit for the district in which the antenna is located,

2. Conventional television antennae, and

3. All dish antennae less than 40 inches in diameter.

(3) A Development Plan is required for the installation of an electric substation or natural gas transmission regulation station. A Development Plan is required for an addition or expansion of an electric substation where the expansion requires the perimeter wall or fence to be increased. A Development Plan is required for the installation of new electric transmission lines and poles. A Development Plan is also required for modification of existing electric transmission lines which increases the voltage of the lines. Finally, a Development Plan is required for any new or replacement tower or pole supporting electric transmission lines where such new tower or pole requires a permanent increase in the width of the existing easement or right-of-way, and then only the location of the new or replacement tower or pole is required to be reviewed.

(4) A Development Plan is required for well or production sites in accordance with the requirements in Division 2 of Article V of this chapter.

(5) All applications involving wireless telecommunication facilities requiring a Development Plan or Special Use Permit, except amateur telecommunication facilities requiring such plans shall provide supplemental items in addition to standard application requirements as listed on the submittal checklist. The director may waive any or all of the requirements for these supplemental items. Requests for waivers shall be submitted in writing to the director, prior to or concurrent with the application for the Development Plan.

(c) **Procedures**.

(1) **Pre-application meeting**. If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

a. Once the application is accepted and the first review completed, the director may determine, at their sole discretion, that a neighborhood meeting is required based on neighborhood interest.

b. If the director determines that a neighborhood meeting is required, the director shall notify the applicant to schedule and hold a neighborhood meeting in accordance with Section 18-02-05,

c. After the applicant conducts the neighborhood meeting, they shall transmit the meeting summary to the director, who shall forward the meeting summary to the council.

(3) **Director review and decision**. Once the application is accepted, the director shall:

a. Notify the applicant so that they may meet the public notice requirements of Section 18-02-05, and

b. Review the application based on Section 18-02-02 and the review criteria and either:

1. Approve the Development Plan,

2. Approve the Development Plan with conditions, or

3. Deny the Development Plan.

(d) **Review criteria**.

(1) The proposed development is consistent with an approved Preliminary Plan, Conceptual Site Plan, or Overall Development Plan for the property,

(2) The proposed development is consistent with any approved Planned Development Standards and Article III of this chapter,

(3) Any proposed limited use is consistent with the criteria specified within the relevant section of Article IV, and

(4) The proposed development meets the requirements of this chapter and other applicable development regulations, standards, requirements, or plans adopted by the council.

(e) **Effect of decisions**.

(1) **Validity**.

a. Upon approval, the Development Plan shall be valid for three years. Once a certificate of occupancy has been issued for a lot with a Development Plan, the Development Plan shall be valid in perpetuity.

b. Applications for building permits may be made at any time within the three-year period. A completed application for a building permit submitted prior to the expiration of the three years shall be processed based on the approved Development Plan. If the three years expires before a completed application for a building permit is submitted, a new Development Plan is required.

c. When Development Plans are approved for a phased project, the entire Development Plan is void if no building permit is applied for within the three-year period. If one phase is completed which accounts for at least 30 percent of the total project, the Development Plan for the remaining phases shall be valid for an additional three years from the date of completion of the first phase. The issuance of a certificate of occupancy for the last building constructed in a phase shall mark the completion of that phase. Only one such extension shall be granted for multi-phased projects.

d. In the event that the applicant requests a vested property right for the project for which a Development Plan has been requested, all applicable requirements and procedures of Section 18-02-37 shall apply, including approval of construction plans in accordance with applicable city requirements.

e. If an applicant has not built a structure that has received Development Plan approval within three years of the next requested building permit to construct the same structure, a new Development Plan for the structure is required.

(2) **Extension**. The director may grant one, one-year extension of this period upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

Sec. 18-02-18. Development Plan or Special Use Permit Revocation.

(a) **Purpose and applicability.** The city shall have the power to revoke any Development Plan or Special Use Permit for the violation of any of the regulations or conditions imposed in the granting of a Development Plan.

(b) **Procedure**.

(1) A Development Plan or Special Use Permit may be revoked as follows:

a. The director shall determine the nature and extent of the violation of the Development Plan or Special Use Permit,

b. Written notice from the director shall give the permittee the reasons for the proposed revocation of the Development Plan or Special Use Permit, and

c. A finding by the director that reasonable corrective measures have not been done by the permittee is required for revocation of the Development Plan or Special Use Permit.

1. The director, in their discretion, may impose a conditional revocation of a Development Plan or Special Use Permit.

2. The director shall have the right to order immediate compliance with any provision of this chapter or any condition of a Development Plan or Special Use Permit dealing with a direct health or safety issue. If immediate compliance is not obtained, the director shall order immediate cessation of operations and begin consideration of a revocation of the Development Plan or Special Use Permit.

(c) **Injunctive Relief.** In the event of a violation of this Development Code or of any lawful rules or regulations promulgated under this chapter, the city or any person affected by such violation may institute injunctive proceedings to halt the violation, notwithstanding the exercise of any other remedy or charge of violation under this chapter.

Sec. 18-02-19. Interpretations.

(a) **Purpose and applicability.** The purpose of this section is to provide a procedure by which interpretation of the Development Code's standards and provisions may be sought and determined. The director shall render official interpretations of the meanings of the provisions in this chapter in accordance with procedures and criteria in this section.

(1) Interpretations of the Development Code text provisions include but are not limited to:

a. Interpretation of terms, words, and phrases not otherwise defined in this Development Code or the Standards and Specifications;

b. Interpretation of Development Code provisions that require additional clarification due to specific development activities, cases, or conflicts that arise in attempting to apply the Development Code; or

c. Determination of which two or more conflicting standards of the Development Code apply to a specific case.

(2) Interpretations of unspecified uses include:

a. Determination of whether a specific and unlisted primary, accessory, limited, special, or temporary use type may be permitted in one or more zoning districts; and

b. Determination of the required development review procedure and applicable development standards that apply to the unspecified use.

(3) Interpretations of zoning map boundaries shall adhere to the criteria in Section 18-03-01(b)(2).

(4) Any officer or department of the city may request an interpretation of the Development Code without the requirement of a formal application.

(b) **Procedures**.

(1) **Pre-application meeting**. If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review and decision**. Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria and:

a. Prepare the Memorandum of Interpretation,

b. Send the Memorandum of Interpretation to the applicant, and

c. Maintain a record of all interpretations.

(c) **Review criteria**.

(1) **Text provisions**. Interpretations of the text of this chapter shall be based on the applicable purpose and applicability language of each article and shall consider:

a. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given to specific terms used in the provision as established in the applicable article, Article XIII, and by the common and accepted usage of the term,

b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption,

c. The general purposes served by this chapter, as set forth in Article I, and

d. Consistency with the Comprehensive Plan and other adopted plans and policies relevant to the case.

(2) **Unspecified uses**. Interpretations of whether an unspecified use falls into a general use category of this chapter shall consider the following criteria and the relative similarity of an existing, listed general use compared to the unspecified use:

a. Actual or projected characteristics of each activity likely to occur at the unlisted use,

b. The number and density of employees and customers per unit area of site in relation to business hours and employment shifts,

c. Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity,

d. Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic,

e. The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building, and the predominant types of items stored,

f. The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes,

g. Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities, or

h. The impact on adjacent lands created by the proposed use type.

Sec. 18-02-20. Minor Planning Permits.

(a) **Purpose**. The purpose of a Minor Planning Permit is to provide a review process for minor development activities that require review but are not addressed by other application types or building permits, ensuring compliance with the standards of the Development Code and the applicable zoning district.

(b) **Applicability**. Applicability. Approval of a Minor Planning Permit shall be required prior to the construction of any of the following activities:

(1) Artificial Turf

(2) Residential driveways

(3) Individual driveways within Manufactured Home Parks

(c) **Procedures**.

(1) Application Submittal and Acceptance. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(2) **Director review and decision**. Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria and either:

a. Approve the Minor Planning Permit,

b. Approve the Minor Planning Permit with conditions, or

c. Deny the Minor Planning Permit.

(d) **Review criteria**.

(1) The proposed development activity is consistent with any approved Planned Development Standards and Article III of this chapter,

(2) The proposed development meets the requirements of this chapter and other applicable development regulations, standards, requirements, or plans adopted by the council.

(e) **Effect of decisions**.

(1) Validity. Upon approval, the Minor Planning Permit shall be valid for three years. Once the specific work has been completed in conformance with the plans associated with the approved permit, the Minor Planning Permit shall be valid in perpetuity.

(2) Extension. If an applicant has not completed the work that has received Minor Planning Permit approval within three years, a new Minor Planning Permit for the structure is required.

(f) **Appeals of unpermitted residential driveway installations**.

(1) Appeals can be made to the director to keep previously installed unpermitted driveways for existing attached or detached residential dwellings.

(2) In order to grant administrative relief for an existing unpermitted driveway, the director shall find that all of the following have been satisfied:

a. A demonstrated hardship exists which is not based exclusively on findings of personal or financial hardship;

b. The hardship is not self-imposed;

c. Keeping the driveway will not adversely affect the proposed development or use of adjacent property or the neighborhood;

d. Keeping the driveway will not change the character of the zoning district in which the property is located; and

e. Keeping the driveway will not adversely affect the health, safety or welfare of the citizens of the city.

Sec. 18-02-21. Preliminary Plans.

(a) **Purpose.** The purpose of the Preliminary Plan is to:

(1) Ensure compliance with zoning and other development regulations,

(2) Ensure performance criteria and standards are met,

(3) Develop a conceptual, overall vision for a development which indicates general land uses and their locations, access points, and major circulation routes, and

(4) Create unique criteria for development on a specific property.

(b) **Applicability**.

(1) A Preliminary Plan is required prior to application for a Subdivision Plat which proposes to:

a. Divide land to create four or more lots,

b. Divide land to create lots or tracts from a parcel of land that is five acres or more in area,

c. Consolidate four or more lots or tracts, or

d. The director determines that a Preliminary Plan is necessary.

(2) A Preliminary Plan is not required when the intent is to accomplish the following:

a. Vacation of a plat,

b. A division of land that creates three or fewer lots,

c. A division of less than five acres of land,

d. A consolidation of three or fewer lots or tracts, or

e. Amendment of an existing plat that will create no new lots and will not dedicate land or vacate dedicated land.

(3) All land use, development and improvements of any type funded by the city and constructed on property owned by the city shall be exempt from the Preliminary Plan requirements of this section.

(c) **Procedures**.

(1) **Pre-application meeting**. A pre-application meeting is required and shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

a. Once the application is accepted and the first review completed, the director shall notify the applicant to schedule and hold a neighborhood meeting in accordance with Section 18-02-05.

b. After the applicant conducts the neighborhood meeting, they shall transmit the meeting summary to the director, who shall forward the meeting summary to the council.

c. Upon review of the meeting summary, the council members representing the Ward in which the project is located may direct the director to notify the applicant to schedule and hold a second neighborhood meeting if significant and substantial concerns about the project were raised at the initial neighborhood meeting that require follow-up that cannot otherwise be addressed in writing.

d. After the staff review has been completed, the director shall send the required notice per the public notice requirements of Section 18-02-05.

(3) **Director review and decision**. After the staff review has been completed, the director shall review the application based on Section 18-02-02 and the review criteria and either:

a. Approve the Preliminary Plan,

b. Approve the Preliminary Plan with conditions, or

c. Deny the Preliminary Plan.

(d) **Review criteria**. The following criteria shall be used in the review of Preliminary Plans.

(1) The Preliminary Plan is consistent with the Comprehensive Plan and all requirements of this Code,

(2) The Preliminary Plan is consistent with the current zoning of the property or conditioned on the approval of an existing application for a zoning district amendment,

(3) Adequate facilities and services exist or are planned by the Preliminary Plan to serve the development at the time of construction,

(4) Compatibility with the surrounding area is demonstrated by proposed improvements, including screening and buffering that has been provided to minimize impacts to adjacent uses, and

(5) Other applicable development regulations, standards, requirements, or plans adopted by the council.

(e) **Effect of decisions**.

(1) **Validity**.

a. Upon approval, the Preliminary Plan shall be valid for three years.

b. A completed application for a Subdivision Plat, submitted prior to the expiration of the three years, shall be processed based on the approved Preliminary Plan. If the three years expires before the Subdivision Plat is submitted, a new Preliminary Plan is required.

c. In the event that the applicant requests a vested property right for the project for which a Preliminary Plan has been requested, all applicable requirements and procedures of Section 18-02-37 shall apply, including approval of construction plans in accordance with applicable city requirements.

(2) **Extension**.

a. For Preliminary Plans for multiphase projects, a Subdivision Plat submitted for at least 30 percent of the total area of the Preliminary Plan shall extend the effective period of Preliminary Plan approval for an additional three years.

b. The applicant may request in writing, prior to the expiration of the Preliminary Plan or any portion of a Preliminary Plan, an extension of the effective period. An extension application shall:

1. Show good cause for the extension,

2. Be limited to a maximum of 12 months, and

3. Be reviewed by the staff and approved by the director.

c. Extensions of the effective period may be requested more than one time; however, each will be evaluated on its own merit.

Sec. 18-02-22. Short-Term Rental licensing reviews.

(a) **Applicability**.

(1) Each short-term rental, as defined in Article XIII, shall hold a valid license issued pursuant to this section. All short-term rentals shall be operated pursuant to the provisions of Section 18-04-189.

(2) Only one license shall be issued per applicant and per property.

(b) **Fees**.

(1) Timing of payment. All application fees shall be established pursuant to Section 18-02-03 and are payable at the time an initial or renewal application is submitted to the department.

(2) Refunds. All application fees shall be nonrefundable. In the event of a suspension or revocation of a license, or termination of the short-term rental for any reason whatsoever, no portion of the license fee shall be refunded.

(c) **Application**.

(1) An applicant shall be the individual who holds fee title to the property proposed to be used as a short-term rental. The applicant must be a natural person or the beneficiary of a trust whose name appears on the deed to the property where the short-term rental is to be located.

(2) An application for a short-term rental license or renewal thereof shall be submitted to the department and shall be signed by the applicant. All applications shall be made upon forms provided by the department.

(3) The applicant shall be a legal resident of the United States of America.

(4) Contents of an application for a new license.

a. The applicant shall self-certify the following:

1. The information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado;

2. The applicant will obtain the insurance required by Section 18-04-189;

3. Notification of intent to use the property as a short-term rental was sent via U.S. Postal Service to any applicable homeowners' association at least seven days before submitting the application to the department; and

4. The applicant will meet and follow all the operational requirements specified in Section 18-04-189.

b. The applicant shall specify which portions of the dwelling or dwelling unit will be used for the short-term rental.

c. The applicant shall concurrently apply for a city sales and use tax business license pursuant to Chapter 26 of the Code and a copy of such application shall be included in the license application.

d. The applicant shall provide proof of ownership of the property to be issued a license, to be verified by the department against the information provided on the county assessor's website when available.

e. The applicant shall provide contact information for at least one other individual who can respond to the property within 60 minutes if the applicant cannot be reached.

f. If the applicant has previously held a license issued under this section, the applicant shall submit copies of any previous notices of violation, written orders from a hearing officer, or any other records pertaining to disciplinary action related to the license.

g. The city may require additional documentation associated with the application as may be necessary to enforce the requirements of the City Code.

(d) **Issuance or denial**.

(1) No license authorized under this section shall be issued or renewed unless the property and licensee are in compliance with this section and Section 18-04-189, as applicable.

(2) The city manager or designee may deny the application for a license or license renewal for the reasons described in Section 18-02-22(g)(2), and the applicant may request a hearing pursuant to the terms of Section 18-02-22(g)(3).

(3) If the license is revoked or the city manager or designee denies an application for renewal for any reason, the licensee shall not be eligible to apply for a new license to operate a short-term rental in any property located in the city for two years from the date of revocation or denial.

(4) If a license is suspended in two consecutive years, the licensee shall not be eligible to apply for a license to operate a short-term rental in any property located in the city for five years from the effective date of the second suspension.

(e) **Term license, renewal**.

(1) Any license issued pursuant to this section shall be valid for a period of one year from the date of its issuance.

(2) An application for renewal shall be submitted not less than 30 days prior to the date of expiration of the existing license. If such application for renewal is received less than 30 days prior to the date of expiration, a late fee established pursuant to Section 18-02-03 shall be assessed. No application for renewal shall be accepted less than seven

days prior to the expiration of the license. In such instance, a new license application shall be required.

(3) Contents of an application for license renewal.

a. The applicant shall self-certify that the information on the application is accurate and truthful under penalty of perjury under the laws of the State of Colorado.

b. The applicant shall certify that there have been no changes in the information contained in the original application, or specify what information has changed.

c. The applicant shall submit copies of any notices of violation, written orders from a hearing officer, or any other records pertaining to disciplinary action related to the license from the previous license term.

1. If the licensee has received two or fewer notices of violation for Section 18-02-22(g)(2)a.2. and such violations have been cured, this shall not be the basis for denial of an application for renewal.

2. If the licensee has received three notices of violation for Section 18-02-22(g)(2)a.2. and such violations have been cured, the city manager or designee shall review the nature of the violations and exercise discretion in a decision to grant or deny an application for renewal.

3. If the licensee has received four or more notices of violation for Section 18-02-22(g)(2)a.2., the city manager or designee shall deny the application for renewal.

4. If the licensee's license has been suspended for any reason, the city manager or designee shall review the basis for the suspension, including any written order issued by a hearing officer, for the following factors:

i. If the license was suspended for failure to cure a violation of Section 18-02-22(g)(2)a.2. and such violation has been cured at the time of the application for renewal., the city manager or designee may grant the application for renewal.

ii. If the license was suspended for failure to cure a violation of Section 18-02-22(g)(2)a.2. and such violation has not been cured at the time of the application for renewal, the city manager or designee shall not grant the application for renewal.

d. The applicant shall submit proof of the insurance required by Section 18-04-189.

e. The city manager or designee may require additional documentation associated with the application as may be necessary to enforce the requirements of the City Code.

(4) A short-term rental license is non-transferrable. The city shall not accept any request to transfer ownership of the license or change the location of a short-term rental operated by a licensee.

(f) **Complete applications required**.

(1) An application submitted pursuant to this section shall be considered substantially complete if it:

a. Is submitted in the required form; and

b. Includes all required submittal information, including all items or exhibits specified by the city manager or designee; and

c. Is accompanied by the applicable processing fee. Any application that is not accompanied by the required fees shall be considered incomplete and shall not be accepted.

(2) The city manager or designee shall review an application for completeness. If the city manager or designee determines that the application is substantially complete, the application shall then be processed pursuant to this section.

(3) If the city manager or designee determines that the application is incomplete, the city manager or designee shall notify the applicant of that fact and identify the specific ways in which the application is deficient. No further processing of the incomplete application shall occur until the deficiencies are corrected.

(4) Any application submitted pursuant to this section must be determined to be substantially complete within one year of the date the application is filed with the city manager or designee. Any application that remains pending after the expiration of the one-year time period shall be administratively closed. Once an application is closed, the applicant must begin the licensing process anew.

(g) **Enforcement provisions**.

(1) **Immediate suspension**.

a. Upon determination that a short-term rental is being operated in violation of this section and suspension is immediately necessary for the protection of the public health, safety, or welfare, the city manager or designee may suspend a license for up to 14 days without a hearing. The city manager or designee shall provide written notice of such suspension by posting a copy of the suspension notice at the short-term rental property and mailing a copy to the address provided on the application.

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b. If the city manager or designee suspends a short-term rental license pursuant to this subsection, the property shall not operate as a short-term rental until a hearing is held and the license is reinstated.

c. Upon such suspension pursuant to this subsection, the licensee shall request a hearing, as described below, within 14 days of the posting of notice of the suspension or the license is deemed revoked and the right to a hearing is waived.

(2) **Notice of violation**.

a. The city manager or designee may issue a written notice of violation to the licensee if the city manager or designee determines that any of the following have occurred:

1. Fraud, intentional material misrepresentation, or intentional false statement related to the license or any license application; or

2. Failure to comply with the terms or conditions of the license or the provisions of this subsection, including but not limited to operating a short-term rental without a license; failure to pay civil penalties, fines, or taxes; or any other applicable provision of federal, state, or local law, including but not limited to the Thornton City Code.

b. The city manager or designee shall provide the notice of violation to the licensee by the method indicated as preferred in the application.

c. The notice of violation shall specify the violation, the basis for such violation, and the right to request a hearing as described in Section 02-22(g)(3).

1. If the notice is issued for violation of Section 18-02-22(g)(2)a.1., the penalty shall be revocation of the license.

2. If the notice is issued for violation of Section 18-02-22(g)(2)a.2., the licensee shall have 14 days from the date of the notice of violation to cure the violation and provide evidence of such cure to the city manager or designee.

i. Until such violation is cured to the satisfaction of the city manager or designee, the property shall not operate as a short-term rental.

ii. If such violation is not cured within 14 days, the short-term rental license shall be suspended for the remainder of the term unless the licensee has timely filed a request for hearing.

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iii. If such violation is cured to the satisfaction of the city manager or designee, the city manager or designee may reinstate the license for the remainder of the term.

(3) **Hearing**.

a. If the licensee or applicant desires a hearing, the licensee or applicant shall request such hearing in writing, with the department, within 14 days of the date of a notice of violation or denial of an application for license or license renewal, unless good cause is shown for additional time. If no hearing is requested, the license shall be suspended for the remainder of the term or, in the case of an application decision, the right to a hearing is deemed waived.

b. The hearing shall be conducted as follows:

1. Upon receipt of a request for hearing by the department, the city manager or designee shall notify the applicant or licensee of the hearing date in the manner indicated as preferred on the application on file.

2. The city manager or designee shall act as hearing officer and conduct any hearing held pursuant to this subsection in conformance with standards of procedural due process applicable to administrative hearings, including the right to present evidence and testimony and to confront witnesses.

i. The hearing officer shall evaluate whether the violation has occurred, the nature of the violation, and any attempts to cure such violation.

ii. The applicant or licensee shall have the burden, by preponderance of the evidence, to establish the facts necessary to warrant the order sought.

3. The hearing officer, may, after hearing and considering the evidence, suspend, or revoke any short-term rental license, or grant additional time to obtain compliance with this section if the hearing officer finds:

i. Fraud, intentional material misrepresentation, or intentional false statement in the initial application or application for renewal, or

ii. The licensee or applicant has violated any provision of this section or Section 18-04-189, any applicable state or federal law, or any other applicable provision of the City Code, including but not limited to a failure of the licensee to prevent a violation of the Nuisance Code in Chapter 38, Article X of the City Code from occurring on or about the short-term rental.

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4. The hearing officer may reinstate the license for the remainder of the term if the hearing officer finds that no violation has occurred or if the violation has been cured in a manner satisfactory of the hearing officer.

5. The hearing officer shall enter written findings of fact and conclusions of law, which shall be mailed to the licensee or applicant at the address shown on the license application. The hearing officer's decision shall be effective on the date of the written finding required by this subsection.

c. No licensee who has had a license suspended under this section is entitled to obtain a short-term rental license during the period of suspension, either in the licensee's own name or as a co-owner for another property for which a short-term rental license is requested.

d. The hearing officer's decision shall be a final decision and may be appealed to the district court pursuant to Colorado Rule of Civil Procedure 106(a)(4). Failure of the licensee to appeal said order constitutes a knowing waiver of any right to contest the city's order.

e. The remedies provided in this section are in addition to, and do not limit, potential prosecution for any other violations of state or federal law or violations of the City Code.

Sec. 18-02-23. Subdivision Plats.

(a) **Purpose.** The purpose this section is to provide a process by which the director may review Subdivision Plats to ensure compliance with local plans, ordinances, and state law.

(b) **Applicability**. Except as otherwise provided in this chapter, approval of a Subdivision Plat shall be required as described in Section 18-10-02.

(c) **Procedures**.

(1) **Pre-application meeting**. If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review and decision**. Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria and either:

a. Sign the Subdivision Plat, or

b. Issue a denial of the Subdivision Plat.

(d) **Review criteria**.

(1) Plat applications for property within an existing subdivision shall use the name of the existing subdivision in their name. If not within an existing subdivision, a new name shall be given to the proposed subdivision. The proposed name shall not duplicate or sound substantially similar to the name of any previously recorded Subdivision Plat which is within the city,

(2) All requirements of this Code and any other applicable subdivision development regulations, standards and requirements are met, and

(3) The Subdivision Plat is in substantial compliance with the approved Preliminary Plan, when applicable pursuant to Section 18-02-21(b).

(e) **Completion of the Subdivision Plat process.**

(1) No parcels of land shall be sold prior to recordation of a Subdivision Plat which has been approved by the City.

(2) In conjunction with the review of the Subdivision Plat, the applicant shall complete a Developer's Agreement with the city which will include requirements for dedication and improvement assurance in accordance with Section 18-02-16 unless it is determined by the director that no Developer's Agreement is necessary.

a. The director shall have the authority to sign the Developer's Agreement.

(3) An ownership and current title policy naming the city as an insured party shall be submitted along with the signed plat to the city for all land being dedicated and/or granted to the city.

(4) Procedures for signing of the Subdivision Plat are as follows:

a. Subdivision Plats may be signed only after receiving approval from the director.

b. Each applicable city official shall sign the Subdivision Plat after the landowner, any lienholder(s), and the land surveyor have signed the plat.

c. Once the Subdivision Plat is signed, the city shall:

1. File the fully approved Subdivision Plat with the county clerk and recorder of the county in which the property is located, and

2. Simultaneously record any applicable developer's agreement together with any other legal documents required to be recorded by the city with the Subdivision Plat.

d. If the Subdivision Plat is not recorded within 120 days after the document is signed, the Subdivision Plat approval shall lapse and be of no further effect.

Sec. 18-02-24. Temporary Use Permits (TUP).

(a) **Purpose.** The purpose of this section is to establish a process by which the director may review uses that are listed as a temporary use for conformance with the Development Code prior to issuance of a Temporary Use Permit (TUP).

(b) **Applicability**.

(1) A Temporary Use Permit shall be required prior to the establishment of any use identified as a Temporary Use in Table 18-04-202.

(2) All land use, development and improvements of any type funded by the city and constructed on property owned by the city shall be exempt from the Temporary Use Permit requirements of this section.

(3) The use regulations in Division 11 of Article IV identify those uses for which a TUP is required. The TUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each TUP shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate.

(c) **Procedures**.

(1) **Pre-application meeting.** If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance.** Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review and decision.** Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria and either:

a. Approve the Temporary Use Permit,

b. Approve the Temporary Use Permit with conditions, or

c. Deny the Temporary Use Permit.

(d) **Review criteria**.

(1) All requirements of this Code are met.

(2) A Temporary Use Permit shall not be granted for a use except upon a finding that the use will, during the time it is in existence:

a. Complement or be compatible with the surrounding uses and community facilities,

b. Not be detrimental to the public health, safety, or general welfare, and

c. Conform in all other respects to all applicable zoning regulations and standards.

(3) A TUP shall not be granted for a use except upon a finding that once concluded, the site of the temporary use shall be able to be restored to a satisfactory condition. The applicant granted a Temporary Use Permit shall be responsible for seeing that the site is restored to an acceptable condition following the end of the temporary use. A financial guarantee, in a form acceptable to the city and in an amount sufficient to cover the cost of restoring the site, may be required as a condition of approval.

(4) Reasonable conditions may be imposed upon the granting of a Temporary Use Permit consistent with the Comprehensive Plan, other stated development goals and objectives of the city, and the requirements of other city regulations.

(e) **Effect of decisions**.

(1) The granting of a Temporary Use Permit has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district, except as specifically modified for the temporary use during the time it is permitted.

(2) **Permit validity**. Upon approval, the Temporary Use Permit shall be valid for the time limit detailed in the approval.

a. If no time limit is specified within the provisions of Article IV, a maximum of a one-year time limit may be imposed.

(3) **Permit extension**. A Temporary Use Permit may be extended at the director's discretion.

Sec. 18-02-25. Reserved.
Sec. 18-02-26. Reserved.
Sec. 18-02-27. Reserved.
Sec. 18-02-28. Reserved.
Sec. 18-02-29. Reserved.

DIVISION 3. BOARD OF ADJUSTMENT, PLANNING COMMISSION, AND CITY COUNCIL PROCEDURES

Sec. 18-02-30. General board, commission, and council procedures.

(a) **Description**. The board of adjustment, planning commission, and city council procedures include all quasi-judicial and legislative development review procedures. Throughout this chapter, these bodies are also referred to as board, commission, and council respectively.

(1) **Quasi-judicial**. Quasi-judicial procedures are decision-making processes where an official body or agency acts as a court, examines evidence, and applies legal standards to make impartial decisions which are also partially based on established city policy, recommendations from city staff, applicable boards and commissions, and public comment.

(2) **Legislative**. Legislative procedures are decision-making processes where the city council uses discretion to make decisions based on established city policy, recommendations from city staff, applicable boards and commissions, and public comment.

(b) **Appeals**.

(1) Appeals of council decisions may be made by an aggrieved party and shall be made to the Adams County District Court pursuant to Colorado Rules of Civil Procedure.

(2) Appeals of decisions of the planning commission may be made by an aggrieved party and shall be made to the city council.

(3) Appeals of decisions of the board of adjustment may be made by an aggrieved party and shall be made to the Adams County District Court pursuant to Colorado Rules of Civil Procedure.

Sec. 18-02-31. Annexations.

(a) **Purpose**. To accommodate growth and expansion of the municipal boundary in a purposeful manner, and to ensure that all such growth and expansion is accommodated according to applicable regulations.

(b) **Applicability**.

(1) The city or a property owner may apply for an annexation of land into the city in accordance with the procedures set forth within this section.

(2) All annexation of unincorporated territory to the city shall comply with the requirements in the Municipal Annexation Act, C.R.S. 31-12-101 et seq., as amended.

(3) Except for unilateral annexation or annexation upon election, an annexation agreement may be required based upon attributes of a particular property, and if required, will be negotiated between the applicant and the city, and signed by the applicant before an annexation petition will be accepted by the city council.

(c) **Procedures**.

(1) **Pre-application meeting**. A pre-application meeting is required and shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**.

f. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

a. The application shall be in accordance with C.R.S. 31-12-104 through 108.5, as amended.

(3) **Director review**.

a. Once the application is accepted and the first review completed, the director shall notify the applicant to schedule and hold a neighborhood meeting in accordance with Section 18-02-05.

b. After the applicant conducts the neighborhood meeting, they shall transmit the meeting summary to the director,

c. After the staff review has been completed, the council action shall be scheduled for the petition for annexation,

d. After acceptance of the petition for annexation, the director shall prepare a report and recommendation on the application, including the neighborhood meeting summary and the Annexation Agreement, and

e. After the date for the annexation public hearing has been set by the council, the director shall schedule the planning commission public hearing and notify the applicant of the date so that they may meet all other public notice requirements of Section 18-02-05.

(4) **Planning commission public hearing and recommendation**. The planning commission shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, and the director report, and:

1. Recommend approval of the Annexation,

2. Recommend approval with conditions for Annexation, or

3. Recommend denial of the Annexation.

(5) **City council public hearing and decision**. The city council shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, the recommendation of the planning commission, and the director report, and:

1. Approve the Annexation,
2. Approve the Annexation with conditions, or
3. Deny the Annexation.

(d) **Review criteria**. The following criteria shall be used in evaluating an annexation application:

(1) The annexation is in compliance with the Municipal Annexation Act.

(2) The annexation is in accordance with the Comprehensive Plan, and the best interests of the city would be served by annexation of the subject property.

(e) **Zoning required**. Zoning of the property per the Zoning Amendment process established in Section 18-02-38 shall be completed within 90 days of annexation per C.R.S. 31-12-104 as amended.

(f) **Completion of the Annexation process.**

(1) Once the Annexation is approved, the city shall:

a. File the fully approved and signed Annexation Map with the county clerk and recorder of the county in which the property is located, and

b. Simultaneously record any applicable Annexation Agreement together with any other legal documents required to be recorded by the city with the Annexation Map.

1. After approval of city council, the city manager shall have the authority to sign the Annexation Agreement.

Sec. 18-02-32. Appeals of Administrative Decisions.

(a) **Purpose.** The purpose of this section is to provide a process by which decisions of the director or other city officials may be appealed by an applicant or affected party with standing.

(b) **Applicability**. Any aggrieved person or an officer or department of the city may make the following types of appeals to the board of adjustment unless a different appeal process is specifically provided in this chapter.

(1) Appeals of Administrative Procedures and other actions of the director provided for in this article;

(2) Appeals of decisions of the city manager, or other city officials as specifically provided for in this chapter.

(c) **Procedures**.

(1) **Pre-application meeting.** If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

a. Complete applications for an appeal of an administrative decision shall be submitted within 14 days of the decision.

(3) **Director review**.

a. Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria,

b. Stay all proceedings in furtherance of the contested action unless in their opinion, by reason of facts stated in the application for appeal, such a stay would cause imminent peril to life and property. In either case, the director's decision regarding the stay shall not be overturned except by restraining order or preliminary injunction granted by the Adams County District Court, and

c. Schedule the board of adjustment public hearing.

(4) **Board of adjustment hearing and decision**. The board shall:

a. Conduct a public hearing on the application,

1. The applicant or the appellant has the burden of proof to establish the necessary facts to warrant favorable action of the board.

b. Review and discuss the application and public comment received, and

1. Reverse the decision in whole, and issue or direct the issuance of a permit as applicable,

2. Reverse the decision in part, and issue or direct the issuance of a permit as applicable,

3. Reverse the decision with conditions, and issue or direct the issuance of a permit with such conditions included as applicable,

4. Affirm the decision in whole, or

5. Affirm the decision in part.

(d) **Review criteria**. The board shall consider the following criteria when hearing an appeal:

(1) The technical meaning of the provision being appealed including conformance with the Code;

(2) Evidence of the manner in which the provision has been interpreted in the past;

(3) The positive or negative impact of the requested appeal on the achievement of stated city development goals and objectives; and

(4) The intent of the provision in implementing the Comprehensive Plan.

(e) **Effect of decision**.

(1) No single decision of the board sets a precedent. Each decision shall be made on the particular facts of each case.

(2) In approving an appealed interpretation of the Development Code, the board shall provide a written record of its findings, and the staff may use it to propose text amendments that address future interpretation problems.

Sec. 18-02-33. Comprehensive Plan Amendments.

(a) **Purpose**. To reflect changing conditions in the community, this section is established to create a process by which an applicant may propose to amend Future Land Use Map designation of a property, or the city manager, planning commission, or city council may propose to amend the Comprehensive Plan and/or Future Land Use Map designation of a property in the city of Thornton's future growth area.

(b) **Applicability.** Comprehensive Plan amendments shall include:

(1) Changes to the Future Land Use Map as identified in the Comprehensive Plan.

(2) Comprehensive Plan text amendments initiated by the city that do not qualify as an Administrative Update.

a. These amendments are exempt from subsection (c)(1), (2) and (3) below.

(3) Component plans which include city-initiated master plans, area plans, and subarea plans.

a. These plans are exempt from subsection (c)(1), (2) and (3) below

b. Some component plans may be exempt from subsection (c) in its entirety as determined by the director.

(c) **Procedures**.

(1) **Pre-application meeting**. A pre-application meeting is required for applicants and shall follow the process detailed in Section 18-02-02.

(2) **Application submittal and acceptance**.

a. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review**.

c. Once the application is accepted and the first review completed, the director shall notify the applicant to schedule and hold a neighborhood meeting in accordance with Section 18-02-05.

a. After the applicant conducts the neighborhood meeting and transmits the meeting summary to the director, and the staff review has been completed, the director shall prepare a report and recommendation on the application, including the neighborhood meeting summary, and

b. Schedule the planning commission public hearing and notify the applicant of the date so that they may meet all other public notice requirements of Section 18-02-05.

(4) **Planning commission public hearing and recommendation**. The planning commission shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, and the director report, and:

1. Recommend approval of the Comprehensive Plan Amendment,

2. Recommend approval with conditions, or

3. Recommend denial of the Comprehensive Plan Amendment.

(5) **City council public hearing and decision**. The city council shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, the recommendation of the planning commission, and the director report, and:

1. Approve the Comprehensive Plan Amendment,

2. Approve the Comprehensive Plan Amendment with conditions, or

3. Deny the Comprehensive Plan Amendment.

(d) **Review criteria**. The following criteria shall be used to evaluate a Comprehensive Plan Amendment:

(1) There has been a change in the area or in the conditions on which the current designation was based which warrants the amendment.

(2) The proposed Comprehensive Plan Amendment is sensitive to the existing land use, is compatible with the existing adjacent land use designations and will provide for

orderly physical growth of the city, and foster safe, convenient and walkable neighborhoods and shopping districts.

(3) There are or are planned to be adequate transportation, recreation, utility and other facilities to accommodate the uses and densities permitted by the proposed Comprehensive Plan designation and the proposed change is in substantial conformance with the goals and policies of the Comprehensive Plan and other adopted plans and policies.

(4) The proposed amendment corrects an error in the current Comprehensive Plan adoption.

(5) Events, trends, or facts evident after adoption of the Comprehensive Plan have changed the city council's original findings made upon plan adoption or have changed the character or condition of the community so as to make the proposed amendment necessary.

(6) Other changes to the Comprehensive Plan are deemed necessary by the city.

(e) **Effect of decision**. After the adoption of a Comprehensive Plan Amendment, the director shall post the amended document or map to the City of Thornton's website.

Sec. 18-02-34. Development Code Text Amendments.

(a) **Purpose.** To reflect changing conditions in the community, this section is established to create a process by which the city manager, planning commission, Thornton Development Authority (TDA), or city council may propose to amend the text of the Development Code.

(b) **Applicability**. Development Code Text Amendments shall include any definitions, text, graphic, figure, or table changes to the Development Code that are not considered Administrative.

(c) **Procedures**.

(1) **Director review**. The director shall schedule the planning commission public hearing and accomplish all public notice requirements of Section 18-02-05.

(2) **Planning commission public hearing and recommendation**. The planning commission shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, and the director report, and:

1. Recommend approval of the Development Code Text Amendment,

2. Recommend approval of the Development Code Text Amendment with conditions, or

3. Recommend denial of the Development Code Text Amendment.

(3) **City Council public hearing and decision**. The city council shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, the recommendation of the planning commission, and the director report, and:

1. Approve the Development Code Text Amendment,

2. Approve the Development Code Text Amendment subject to conditions, or

3. Deny the Development Code Text Amendment.

(d) **Review criteria**.

(1) **Development Code Text Amendment**. The following criteria shall be used to evaluate a Development Code Text Amendment:

a. The proposed text amendment is aligned with the goals and policies of the Comprehensive Plan.

b. The proposed text amendment shall result in compatible relationships between existing and future development patterns.

c. The proposed text amendment shall not substantially impair health, safety, or general welfare in the city in whole or in part.

d. The proposed amendment's consistency with the purposes of the Development Code as outlined in Section 18-01-9.

e. Other information as deemed relevant.

(e) **Effect of decision**. After the adoption of a Development Code Text Amendment, the director shall post the amended document to the City of Thornton's website and incorporate it into the City Code.

Sec. 18-02-35. Special Use Permits.

(a) **Purpose and applicability**.

(1) The purpose of this section is to establish a process by which the planning commission may review uses that are listed as a special use in specific zoning districts for

conformance with the Development Code prior to issuance of a Special Use Permit (SUP).

(2) The SUP provides a means for developing certain uses in locations where they are determined to be compatible based on the criteria listed in this section. It is used when some, but not all, locations within a zoning district may be appropriate for a specific use. For which uses are considered a special use, refer to Article IV.

(3) The SUP requirement for a use in a district does not constitute an authorization or an assurance that the use will be permitted. Each SUP shall be evaluated as to its probable effect on the adjacent property and the community welfare and may be approved or denied as the findings indicate appropriate.

(4) All land use, development and improvements of any type funded by the city and constructed on property owned by the city are exempt from the requirements of this section.

(b) **Procedures**.

(1) **Pre-application meeting**. If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review**. Once the application is accepted, the director shall:

a. Once the first review is completed, the director shall notify the applicant to schedule and hold a neighborhood meeting in accordance with Section 18-02-05.

b. After the applicant conducts the neighborhood meeting, they shall transmit the meeting summary to the director,

c. After the staff review has been completed, the director shall prepare a report and recommendation on the application, including the neighborhood meeting summary, and

d. Schedule the planning commission public hearing and notify the applicant of the date so that they may meet all other public notice requirements of Section 18-02-05.

(4) **Planning commission public hearing and decision**. The planning commission shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, the neighborhood meeting summary, and the director report, and:

1. Approve the Special Use Permit,

2. Approve the Special Use Permit with conditions, or

3. Deny the Special Use Permit.

c. The commission, or city manager in the circumstance of applications reviewed administratively per Section 18-02-14, may impose reasonable conditions upon the granting of an SUP consistent with the Comprehensive Plan, other stated development goals and objectives of the city, and the requirements of other city regulations.

d. A time limit for the duration of the SUP may be imposed as a condition upon the granting of an SUP. If a time limit has been imposed, the SUP automatically terminates when the time limit expires. The applicant shall be responsible for renewing the SUP through the SUP process prior to the expiration of the time limit.

(c) **Review criteria**. A Special Use Permit may be granted upon finding in the review of the application that all applicable supplemental use standards of Article IV and the following criteria are met. A negative finding of fact on any of the following criteria may constitute a negative vote on the application as a whole. The Special Use Permit criteria is as follows:

(1) The establishment, maintenance or operation of the special use will not be detrimental to or endanger the public health, safety, or general welfare,

(2) The establishment of the special use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

(3) Adequate utilities, access roads, drainage, parking supply, internal circulation improvements, including but not limited to vehicular, pedestrian, bicycle, and other necessary site improvements have been or are being provided.

(4) Measures have been or will be taken to provide adequate ingress and egress and designed to minimize traffic congestion and to ensure public safety and adequate traffic flow, both on-site and on the public streets.

(5) The special use conforms or will be made to conform with all applicable regulations of the zoning district in which it is located.

(6) The special use is in conformance with the Comprehensive Plan.

(d) **Effect of decision**.

(1) **Permit validity**. A Special Use Permit shall expire within 12 months of the date of approval of the permit if no work has commenced, and within three years of the date of approval if no certificate of occupancy has been obtained. Once a certificate of

occupancy has been issued, the Special Use Permit shall remain valid in perpetuity and run with the land unless revoked per this section.

(2) **Permit extension**. The director may grant one, one-year extension of the time period identified in Section 18-02-35(d)(1) upon submittal by the applicant of sufficient justification for the extension. Sufficient justification may include, but is not limited to, delays in other outside agency permits, financing institution delays, or other similar reasons beyond the control of the applicant.

(3) **Revocation**. Should a Special Use Permit applicant, their heirs or assigns, fail to comply with the conditions of the issued permit or should the use, or characteristics of the use be changed without prior approval, the Special Use Permit may be revoked. If the building is destroyed, or the use changes to a different use category, the Special Use Permit shall automatically expire.

Sec. 18-02-36. VARIANCES.

(a) **Purpose**.

(1) The purpose of this section is to establish a process by which the board may review a Variance request for conformance with the Development Code. The Variance process is intended to provide limited relief from the requirements of this chapter in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary physical hardship prohibiting the use of the land in a manner otherwise allowed by this chapter.

(2) This section shall not apply to Variances related to the standards and specifications. Variances to the standards and specifications are described in Section 103.1C of the Standards and Specifications.

(3) This section shall not apply to Variances related to signs and advertising devices. Sign Variances are described in Section 18-11-19(b).

(4) **Prohibited Variances**. The board of adjustment shall not grant a Variance to the Development Code which:

a. Is a Variance for which an Administrative Adjustment, per Section 18-02-12, is enabled by the Development Code,

b. Permits a land use not allowed in the zoning district in which the property is located,

c. Is in the public right-of-way or on public property,

d. Alters any definition of this chapter,

e. Is other than the minimum Variance that will afford relief with the least modification possible to the requirements of this chapter,

f. Is based on physical conditions or circumstances of the property so general or recurring in nature as to reasonably make practicable the formulation of a general regulation to be adopted as an amendment to this chapter, or

g. Is based exclusively on findings of personal or financial hardship.

(b) **Procedures**.

(1) **Pre-application meeting**. If a pre-application meeting is requested, it shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

(3) **Director review**.

a. Once the application is accepted, the director shall review the application based on Section 18-02-02 and the review criteria,

b. Prepare a report and recommendation on the application, and

c. Schedule the board of adjustment public hearing and notify the applicant of the date so that they may meet all other public notice requirements of Section 18-02-05.

(4) **Board of adjustment public hearing and decision**. The board of adjustment shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, and the director report, and:

1. Approve the Variance,

2. Approve the Variance with conditions, or

3. Deny the Variance.

(c) **Review criteria**. In order to grant a Variance to the Development Code, the board shall find that all the following have been satisfied:

(1) There are unique physical circumstances or conditions such as irregularity, narrowness or shallowness of the lot, or exceptional topographical or other physical condition particular to the affected property,

(2) Because of these unique physical circumstances or conditions, the property cannot be reasonably developed or used in compliance with the provisions of the Development Code,

(3) Due to such unique physical circumstances or conditions, the strict application of the Development Code would create a demonstrated hardship,

(4) The demonstrable hardship is not self-imposed,

(5) The Variance if granted will not adversely affect the proposed development or use of adjacent property or the neighborhood,

(6) The Variance if granted will not change the character of the zoning district in which the property is located,

(7) The Variance if granted is in keeping with the intent of the Development Code, and

(8) The Variance if granted will not adversely affect the health, safety or welfare of the citizens of the city.

Sec. 18-02-37. Vested Property Rights and Development Agreements.

(a) **Purpose.** C.R.S. § 24-68-101 et seq. establishes certain vested property rights, attaching upon the approval or conditional approval of a site-specific development plan by local government to remain vested for a period of three years from the date of such approval.

(b) **Site Specific Development Plan.** The following types of development applications may constitute a site specific development plan, as such term is used in C.R.S. C.R.S. § 24-68-101 et seq., as amended: Subdivision Plat for detached residential and attached residential districts or a Development Plan for multi-unit district or any nonresidential district which has been approved and adopted pursuant to the provisions this section in the form of an ordinance by the city council, after notice and a public hearing, and which describes with reasonable certainty the type and intensity of use proposed for a specific parcel of property.

(c) **Application**.

(1) Every application for a site-specific development plan seeking to establish vested property rights shall contain the statement "this is an application for a site-specific development plan in which vested rights are being requested" clearly and conspicuously on the face of the first submittal of the application. Failure of the landowner or the landowner's legal representative to conspicuously and clearly provide this statement on the face of the application shall be deemed to constitute a waiver of any and all vested property rights as allowed pursuant to this section or pursuant to C.R.S. § 24-68-101 et seq., as amended.

(2) For a property right to be vested, in addition to strict compliance with the provisions of this section, the landowner or the landowner's legal representative shall fully

comply with all other applicable requirements, procedures and conditions for submittals and approvals provided by ordinance or resolution.

(d) **Notice and hearing.**

(1) No site-specific development plan shall be approved nor shall vested rights be established until after a public hearing before the council preceded by written notice of such hearing. The written notice shall describe generally the type and intensity of the proposed use, the specific parcel of property affected and shall contain a statement in the title of the ordinance that a site-specific development plan and a vested property right is being created.

(2) Any development agreement proposing to extend the statutory length of vested property rights shall be subject to the same notice and hearing provisions as stated above.

(e) **Effect on other provisions.** Approval of a site-specific development plan shall not be deemed to constitute an exemption from or waiver of any other provisions of this Code pertaining to the development and use of property or pertaining to the health, safety and general welfare of the citizens of the city. All applicants for a vested property right shall be subject to growth limitations including moratoriums, tap limitations, building permit limitations, or other growth management requirements as well as payment of impact fees and development charges, concurrency management requirements, design standards and any other development regulation in effect at the time of application. Application or approval of a vested property right does not grant any right to utility taps or building permits.

(f) **Limitations.**

(1) Nothing in this section is intended to create any vested property right in derogation of any of the powers or authorities granted to the city as a home rule municipality pursuant to Article XX of the State Constitution and the Charter, but only to implement the provisions of C.R.S. § 24-68-101 et seq., as amended. In the event of the repeal or a finding of invalidity by the judiciary of such article, this section shall be deemed to be repealed and the provisions of this section no longer effective.

(2) In addition to all applicable terms and conditions set forth in the approving ordinance or in other chapters of this Code, all site specific development plans shall be expressly contingent upon the property owner paying and/or reimbursing the city for any and all publication, recording and dedication fees, including but not limited to cash in lieu of dedication fees, and the conveyance or dedication of easements, rights-of-way, nontributary and not nontributary groundwater and other property rights and interests which are needed for public improvements as a result of the direct impacts and burdens resulting from the site specific development plan. Failure to abide by such terms and conditions shall result in a forfeiture of the vested property right.

Sec. 18-02-38. Zoning Amendments.

(a) **Purpose.** To reflect changing conditions in the community, this section is established to create a process by which an applicant, the city manager, planning commission, Thornton Development Authority (TDA), or city council may propose to amend the zoning map. This section applies to rezoning requests for land that is within city boundaries as well as the designation of a city zoning district or districts to land that is being annexed into the city.

(b) **Procedures**.

(1) **Pre-application meeting**. A pre-application meeting is required for applicants that shall follow the process detailed in Section 18-02-02(b).

(2) **Application submittal and acceptance**. Application submittal and acceptance shall follow the standards and process established in Section 18-02-02.

a. An application for a change in zoning district classification or boundary for a parcel in which all or any part was the subject of a substantially similar previous application for zoning, which was denied by the city council, shall not be accepted by the city until a period of at least one year has elapsed following the date of the city council denial.

(4) **Director review**.

a. Once the application is accepted and the first review completed, the director shall notify the applicant to schedule and hold a neighborhood meeting in accordance with Section 18-02-05.

b. After the applicant conducts the neighborhood meeting, they shall transmit the meeting summary to the director,

c. After the staff review has been completed, the director shall prepare a report and recommendation on the application, including the neighborhood meeting summary, and

d. Schedule the planning commission public hearing and notify the applicant of the date so that they may meet all other public notice requirements of Section 18-02-05.

(3) **Planning commission public hearing and recommendation**. The planning commission shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, and the director report, and:

1. Recommend approval of the Zoning Amendment,

2. In the case of Planned Development zoning, including PD-L and PD-O Districts, recommend approval of the Zoning Amendment with conditions, or

3. Recommend denial of the Zoning Amendment.

(4) **City council public hearing and decision**. The city council shall:

a. Conduct a public hearing on the application,

b. Review and discuss the application, public comment received, the recommendation of the planning commission, and the director report, and:

1. Approve the Zoning Amendment,

2. In the case of Planned Development zoning, including PD-L and PD-O Districts, approve the Zoning Amendment with conditions, or

3. Deny the Zoning Amendment.

(c) **Review criteria**.

(1) **Planned Development Overlay (PD-O) District Zoning Amendment**.

a. If the Zoning Amendment is to create or modify a PD-O District:

1. A Preliminary Plan has been submitted with the application, and the plan complies with all applicable standards and requirements of Section 18-3-65, and

2. The application complies with the objectives established in Section 18-3-65 as well as the criteria in this section.

i. In the event of a conflict between the objectives in Section 18-3-65 and the criteria for approval in this section, the objectives in Section 18-3-65 shall apply.

(2) **Zoning Amendment for all other zoning districts**. The following criteria shall be used to evaluate a Zoning Map Amendment to any district other than the PD District:

a. The amendment to the official map is being initiated by the city to rectify an error, or

b. The requested zoning district is in substantial conformance with the Future Land Use Map of the Comprehensive Plan, as well as the goals and policies of the Comprehensive Plan and other adopted plans and policies of the city,

c. The change in zoning represents orderly development of the city and there are, or are planned to be, adequate services and infrastructure to support the proposed zoning change and existing uses in the area,

d. The subject site is suitable for all permitted uses and development allowed within the requested district,

e. The change in zoning provides for an appropriate use of the property, and

f. The rezoning is consistent with the character of existing or planned development on adjacent properties and in the surrounding area or neighborhood, or measures will be taken to substantially buffer or otherwise substantially mitigate any negative impacts.

(d) **Effect of decision**.

(1) After the adoption of a Zoning Amendment, the director shall update the official zoning map on the City of Thornton's website.

Sec. 18-02-39. Reserved.
Sec. 18-02-40. Reserved.
Sec. 18-02-41. Reserved.
Sec. 18-02-42. Reserved.
Sec. 18-02-43. Reserved.

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ARTICLE III: ZONING DISTRICTS

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Chapter 18 / Article III: Zoning Districts

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DIVISION 1. GENERALLY

Sec. 18-3-01. GENERAL PROVISIONS.

(a) **Purpose**. The purpose of this article is to establish the city's zoning districts, including their purpose, dimensional standards, and allowed encroachments, to:

(1) Implement the intent of this chapter and the Comprehensive Plan;

(2) Allow for orderly development;

(3) Protect natural resources; and

(4) Promote the public health, safety, and welfare of the city.

(b) **Applicability**.

(1) The zoning districts, also referred to as zone districts, established in this article shall apply to all parcels within the city as detailed on the city's official zoning map.

(2) **Zoning map interpretation**.

a. When uncertainty exists as to the boundaries of zoning districts as shown on the official map, the following rules apply:

1. Boundaries indicated as approximately following the centerlines of streets, highways, or alleys are construed to follow those centerlines.

2. Boundaries indicated as approximately following platted lot lines are construed as following those lot lines.

3. Boundaries indicated as approximately following city limit lines are construed as following city limits.

4. Boundaries indicated as following railroad lines are construed as following the established centerline of a railroad right-of-way. If no centerline is established, the boundary is midway between the railroad right-of-way lines.

5. Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water are construed as following those centerlines. The centerline is interpreted as being midway between the shorelines of the body of water. If the centerline changes, the boundaries are construed as moving with the centerline.

6. Boundaries indicated as parallel to or extensions of the features described in Subsections (b)(2)a.1 through (b)(2)a.5 of this section are construed as being parallel to or extensions of the features.

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7. Boundaries indicated as dividing a lot or tract are construed to be located as shown on the official map.

b. Distances not specifically indicated on the official map are determined by the scale of the map.

c. Whenever a street or alley or other public right-of-way is vacated by official action of the council, the zoning district on that portion of the street, alley, or other public right-of-way that is vacated automatically adjusts to the zoning of the property to which the right-of-way is returned.

d. When there is a question as to the boundary of a tract and that question cannot be resolved by the application of Subsections (b)(2)a through (b)(2)c of this section, the commission shall determine the boundary by interpreting the official zoning map and ordinances amending the official map.

(3) **Applicability of dimensional standards.**

a. The dimensional standards established for zoning districts in this article shall apply to principal and accessory buildings and structures unless otherwise indicated in this chapter.

1. The column for "All Other Uses" in the dimensional standards tables shall apply to all principal uses not identified in the other columns in the table as well as any accessory uses built on the lot of the applicable principal use.

2. Temporary uses shall be regulated by Division 11 of Article IV of this chapter.

b. **Standards not identified.** Any dimensional standards not identified in a zoning district's dimensional standards subsection are not regulated in that district unless a provision specifies that the district's dimensional standards shall be determined through the Development Plan, a Zoning Amendment for a PD-L or PD-O District, or otherwise determined by the director.

Sec. 18-3-02. Establishment of districts.

The following zoning districts are established:

(a) **Base Districts**. A base zoning district establishes a basic set of uniform development regulations for a defined geographic area.

(1) **Residential Districts**.

a. RE Residential Estate

b. RL Residential - Low Density

c. RM Residential - Mid Density

d. RH Residential - High Density

(2) **Mixed Use Districts.**

a. MU Mixed Use

b. TOD Transit-Oriented Development

(3) **Commercial and Employment Districts.**

a. NC Neighborhood Commercial

b. GC General Commercial

c. RC Regional Commercial

d. BP Business Park

(4) **Eastlake Districts.**

a. ER Eastlake Residential

b. EO Eastlake Office

c. ETD Eastlake Transit-Oriented Development

d. EB Eastlake Business

e. ES Eastlake Service

(5) **Other Districts.**

a. CI Civic Institutional

b. DR Development Reserve

c. AG Agricultural

d. POS Parks and Open Space

(6) **Legacy Districts.**

a. SFD-L Single-Family Detached Legacy

b. MH-L Manufactured Home Legacy

c. PD-L Planned Development Legacy

d. CC-L City Center Legacy

e. EC-L Employment Center Legacy

f. I-L Industrial Legacy

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g. MC-L Mineral Conservation Legacy

(b) **Overlay Districts.** An overlay district is a zoning district with a defined geographic area that is superimposed on top of one or more underlying base zone districts for the purpose of modifying or supplementing the base zone district regulations to help achieve a specific goal for the area. The standards of the overlay district shall supersede the standards of all other applicable district types. These districts include:

(1) NW-O North Washington Subarea Overlay

(2) PD-O Planned Development Overlay

Sec. 18-3-03. – 18-3-07. – Reserved.

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DIVISION 2. RESIDENTIAL BASE DISTRICTS

Sec. 18-3-08. RE Residential Estate District.

(a) **Purpose and intent.** The RE District is established to preserve semirural, very low-density residential neighborhoods. The RE District is intended to accommodate the amenities of a rural environment where large lots are desirable or necessary because of environmental conditions or existing development predating the city's urban growth.

(b) **Additional provisions.** Use of individual wells and septic systems and private well systems to serve residential lots within the RE District are permitted, provided that the specified lot size requirements in Table 18-3-08.1, the utility service requirements of Chapter 74, and other applicable city codes have been met.

(c) **Dimensional standards.**

Table 18-3-08.1 RE District dimensional standards by use.

Regulation	Serviced Dwelling, 1 Unit Detached [1]	Non-Serviced Dwelling, 1 Unit Detached [2]	All Other Uses
Lot Area, Minimum per Dwelling Unit (acres)	1	2.5	N/A
Front and Street Side Setback, Minimum (feet) [3]	20	20	25
Interior Side Setback, Minimum (feet)	15	15	15
Rear Setback, Minimum (feet)	15	15	20
Building Height, Maximum (feet) [4]	35 / 30	35 / 30	35 / 16
Lot Coverage, Maximum (%)	45	45	80

Table 18-3-08.1 footnotes:

[1] Serviced means a residential use served by city water and sewer, or city water and septic system, or well water and city sewer.

[2] Non-serviced means residential use served by well water and septic system.

[3] See Section 18-07-46 and 18-07-47 for setback reductions in green court and motor court configurations.

[4] The first number is for the principal structure and Accessory Dwelling Units (ADUs) above a garage. The second number is for all other accessory structures.

Sec. 18-3-09. RL Residential – Low Density District.

(a) **Purpose and intent.** The RL District is established to accommodate low density residential neighborhoods. The RL District is intended to provide opportunity for gentle density infill development that complements existing housing and provides appropriate transitions to existing neighborhoods including massing, orientation, and scale.

(b) **Dimensional standards.**

Table 18-3-09.1 RL District dimensional standards by use.

Regulation	Dwelling, 1 Unit Detached *(with alley access or no vehicular access)*	Dwelling, 1 Unit Detached *(with front vehicular access)*	Dwelling, 2 Units Attached or Duplex *(with alley access or no vehicular access)*	Dwelling, 2 Units Attached or Duplex *(with front vehicular access)*	All Other Uses *(with or without alley vehicular access)*
Lot Area, Minimum per Dwelling Unit (square feet)	3,500	4,500	2,000	3,500	10,000
Lot Width, Minimum per Dwelling unit (feet) [1]	30	50	25	45	N/A
Front and Street Side Setback, Minimum (feet)	10 [2]	10/20 [2] [3]	10 [2]	10 / 20 [2] [3]	25
Interior Side Setback, Minimum (feet)	5	5	5 [4]	5 [4]	10
Rear Setback, Minimum (feet) [5]	10 / 0	15 / 5	10 / 0	15 / 5	20
Building Height, Maximum (feet) [6]	35 / 16	35 / 16	40 / 16	40 / 16	40 / 16
Lot Coverage, Maximum (%)	85	85	90	90	90

Table 18-3-09.1 footnotes:

[1] Lot width for front-loaded dwellings can be reduced to match the alley-loaded dwellings if shared driveways are used.

[2] See Section 18-07-46 and 18-07-47 for setback reductions in green court and motor court configurations.

[3] The first number applies to a porch with or without living space above or to the building if no porch is provided. The second number applies to front-loaded garages or alley-loaded garages with driveways.

[4] Standard shall not apply if a fire-related partition wall meeting all Thornton Building Code requirements is provided.

[5] The first number is for the principal structure, second is for accessory structure or rear-loaded garage without a driveway. If a driveway is provided for an alley-loaded garage, the setback is 20 feet.

[6] The first number is for the principal structure and Accessory Dwelling Units (ADUs) above a garage. The second number is for all other accessory structures.

Sec. 18-3-10. RM Residential – Mid Density District.

(a) **Purpose and intent**. The RM District is established to accommodate medium density residential neighborhoods. The RM District is intended to allow for, and encourage, an expanded range of housing densities and types to increase residential choices in the city. New development in the RM District shall be thoughtfully integrated, walkable, and interconnected to services and amenities. Infill development in the RM District shall complement existing housing in accordance with the location requirements indicated in Article IV, Sections 18-04-142, 18-04-143, 18-04-145, 18-04-146, and 18-04-152 and provide appropriate transitions to adjacent existing neighborhoods including massing, orientation, and scale.

(b) **Additional provisions**.

(1) **Required mix of dwelling types**. New development in the RM District shall include at least two distinct dwelling types that are permitted uses in this zoning district.

a. This requirement shall be fulfilled by the construction of two or more of the following residential options:

1. Cottage Housing (single lot) up to eight units;
2. Duplex (single lot); or Dwelling, 2 Units Attached (1 unit per lot); or Dwelling, 1 Unit Detached (single lot) with an approved Accessory Dwelling Unit constructed on the same lot at the same time as the Principal Dwelling Unit;
3. Dwelling, 1 Unit Detached (single lot);
4. Dwelling, 3-8 Units Attached (1 unit per lot); and
5. Triplex or Quadplex (single lot).

b. The development may be exempt from this requirement if:

1. The location of the proposed development does not require at least two distinct dwelling types on the Future Land Use Map based on its Future Land Use Designation in the Comprehensive Plan;

2. The total land area of the site proposed to be developed is less than ten acres; or

3. The applicant submits an analysis that demonstrates to the satisfaction of the director that the mix of dwelling types will be achieved through existing or planned housing on adjacent parcels.

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(c) **Dimensional standards**.

Table 18-3-10.1 RM District dimensional standards by use.

Regulation	Dwelling, 1 Unit Detached *(with alley access or no vehicular access)*	Dwelling, 1 Unit Detached *(with front vehicular access)*	Duplex / Triplex / Quadplex; or Dwelling, 2 Units Attached Dwelling, 3-8 Units Attached *(with alley access or no vehicular access)*	Duplex / Triplex / Quadplex; Dwelling, 2 Units Attached; or Dwelling, 3-8 Units Attached *(with front vehicular access)*	Cottage Housing *(with or without alley vehicular access)*	All Other Uses *(with or without alley vehicular access)*
Lot Area, Minimum per Dwelling Unit (square feet)	~~2,500~~2,000	~~4,500~~3,500	1,000	2,000	2,000	10,000
Lot Width, Minimum per Dwelling unit (feet) [1]	25	50	15	30	N/A	N/A
Front and Street Side Setback, Minimum (feet)	10 [2]	10/20 [2] [3]	10 [2]	10 / 20 [2] [3]	15	15
Interior Side Setback, Minimum (feet)	~~5~~3	5	0 [4]	0 [4]	10 [4]	10
Rear Setback, Minimum (feet) [5]	10 / 0	15 / 5	10 / 0	15 / 5	20	20
Building Height, Maximum (feet) [6]	~~35~~ 45 / 16	~~35~~ 45 / 16	45 / 16	45 / 16	45 / 16	35 / 16
Lot Coverage, Maximum (%)	90	90	93	93	80	80

Table 18-3-10.1 footnotes:

[1] Lot width for front-loaded dwellings can be reduced to match the alley-loaded dwellings if shared driveways are used.

[2] See Section 18-07-46 and 18-07-47 for setback reductions in green court and motor court configurations.
[3] The first number applies to a porch with or without living space above or to the building if no porch is provided. The second number applies to front-loaded garages.
[4] Ten feet between structures is required.
[5] The first number is for the principal structure. The second number is for accessory structure or alley-loaded garage with no driveway.
[6] The first number is for the principal structure and Accessory Dwelling Units (ADUs) above a garage. The second number is for all other accessory structures.

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Sec. 18-3-11. RH Residential – High Density District.

(a) **Purpose and intent.** The RH District is established to accommodate high density residential neighborhoods. The RH District is intended to expand the range of housing densities and types in close proximity to commercial uses to increase lifestyle options. New development in the RH District shall be thoughtfully integrated, walkable, and interconnected to services and amenities. Supporting nonresidential uses that provide services and amenities to the predominantly residential development may be permitted in this district. Infill development in the RH District shall complement existing housing in accordance with the location requirements indicated in Article IV, Sections 18-04-142, 18-04-143, 18-04-145, 18-04-146, 18-04-147, 18-04-149, 18-04-150, 18-04-151, and 18-04-152 and provide appropriate transitions to existing neighborhoods including massing, orientation, and scale.

(b) **Additional provisions.**

(1) **Required mix of dwelling types.** New development in the RH District shall include at least two distinct dwelling types that are permitted uses in this zoning district.

a. This requirement shall be fulfilled by the construction of two or more of the following residential options:

1. Cottage Housing (single lot);
2. Duplex (single lot) or Dwelling, 2 Units Attached (1 unit per lot);
3. Dwelling, 3-8 Units Attached (1 unit per lot);
4. Dwelling, Live-Work;
5. Multi-Unit Dwelling or Multi-Unit Dwelling Complex (single lot);
6. Multi-Unit Dwelling, Above Ground Floor (single lot); and
7. Triplex or Quadplex (single lot).

b. The development may be exempt from this requirement if:

1. The location of the proposed development does not require at least two distinct dwelling types on the Future Land Use Map based on its Future Land Use Designation in the Comprehensive Plan; or
2. The total land area of the site proposed to be developed is less than ten acres; or
3. The applicant submits an analysis that demonstrates to the satisfaction of the director that the mix of dwelling types will be achieved through existing or planned housing on adjacent parcels.

(c) **Dimensional standards.**

Table 18-3-11.1 RH District dimensional standards by use.

Regulation	Duplex / Triplex / Quadplex; Dwelling, 2 Units Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live – Work *(with alley access or no vehicular access)*	Duplex / Triplex / Quadplex, Dwelling, 2 Units Attached, Dwelling, 3-8 Units Attached, or Dwelling, Live - Work *(with front vehicular access)*	Cottage Housing; Multi-Unit Dwelling; Multi-Unit Dwelling Complex; or Multi-Unit Dwelling, Above Ground Floor *(with or without alley)*	All Other Uses *(with or without alley)*
Lot Area, Minimum per Dwelling Unit (square feet)	1,000	2,000	1,000	N/A
Lot Width, Minimum per Dwelling unit (feet) [1]	15	30	N/A	N/A
Front or Street Side Setback, Minimum (feet)	10 [2]	10 / 20 [2] [3]	15	15
Interior Side Setback, Minimum (feet) [4] [5]	~~5~~3	5	10	10
Rear Setback, Minimum (feet) [5] [6]	10 / 0	15 / 5	20	20
Building Height, Maximum (feet) [7]	45 / 16	45 / 16	65 / 16 / 45	60 / 16
Lot Coverage, Maximum (%)	93	93	90	80
Distance Between Buildings Up to Two Stories, Minimum (feet)	N/A	N/A	10	10
Distance Between Buildings More Than Two Stories, Minimum (feet)	N/A	N/A	20	20

Table 18-3-11.1 footnotes:

[1] Lot width for front-loaded dwellings can be reduced to match the alley-loaded dwellings if shared driveways are used.

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[2] See Section 18-07-46 and 18-07-47 for setback reductions in green court and motor court configurations.

[3] The first number applies to a porch with or without living space above or to the building if no porch is provided. The second number applies to front-loaded garages.

[4] Standard shall not apply if fire-rated partition wall meeting all Thornton Building Code requirements is provided.

[5] Standard shall depend on required buffer yards as detailed in Section 18-8-20.

[6] The first number is for the principal structure. The second number is for an accessory structure or alley-loaded garage with no driveway.

[7] The first number is for principal structures and Accessory Dwelling Units (ADUs) above a garage in all development except Cottage Housing. The second number is for all other accessory structures. If a third number is listed, the third number is for principal structures in Cottage Housing development only.

Sec. 18-3-12. – 18-3-16. – Reserved.

DIVISION 3. MIXED-USE BASE DISTRICTS

Sec. 18-3-17. MU Mixed-Use District.

(a) **Purpose and intent.** The MU District is established to accommodate vertical and horizontal mixed-use development that combines a thoughtfully integrated and compatible mix of residential and nonresidential uses in locations consistent with the Comprehensive Plan. The MU District is intended to create a compact, pedestrian-friendly, and unique environment where people can live, shop, work, and play. Buildings shall be located along property lines to create a desirable sense of enclosure and consistent street wall with activated storefronts.

(b) **Additional provisions.**

(1) **Mix of uses.**

a. **Required mix.** New development in the MU District shall provide a compatible mix of allowable uses identified in the Principal Use Table in Section 18-04-09 for this district from two or more of the following use categories:

1. Commercial;
2. Entertainment;
3. Lodging;
4. Public and Institutional; and
5. Residential

b. A minimum of 25 percent of the ground floor area of the development shall include uses from any of the use categories listed in Subsections (b)(1)a.1, (b)(1)a.2, and (b)(1)a.4 of this section.

c. Development may additionally include allowable principal uses from other use categories as well as accessory and temporary uses that are compatible and complementary.

(c) **Dimensional standards.**

Table 18-3-17.1 MU District dimensional standards by use.

Regulation	Duplex / Triplex / Quadplex; Dwelling, 2 Units Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live - Work *(with alley access or no vehicular access)*	Duplex / Triplex / Quadplex; Dwelling, 2 Unit Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live - Work *(with front vehicular access)*	Cottage Housing; Multi-Unit Dwelling; Multi-Unit Dwelling Complex; or Multi-Unit Dwelling, Above Ground Floor *(with or without alley)*	All Other Uses *(with or without alley)*
Lot Area, Minimum per Dwelling Unit (square feet)	1,000	2,000	N/A	N/A
Lot Width, Minimum per Dwelling unit (feet) [1]	15	30	N/A	N/A
Front or Street Side Setback, (feet)	10 Minimum [2]	10/20 Minimum [2] [4]	25 Minimum / 35 Maximum Arterial; 10 Minimum / 15 Maximum Collector or Local [3] [5]	15 Minimum / 25 Maximum Arterial; 10 Minimum / 15 Maximum Collector or Local [3] [5]
Interior Side Setback, Minimum (feet) [6] [7]	5	5	10	10
Rear Setback, Minimum (feet) [7] [8]	10 / 0	15 / 5	20	20
Building Height, Maximum (feet) [9]	45 / 16	45 / 16	65 / 16 / 45	60 / 16
Frontage Build-Out on Primary Street, Minimum (%) [10]	N/A	N/A	50 [11]	50

Regulation	Duplex / Triplex / Quadplex; Dwelling, 2 Units Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live - Work *(with alley access or no vehicular access)*	Duplex / Triplex / Quadplex; Dwelling, 2 Unit Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live - Work *(with front vehicular access)*	Cottage Housing; Multi-Unit Dwelling; Multi-Unit Dwelling Complex; or Multi-Unit Dwelling, Above Ground Floor *(with or without alley)*	All Other Uses *(with or without alley)*
Lot Coverage, Maximum (%)	93	93	80	80
Distance Between Buildings Up to Two Stories, Minimum (feet)	N/A	N/A	10	10
Distance Between Buildings More Than Two Stories, Minimum (feet)	N/A	N/A	20	20

Table 18-3-17.1 footnotes:

[1] Lot width for front-loaded dwellings can be reduced to match the alley-loaded dwellings if shared driveways are used.

[2] See Section 18-07-46 and 18-07-47 for setback reductions in green court and motor court configurations.

[3] No vehicular circulation or parking is allowed between the building and street where a maximum setback is listed.

[4] The first number applies to a porch with or without living space above or to the building if no porch is provided. The second number applies to front-loaded garages.

[5] Primary entrance required on at least one of the street facing façades where a maximum setback is listed.

[6] Standard shall not apply if a fire-related partition wall meeting all Thornton Building Code requirements is provided.

[7] Standard shall depend on required buffer yards as detailed in Section 18-8-20.

[8] The first number is for the principal structure. The second number is for an accessory structure or alley-loaded garage with no driveway.

[9] The first number is for principal structures and Accessory Dwelling Units (ADUs) above a garage in all development except Cottage Housing. The second number is for all other accessory structures. If a third number is listed, the third number is for principal structures in Cottage Housing development only.

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[10] For the purposes of this provision, primary street is defined to be at least one arterial street. If no arterial streets abut the project site, primary street is defined to be at least one collector, private street or other access easement abutting the site.

[11] Cottage Housing is exempt from this provision.

Sec. 18-3-18. TOD Transit-Oriented Development District.

(a) **Purpose and intent.** The TOD District is established to accommodate compact, pedestrian-oriented development in proximity to transit stations consistent with the Comprehensive Plan and, where applicable, Station Area Master Plans. The TOD District is intended to increase convenient access to transit services through development that is characterized by a human scale, compact urban form, and multimodal connectivity. Buildings shall be located along property lines to create a desirable sense of enclosure and consistent street wall with activated storefronts. The TOD District encourages vertical and horizontal mixed-use development with higher density and intensity uses located closest to the transit station. Appropriate transitions in density and intensity are required adjacent to existing neighborhoods including massing, orientation, and scale. Additional guidelines for development are contained in the Station Area Master Plans.

(b) **Additional provisions.**

(1) **Mix of uses.**

a. Unless otherwise indicated in an approved Station Area Master Plan, new development in the TOD District over 10 acres shall provide a compatible mix of allowable uses identified in the Principal Use Table in Section 18-04-09 for this district from two or more of the following use categories:

1. Commercial;
2. Entertainment;
3. Lodging;
4. Public and Institutional; and
5. Residential

b. A minimum of 25 percent of the ground floor area of the development shall include uses from any of the use categories listed in Subsections (b)(1)a.1, (b)(1)a.2, and (b)(1)a.4 of this section.

c. Development may additionally include allowable principal uses from other use categories as well as accessory and temporary uses that are compatible and complementary.

(c) **Dimensional standards.**

Table 18-3-18.1 TOD District dimensional standards by use.

Regulation	Dwelling, 1 Unit Detached *(with alley access or no vehicular access)*	Dwelling, 1 Unit Detached *(with front vehicular access)*	Duplex; Dwelling 2 Units Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live - Work *(with alley access or no vehicular access)*	Duplex; Dwelling 2 Units Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live - Work *(with front vehicular access)*	Cottage Housing; Multi-Unit Dwelling; Multi-Unit Dwelling Complex; or Multi-Unit Dwelling, Above Ground Floor *(with or without alley)*	All Other Uses [1] [2] *(with or without alley)*
Lot Area, Minimum per Dwelling Unit (square feet)	~~2,000~~1,800	~~4,000~~3,500	1,000	2,000	N/A	N/A
Lot Width, Minimum per Dwelling unit (feet) [3]	~~25~~22	50 *(considering 40)*	15	30	N/A	N/A
Front or Street Side Setback, Minimum (feet)	~~8~~ 5 [4]	8 / 20 [4] [5]	10 [4]	10/20 [4] [5]	15 Arterial; 10 Collector or Local [1] [2]	15 Arterial; 5 Collector or Local [1] [2]
Front or Street Side Setback, Maximum (feet)	N/A	N/A	N/A	N/A	25 Arterial; 15 Collector or Local [1] [2]	25 Arterial; 15 Collector or Local [1] [2]

Regulation	Dwelling, 1 Unit Detached *(with alley access or no vehicular access)*	Dwelling, 1 Unit Detached *(with front vehicular access)*	Duplex; Dwelling 2 Units Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live - Work *(with alley access or no vehicular access)*	Duplex; Dwelling 2 Units Attached; Dwelling, 3-8 Units Attached; or Dwelling, Live - Work *(with front vehicular access)*	Cottage Housing; Multi-Unit Dwelling; Multi-Unit Dwelling Complex; or Multi-Unit Dwelling, Above Ground Floor *(with or without alley)*	All Other Uses [1] [2] *(with or without alley)*
Interior Side Setback, Minimum (feet) [6] [7]	~~5~~3	5	5	5	10	10
Rear Setback, Minimum (feet) [7] [8]	10 / 0	15 / 5	10 / 0	15 / 5	10	10
Building Height, Maximum (feet) [9]	45 / 16	45 / 16	45 / 16	45 / 16	65 / 16 / 45	75 / 16
Frontage Build-Out on Primary Street, Minimum (%) [10]	N/A	N/A	N/A	N/A	60 [11]	70
Lot Coverage, Maximum (%)	90	90	93	93	90	90

Table 18-3-18.1 footnotes:

[1] Primary entrance required on at least one of the street facing façades.

[2] No vehicular circulation or parking is allowed between the building and street where a maximum setback is listed.

[3] Lot width for front-loaded dwellings can be reduced to match the alley-loaded dwellings if shared driveways are used.

[4] See Section 18-07-46 and 18-07-47 for setback reductions in green court and motor court configurations.

[5] The first number applies to a porch with or without living space above or to the building if no porch is provided. The second number applies to front-loaded garages.

[6] Standard shall not apply if fire-rated partition wall meeting all Thornton Building Code requirements is provided.
[7] Standard shall depend on required buffer yards as detailed in Section 18-8-20.
[8] The first number is for the principal structure, second is for accessory structure or alley loaded garage with no driveway.
[9] The first number is for principal structures and Accessory Dwelling Units (ADUs) above a garage in all development except Cottage Housing. The second number is for all other accessory structures. If a third number is listed, the third number is for principal structure in Cottage Housing development only.
[10] Primary street is defined, for the purposes of this provision, to be at least one arterial street, and, if no arterial streets abut the project site, at least one collector, private street or other access easement abutting the site.
[11] Cottage Housing is exempt from this provision.

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Sec. 18-3-19. – 18-3-23. – Reserved.

DIVISION 4. COMMERCIAL AND EMPLOYMENT BASE DISTRICTS

Sec. 18-3-24. NC Neighborhood Commercial District.

(a) **Purpose and intent.** The NC District is established to accommodate small-scale nonresidential development and activity centers to serve the convenience shopping, service, and office needs of nearby residents. Development in this district shall consist primarily of nonresidential uses but may allow for limited inclusion of buildings that include both a residential and nonresidential use to expand employment opportunities and activate commercial areas throughout the day. New development in the NC District shall be human scale, compact, pedestrian-oriented, multimodally connected to surrounding development, and include public gathering space.

(b) **Additional provisions.** Buildings containing a residential use shall not exceed 25 percent of the total land area of the site proposed to be developed. Buildings that contain 100 percent nonresidential uses on the ground floor are exempt from this requirement.

(c) **Dimensional standards.**

Table 18-3-24.1 NC District dimensional standards by use.

Regulation	All Uses [1] [2]
Front or Street Side Setback, Minimum (feet) [3]	15 Arterial; 6 Collector or Local
Front or Street Side Setback, Maximum (feet) [3]	25 Arterial; 20 Collector or Local
Interior Side Setback, Minimum (feet) [4] [5]	5
Rear Setback, Minimum (feet) [5]	0
Building Height, Maximum (feet)	45
Frontage Build-Out on Primary Street, Minimum (%) [6]	40
Lot Coverage, Maximum (%)	85
Distance Between Buildings Up to Two Stories, Minimum (feet)	10
Distance Between Buildings More Than Two Stories, Minimum (feet)	20

Table 18-3-24.1 footnotes:

[1] Residential uses may not have front vehicular access directly from the street. Vehicular access shall be rear access through an alley or parking lot.

[2] Primary entrance required on at least one of the street facing façades for commercial uses.

[3] No vehicular circulation or parking is allowed between the building and street.

[4] Standard shall not apply if fire rated partition wall meeting all Thornton Building Code requirements is provided.
[5] Standard shall depend on required buffer yards as detailed in Section 18-8-20.
[6] Primary street is defined, for the purposes of this provision, to be at least one arterial street, and, if no arterial streets abut the project site, at least one collector, private street or other access easement abutting the site.

Sec. 18-3-25. GC General Commercial District.

(a) **Purpose and intent.** The GC District is established to accommodate mid-scale, citywide-serving, nonresidential development and activity centers. The GC District is intended to preserve opportunities for commercial uses over the long-term to maintain the fiscal viability of the city. Development in this district shall consist primarily of nonresidential uses but may allow for limited inclusion of buildings that include both a residential and nonresidential use to expand employment opportunities and activate commercial areas throughout the day. New development in the GC District shall be pedestrian-oriented, provide multimodal connectivity to surrounding development, and include public gathering space.

(b) **Additional provisions.** Buildings containing a residential use shall not exceed 25 percent of the total land area of the site proposed to be developed. Buildings that contain 100 percent nonresidential uses on the ground floor are exempt from this requirement.

(c) **Dimensional standards.**

Table 18-3-25.1 GC District dimensional standards by use.

Regulation	Dwelling, Live - Work *(with access or no vehicular access)*	Dwelling, Live - Work *(with front vehicular access)*	Multi-Unit Dwelling, Above Ground Floor [1] [2] [3] *(with or without alley)*	All Other Uses [1] [3] *(with or without alley)*
Development Site Area, Minimum per Dwelling Unit (square feet)	N/A	N/A	1,000	N/A
Lot Area, Minimum per Dwelling Unit (square feet) [4]	1,300	3,000	N/A	N/A
Lot Width, Minimum per Dwelling unit (feet) [3]	19	40	N/A	N/A
Front or Street Side Setback, Minimum (feet)	10	15/20 [10]	15 Arterial; 10 Collector or Local	15 Arterial; 10 Collector or Local

Regulation	Dwelling, Live - Work *(with access or no vehicular access)*	Dwelling, Live - Work *(with front vehicular access)*	Multi-Unit Dwelling, Above Ground Floor [1] [2] [3] *(with or without alley)*	All Other Uses [1] [3] *(with or without alley)*
Front or Street Side Setback, Maximum (feet)	N/A	N/A	35 Arterial; 15 Collector or Local	25 Arterial; 20 Collector or Local
Interior Side Setback, Minimum (feet) [5] [6]	5	5	10	10
Rear Setback, Minimum (feet) [6] [7]	10 / 0	15 / 5	15	15
Building Height, Maximum (feet) [8]	45	45	65	45
Frontage Build-Out on Primary Street, Minimum (%) [9]	N/A	N/A	40	50
Lot Coverage, Maximum (%)	93	93	80	80
Distance Between Buildings Up to Two Stories, Minimum (feet)	N/A	N/A	10	10
Distance Between Buildings More Than Two Stories, Minimum (feet)	N/A	N/A	20	20

Table 18-3-25.1 footnotes:

[1] No vehicular circulation or parking is allowed between the building and street except for developments within the Highway E-470 right-of-way. Otherwise, parking locations and vehicular access shall be consistent with the allowable locations identified in Section 18-09-24.

[2] Residential uses may not have front vehicular access directly from the street. Vehicular access shall be rear access through an alley or parking lot.

[3] Primary entrance required on at least one of the street facing façades for commercial uses excepting developments within the Highway E-470 right-of-way.

[4] Lot width for front loaded products can be reduced to match the alley loaded products if shared driveways are used.

[5] Standard shall not apply if fire rated partition wall meeting all Thornton Building Code requirements is provided.

[6] Standard shall depend on required buffer yards as detailed in Section 18-8-20.

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[7] The first number is for the principal structure, second is for accessory structure or alley loaded garage with no driveway.
[8] Buildings over 45 feet in height shall meet the height transition standards in Section 18-3-75.
[9] Primary street is defined, for the purposes of this provision, to be at least one arterial street, and, if no arterial streets abut the project site, at least one collector, private street or other access easement abutting the site.
[10] The first number applies to a porch with or without living space above or to the building if no porch is provided. The second number applies to front-loaded garages.

Sec. 18-3-26. RC Regional Commercial District.

(a) **Purpose and intent.** The RC District is established to accommodate large-scale, region-serving nonresidential development and activity centers. The RC District is intended to create regional destinations and allow limited high density residential development as a supporting use to help activate nonresidential areas throughout the day. Land zoned to Regional Commercial after month, date, 2025 (the date of adoption of this chapter) shall be located at highly visible and accessible locations along I-25 and E-470 to facilitate convenient access and minimize traffic congestion while supporting multimodal transportation options through internal and external site connections.

(b) **Additional provisions.** Residential uses shall not exceed 25 percent of the total land area of the site proposed to be developed. Buildings that contain 100 percent nonresidential uses on the ground floor are exempt from this requirement.

(c) **Dimensional standards.**

Table 18-3-26.1 RC District dimensional standards by use.

Regulation	Multi-Unit Dwelling; Multi-Unit Dwelling Complex; Multi-Unit Dwelling, Above Ground Floor; or Dwelling, Live-Work [1]	All Other Uses
Development Site Area, Minimum per Dwelling Unit (square feet)	1,000	N/A
Front or Street Side Setback, Minimum (feet)	~~25~~15	~~25~~15
Interior Side Setback, Minimum (feet) [2] [3]	10	10
Rear Setback, Minimum (feet) [3]	15	15
Building Height, Maximum (feet) [4]	65	75

Regulation	Multi-Unit Dwelling; Multi-Unit Dwelling Complex; Multi-Unit Dwelling, Above Ground Floor; or Dwelling, Live-Work [1]	All Other Uses
Lot Coverage, Maximum (%)	80	80
Distance Between Buildings Up to Two Stories, Minimum (feet)	10	10
Distance Between Buildings More Than Two Stories, Minimum (feet)	20	20

Table 18-3-26.1 footnotes:

[1] Residential uses may not have front vehicular access directly from the street. Vehicular access shall be rear access through an alley or parking lot. Otherwise, parking locations and vehicular access shall be consistent with the allowable locations identified in Section 18-09-24.

[2] Standard shall not apply if fire rated partition wall meeting all Thornton Building Code requirements is provided.

[3] Standard shall depend on required buffer yards as detailed in Section 18-8-20.

[4] Buildings over 45 feet in height shall meet the height transition standards in Section 18-3-75.

Sec. 18-3-27. BP Business Park District.

(a) **Purpose and intent.** The BP District is established to accommodate clustered areas of primary employment. The BP District is intended to support business parks and corporate campuses that complement and enhance the image and identity of the city. New development in the BP District should vary in intensity, with higher intensity development, including warehouses, located in limited areas along I-25 and E-470.

(b) **Dimensional standards.**

Table 18-3-27.1 BP District dimensional standards by use.

Regulation	All Uses
Front or Street Side Setback, Minimum (feet)	25
Interior Side Setback, Minimum (feet) [1] [2]	15
Rear Setback, Minimum (feet) [2]	15
Building Height, Maximum (feet) [3]	120
Lot Coverage, Maximum (%)	80

Table 18-3-27.1 footnotes:

[1] Standard shall not apply if fire rated partition wall meeting all Thornton Building Code requirements is provided.

[2] Standard shall depend on required buffer yards as detailed in Section 18-8-20.

[3] Buildings over 45 feet in height shall meet the height transition standards in Section 18-3-75.

Sec. 18-3-28. – 18-3-32. – Reserved.

DIVISION 5. EASTLAKE BASE DISTRICTS

Sec. 18-3-33. ER Eastlake Residential District.

(a) **Purpose and intent.** The ER District is intended to preserve and enhance residential areas in the community of Eastlake and to promote appropriate redevelopment consistent with the established single-family heritage and design character of the neighborhood. This district is intended to implement the land use goals, policies and recommendations for the Eastlake Neighborhood adopted in the Eastlake Subarea Plan. Additional guidelines for development in Eastlake are contained in the Eastlake Subarea Plan.

(b) **Additional provisions.**

(1) **Parking.** Parking and vehicle storage shall comply with all other regulations in this chapter, except that a minimum of two off-street parking spaces are required for each new principal residential structure constructed after February 12, 1990.

(2) **Accessory structures.** Ground-mounted satellite dishes shall be restricted to rear yards, and the area covered by the satellite dish shall contribute to the maximum allowable square footage permitted for accessory structures.

(3) **Design standards.**

a. **Façades.**

1. The front door of the home shall be oriented toward the street.

2. The front façade of the home shall incorporate a covered front porch. The porch shall have a minimum depth of six feet and a minimum of 60 square feet of floor area.

3. Each street facing façade shall have a minimum of 12 square feet of glass with either:

i. A minimum four-inch nominal wide wood trim border.

ii. Shutters a minimum of twelve inches wide.

iii. Each door shall have a minimum of nominal four-inch wide wood trim.

b. **Roofs.**

1. Each home and garage shall have a minimum pitch on predominant roof planes of at least 4:12.

2. All sloped roofs shall include a minimum 12-inch overhang.

c. **Garages.**

1. All garages shall be built of the same materials and colors as the dwelling unit on the same lot.

2. Carports are prohibited.

d. **Compatibility.** New and remodeled structures should be designed to be complementary or consistent with the characteristics of the surrounding area. Strategies to achieve this include, but are not limited to:

1. Using similar or complementary materials, colors or design details, such as horizontal siding and/or front porches.

2. Using similar or complementary building shapes and/or forms, such as sloped roofs and/or simple forms.

(c) **Dimensional standards.**

Table 18-3-33.1 ER District dimensional standards by use.

Regulation	Residential Use	All Other Use
Lot Area, Minimum (square feet)	4,500	4,500
Dwelling Unit Density, Maximum (units per acre)	4.99	N/A
Front or Street Side Setback, Minimum (feet) [1] [2]	15	15
Interior Side Setback, Minimum (feet)	5	5
Rear Setback, Minimum (feet) [3] [4]	20	20
Building Height, Maximum (feet) [5]	30 / 16	30 / 16
Lot Coverage, Maximum (%)	85	80
Floor Area, Minimum (feet) [6]	800	N/A

Table 18-3-33.1 footnotes:

[1] Garages shall be setback 25 feet from the property line.
[2] Face of garage shall be setback at least 10 feet from front wall plane of home.
[3] Garages with a door that opens on an alley shall be setback a minimum of five feet from the rear property line.
[4] Accessory structures shall be setback a minimum of 5 feet from the rear property line.
[5] The first number is for the principal structure. The second number is for accessory structures.
[6] Standard is for a principal dwelling unit.

Sec. 18-3-34. EO Eastlake Office District.

(a) **Purpose and intent.** The EO District is intended to promote a mix of residential and office uses with limited personal service uses. This district regulates land use and design to promote appropriate preservation and encourage redevelopment consistent with the established character of the area. The EO District encourages nonresidential uses that are compatible and complementary to existing residential uses. This district is intended to implement the land use goals, policies and recommendations for the Eastlake Neighborhood adopted in the Eastlake Subarea Plan. Additional guidelines for development in Eastlake are contained in the Eastlake Subarea Plan. This district includes:

(1) Office uses mixed with residential.

(2) Allowance for live/work opportunities.

(3) Uses that typically do not generate high amounts of vehicular traffic. All parking in rear or side of lot.

(4) Small scale buildings with residential architectural character.

(5) Buildings oriented toward the street.

(6) Shallow front yards.

(b) **Additional provisions.**

(1) **Parking and vehicle storage.** Parking and vehicle storage shall comply with all other regulations in this chapter, except as otherwise provided herein. Required off-street parking:

a. Dwelling units up to two bedrooms: One space.

b. Dwelling units with three or more bedrooms: Two spaces.

c. Nonresidential: One space per 300 square feet.

(2) **Fences, walls, and screening.** In addition to the other requirements in this chapter, solid fences are required to screen any outside storage area associated with nonresidential uses.

(c) **Dimensional standards.**

Table 18-3-34.1 EO District dimensional standards by use.

Regulation	Residential *(including Live-Work)*	All Other Use
Lot Area, Minimum per Dwelling (square feet)	1,600	N/A
Dwelling Unit Density, Maximum (units per acre)	11.99	N/A

Regulation	Residential *(including Live-Work)*	All Other Use
Front Setback, Minimum (feet) [1]	0 / 15	0 / 15
Street Side Setback, Minimum (feet)	15	15
Interior Side Setback, Minimum (feet)	5	5
Rear Setback, Minimum (feet) [2]	10	10
Building Height, Maximum (feet) [3]	35 / 16	35 / 16
Lot Coverage, Maximum (%)	70	70
Floor Area Ratio, Maximum	0.5	0.5
Building Size, Maximum (square feet)	5,000	5,000

Table 18-3-34.1 footnotes:

[1] The first number is for the principal structure. The second number is for accessory structures and parking.

[2] Garages taking access from an alley shall be setback a minimum of five feet from the rear property line.

[3] The first number is for the principal structure. The second number is for accessory structures.

Sec. 18-3-35. ETD Eastlake Transit Oriented Development District.

(a) **Purpose and intent.** The ETD District is intended to promote a mix of retail, office and residential uses near the Eastlake at 124th N Line Station. This district provides for an appropriate mix of uses for transit commuters, including high density residential, employment generating uses, convenient commercial and specialty commercial. This district is intended to implement the land use goals, policies and recommendations for the Eastlake Neighborhood adopted in the Eastlake Subarea Plan. Additional guidelines for development in Eastlake are contained in the Eastlake Subarea Plan and Eastlake at 124th Station Area Master Plan. This district includes:

(1) A vertical mix of uses on the same lot or within the same project.

(2) Reduced parking requirements for a mix of uses and proximity to a major transit line.

(3) Pedestrian-oriented design with streetscaping standards and inviting public spaces.

(4) RTD Park-n-Ride facility.

(b) **Additional provisions.**

(1) **Parking and vehicle storage.** Parking and vehicle storage shall comply with all other regulations in this chapter, except as otherwise provided herein. Required off-street parking:

a. Dwelling units up to two bedrooms: One space.

b. Dwelling units with three or more bedrooms: Two spaces.

c. Nonresidential with residential: One space per 300 square feet.

d. Nonresidential without residential: One space per 250 square feet.

e. Nonresidential bar, lounge or tavern: One space per 100 square feet.

(2) **Fences, walls, and screening.** In addition to the other requirements in this chapter, solid fences are required to screen any outside storage area associated with nonresidential uses.

(c) **Dimensional standards.**

Table 18-3-15.1 ETD District dimensional standards by use.

Regulation	Residential Uses	All Other Uses
Lot Area, Minimum per Dwelling (square feet)	1,600	N/A
Dwelling Unit Density, Maximum (units per acre)	18	N/A
All Setbacks, Minimum (feet)	[2]	[2]
Building Height, Maximum (feet) [1]	50 / 16	50 / 16
Lot Coverage, Maximum (%)	85	85
Floor Area Ratio, Maximum	1.5	1.5

Table 18-3-15.1 footnotes:

[1] The first number is for the principal structure. The second number is for accessory structures.

[2] Setbacks shall be established through Development Permit review.

Sec. 18-3-36. EB Eastlake Business District.

(a) **Purpose and intent.** The EB District is intended to promote a mix of retail, office and residential uses along the traditional main street of the Town of Eastlake. The zone regulates land use and design to promote appropriate preservation and encourage redevelopment consistent with the established character of the area. Adjacent to a major transit corridor, the EB zone district is intended to encourage a pedestrian scale environment with building types and uses that are sensitive to the nearby residential neighborhood. This district is intended to implement the land use goals, policies and recommendations for the Eastlake Neighborhood adopted in the Eastlake Subarea Plan. Additional guidelines for development in Eastlake are contained in the Eastlake Subarea Plan. This district includes:

(1) A vertical mix of uses on the same lot or within the same project.

(2) Reduced parking requirements for a mix of uses and proximity to a major transit line. All parking must be located in the rear of buildings.

(3) A zero-foot front setback along Lake Avenue.

(4) Pedestrian scale buildings and streetscaping requirements.

(b) **Additional provisions.**

(1) **Parking and vehicle storage.** Parking and vehicle storage shall comply with all other regulations in this chapter, except as otherwise provided herein. Required off-street parking:

a. Dwelling units up to and including two bedrooms: One space.

b. Dwelling units with three or more bedrooms: Two spaces.

c. Nonresidential with residential: One space per 300 square feet.

d. Nonresidential without residential: One space per 250 square feet.

e. Nonresidential bar, lounge or tavern: One space per 100 square feet.

(2) **Fences, walls, and screening.** In addition to the other requirements in this chapter, solid fences are required to screen any outside storage area associated with nonresidential uses.

(c) **Dimensional standards.**

Table 18-3-36.1 EB District dimensional standards by use.

Regulation	Residential Uses *(Non-Mixed Use)*	Multi-Unit Dwelling, Above Ground Floor	All Other Use
Lot Area, Minimum per Dwelling (square feet)	1,600	N/A	N/A
Front Setback, Minimum (feet) [1] [2]	0	0	0
Corner Side Setback, Minimum (feet) [3]	0	0	0
Rear Setback, Minimum (feet) [4] [5]	20	20	20
Building Height, Maximum (feet) [6]	35 / 16	35 / 16	35 / 16
Lot Coverage, Maximum (%)	85	80	80
Floor Area Ratio, Maximum	1.0	1.5	1.0
Frontage Build-Out, Minimum (%) [7]	80	80	80
Building Size, Maximum (square feet)	5,000	5,000	5,000

Table 18-3-36.1 footnotes.

[1] All principal structure buildings shall be built to the front property line.
[2] A 25-foot minimum setback is required for parking from the front property line.
[3] A 5-foot minimum setback is required for accessory structures.
[4] Solid fences are required to screen any outside storage area associated with nonresidential uses.
[5] A 5-foot setback is required for a garage opening on an alley.
[6] The first number is for the principal structure. The second number is for accessory structures.
[7] Standard applies to required minimum continuous lot frontage.

Sec. 18-3-37. ES Eastlake Service District.

(a) **Purpose and intent.** The ES District is an area primarily used for service-oriented commercial uses. This zone is used to provide the community with small-scale service, repair, and manufacturing uses. Land use and design in this district shall promote appropriate preservation and encourage redevelopment consistent with the established character of the Eastlake area. This district is intended to implement the land use goals, policies and recommendations for the Eastlake Neighborhood adopted in the Eastlake Subarea Plan. Additional guidelines for development in Eastlake are contained in the Eastlake Subarea Plan. This district includes:

(1) Small scale service-oriented uses.

(2) Allowance for on-street parking.

(3) Adequate buffers between nonresidential and residential uses.

(b) **Additional provisions.**

(1) **Fences, walls, and screening.** In addition to the other requirements in this chapter, solid fences are required to screen any outside storage area associated with nonresidential uses.

(2) **Landscaping.** Landscaping shall comply with the provisions of Article VIII except that where parking is located in the front, a minimum landscape setback of ten feet is required.

(c) **Dimensional standards.**

Table 18-3-37.1 ES District dimensional standards by use.

Regulation	All Uses
Front Setback, Minimum (feet)	15
Side Setback, Minimum (feet) [1]	5
Street Side Setback, Minimum (feet)	15
Rear Setback, Minimum (feet) [2]	5
Building Height, Maximum (feet) [3]	25/16
Lot Coverage, Maximum (%)	70
Floor Area Ratio, Maximum	1.0
Building Size, Maximum (square feet)	5,000

Table 18-3-37.1 footnotes:

[1] A 5-foot minimum setback is required for accessory structures.
[2] Solid fences are required to screen any outside storage area associated with nonresidential uses.
[3] The first number is for the principal structure. The second number is for accessory structures.

Sec. 18-3-38. – 18-3-42. – Reserved.

DIVISION 6. OTHER BASE DISTRICTS

Sec. 18-3-43. CI Civic Institutional District.

(a) **Purpose and intent.** The CI District is established to accommodate larger-scale public or semi-public uses, municipal facilities, educational facilities, utilities, and noncommercial places of assembly. The CI District should be located near residential uses to serve the community while also ensuring sufficient vehicular and pedestrian access is provided.

(b) **Dimensional standards.**

Table 18-3-43.1 CI District dimensional standards by use.

Regulation	All Uses
Front or Street Side Setback, Minimum (feet)	25
Interior Side Setback, Minimum (feet)	15
Rear Setback, Minimum (feet) [2]	15
Building Height, Maximum (feet) [3]	60
Lot Coverage, Maximum (%)	75

Table 18-3-43.1 footnotes:

[1] Standard shall not apply if fire-rated partition wall meeting all Thornton Building Code requirements is provided.

[2] Buildings over 45 feet in height shall meet the height transition standards in Section 18-3-75.

Sec. 18-3-44. DR Development Reserve District.

(a) **Purpose and intent.** The DR District is established for use solely in conjunction with newly annexed land where there is no immediate or anticipated change of use. It is designed to primarily allow the continuation of any existing use(s) and allow very limited new development to occur, prior to the site being rezoned to a standard base zoning district for the development of new land uses.

(b) **Additional provisions.**

(1) All existing uses and structures may remain on the site.

(2) After the date of annexation and zoning, no additional permanent primary structures shall be constructed on any land within this district unless approved in accordance with Subsection (b)(4) of this section. Permanent utility structures may be permitted subject to seeking a Development Plan.

(3) If existing land uses or structures are present on the site at the time of annexation and zoning, the applicant shall submit a site plan illustrating the location and description of such uses and structures.

(4) At the time of annexation and zoning or at a subsequent public hearing, the city council may grant a land use exception to the site, allowing the installation of a new permanent structure or enlargement of any existing structures on the site, subject to the following conditions:

a. The applicant shall submit appropriate plans showing in reasonable detail the existing and proposed additional structures or uses of the property.

b. A positive finding of fact by the city council, that the restriction on the existing and proposed land use(s) would create an undue hardship upon the owner(s) of the property.

c. The exception allowed by the city council cannot be detrimental to the public health, safety or welfare of the community, and not impact the purposes of the Comprehensive Plan or this chapter.

(5) **Yard, space and lot regulations.**

a. Use of existing individual wells and septic systems to serve residential uses within the DR District are permitted.

b. A Preliminary Plan is not required to be submitted with an application for the DR District.

c. No application fee is required in order to apply for the DR District.

(6) **Subdivision of land.** No land within the DR District can be subdivided without first obtaining a Zoning Amendment from DR Zoning to another zoning district.

(c) **Dimensional standards.**

Table 18-3-44.1 DR District dimensional standards by use.

Regulation	Residential	All Other Use
Lot Area, Minimum per Dwelling Unit (acres) [1]	1	N/A
Front or Street Side Setback, Minimum (feet)	20	20
Interior Side Setback, Minimum (feet)	15	15
Rear Setback, Minimum (feet)	15	15
Floor Area, Minimum (square feet) [2]	1,000	N/A
Building Height, Maximum (feet) [3]	35	35
Lot Coverage, Maximum (%)	50	50

Table 18-3-44.1 footnotes:

[1] One unit per acre maximum dwelling unit density.

[2] Basements, garages and carports do not count in the calculation of floor area for the purposes of this provision.

[3] The maximum height of permitted buildings other than a principal building shall be 65 feet.

Sec. 18-3-45. AG Agricultural District.

(a) **Purpose and intent.** The AG District is established to accommodate land which is used for agricultural purposes and to which urban services may not yet be available. It is anticipated that land in the AG District will eventually be rezoned for new development in conformity with the city's Comprehensive Plan.

(b) **Additional provisions.**

(1) Accessory outside sales allowed by SUP shall be for the sale of products raised or produced on site by an agricultural use.

(2) Use of individual wells and septic systems and private well systems to serve residential lots within the Agricultural District are permitted, provided that the lot size requirements specified in Table 18-3-45.1, the utility service requirements of Chapter 74, and other applicable city codes have been met.

(3) Slaughtering and butchering of animals is allowed only for consumption of the animals on the property and is not intended to allow the slaughtering and butchering of animals for commercial purposes.

(c) **Dimensional standards.**

Table 18-3-45.1 AG District dimensional standards by use.

Regulation	Serviced Dwelling, 1 unit [1]	Non-Serviced Dwelling, 1 Unit [2]	Agricultural and Animal Related Uses
Lot Area, Minimum per Dwelling Unit (acres)	1	2.5	5
Front Setback, Minimum (feet)	25	25	25
Street Side Setback, Minimum (feet)	20	20	20
Interior Side Setback, Minimum (feet)	20	20	20
Agricultural building from any property line and separation between Agricultural and dwelling, Minimum (feet) [3]	100	100	100
Rear Setback, Minimum (feet)	25	25	25
Building Height, Maximum (feet)	35	35	65
Lot Coverage, Maximum (%)	50	50	45

Table 18-3-45.1 footnotes:

[1] Serviced means residential use served by city water and sewer, or city water and septic system, or well water and city sewer.
[2] Non-serviced means residential use served by well water and septic system.
[3] Standard applies to buildings used for crops or animals, or storage of equipment, supplies or products.

Sec. 18-3-46. POS Parks and Open Space District.

(a) **Purpose and Intent**. The POS District is established to provide and preserve parks and open space for the present and future recreational enjoyment of the residents of Thornton and provide for other synergistic public amenities. The POS District is intended to preserve and enhance public and private open space, natural and improved parks, and other recreational areas in locations consistent with the Comprehensive Plan and other adopted master plans. These areas serve many functions including providing opportunities for outdoor recreation; incorporating appropriate public amenities; preserving scenic qualities; protecting sensitive or fragile environmental areas; and preserving the capacity and water quality of the storm water drainage system.

(b) **General provisions.**

(1) This zoning designation may be used for all city-owned land that meets the purpose of the POS District and may be requested for privately-owned land that meets the purpose of this district and is over one acre in size.

(2) Unless otherwise regulated, all uses funded by the city and constructed on property owned by the city shall be exempt from permitting requirements of this chapter. Uses on privately-owned land shall be approved in accordance with the development review procedures identified in Article II of this chapter.

(c) **Uses permitted.**

(1) **Main uses.**

a. Arboretum.

b. Botanical Garden.

c. Golf Course.

d. Library.

e. Oil and Gas Facilities.

f. Open Space.

g. Parks.

h. Public Utilities.

i. Recreation Center (SUP).

j. Reservoirs.

k. School (when on a city-owned site with an approved intergovernmental agreement that is combined with a public park) (SUP).

l. Skating Facilities (Indoor) (SUP).

m. Skating Facilities (Outdoor).

n. Solar Farm (when on a city-owned site) (SUP).

o. Sports Courts.

p. Sports Fields.

q. Swimming Pool.

r. Wireless Telecommunications Facilities as regulated by Section 18-4-165.

(2) **Temporary uses.**

a. Special event, including but not limited to, a traveling show, carnival, or circus.

(3) **Accessory uses.**

a. Community Garden.

b. Equipment and Facilities (benches, picnic tables, playgrounds, restrooms, etc.).

c. Historic or Learning Sites.

d. Lighting on Sports Fields.

e. Natural or man-made water features.

f. Parking Lots associated with a permitted use.

g. Pavilions.

h. Picnic Areas and Facilities.

i. Trails.

j. Wildlife Refuge.

k. Wind Energy Conversion Systems (WECS).

(d) **Required off-street parking.** The number of off-street parking spaces shall be determined during Development Plan review. The following general standards will apply when applicable: three spaces for each game court; plus one space for each additional 150 square feet of floor area; and 70 spaces for each playing field used for league play.

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(e) **Initiation.**

(1) Creation of a POS District shall follow the Zoning Amendment procedures identified in Section 18-02-38 of this chapter. Requests to rezone property to a POS District may be initiated by city council, the commission, city staff, or the property owner of the land to be zoned.

(2) It is the responsibility of the owner/applicant to specify how a property meets the purpose of the POS District.

(f) **Additional provisions.**

(1) Lighting on sports fields for use after dusk can only be installed after approval of a Development Plan.

(2) Any amplification or public address system can only be installed after approval of a Development Plan.

(3) There is no specified size range for public open space, other than the minimum area needed to conserve a significant natural feature.

(4) Signage may be posted in open space areas. These signs shall be a maximum of 48 square feet in size and a maximum of six feet high. A sign must be set back a minimum of 15 feet from the right-of-way line. There must be a minimum distance of 250 feet between signs.

(5) Open space areas may have parking lots when needed for trailheads or for access to a particular natural feature but not to serve adjacent uses.

(g) **Dimensional standards**. Dimensional standards for proposed uses in the POS District shall be determined through the Development Plan review process in Section 18-02-17.

Sec. 18-3-47. – 18-3-51. – Reserved.

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DIVISION 7. LEGACY BASE DISTRICTS

Sec. 18-3-52. SFD-L Single-Family Detached Legacy District.

(a) **Purpose and intent.** The SFD-L District is established to accommodate the continuation of the development and uses on property that was zoned Single-Family Detached (SFD) District prior to month, date, 2025 (the date of adoption of this chapter). The SFD-L District is a legacy district and is not intended to be applied to any additional land area in the city beyond those properties that are zoned SFD as of month, date, 2025. It is anticipated that undeveloped SFD-L property may rezone to the Residential – Low Density District (RL) to better accommodate the dimensional standards needed for newer home types in accordance with the Zoning Amendment procedures set forth in Section 18-02-38.

(b) **Additional provisions.**

(1) A minimum of four legal parking spaces on the street for lots fronting on the bulb of a cul-de-sac.

(2) A parking plan shall be submitted with the conceptual site plan displaying the four parking spaces.

(3) The maximum width of a driveway for lots located on the bulb of a cul-de-sac measured at the front property line shall be 24 feet.

(4) In single-family lots, the director may approve a Development Plan where no parking spaces are fully enclosed.

a. The owner may construct a carport in compliance with the following criteria:

1. Carports shall comply with the front, rear and side yard setbacks and shall not be constructed in front of the principal residential structure.

2. Carports shall not be constructed of cloth or fabric of any kind. Tarps, canvas or similar materials shall not be used to enclose the carport.

3. A building permit obtained from the city is required to build or modify a carport.

4. Carports shall not be used for storage or placement of items for a period in excess of 24 hours.

5. The maximum height of a carport is 16 feet or the height of the principal structure, whichever is less.

6. The minimum size of a carport is 180 square feet and a maximum of 440 square feet with minimum width of nine feet.

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7. The carport floor shall be in compliance with Section 18-09-35(d)(2)a of the Code.

8. The carport shall be architecturally compatible with the existing structure.

b. Carports that were constructed prior to March 8, 2011, and meet the side setback requirements are granted nonconforming status.

(5) For single-family units with two or fewer bedrooms, a Development Plan may be approved by the director where only two parking spaces are provided, one of which must be fully enclosed. In reviewing a request to allow only one fully enclosed parking space, the director shall consider the following:

a. The nature of fully enclosed parking spaces for existing development within 300 feet of the proposed development;

b. The number of fully enclosed parking spaces that would ensure compatibility between the proposed development and existing development, or act as a transition between the proposed development and adjacent existing development;

c. The design and location of off-street parking and the manner in which the proposed development will handle ingress and egress to the site; and

d. The contribution of the enclosed parking spaces to the visual quality of the street.

(c) **Dimensional standards.**

Table 18-3-52.1 SFD-L District dimensional standards by use.

Regulation	Dwelling, 1 Unit Detached	All Other Use
Lot Area, Minimum per Dwelling Unity (square feet) [1] [2]	6,000	N/A
Dwelling Unit Density, Maximum (units per acre)	5 units per 1 acre; 1 unit per lot	N/A
Lot Frontage, Minimum (feet)	60 at front property line; 40 at cul-de-sac front property line	N/A
Front or Street Side Setback, Minimum (feet) [3]	15 / 20	25
Interior Side Setback, Minimum (feet)	5	15
Rear Setback, Minimum (feet) [4]	15 / 5	15
Building Height, Maximum (feet) [5]	35 / 16	35 / 16
Floor Area , Minimum [6]	1,000	N/A
Lot Coverage, Maximum (%)	85	85

Table 18-3-52.1 footnotes.

[1] Use of the minimum lot area requires additional common open space to stay within the maximum dwelling unit density of five units per acre. The additional common open space may not be credited in a future resubdivision to increase the dwelling unit density within the original subdivision.

[2] A lot size larger than these minimums may be required as a condition of approval of a subdivision plat for lots within 300 feet of existing residential development, if:

1. A larger lot size is necessary to ensure the compatibility between the proposed development and existing residential development; and
2. Use of a larger lot size would not adversely affect the use of property in the proposed development, neighboring properties, or adjacent thoroughfares.

[3] The first number is the setback for a porch with no living space above it. The second number is the setback in all other circumstances.

[4] The first number is for the principal structure, second is for accessory structure.

[5] The first number is for the principal structure. The second number is for accessory structures.

[6] Basements, garages, and carports do not count in calculating floor area for the purposes of this provision.

Sec. 18-3-53. MH-L Manufactured Home Legacy District.

(a) **Purpose and intent.** The MH-L District is established to accommodate the continuation of manufactured home parks or subdivisions on property that was zoned Manufactured Home (MH) District prior to month, date, 2025 (the date of adoption of this chapter). The MH-L District is a legacy district and is not intended to be applied to any additional land area in the city beyond those properties that are zoned MH as of month, date, 2025.

(b) **Dimensional standards.**

Table 18-3-53.1. MH-L District dimensional standards by use.

Regulation	Manufactured Home Park	Manufactured Home Site	All Other Uses
Lot Area, Minimum	10 acres	3,000 sf per dwelling unit	N/A
Dwelling Unit Density, Maximum (units per acre)	10.0	N/A	N/A
Front or Street Side Setback, Minimum (feet)	25	N/A	25
Interior Side Setback, Minimum (feet)	15	N/A	15
Rear Setback, Minimum (feet)	15	N/A	15
Other	[1]	[1]	[1]
Building Height, Maximum (feet)	16	16	16
Floor Area, Minimum ft [2] [3]	N/A	900	N/A

Regulation	Manufactured Home Park	Manufactured Home Site	All Other Uses
Lot Coverage, Maximum (%) [4]	67	67	67

Table 18-3-53.1 footnotes.

[1] Minimum 10-foot separation between main buildings and carports between home sites. Sheds 120 square feet or smaller shall be separated by six feet between home sites.

[2] Minimum floor area 900 square feet for each double-wide unit and 500 square feet for each single-wide unit.

[3] Garages, carports, cabanas, porches, awnings and storage buildings are not included in floor area calculation.

[4] Standard is for all structures, driveways and parking areas combined. Maximum home site coverage is 30 percent for all residential structures, 20 percent for all nonresidential structures, and 50 percent for all structures combined. Open space area that is not driveway, parking area, or covered by a structure of any kind shall be 33 percent.

Sec. 18-3-54. PD-L Planned Development Legacy District.

(a) **Purpose and intent.** The PD-L District is established to accommodate the continuation of the development and uses on property that was zoned Planned Development (PD) prior to month, date, 2025 (the date of adoption of this chapter). The PD-L District is a legacy district and is not intended to be applied to any additional land area in the city beyond those properties that are zoned PD as of month, date, 2025.

(b) **Standards.**

(1) All dimensional and other standards of the PD-L District are unique to each development and exist as established in the applicable PD zoning ordinance adopted by city council.

(2) If an existing PD standard refers to any zoning districts, standards, requirements, or regulations that were established in this chapter prior to *month, date, 2025* (the date of adoption of this revised chapter) that have since changed, the director shall make an interpretation as to what current regulation most closely aligns with the original intent.

Sec. 18-3-55. CC-L City Center Legacy District.

(a) **Purpose and intent**. The CC-L District is established to accommodate the continuation of the development and uses on property that was zoned City Center (CC) District prior to *month, date, 2025* (the date of adoption of this chapter). The CC-L District is a legacy district and is not intended to be applied to any additional land area in the city beyond those properties that are zoned CC as of *month, date, 2025*.

(b) **Additional provisions.**

(1) Residential uses are only allowed as part of a mixed-use project in the CC-L District.

(2) For the purposes of this section, a mixed-use project in the CC-L District is a project that contains uses in two or more use categories, with the combined floor area of all uses in each category having at least 20 percent of the total floor area of the project.

(3) A mixed-use project may be constructed in phases as long as each phase meets the requirements in Subsection (b)(2) of this section.

(4) A mixed-use project may be developed on two or more building sites if they are developed under a unified development plan. The unified development plan shall be:

a. Signed by or on behalf of all of the owners of the properties involved;

b. Approved as a unified development plan through the Development Plan process; and

c. Recorded with the county clerk and recorder of the county in which the property is located.

(5) For purposes of this subsection, unified development plan means a plan that combines and integrates the site plan, landscaping plan, and architectural plans for tracts under multiple ownership into one plan for purposes of Development Plan review and approval per Section 18-02-17.

(6) When a mixed-use project consists of multiple building sites, its development standards and off-street parking and loading requirements are calculated by combining the sites and treating them as a single building site.

(c) **Dimensional standards**.

Table 18-3-55.1 CC-L District dimensional standards by use.

Regulation	All Uses
Dwelling Unit Density, Maximum (units per acre)	50
Front or Street Side Setback, Minimum (feet)	25
Interior Side Setback, Minimum (feet) [1] [2]	15
Rear Setback, Minimum (feet) [1] [2]	15
Building Height, Maximum (feet) [3]	120
Floor Area Ratio, Maximum	1.5
Lot Coverage, Maximum (%)	80

Table 18-3-55.1 footnotes.

[1] Standard shall depend on required buffer yards as detailed in Section 18-8-20.

[2] Standard shall not apply if fire rated partition wall meeting all Thornton Building Code requirements is provided.

[3] Buildings over 30 feet in height shall meet the height transition standards in Section 18-3-75.

Sec. 18-3-56. EC-L Employment Center Legacy District.

(a) **Purpose and intent**. The EC-L District is established to accommodate the continuation of the development and uses on property that was zoned Employment Center (EC) District prior to *month, date, 2025* (the date of adoption of this chapter). The EC-L District is a legacy district and is not intended to be applied to any additional land area in the city beyond those properties that are zoned EC as of *month, date, 2025*.

(b) **Additional provisions.**

(1) **Development.**

a. Site layout for an EC-L project needs to be planned in conjunction with adjacent uses within the district to promote development that enhances the city's position as a premier location for corporate campuses and job-based development.

b. Efficient land use shall be encouraged by facilitating development with efficient pedestrian and vehicle circulation to develop an area that is safe, comfortable, and attractive to the public.

(2) **Integration**. An EC-L development shall be designed as a unified project which projects a unique and identifiable sense of place.

(3) **Phasing**. An EC-L development may be constructed in phases as long as each phase meets the intent and requirements of this section and the application is signed by or on behalf of all of the owners of the properties involved.

(4) **Retail and service uses.** Limited retail and service uses are permitted at small centers within 1,000 feet of major intersections and 500 feet of minor intersections.

(5) **Other unique uses.** The commission may recommend, and city council may approve a unique use that is not listed above and is not already defined as a principal use in this Development Code. The commission and council should consider the following criteria when approving the new use:

a. The proposed use is compatible with existing and planned development.

b. The proposed use will not create any adverse impacts on the public health, safety and welfare.

c. Development standards are proposed that will mitigate any significant, adverse effects on the surrounding area.

(6) **Accessory uses.**

a. These provisions are in addition to the general provisions for accessory uses in Section 18-04-172.

b. Accessory outside storage shall not cover an area exceeding five percent of the ground level gross floor area of the principal building(s) and shall be restricted to the area between the rear property line and the building.

c. Ground level view of outside storage shall be fully screened from adjacent properties or public streets.

(7) **Employment Center design.**

a. **Design standards.** The developer shall propose design standards that create a distinctive, high-quality development that ensures consistency in style and materials and integrates differing uses. These standards shall be submitted with the application for the Preliminary Plan. The development shall meet all requirements of the Development Code unless specified in the submitted standards and approved by the city.

b. **Design requirements.** The design standards shall include specific development standards for each use on the site to ensure coordination and compatibility and to mitigate any negative impacts on other proposed or existing uses. Design shall comply with the following standards listed in this section. Where standards are silent in this section, applicable development standards in Articles VI, VII, VIII, and IX of this chapter shall apply.

1. Site layout that creates a sense of entry or arrival at key entryways with a straightforward and visually pleasant approach to building entrances with a drop-off area near office building entrances.

2. Open space is encouraged and shall be integrated into the overall design of the center. These areas should be located contiguous to open space on adjacent sites to maximize their combined visual effect.

3. A coordinated vehicular and pedestrian circulation system that ensures safe accessibility throughout the site and separates pedestrian circulation from vehicular circulation.

4. The development needs to provide appropriate pedestrian amenities such as, but not limited to, courtyards, benches, fountains, accent paving, lighting, and public art.

5. A minimum 15-foot landscape buffer is required adjacent to all perimeter property lines.

6. Coordinated exterior lighting that emphasizes the pedestrian scale and includes a photometric lighting plan. All lighting shall be in character with the established architectural style of the area.

7. A coordinated parking plan that appropriately locates parking lots and parking garages.

i. Both surface and multilevel parking areas shall be designed to be unobtrusive and blend in with the balance of the development. Parking areas shall be set back a minimum of 25 feet from public streets.

ii. Surface parking areas shall include landscape islands for every 18 parking spaces.

iii. Large parking lots must be divided into separate parking areas linked by internal access drives and separated by landscaped islands.

iv. Parking areas shall be screened from adjacent common drives by a landscaped earthen berm, a combination of live plant material, or masonry fence or wall.

8. Multiple buildings in developments including accessory buildings must incorporate coordinated architectural styles, materials, forms, features, and colors to visually tie the development together.

9. Where developments include several buildings, they shall be grouped to create outdoor spaces or plazas.

10. A consistent style or architectural theme.

i. Façades incorporating "360-degree" architecture on all structures shall be provided unless otherwise approved in the Development Plan process.

ii. Service areas (loading docks; truck berths or truck parking; service, wash and maintenance bays; or similar facilities) shall be integrated, visually unobtrusive and shall not be located within the designated front yard of any building; nor shall such area face directly upon any public or private street.

iii. Primary building materials shall be brick, masonry, stone, integrally colored fluted, split-faced block or pre-cast concrete panels, glass, and stucco (including EIFS) with muted exterior wall materials and subdued primary building colors.

iv. All main buildings shall have a minimum of 40 percent brick, stone, glazing content masonry or pre-cast concrete panels on the exterior unless an alternate material is approved by the city.

11. Roof design that conceals flat roofs and varies roof form to reduce the scale of large buildings.

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12. Screening of building-mounted equipment and rooftop equipment shall use compatible materials similar to the façade of the building on which such items are located. Solar panels are exempt from rooftop screening requirements.

13. Compatible and complementary walls, fencing and screening with staggered sections and columns or other visual relief every 50 feet.

    i. Chain-link and related fencing is prohibited unless vinyl coated and out of sight of main streets.

    ii. Retaining walls are limited to a maximum height of four feet measured from the lowest point of grade, unless otherwise approved by the director.

    iii. All authorized outdoor storage shall be screened.

14. Incorporation of accessory structures through matching design and materials.

15. A comprehensive sign plan as required by Article XI of this chapter. The placement of any sign within this district shall be permitted in accordance with the applicable provisions of the sign requirements of the city.

(c) **Dimensional standards.**

Table 18-3-56.1 EC-L District dimensional standards by use.

Regulation	Office and Hotel	All Other Uses
Lot Area, Minimum (square feet)	N/A	40,000
Lot Frontage, Minimum (feet)	150	150
Lot Dept, Minimum (feet)	150	150
Front or Street Side Setback, Minimum (feet) [2]	50	30
Interior Side Setback, Minimum (feet) [3]	75	50
Rear Setback, Minimum (feet) [4]	100	75
Building Height, Maximum (feet) [5]	120	50
Floor Area Ratio, Maximum	4.0	2.0
Lot Coverage, Maximum (%)	75	65

Table 18-3-56.1 footnotes.

[1] Minimum zoning district size is five acres.

[2] Every part of a required front yard shall be open and unobstructed from a point 30 inches above the ground level to the sky. This requirement shall not apply to living plant material, art, lighting fixtures, flagpoles, mailboxes, or fences, but shall be compliant with the visual obstruction regulations in Division 6 of Article VI.

[3] Standard is for building abutting residentially zoned property. If not abutting residential zoned property or street, interior side setback is 25 feet.
[4] Standard is for building abutting residentially zoned property. If abutting property zoned other than residential, rear setback is 50 feet for office and hotel buildings and 25 feet for all other uses. If abutting any type of street, rear setback is 50 feet for office and hotel buildings and 30 feet for all other uses.
[5] Buildings over 30 feet in height shall meet the height transition standards in Section 18-3-75.

Sec. 18-3-57. I-L Industrial Legacy District.

(a) **Purpose and intent**. The I-L District is established to accommodate the continuation of the development and uses on property that was zoned Industrial (I) District prior to *month, date, 2025* (the date of adoption of this chapter). The I-L District is a legacy district and is not intended to be applied to any additional land area in the city beyond those properties that are zoned Industrial (I) as of *month, date, 2025*.

(b) **Dimensional standards**.

Table 18-3-57.1 I-L District dimensional standards by use.

Regulation	All Uses
Front or Street Side Setback, Minimum (feet)	25
Interior Side Setback, Minimum (feet) [1] [2]	15
Rear Setback, Minimum (feet) [1] [2]	15
Building Height, Maximum (feet) [3] [4]	45
Floor Area Ratio, Maximum	0.5
Lot Coverage, Maximum (%)	80

Table 18-3-57.1 footnotes.

[1] Standard shall depend on required buffer yards as detailed in Section 18-8-20.
[2] Standard shall not apply if fire rated partition wall meeting all Thornton Building Code requirements is provided.
[3] No height limit for structures that:
1. Are unoccupied structures; and
2. Are necessary for an industrial use that is permitted in the district; and
3. Will not have a substantial and negative impact on surrounding land uses.
[4] Buildings over 30 feet in height shall meet the height transition standards in Section 18-3-75.

Sec. 18-3-58. MC-L Mineral Conservation Legacy District.

(a) **Purpose and intent.** The MC-L District is established to accommodate the continued conservation of commercial mineral resources on property that was zoned Mineral Conservation (MC) District prior to *month, date, 2025* (the date of adoption of this chapter). The MC-L District is a legacy district and is not intended to be applied to any additional land area

in the city beyond those properties that are zoned MC as of *month, date, 2025*. It is expected that once the commercial mineral resources are mined, the land shall be restored to a condition that is suitable for other uses consistent with the city's Comprehensive Plan.

(b) **Additional provisions.**

(1) In areas designated as MC-L, the only uses permitted by right are agricultural uses, parks and outdoor recreation uses, and mining uses. Utility and public service uses are permitted by SUP only.

(2) Temporary uses may be approved within the MC-L District through the Temporary Use Permit review process.

(3) Buildings and structures associated with agricultural uses, parks and outdoor recreation uses, and mining uses in an MC-L District may be approved as temporary buildings and structures through the Development Plan review process.

(4) Buildings and structures associated with utility and public service uses in the MC-L District may be approved as permanent, or temporary buildings and structures through the Development Plan review process.

(5) Wireless telecommunication facilities are not permitted in the MC-L District, except as provided in Section 18-04-165.

(6) **Development within the MC-L District.**

a. All development within an MC-L District shall first obtain a Development Plan per Section 18-02-17.

b. Once mineral resources have been recovered from a MC-L District and the land has been restored as required by applicable restoration plans, property owners may apply for rezoning to a zoning district that permits other uses in compliance with the city's Comprehensive Plan.

c. Zoning Amendment requests may be made on portions of a MC-L District when:

1. Rezoning that portion to other uses would not adversely affect the continued extraction of the remaining mineral resources; and

2. The other use would not be adversely affected by mining activities in the remaining portions of the MC-L District.

(c) **Dimensional standards.** Dimensional standards for permitted uses in the MC-L District shall be determined through the Development Plan review process in Section 18-02-17.

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Sec. 18-3-59. – 18-3-63. – Reserved.

DIVISION 8. OVERLAY DISTRICTS

Sec. 18-3-64. NW-O North Washington Subarea Overlay District.

(a) **Purpose and intent.** The NW-O District is established to accommodate the unusually complex coordination of urban land uses with transportation and open space needed for appropriate development in the North Washington Subarea. The NW-O District is intended to further restrict land use and guide development in recognition of the area's strong role in the overall urban form of Thornton.

(b) **General provisions.** The reviews, procedures, submittal requirements, recording requirements, and other requirements of this chapter shall apply to all properties designated as lying within the North Washington Subarea Overlay District except as modified herein.

(c) **Boundaries.** The boundaries of the NW-O District shall be identical to the boundaries of the North Washington Subarea Plan.

(d) **Relationship to underlying zoning district.** The provisions of the North Washington Subarea Overlay District are in addition to the requirements of the underlying zoning district for a subject property and may supersede the zoning district requirements.

(e) **Design requirements.** The following requirements shall apply to all development within the NW-O District. The overlay regulations replace any conflicting underlying district regulations while the regulations in the underlaying district apply when the overlay district regulations are silent.

(1) **Landscaping.** Overall, the landscaping improvements should announce a community of quality. At prominent locations throughout the subarea, the landscaping may include features such as public art, plazas or enhanced landscaping quantities and/or sizes to identify the subarea.

(2) **Bridges and culverts.** The 136th Avenue bridge curvilinear features (arches and railings) shall serve as the primary design basis for all other bridges and culverts on private property in the subarea. As such, visual design components of the bridge shall be used in the design of smaller, secondary bridge structures. Depending on the location, whether a roadway bridge or a trail crossing, each bridge and culvert shall reflect the same general form and use of materials as the primary bridge structure. Key materials of the 136th Avenue bridge include metal and masonville buff sandstone veneer.

(3) **Hardscape treatments.**

a. The common areas within retail, residential, and office developments in the subarea shall be based on a repetition of paving, site furnishing and public art to provide visual connectivity throughout.

b. Landscape and hardscape treatments may vary in material from zoning district to zoning district but shall complement the overall visual theme of colored and patterned paving, site furnishings and public art. The use of brick, stone and variations of concrete are recommended for sidewalks and required for plaza areas. Seating areas, entryways and special gathering places shall be highlighted with accent paving. General walkways should consider natural concrete to reduce overall cost and bring greater emphasis to special paved areas.

c. Public art is appropriate in these areas as well as in private common areas and on private sites that are visible to the public.

(4) **Site furnishings.** The site furnishings selected for common areas shall promote a visually attractive, versatile, and coordinated environment. Major site furnishings include streetlights and poles, pedestrian level lighting, bollards, benches, bus shelters, drinking fountains and trash receptacles.

(5) **Prohibited uses.** The following uses are prohibited in all base districts within the NW-O District:

a. Aggregate Plants.

b. Auto Auction.

c. Cement, Concrete, Lime, or Gypsum Manufacturing.

d. Cemetery and Mausoleum.

e. Chemical Manufacturing Plants.

f. Commercial manufacturing or storage of hazardous materials such as gasoline, flammable liquids, gases, and industrial waste products.

g. Crop Production (other than interim).

h. Fertilizer Manufacturing.

i. Grain and Feed Elevators.

j. Heavy Industrial outdoor.

k. Landfills or Recycling Facilities, excluding collection centers.

l. Livestock Auction Pens or Sheds.

m. Manufactured Home Park.

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n. Manufacture or storage of oil, gasoline, or petroleum products for distribution, not including vehicle fueling stations.

o. Mining.

p. Outdoor storage of rubbish, refuse, wastes, junk or salvage yards, automobile, truck or machinery storage, shipping containers or vegetable or animal by-products where storage is the principal use of the land.

q. Rock Landscape Business.

r. Truck (over 8,000 lbs.), Machinery, Heavy Equipment Sales, Service or Repair Manufacture or storage of oil, gasoline, or petroleum products for distribution, not including vehicle fueling stations.

s. Vehicle Leasing/Sales, Service, or Storage.

Sec. 18-3-65. PD-O Planned Development Overlay District.

(a) **Purpose and intent.** The PD-O District is established to achieve high quality, creative, and innovative land planning and site design that furthers the objectives of the city, but which cannot be achieved through the strict application of the development and design standards of this chapter. The PD-O District provides a process by which customized development and design standards may be approved that meet the needs and character of the site-specific features and context of the district in compliance with the Comprehensive Plan.

(b) **Governance.**

(1) Each PD-O District shall be established by a separate ordinance through the Zoning Amendment procedures and include a Preliminary Plan for the entire property in the PD-O.

(2) Each PD-O District shall be governed by the standards of the base zoning district modified by individual Planned Development Overlay standards adopted through the Zoning Amendment process.

(c) **PD-O District objectives.**

(1) Each PD-O shall meet all of the following objectives.

a. **Comprehensive Plan alignment.** The PD-O shall be consistent with the goals, objectives, and policies set forth in the Comprehensive Plan and other adopted plans and policy documents of the city.

b. **Placemaking.** The PD-O shall have a distinctive identity and brand that is utilized in signs, streetscape, public art, architecture, public gathering spaces, and open spaces.

c. **Integrated design.** The PD-O shall be laid out and developed in accordance with an integrated overall design. The design shall provide harmonious grouping of buildings, uses, facilities, community spaces, and open spaces. The design shall be highly connected internally and externally and maximize multimodal transportation.

d. **Compatibility with adjacent land uses.** The PD-O shall include uses which are generally compatible with the uses of adjacent parcels. If the uses are not generally compatible, adverse impacts shall be mitigated through building design, height, and placement; significant screening; landscaping; public open space; and other buffering features that protect uses within the development and surrounding properties beyond what is otherwise required.

e. **Landscape conservation and visual enhancement.** To the maximum extent feasible, the PD-O shall preserve and enhance existing natural features and amenities, such as stands of mature trees, specimen trees, riparian areas, wildlife habitat, unique landforms or topography, and significant viewsheds.

f. **Open space and community space.** The PD-O shall include prominent and accessible open space and community space provided in accordance with the public land dedication requirements in Article 18-10-22.

g. **Archaeological, historical, or cultural impact**. The PD-O shall not substantially adversely impact a known archaeological, historical, or cultural resource, included on the local, state, or federal register of historic places, located on or off the parcel(s) proposed for development. Examples of adverse impacts include but are not limited to:

1. Neglect, destruction, damage, or removal of resources; alteration of property inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties;

2. Change of the character of the physical features of the resource's setting that contribute to its historic significance; and

3. Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features.

(2) Each PD-O shall meet at least one of the following objectives.

a. **Mix of uses.** An integrated mix of residential and nonresidential uses is provided where no more than 80 percent of the development is residential. This option is only available where the mix of uses is in alignment with the Comprehensive Plan.

b. **Environmentally sustainable design.** The PD-O is designed to meet LEED silver standards for Building Design and Construction, Interior Design and

Construction, Building Operations and Maintenance, Neighborhood Development, and/or Homes. A completed scorecard shall be required to show compliance with this option.

c. **Affordability.** The PD-O contains a mix of housing, 50% of which is attainable to households earning up to 120% of the Area Median Income (AMI) or 25% of which is affordable for households earning up to 80% of the AMI.

d. **Accessible design.** The PD-O development is designed so that a minimum of twenty (20) percent of dwellings are designed to meet Type A accessibility standards while the remaining dwellings meet the requirements of Type B accessibility standards of the Residential Universal Design Building Code. The intent is to provide for visitability which means housing and community spaces designed in such a way that they can be lived in or visited by people who have trouble with steps or who use wheelchairs or walkers.

e. **Other unique provision.** Provides for development that helps implement city goals as outlined in the Comprehensive Plan and component master and area plans as determined by the director and approved by council.

(d) **Dimensional standards.** The dimensional standards for the PD-O District shall be the standards of the base district unless modifications are approved through the PD-O approval process.

(e) **Uses.** The uses for the PD-O shall be the uses allowed in the base district unless additional uses are approved or allowed uses are removed through the PD-O approval process per Section 18-02-38. If additional uses are proposed, the following standards apply:

(1) The uses shall be consistent with the Comprehensive Plan Future Land Use Map designation for the property,

(2) If a use is desired that is not currently a listed use in Article IV of this chapter, a new use may be classified within the PD-O ordinance. New use regulations shall contain the following information:

a. The definition of the use;

b. The required off-street parking;

c. The required off-street loading;

d. Whether the use has enclosed or open storage and the amount and nature of the storage;

e. Transportation requirements;

f. The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated; and

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g. Any additional provisions reasonably necessary to regulate the use.

Sec. 18-3-66. – 18-3-70. – Reserved.

DIVISION 9. CALCULATING DIMENSIONAL STANDARDS

Sec. 18-3-71. Dwelling unit density.

(a) Dwelling unit density is a calculation used to regulate the intensity of development in some of the Eastlake Base Districts and Legacy Districts based on gross acreage in a parcel at the time of application for a subdivision plat for single-family development or manufactured homes, or Development Plan application for all other residential development.

(b) If a zoning district does not indicate a maximum dwelling unit density requirement in its dimensional standards, the density of that district is not regulated by the provisions of this article but shall generally align with the Comprehensive Plan.

(c) A person shall not erect, alter, or convert any structure or part of a structure to create a greater dwelling unit density than is allowed in the district regulations.

Sec. 18-3-72. Lot size and width.

(a) **Lot size.**

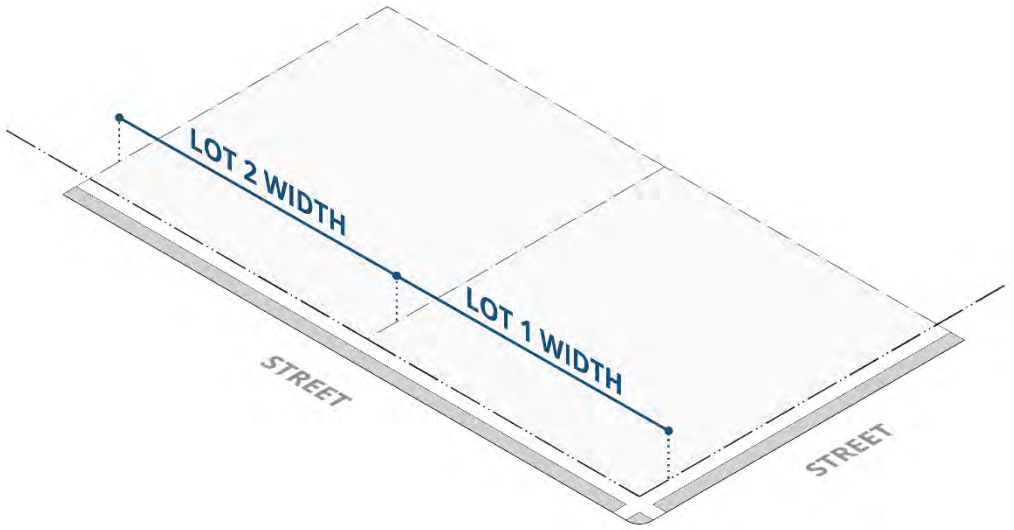
(1) Except as otherwise provided in this section, no person shall create residential lots with less area than the minimum required in the district regulations.

(2) The city or other governmental agency may reduce the lot size by widening an abutting street or alley. In this situation the minimum lot area is computed on the basis of the original lot size before the street widening.

(b) **Lot width calculation.** The horizontal distance measured between the side lot lines of a lot or tract, along the front lot line as shown in Figures 18-3-72.1.

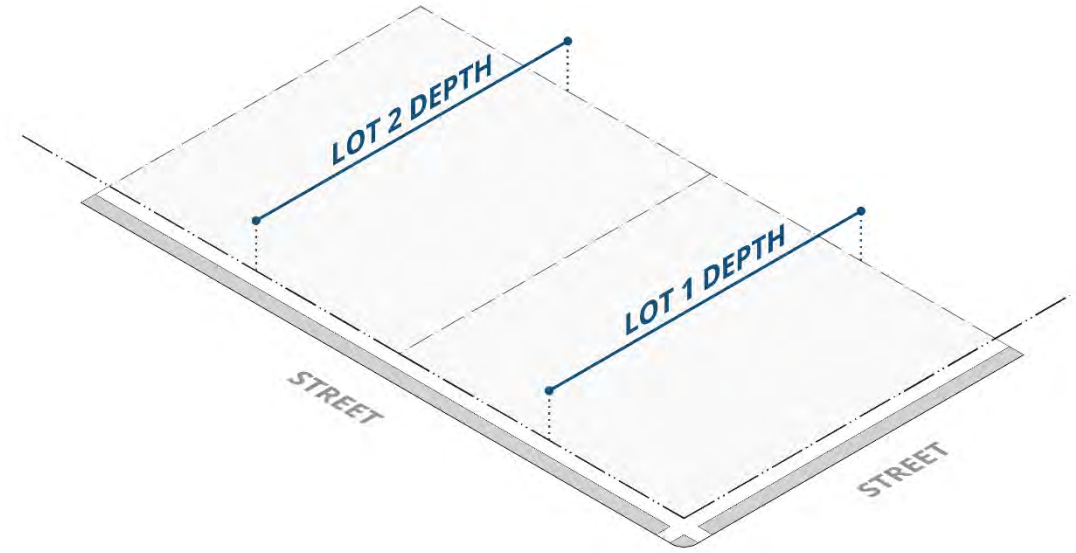
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Figure 18-3-72.1. Lot width calculation.



(c) **Lot depth calculation**. The distance measured between the front lot line and the rear lot line of a lot or tract as shown in Figure 18-3-72.2.

Figure 18-3-72.2. Lot depth calculation.

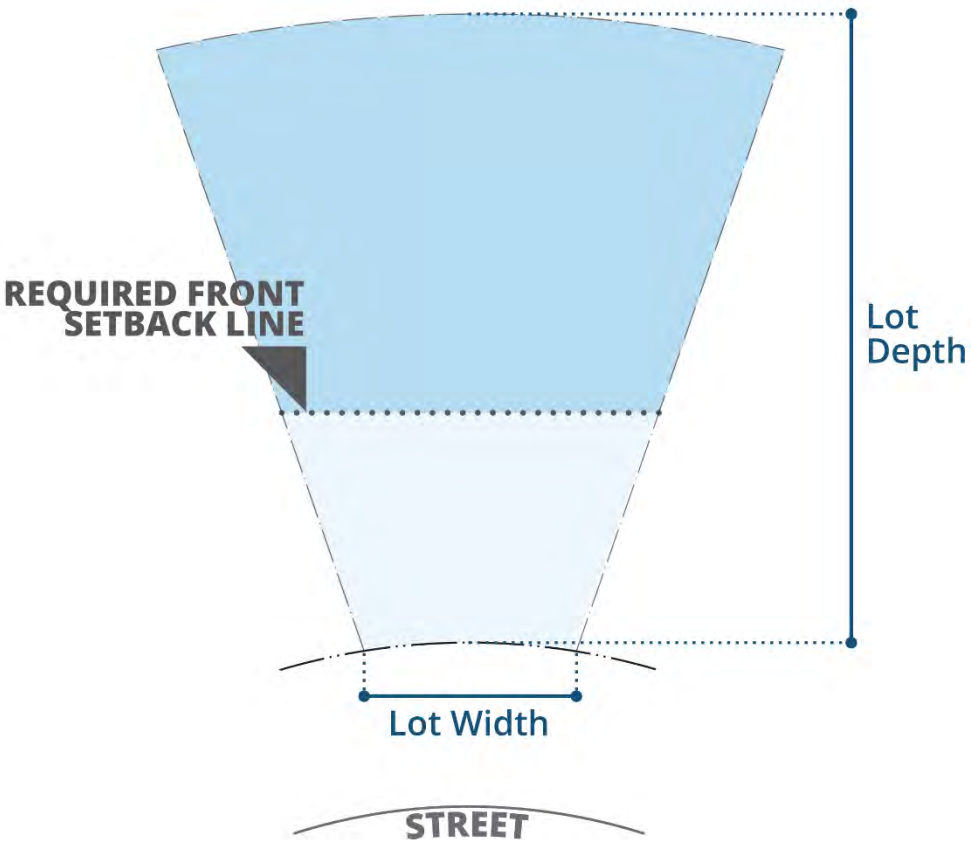


(d) **Lot width and depth calculation for curved lots**. The following standards in this subsection apply to lots that have curved front lot lines.

(1) Lot width is the horizontal distance measured between the side lot lines of a lot or tract, along the front lot line as shown in Figures 18-3-72.3.

(2) Lot depth is the distance measured between the front lot line and the rear lot line of a lot or tract as shown in Figure 18-3-72.3, measured from the middle point of the respective lot lines.

Figure 18-3-72.3. Lot calculation for curved lots.



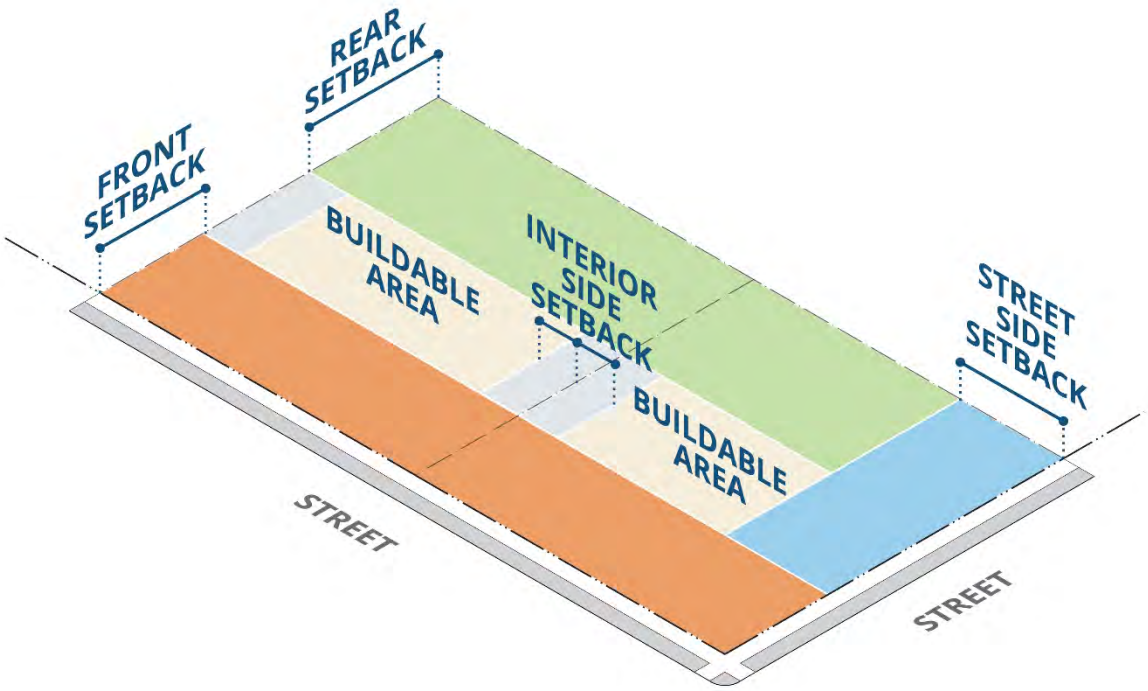
Sec. 18-3-73. YARD SETBACKS.

(a) **General provisions.** Front yards, interior side yards, street side yards, and rear yards shall be determined through the Development Plan review process based on the calculations indicated in this section.

(b) **Required yards.** Required yards shall be left open and unobstructed except for fences, landscaping, and golf safety nets as permitted in Section 18-04-186, buildings less than 120 square feet in area, and permitted parking spaces and driveways.

(c) **Depth calculation.** The depth of a yard setback shall be measured as the horizontal distance perpendicular to and along the length of the applicable lot line into the lot for the minimum distance, as shown in Figure 18-3-73.1, and established in the Dimensional Standards Tables included in this article.

Figure 18-3-73.1. Yard setback depth measurement.



(d) **Span calculation.** The span of a yard setback, as shown in Figure 18-3-73.2, shall be measured as follows:

(1) **Front yard.** That portion of a lot that contains the primary front entrance that abuts a public or private street, park, or gathering area and extends across the width of a lot between the street and the front setback line; and

(2) **Street side yard.** That portion of a lot that abuts a street and is not the front yard based on the location of the primary entrance and extends along the depth of the lot between the street and the front yard setback line and the rear property line; and

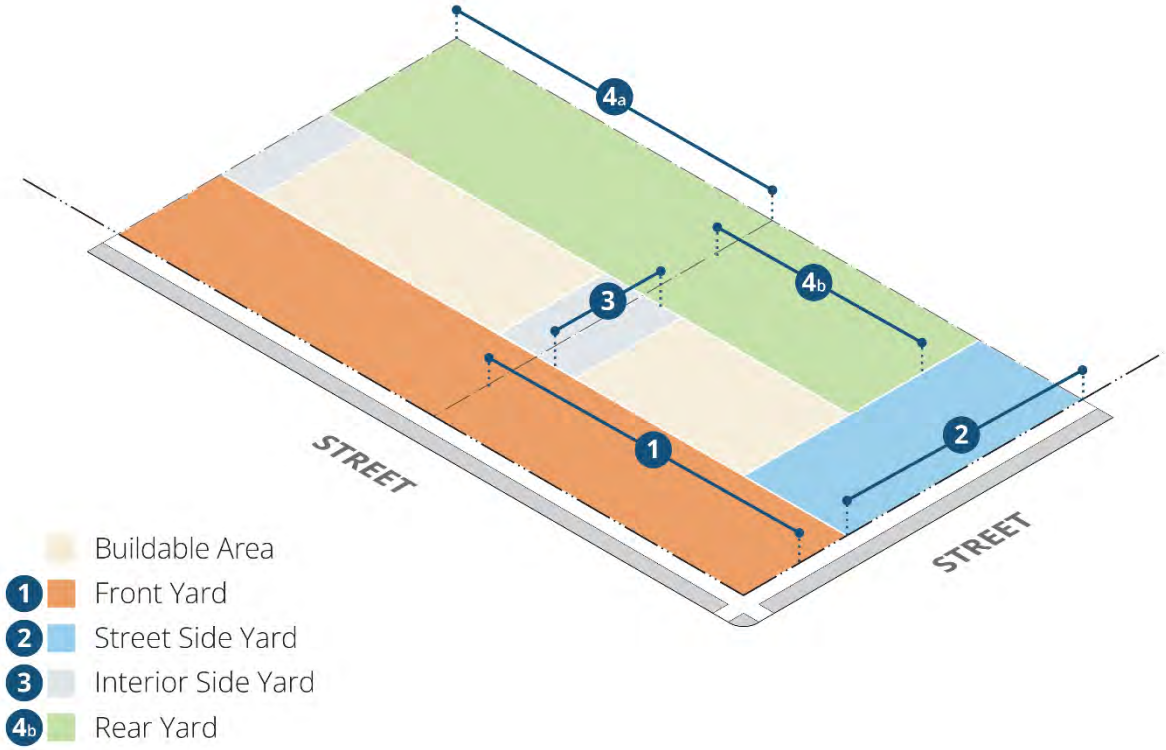
(3) **Interior side yard.** That portion of a lot extending from the front setback line to the rear setback line between the side setback line and the side lot line; and

(4) **Rear yard.**

a. From the interior side lot line to the other interior side lot line; or

b. From the interior side lot line to the street side yard setback line.

Figure 18-3-73.2. Yard setback span measurement (The numbers in Figure 18-3-73.2 refer to the subsection numbers contained within Subsection 18-3-73(d))**.**

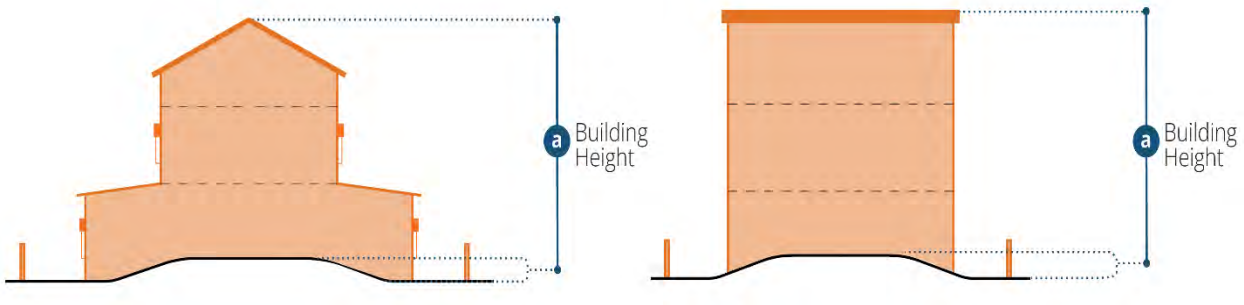


(e) **Irregularly shaped lots.** The location of yard setback types on irregularly shaped lots shall be determined through the administrative Interpretations process, as established in Section 18-02-19.

Sec. 18-3-74. Building Height.

(a) Building height is the vertical distance measured from average grade around the building to the highest point of the structure, as shown in Figure 18-3-74.1.

Figure 18-3-74.1. Building height measurement.



Sec. 18-3-75. Height transition standards.

(a) **Purpose**. The purpose of the height transition standards is to protect the character and form of Thornton's residential neighborhoods in the RE, ER, RL, SFD-L Zoning Districts or detached residential portions of PD-L Districts from incompatible new development.

(b) **Applicability**. Height transition requirements shall apply to all buildings, regardless of the zoning district, abutting an RE, ER, RL, SFD-L Zoning Districts, or detached residential portions of PD-L districts. This requirement shall apply only if the zone district is directly adjacent and shall not apply if separated by a street.

(c) **Requirement**. Starting at the boundary of and at the height limit of the adjacent residential zone, additional building height may be added at a ratio of one foot of additional building height for every two feet of horizontal distance from the closest applicable residentially zoned property line. The building height transition requirement ends 150 feet from the applicable residentially zoned property boundary, and then the full building height allowed in the zone applies.

Figure 18-3-75.1. Height transition standards, when abutting a residential zone.

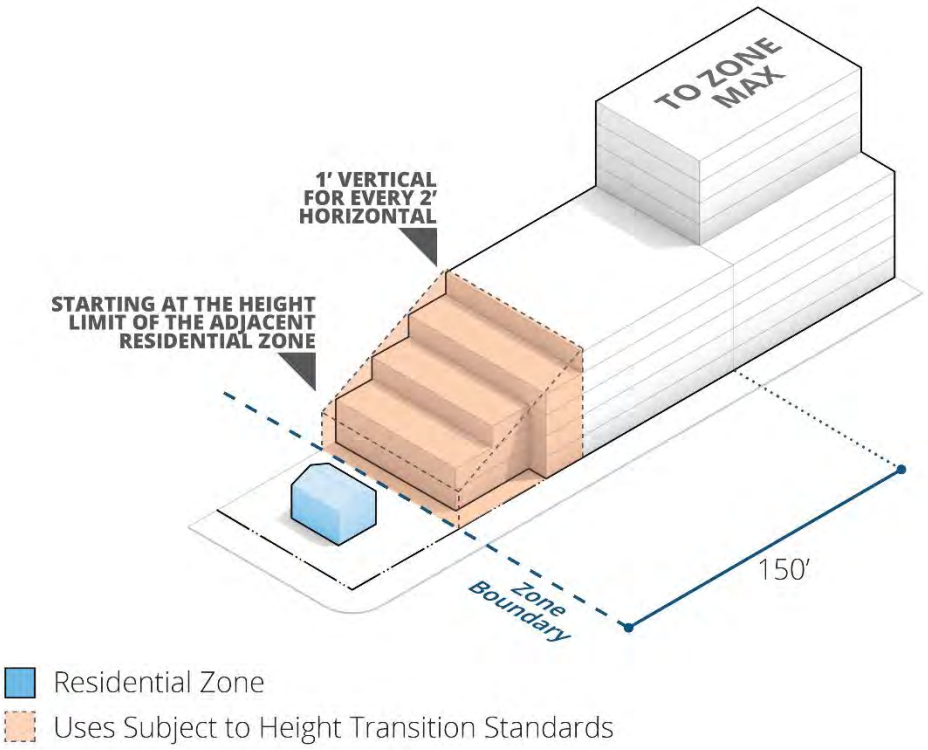
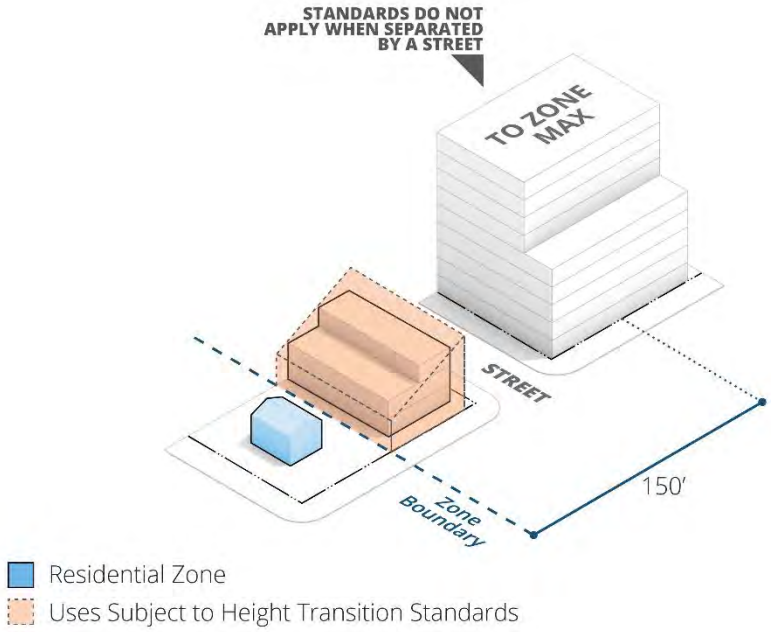


Figure 18-3-75.2. Height transition standards, when separated by a street.



Sec. 18-3-76. Floor area and floor area ratio.

(a) **Applicability.**

(1) Minimum Floor Area and Maximum Floor Area Ratio are calculations used in some of the Eastlake Base Districts and Legacy Districts.

(2) If a zoning district does not indicate a Minimum Floor Area or Maximum Floor Area Ratio requirement in its dimensional standards, the provisions of this section do not apply to that district.

(b) **General provisions.**

(1) Floor area is the total square feet of floor area in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area.

(2) Floor area ratio is the ratio of the total floor area to the area of the site. In calculating floor area ratio for a building or a site, the following areas are excluded:

a. The floor area of a structure used for off-street parking.

b. The floor area in a basement.

(3) A different minimum floor area for a residential use or a different maximum floor area ratio for a nonresidential use may be established through the Development Plan

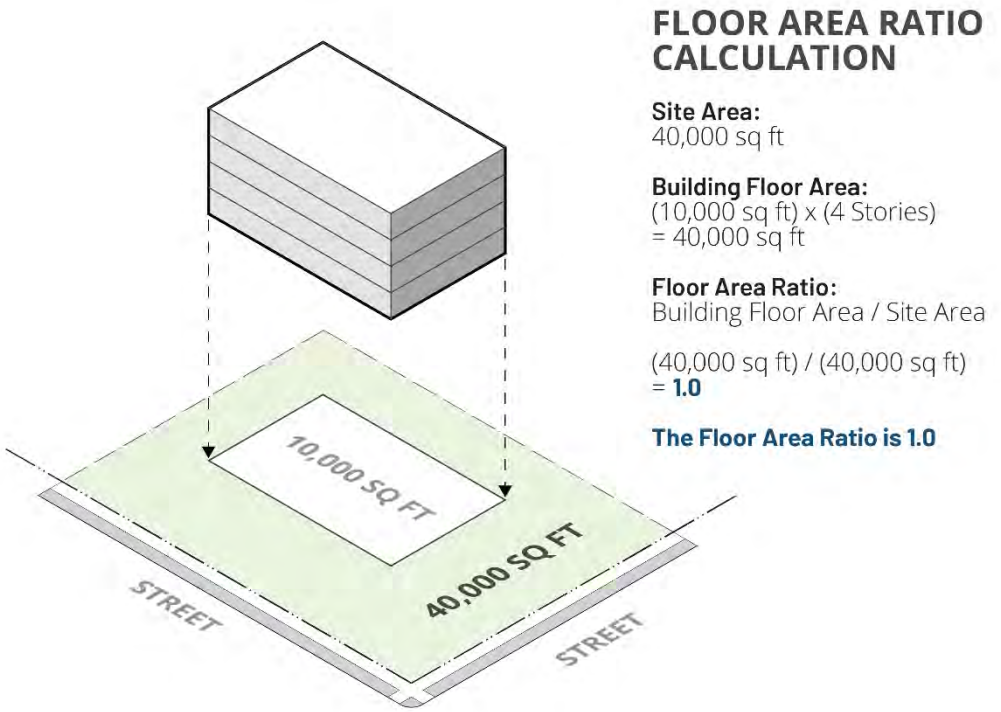
review process, if the director or commission applies performance criteria or standards that:

a. Have been adopted by the director or commission; and

b. Are available to the applicant prior to submission of the application for a Development Plan.

(4) Figure 18-3-76.1 displays how a floor area ratio is calculated using the standards of this section.

Figure 18-3-76.1. Floor area ratio calculation.



(c) **Residential development.**

(1) No person shall erect, alter, or convert any structure or part of a structure to create residential dwelling units with less floor area than the minimum required in the district regulations.

(2) In the event a Development Plan is approved with a minimum floor area different from the minimum contained in the district regulations, the minimum floor area contained in the Development Plan shall control.

(d) **Ratio for nonresidential development.**

(1) No person shall erect, alter, or convert any structure or part of a structure to create a greater floor area ratio than is allowed in the district regulations.

(2) In the event a Development Plan is approved with a maximum floor area ratio different from the maximum contained in the district regulations, the maximum floor area ratio contained in the Development Plan shall control.

Sec. 18-3-77. Lot coverage.

(a) The portion of a lot that is covered by non-permeable pavement such as concrete and asphalt, or buildings, as shown in Figure 18-3-77.1.

(b) No person shall erect, alter, or convert any structure, part of a structure, or pavement to create greater lot coverage than is allowed in the district regulations.

(c) Surface parking patios, and driveways are counted in calculating coverage unless it is determined, in the opinion of the director, that the pavement used for such areas is permeable. Walkways and trails are exempt from the lot coverage calculation.

(d) In calculating coverage for antennae towers, elevated tanks and similar structures, a horizontal rectangle shall be placed around the furthermost parts of the structure and projected to the ground. The area covered by this projection shall be considered the coverage of the structure. The director or commission in reviewing a Development Plan may use a different method to calculate this coverage if the method:

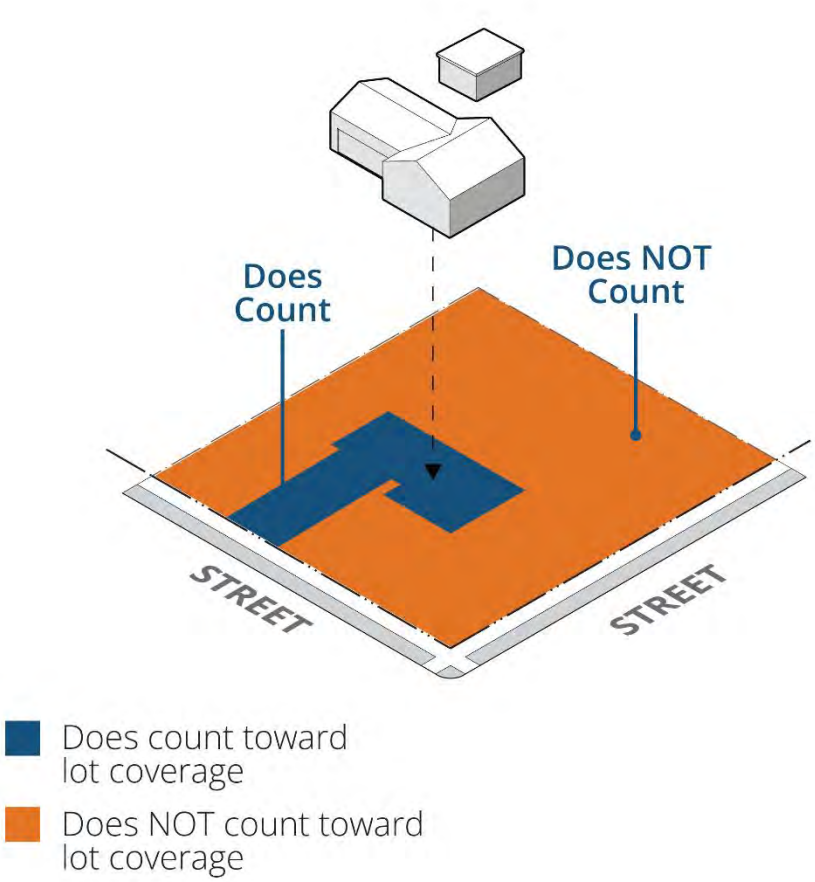
(1) Results in providing space for landscaping;

(2) Avoids crowding of structures on the lot; and

(3) Does not create negative impacts on adjacent property.

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Figure 18-3-77.1. Lot coverage calculation.



Sec. 18-3-78. Operational restriction standards.

(a) **Purpose**. The purpose of the operational restriction standards is to provide additional relief to adjacent residential land uses for specific site elements described in this section.

(b) **Operational standards.** Upon consideration of the Development Plan approval, conditions may be imposed to limit operational activities to ensure compatibility with adjacent residential uses. These operational activities include but are not limited to:

(1) Service and loading areas shall not be located on the side of the building facing the abutting residential district when feasible. Service and loading areas shall be screened per Section 18-06-35.

(2) **Drive-through uses**. Menu boards and shall not be located on the side of the building facing the abutting residential district, and shall be located no less than 50 feet from the nearest lot of the residential development.

(3) **Outdoor activity areas**. Outdoor dining and other outdoor gathering areas that generate noise shall not be located on the side of the building facing the abutting residential district. If the nearest edge of the outdoor area is within 100 feet of a residential lot line, noise attenuation methods shall be provided as determined through the Development Plan approval.

(c) **Additional provisions**.

(1) Parking location. Surface parking lots and loading zones shall not be located on the side of the building facing the abutting residential district when feasible. Surface parking lots that are visible from the ground level views of the abutting residential district shall be screened per Section 18-06-32 and Article VIII.

(2) Waste Receptacles and Enclosures. Waste receptacles and enclosures shall not be located on the side of the building facing the abutting residential district and shall otherwise be located per Section 18-06-31.

(3) For the purposes of this standard, no sub-zone in a mixed-use district shall be construed to be a residential zone.

Sec. 18-3-79. – 18-3-82. – Reserved.

DIVISION 10. ENCROACHMENTS, EXCEPTIONS, AND ADJUSTMENTS

Sec. 18-3-83. Allowed encroachments into required yard setbacks.

Table 18-3-83.1 Allowed encroachments into required yard setbacks.

Encroachment Type	Allowed Location	Limitations of Encroachment
Accessibility Ramps and Fire Escapes required by the Building Code	Any required setback	May encroach up to three feet from the property line unless otherwise approved by the director as a reasonable accommodation per Section 18-02-12.
Bay Windows and Balconies	Front and street side yard setbacks	May extend up to five feet from the applicable elevation of the building but shall be located no less than five feet from the property line.
	Interior side and rear yard setbacks	May encroach up to three feet from the property line.

Encroachment Type	Allowed Location	Limitations of Encroachment
	Public right-of-way (air rights)	May encroach up to three feet into the right-of-way if on an upper story after the issuance of a Right-of-Way Revocable Permit (Section 15.4 of the City Charter).
Covered Porches, Covered Decks, and Covered Patios	Rear and side yard setbacks	Shall be located no less than five feet from the property line except in the case of the SFD-L District where they shall be located no less than ten feet from the rear property line. The floor of the deck shall not exceed eight feet in height above the average finished grade. May not be screened-in or enclosed.
Cornices, Gutters, Eave Overhangs, and Similar Architectural Projections	Any required setback	May encroach up to two feet from the applicable elevation of the building.
Window Wells, and Air Conditioner Pads	Any required setback	May encroach up to three feet from the applicable elevation of the building.
Landscape, Building Façade, Outdoor Recreational, and Pedestrian Scale Lighting	Front and street side yard setbacks	Can encroach into any setback up to the property line except as prohibited by easements.
Uncovered and Unenclosed Steps and Stairs	Any required setback	May extend up to six feet from the applicable elevation of the building but shall be located no less than five feet from the property line.
Uncovered Porches, Decks, Patios, and similar Features	Interior side	May encroach up to five feet from the property line. May not exceed eight feet in height above the average finished grade.
	Rear yard setbacks	May encroach up to five feet from the property line except in the case of the SFD-L District where they shall be located no less than ten feet from the rear property line. May not exceed eight feet in height above the average finished grade.

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Encroachment Type	Allowed Location	Limitations of Encroachment
Above-ground and in-ground swimming pools	Rear yard setbacks	May encroach up to 10 feet from the property line.
Hot tubs	Interior side and rear yard setbacks	May encroach up to the property line.

Sec. 18-3-84. Allowed Lot Standards Adjustments.

(a) **Lot area and width averaging.** Existing nonconforming lots not meeting the lot area and width minimum requirements of the base district may be developed with a use permitted in the base and/or overlay district so long as all other bulk and dimensional standards of the base and/or overlay district are met, including allowed encroachments, adjustments, and exceptions.

Sec. 18-3-85. Allowed Yard Setbacks Adjustments.

(b) **Front and street side yard setback adjustments.** Deviations to the minimum required front and/or street side yard setback may be approved as an Administrative Adjustment per Section 18-02-12 based on the average front and/or street side yard setback of adjacent lots along the same side of the street and on the same block as the subject lot. The adjustment shall result in a setback that is no smaller than ten percent of the average front and/or street side setback of adjacent lots.

(1) **Interior side and rear yard setback adjustments.**

a. Adjustments that result in a 10 percent or lesser deviation in the interior side or rear setback standards may be approved as an Administrative Adjustment as detailed in Section 18-02-12.

b. Adjustments that would result in a deviation in the interior side or rear setback standards by more than 10 percent shall require application for a Variance as detailed in Section 18-02-36 or may be permitted through a Planned Development Overlay as detailed in Sections 18-3-65 and 18-02-38.

Sec. 18-3-86. Allowed Building Standards Exceptions.

(a) **Height exceptions.**

(1) In districts where maximum height is limited to 35 feet or less, the following building-mounted structures may project a maximum of 12 feet above the maximum building height specified in the district regulations. These heights are limited by the height transition standards required in Section 18-03-75.

a. Chimney and vent stacks.

b. Clerestory windows.

c. Cooling tower.

d. Elevator penthouses or bulkhead.

e. Mechanical equipment room.

f. Ornamental cupola or dome.

g. Parapet wall, limited to a height of four feet.

h. Skylights.

i. Tank designed to hold liquids, subject to applicable life and safety standards contained in the Building or Fire Codes.

j. Visual screens which surround roof-mounted mechanical equipment.

(2) Poles or support structures for electric transmission lines constructed in a residential district shall not exceed 120 feet in height, except for traverse conditions.

a. A traverse condition exists if the utility demonstrates that it will encounter and cross one or more of the following: traffic light, bridge, highway or arterial roadway, overhead pedestrian walkway, intersection of roadway, wetland, floodplain, waterway, gravel pit, railroad, electric distribution line, phone line, streetlight, storage yard, parking lot, or tree.

b. This height restriction may also be waived by the director or commission if any other condition causes the electric conductors to be in violation of local, State or national codes.

c. This limitation shall only apply to new construction and not to the repair, replacement or modification of an existing pole or structure so long as the repair, replacement or modification does not cause a pole or structure to exceed 120 feet in height in the above-listed zoning districts.

(3) General height requirements for retail centers larger than four acres.

a. Towers, bell towers, spires and other architectural appurtenances that are used to enhance the identity of a commercial development and provide a focal point for customer interaction may be up to 90 feet in height in the CC-L and RC Districts.

b. Signs shall not be permitted on these towers, bell towers, spires and other architectural appurtenances.

c. Lighting of towers, bell towers, spires and other architectural appurtenances that exceed the maximum allowed height of the base district shall be subject to the approval of the director.

(4) Catenary or other lines and support structures to provide electrical service to rail mass transit electric multiple unit vehicles, excluding street cars, are exempt from the height restrictions of this article.

(b) **Frontage build-out exceptions.** The minimum frontage build-out requirement per district may be waived by the director, if the frontage is improved as a community space, entryway elements meeting the standards of Section 18-07-28, public art, patio seating, or enhanced landscaping above and beyond the requirements of Article VIII.

(c) **Lot coverage exceptions.** The maximum allowed lot coverage per district may be exceeded if approved by the director or designee.

Sec. 18-3-87. – 18-3-91. – Reserved.

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ARTICLE IV: USE STANDARDS

DRAFT 3 – MAY 27, 2025

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Chapter 18 / Article IV: Use Standards

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DIVISION 1. GENERALLY

Sec. 18-04-01. General provisions.

(a) **Purpose**. The purpose of this article is to establish the allowed principal, accessory, and temporary uses in each zoning district, whether they are permitted, special, or limited uses, and required supplemental standards.

(b) **Applicability**. The uses and supplemental use standards established in this article shall apply to all land within the city's jurisdiction.

Sec. 18-04-02. Classification of uses.

(a) **General use types**. To regulate the use of land, general use types have been established. General use types provide a systematic basis for assigning land uses to appropriate categories with other similar uses. General use types classify land uses and activities based on common functional, product, or physical characteristics.

(1) Characteristics include the type and amount of activity, the hours of operation, the type of customers or residents, how goods or services are sold or delivered, likely impact on surrounding properties, and site conditions.

(2) Where a general use definition contains a list of example uses, the list is to be considered non-inclusive. Uses shall be categorized through the Administrative Interpretation process established in Section 18-02-19.

(b) **Qualified uses.**

(1) **Floor dependent**.

a. If a use includes "above ground floor only" in the title, it shall be allowed on the second story or higher of a building only.

b. If a use does not include "above ground floor only" in the title, it shall be allowed on all building stories.

(2) **Square footage dependent**.

a. If a use includes a qualifying statement regarding square footage, such as "less than 5,000 sq ft", the total square footage of the building or tenant space in which the use may operate shall not exceed what is specified.

b. If a use does not include a qualifying statement regarding square footage, the total square footage of the building or tenant space in which the use may operate is not restricted, unless otherwise stated in this chapter.

(3) **Public or private designation**.

a. If a use includes "public" in the title, it shall be owned and operated by a governmental entity, non-profit organization, or other nontaxing body.

b. If a use includes "private" in the title, it shall be owned and operated by a for-profit organization or business.

Sec. 18-04-03. Principal uses.

(a) **Allowance**.

(1) Principal uses are allowed by district as established in Tables 18-04-09.1 through 18-04-09.8.

(2) A parcel may contain one or more principal uses.

(3) A development site shall include only those principal uses designated in Tables 18-04-09.1 through 18-04-09.8 as allowed in the applicable district, and each principal use shall be subject to all applicable supplemental standards

(b) **Use categories**.

(1) **Agriculture and Animal Related**. Premises for growing and harvesting crops, raising animals, and harvesting fish and other animals from a farm, ranch, or within their natural habitat, and all related functions in addition to animal care facilities located in commercial settings.

(2) **Commercial**. Premises for the commercial sale of merchandise, prepared foods, and food and drink consumption; private congregation facilities; the transaction of general business; and the provision of services.

(3) **Entertainment.** Premises for uses that provide entertainment, recreation, and cultural arts, and their supporting uses.

(4) **Industrial, Automotive, and Transportation**. Premises for the manufacture, assemblage, storage, distribution, and repair of items including their wholesale or retail sale, uses and premises dedicated to the sale, maintenance, servicing or storage of automobiles or similar vehicles. This category includes uses that are accessed mainly by automobile, mining, and transportation related uses.

(5) **Lodging**. Premises for short-term human habitation, including daily and weekly rental.

(6) **Public and Institutional**. Premises for organizations dedicated to religion, government, arts and culture, recreation and sports, and other similar areas of public assembly in addition to uses and premises dedicated to education, social service, and health care.

(7) **Residential**. Premises for long-term human habitation by means of ownership or rental.

(8) **Utilities and Infrastructure**. Uses and structures dedicated to communication, power generation, and utilities.

Sec. 18-04-04. Accessory and temporary uses.

(a) Accessory uses are allowed by district, as established in Table 18-04-171.1, but only incidental to a legally established, conforming principal use.

(b) Temporary uses are allowed by district as established in Table 18-04-202.1.

(c) Temporary uses shall be uses that:

(1) Take place for a limited period only; or

(2) Reoccur in regular intervals but require non-permanent infrastructure and improvements only.

Sec. 18-04-05. Medical marijuana prohibited uses.

(a) **Purpose and intent.** The purpose of this section is to prohibit certain land uses related to medical marijuana in the city. The city council has carefully considered Section 14 of Article XVIII of the Colorado Constitution, the Colorado Medical Marijuana Code, and the secondary effects of medical marijuana establishments on the health, safety and welfare of the city and its residents in determining the prohibitions included in this section.

(b) **Prohibition.**

(1) Medical marijuana optional premises cultivation operations, medical marijuana-infused products manufacturers, medical marijuana use facilities and any other land use involving the growth, use or processing of medical marijuana are prohibited uses in all zoning districts.

(2) No person shall use a property to grow, use or process medical marijuana, with or without remuneration, except as authorized in Subsection (c) below and in Division 2 of Article VIII of Chapter 38 of the Code.

(3) No main, accessory, or temporary land use shall be permitted that involves the growth, use, or processing of medical marijuana.

(4) No accessory or temporary land use shall be permitted that involves the sale, display, purchase or delivery of medical marijuana.

(5) It shall be unlawful for any person to operate, cause to be operated, or permit to be operated any kind of land use, whether or not for profit, and regardless of organizational or ownership structure, a primary or significant purpose or characteristic of which is permitting or facilitating on-premises consumption or

preparation of medical marijuana or medical marijuana products or on-premises cultivation or processing of medical marijuana.

(c) **Patients and primary caregivers.** Patients and primary caregivers may grow medical marijuana only at their primary residence and in accordance with Section 14 of Article XVIII of the Colorado Constitution, the Colorado Medical Marijuana Code and any rules or regulations promulgated thereunder, and by the regulations contained in Division 2 of Article VIII of Chapter 38 of the Code.

Sec. 18-04-06. Marijuana prohibited uses.

(a) **Purpose and intent.** The purpose of this section is to prohibit certain land uses related to marijuana in the city. The city council has carefully considered Article XVIII, Section 16 of the Colorado Constitution, the Colorado Retail Marijuana Code, and the secondary effects of marijuana establishments on the health, safety and welfare of the city and its residents in determining the prohibitions included in this section.

(b) **Prohibition.**

(1) Marijuana cultivation facilities, marijuana product manufacturing facilities, marijuana use facilities, and any other land use involving the growth, use or processing of marijuana, are prohibited in all zoning districts.

(2) No person shall use a property to grow, use or process marijuana, with or without remuneration, except as authorized in Subsection (c) below and in Division 2 of Article VIII of Chapter 38 of the Code.

(3) No main, accessory, or temporary land use shall be permitted that involves the growth, use or processing of marijuana.

(4) No accessory or temporary land use shall be permitted that involves the sale, display, purchase or delivery of marijuana.

(5) It shall be unlawful for any person to operate, cause to be operated, or permit to be operated any kind of land use, whether or not for profit, and regardless of organizational or ownership structure, a primary or significant purpose or characteristic of which is permitting or facilitating on-premises consumption or preparation of marijuana or marijuana products or on-premises cultivation or processing of marijuana.

(c) **Personal use of marijuana.** The personal possession and growth of marijuana is regulated by Section 16 of Article XVIII of the Colorado Constitution, the Colorado Retail Marijuana Code and any rules or regulations promulgated thereunder, and by the regulations contained in Division 2 of Article VIII of Chapter 38 of the Code.

Sec. 18-04-07. Regulation of nonresidential water use.

(a) **Purpose and intent.** The city's water supply is an invaluable, limited resource which must be protected and regulated for the health, safety, and welfare of current and future residents. In addition, the city is required pursuant to C.R.S. § 29-20-301, et. seq. to determine the adequacy of the water supply for all developments using more than established threshold levels of water. Given that the end user of non-residential development is often not identified until late stages in the development process, estimations of water use early in the process are often extremely speculative. This section is intended to address the need to protect the city's water supply by setting a lower threshold at which the city will require a determination of adequate water, as permitted by C.R.S. § 29-20-103(1)(b), for nonresidential development and account for the uncertainty in the end-user by establishing a procedure to monitor or restrict water use for particular non-residential users.

(b) **Applicability.**

(1) The requirements of this section shall apply to all nonresidential uses within the city that use, or are projected to use, more than a total of ten-acre feet of water annually.

(2) This section shall not apply to any land use, development, or improvements of any type funded by the city and constructed on property owned by the city.

(c) **Definitions.** As used in this section, the following definitions apply unless context requires otherwise:

(1) *Adequate* shall have the same meaning as set forth in C.R.S. § 29-20-302, as may be amended.

(2) *Application* means, for the purposes of this section, an application filed for any of the following when the end user of a development, or unit(s) therein, has been identified:

a. Preliminary Plan;

b. Subdivision Plat;

c. Development Plan;

d. Building permit;

e. Tenant improvement permit;

f. Change of occupancy permit; or

g. Business license.

(3) *High-water user* means any singular non-residential water user that uses or is projected to use more than ten-acre feet of water annually, regardless of the number of water service connections.

(d) **Determination of adequate water supply.**

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(1) With each application that will include a high-water user, the city manager or designee shall determine, in their sole discretion, if water supply is adequate.

(2) The applicant shall request a water adequacy determination with the earliest application wherein the end user of a development, or a particular unit within a development, has been determined. If a development has multiple units or end users, a determination shall be requested for each unit or end user that will be occupied by a high-water user.

(3) The applicant shall submit all documentation determined to be necessary on forms established by the city manager or designee.

(4) The city manager or designee shall make one of the following determinations based on information submitted by the applicant:

a. The city has adequate water to serve the proposed development, or specified unit within the development, without restrictions;

b. The city has adequate water to serve the proposed development, or specified unit within the development, subject to a water use agreement, as described in subsection (e) below; or

c. The city does not have adequate water to serve the proposed development or specified unit within the development.

1. If the applicant withdraws the application after such finding, the city shall not accept a resubmittal of the application for a period of one year from the date of the decision, unless the application is substantially modified with the intent to reduce water usage.

2. If the applicant elects to proceed with the review process after such finding, staff shall recommend denial of the application on the basis that there is not adequate water supply.

(5) A determination regarding the city's water supply adequacy issued pursuant to this subsection is a final decision and not subject to the appeal processes contained in this chapter.

(e) **Water use agreement.**

(1) If there is a determination, pursuant to Subsection (d) of this section, that the city's water supply is adequate for a particular development or unit within that development, only if conditions are placed on water usage, the city and the water user shall enter into a water use agreement.

(2) The water use agreement shall address:

a. Annual water usage;

b. Peak water usage;

c. Water usage monitoring procedures;

d. Water efficiency and/or conservation measures that may be required;

e. Remedies for violation of the water use agreement;

f. Any circumstances which may lead to an amendment or termination of the water use agreement; and

g. Any other matters that the city determines to be necessary to carry out the intent of this section.

(3) This water use agreement shall constitute a condition of any water service permit under Chapter 74 and a violation of a water use agreement shall constitute a violation of such permit and the city shall be entitled to all rights and remedies related to such permits.

(4) Appeals regarding the interpretation or applicability of the terms and conditions of the water use agreement may be appealed pursuant to the terms of Section 18-02-32.

(f) **Ongoing water use management.**

(1) If annual water usage reviews by the city for a high-water user show usage in excess of ten percent higher than usage identified in the application, this shall be considered a material change in the water demands and the city shall be entitled to make a new determination of water adequacy for that high-water user using the same procedures contained in Subsection (d) of this section.

(2) If annual water usage review by the city shows water usage in excess of ten acre feet per year for any non-residential user that activated its water service after the effective date of this section and that user never received a determination of adequate water supply pursuant to Subsection (d) of this section, the city may notify the user in writing and the user shall request a determination of adequate water supply as contained in Subsection (d) of this section and the city shall make a determination as contained in that subsection.

a. If the user does not file the request for determination within 30 days of the date of such notice, the city may suspend water service to such user following the procedures contained in Chapter 74.

Sec. 18-04-08. PRINCIPAL USE ALLOWANCES.

(a) **Principal uses tables**. The following shall be used in the interpretation of Tables 18-04-09.1 through 18-04-09.8.

(1) **Permitted uses**. Uses which are marked as "P" in the table shall be allowed principal uses subject to all applicable regulations of this Code.

(2) **Limited uses**. Uses which are marked as "L" in the table shall be allowed principal uses with limitations as established for each use.

(3) **Special uses**. Uses which are marked as "S" in the table shall be allowed principal uses after the approval of a Special Use Permit, as detailed in Section 18-02-35.

(4) **Prohibited uses**. A blank space in the table indicates that use is not permitted.

(5) **Uses not listed**. A use not specifically listed is prohibited unless the director determines the use to be part of a use category as described in Section 18-04-03(b) or determines the use to meet the definition of a Principal Use as established in Article XIII, per the Administrative Interpretations process established in Section 18-02-19.

(6) **Supplemental standards**. If a use has supplemental standards, they are referenced in the Supplemental Standards column. Use-specific standards shall apply to all uses.

(7) **Other districts**. The DR, MC-L, POS, PD-L, NW-O, and PD-O districts are not included in Tables 18-04-09.1 through 18-04-09.8. The allowed uses in these districts shall be as detailed below:

a. **DR**. Uses allowed in the DR District shall be as detailed in Section 18-03-44.

b. **POS**. Uses allowed in the POS District shall be aligned with the Thornton Parks and Open Space Master Plan and as determined through Development Plan review, as detailed in Section 18-03-46.

c. **PD-L and PD-O**. Uses allowed in PD-L and PD-O Districts shall be as established through the PD approval process, as detailed in Section 18-02-38.

d. **NW-O**. Uses allowed in the NW-O district shall be the uses allowed in the underlying base district unless otherwise specified in Section 18-03-64 and elsewhere in this chapter.

e. **MC-L.** Uses allowed in the MC-L district shall be as detailed in Section 18-03-58.

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Sec. 18-04-09. PRINCIPAL USE TABLES.

Table 18-04-09.1 Principal Uses - Agriculture and Animal Related uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Agriculture and Animal Related Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Animal Clinic / Day Care, with Outdoor Runs	18-04-15									P	P	P							P				P
Animal Clinic / Day Care, without Outdoor Runs	18-04-16						P		P	P	P	P							P				P
Animal Kennel, with Outdoor Runs	18-04-17																		P				S
Animal Kennel, without Outdoor Runs	18-04-18									S	S								P				P
Animal Production	18-04-19																		S				
Animal Shelter, with Outdoor Runs	18-04-20																		S				S
Animal Shelter, without Outdoor Runs	18-04-21																		S				P
Commercial Greenhouse / Nursery	18-04-22														L				P				S
Commercial Stable	18-04-23	S																	S				

Agriculture and Animal Related Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Community Garden	18-04-24	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Crop Production	18-04-25	L	L	L	L	L	L	L	L	L	L	L			P				P	L	L	L	L
Grain and Feed Elevators	18-04-26																		P				P
Indoor Horticulture / Aquaculture	18-04-27											P							P				
Livestock Auction Pens or Sheds	18-04-28																		S				S

Table 18-04-09.2 Principal Uses - Commercial uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Commercial Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Artisan Manufacturing	18-04-35					S	S	S	P	P	P	P											P
Bank, Credit Union, Financial Services	18-04-36						P	P	P	P	P	P		P	P	P	P				P	P	P
Bar / Lounge / Tavern	18-04-37					L	L	L	L	L	L	S			L	L	L				L	P	
Equipment Rental	18-04-38									L	P												P
Food Truck Court	18-04-39						P	P	S	P	P												
General Commercial,	18-04-40					P	P	P	P	P	P	P			P	P	P				S	P	P

Commercial Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
5,000 sq ft or less																							
General Commercial, more than 5,000 sq ft	18-04-41						L	L	S	L	P												
General Office / Professional Services, 5,000 sq ft or less	18-04-42					P	P	P	P	P	P	P		P	P	P	P				P	P	P
General Office / Professional Services, more than 5,000 sq ft	18-04-43						S	P	S	L	P	P		S	S	S	S				P	P	P
Liquor Store	18-04-44						L	L	S	L	P	P									S	S	
Marijuana Store	18-04-45									L	L												
Medical Clinic	18-04-46						P	P	P	P	P	P		P	P	P	P				P	P	P
Micro Alcohol	18-04-47						L	L	S	L	P	P			L	L	L		S		P	S	P
Natural Medicine Healing Center	18-04-48								P	P	P	P											
Pawnshop	18-04-49									L	P												
Personal Services	18-04-50					L	L	L	P	L	P	P		L	L	L	L				S	P	P
Private Convention Center	18-04-51							S		S	S	S											
Private Event/Banquet Facility	18-04-52					L	S	P	L	P	P	P											
Restaurant 5,000 sq ft or less	18-04-53					P	P	P	P	P	P	P		P	P	P					P	P	P
Restaurant more than 5,000 sq ft	18-04-54						L	L	S	L	P	P											

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Commercial Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Sexually Oriented Business	18-04-55									S													S
Tobacco Store	18-04-56							P	S	P	P	S											

Table 18-04-09.3 Principal Uses - Entertainment uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Entertainment Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Cultural and Arts Facility	18-04-61	S	S	S	S	S	P	P	L	P	P	P		P	P	P	P		S		P	P	
Private Entertainment / Recreation / Fitness Facility, Indoor	18-04-62	S	S	S	S	L	P	P	L	P	P	P										P	
Private Entertainment / Recreation / Fitness Facility, Outdoor	18-04-63										P	P									S	P	
Movie Theater	18-04-64						L	L		L	P	P									P	P	
Shooting Range, Indoor	18-04-65										P	P											
Shooting Range, Outdoor	18-04-66																		S				

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Table 18-04-09.4 Principal Uses - Industrial, Automotive, and Transportation uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Industrial, Automotive, and Transportation Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Airport	18-04-72																		S				S
Brewery / Winery / Distillery	18-04-73									S	P	P							S				P
Car Wash	18-04-74									S	P												P
Catering	18-04-75						P		S	P	P	P		P	P	P	P				P	P	S
Commercial Bus Station and Terminal	18-04-76										P	S									S		
Commercial Kitchen	18-04-77						S		S	P	P	P									P	P	S
Heavy Industrial, Indoor	18-04-78											S										S	S
Heavy Industrial, Outdoor	18-04-79																						S
Heliport	18-04-80							S		S	S	S							S		S	S	S
Light Industrial, Indoor	18-04-81						L					P					S					P	P
Light Industrial, Outdoor	18-04-82																						P
Marijuana Testing Facility	18-04-83											P										P	P
Mining	18-04-84	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	S	S	S	S
Motor Vehicle Pawnbroker	18-04-85										S												P
Natural Medicine Manufacturer, Cultivation	18-04-86											P											

Industrial, Automotive, and Transportation Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Facility, or Testing Facility																							
Outdoor Storage	18-04-87																						S
Parking Structure	18-04-88					S	S	S			S	S						S					
Railroad Yard	18-04-89																						S
Recycling Collection Center	18-04-90	L	L	L	L	L			L	S	S	S	L	L	L	L	L		L	L	L		S
Salvage / Reclamation, Outdoor	18-04-91																						S
Self Storage	18-04-92																						S
Self-Service Storage Indoor Above Ground Floor	18-04-93									P		P											P
Transit Passenger Shelter	18-04-94	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Transit Station	18-04-95	S	S	S	S	S	S	P	P	P	P	P						P	S		P	P	P
Truck, Machinery, Heavy Equipment Sales, Rental, Service or Repair	18-04-96										S	S											P
Vehicle Fueling Station	18-04-97									S	S	S											P
Vehicle Leasing / Sales	18-04-98										L												P
Vehicle Rental	18-04-99									S	P	S									S		P
Vehicle Service - Major Repair / Body Work	18-04-100										P						L						P

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Industrial, Automotive, and Transportation Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Vehicle Service - Minor Repair / Maintenance	18-04-101									L	P	S					P				P		
Warehouse - Distribution	18-04-102										S	S										P	P
Warehouse Showroom / Office	18-04-103										P	P										P	P
Warehouse - Storage	18-04-104										S	S										P	P
Well / Production Sites	18-04-105	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P

Table 18-04-09.5 Principal Uses - Lodging uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Lodging Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	*I-L*
Bed and Breakfast	18-04-110	S											S	S					S				
Boarding / Rooming House	18-04-111					S	S	S															
Hotel and Motel	18-04-112						S	S		S	P	P			S						P	P	

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Table 18-04-09.6 Principal Uses - Public and Institutional uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Public and Institutional Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Business / Technical / Trade School, Indoor Activity Only	18-04-118								L	P	P	P									P	P	P
Cemetery / Mausoleum	18-04-119	S	S	S	S	S			S	S	S	S							S	S	S	S	S
Civic Meeting Facility	18-04-120	S	S	S	S	S	P	P	P	P	P	P	P	S	P	S	P	P	P			P	P
Crematorium	18-04-121	S								S	S	S							S				P
Day Care Facility	18-04-122	S	S	S	S	S	P	P	P	P	P	P		P	P	P	P	P	S	P	P	P	P
Emergency Shelter	18-04-123										P												
Funeral Home / Mortuary	18-04-124	S								L	P	P							S				P
Group Home	C.R.S. 31-23-303; 18-04-125	P	P	P	P	P	P	P					P	P	P	P			P	P	P		
Hospital / Sanitarium	18-04-126						P	S		S	P	P						S			P	P	S
Institutional Residential, Assisted Living and Long Term Care	18-04-127				S	S	S	S	S	P	P	S									S		
Institutional Residential, Dormitory	18-04-128					S	S														S		
Library	18-04-129	S		S	S	S	P	P	P	P	P	P	S	P	P	P	P	P	S	S	P	P	P
Park	18-04-130	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Public and Institutional Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Post Office	18-04-131	S		S	S	S	P	P	P	P	P	P		P	P	P	P	P	S	S	P	P	P
Public Entertainment / Recreation Facility	18-04-132	S	S	S	S	S	P	P	P	P	P	P						P	P	S	P	P	P
Public Service / Safety Facility	18-04-133	P		P	P	P	P	P	P	P	P	P	S	S	S	S	S	P	P	P	P	P	P
Recovery Residence	C.R.S 27-80-129; 18-04-134	P	P	P	P	P	P	P	P	P	P		P	P	P	P			P	P	S		
Religious Institution	18-04-135	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
School, Public or Private	18-04-136	S	S	S	S	S	S	S					S	S	S			P	S	S	P	S	
Transitional Housing	18-04-137									S	S												

Table 18-04-09.7 Principal Uses - Residential uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Residential Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Cottage Housing (single lot)	18-04-142				L	P	P	P													S		
Duplex (single lot)	18-04-143			P	P	P	P	L															
Dwelling, 1 Unit Detached (single lot)	18-04-144	P		P	P			L					P						P	P			
Dwelling, 2 Units Attached	18-04-145			P	P	P	P	L															

Residential Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
(1 unit per lot)																							
Dwelling, 3-8 Units Attached (1 unit per lot)	18-04-146				P	P	P	P															
Dwelling, Live-Work	18-04-147					P	P	P	S	S	L					P							
Manufactured Home Park	18-04-148		P																				
Multi-Unit Dwelling (single lot)	18-04-149					P	P	P			L										S		
Multi-Unit Dwelling Complex (single lot)	18-04-150					P	P	P			L										S		
Multi-Unit Dwelling, Above Ground Floor (single lot)	18-04-151					P	P	P	S	S	P			P	P	P							
Triplex/Quadplex (single lot)	18-04-152				P	P	P	P															

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Table 18-04-09.8 Principal Uses - Utilities and Infrastructure uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Utilities and Infrastructure Uses	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Commercial Satellite Dish	18-04-158									S	S	S		S	S	S	S		S		S	S	S
Energy Storage Systems	18-04-159																		S				S
Public Utility Facilities	18-04-160	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Sewage Treatment Plant	18-04-161																		S				P
Solar Farm	18-04-162																		S				S
Utility or Government Installation Other than Listed	18-04-163	S		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Water Treatment Plant, Reservoir and Water Storage Tanks	18-04-164	P		P	P	P	P		P	P	P	P	S						P	P	P	P	P
Wireless Telecommunications, Tower and Equipment	18-04-165	S		S	S	S	S	S	S	S	S	S		S	S	S	S	S	S	S	S	S	S

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Sec. 18-04-10. Reserved.
Sec. 18-04-11. Reserved.
Sec. 18-04-12. Reserved.
Sec. 18-04-13. Reserved.
Sec. 18-04-14. Reserved.

DIVISION 2. AGRICULTURE AND ANIMAL RELATED USES SUPPLEMENTAL STANDARDS

Sec. 18-04-15. Animal Clinic / Day Care with Outdoor Runs.

(a) **Definition.** A facility for the diagnosis, treatment, and hospitalization of animals, including but not limited to dogs, cats, birds, and horses, that includes a specifically designed outdoor area that allows animals to run and play safely.

(b) **Animals allowed**. No livestock or wild animals shall be boarded, treated, or kept on the premises.

(c) **Boarding areas**.

(1) Boarding areas shall be designed with noise-resistant materials.

(2) Boarding areas must be air-conditioned and heated. Windows, doors, and other openings must be able to be closed at any time.

(3) All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from boarding areas.

(d) **Outdoor animal areas**.

(1) Drainage from outdoor animal areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

(2) Outdoor animal areas shall be set back as far as possible from all residential properties, with a minimum setback of 150 feet.

(3) Solid waste will be removed from the outdoor animal area after each use.

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(4) All outdoor animal areas shall be screened by a 100 percent opaque, six-foot fence or wall. Chain link fence with slats shall not be considered as meeting screening requirements.

(5) Use of outdoor animal areas between the hours of 10:00 p.m. and 7:00 a.m. is prohibited.

Sec. 18-04-16. Animal Clinic / Day Care without Outdoor Runs.

(a) **Definition.** A facility for the diagnosis, treatment, and hospitalization of animals, including but not limited to dogs, cats, birds, and horses, that does not include an outdoor area for animals to run and play.

(b) **Location and design**. The use shall be conducted primarily within a fully enclosed building designed with noise resistant materials.

(c) **Animals allowed**. No livestock or large animals shall be boarded, treated, or kept on the premises.

(d) **Boarding areas**.

(1) The boarding area must be air-conditioned and heated. Windows, doors, and other openings must be able to be opened and closed at any time.

(2) All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of cleaning waste from the boarding area.

Sec. 18-04-17. Animal Kennel with Outdoor Runs.

(a) **Definition.** A private facility for the boarding or breeding of animals, primarily for profit-making purposes, including but not limited to, dogs and cats, and other domestic household pets as permitted in Chapter 6 of the City of Thornton Code, that includes a specifically designed outdoor area that allows animals to run and play safely.

(b) **Animals allowed**. No livestock or large animals shall be boarded, treated, or kept on the premises.

(c) **Boarding areas**.

(1) The boarding area must be air-conditioned and heated. Windows, doors, and other openings must be able to be opened or closed at any time.

(2) All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of waste from the boarding area.

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(d) **Outdoor animal areas**.

(1) Drainage from outdoor animal areas shall be directed to gravel, grassed, or other planted areas in a manner that prevents direct discharge to storm drain inlets and surface waters.

(2) Outdoor animal areas shall be set back as far as possible from all residential properties, with a minimum setback of 150 feet.

(3) Solid waste will be removed from the outdoor animal area after each use of the area.

(4) All outdoor animal areas shall be screened by an opaque fence or wall at least six feet in height. Chain link fence with slats shall not be considered as meeting screening requirements.

a. Use of outdoor animal areas between the hours of 10:00 p.m. and 7:00 a.m. is prohibited.

Sec. 18-04-18. Animal Kennel without Outdoor Runs.

(a) **Definition**. A private facility for the boarding or breeding of animals, primarily for profit-making purposes, including but not limited to, dogs and cats, and other domestic household pets as permitted in Chapter 6 of the City of Thornton Code, that does not include an outdoor area for animals to run and play.

(b) **Location**. The use shall be conducted solely within a fully-enclosed building designed and constructed with noise-resistant materials.

(c) **Animals allowed**. No livestock or large animals shall be boarded, treated, or kept on the premises.

(d) **Boarding areas**.

(1) The boarding area must be air-conditioned and heated. Windows, doors, and other openings must be able to be opened and closed at any time.

(2) All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of waste from the boarding area.

Sec. 18-04-19. Animal Production.

(a) **Definition**. An area which is used for the raising of animals and the development of animal products on a commercial basis. Typical uses include but are not limited to cattle and sheep ranching, dairy farming, fish farming, and the raising of poultry and swine.

(b) A person shall not operate this use on an area less than five acres.

(c) The slaughtering of animals on-site is prohibited for commercial purposes.

(d) The area used for the production of animals shall be set back from the front, side and rear property line a minimum of 100 feet.

(e) The area used for the production of large animals, which includes but are not limited to pigs, cows, sheep, goats, and horses, shall not be located closer than:

(1) 2,640 feet to any residential zoning district or lodging, public, or institutional use;

(2) 1,320 feet to any commercial and employment zoning district or entertainment use; and

(3) 660 feet to any industrial, automotive and transportation use.

(f) Structures may be erected for a private stable, pen, barn, shed or silo for raising, treating, and storing products raised on the premises. A dwelling unit is also permitted.

(g) Standings under roofed stables shall be made of a material that provides for proper drainage so as not to create offensive odors, insect or rodent breeding, or other nuisances.

(h) Adequate drainage facilities and other improvements shall be provided so as to protect any adjacent river, stream, or other body of water from pollution or other environmental degradation.

(i) The keeping of horses is subject to the requirements under the private stable accessory use, except that one additional horse may be kept for each additional acre over five acres.

Sec. 18-04-20. Animal Shelter with Outdoor Runs.

(a) **Definition**. A facility for the harboring of animals, including but not limited to dogs, cats, and other household pets that includes an outdoor area for animals to run and play.

(b) The building must be air-conditioned and heated. Windows, doors, and other openings must be able to be opened or closed at any time.

(c) All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of waste from the animal areas.

(d) Use of outdoor animal areas between the hours of 10:00 p.m. and 7:00 a.m. is prohibited.

Sec. 18-04-21. Animal Shelter without Outdoor Runs.

(a) **Definition.** A facility for the harboring of animals, including but not limited to dogs, cats, and other household pets that does not include an outdoor area for animals to run and play.

(b) The building must be air-conditioned and heated. Windows, doors, and other openings must be able to be opened or closed at any time.

(c) All litter and waste shall be contained and controlled on site by having appropriate flushing drains and other physical elements to properly dispose of waste from the animal areas.

Sec. 18-04-22. Commercial Greenhouse / Nursery.

(a) **Definition.** A facility for the cultivation of plants within a protected environment on a commercial basis.

(b) A commercial greenhouse/nursery shall be allowed on lots two acres or greater in size.

(c) Retail sales are permitted as a part of the commercial greenhouse and nursery use if the sales are conducted in compliance with the following:

(1) Up to 100 percent of the total greenhouse floor area may be devoted to retail sales activities during an occasional greenhouse sale. No more than four occasional greenhouse sales may be conducted during any 12-month period. Each occasional greenhouse sale shall be limited in duration to no more than three consecutive weeks.

(2) Retail sales are permitted at all times as part of the commercial greenhouse and nursery use.

(d) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.1 as a limited use, subject to the condition that this use shall not exceed 100,000 square feet per building or tenant space.

Sec. 18-04-23. Commercial Stable.

(a) **Definition**. A facility for the business of boarding or renting horses to the public.

(b) A commercial stable shall be allowed on lots five acres or greater in area.

(c) Horses shall be limited to one per acre.

(d) A commercial stable shall include:

(1) A pen or corral containing at least 800 square feet for each horse; and

(2) A stable under a roof containing at least 100 square feet for each horse.

(e) A commercial stable shall have sufficient drainage and other facilities so as not to create offensive odors, insect or rodent breeding, or other nuisances.

(f) Approved drainage facilities and other improvements shall be provided so as to protect any adjacent river, stream, or other body of water from pollution or other environmental damage.

(g) Pens, corrals, or similar enclosures shall have a minimum front and street side setback of 50 feet.

(h) Pens, corrals, or similar enclosures may not be located any closer than 100 feet to the dwelling on premises or within 100 feet of any side or rear property line. This provision does not apply to perimeter fences, which may be located along the property line.

(i) A commercial stable use does not permit sales, auctions, or similar trading activities.

Sec. 18-04-24. Community Garden.

(a) **Definition**. An outdoor area, privately- or publicly-owned, operated or maintained, for cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be maintained and cultivated collectively.

(b) This use may be conducted as a main or accessory use.

(1) Main use. On any vacant parcel or tract, this use may be conducted as a main use unless said parcel or tract is restricted from such use by a notation on the plat.

(2) Accessory use. On lots developed with other than an attached or detached residential use, community gardens shall be located in the side or rear yards. The area limitations in Section 18-04-172 do not apply to this use.

(c) Community gardens shall be less than five acres in size.

(d) Community gardens shall not be operated as a commercial venture.

(e) Community gardens shall be maintained free of weeds, litter, and other nuisances by the property owner throughout the year.

(f) A community garden may have one sign that shall not exceed 30 square feet in size or six feet in height. Any other signs shall be in accordance with Article XI.

(g) Where a community garden abuts a residentially-zoned parcel occupied by a residential use, there shall be a minimum five-foot setback between the garden area and the property line.

(h) Structures 120 square feet or smaller are an allowed accessory to community gardens. Structures shall comply with the setback requirements of the zoning district and the compatibility requirements for accessory structures.

(i) **Temporary greenhouses/hoop houses.**

(1) Temporary greenhouses or hoop houses constructed with fabric or plastic walls and roof, and that are less than five feet in height are allowed without a permit.

(2) Temporary greenhouses or hoop houses shall be allowed for a maximum of six months per calendar year. Temporary greenhouses or hoop houses shall be maintained in like-new condition and shall not exhibit torn fabric/plastic or other signs of disrepair and be upright at all times.

(3) Temporary greenhouses that are 500 square feet or larger require a Temporary Use Permit.

(j) Traditional greenhouses are considered a structure and may require a building permit. Exterior lighting for a community garden is not permitted in or adjacent to residential districts. Lighting shall comply with the requirements of Division 5 of Article VI.

(k) The operation of small farm tractors or other implements of crop husbandry are allowed in conjunction with a community garden from 7:00 a.m. to 7:00 p.m.

(l) Community gardens shall be designed so that exposed soil does not cause erosion or drainage problems on the subject site or neighboring properties.

(m) Fencing shall comply with the requirements of Division 2 of Article VI.

(n) A Temporary Use Permit for a seasonal sales stand is required for any on-site sale of produce, including fruits, flowers, vegetables, or ornamental plants.

Sec. 18-04-25. Crop Production.

(a) **Definition**. An area used for the raising or harvesting of agricultural crops such as wheat, field forage, and other plant crops intended to provide food or fiber.

(b) This use is not allowed within the North Washington Overlay District.

(c) A person or business entity shall not operate this use on an area less than five acres, unless authorized by C.R.S. § 35-61-104 for hemp cultivation for commercial purposes.

(d) Structures may be erected for a private pen, barn, shed, bin, or silo for the treating and storing of products raised on the premises.

(e) Crop products include but are not limited to vegetables, fruits, trees, mushrooms, and grains.

(f) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.1 as a limited use, subject to the following:

(1) The area is at least five acres, unless authorized by C.R.S. § 35-61-104 for hemp cultivation for research and development purposes, in which instance the area utilized shall not exceed ten acres;

(2) Hemp cultivation is not allowed unless authorized by C.R.S. § 35-61-104;

(3) No structure not otherwise permitted by the zoning district may be placed on the site;

(4) Equipment used in crop production may not be stored on the site; and

(5) Grazing of animals is not permitted unless a temporary use permit is granted under provisions in Section 18-02-24.

(g) This use does not include gardening as typically practiced by individual homeowners on residential lots, which is not regulated by this chapter.

Sec. 18-04-26. Grain and Feed Elevators.

(a) **Definition**. A facility for the storage of grains and feed.

(b) This use is not allowed within the North Washington Overlay District.

(c) Crops stored in grain and feed elevators are limited to grains, field forage crops, and other related feed for livestock unless authorized by C.R.S. § 35-61-104 for hemp cultivation purposes.

(d) Combustible materials or otherwise flammable materials shall not be stored in or within 25 feet of the grain and feed elevator unless otherwise permitted by the Fire Department and/or applicable building codes.

(e) Grain and feed elevators shall be subject to the underlying base zone standards of the subject parcel.

Sec. 18-04-27. Indoor Horticulture / Aquaculture.

(a) **Definition**. The production of crops completely indoors through methods including but not limited to horticulture and aquaculture, including the rearing of aquatic species, and excluding the growing of cannabis unless otherwise allowed in this chapter.

(b) Indoor horticulture or aquaculture shall be inspected in accordance with Colorado State and Adams County requirements.

(c) The indoor horticulture and aquaculture standards as defined in this code do not correspond to personal indoor horticulture or aquaculture intended for personal gardening, plant cultivation and otherwise permitted uses for non-commercial and non-industrial uses.

(d) This use shall not generate any adverse impacts such as, but not limited to, noise, vibrations, smoke, dust, odors, heat, glare or interference with radio or television transmissions in the area noticeable at/or beyond the property line.

Sec. 18-04-28. Livestock Auction Pens and Sheds.

(a) **Definition**. A facility for the auction of livestock.

(b) This use is not allowed within the North Washington Overlay District.

(c) Livestock auction pens and sheds shall be in conjunction with a permitted agricultural, animal production, or industrial use and shall adhere to the supplemental standards in Section 18-04-172.

Sec. 18-04-29. Reserved.
Sec. 18-04-30. Reserved.
Sec. 18-04-31. Reserved.
Sec. 18-04-32. Reserved.
Sec. 18-04-33. Reserved.

DIVISION 3. COMMERCIAL USES SUPPLEMENTAL STANDARDS

Sec. 18-04-34. General provisions for commercial uses.

(a) Except as otherwise provided in this chapter, the following general provisions apply to all uses listed under the commercial use category in Table 18-04-09.2.

(1) All uses shall be retail or service establishments dealing directly with consumers. No person may produce goods or perform services on the premises unless those goods or services are principally sold on the premises to individuals at retail.

(2) Commercial uses are allowed to have outside sales, outside display of merchandise, and outside storage only as accessory uses and subject to the provisions in Section 18-04-172.

Sec. 18-04-35. Artisan Manufacturing.

(a) **Definition**. The production and assembly of finished products or component parts, typically by hand, and including design, processing, fabrication, assembly, treatment, and packaging of finished products. Typical artisan manufacturing trades include but are not limited to: food and bakery products; non-alcoholic beverages; printmaking; leather products; jewelry and clothing/apparel; metal work; woodwork; furniture; and glass or ceramic production. Artisan manufacturing differs from other forms of manufacturing as it is substantially limited in the scale of production and is controlled in a manner such that it shall not cause noise, odor, or detectable vibration onto any neighboring property.

(b) The maximum gross floor area of an artisan manufacturing use or tenant space of a multi-tenant artisan manufacturing use shall be 3,500 square feet.

(c) Retail sales of goods manufactured on-site is required and shall comprise a minimum of 25 percent of the total area of the building.

(1) Retail sales areas for a multi-tenant artisan manufacturing use may be common to the use or specific to each tenant.

(2) Retail sales areas shall be located on the ground floor and shall be directly adjacent to storefront windows if applicable.

(d) Manufacturing areas are encouraged to be visible from retail areas.

(e) Outdoor storage is prohibited for this use.

(f) Outdoor operations or activities may be approved with a Temporary Use Permit.

Sec. 18-04-36. Bank, Credit Union, Financial Services.

(a) **Definition**. Establishment that engages in financial transactions that create, liquidate, or change ownership of financial assets. Banks, credit unions, and savings institutions may perform central banking functions, accept deposits, and lend funds from these deposits. In addition to banks and credit unions, financial services institutions may include credit agencies, trust companies, holding companies, savings and loan institutions, check cashing services, securities/commodity contract brokers and dealers, security and commodity exchanges, vehicle finance (equity) leasing agencies, and investment companies.

(b) This use may include a drive-through accessory use only if all requirements of Section 18-04-185 are met.

Sec. 18-04-37. Bar / Lounge / Tavern.

(a) **Definition**. An establishment principally for the sale and consumption of alcoholic beverages on the premises.

(b) When located with or adjacent to residential uses all outside use shall cease at 10 p.m.

(c) Food may be prepared and served as an accessory use.

(d) Music, entertainment or facilities for dancing may be provided under this use.

(e) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the following:

(1) Only nonresidential uses may be located on the floor immediately above the bar, lounge or tavern.

(2) In the General Commercial, Mixed-Use, Eastlake Business, Eastlake Service, and Eastlake TOD Districts, this use shall not exceed 10,000 square feet per building or tenant space.

(3) In the Residential-High Density District, this use shall not exceed 5,000 square feet per building or tenant space.

Sec. 18-04-38. Equipment Rental.

(a) **Definition**. A facility for renting tools and equipment.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the following:

(1) All rental items shall be inside of the building;

(2) No outside storage of items for rent is allowed; and

(3) This use shall not exceed 100,000 square feet per building or tenant space.

Sec. 18-04-39. Food Truck Court.

(a) **Definition**. A permanent site for the location of multiple food trucks simultaneously.

(b) A minimum of two food trucks shall be accommodated per Food Truck Court.

(c) The maximum number of food trucks allowed on site will be dependent on the size of the lot and the site's ability to provide required electrical access.

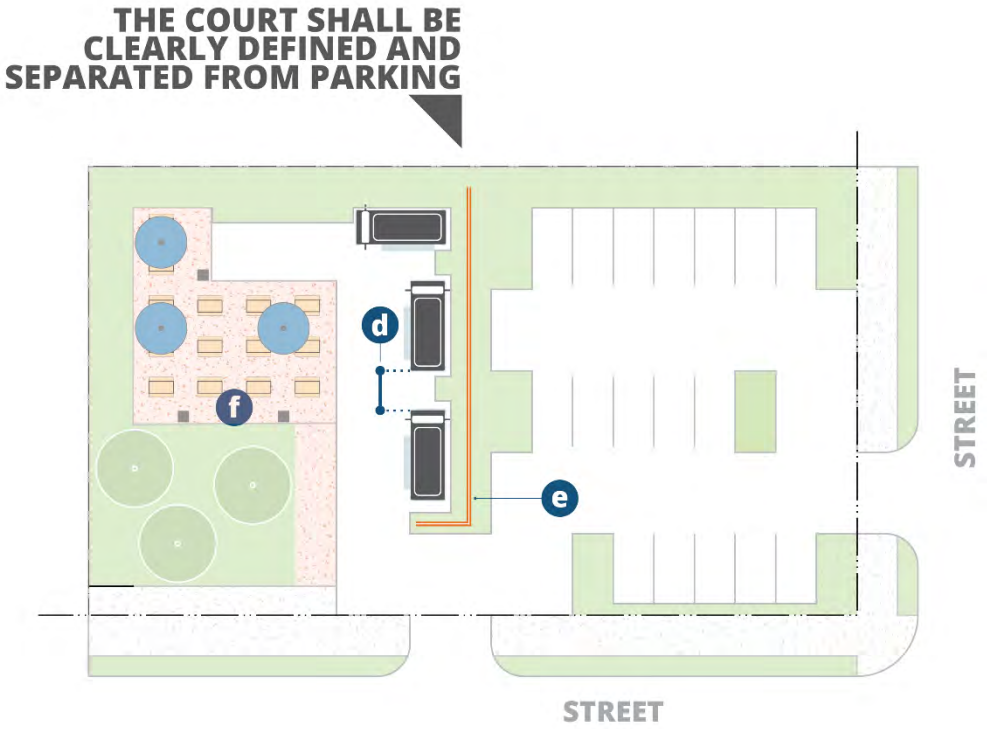
(d) A minimum of 10 feet of clearance shall be provided between all individual food trucks and from buildings.

(e) The area for a food truck court shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck court from parking shall provide visibility into the site and shall not exceed four feet in height.

(f) A minimum of one outdoor dining table with seating and a waste receptacle shall be provided per food truck. At least one shade element per Food Truck Court, shall be provided as shown in Figure 18-04-39.1.

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Figure 18-04-39.1 Food Truck Court. (The letters in Figure 18-04-39.1 refer to the subsection letters contained within subsection 18-04-39(d), (e) and (f).)



(g) Electrical service shall be provided to each food truck, no generators shall be allowed.

(h) Food trucks shall be inspected in accordance with Colorado State and Adams County requirements and meet all requirements of Article XI of Chapter 42.

Sec. 18-04-40. General Commercial, 5,000 Sq. Ft. or Less.

Definition. A place of business no larger than 5,000 square feet providing the sale and display of goods, with goods including prepared foods and catering service, available for immediate purchase and removal from the premises by the purchaser.

Sec. 18-04-41. General Commercial, More than 5,000 Sq. Ft.

(a) **Definition**. A place of business larger than 5,000 square feet providing the sale and display of goods directly to the consumer, with goods, including prepared foods and catering service, available for immediate purchase and removal from the premises by the purchaser.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the following:

(1) This use shall not exceed 100,000 square feet per building or tenant space.

(2) In the General Commercial (GC) District, a building or tenant space may exceed 100,000 square feet when at least 51 percent of the permanent display area is devoted to grocery products.

Sec. 18-04-42. General Office / Professional Services, 5,000 Sq. Ft. or Less.

(a) **Definition**. A place no larger than 5,000 square feet for the regular transaction of business and performance of professional services that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others including but not limited to legal services; accounting, tax preparation, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

(b) Outdoor storage is prohibited for this use.

Sec. 18-04-43. General Office / Professional Services, More than 5,000 Sq. Ft.

(a) **Definition**. A place larger than 5,000 square feet for the regular transaction of business and performance of professional services that make available the knowledge and skills of their employees to sell expertise and perform professional, scientific, and technical services to others including but not limited to legal services; accounting, tax preparation, bookkeeping, and payroll services; architectural, engineering, and related services; graphic, industrial, and interior design services; consulting services; research and development services; advertising, media, and photography services; real estate services; investment banking, securities, brokerages; and insurance-related services.

(b) **Limited Use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the following:

(1) This use shall not exceed 100,000 square feet per building or tenant space.

(c) Outdoor storage shall only be permitted as Accessory Outdoor Storage and shall be subject to the standards in Section 18-04-182.

Sec. 18-04-44. Liquor Store.

(a) **Definition**. A facility principally for the retail sale of alcoholic beverages for off-premises consumption.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the condition that this use shall not exceed 100,000 square feet per building or tenant space.

Sec. 18-04-45. Marijuana Store.

(a) **Definition**. A facility authorized by the city and licensed in accordance with Chapter 42 of the Code that distributes, transmits, dispenses, sells, or otherwise provides a usable form of marijuana or marijuana products to consumers, patients or caregivers as authorized pursuant to Section 14 or Section 16 of Article XVIII of the Colorado Constitution and other applicable state law.

(b) **Prohibited locations.**

(1) Marijuana stores shall not be located within:

a. 1,000 feet of a public or private school;

b. 500 feet of a licensed day care facility; or

c. 500 feet of an alcohol or drug treatment facility.

(2) The distance for the purposes of Subsection (b)(1) of this section shall be measured in a straight line from the nearest property line of the land used for the uses listed above to the nearest portion of the building in which the marijuana is to be sold, without regard to intervening structures or objects. Listed uses that are located outside the city shall be considered when applying the distance requirements. When a marijuana store is to be located on the same lot as a listed land use, the measurement shall be in a straight line from the two closest points of the buildings in which each use is located, without regard to intervening structures or objects.

(3) A marijuana store shall not be located within 1,500 feet of another marijuana store. This distance shall be measured in a straight line from the two closest points of the buildings in which each use is located, without regard to intervening structures or objects. Marijuana stores located outside the city shall not be considered in applying the distance provisions.

(4) A marijuana store shall not be located in the same building or structure as another marijuana store or a use listed in Subsection (b)(1) of this section.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the following:

(1) Only one marijuana store shall be approved to operate in each of the four designated city quadrants.

(2) For purposes of this section, designated city quadrants shall be as listed below, with boundaries following the approximate centerlines of the specified streets. Where a portion of the specified street does not exist or where the street has an alternative alignment, the boundary shall follow the anticipated centerline of the street as it would exist in the specified hundred block within the Denver Grid System, generally following

a straight line running North and South for York Street and Colorado Boulevard, and East and West for 120th Avenue.

a. **Quadrant 1**. South of E. 120th Avenue and west of York Street.

b. **Quadrant 2**. South of E. 120th Avenue and east of York Street.

c. **Quadrant 3**. North of E. 120th Avenue and east of Colorado Boulevard.

d. **Quadrant 4**. North of E. 120th Avenue and west of Colorado Boulevard.

(3) In the General Commercial (GC) District, this use shall not exceed 10,000 square feet per building or tenant space.

(d) **Additional provisions**.

(1) A marijuana store may not operate as an accessory to or in conjunction with any other land use.

(2) Marijuana stores are prohibited as a home occupation.

(3) Accessory outside display of merchandise, accessory outside sales, and accessory outside storage are prohibited.

Sec. 18-04-46. Medical Clinic.

(a) **Definition**. A facility for examining, consulting with, and treating patients with medical, dental, or optical problems on an outpatient basis.

(b) Medical clinics shall be inspected and permitted in accordance with applicable Colorado State and Adams County requirements.

Sec. 18-04-47. Micro-Alcohol.

(a) **Definition**. A facility for producing alcoholic beverages or alcoholic liquors as defined in Section 42-26, which limits the production area and conducts the retail sale and/or on-site consumption of alcohol, which is produced on the premises in compliance with applicable state and federal laws, as well as local licensing. All other alcohol production facilities are treated as a Brewery / Winery / Distillery per Section 18-04-73.

(b) On-premise consumption or retail sales of commodities produced on-site are required.

(c) Music, entertainment, or facilities for dancing may be provided under this use.

(d) Food may be prepared and served under this use.

(e) The maximum gross floor area for production, bottling, packaging, storing, and other manufacturing related activities shall be 6,000 square feet.

(f) If the use abuts any lot that is used exclusively for residential purposes, loading shall not be allowed between the hours of 9:00 p.m. and 7:00 a.m.

(g) This use is exempt from the provisions of Section 18-04-34.

(h) No outdoor storage of spent materials and comparable nontoxic byproducts of the production process shall be allowed unless stored outdoors for not more than 72 hours, provided that the temporary storage area is:

(1) Located in the interior side or rear yard, except where the adjoining property is used or zoned for residential uses.

(2) Enclosed within a suitable container and secured and screened behind a solid, opaque fence or wall measuring a minimum of five feet in height.

(i) No outdoor storage using portable storage units, cargo containers, or tractor trailers is allowed.

(j) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the condition that this use shall not exceed 10,000 square feet per building or tenant space.

Sec. 18-04-48. Natural Medicine Healing Center.

(a) **Definition.** A facility licensed by the state licensing authority that permits a facilitator, as defined by state law, to provide and supervise natural medicine services for a participant.

(b) **Setbacks.** No Natural Medicine Healing Center that provides natural medicine services shall operate out of a building that is within 1,000 feet of a licensed Day Care Facility; preschool; elementary, middle, junior or high school. This distance must be computed by direct measurement from the nearest property line of the land used for a school or Day Care Facility to the nearest portion of the building in which the Natural Medicine Healing Center is located, using a route of direct pedestrian access.

(1) These setbacks do not apply to a Natural Medicine Healing Center that was actively doing business under a valid license issued by the state licensing authority before the school or licensed Day Care Facility.

(c) **Odor mitigation.** Natural Medicine Healing Centers shall take measures to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

(d) **Secure disposal of products.** Natural Medicine Healing Centers shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facility's exterior refuse container.

(e) **Enhanced exterior lighting.** Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to Division 5 of Article VI.

(f) **Safe discharge.** Natural Medicine Healing Centers shall take measures to ensure the safe discharge of a participant after an administration session, which includes a plan for safe transportation.

Sec. 18-04-49. Pawnshop.

(a) **Definition**. A facility for loaning money on the security of personal property and the sale of unclaimed property.

(b) Prior to the issuance of a Development Plan for a Pawnshop, all applicable requirements in Article VII of Chapter 42 shall be satisfied.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the condition that this use shall not exceed 10,000 square feet per building or tenant space.

Sec. 18-04-50. Personal Services.

(a) **Definition**. A facility for the sale of personal services. Personal Service uses include, but are not limited to, to a barbershop or beauty shop, shoe repair, a tailor, an instructional arts studio, a photographic studio, a laundromat or dry cleaning pickup and receiving station, a handcrafted artwork studio, a travel bureau, and custom printing or duplicating shop.

(b) **Limited Use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the following:

(1) This use shall not exceed 10,000 square feet per building or tenant space.

(2) In the RH District, all Personal Service uses shall be 5,000 square feet or less in gross floor area.

Sec. 18-04-51. Private Convention Center.

Definition. A building or group of buildings with 150,000 square feet or more in gross floor area that is used for conferences, trade shows, meetings, entertainment, and similar events. Such facilities may include kitchens for the preparation or catering of food, and the sale of alcoholic beverages to guests only for on premise consumption during scheduled events. Lodging facilities are not included.

Sec. 18-04-52. Private Event / Banquet Facility.

(a) **Definition**. A commercial venue available for rent by private persons or entities for the hosting of parties, galas, weddings, and other events. Such facilities may include kitchens for the preparation or catering of food, and the sale of alcoholic beverages to guests only for on premise consumption during scheduled events. Lodging facilities are not included.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the condition that this use shall not exceed 5,000 square feet per building or tenant space.

Sec. 18-04-53. Restaurants 5,000 Sq. Ft. or Less.

Definition. An establishment of 5,000 square feet or less principally for the sale and consumption of food.

Sec. 18-04-54. Restaurants More than 5,000 Sq. Ft.

(a) **Definition.** An establishment greater than 5,000 square feet principally for the sale and consumption of food.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.2 as a limited use, subject to the condition that this use shall not exceed 10,000 square feet per building or tenant space.

Sec. 18-04-55. Sexually Oriented Business.

(a) **Definition** – A facility that can be characterized as an adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theater, adult novelty business, adult theater, sexual encounter establishment, escort agency or nude model studio according to the definitions for such establishments listed in Article VIII of Chapter 42.

(b) In the General Commercial (GC) District, this use shall not exceed 10,000 square feet per building or tenant space.

(c) The location of a Sexually Oriented Business shall not be placed within 1,000 feet of an existing:

(1) Residential use or residential district boundary line;

(2) Civic Meeting Facility;

(3) Park;

(4) Religious Institution;

(5) Public Cultural / Arts Facility;

(6) Public Entertainment / Recreation Facility;

(7) Public Service / Safety Facility;

(8) School, Public or Private; or

(9) Any other Sexually Oriented Business.

(d) The measurement of distance for the purposes of this section shall be conducted in the following manner:

(1) The distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures, from the closest property line of each business; and

(2) The distance between any Sexually Oriented Business and any use listed in Subsection (c) above shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the premises where the sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection (c) above.

(e) A Sexually Oriented Business cannot be operated in the same building, structure or portions of another Sexually Oriented Business.

(f) A Sexually Oriented Business shall meet the regulatory provisions of Article VIII of Chapter 42.

(g) The following minimum standards shall apply to the exterior of all Sexually Oriented Businesses:

(1) There must be adequate fencing to provide security for the building, and to prevent pedestrians from viewing the interior.

(2) Any signs or advertisements placed around the building must be in compliance with the obscenity laws of this state and the city and shall not visually depict or describe any "specified sexual activities" or "specified anatomical areas," as defined in Article VIII of Chapter 42.

(h) The provisions of this chapter concerning the zoning of nude model studios do not apply to:

(1) A college, junior college, or university supported entirely or partly by taxation;

(2) A private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or university supported entirely or partly by taxation; or

(3) A business located in a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and where, in order to participate in a class a student must enroll at least

three days in advance of the class; and where no more than one nude model is on the premises at any one time.

Sec. 18-04-56. Tobacco Store.

(a) **Definition**. A retail establishment selling any form of tobacco, tobacco products, or tobacco paraphernalia as a principal use.

(b) A Tobacco Store shall be inspected and permitted in accordance with applicable Colorado State and Adams County requirements.

Sec. 18-04-57. Reserved.
Sec. 18-04-58. Reserved.
Sec. 18-04-59. Reserved.
Sec. 18-04-60. Reserved.

DIVISION 4. ENTERTAINMENT USES SUPPLEMENTAL STANDARDS

Sec. 18-04-61. Culture and Arts Facility.

(a) **Definition**. A public facility for the development, production, and presentation of the visual and performing arts, including live theater, dance, music, painting, sculpture, and crafts.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.3 as a limited use, subject to the condition that this use shall not exceed 3,500 square feet per building or tenant space.

Sec. 18-04-62. Private Entertainment / Recreation / Fitness Facility, Indoor.

(a) **Definition**. A private facility wholly enclosed in a building that offers entertainment or games of skill to the general public for a fee. This use typically includes bowling alleys, video arcades, gyms, or billiard parlors.

(b) The sale or service of food and/or drinks is permitted as an accessory use.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.3 as a limited use, subject to the condition that this use shall not exceed 3,500 square feet per building or tenant space.

Sec. 18-04-63. Private Entertainment / Recreation / Fitness Facility, Outdoor.

(a) **Definition**. A private facility offering entertainment or games of skill to the general public for a fee where any portion of the activity takes place outside.

(b) The sale or service of food and/or drinks is permitted as an accessory use.

(c) A development project containing a Private Entertainment / Recreation / Fitness Facility, Outdoor use shall have access to a major arterial roadway, as identified in the city's Transportation and Mobility Master Plan, and that access shall be located within one-half mile of any state or federal highway.

(d) The distance between a Private Entertainment / Recreation / Fitness Facility, Outdoor use and any land with residential zoning shall be at least 350 feet. This distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest property line of the land on which the Private Entertainment / Recreation / Fitness Facility, Outdoor use is located to the nearest property line of any residentially zoned land. For purposes of this provision, residential zoning shall include land zoned Planned Development or Planned Development Overlay if the use or intended use is residential in nature.

Sec. 18-04-64. Movie Theater.

(a) **Definition**. A building, room, or outside structure with rows of seats, each row usually higher than the one in front, from which people can watch a film for public entertainment.

(b) The sale or service of food and/or drinks is permitted as an accessory use.

(c) This use may include service of food and/or drink to the audience within the main auditorium.

(d) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.3 as a limited use, subject to the condition that this use shall not exceed 20,000 square feet per building or tenant space.

Sec. 18-04-65. Shooting Range, Indoor.

(a) **Definition**. A totally enclosed facility designed to offer a controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the type and caliber of weapons approved for use at the facility.

(b) The distance between an Indoor Shooting Range and any land used or zoned for a residential use or used for a school shall be at least 350 feet. This distance shall be measured in a straight line from the nearest property line of any land used or zoned for a residential use or a school to the nearest portion of the building occupied by an Indoor Shooting Range use, without regard for intervening structures or objects. For purposes of this provision, Planned

Development districts shall be considered in the spacing requirements if the property is designated to include residential uses or a school.

(c) In addition to the required application requirements specified in Section 18-02-02 or Section 10-61, the following additional information shall be submitted for this use:

(1) A safety operations plan;

(2) A sound impact analysis; and

(3) Any federal or state licensing or permits required to operate shooting range shall be submitted to the city prior to issuance of the certificate of occupancy.

(d) The design and construction of the Indoor Shooting Range shall completely confine all ammunition rounds within the building and in a controlled manner. The design and construction of the shooting range shall be performed by a professional engineer. The certified plans shall include the specifications and construction of the bullet trap(s), ceilings, exterior and interior walls, and floors. The certified plans shall specify the type and caliber of ammunition that the range is designed to totally confine.

(e) No ammunition shall be used in the Indoor Shooting Range that exceeds the certified design and construction specifications of the gun range.

(f) For purposes of this section, "school" shall mean Day Care facilities for children, and/or private or public educational institutions that have a curriculum for preschool, kindergarten, elementary, and secondary education. The definition does not include private or public postsecondary, technical, trade, or business schools.

Sec. 18-04-66. Shooting Range, Outdoor.

(a) **Definition**. A facility where individuals may discharge firearms in a controlled setting for the purpose of target, trap, or skeet shooting.

(b) This use shall meet the requirements of Section 38-236 et seq.

(c) An SUP for an Outdoor Shooting Range may be issued for a period up to five years. Site plans for this use shall show topography at two-foot contour intervals.

(d) In addition to submission requirements normally supplied with an SUP request, the following shall be submitted for this use:

(1) An operations plan; and

(2) A land use survey of the area within one mile of the proposed shooting range.

(e) The following minimum standards shall apply to all outdoor shooting ranges:

(1) Site area shall be determined by the commission based on the type of shooting range, its proximity to other uses, the operations plan submitted, and the site and landscape

plan. Sufficient size shall be provided to ensure the safety of surrounding areas and the avoidance of negative impacts on surrounding uses.

(2) Shooting ranges shall be located to take advantage of natural terrain barriers to the fullest extent possible. The entire range, including a danger area if the range is not of the safety range type, shall be fenced and warning signs shall be posted every 200 feet.

(3) The line of fire shall be as nearly horizontal as possible and shall never be below horizontal. In this provision, the term "below horizontal" means the target is lower than the firing point and that the gradient between the firing point and the target exceeds two percent (two feet lower for each 100 feet between the target and the firing point).

(4) The perimeter of the range shall be landscaped to provide natural noise barriers. The remainder of the range shall be planted with native grass or other suitable ground cover. Additional structures to reduce noise may be required.

(5) In addition to firing lines or fields, adequate space for danger areas, parking, equipment storage buildings, clubhouse and restrooms shall be provided.

(6) No shooting may occur unless a range officer or instructor qualified by the National Rifle Association, the military services, or a local, state or national law enforcement agency is on site and in control.

(f) The following minimum standards shall apply to all pistol, small bore and high caliber rifle ranges:

(1) Overhead safety baffles are required if a range is constructed in a built-up area or when natural terrain does not offer adequate protection.

(2) A pistol or rifle range shall have at least 16 firing points. Each firing point shall be a minimum of five feet apart for shooting distances up to 200 yards. For shooting distances greater than 200 yards additional spacing may be required.

(3) All pistol or rifle ranges shall provide adequate bullet stops, either natural or artificial.

(g) Natural bullet stops shall meet the following minimum standards:

(1) Only slopes of hills shall be used for natural bullet stops.

(2) The crest of a hill used for a natural bullet stop shall be a minimum of 30 feet above the level of the firing point at a firing range of 100 yards. An additional ten feet in height is required for each additional 100 yards of range.

(3) The slope of a hill used as a natural bullet stop shall be not less than two feet vertical to one foot horizontal.

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(4) A vertical cut shall be taken out of the hillside used as a backstop to present a nearly perpendicular face to catch bullets and prevent ricochets.

(h) Artificial bullet stops shall meet the following minimum standards:

(1) For firing ranges up to 300 yards, an earth embankment at least 25 feet in height, well sodded to retain a slope of 35 degrees from the perpendicular and topped by an earth filled timber barricade at least 15 feet in height shall be provided.

(2) For each additional 100 yards of range, the overall height of the artificial bullet stop shall be ten feet higher.

(3) Stones shall be removed from the face of the embankment to a depth of 18 inches.

(4) The artificial bullet stop shall extend a minimum of 160 feet beyond each end of the firing lines for high caliber ranges.

(5) The artificial bullet stop shall extend a minimum of 25 feet beyond each end of the firing lines for small bore rifle and pistol ranges.

(i) The following minimum standards shall apply to all trap and skeet fields:

(1) The layout of a trap field shall meet the requirements of the American Trap Association.

(2) The layout of a skeet field shall meet the requirements of the National Skeet Shooting Association.

(3) A danger zone having the following dimensions shall be provided in accordance with Table 18-04-66.1 as follows:

Table 18-04-66.1 Shooting range danger zone dimensions.

Type of Field	Dimensions of Danger Zone in Yards
Trap Field	100 x 300
Skeet Field	300 x 600
Trap and Skeet Field Combined	300 x 600

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Sec. 18-04-67. Reserved.
Sec. 18-04-68. Reserved.
Sec. 18-04-69. Reserved.
Sec. 18-04-70. Reserved.
Sec. 18-04-71. Reserved.

DIVISION 5. INDUSTRIAL, AUTOMOTIVE, AND TRANSPORTATION USES SUPPLEMENTAL STANDARDS

Sec. 18-04-72. Airport.

(a) **Definition**. A facility for the taking-off or landing of fixed or rotary wing aircraft, balloons, ultralight aircraft, or other similar vehicles.

(b) A minimum of 100 acres is required for this use.

(c) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

Sec. 18-04-73. Brewery / Winery / Distillery.

(a) **Definition**. An establishment primarily engaged in the brewing of ale, beer, malt liquors, spirts, and/or nonalcoholic beer/beverages that are permitted to do so in accordance with the Alcoholic Beverage Control Commission. The definition includes a public tasting room, and retail sales of ale, beer, spirits, or related products brewed or manufactured on site.

(b) **Retail sale and consumption allowed**. Retail sale and/or on-site consumption of alcohol which is produced on the premises is permitted as an accessory use and is subject to Section 18-04-172, except for the area limitations. Compliance with applicable state and federal laws, as well as local licensing, is required.

Sec. 18-04-74. Car Wash.

(a) **Definition**. A facility for the washing or steam cleaning of passenger vehicles. A Car Wash may be:

(1) A single-unit type which has a single bay or a group of single bays with each bay to accommodate one vehicle only where a person uses a high-pressure hose to wash the vehicle by hand;

(2) An automated single-unit type which has a single bay to accommodate one vehicle at a time; or

(3) A tunnel unit type which allows washing of multiple vehicles in a tandem arrangement while moving through the structure.

(b) **Stacking**. Off-street stacking shall be at least five spaces per bay. In general, stacking shall be designed such that the surrounding streets aren't impacted by overflow stacking.

(c) **Hours of operation**. When directly adjacent to residential districts, the hours of operation shall be restricted to between 7:00 am and 9:00 pm only.

(d) **Equipment enclosed**. All mechanical equipment, excluding self-service vacuum heads and funnels, shall be enclosed within a building.

(e) **Facility design**.

(1) All facilities shall be designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential properties.

(2) All Car Wash facilities and accessory equipment such as vacuums, dryers, accessory buildings, etc. shall be set back a minimum of 100 feet from any residential use or property in a residential district.

(f) **Self-service vacuum facilities**. If self-service vacuum facilities are provided:

(1) They shall be setback a minimum of 20 feet from all property lines; and

(2) A minimum of one parking space shall be provided for each vehicle capable of being serviced at any one time at such vacuum facility. Parking spaces for accessory vacuum facilities shall not interfere with circulation or entrance or exit drives.

(g) **Forced air blower**. If the Car Wash includes a forced air blower for drying, and any door for ingress or egress for a vehicle is within 750 feet of a residentially zoned parcel, the Car Wash shall be enclosed on all sides and have automatic doors. These doors shall be closed at all times while the blower is in operation. This provision may be reduced or altered if the Car Wash facility uses technology to reduce the sound levels to levels that do not violate Section 38-441 of this Code.

(h) **Water Recycling**. All Car Wash facilities shall be equipped with, and maintain in operation, a water recycling system that shall recycle a minimum of 70 percent of the water being used by the facility.

(i) In the General Commercial (GC) District this use shall not exceed 10,000 square feet per building.

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Sec. 18-04-75. Catering.

(a) **Definition**. The process or business of preparing food and providing food services for clients at remote locations, such as hotels, restaurants, offices, concerts, and events.

(b) Consumption of food prepared by a catering service shall be for off-site consumption.

Sec. 18-04-76. Commercial Bus Station and Terminal.

Definition. Premises for the transient housing or parking of commercial buses, and the loading and unloading of passengers.

Sec. 18-04-77. Commercial Kitchen.

Definition. An establishment where one or multiple businesses own or lease space and prepare food on the premises for delivery to the ultimate consumer. Commercial Kitchens are also known as ghost kitchens.

Sec. 18-04-78. Heavy Industrial, Indoor.

(a) **Definition.** A nonresidential use where all processing, fabricating, assembly, or disassembly takes place wholly within an enclosed building that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances as determined by the Fire Marshall. Structures house complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

(b) Caretaker's quarters are permitted as an accessory use.

Sec. 18-04-79. Heavy Industrial, Outdoor.

(a) **Definition**. A nonresidential use where some or all processing, fabricating, assembly, or disassembly takes place outside or in an open structure that requires a National Pollutant Discharge Elimination System (NPDES) permit for an industrial or stormwater discharge; or that involves the use or storage of any hazardous materials or substances as determined by the Fire Marshall; or that is used for the purpose of manufacturing, assembling, finishing, cleaning, or developing any product or commodity. This use includes complex operations, some of which might be continuous (operated 24 hours a day, 7 days a week).

(b) This use is not allowed within the North Washington Overlay District.

(c) Caretaker's quarters are permitted as an accessory use.

(d) Accessory Outdoor Storage, meeting all standards of Section 18-04-182, may occupy up to 50 percent of the lot. Outdoor Storage that occupies more than 50 percent of the lot is considered a separate main use and is only allowed by SUP.

Sec. 18-04-80. Heliport.

(a) **Definition**. A facility for the landing and taking off of rotary wing aircraft.

(b) This use may include fueling and servicing facilities.

(c) This use is subject to the Federal Aviation Administration's rules, regulations, and approval.

Sec. 18-04-81. Light Industrial, Indoor.

(a) **Definition**. A facility where all processing, fabricating, assembly, or disassembly takes place wholly within an enclosed building and involves manufacturing, assembling, finishing, cleaning, or developing any product, commodity or data centers. This definition also includes medical and testing laboratories as well as facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer, and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities.

(b) Noise, odor, dust, and glare of each operation shall be completely confined within an enclosed building.

(c) Caretaker's quarters are permitted as an accessory use.

(d) **Limited use.** In the Mixed-Use (MU) District, this use shall not exceed 10,000 square feet and must include a retail outlet that comprises at least ten percent of the floor area of the building or tenant space. Outdoor Storage is not permitted.

Sec. 18-04-82. Light Industrial, Outdoor.

(a) **Definition**. A facility where some or all processing, fabricating, assembly, or disassembly takes place outside or in an open structure and involves manufacturing, assembling, finishing, cleaning, or developing any product, commodity or data centers. This definition also includes medical and testing laboratories as well as facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, computer and telecommunications components in advance of product manufacturing, and the assembly of related products from parts produced off-site, where the manufacturing activity is secondary to the research and development activities.

(b) Caretaker's quarters are permitted as an accessory use.

(c) Accessory Outdoor Storage, meeting all standards of Section 18-04-182, may occupy up to 50 percent of the lot. Outdoor Storage that occupies more than 50 percent of the lot is considered a separate main use and is only allowed by SUP.

(d) Noise, odor, dust, and glare of each operation shall be screened from adjacent properties and rights-of-way.

Sec. 18-04-83. Marijuana Testing Facility.

(a) **Definition**. Any real property used for or upon which there is any type of structure, or any such facility that includes or is associated with analyzing and certifying the safety and potency of marijuana or medical marijuana, as authorized by the city and licensed in accordance with Chapter 42 of the Code.

(b) Outdoor Storage is prohibited.

(c) Prohibited locations.

(1) Marijuana testing facilities shall not be located within:

a. 1,000 feet of a Public or Private School;

b. 500 feet of a licensed Day Care Facility; or

c. 500 feet of an alcohol or drug treatment facility.

(2) The distance for the purposes of this section shall be measured in a straight line from the nearest property line of the land used for the uses listed above to the nearest portion of the building in which the marijuana testing facility is to be located, without regard to intervening structures or objects. When a marijuana testing facility is to be located on the same lot as a listed land use, the measurement shall be in a straight line from the two closest points of the buildings in which each use is located, without regard to intervening structures or objects.

(3) Uses specified in Subsection (c)(1) that are located outside the city shall be considered when applying the distance requirements.

(4) A marijuana testing facility shall not be located in the same building or structure as a use listed in Subsection (c)(1) above.

(5) Marijuana testing facilities are prohibited as a Home Occupation or Accessory Commercial Unit.

Sec. 18-04-84. Mining.

(a) **Definition**. The extraction, removal, or stockpiling of earth materials, including soil, sand, gravel, or other materials found in the earth. The excavation of earth materials for ponds or

lakes, including excavations for fish farming ponds and recreational lakes are considered mining unless otherwise expressly authorized by another provision of this Code. Excavation, removal, or stockpiling of earth materials incidental to construction approved by a subdivision plat, building permit, or for governmental or utility construction projects, or incidental to construction of landscaping, retaining walls, fences, and similar activities consistent with the land use allowed at the site of removal are not considered to be mining.

(b) This use is not allowed within the North Washington Overlay District.

(c) Caretaker's quarters are permitted as an accessory use.

(d) The applicant for a Special Use Permit to operate a mining use shall submit to the director a copy of the master plan and site plan, operations plan, and restoration plan that have met state requirements for a mining use.

(e) A Special Use Permit for a mining use shall not be granted unless a state certificate has been approved.

(f) The commission in issuing a Special Use Permit for a mining use may set a time limit of up to five years. A Special Use Permit may be extended by the commission following public hearing, if the operator is in full compliance with all terms and conditions of the original permit.

Sec. 18-04-85. Motor Vehicle Pawnbroker.

(a) **Definition**. A facility for loaning money on the security of motor vehicles and the sale of unclaimed motor vehicles. For purposes of this use, motor vehicle shall include automobiles, boats, trucks, motorcycles, motor scooters, recreational vehicles, aircraft, and trailers.

(b) Prior to the issuance of a Development Plan for a Motor Vehicle Pawnbroker, all applicable requirements in Article VII of Chapter 42 shall be satisfied.

(c) A Development Plan is required for Motor Vehicle Pawnbrokers occupying sites or structures on previously developed lots.

(d) Outside display and storage of used vehicles for sale is permitted without visual screening, except that screening meeting the requirements of Section 18-08-20 is required between the use and any adjacent residentially zoned property.

(e) In order to provide adequate access for customers around each displayed vehicle and to prevent vehicles from being closely parked, a minimum of 200 square feet is required for each vehicle displayed for sale in the vehicle sales area.

(f) In order to assist in mitigating the outdoor display and storage aspects of this use, Motor Vehicle Pawnbrokers occupying sites or structures on previously developed lots shall landscape at least 20 percent of the gross land area. Areas required to be landscaped shall be

determined by the city through the Development Plan process. Special attention shall be paid to right-of-way and buffer areas for such landscaping.

(g) The weight of each vehicle displayed or sold under this use may not exceed 8,000 pounds, manufacturer's gross vehicle weight.

(h) Inoperable or wrecked vehicles are prohibited.

(i) Any on-site repair of vehicles shall be conducted in a completely enclosed building.

(j) Required parking shall not be utilized for vehicle display. At least half of the required off-street parking shall be marked specifically for customer parking.

Sec. 18-04-86. Natural Medicine Manufacturer, Cultivation Facility, or Testing Facility.

(a) **Definition.** Any of the following entities licensed under state law. These include a Natural Medicine Cultivation Facility, a Natural Medicine Products Manufacturer, a Natural Medicine Testing Facility, or any other entity that is involved in the manufacturing, cultivation or testing of natural medicine that is licensed by the state licensing authority.

(1) Natural Medicine Cultivation Facility means a location where regulated natural medicine is grown, harvested, and prepared in order to be transferred and distributed to either a Natural Medicine Healing Center, facilitator, a Natural Medicine Products Manufacturer, or to another Natural Medicine Cultivation Facility.

(2) Natural Medicine Products Manufacturer means a person who manufactures regulated natural medicine products for transfer to a Healing Center, facilitator, or to another Natural Medicine Products Manufacturer.

(3) Natural Medicine Testing Facility means a public or private laboratory, licensed or approved by the Division of Professions and Occupations in the Colorado Department of Regulatory Agencies, to perform testing and research on regulated natural medicine and regulated natural medicine product.

(b) **Setbacks.** No Natural Medicine Manufacturers, Cultivation Facilities, or Testing Facilities shall operate out of a building that is within 1,000 feet of a licensed Day Care Facility; preschool; elementary, middle, junior or high school. This distance must be computed by direct measurement from the nearest property line of the land used for a school or Day Care Facility to the nearest portion of the building in which the natural medicine business is located, using a route of direct pedestrian access.

(1) The setbacks described in this Subsection (b) do not apply to a Natural Medicine Manufacturer, Cultivation Facility, or Testing Facility that was actively doing business under a valid license issued by the state licensing authority before the school or licensed Day Care Facility was established.

(c) **Odor mitigation.** Natural Medicine Manufacturers, Cultivation Facilities, and Testing Facilities shall take measures to ensure that the odors from natural medicine and natural medicine products are confined to the premises and are not detectable beyond the property boundaries on which the facility is located.

(d) **Secure disposal of products.** Natural Medicine Manufacturers, Cultivation Facilities, and Testing Facilities shall provide secure disposal of natural medicine and natural medicine product remnants or by-products. Natural medicine and natural medicine product remnants or by-products shall not be placed within the facility's exterior refuse container.

(e) **Enhanced exterior lighting.** Primary entrances, parking lots and exterior walkways shall be clearly illuminated with downward facing security lights to provide after-dark visibility for facilitators, participants, and employees, subject to Division 5 of Article VI.

Sec. 18-04-87. Outdoor Storage.

(a) **Definition**. The storage of any material for a period greater than 24 hours, including items for sale, lease, processing, and repair (including vehicles) not in an enclosed building. Outdoor Storage shall not include the storing of junk or the parking of inoperable motor vehicles.

(b) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item which is not:

(1) Customarily used or stored outside; or

(2) Made of a material that is resistant to damage or deterioration from exposure to the outside environment.

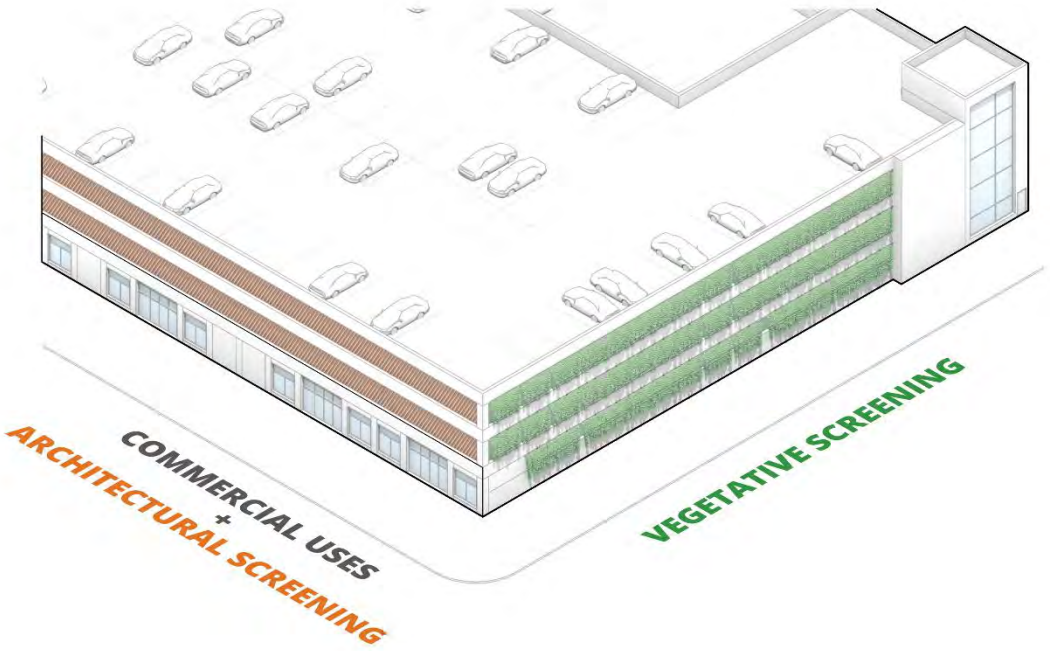
(c) Except as otherwise provided in this chapter, Outdoor Storage is considered to be a separate main use if it occupies more than five percent of the lot. Outdoor Storage may be permitted as an accessory use on more than five percent of the lot if it is customarily incidental to a primary use. The term "customarily incidental" means that the accessory use is an integral and functional part of the primary use conducted on the property. See Section 18-04-182 for provisions of Outdoor Storage as an accessory use.

Sec. 18-04-88. Parking Structure.

(a) **Definition**. A stand-alone parking deck or garage for the parking of vehicles.

(b) **Screening**. Preferably, commercial uses or buildings enclosing the structure on the street frontages shall be incorporated into the ground floor of parking structures. Otherwise, vehicles shall be screened from view from the street and adjacent properties with walls or decorative screens (architectural or vegetative) with a minimum height of four feet as shown in Figure 18-04-88.1. Sloped ramps cannot be discernible along the perimeter of a parking structure.

Figure 18-04-88.1 - Parking Structure screening.



(c) **Materials**. Exterior wall materials shall comply with the cladding requirements contained in Article VII.

(d) **Blank walls**. When adjacent to a public right-of-way, residential property, a parcel designated in a residential district, property in the MU and/or TOD Districts, or a parcel designated for residential use in a PD District, blank walls void of features of visual interest may not exceed 40 feet in length. Features of visual interest include façade articulation of at least two feet, easily discernable change in material pattern, vegetation walls, murals or other public art, canopies, and glazing.

(e) **Pedestrian entries**. Pedestrian entries shall be clearly visible from a public street and shall have a pedestrian walkway connected to a sidewalk, sidepath, trail, or pedestrian walkway.

(f) **Pedestrian walkways**. Pedestrian walkways or sidewalks shall be provided as follows:

(1) To and from pedestrian entrances on the ground floor to a public or private sidewalk, sidepath, trail, or pedestrian walkway.

(2) On all non-ground floor levels, pedestrian walkways may be provided leading to pedestrian entrances. Paint and signage identifying pedestrian access and entrances shall minimally be provided.

(g) **Stairwell visibility.** Stairwells in Parking Structures shall be designed to have visibility from the outside for security reasons. This can be accomplished by enclosing the stairwells on the

perimeter of the parking structure with non-opaque or clear materials. Examples of compliant designs include but are not limited to open-air stairwells or glass enclosed stairwells.

Sec. 18-04-89. Railroad Yard.

Definition. A facility for storing and making up trains.

Sec. 18-04-90. Recycling Collection Center.

(a) **Definition**. A facility for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, and plastics for recycling purposes.

(b) **Limited Use.** This use may be conducted in districts as shown on Use Table 18-04-09.4 as a limited use, subject to the following:

(1) The collection center is sponsored by a governmental agency;

(2) It is located in a public park or on a public school site;

(3) The collection facility is on-site at a scheduled time, for a period less than a week at a time; and

(4) The collection containers are accessible at all times for the deposit of recyclable goods.

(c) This use may be located by SUP:

(1) On a parking lot in an enclosed vehicle or drop-off container; or

(2) In an automatic collection machine.

(d) This use may be located within the premises of a retail food store as an accessory use.

(e) A collection center in a vehicle or drop-off container may only be placed on the parking lot of a building site containing 50,000 square feet or more of floor area. A collection machine may only be placed on the parking lot of a building site containing 50,000 square feet or more of floor area, or on the parking lot of a building site containing a retail food store with 20,000 square feet or more of floor area. Not more than one collection center is permitted on a building site.

(f) A collection center located on a parking lot may not occupy required off-street parking spaces. A collection center shall be arranged so as to not impede free flow of traffic.

(g) Receipt of and payment for cans, glass, and paper at a collection center located on a parking lot may take place outside the collection center, but at a point no more than 20 feet from the opening of the enclosed vehicle where the products are stored.

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(h) The owner of the property and the owner and operator of the collection center shall not process or flatten the products on the site. It is a defense to prosecution that the flattening of beverage cans is being conducted wholly within an automatic collection machine.

(i) The owner of the property and the owner and operator of the collection center shall remove products stored at the collection center at least once a week.

(j) The owner of the property and the owner and operator of the collection center shall keep the collection center in proper repair and the exterior shall have a neat and clean appearance.

(k) The owner of the property and the owner and operator of the collection center shall keep the building site clean and in a neat appearance and shall dispose of cans and other litter from the building site where the collection center is located.

Sec. 18-04-91. Salvage / Reclamation, Outdoor.

(a) **Definition.** A facility which stores, keeps, dismantles, or salvages scrap or discarded materials or equipment outside. Scrap or discarded materials include but are not limited to metal, paper, rags, tires, bottles, or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, and appliances.

(b) **Location**. Outdoor Salvage / Reclamation uses are prohibited within 1,000 feet of any state or federal highway, or in any location where the required screening would not conceal the stored objects from view.

(c) **Screening**. Outdoor Salvage / Reclamation uses shall be fully screened so as not to be visible from the public right of way or adjacent property by:

(1) An eight-foot, 100 percent opaque wall or fence. Chain link fence with slats shall not be considered as meeting screening requirements.

(2) A Transition Buffer as detailed in Section 18-08-20 shall be located between the fence or wall and the property line.

(d) **Stacking prohibited**. The owner or operator of an Outdoor Salvage / Reclamation use shall not stack objects higher than six feet. The stacking of automobile bodies is not permitted.

(e) **Storage standards**.

(1) Automobile bodies and other objects shall be stored in such a manner that lanes with a 12-foot minimum width are maintained between rows.

(2) No row of stored materials may be longer than 1,000 feet in length.

(3) Fire lanes shall be provided in the site plan for an Outdoor Salvage / Reclamation use and maintained at all times during the operation of the use.

Sec. 18-04-92. Self-Storage.

(a) **Definition**. A building containing separate enclosed storage spaces of varying sizes leased or rented on an individual basis.

(b) **Office**. The business office of a Self-Storage facility shall have a front entrance facing the street to allow pedestrian access.

(c) **Unit size**. The maximum size for individual storage units shall be 500 square feet.

(d) **Visibility**.

(1) If interior storage units are visible from the exterior, glazing shall be tinted so as to minimize the focus on units and reduce glare of interior lighting.

(2) If garage doors are visible from the right-of-way or adjacent property they shall be screened with a masonry wall or other screening per Section 18-06-35.

(3) Combining with other uses and locating behind those uses is encouraged.

(e) **Outdoor storage prohibited**. The outdoor storage of goods or materials, portable storage units, boats, RVs or similar vehicles is prohibited.

(f) **Utilities**. Electric and other utilities shall not be provided within individual storage units.

(g) **Allowed uses**. The only activities permitted in individual storage units shall be the rental of the unit and the drop-off or pick-up of goods and/or property. Storage units shall not be used for activities such as but not limited to:

(1) Residences, offices, workshop, hobby, or rehearsal area;

(2) Manufacturing, fabrication, processing, service or repair, or any industrial activity;

(3) Retail sales, including garage sales or auctions unless otherwise approved as a temporary use per Section 18-02-24;

(4) Storage of flammable, perishable, or hazardous materials; or

(5) Keeping of animals.

(h) **Hours of operation.** Self-Storage facilities shall not operate or allow tenant access between the hours of 9:00 p.m. and 8:00 a.m. if the site abuts any residential property or property in a residential district.

Sec. 18-04-93. Self-Service Storage, Indoor Above Ground Floor.

(a) **Definition**. A building containing separate enclosed storage spaces of varying sizes only on the second story or higher of a building which are leased or rented on an individual basis.

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(b) **Office**. The business office of a Self-Service Storage facility shall have a front entrance facing the street to allow pedestrian access. The remainder of the ground floor shall be uses allowed within the applicable zone district

(c) **Unit access**. All storage units must be contained within a building and accessed internally. Separate entrances to individual storage units from outside the building are not permitted.

(d) **Unit size**. The maximum size for individual storage units shall be 500 square feet.

(e) **Visibility**. If storage units are visible from the exterior, glazing shall be tinted so as to minimize the focus on units and reduce glare of interior lighting.

(f) **Outdoor Storage prohibited**. The outdoor storage of goods or materials, portable storage units, boats, RVs or similar vehicles is prohibited.

(g) **Utilities**. Electric and other utilities shall not be provided within individual storage units.

(h) **Allowed uses**. The only activities permitted in individual storage units shall be the rental of the unit and the drop-off or pick-up of goods and/or property. Storage units shall not be used for activities such as but not limited to:

(1) Residences, offices, workshop, hobby, or rehearsal area;

(2) Manufacturing, fabrication, processing, service or repair, or any industrial activity;

(3) Retail sales, including garage sales or auctions unless otherwise approved as a temporary use per Section 18-02-24;

(4) Storage of flammable, perishable, or hazardous materials; or

(5) Keeping of animals.

(i) **Hours of operation**. Self-Storage facilities shall not operate or allow tenant access between the hours of 9:00 pm and 8:00 am if the site abuts any residential property or property in a residential district.

Sec. 18-04-94. Transit Passenger Shelter.

(a) **Definition**. A structure which affords protection from the weather to persons who are waiting to board a publicly-owned or franchised transit vehicle.

(b) This use, including its location and design, shall be approved by the city when in public right-of-way or on city-owned property.

(c) This use is exempt from the front, side, and rear yard requirements of this chapter.

(d) A person may not place a sign on a transit passenger shelter unless authorized by the responsible public agency.

Sec. 18-04-95. Transit Station.

Definition. A facility designed to accommodate passenger transfer activity between transit modes, including bus and commuter rail, and other travel modes. The station may include passenger pick-up and drop-off areas, park and ride lots, passenger service buildings, shelters, or structures, and other passenger-related equipment, amenities and facilities.

Sec. 18-04-96. Truck, Machinery, Heavy Equipment Sales, Rental, Service or Repair.

Definition. A facility for the display, sales, rental, servicing and, or repair of trucks, machinery and heavy equipment. This use includes farm equipment and recreational vehicles over 8,000 pounds in weight.

Sec. 18-04-97. Vehicle Fueling Station.

(a) **Definition**. A facility for the retail sale of motor vehicle fuel dispensed from pumps and/or electric charging facilities.

(b) **Separation**. The location of a Vehicle Fueling Station use shall not be within 750 feet of an existing Vehicle Fueling Station use.

(c) **Fuel pumps and canopies**.

(1) **Location**. Pump canopies shall be located behind the principal building, i.e. on the side of the building not facing the street. If located on a corner lot, the pump canopies shall be located to the side of the building adjacent to the less traveled street if applicable. Canopies shall be a minimum of 100 feet from any interior side or rear property line that adjoins residentially developed property as shown in Figure 18-04-97.1.

(2) Sufficient space shall be provided to unload one fuel truck without blocking ingress or egress to the site or substantially affecting on-site circulation.

(3) **Height**. Fuel pump canopy height shall not exceed the height of the principal building or 16 feet, whichever is greater.

(4) Lighting on the underside of canopies shall be flush with or recessed above the underside of the canopy surface. "Bubble" type lenses which refract light outside of the area directly under the canopy area are not permitted. Light bulbs or fixtures shall be coated to reduce glare.

(5) All storage tanks for motor vehicle fuel, except for propane, shall be located underground.

(6) A fuel pump island shall be constructed in a manner that allows vehicular access adjacent to the island without interfering with or obstructing off-street parking.

(d) If the Vehicle Fueling Station includes a Car Wash with a forced air blower for drying, and any door for ingress or egress for a vehicle is within 750 feet of a residentially zoned parcel, the car wash shall be enclosed on all sides and have automatic doors. These doors shall be closed at all times while the blower is in operation. This provision may be reduced or altered if the Car Wash facility uses technology to reduce the sound levels to levels that do not violate Section 38-441.

(e) All Vehicle Fueling Stations shall provide for electric vehicle charging stations either by providing such stations, providing wiring for future stations, or providing conduit for wiring for future stations.

(f) Fuel pumps are permitted as an accessory use only if they comply with the following:

(1) The pumps are available only to the owner and tenant of the main building and not available to the general public;

(2) The fuel pump and any sign relating to the pump shall not be visible from the public street;

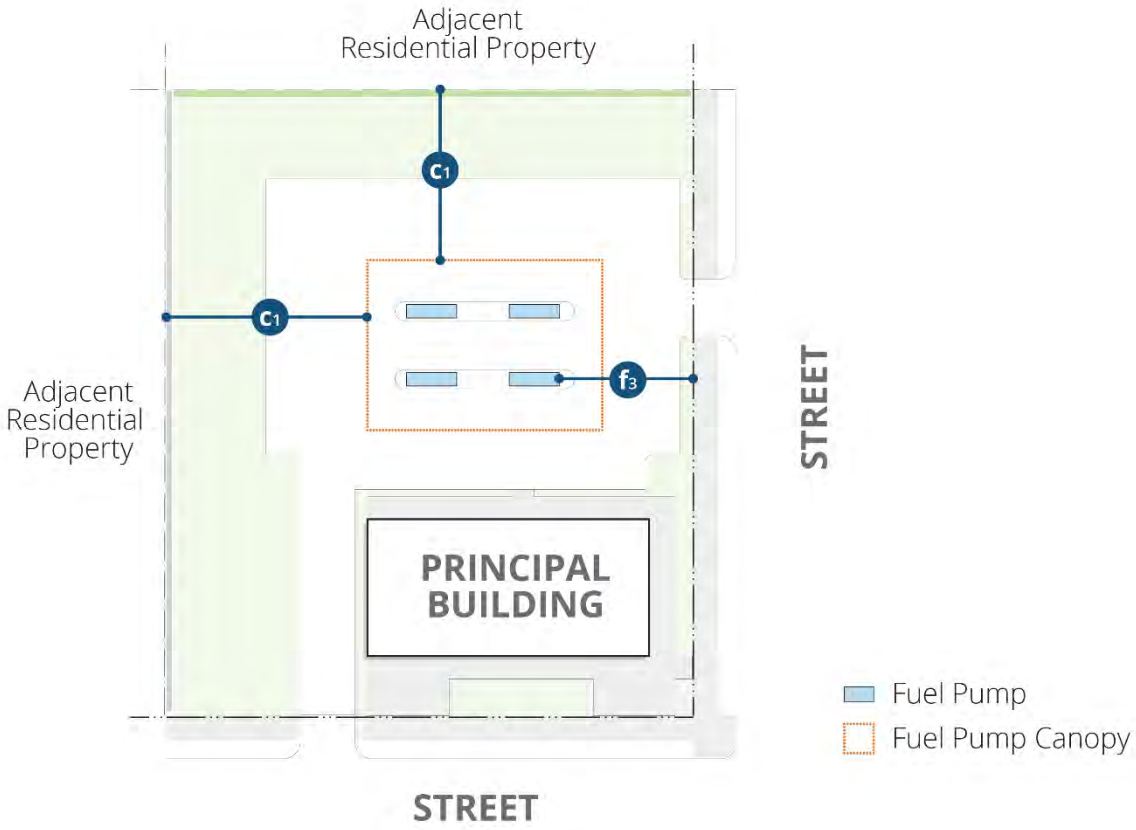
(3) Fuel pumps shall be located at least 40 feet from a property line as shown in Figure 18-04-97.1; and

(4) Aboveground storage facilities for motor vehicle fuel, less than 500 gallons in size, may be approved as part of an accessory use, subject to proper siting for safety, landscaping and screening.

(g) In the General Commercial (GC) District this use shall not exceed 10,000 square feet per building.

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Figure 18-04-97.1 Vehicle Fueling Station. (The letters and numbers in Figure 18-04-97.1 refer to the subsection letters and numbers contained within subsections 18-04-97(c) and (f).)



Sec. 18-04-98. Vehicle Leasing / Sales.

(a) **Definition**. A facility for the leasing or sale of new or used vehicles including automobiles, vans, light trucks, boats, trucks, motorcycles, motor scooters, recreational vehicles, aircraft, or trailers under 8,000 pounds gross vehicle weight.

(b) **Lot size**. The minimum lot size for Vehicle Leasing/Sales shall be three acres.

(c) **Limited use**. This use is not allowed within the North Washington Overlay District.

(d) **Vehicle display areas**. Vehicle display areas shall:

(1) Be exempt from the parking lot landscape requirements in Section 18-08-22.

(2) Be located on hard surfaced areas as approved by the Development Engineering Manager or designee.

(e) Screening that meets the requirements of Section 18-06-32 is required between this use and any adjacent residentially zoned property.

(f) **Displayed vehicles**.

(1) All displayed vehicles shall be operable and suitable for driving. A displayed vehicle may not exceed 8,000 pounds, manufacturer's gross vehicle weight.

(g) Inoperable or wrecked vehicles are allowed on site under the following limitations:

(1) The area where these vehicles are stored is screened from adjacent uses; and

(2) These vehicles each have a valid state registration and documentary record of pending repairs or other disposition.

(h) **Operations**. Operations shall not create obstructions to traffic circulation on public streets.

(i) In order to provide adequate access for customers around each displayed vehicle and to prevent vehicles from being closely parked, a minimum of 200 square feet is required for each vehicle displayed for sale in the vehicle sales area.

(1) The off-street parking required in Section 18-09-26 shall not be utilized for vehicle display. At least half of the required off-street parking shall be marked specifically for customer parking.

(2) In order to assist in mitigating the outdoor display and storage aspects of this use, facilities selling and servicing exclusively used vehicles on previously developed lots shall landscape at least 20 percent of the gross land area. Areas required to be landscaped shall be determined by the city through the Development Plan process. Special attention shall be paid to right-of-way and buffer areas for such landscaping.

(j) Vehicle Service – Minor Repair / Maintenance may be permitted as an accessory use. Any onsite repair of vehicles shall be conducted in a completely enclosed building.

Sec. 18-04-99. Vehicle Rental.

(a) **Definition.** A facility for the rental of new or used vehicles including automobiles, vans, light trucks, boats, trucks, motorcycles, motor scooters, recreational vehicles, aircraft, or trailers under 8,000 pounds gross vehicle weight.

(b) **Vehicle Service – Minor Repair / Maintenance.** Any onsite repair of vehicles shall be conducted in a completely enclosed building.

(c) In the General Commercial (GC) District this use shall not exceed 10,000 square feet per building.

Sec. 18-04-100. Vehicle Service - Major Repair / Body Work.

(a) **Definition**. The repair, servicing, alteration, restoration, towing, painting, cleaning, or maintenance of automobiles, trucks, recreational vehicles, boats, large appliances,

commercial and industrial equipment, and other vehicles under 8,000 pounds gross vehicle weight as a primary use, including the incidental wholesale and retail sale of vehicle parts as an accessory use. This includes major repair and body work which encompasses towing, collision repair, other body work, painting services, and tire recapping.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.4 as a limited use, subject to the condition that this use shall not exceed 3,500 square feet per building.

(c) **Location**. The location of a Vehicle Service - Major Repair / Body Work use shall not be within 750 feet of an existing:

(1) Residential use or residential district boundary line;

(2) Civic Meeting Facility;

(3) Park;

(4) Religious Institution;

(5) Public Cultural and Arts Facility;

(6) Public Entertainment / Recreation Facility;

(7) Public Service / Safety Facility;

(8) School, Public or Private; or

(9) Any other Vehicle Service - Major Repair / Body Work use.

(d) **Outdoor storage**. Inoperable vehicles may be stored in a parking area for a maximum of 48 hours which meets the screening requirements of Section 18-06-32.

(e) If an inoperable or wrecked motor vehicle remains outside on the premises of a Vehicle Service - Major Repair / Body Work use for more than 48 hours, the premises is an outside salvage or reclamation use. It is a defense to prosecution under this provision if not more than four inoperable or wrecked motor vehicles are stored on the premises and:

(1) They each have a valid state registration;

(2) There is documentary evidence of pending repairs or other disposition;

(3) The premises has a current certificate of occupancy for a motor vehicle related use; and

(4) They are located in an area of the site screened from view from a public street, or any adjacent residential area.

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Sec. 18-04-101. Vehicle Service – Minor Repair / Maintenance.

(a) **Definition**. A facility for the servicing or minor repair of automobiles. This use may include the retail sales of lubricating oils, tires, or parts for use in motor vehicles. Minor repairs include replacement of engine, transmission, chassis and drive train parts; tune-ups and adjustments of motor vehicle engines and systems; and the replacement and repair of minor body parts such as windshields and windows and body trim parts. This use does not include rebuilding of engines or the restoration and painting of motor vehicles.

(b) If an inoperable or wrecked motor vehicle remains outside on the premises of a Vehicle Service - Minor Repair / Maintenance use for more than 48 hours, the premises is an Outdoor Salvage or Reclamation use. It is a defense to prosecution under this provision if not more than four inoperable or wrecked motor vehicles are stored on the premises and:

(1) They each have a valid state registration;

(2) There is documentary evidence of pending repairs or other disposition;

(3) The premises has a current certificate of occupancy for a motor vehicle related use; and

(4) They are located in an area of the site screened from view from a public street, or any adjacent residential area.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.4 as a limited use, subject to the condition that this use shall not exceed 10,000 square feet per building.

Sec. 18-04-102. Warehouse – Distribution.

(a) **Definition**. A facility for storing goods in a building for the purpose of distribution, sale, or manufacturing which has no limitations on tenant size or dock door ratio because it is located away from neighborhoods that would be impacted by truck traffic and noise. Warehouses are used for storing goods for an extended period of time and are typically equipped with storage areas, loading docks, conveyors, and other material-handling equipment.

(b) **Applicability.** These regulations are applicable to this type of Warehouse-Distribution use which is permitted to be located only on property designated as Employment Center – Warehousing Overlay (EC-W) on the Future Land Use Map in the Thornton Comprehensive Plan.

(c) All Warehouse-Distribution uses located within EC-W-designated land are subject to the restrictions contained in the Thornton Comprehensive Plan, as may be amended and any interpretations thereof.

(d) Retail sales are permitted as a part of the Warehouse-Distribution use if the sales are conducted in compliance with the following:

(1) Up to 100 percent of the total warehouse floor area may be devoted to retail sales activities during an occasional warehouse sale. No more than four occasional warehouse sales may be conducted during any 12-month period. Each occasional warehouse sale shall be limited in duration to no more than three consecutive calendar days.

(2) Retail sales are permitted at all times as part of the Warehouse-Distribution use when the retail sales area does not exceed ten percent of the total warehouse floor area.

Sec. 18-04-103. Warehouse Showroom / Office.

(a) **Definition**. A facility which has the combined uses of office and showroom or warehouse for the primary purpose of wholesale trade, display, and distribution of products.

(b) Retail sale of products which are sold at wholesale on the premises are permitted as a part of this use.

(c) Office and/or showroom uses must make up at least 20 percent of the total floor area of the Warehouse Showroom / Office use.

Sec. 18-04-104. Warehouse – Storage.

(a) **Definition** – A facility for storing goods in a building for the purpose of distribution, sale, or manufacturing which has limitations on tenant size and dock door ratio in order to reduce negative impacts such as truck traffic and noise on surrounding development. Warehouses are used for storing goods for an extended period of time and are typically equipped with storage areas, loading docks, conveyors, and other material-handling equipment.

(b) **Applicability.** These regulations are appliable to all Warehouse-Storage uses located on property that is not designated as Employment Center – Warehousing Overlay (EC-W) on the Future Land Use Map in the Thornton Comprehensive Plan. However, Warehouse - Storage uses can also be built within the EC-W-designated area.

(c) **Size**.

(1) **Single tenant**. A single-tenant Warehouse – Storage use shall not exceed 150,000 square feet of gross floor area.

(2) **Multi-tenant**. A multi-tenant Warehouse – Storage use shall not exceed 150,000 square feet of gross floor area per tenant.

(d) **Dock door ratio**. Dock door-to-building ratio shall apply to Warehouse - Storage uses located on property that is not designated as EC-W in the Comprehensive Plan.

(1) The maximum dock door-to-building (including both ground level and dock-height doors) square foot ratio is 1 dock door per 4,500 square feet.

(e) Retail sales are permitted as a part of the Warehouse - Storage use if the sales are conducted in compliance with the following:

(1) Up to 100 percent of the total warehouse floor area may be devoted to retail sales activities during an occasional warehouse sale. No more than four occasional warehouse sales may be conducted during any 12-month period. Each occasional warehouse sale shall be limited in duration to no more than three consecutive calendar days.

(2) Retail sales are permitted at all times as part of the warehouse use when the retail sales area does not exceed ten percent of the total warehouse floor area.

Sec. 18-04-105. Well / Production Sites.

(a) **Definition**. A facility for the extraction of oil, gas and other hydrocarbon substances from the earth.

(b) Caretaker's quarters are permitted as an accessory use.

(c) Additional provisions for the development of oil and gas well and injection wells sites or production sites are contained in Article V of this chapter.

Sec. 18-04-106. Reserved.
Sec. 18-04-107. Reserved.
Sec. 18-04-108. Reserved.
Sec. 18-04-109. Reserved.

DIVISION 6. LODGING USES SUPPLEMENTAL STANDARDS.

Sec. 18-04-110. Bed And Breakfast.

(a) **Definition**. A detached, owner-occupied dwelling where short-term lodging is provided through the rental of individual rooms to the general public, with common cooking and dining facilities. A Bed and Breakfast is not a Short-Term Rental or a Hotel/Motel as defined in this article.

(b) **Temporary lodging**. A Bed and Breakfast shall provide temporary lodging accommodations for the general public up to a maximum of 30 consecutive days per guest per calendar year.

(c) **Residential appearance**. Structures shall not be altered in a way that changes their general residential appearance.

(d) **Screening**. If three or more off-street parking spaces are required to be provided pursuant to Section 18-09-21 the parking shall be screened from the public right-of-way and adjacent property through a combination of fence and/or landscape as required by Division 3 of Article VIII.

(e) **Meals**. Other than to registered guests, no meals shall be served to the general public.

(f) **Cooking facilities**. No cooking or kitchen facilities shall be allowed in guest rooms.

Sec. 18-04-111. Boarding / Rooming House.

(a) **Definition**. A facility that has at least two but no more than five guest rooms that are rented separately to occupants. A Boarding House or Rooming House is not a Short-Term Rental or a Bed and Breakfast as defined in this article.

(b) Other than to registered guests, no meals shall be served to the general public.

(c) No cooking or kitchen facilities shall be allowed in guest rooms.

Sec. 18-04-112. Hotel And Motel.

(a) **Definition**. A facility containing six or more guest rooms that are rented to occupants on a daily basis. Hotels may offer food services, convention hosting services, laundry services, and/or entertainment and recreation activities. This definition shall not include Bed and Breakfast establishments or Short-Term Rentals.

(b) **MU and TOD Districts**. All lodging rooms associated with Hotels and Motels in the MU and TOD Districts shall be accessed from an indoor lobby, hallway, or common space. Individual outdoor entrances to lodging rooms are prohibited.

Sec. 18-04-113. Reserved.
Sec. 18-04-114. Reserved.
Sec. 18-04-115. Reserved.
Sec. 18-04-116. Reserved.
Sec. 18-04-117. Reserved.

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DIVISION 7. PUBLIC AND INSTITUTIONAL USES SUPPLEMENTAL STANDARDS.

Sec. 18-04-118. Business / Technical / Trade School, Indoor Activity Only.

(a) **Definition**. A facility offering instruction and training in a trade, service or the arts such as carpentry, plumbing, secretarial, barbering, cosmetology, commercial arts, computer operations, and similar training.

(b) **Limited Use.** This use may be conducted in districts as shown on Use Table 18-04-09.6 as a limited use, subject to the condition that this use shall not exceed 3,500 square feet per building.

(c) Public and Private Schools do not include Business / Technical / Trade Schools.

Sec. 18-04-119. Cemetery / Mausoleum.

(a) **Definition**.

(1) Cemetery is defined as a place designated for burial of the dead.

(2) Mausoleum is defined as a building constructed as a monument enclosing the burial chamber of the dead.

(b) This use is not allowed within the North Washington Overlay District.

(c) Caretaker's quarters are permitted as an accessory use.

Sec. 18-04-120. Civic Meeting Facility.

Definition. A building utilized by not-for-profit membership organizations such as alumni associations, booster clubs, scouting organizations, ethnic associations, social clubs, fraternal lodges, and veterans' membership organizations primarily engaged in promoting the civic and social interests of their members. This use often includes meeting and storage facilities.

Sec. 18-04-121. Crematorium.

(a) **Definition**. A facility for the incineration of corpses, human or animal, to ashes. Crematorium does not include any establishment where incinerators are used to dispose of toxic, hazardous, infectious, or narcotic materials.

(b) Facilities shall meet all applicable state and federal requirements for incineration equipment and shall be licensed at all times.

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(c) All storage shall be inside.

(d) Incinerator stacks shall not be located on the front roof of any structure facing any street.

Sec. 18-04-122. Day Care Facility.

(a) **Definition**. A state licensed facility that provides less than 24-hour care, training, education, custody, treatment, or supervision for persons who are unable to care for themselves and who are not related by blood, marriage, or adoption to the owner or operator of the facility, whether or not the facility is operated for profit or charges for the services it offers.

(b) This use does not include a facility that:

(1) Is accessory to a primary use, such as a shopping center, business, religious institution or other establishment, where individuals are cared for during short periods of time while parents or persons responsible for them are engaging in activities related to the primary use; or

(2) Operates solely for educational instruction to children in grades kindergarten through at least grade two, that does not provide custodial care for more than one hour during the hours before or after the customary school day.

(c) A family childcare home facility, as defined by the state, is not regulated by this Code.

(d) The persons being cared for, trained, kept, treated, or supervised under this use may not use the facility as a residence. No overnight accommodations shall be provided.

(e) All Day Care Facilities shall have a state license and be governed by the rules and regulations of the Colorado Departments of Health and Human Services for such activities.

Sec. 18-04-123. Emergency Shelter.

(a) **Definition**. A temporary residential facility, which provides overnight accommodations and incidental services for homeless persons and/or families on a short-term basis.

(b) An Emergency Shelter is allowed only in an existing building.

Sec. 18-04-124. Funeral Home / Mortuary.

(a) **Definition**. A building used for the preparation of the deceased for burial and display of the deceased and rituals connected therewith before burial or cremation.

(b) A Funeral Home may include a funeral chapel.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.6 as a limited use, subject to the condition that this use shall not exceed 20,000 square feet per building.

Sec. 18-04-125. Group Home.

(a) **Definition**. A facility which provides temporary or permanent housing and professional care or services to between four and eight persons who are not related by blood, marriage, or adoption to the owner or operator of the establishment. Residents must be protected under the Fair Housing Act, Americans with Disabilities Act, over the age of 60, victims of domestic violence, youth transitioning out of foster care or families from out of town with children receiving medical treatment at a hospital.

(b) A Group Home shall not include more than one individual who is required to register as a sex offender under the provisions of the Colorado Revised Statutes, as amended.

(c) The total number of residents excludes the group home operator, where the operator does not live in the group home, and any children of a resident under the age of two.

(d) The group home use does not include facilities which provide 24-hour medical or nursing care.

(e) Group Homes for the aged, developmentally disabled, and/or people with behavioral or mental health disorders, shall be regulated in accordance with Colorado law.

Sec. 18-04-126. Hospital / Sanitarium.

(a) **Definition**. An institution where sick or injured patients are given medical treatment.

(b) Hospitals and Sanitariums must be licensed by the state as a hospital.

Sec. 18-04-127. Institutional Residential, Assisted Living and Long-Term Care.

(a) **Definition**. A staffed premise (not a Dwelling, 1 Unit Detached use) with paid or volunteer staff that provides full-time care to more than six individuals who cannot or who choose not to live independently or in other types of facilities.

(b) Assisted Living and Long-Term Care facilities shall meet all Colorado State standards and receive all required Colorado State and Adams County approvals.

(c) Assisted Living and Long-Term Care facilities shall provide an off-street vehicle pick-up and drop-off zone meeting the following standards.

(1) An off-street vehicle drop off and pick up zone shall include a minimum of one stacking lane which can accommodate at least three stacking spaces.

(2) Stacking spaces and lanes for an off-street vehicle drop-off and pick-up zone shall not impede on- and off-street traffic movement, shall not cross off-street parking areas or drive aisles and shall not impede pedestrian access to a public building entrance.

(3) Stacking lanes shall be separated from off-street parking areas. Individual lanes shall be striped, marked, or otherwise delineated.

(4) Stacking lanes shall have a minimum depth of 20 feet per stacking space and the following minimum lane widths:

a. One lane: 12 feet.

b. Two or more lanes: 10 feet per lane.

Sec. 18-04-128. Institutional Residential, Dormitory.

Definition. A building used as group living quarters for a student body or religious order for a college, university, boarding school, convent, monastery or other similar public, or semi-public use.

Sec. 18-04-129. Library.

(a) **Definition**. A public, nonprofit facility in which literary, musical, artistic, or reference materials such as but not limited to books, manuscripts, computers, recordings, or films are kept for use by or loaning to patrons of the facility.

(b) This use shall be owned or operated by a public or quasi-public agency and be open and available to the general public.

(c) Retail sales in a library is permitted as an accessory use.

Sec. 18-04-130. Park.

Definition. Any public or private land available for recreational or scenic purposes.

Sec. 18-04-131. Post Office.

Definition. An office or station of a government postal system at which mail is received and sorted, from which it is dispatched and distributed, and at which stamps are sold or other services rendered.

Sec. 18-04-132. Public Entertainment / Recreation Facility.

(a) **Definition**. A place in which members of the public can view and/or experience entertainment or recreation, possibly for a fee or charge including, but not limited to, community golf courses and recreation centers.

(b) Public facilities shall be owned and operated by not for profit, governmental, or other non-taxing bodies.

Sec. 18-04-133. Public Service / Safety Facility.

Definition. Facilities for federal, state, or local governmental uses, law enforcement, and fire protection agencies, and their accessory uses.

Sec. 18-04-134. Recovery Residences.

(a) **Definition.** Any premises, place, facility, or building that provides housing accommodation for individuals with a primary diagnosis of a substance use disorder that:

(1) Is free from alcohol and nonprescribed or illicit drugs;

(2) Promotes independent living and life skill development; and

(3) Provides structured activities and recovery support services that are primarily intended to promote recovery from substance use disorders.

(b) Recovery Residences shall meet all Colorado state requirements and shall secure all applicable state licenses and approvals.

(c) Recovery Residences shall obtain a Thornton business license.

Sec. 18-04-135. Religious Institution.

(a) **Definition**. A facility used for people to gather together for public worship, religious education, or other religious activities.

(b) The following structures, when located on top of a religious institution building, are excluded from calculations of maximum allowed building height:

(1) Belfries, bell towers, campaniles, carillons, or minarets;

(2) Cross, star of David, star and crescent, and similar;

(3) Cupolas, spires, or steeples; or

(4) Similar architectural appurtenance used as religious symbols.

(c) A rectory, parsonage, convent, Emergency Shelter, or monastery is permitted as an accessory use. These accessory uses, except Emergency Shelters, may be located on a separate lot, and are not subject to the area limitations in Section 18-04-172.

(d) An Emergency Shelter is permitted as an accessory use and shall be located on the same lot as the principal use and is not subject to the area limitations in Section 18-04-172. For purposes of this subsection, a, Emergency Shelter is a facility providing overnight lodging throughout the entire year if the number of shelter participants is eight or fewer. An Emergency Shelter serving more than eight participants shall be limited to 120 days per calendar year, whether the days are consecutive or nonconsecutive. Persons affiliated with

the church and monitoring the shelter facility shall not be counted in determining the number of participants.

(e) The site and building shall comply with all building and fire codes as adopted by the city.

(f) The provisions of this section shall not limit other occasional overnight events commonly associated with church activities, including but not limited to fellowship activities.

Sec. 18-04-136. School, Public Or Private.

(a) **Definition**. An educational institution that has a curriculum for kindergarten, elementary, secondary education, or postsecondary education.

(b) Public and private schools do not include Business / Technical / Trade Schools.

(c) Schools shall provide an onsite circulation and stacking study with an application for a Development Plan.

Sec. 18-04-137. Transitional Housing.

Definition. Temporary housing for certain segments of the homeless population, including working homeless people who are earning too little money to afford long-term housing. Transitional housing is set up to transition residents into permanent, affordable housing. It is not an Emergency Shelter, but usually a room or apartment in a residence with support services.

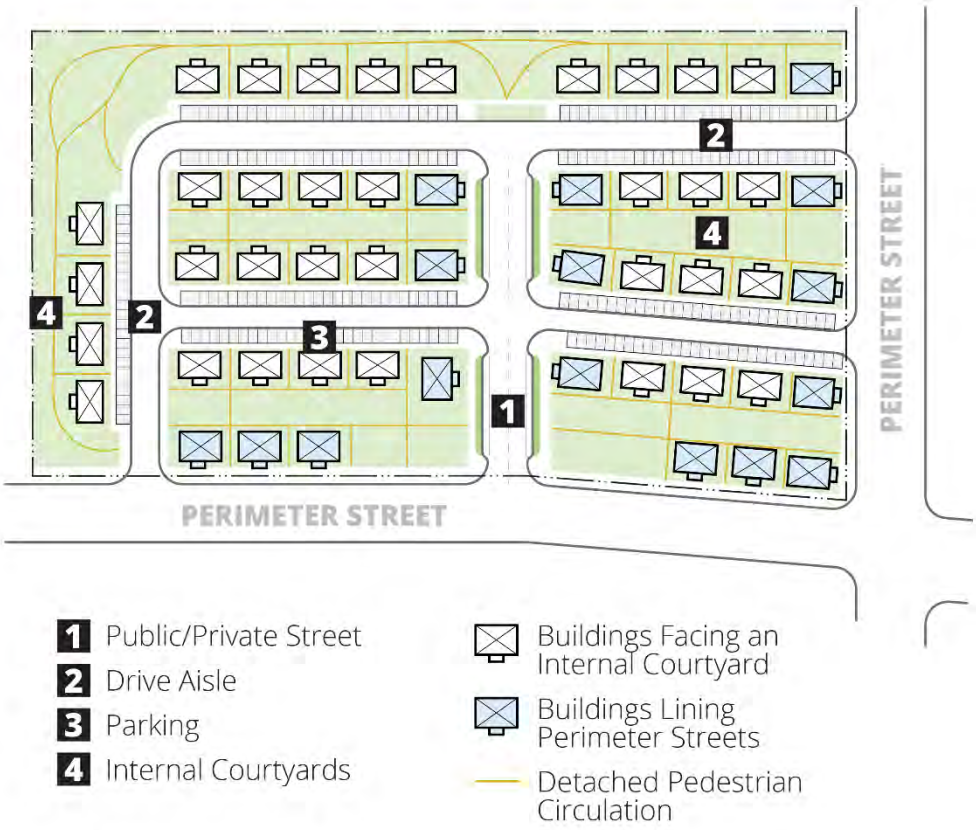
Sec. 18-04-138. Reserved.
Sec. 18-04-139. Reserved.
Sec. 18-04-140. Reserved.
Sec. 18-04-141. Reserved.

DIVISION 8. RESIDENTIAL USES SUPPLEMENTAL STANDARDS.

Sec. 18-04-142. Cottage Housing (Single Lot).

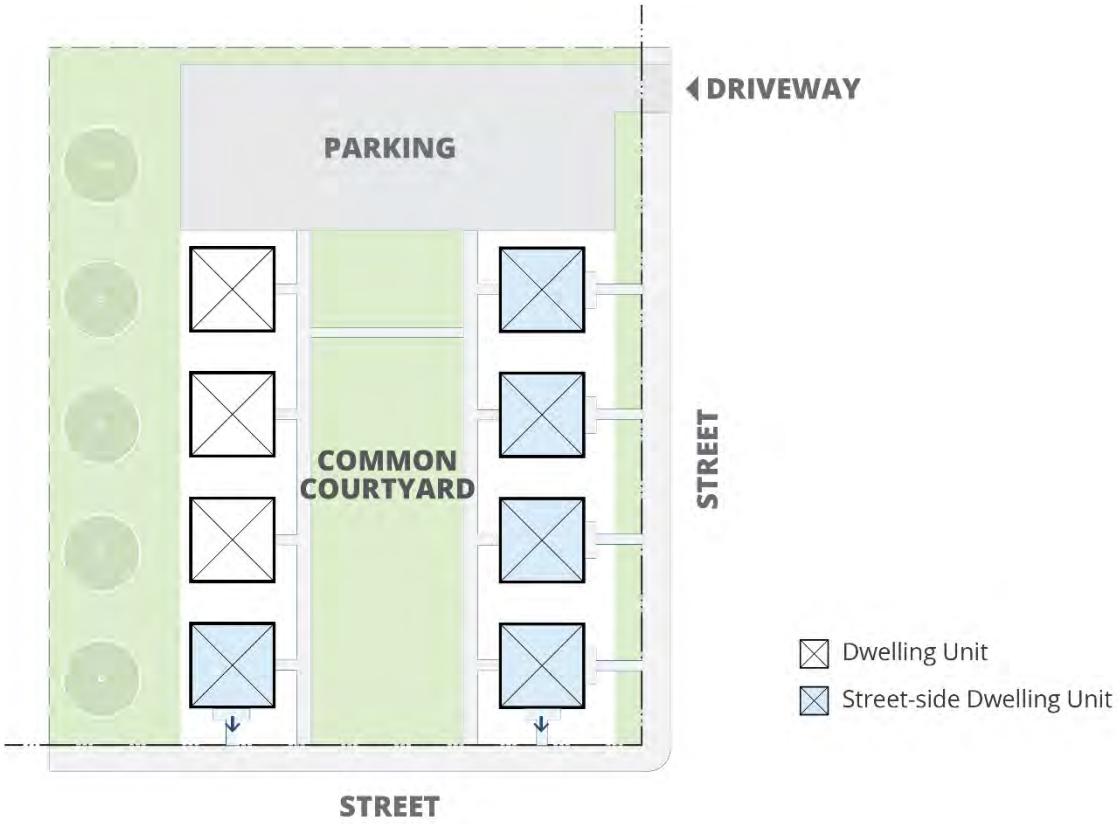
(a) **Definition.** A development site that consists of numerous smaller residential buildings totaling five or more dwelling units which may consist of Dwelling – 1 Unit Detached; Dwelling – 2 Units Attached; or Duplex buildings on a single lot as shown in Figures 18-4-142.1 and 18-4-142.2. Multi-Unit Dwellings are not Cottage Housing. Cottage Housing includes build-to-rent development but is not limited to rental.

Figure 18-4-142.1. Large Cottage Housing development example.



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Figure 18-4-142.2. Small Cottage Housing development example.



(b) **Infill development.** When Cottage Housing is proposed in the RM or RH Districts in neighborhoods which were previously developed with only detached dwellings (Dwelling, 1 Unit Detached) on separate lots, the Cottage Housing development shall be located only at the intersection of a collector and local roadway or two collector roadways.

(c) **Limited use:** This use may be conducted in districts as shown on Use Table 18-04-09.7 as a limited use, subject to the condition that in the RM District, a Cottage Housing lot shall be limited to a maximum of eight dwelling units.

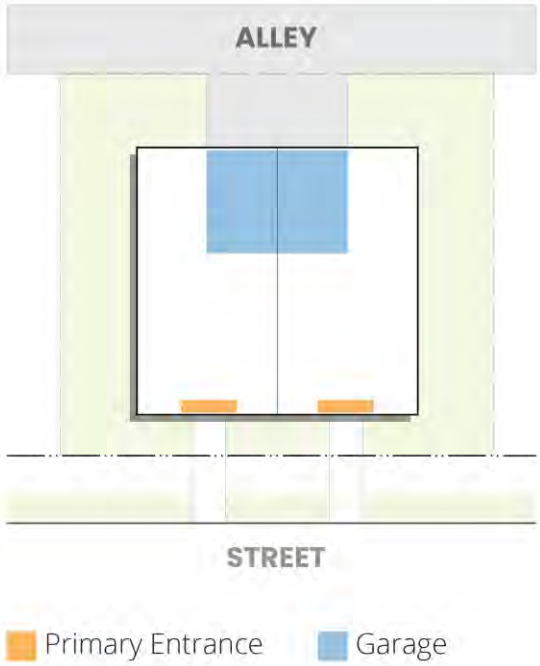
(d) **Building design**. Cottage Housing developments shall meet the Cottage Housing design standards established in Article VII, Section 18-07-17.

(e) **Site design and parking**. Cottage Housing developments shall provide public or private streets, drive aisles and parking arrangements per the site design and parking standards in Article IX and specifically Section 18-09-40.

Sec. 18-04-143. Duplex (Single Lot).

(a) **Definition**. A building with two dwelling units, each located on the same lot and that share a wall or floor/ceiling as shown in Figure 18-04-143.1.

Figure 18-04-143.1 Duplex example.



(b) Duplex dwellings shall meet the building design standards established in Section 18-07-15.

(c) **Infill development.** When duplexes are proposed in RM or RH Districts in neighborhoods which were previously developed with only detached dwellings on separate lots, the duplexes shall be located only at the intersection of a collector and local roadway or two collector roadways.

(d) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.7 as a limited use, subject to the condition that Duplex uses are allowed in the TOD District only as identified in an applicable Station Area Master Plan. TOD Districts are generally intended for housing at a higher density than Duplexes. However, Duplexes may be identified as appropriate in some TOD areas to provide a transition to existing lower density neighborhoods.

Sec. 18-04-144. Dwelling, 1 Unit Detached (Single Lot).

(a) **Definition**. A building with one dwelling unit that does not share walls with any other dwelling and is located on an individual lot.

(b) A Dwelling, 1 Unit Detached use may have up to two full kitchens. However, if the lot contains an Accessory Dwelling Unit, whether detached, within, or attached to the principal dwelling unit, the principal dwelling unit may have only one full kitchen.

(c) Dwelling, 1 Unit Detached buildings shall meet the design standards established in Section 18-07-15.

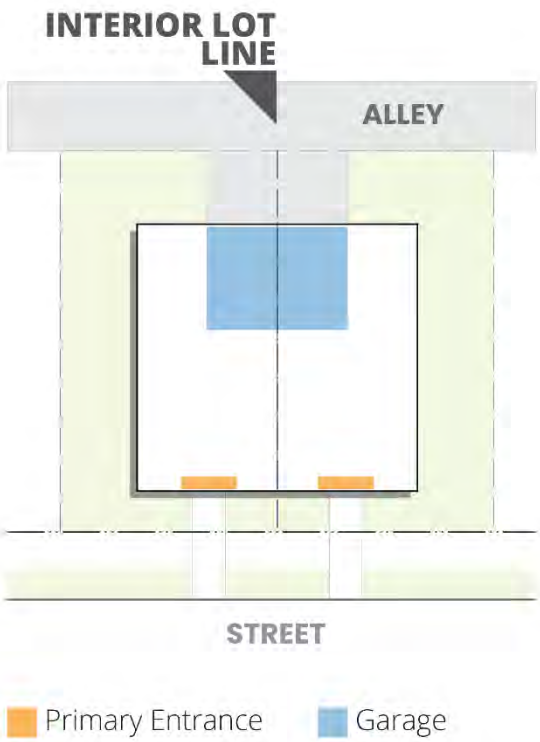
(d) **Limited use.** This use may be conducted in districts as shown on the Use Table 18-04-09.7 as a limited use, subject to the condition that Dwelling, 1 Unit Detached uses are allowed in the TOD District only as identified in an applicable Station Area Master Plan. TOD Districts are generally intended for housing at a higher density than Dwelling, 1 Unit Detached uses. However, this type of use may be identified as appropriate in some TOD areas to provide a transition to existing lower density neighborhoods.

Sec. 18-04-145. Dwelling, 2 Units Attached (1 Unit Per Lot).

(a) **Definition**. A building with two dwelling units, each located on their own lot and that share a wall along an interior lot line as shown in Figure 18-04-145.1.

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Figure 18-04-145.1 Dwelling, 2 Units Attached example.



(b) **Building design**. Dwellings, 2 Units Attached uses shall meet the design standards established in Section 18-07-15.

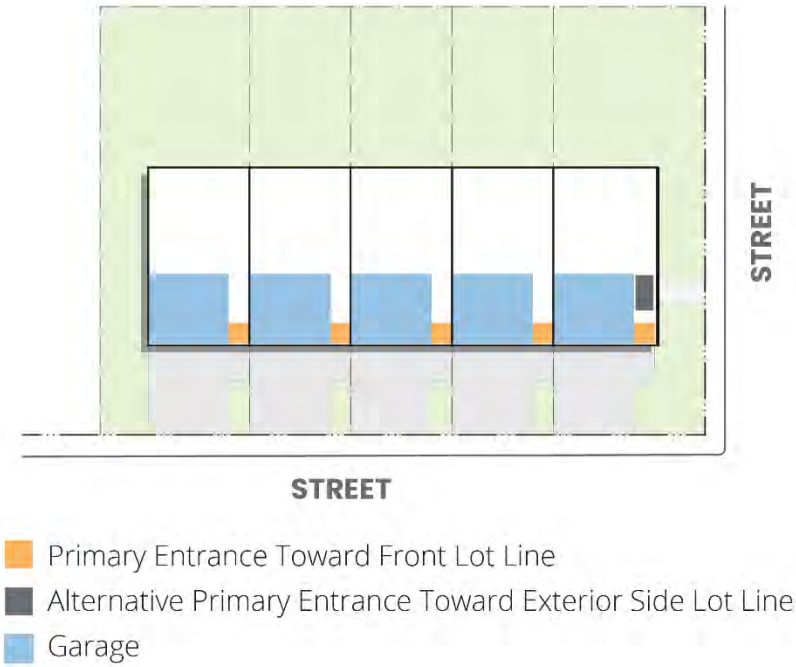
(c) **Infill development.** When Dwelling, 2 Units Attached are proposed in RM or RH Districts in neighborhoods which were previously developed with only detached dwellings on separate lots, the attached homes shall be located only at the intersection of a collector and local roadway or two collector roadways.

(d) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.7 as a limited use, subject to the condition that Dwelling, 2 Units Attached uses are allowed in the TOD District only as identified in an applicable Station Area Master Plan. TOD Districts are generally intended for housing at a higher density than Dwelling, 2 Units Attached uses. However, this type of use may be identified as appropriate in some TOD areas to provide a transition to existing lower density neighborhoods.

Sec. 18-04-146. Dwelling, 3-8 Units Attached (1 Unit Per Lot).

(a) **Definition**. A building with three to eight dwelling units, each located on their own lot and that share a wall(s) with the adjacent unit(s) along an interior lot line as shown on Figure 18-04-146.1.

Figure 18-04-146.1 Dwelling, 3-8 Units Attached example.



(b) **Building design**. Dwelling, 3-8 Units Attached buildings shall meet the design standards established in Section 18-07-16.

(c) **Infill development.** When Dwelling, 3-8 Units Attached uses are proposed in RM or RH Districts in neighborhoods which were previously developed with only detached dwellings on separate lots, the attached homes shall be located only at the intersection of a collector and local roadway or two collector roadways.

Sec. 18-04-147. Dwelling, Live-Work.

(a) **Definition**. A building with one dwelling unit and a commercial space. This use may be either a separate detached building on its own lot or attached to other residential or Live-Work units that share a wall(s) with the adjacent unit(s).

(b) **Infill development.** When Live-Work are proposed in the RH district in neighborhoods which were previously developed with only 1 Unit Detached dwellings on separate lots, the Live-Work units shall be located only at the intersection of a collector and local roadway or two collector roadways.

(c) **Special use.** This use may be conducted in districts as shown on Use Table 18-04-09.7 as a special use, subject to the condition that Dwelling, Live-Work uses are allowed in the NC and GC Districts only to support the primarily nonresidential development and shall not exceed 25 percent of the total floor area of the site proposed to be developed and shall not be built until the primary nonresidential use or uses are built.

(d) **Limited use:** This use may be conducted in districts as shown on Use Table 18-04-09.7 as a limited use, subject to the condition that Dwelling, Live-Work uses are allowed in the RC District only to support the primarily nonresidential development and shall not exceed 25 percent of the total land area of the site proposed to be developed and shall not be built until the primary nonresidential use or uses are built.

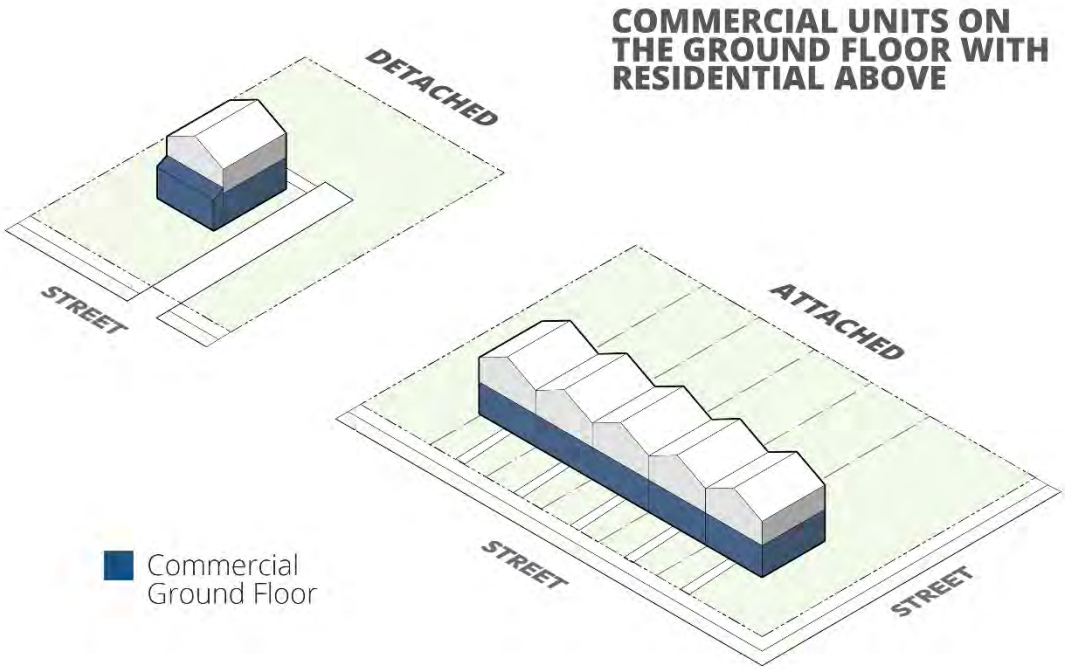
(e) The operator of the nonresidential portion of a live-work dwelling shall be the same person or persons as the resident(s) of the residential component of a live-work dwelling.

(f) The residential component of a live-work dwelling may be located on the ground floor, as shown in Figure 18-04-147.1, or upper floors, as shown in Figure 18-04-147.2, and the entrance requirements shall comply with Article VII, Section 18-07-30.

Figure 18-04-97.1 Dwelling, Live-Work ground floor residential.



Figure 18-04-97.2 Dwelling, Live-Work upper floor residential.



(g) The nonresidential component of a live-work dwelling shall be located on the ground floor and the entrance requirements shall comply with Article VII, Section 18-07-30.

(h) Outdoor Storage is prohibited.

(i) Outdoor operations or activities may be approved with a Temporary Use Permit.

Sec. 18-04-148. Manufactured Home Park.

(a) **Definition**. An area or site upon which is located two or more manufactured homes or movable structures maintained, occupied, or used for human habitation which is designed exclusively for and occupied only by manufactured homes, in which the manufactured homes and the land may or may not be owned by the occupants.

(b) **Manufactured Home Park standards**.

(1) Uses that are customarily incidental to the manufactured home park, including employee washrooms, manager's office, laundry rooms, swimming pools, and game courts, are permitted provided they are located at least 50 feet from an SFD-L, RL, or RM Zoning District. The game courts, laundry rooms, and swimming pool shall be for the exclusive use of the residents and their guests. No exterior advertising of these uses is permitted.

(2) The Manufactured Home Park use includes accessory structures such as personal storage buildings, awnings, cabanas, and porches which are erected on the same home site as a manufactured home.

(3) Each Manufactured Home Park shall provide the following:

a. Park management and operations facility located in a permanent building.

b. A clubhouse containing at least 2,500 square feet of floor area or ten square feet of floor area for each home site in the manufactured home park, whichever is greater. The clubhouse shall be located in a permanent building.

c. A standard depth swimming pool containing at least 800 square feet of surface area, or three square feet of surface area for each home site within the manufactured home park, whichever is greater.

d. A recreation vehicle and utility vehicle storage area with a minimum of 100 square feet of area for each home site within the manufactured home park, screened from adjacent public rights-of-way.

(4) The following signs shall be provided in a Manufactured Home Park:

a. An identification sign, in accordance with the sign provisions of this chapter, located at each entrance to the park. The sign shall include the name of the park and its address.

b. Each manufactured home park home site shall be numbered uniformly with numbers not exceeding four inches in height. This sign shall be located such that it is visible from the street or drive aisle at all times.

(5) The following maintenance activities are required in a Manufactured Home Park:

a. The property owner shall maintain the facilities required in Subsection (3) of this section in the manner in which they were designed and such that they are available for use by the residents of the Manufactured Home Park.

b. All landscaping shall be kept in a well-maintained and healthy growing condition, which requires but is not limited to regular mowing, irrigation, weeding and pruning, and replacement of dead or dying plant materials. in accordance with the requirements of Article VIII of the Code.

c. Fences over 30 inches in height require a building permit and shall be constructed and maintained in accordance with the regulations in Division 2 of Article VI.

d. Existing drainage patterns shall be maintained in accordance with the design approved at the time of development in accordance with the requirements of Chapter 22 of the Code.

e. Snow, sleet, ice or other obstructions shall be removed from all public sidewalks and legally established accessible parking spaces within 24 hours of the last accumulation of such snow, sleet, ice or other obstruction, in accordance with the requirements of Section 70-106 of the Code.

f. Existing parking areas, driveways and roadways internal to the manufactured home park shall be adequately maintained such that they operate as designed and shall not deteriorate to a level that is an imminent threat to public health and safety. This includes but is not limited to the repair of potholes and other major surface distress.

g. Existing sidewalks internal to the manufactured home park shall be adequately maintained such that they operate as designed and shall not deteriorate to a level that is an imminent threat to public health and safety. This includes but is not limited to removal of trip hazards and filling of holes or other major surface distress.

h. All other real property owned or controlled by the manufactured home park for the benefit of residents shall be adequately maintained such that this property operates as designed and shall not deteriorate to a level that is an imminent threat to public health and safety.

(c) **Manufactured home dwellings**.

(1) Accessory structures located on the same home site as a manufactured home are subject to the same setback regulations as the manufactured home itself except storage sheds 120 square feet or smaller which have separate setbacks. Storage buildings must be:

a. Separate from the manufactured home;

b. Separate from all other accessory structures; and

c. Located to the rear of the manufactured home.

(2) Each home site within a Manufactured Home Park shall have the following:

a. A separate storage shed for each Manufactured Home Park home site. The shed shall be provided by the owner of the Manufactured Home Park unless otherwise provided by the lessee of the home site. Such storage shed shall be a minimum of 200 cubic feet in size;

b. A utility riser for each utility provided or required by the units located within the park; and

c. A hose bib capable of accommodating a standard garden hose.

Sec. 18-04-149. Multi-Unit Dwelling (Single Lot).

(a) **Definition**. A single building with five or more residential dwelling units. This use pertains only to a development site that includes one Multi-Unit Dwelling building. If a development site includes more than one Multi-Unit Dwelling building, the use shall be considered a Multi-Unit Dwelling Complex as described in Section 18-04-150.

(b) **Infill development.** When any Multi-Unit Dwelling is proposed in the RH District in neighborhoods which were previously developed with only detached dwellings on separate lots, the Multi-Unit Dwelling shall be located only at the intersection of a collector and local roadway or two collector roadways.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.7 as a limited use, subject to the condition that Multi-Unit Dwellings are allowed in the RC District only to support the primarily nonresidential development and shall not exceed 25 percent of the total land area of the site proposed to be developed and shall not be built until the primary nonresidential use or uses are built.

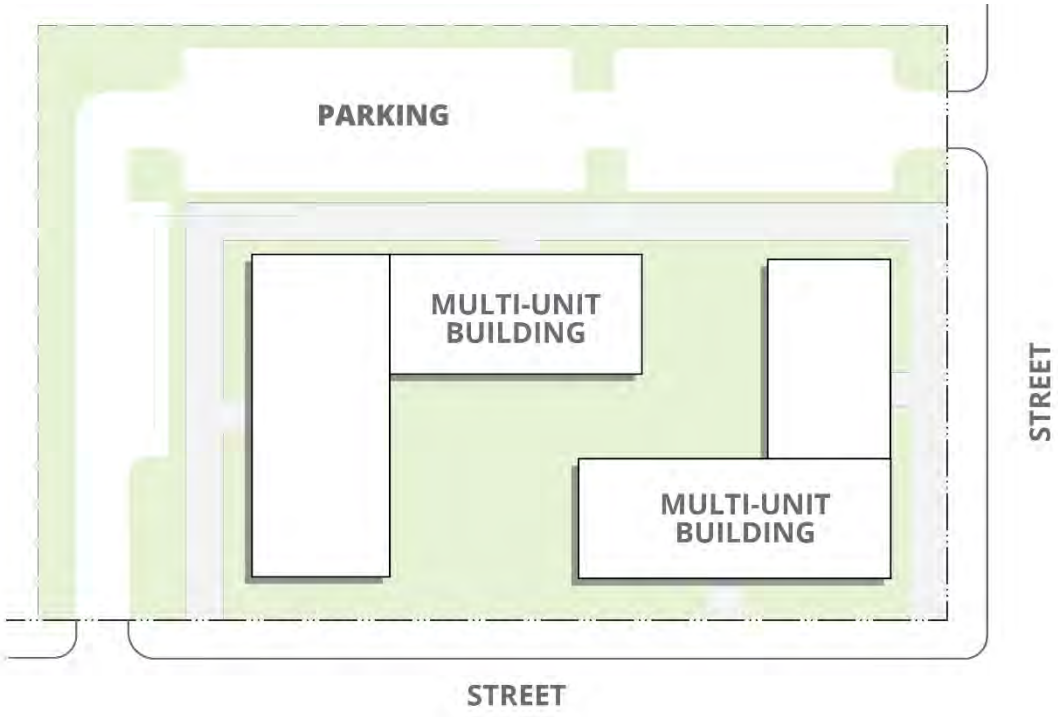
(d) **Building design**. Multi-Unit Dwellings shall meet the building design standards established in Section 18-07-18.

Sec. 18-04-150. Multi-Unit Dwelling Complex (Single Lot).

(a) **Definition**. A master planned development site that includes two or more Multi-Unit Dwelling buildings, as defined in Section 18-04-149, on a single lot as shown in Figure 18-4-150.1.

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Figure 18-4-150.1 Multi-Unit Dwelling Complex example.



(b) **Infill development.** When a Multi-Unit Dwelling Complex is proposed in the RH District in neighborhoods which were previously developed with only detached dwellings on separate lots, the Multi-Unit Dwelling Complex shall be located only at the intersection of a collector and local roadway or two collector roadways.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-09.7 as a limited use, subject to the condition that Multi-Unit Dwelling Complexes are allowed in the RC District only to support the primarily nonresidential development and shall not exceed 25 percent of the total land area of the site proposed to be developed and shall not be built until the primary nonresidential use or uses are built.

(d) **Building design**. All buildings within a Multi-Unit Dwelling Complex shall meet the Multi-Unit Dwelling Complex design standards established in Section 18-07-18.

(e) **Access**. Multi-Unit Dwelling Complexes shall meet the internal access drive standards established in Article IX.

Sec. 18-04-151. Multi-Unit Dwelling, Above Ground Floor (Single Lot).

(a) **Definition.** One or more dwelling units located above ground floor nonresidential use(s). There is no requirement for the non-residential business owner(s) to inhabit the dwelling unit(s).

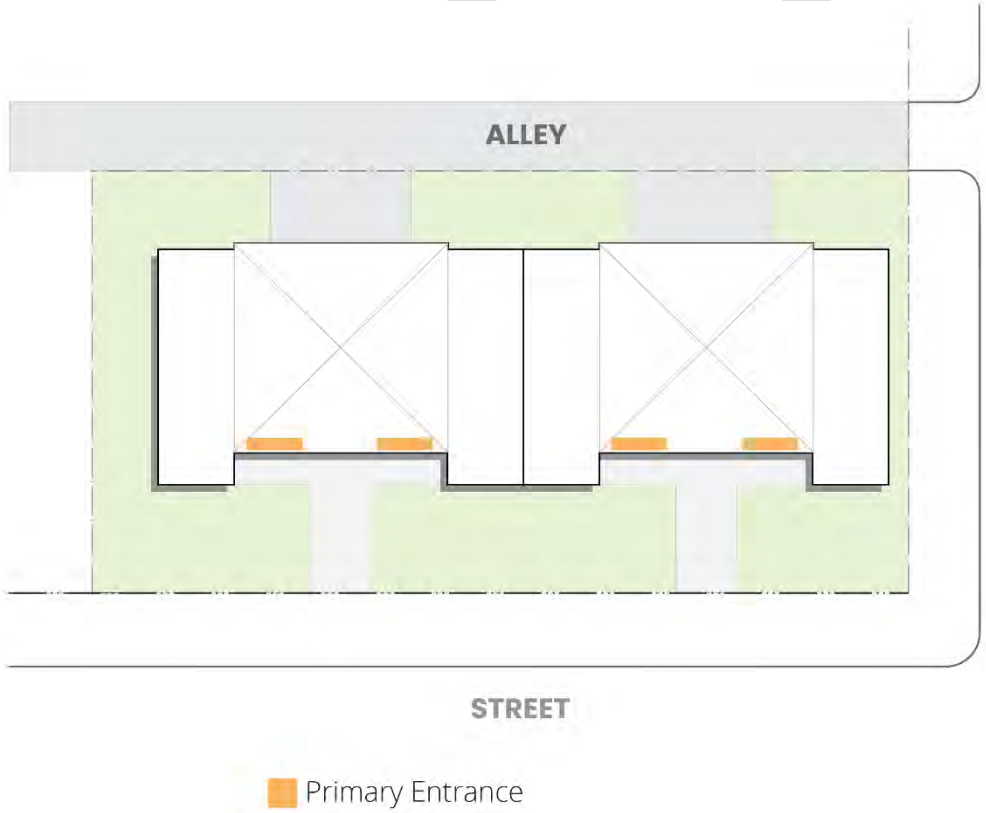
(b) **Infill development.** When Multi-Unit Dwelling, Above Ground Floor use is proposed in the RH District in neighborhoods which were previously developed with only detached dwellings on separate lots, the Multi-Unit Dwelling shall be located only at the intersection of a collector and local roadway or two collector roadways.

(c) **EB and EO Districts.** In the EB and EO Districts, dwelling units are allowed up to fifty percent of the total floor area.

Sec. 18-04-152. Triplex / Quadplex (Single Lot).

(a) **Definition.** A Triplex is a residential building that contains three attached dwelling units on a single lot, and a Quadplex is a residential building that contains four attached dwelling units on a single lot, as shown in Figure 18-04-152.1.

Figure 18-04-152.1 Quadplex example.



(b) **Infill development.** When Triplex/Quadplex units are proposed in RM or RH Districts in neighborhoods which were previously developed with only detached dwellings on separate lots, the Triplex or Quadplex shall be located only at the intersection of a collector and local roadway or two collector roadways.

(1) **Building design**. Triplex/Quadplex dwellings shall meet the Triplex/Quadplex building design standards established in Section 18-07-15.

Sec. 18-04-153. Reserved.
Sec. 18-04-154. Reserved.
Sec. 18-04-155. Reserved.
Sec. 18-04-156. Reserved.
Sec. 18-04-157. Reserved.

DIVISION 9. UTILITIES AND INFRASTRUCTURE USES SUPPLEMENTAL STANDARDS.

Sec. 18-04-158. Commercial Satellite Dish.

(a) **Definition.** A dish that is larger than 12 feet in diameter and is used to both send and receive signals within the electromagnetic spectrum for the purposes of a profit-oriented enterprise. Usually, commercial satellite dishes are capable of motion and adjustment, as opposed to being set at a fixed view angle.

(b) **Permits.**

(1) Any owner or operator of a commercial satellite system may obtain permits under the provisions of this article which may protect the operations of commercial satellite dishes.

(2) No permit shall restrict use of other property beyond the extent reasonable to ensure efficient and economically beneficial use of commercial satellite telecommunications by the applicant.

(3) No permit shall restrict the reasonable use and enjoyment of surrounding property.

(4) No use or part of any structure on surrounding property shall intersect the surface of a commercial satellite access cone which is approved by a commercial satellite access permit, unless an exception applies or exemption is approved.

(5) An applicant for a commercial satellite access permit shall complete an application in writing per Section 18-02-02. In addition to the information required in Section 18-02-02, the applicant shall provide the following information:

a. A statement by the applicant that the commercial satellite dish is already installed or that the applicant intends to install such a facility on the lot within one year of the issuance of the permit and explanation of the cost of the existing or proposed system;

b. A written description of the existing or proposed size and location of the facility and the complete commercial satellite system, including;

1. Orientation and operation with respect to magnetic directions; and
2. Elevation and orientation from a horizontal plane that includes the focal point of the dish; and
3. Written descriptions of the appearance of the facility; and
4. A written explanation of the use of the commercial satellite system, including a description of transmission/receiving operations of the system which indicates specific frequency allocations; and
5. Verification that the applicant received all necessary permits and approvals from other governmental agencies, including any Federal Communications Commission permits or licenses; and
6. The requested duration of the commercial satellite access permit (not to exceed the reasonable life expectancy of the commercial satellite system); and
7. An estimation of current and projected employees used to operate the commercial satellite system.

c. A statement and accurate drawing describing the satellite communications access cone protection desired, including:

d. Radii, heights, minimum look angles and corridors of the proposed commercial satellite access cone; and

e. Locations on any surrounding property affected by the proposed commercial satellite access cone;

f. A description of all structures, uses or vegetation located on surrounding property that will or may in the future interfere with operation of the commercial satellite dish, together with a map or drawing showing their location and elevations;

g. Information showing that the applicant has done everything reasonable in designing and locating the system so as to minimize the impact it will have on use and development on surrounding property;

h. Survey plats or other accurate drawings showing lot lines, dimensions, and topography of the lot on which the commercial satellite access system is or will be located and all surrounding properties that are subject to the permit; and

i. A list of all lots that may be affected by the permit, including the names and addresses of all owners of such lots.

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(c) **Factors to be considered in granting Special Use Permits for Commercial Satellite Dishes**. The city shall consider the following factors in determining whether to issue a Special Use Permit for commercial satellite dishes requiring such permits, although the city may waive or reduce the burden on the applicant of one or more of these criteria if the city concludes that the goals of this section are better served by such action.

(1) Height or size of the proposed facility relative to the scale of surrounding structures;

(2) Proximity of the facility to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Compatibility with the surrounding topography:

(5) Compatibility with the surrounding tree coverage and foliage;

(6) Design of the facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress; and

(8) Evaluation of the applicant's plans for development of its facilities within the city in accordance with the Comprehensive Plan of the city.

(d) **Screening and fencing.** The support structure for the commercial satellite dish shall be screened from off-site view using an opaque wall or fence, buildings on the site, or landscape materials. The height of the wall, fence, buildings or landscape materials shall have the effect of a six-foot screen to a person viewing the property from the grade at the perimeter of the lot. The materials used in any wall or fence shall coordinate with the architecture and building materials used in any principal building on the site.

(e) **Landscaping.**

(1) Landscaping shall be planted along the outside edge of the required screen wall or fence to screen a ground-mounted dish base. This requirement may be modified by the director as provided in Subsection (4) below. Landscaping shall consist of one or more of the following as determined by the commission, in the case of Special Use Permits, and by the director, in the case of Development Plans:

a. An evergreen hedge planted a maximum of three feet on center, and using a plant species that will reach six feet in height within three years of planting;

b. A row of evergreen and deciduous trees equivalent to one tree for every 25 lineal feet of fence or wall. At least 75 percent of the trees shall be evergreen species. The deciduous trees shall be no less than 2.5-inch caliper at the time of planting. The evergreen trees shall be at least six feet tall. The trees may be clustered to provide a natural looking appearance; or

c. A combination of hedges and trees.

(2) Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

(3) All other landscaping requirements provided in Article VIII of this chapter shall apply.

(4) The requirement to provide landscaping along the outside edge of the screen wall or fence required in Subsection (1) may be modified or waived by the director as follows:

a. Where the dish is located in agricultural or non-urbanized areas or on undeveloped lots where landscaping would be impractical, the requirement may be waived.

b. Where the dish base is located in an area not visible to the general public or inappropriate for landscaping, the director may allow the required landscaping to be redistributed on the site so that it improves the general appearance of the site.

(f) **Color.** Commercial satellite dishes shall be painted a non-contrasting blue, gray, white or similar color to match the surrounding built or natural environment and to minimize their visibility.

(g) **Height.**

(1) The maximum allowable height for ground mounted commercial satellite dishes on nonresidential lots is 50 feet, except as noted below. The maximum allowable height in the Eastlake districts are as follows:

a. Eastlake Business and Eastlake Office Districts – 35 feet

b. Eastlake Service District – 25 feet

(2) The maximum allowable height for commercial satellite dishes mounted on buildings located on nonresidential lots is 30 feet, except as noted below:

a. Industrial - Legacy District – 40 feet

b. Eastlake Business, Eastlake Service, and Eastlake Office Districts – 15 feet.

(h) **Permit standards and issuance.**

(1) The commission shall hold a public hearing to approve or disapprove a commercial satellite access permit. The applicant shall show that issuance of the permit is in the public interest and conforms with the conditions of Subsection (h)(4) of this section.

(2) The commission may grant a commercial satellite access permit with such additional conditions or restrictions as the commission deems appropriate if the commission determines that all standards of Subsections (h)(3) and (h)(4) of this section are met.

(3) In order to issue a permit, the commission shall find that the requirements of Chapter 18 have been met.

(4) Any owner of property or an operator of a commercial satellite dish, with consent of the owner of property may apply for a permit if:

a. The lot for which a commercial satellite access permit is requested is allowed by Use Table 18-04-09.8 or Planned Development (PD) where use standards are limited to or substantially equivalent to uses in those districts;

b. A commercial satellite facility is built or proposed on a lot whose location renders the operation of the facility subject to interference by uses or structures which could be built on surrounding property under Chapter 18 of the City Code and the commercial satellite dish could not reasonably have been constructed at a location on the lot where it would have avoided such interference;

c. The proposed commercial satellite access cone for which a permit is requested will not restrict any height limitations on any surrounding property within a zoned district classified for residential or agricultural uses;

d. A Development Plan, as defined in Article II of this chapter, has been approved for the proposed commercial satellite dish, or a satellite communications access permit application is filed concurrently with or subsequently to the filing of a Special Use Permit for a commercial satellite dish;

e. The applicant demonstrates that there are substantial technical, legal, or economic factors that render it infeasible to construct a commercial satellite dish which can be operated without a satellite access permit. Such factors include: structural and operational characteristics of the applicant's commercial satellite system that require clear and free space path to space orbiting satellites; topography and physical characteristics and the elevation, size and location of the property upon which the proposed commercial satellite dish is located or proposed to be located; and that of the surrounding property;

f. The applicant has done everything reasonable in designing and locating the proposed commercial satellite dish to minimize the impact it will have on use and development of surrounding land. However, the fact that an alternate design or location may require additional capital does not necessarily establish that the applicant's failure to select that alternate design or location is reasonable;

g. Issuance of the permit is consistent with reasonable use and enjoyment of surrounding property, excluding landscaping considerations. Issuance of the permit will be presumed not to be consistent with reasonable use and enjoyment of surrounding property if issuance would prevent any affected property owner from erecting, consistent with legal requirements, a structure of a size, character, and usefulness reasonably typical of those in existence on

similar lots subject to the same zoning requirements located within 1,000 feet of the focal point of the commercial satellite dish in question. However, nothing in this section prohibits issuance of a permit if it would impose requirements on a surrounding property that are more restrictive than the height requirements that would otherwise apply, and the reasonable use and enjoyment of such is preserved; and

h. Issuance of the permit is consistent with reasonable landscaping of surrounding property. In determining consistency, the commission shall consider the need for any additional landscaping in the future.

(5) The commission may grant permits subject to such terms and conditions as it finds reasonable and shall be limited to the commercial satellite dish specified in the application. No other operation shall be conducted without a new application being reviewed and a satellite access permit approved.

(6) The city shall maintain complete records of all approved commercial satellite access permits and shall make them readily available for public inspection.

(i) **Term and effect of permit.**

(1) A commercial satellite access permit expires under any one of the following conditions:

a. A permit for installation for the commercial satellite dish is not applied for within a year after the issuance of the commercial satellite access permit;

b. The commercial satellite dish has not been used for a period of 1 year; or

c. The term established under Subsection ### of this section expires.

(2) The commission shall specify the term of each commercial satellite access permit, which shall not exceed the reasonable life expectancy of the particular commercial satellite system, as determined by the commission. At the expiration of a permit, it may be renewed in the same manner as new permits are issued.

(3) If no functioning commercial satellite system is installed within a year of the issuance of the permit, the commission may grant a renewal of up to one additional year to the holder of the expired permit if the applicant affirmatively demonstrates a good faith effort to install the system.

(4) A commercial satellite access permit is enforceable by the owner of the lot, or operator of the facility, if and only if the permit has properly been recorded in the real property records of Adams County, Colorado, with respect to each affected lot in such a manner that it could be detected through a customary title search.

(5) On sale, lease, or transfer of the lot on which the commercial satellite access permit has been approved, the right to enforce its terms passes to the owner or operator of

the facility. An approved permit shall not be transferable to a commercial satellite dish in any other location.

(6) The applicant, owner, or successor shall notify the city if any required Federal Communications Commission permits or approvals for operation of the subject commercial satellite dish have expired and were not renewed; or whether the commercial satellite system has indefinitely ceased operations.

(j) **Implementation and enforcement.**

(1) No proposed permit may be approved for any structure that interferes with an approved commercial satellite access permit unless the object or structure is exempt or an exception is granted by the commission.

(2) Upon application to the commission by the owner or operator of a commercial satellite dish, interference with commercial satellite access caused by vegetation located on surrounding property may be remedied to the extent necessary to comply with the terms specified in the approved commercial satellite access permit. No property owner shall be requested to remedy vegetation which intrudes into the commercial satellite access cone unless the commercial satellite system is installed and functioning. After notice to at least the vegetation owner, the commission shall hold a public hearing and, based on evidence submitted by any interested party, may issue any necessary order and specify the time in which corrective actions shall be performed. Absent unusual circumstances, the cost of remedying interference with the commercial satellite access from vegetation shall be borne by the vegetation owner. If an owner or possessor of real property who receives an order to remedy vegetative shading fails to comply within the specified time, the city may proceed to remove the tree or remedy the intrusion under the authority of Section 46-101 et seq.

(k) **Exemptions.**

(1) Structures and vegetation in existence which intersect the commercial satellite access cone on surrounding property on the date of approval of an applicable commercial satellite access permit are exempt from the application of this article. For purposes of this subsection, structures are "in existence" on the date of issuance of a Development Plan authorizing their construction. Such structures shall be considered as prior nonconforming uses and shall be governed by Article XII of this chapter.

(2) Insubstantial intersections with the approved commercial satellite access cone or violation of the restrictions of a commercial satellite access permit are exempt from the application of this article. Such intersections or violations are insubstantial if there is an intersection with or into the defined commercial satellite access cone, however, there is not any actual interference with the satellite communications access or operations of any commercial satellite dish.

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(3) Unavoidable temporary obstructions of protected commercial satellite access necessitated by construction activities or other necessary and lawful purposes are exempt to the extent that they do not exceed two days in any month.

(l) **Exceptions.**

(1) Any person desiring to erect an object or structure or increase or add to any object or structure in such a manner as to intersect the surface of the approved commercial satellite access cone may apply for an exception.

(2) An applicant for an exception shall pay the application fee and apply on a form furnished by the department that includes, but is not limited to, the following information:

a. The applicant's name and address, the owner's name and address, and a legal description of the lot for which an exception is sought, and permission from owner;

b. Survey plats or other accurate drawings showing lot lines, structures, dimensions and topography as necessary to delineate commercial satellite access protection expected on each lot that would be affected by the exception, together with a graphic representation of the intersection with or intrusion into the commercial satellite access cone by the proposed structure;

c. A list of all lots that may be affected by the exception, including the names and addresses of all owners of such lots;

d. A statement and supporting information describing the reasons that less intrusive alternatives, if any, to the action that would be allowed by the exception cannot or should not be implemented; and

e. A statement certifying that the proposed structure would not obstruct commercial satellite access protected by permit.

(3) Upon determination that an application appears to comply with the requirements in Subsection (l)(2) of this section, city shall accept the application and mail notice to all property owners listed therein by certified mail, return receipt requested:

a. Informing property owners of the nature of the exception sought and date of public hearing before the commission; and

b. Including an accurate drawing showing the shadow that would be cast by the proposed structure.

(m) **Exception standards and issuance.**

(1) The commission may grant an exception with such additional conditions or restrictions as the commission deems appropriate under the standards of Subsection (3) of this section, if:

a. The applicant presents the commission with an affidavit of each owner of each affected lot declaring that such owner is familiar with the application and the effect the exception would have on the owner's lot, and that the owner has no objection to the granting of the exception;

b. The commission determines that the application complies with the requirements in this section; and

c. The commission finds that each of the requirements of Subsection (3) of this section have been met.

(2) The commission shall hold a public hearing on the exception application. Notice of hearing shall be mailed to the applicant and all property owners listed on the application by certified mail, return receipt requested, at least ten days in advance of such hearing. The applicant shall post a sign, furnished by the city, stating that a commercial satellite access application is pending. The sign shall be conspicuously posted on the applicant's lot for ten days prior to the scheduled hearing.

(3) In order to grant an exception, the commission must find that each of the following requirements have been met:

a. Because of an approved commercial satellite access permit restrictions and other land use regulations, reasonable use cannot otherwise be made of the lot for which the exception is requested, the part of the adjoining lot or lots that the proposed structure would interfere with satellite telecommunications is inherently unsuitable as a site for a commercial satellite dish, or any interference would not significantly impede the commercial satellite access of the protected lot, and such situations have not been created by the applicant;

b. The exception would be the minimal action that would afford relief in an economically feasible manner;

c. The exception would cause the least violation possible with the restrictions of the approved commercial satellite access permit and the minimum intersection with or intrusion into the commercial satellite access cone;

d. The exception would not cause more than an insubstantial interference of commercial satellite access protected by permit as defined in Subsection (k)(2) of this section; and

e. All other requirements for the issuance of an exception have been met.

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(4) The commission may grant exceptions subject to such terms and conditions as the commission finds just and equitable to assist persons whose protected commercial satellite access is diminished by the exception. Such terms and conditions may include a requirement that the applicant for an exception take actions to remove obstructions or otherwise increase commercial satellite access for any person whose protected commercial satellite access is adversely affected by granting the exception.

(5) Notwithstanding any other provisions of this section, if the applicant has a development application submitted for review that is to be heard by the commission and that would require an exception, the commission shall have authority to grant exceptions concurrent with other actions on the application, pursuant to the procedures and criteria of this article.

(6) In reviewing any application for development on surrounding property affected by an approved commercial satellite access permit, if an exception from the permit cannot be granted, the commission or director, as applicable, shall have the authority to grant a request for an increase of the floor area ratio under the criteria adopted in Section 18-02-12 of this chapter.

(n) **Appeals.**

(1) The following parties may appeal an action of the commission to the council for review concerning commercial satellite access permit applications:

a. The applicant, in the case of a denial, or approval with conditions;

b. The council, when it feels that the application is one that requires the review of the council; or

c. Any affected party, which is defined as:

1. Any person that was notified in writing because they were within 1,500 feet of the subject property; or

2. Any person that is harmed or impaired by the actions of the commission's decision.

(2) An appeal by the applicant, or by any affected party, shall be made in writing to the director within ten days following the action of the commission.

(3) An appeal by the council shall not be construed to establish a position by any council member on the appeal. An appeal by the council shall require a request by one or more council members at a regular or special council meeting within the period of appeal provided in Subsection (n)(2) of this section to review the action of the commission.

(4) In hearing an appeal or reviewing the decision of the commission on its own request, the council shall conduct a new public hearing. The standard of review shall be the

performance standards or criteria contained in this chapter or other written document or plan adopted by the council.

(5) The council may remand the application for additional evidentiary findings or for an additional public hearing, or may uphold, overturn or amend the commission's decision.

(6) Staff shall, in the case of council approvals and conditional approvals, make them a part of the approved commercial satellite access permit.

(7) Decisions of the commission on exception applications are final and not subject to appellate procedures as may be contained in this chapter.

Sec. 18-04-159. Energy Storage Systems.

(a) **Definition.** Standalone high-capacity battery systems designed to enhance either the local or wholesale electric system which are located on a site with no other principal use. This definition includes appurtenant office, utility, storage, and other required accessory structures. This use does not include energy storage systems which are accessory to and on the same site as an electric substation, power production, energy collection, or other primary use.

(b) The criteria in Section 18-02-35 shall be used in considering a Special Use Permit for this use.

(c) The following review criteria shall be used in considering a Development Plan for this use:

(1) No Development Plan shall be issued to an Energy Storage System unless it meets all requirements of the applicable regulatory agencies and has all state and federal licenses.

(2) Each installation of this use is required to be enclosed by a wall with a minimum height of eight feet. The wall shall be opaque to screen the use from surrounding properties and be designed to deter access to the equipment by unauthorized persons. Unless a different but equivalent material is specifically approved in the Development Plan review process, such screening shall be constructed of:

a. Brick;

b. Stone;

c. Architectural concrete masonry units (not smooth faced);

d. Stucco on masonry; or

e. Concrete which is integrally colored and finished with a texture, using a form liner or other finishing method, that is architecturally compatible with the development, or not colored and clad with a material that is architecturally compatible with the development.

(3) Accessory structures shall meet the setbacks required in the applicable zoning district. Energy Storage Systems shall meet the following minimum setbacks:

a. Front and street side – 100 feet.

b. Interior side and rear yards:

1. 50 feet from nonresidential property lines; and

2. 100 feet from residential property lines.

(4) The height of any building or structure shall not exceed 35 feet.

(5) On the exterior of the required wall or fence, landscaping shall be provided for screening purposes.

(d) **Warnings**.

(1) Warning signs containing all contents as required by the applicable regulatory agencies shall be provided at the entrance to the facility and along the perimeter of the energy storage system in locations determined necessary by the director.

a. The signs shall be less than four square feet, made with letters and numbers at least three inches in height.

(2) A list of hazardous fluids and materials that may be used on site shall be provided with the SUP application. All hazardous materials related to the construction, operation, and maintenance of the energy storage system shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

(e) **Decommissioning plan**. Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the energy storage system project will be properly decommissioned. The decommissioning plan shall be certified by a qualified environmental engineering or other qualified professional firm and include:

(1) Provisions describing the triggering events for decommissioning the energy storage system. Any nonfunctioning component of the system shall be decommissioned within 30 days unless the operator has shown to the Director that it is diligently repairing such component.

(2) Procedures for the removal of structures, debris, and cabling, including those below the soil surface.

(3) Provisions for the remediation of the site to levels acceptable for later development which meet all federal, state, and local environmental standards.

(4) Provisions for the restoration of the natural soil and vegetation.

(5) An estimate of the decommissioning costs to be updated upon request or on a schedule as determined necessary by the director. The director may request an

independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.

(6) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

Sec. 18-04-160. Public Utility Facilities.

(a) **Definition.** An area dedicated to public use for utility purposes, including transmission and collection lines, electric substation, gas regulator station, pumping stations, and generation or production facilities such as power plants.

(b) This section shall only apply to new utility facilities or when the utility provider upgrades the voltage in its electric transmission lines and shall not apply to any repairs, replacements or modifications to existing facilities so long as Section 18-03-86(a) is met.

(c) Aboveground storage tanks are not permitted under this use.

(d) Only the following review criteria shall be used in considering a Development Plan for this use:

(1) No Development Plan shall be issued to an electrical generating plant unless it meets all requirements of the applicable regulatory agencies and has all state and federal licenses.

(2) The width of easements or rights-of-way for new electric transmission lines shall exceed the National Electrical Safety Code standards by at least five feet. The director may waive the additional five feet if the public utility demonstrates that there are unique physical circumstances or conditions that create a hardship.

(3) Proposed electric transmission lines and their poles shall not unreasonably obstruct emergency equipment due to their location and construction or enlargement of the lines.

(4) Proposed electric transmission lines and their poles located at or near intersections shall meet the standards in Division 6 of Article VI.

(5) The height requirements established in Subsection 18-03-86 (a)(2) shall be met.

(6) Each installation of this use is required to be enclosed by a wall or solid wood fence with a minimum height of eight feet. The wall or fencing shall be solid to mitigate this use from surrounding properties and be designed to deter access to the equipment by unauthorized persons.

(7) The following setbacks from the property lines are required for this use:

a. Front (street sides) – 30 feet

b. Side – 10 feet

c. Rear – 10 feet

(8) The height of any building shall not exceed 35 feet.

(9) On the exterior of the required wall or fence, landscaping shall be provided for aesthetic purposes. The specific requirements for landscaping shall be determined by the commission or director, as applicable, as part of the approval of the Development Plan, based on one or more of the following landscape criteria:

a. Installation of ground covers, trees, and shrubs for aesthetic purposes.

b. Designing the facility to utilize natural screens, where possible.

(10) All plant materials shall be maintained in a healthy growing condition at all times. The public utility is responsible for the regular weeding, mowing, and other maintenance of all plant materials. Proper irrigation of plant materials shall be provided.

(11) **Decommissioning plan**. Depending on the type of facility, the city may require the applicant to submit a decommissioning plan prior to receiving approval to ensure that the use is properly decommissioned,

Sec. 18-04-161. Sewage Treatment Plant.

Definition. A facility for receiving and treating sewage from the city sanitary sewer system.

Sec. 18-04-162. Solar Farm.

(a) **Definition.** A series of solar energy collection systems and associated mounting hardware that are affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site with no other principal use. Definition includes appurtenant office, utility, storage, and other required structures.

(b) A solar farm shall be allowed on lots five acres or greater in area.

(c) A solar farm use may occupy up to 85 percent of a given parcel.

(d) A certified professional engineer shall certify that the foundation and design on the solar panels are within accepted professional standards, given local soil and climate conditions.

(e) Power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground.

(f) Off-street parking provided on site may be gravel or other unpaved materials as allowed by the Standards and Specifications.

(g) Systems, equipment, and structures shall not exceed 25 feet in height when ground mounted.

(h) Shade tolerant groundcover shall be provided beneath all solar panels as approved by the city's Landscape Architect.

(i) Ground-mounted solar energy collection systems as part of a solar farm shall have a minimum setback for all equipment, excluding fences, of:

(1) Front and Street Side Yards: 100 feet.

(2) Interior Side and Rear Yards:

a. 50 feet from nonresidential property lines; and

b. 100 feet from residential property lines.

(j) Systems equipment and structures shall be fully enclosed and secured by a fence or wall with a height of eight feet. Knox boxes and keys shall be provided at locked entrances for emergency personnel access.

(k) **Warnings**.

(1) Warning signs shall be provided at the entrance to the facility and along the perimeter of the solar farm in locations determined necessary by the director.

(2) The signs shall be less than four square feet, made with letters and numbers at least three inches in height, and shall include an emergency phone number of the operator which shall be answered 24 hours a day by a live operator. A nonemergency phone number for the operator shall also be displayed.

(l) **Outdoor storage**. Only the outdoor storage of materials, vehicles, and equipment that directly support the operation and maintenance of the solar farm shall be allowed except for outdoor storage that is expressly allowed in the zoning district specified elsewhere in this chapter.

(m) **Materials handling, storage, and disposal**.

(1) All solid wastes related to the construction, operation, and maintenance of the solar farm shall be removed from the site promptly and disposed of in accordance with all federal, state, and local laws.

(2) A list of hazardous fluids that may be used on site shall be provided. All hazardous materials related to the construction, operation, and maintenance of the solar farm shall be handled, stored, transported, and disposed of in accordance with all applicable local, state, and federal laws.

(n) **Decommissioning plan**. Prior to receiving approval, the applicant shall submit a decommissioning plan to ensure that the solar farm project is properly decommissioned, which shall include:

(1) Provisions describing the triggering events for decommissioning the solar farm project. Any nonfunctioning solar panel/array of the project shall be decommissioned within 30 days unless the operator has shown to the director that it is diligently repairing such solar panel/array or component.

(2) Procedures for the removal of structures, debris, and cabling, including those below the soil surface.

(3) Provisions for the restoration of the natural soil and vegetation.

(4) An estimate of the decommissioning costs certified by a professional engineer, to be updated upon request or on a schedule as determined necessary by the director. The director may request an independent third-party verification of the decommissioning costs at any time. The costs for this verification shall be reimbursed by the applicant and/or operator.

(5) A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of his successors, assigns, or heirs.

Sec. 18-04-163. Utility Or Government Installation Other Than Listed.

Definition. A public or private facility franchised or operated by the city as a utility, and which is not specifically covered by the use regulations in this chapter.

Sec. 18-04-164. Water Treatment Plant, Reservoir and Water Storage Tanks.

Definition – A facility which is part of a water system, and is used for the purifying, supplying, and distribution of drinking water, or the storage of treated or untreated water.

Sec. 18-04-165. Wireless Telecommunications, Tower and Equipment.

(a) **Definitions.**

(1) **Wireless Telecommunications, Tower.** Any type of tower or similar structure that is built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety telecommunications, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(2) **Wireless Telecommunications, Equipment.** Any equipment used for the purpose of collecting or transmitting electromagnetic signals, or to provide immediate support to such equipment or structure.

(b) **Purpose and intent**. The provisions of this subsection are in addition to, and do not replace, any obligations an applicant may have under any franchises, licenses, encroachments, or other permits issued by the city. Nothing in this section shall be construed to limit other applicable ordinances of the city not in conflict with this section. If there is a conflict between this article and other regulations and standards in this chapter, this article shall govern. This subsection also:

(1) Creates the framework for the siting of Wireless Telecommunications Facilities in a manner which protects the public health, safety, and general welfare of the community.

(2) Implements the city's policies for said facilities, as detailed below.

(3) Facilitates the comprehensive provision of wireless telecommunications services to the residents and businesses of the city.

(4) Maximizes the use of existing and approved telecommunications towers, buildings, and structures to accommodate new wireless telecommunications antennas in order to minimize the number of new telecommunications towers needed to comprehensively serve the community.

(5) Minimizes the number, height, obtrusiveness, and the visual impacts of telecommunications towers, associated equipment, and buildings.

(6) Directs wireless telecommunications facilities to areas which are least disruptive to residential, park, open space, and greenway uses, and to be as unobtrusive and invisible as reasonably possible.

(7) Ensures that the height of telecommunications towers has the least visual impact and is no greater than required to achieve service area requirements and potential co-location.

(8) Sites telecommunications towers to minimize locations which are visually solitary or prominent when viewed from residential areas or any public way.

(9) Sites telecommunications towers at locations which are obscured by vegetation, tree cover, topographic features, buildings, or other structures to the maximum extent feasible.

(10) Protects views of architecturally or historically significant structures and historically significant landscapes so that these architectural or historical resources are not impaired or diminished by the placement of telecommunications towers.

(11) Avoids potential damage to adjacent properties from telecommunications tower failures through structural design standards and setback requirements.

(c) **General applicability**. The provisions of this subsection shall apply to all wireless telecommunications facilities including towers, and any related equipment.

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(1) All public safety telecommunications are regulated by International and Federal relations and codes and are not regulated by this Code.

(2) Attachments to buildings and related equipment are regulated as an accessory use per Section 18-04-195.

(d) **Amateur radio exemption**. These provisions neither apply to nor shall they be construed to apply to Amateur Radio Operators who are licensed to operate a radio or transmitter by the Federal Communications Commission under Part 97 of the Federal Communications Commission's Rules. Amateur Radio accessory use is covered under Amateur Telecommunications Facility in Section 18-04-184.

(e) **Interference with public safety telecommunications**. No new or existing telecommunications service shall interfere with public safety telecommunications. Before the introduction of new service or changes in existing service, telecommunication providers shall notify the city at least 10 calendar days in advance of such changes and allow the city to monitor interference levels during the testing process. This does not include the installation of new equipment or modification of existing equipment.

(f) **Compliance with other laws**. A telecommunications tower shall be erected and operated in compliance with the most current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards. All telecommunications towers shall comply with all ordinances of the city which are not in conflict with this subsection. Failure to meet standards and regulations shall constitute grounds for the removal of the telecommunications facility at the owner's expense. The owners of the telecommunications facility shall provide notice to the city of any enforcement actions by the federal government or loss of license.

(g) **Wireless Telecommunications Facilities establishment and alternative siting analysis**.

(1) **Co-location preference**. The city shall promote the co-location of wireless telecommunications equipment on existing towers, buildings, or utilities elements. New standalone wireless telecommunications facilities (towers) may only be allowed where co-location of said facilities on existing towers, buildings, or public infrastructure elements is deemed infeasible through an alternative siting analysis.

(2) **Alternative siting analysis**. For all new applications for standalone wireless telecommunications towers, the applicant shall provide an alternative siting analysis to determine whether co-location on existing structures is feasible within the applicant's search ring. This shall be provided as part of the permitting process and submittal requirements pursuant to Section 18-02-02. The alternative siting analysis shall outline the feasibility of all of the following to justify the selected location:

a. ***Co-location on existing towers***. The co-location or placement of new telecommunications antennas upon existing telecommunications towers, light poles, and other standalone structures;

b. ***Placement on existing structure or building; existing structure or building utilization***. The utilization of all other existing structures and buildings for placement of antennae and associated equipment, including surface mounted and roof-mounted applications of telecommunications antennas on existing buildings and structures. (Attachments to buildings and related equipment are regulated as accessory uses in Section 18-04-195); and

c. Construction of new tower structure or substantial modification of existing structure.

(3) **New Wireless Telecommunications Towers.** New telecommunications towers are subject to a minimum separation radius of one quarter mile from another telecommunications tower unless the applicant can show that locating another wireless telecommunications tower within the prescribed distance is necessary.

(4) **Deviations.** As part of a Special Use Permit review, the city may authorize deviations from these separation standards due to special circumstances relating to natural features, scarcity of available land, and/or telecommunications operating standards.

(5) **Consulting option**. As part of the review procedures, the director shall determine the sufficiency of the information. The city may choose to hire an outside consultant to conduct a third-party review of the siting alternatives analysis in the following situations:

a. Where there are disputes of the findings between the applicant and the director; and/or

b. Where expert consultation is deemed necessary to reach conclusions of the analysis.

c. Where the city utilizes a consultant in its application review, the fee for such services shall be fixed in advance as part of the application fee for a new telecommunications facility.

(h) **Factors to be considered in granting special use permits for telecommunication towers.** In addition to the criteria stated or referred to in Section 18-02-35, the city shall consider the following factors in determining whether to issue a Special Use Permit for telecommunication facilities requiring such permits, although the city may waive or reduce the burden on the applicant of one or more of these criteria if the city concludes that the goals of this section are better served by such action.

(1) Height or size of the proposed facility relative to the scale of surrounding structures;

(2) Proximity of the facility to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Compatibility with the surrounding topography:

(5) Compatibility with the surrounding tree coverage and foliage;

(6) Design of the facility, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness and allow for co-location of antennae on proposed towers;

(7) Proposed ingress and egress;

(8) Evaluation of the applicant's plans for development of its telecommunication facilities within the city in accordance with the Comprehensive Plan of the city; and

(9) Availability of suitable existing freestanding telecommunication facilities and other structures for attachment of telecommunication antennae, the use of which would avoid construction of additional towers.

(i) **Telecommunications Tower and antenna array development standards.**

(1) **Antennae array attached to towers at time of initial construction.** No part of the attachment shall be in excess of ten horizontal feet from the tower at the time of initial construction. The height of the antennae mounted on the array shall not exceed the height limit for the tower. Antennae added as attachments to a tower after initial construction shall conform to the requirements of Section 18-04-195 or the requirements for an eligible facilities request as defined in Article XIII.

(2) **Height**. The maximum height of a ground mounted telecommunications tower, including all appurtenances and antenna arrays, shall be:

a. In non-residential districts, the maximum height above grade is as follows:

1. Eighty feet in the Regional Commercial, Business Park, Industrial-Legacy, and Employment Center-Legacy Districts.

2. Thirty-five feet in the Eastlake Business and Eastlake Office Districts.

3. Twenty-five in the Eastlake Service District.

4. Fifty feet in the Eastlake TOD District.

5. Fifty feet in all other non-residential districts.

b. In residential districts, the maximum height above grade is as follows:

1. Sixty-five feet in the Agricultural District.

2. Sixty feet in the Residential - High District.

3. Fifty feet in all other residential districts.

4. Telecommunications towers are not allowed in the Eastlake Residential and Manufactured Home–Legacy Districts.

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c. Sixty-five feet above grade in the Parks and Open Space District.

d. The height of any equipment building or enclosure shall be no greater than 16 feet.

e. Height bonus for towers with co-located antennae**.** A height bonus of an additional 20 feet shall be allowed for a tower constructed such that antennae of at least two providers can be mounted on the tower. In order to qualify for the height bonus, the applicant shall provide at the time of application written evidence satisfactory to the director of the following:

1. The method of construction is sufficient to allow the attachment of antennae for at least two telecommunications providers.

2. The applicant will make the tower available to additional telecommunications providers for the purpose of attaching and operating antennae.

(3) **Location**.

a. Telecommunications towers, antenna arrays and equipment buildings or structures shall not be located within 100 feet of an existing or future street, as identified in the adopted Thornton Transportation and Mobility Master Plan.

b. On developed lots that do not abut a public right-of-way, telecommunication facilities shall not be placed in the area between a line tangent to the Front façade or the Type 1 façade of the building and extending across the width of the lot to the nearest property line.

c. In applying for a permit for a telecommunication facility in any residential district, the applicant must present evidence as to why it is not feasible to locate in a nonresidential district.

(4) **Natural resource protection standards**. The location of any tower, antenna, or equipment building or structure shall comply with all natural resource protection standards established in the Code, including those for floodplain, wetlands, and steep slopes.

(5) **Setbacks required**. Telecommunications towers, including antenna array shall be setback at least 50 percent of the height of the tower from any property line other than a residential property line and 100 percent of the height of the tower from any residential property line or a distance equal to their engineered fall zone at a minimum, whichever is greater.

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(6) **Guys and guy anchors**. All guys and guy anchors shall be located within the buildable area of the lot and shall not be located within any utility easement, required landscape area, wetland feature, or watercourse riparian buffer.

(7) **Screening and security fencing**.

a. Security fencing shall surround the telecommunications tower base, all guy anchors, and equipment.

b. The compound area and all guy anchors shall be secured with a solid fence or wall of not less than six feet in height nor more than 8 feet in height.

c. A security wire (barbed, razor, etc.) may be located on the telecommunications tower-side of the fence but shall not extend above the top of the fence.

d. Where two or more telecommunications providers have facilities on the same site, the design of screen walls and/or fences shall be coordinated to present a unified appearance.

e. The type of fence shall be of high-quality masonry construction and/or shall, in the determination of the director, be compatible with development in the surrounding area.

f. For towers using stealth design, the requirements for a solid screen wall or fence shall be met except they may be modified or waived by the director if determined necessary to coordinate with the type of stealth design used.

(8) **Landscaping.**

a. Landscaping shall be planted along the outside edge of any required screen wall or fence to screen a ground-mounted tower base. This requirement may be modified by the director as provided in Subsection (i)(8)d of this section below. Landscaping shall consist of one or more of the following as determined by the commission, in the case of Special Use Permits, and by the director, in the case of Development Plans:

1. An evergreen hedge planted a maximum of three feet on center, and using a plant species that will reach six feet in height within three years of planting;

2. A row of evergreen and deciduous trees equivalent to one tree for every 25 lineal feet of fence or wall. At least 75 percent of the trees shall be evergreen species. The deciduous trees shall be no less than 2.5-inch caliper at the time of planting. The evergreen trees shall be at least six feet tall. The trees may be clustered to provide a natural looking appearance; or

3. A combination of hedges and trees.

b. Existing vegetation (trees and shrubs) shall be preserved to the maximum extent possible.

c. All other landscaping requirements provided in Article VIII of this chapter shall apply.

d. The requirement to provide landscaping along the outside edge of the screen wall or fence may be modified or waived by the director as follows:

1. Where the tower is located in agricultural or non-urbanized areas or on undeveloped lots where landscaping would be impractical, the requirement may be waived.

2. Where the tower base is located in an area not visible to the general public or inappropriate for landscaping, the director may allow the required landscaping to be redistributed on the site so that it improves the general appearance of the site.

3. In cases where stealth designed towers are proposed, the landscaping requirements may be modified or waived by the director upon determination that such action is appropriate to coordinate with the type of stealth design proposed.

(9) **Structural design**. A telecommunications tower shall be designed and built so as to:

a. Be capable of use by at least two wireless communications providers for a telecommunications tower less than 80 feet in height;

b. Be capable of use by three or more wireless communications providers for a telecommunications tower of 80 feet in height or greater;

c. Accommodate antenna arrays consisting of 9 to 12 antennas for each array, provided, however, this regulation shall not apply to slick antenna applications;

d. Locate such antenna arrays within 15 vertical feet of each other;

e. Have no more than three degrees of twist and sway at the top elevation; and,

f. Provide internal cable routing for all tapering monopole telecommunications towers.

g. Meet or exceed associated State and Federal structural standards relating to telecommunications standards (e.g., EIA-222).

(j) **Telecommunications Tower and antenna array design standards**. The following design standards apply to new telecommunications towers and associated antenna array facilities.

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(1) **Use of camouflage and stealth design.** All towers shall be camouflaged as defined in Article XIII of this chapter, except in cases in which the director determines that a specific tower shall use stealth design as defined in Article XIII of this chapter.

a. The director, or the commission as a condition of approval for a Special Use Permit, may require stealth design if it is determined by the city that the tower is within:

1. Three hundred feet of property zoned for residential development.

2. The City Center-Legacy District.

3. A sensitive view corridor along a major arterial, state highway or interstate highway.

4. A sensitive view corridor from publicly owned park or open space land to the front range.

b. Stealth design shall be consistent with the environmental features or architectural style of the subject site. Strategies to achieve this include, but are not limited to:

1. Using the same or similar building colors and materials of an existing structure on-site; and/or

2. Selecting a model of stealth which is commonly found on or near the subject site and/or existing structures (i.e. a silo in an Agricultural Zone District or a bell tower near a Religious Institution).

(2) **Color.** Towers using camouflaging shall be painted a non-contrasting blue, gray, white or similar color to match the surrounding built or natural environment and to minimize their visibility. Towers using stealth design shall be painted or finished in a manner consistent with the type of stealth design being used.

(3) **Use of monopoles.** Telecommunications towers that are camouflaged as opposed to stealth in design shall be constructed using monopole-style towers, except public safety telecommunications facilities may use lattice-work towers.

(4) **Signs prohibition**. No lettering, symbols, images, trademarks, signs, or advertising shall be placed on or affixed to any part of a telecommunications tower, antenna array or antenna, other than as required by Federal Communications Commission regulations regarding tower registration or other applicable law.

(5) **Lighting**. No signals, lights, or other illumination shall be permitted on telecommunications towers unless required by the Federal Communications Commission, the Federal Aviation Administration, or the city. Equipment structures may be equipped with security lighting provided that light fixtures are shielded and comply with requirements of Section 38-442.

(6) **Equipment buildings and structures.**

a. Unless equipment is placed in an underground vault or housed in a weatherproof cabinet system, wireless telecommunications ground equipment facility shall be in an enclosed and roofed building or structure. The equipment building or structure shall be constructed in an architectural style and with building materials that coordinate with any principal building on the site, except if the principal building(s) are of poor quality, the equipment building or structure shall be constructed of high quality masonry such as brick or split face block.

b. The maximum size of any equipment shelter shall not exceed 240 square feet or 720 square feet for all shelters combined.

c. Where two or more telecommunication providers have facilities on the same site, the equipment buildings and structures associated with each provider shall be constructed so that the architectural design and building materials are coordinated, and the buildings shall be clustered together.

(7) **Engineering compliance for modifications**. If any additions, changes or modifications are to be made to a telecommunications tower, the director may require proof, through the submission of engineering and structural data, that the addition, change or modification conforms to structural wind load and all other requirements of the City's Building and Development Codes.

(k) **Wireless Telecommunication Facilities in public rights-of-way.**

(1) **Applicability.** Wireless telecommunications antennae may be installed or constructed in public rights-of-way regardless of the zoning district in which the rights-of-way are located, subject to the provisions of this section. Public safety telecommunication towers may only be installed or constructed in public rights-of-way if granted a waiver by the director in accordance with Subsection (k)(5) below.

(2) **Location.** All wireless telecommunication facilities located within public rights-of-way shall be mounted on or within existing structures such as light poles, power poles, or traffic signals or signs, unless approval is obtained from the director for mounting such telecommunications facilities on a new structure. The new structure shall resemble such structures as light poles, power poles, or traffic signals or signs that are typically found in public rights-of-way. The use of a new structure shall have the effect of using stealth design and shall not add to the visual clutter in the public right-of-way.

(3) **Design.** Wireless telecommunication facilities located within public rights-of-way shall be stealth designed as the term is defined in this section.

(4) **Size.** No wireless telecommunication facility shall obstruct a visibility triangle as the term is defined in Division 6 of Article VI of this chapter.

(5) **Waivers.** With the exception of Subsection (k)(4) of this section, the director may waive the requirements of this subsection for public safety telecommunication facilities. If granted a waiver, public safety telecommunications facilities must comply with the "Factors to be Considered in Granting Special Use Permits for Telecommunication Towers", and "Telecommunications Tower and Antenna Array Design Standards" requirements of this section.

(l) **Abandonment and removal of telecommunications towers, antenna arrays, and associated equipment**. The following standards apply to all telecommunications features and their associated elements – these standards ensure inoperable features are removed.

(1) **Abandonment**. Telecommunications towers, antenna arrays, and associated equipment which have not been used for a period of one year shall be deemed abandoned and shall be removed from the site unless an application to resume use is under review by the city.

(2) **Notice required**. The owner of the telecommunications tower and the last service provider to use a telecommunications tower shall notify the director within 30 days via certified US Mail that use of a telecommunications tower has been discontinued.

(3) Upon abandonment or discontinuation of use, the provider shall physically remove the wireless telecommunication facility within 90 days from the date of abandonment or discontinuation of use. The term "physically remove" shall include, but not be limited to:

a. Removal of antennae, mounts, equipment shelters and security barriers from the subject property.

b. Proper disposal of the waste materials from the site in accordance with local and state solid waste disposal regulations.

c. Restoration of the site to its natural condition, except that any grading and landscaping deemed fit to survive shall remain.

(4) If a provider fails to remove a wireless telecommunications facility in accordance with this section, the city shall have the authority to enter the subject property and physically remove the facility by the regulations provided in Article I, Division 3 of this chapter. The commission may require the applicant to post a bond at the time of construction to cover potential costs for the removal of the wireless telecommunications facility in the event that the city must remove the facility.

Sec. 18-04-166. Reserved.
Sec. 18-04-167. Reserved.
Sec. 18-04-168. Reserved.
Sec. 18-04-169. Reserved.

DIVISION 10. ACCESSORY USES SUPPLEMENTAL STANDARDS

Sec. 18-04-170. Accessory use allowances.

(a) **Accessory uses table.** The following shall be used in the interpretation of Table 18-04-171.1.

(1) **Permitted uses.** Uses which are marked as "P" in the table shall be allowed accessory uses subject to all applicable regulations of this chapter.

(2) **Limited uses**. Uses which are marked as "L" in the table shall be allowed accessory uses with limitations as established for each use.

(3) **Special uses.** Uses which are marked as "S" in the table shall be allowed accessory uses after the approval of a Special Use Permit, as detailed in Section 18-02-35.

(4) **Prohibited uses.** A blank space in the table indicates that use is not permitted.

(5) **Uses not listed.** A use not specifically listed is prohibited unless the director determines that the use meets the definition of an Accessory Use as established in Section 18-04-172, per the Administrative Interpretations process established in Section 18-02-19.

(6) **Supplemental standards.** If a use has supplemental standards, they are referenced in the Supplemental Standards column.

(7) **Other districts.** The POS, PD-L, NW-O, DR, MC-L, and PD-O Districts are not included in Table 18-04-171.1. The allowed uses in these districts shall be as detailed below:

a. **DR**. Uses allowed in the DR District shall be as detailed in Section 18-03-44.

b. **MC-L**. Uses allowed in the MC-L District shall be as detailed in Section 18-03-58.

c. **POS**. Uses allowed in the POS District shall be aligned with the Thornton Parks and Open Space Master Plan and as determined through Development Plan review, as detailed in Section 18-03-46.

d. **PD-L and PD-O**. Uses allowed in a PD-L and PD-O Districts shall be as established through the PD approval process, as detailed in Section 18-02-38.

e. **NW-O.** Uses allowed in the NW-O district shall be the uses allowed in the underlying base district unless otherwise specified in Section 18-03-64 and elsewhere in this chapter.

f. **MC-L.** Uses allowed in the MC-L District shall be as detailed in Section 18-03-58.

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Sec. 18-04-171. ACCESSORY USES TABLE.

Table 18-04-171.1 Accessory Uses.

Table key:
P = Permitted use
L = Limited use
S = Special use

Use	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Accessory Building / Structure	18-04-173	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Commercial Unit	18-04-174	L		L	L	L													P				
Accessory Community Center, Private	18-04-175	S	P	S	S	P	P	P					S						S	S			
Accessory Dwelling Unit	18-04-176	P		P	P	P													P	P			
Accessory Fleet Vehicle Storage / Maintenance	18-04-177									S	S	S						P					
Accessory Food Truck Court	18-04-178					L	L	P	L	P	P	L			P	P	P				P	P	
Accessory Game Court, Private	18-04-179	S	P	S	S	P	P	P											S	S			
Accessory Outdoor Merchandise Display and Sales	18-04-180						P	P	P	P	P	P		P	P	P	P		S		P	P	P
Accessory Outdoor Seating	18-04-181					P	P	P	P	P	P	P		P	P	P	P				P	P	P
Accessory Outdoor Storage	18-04-182	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory Retail / Restaurant	18-04-183					L	P	P	P	P	P	P											

Use	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Amateur Telecommunications Facility	18-04-184	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Drive Through Facilities	18-04-185									S	S	S									S		S
Golf Safety Net	18-04-186	S	S	S	S	S	S	S	S	S	S	S	blank						S	S	S	S	S
Home Occupation	18-04-187	P	P	P	P	P	P	P	P	P	P		P	blank	P				P	P	P		
Private Stables	18-04-188	P		S	S				blank	blank				blank					P				
Short Term Rental	18-04-189	P	S	P	P	S	S	S	blank				P		blank				P	P			
Solar Energy Collection System, Canopy	18-04-190	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Ground Mounted	18-04-191	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Solar Energy Collection System, Roof Mounted	18-04-192	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Swimming Pool, Private	18-04-193	P	P	P	P	P	P	P	blank	blank		blank	P						P	P			
Urban Garden	18-04-194	P		P	P	P	P	P	blank				P						P	P			
Wind Energy Conversion Systems	18-04-195	P	P	P	P	P	P	P	P	P	P	P	S	S	S	S	S	P	P	S	S	S	S
Wireless Telecommunications, Building/Structure Mounted	18-04-196	L		L	L	L	L	L	L	L	L	P	P	P	P	P	P	P	P	L	P	P	P

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Sec. 18-04-172. General provisions for accessory uses.

(a) An accessory use shall be a use customarily incidental to a main use. A use listed as a principal use in Tables 18-04-09.1 through 18-04-09.8 may be an accessory use if the director determines that the use is customarily incidental to a main use and otherwise complies with this section. Except as otherwise provided in this article, an accessory use shall comply with all regulations applicable to the main use.

(b) Except as otherwise provided in this article, an accessory use shall be located on the same lot as the main use.

(c) Except as otherwise provided in this chapter, an accessory use listed in Section 18-04-171 is subject to the following area restrictions. If the use is conducted outside, it may not occupy more than five percent of the area of the lot containing the main use. If the use is conducted inside, it may not occupy more than five percent of the floor area of the main use. Any use which exceeds these area restrictions is considered to be a main use.

(d) Parking lots are considered to be an accessory use but are not limited by the area limitations in Subsection (c) of this section.

(e) Except as otherwise provided in this chapter, an accessory use is permitted in any district in which the main use to which it is accessory is permitted.

(f) Except as otherwise allowed in this chapter, no trailers, containers, shipping containers, commercial boxes, vehicles, or similar structures shall be used as accessory structures.

(g) The storage of equipment, materials or vehicles shall be limited to the permitted uses on site.

(h) Fuel pumps are permitted as an accessory use only if they comply with the following:

(1) The pumps are available only to the owner and tenant of the main building and not available to the general public.

(2) The fuel pump and any sign relating to the pump shall not be visible from the public street. No sign may be erected indicating the availability of motor vehicle fuel.

(3) Fuel pumps shall be located at least 40 feet from a property line.

(i) Electric vehicle chargers are permitted as an accessory use in any zoning district in accordance with the requirements and criteria of Section 18-09-35(h) that are available to the general public and/or to the owner and tenant of the main building.

(j) In the Business Park District accessory Outdoor Storage may occupy up to ten percent of the lot. Outdoor Storage that occupies more than ten percent and up to 20 percent of the lot is only allowed by SUP. In addition to the requirements in Section 18-02-35 for SUPs, all accessory Outdoor Storage applications in the BP District shall be evaluated based upon the following additional requirements:

(1) All portions of the lot occupied by accessory Outdoor Storage shall be setback a minimum of 25 feet from public or private streets and 15 feet from any property line;

(2) Accessory Outdoor Storage shall be screened from adjacent public or private streets and any properties not zoned for industrial uses. Required screening shall be comprised of solid fencing or masonry walls of no less than six feet in height and no greater than ten feet in height as determined through the Development Plan process;

(3) On the exterior of the required wall or fence, landscaping may be required for aesthetic purposes. The specific requirements for landscaping shall be determined as part of the approval of the Development Plan; and

(4) If Outdoor Storage is made up of any materials that are flammable, all flammable materials shall be surrounded by a buffer (such as a fence or wall) made of non-combustible material.

(k) In the Development Reserve District some traditional accessory uses may not be allowed.

(1) New accessory use structures will be permitted subject to the structures not being larger than 25 percent of the gross square footage of existing permanent structures on the site.

(2) Accessory Outdoor Merchandise Display and Sales for the sale of products raised or produced on the site or temporary Christmas tree sales are allowed.

(3) Home occupations are allowed.

(4) For agricultural operations on the site, agricultural buildings to service those uses may be allowed subject to meeting applicable setbacks and height restrictions.

Sec. 18-04-173. Accessory Building / Structure.

(a) **Definition.** A structure that is clearly incidental to and customarily found in connection with a principal building, that is located on the same parcel. Accessory structures include but are not limited to canopies, composting bins, garages, carports, sheds, cisterns, decks, patios, pergolas, and gazebos.

(b) **Restrictions**.

(1) This use is not subject to the area restrictions in Section 18-04-172.

(2) The combined area of all accessory buildings/structures on a lot shall not exceed the maximum allowed lot coverage per district as established in Article III.

(c) **Compatibility.** The exterior of an accessory building/structure shall be compatible with the principal building in terms of color, exterior building cladding materials, and roof style and materials.

(d) **Prohibited for use.**

(1) Campers, camper buses, manufactured homes, travel trailers and recreational vehicles are not permitted for use as an accessory building or structure unless otherwise allowed in this division.

(2) Shipping containers used as accessory buildings in residential zone districts shall be prohibited unless reviewed and approved through the Development Plan review process.

(e) **Setbacks.** Accessory buildings/structures shall meet the dimensional lot standards established in the Dimensional Standards Tables within each zone district in Article III.

Sec. 18-04-174. Accessory Commercial Unit.

(a) **Definition.** An occupation or profession conducted within a dwelling unit or accessory building by a resident of the dwelling that is incidental to the primary use of the dwelling as a residence. Accessory commercial units may be visible from the frontage and employ people who are not residents of the dwelling.

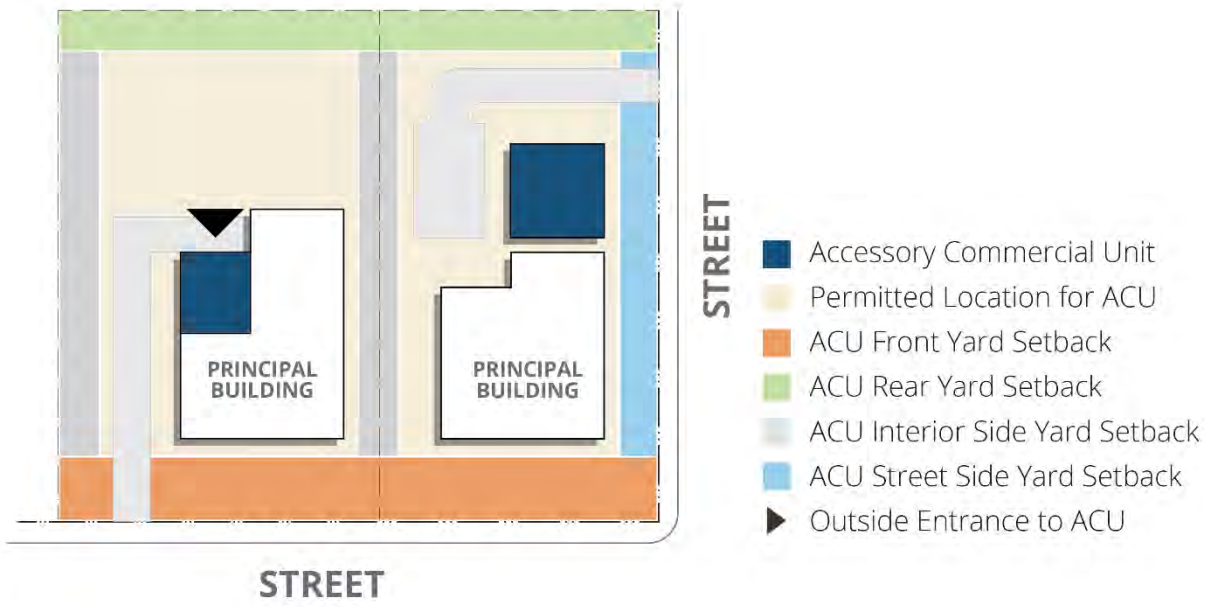
(b) **Number.** One accessory commercial unit shall be allowed per lot.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-171.1 as a limited use, subject to the condition that an accessory commercial unit is allowed on lots developed with Dwelling, 1 Unit Detached only.

(d) **Location.** An accessory commercial unit may be located interior to the principal dwelling or in an accessory building meeting all standards of Section 18-04-173, as shown in Figure 18-04-174.1.

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Figure 18-04-174.1 Accessory Commercial Unit.



(e) **Employees.**

(1) A maximum of two people in addition to the residents of the one-unit dwelling use on the property may be employed by an accessory commercial use.

(2) On-site parking, above and beyond what is required for the dwelling, shall be provided for the number of employees expected to be on the premises at one time.

(f) **Outside entrance.** If located within the principal dwelling, the commercial unit may have a private entrance, but such an entrance shall be located on or facing the interior side or rear of the principal dwelling.

(g) **On-site customers/clients.**

(1) An accessory commercial unit may receive customers or clients on site by appointment only or at a rate established per the Special Use Permit approval process in Section 18-02-35.

(2) On-site parking, above and beyond what is required for the dwelling, shall be provided for the number of customers expected to be on the premises at one time.

(h) **Signs.** One freestanding sign, meeting the following standards shall be allowed per accessory commercial unit.

(1) **Sign area.** The maximum sign area shall be four square feet;

(2) **Sign height.** The maximum sign height shall be six feet; and

(3) **Location.** The sign shall be located per the setback regulations for freestanding signs in Article XI, Division 4 of this chapter.

(i) **Prohibited Accessory Commercial Unit uses.** The following uses shall be prohibited as accessory commercial unit uses:

(1) All public uses;

(2) All commercial uses with the exception of artisan manufacturing, general office / professional services, and personal services;

(3) All industrial and automotive uses with the exception of commercial kitchens;

(4) All utilities and infrastructure uses; and

(5) Except in the Agricultural District, all agriculture and animal related uses with the exception of the sale of products gleaned from uses specifically allowed in the applicable zone district such as eggs from backyard chickens and honey from beekeeping.

(j) **Hours of operation.** Accessory Commercial uses shall operate only between the hours of 8 a.m. and 8 p.m.

(k) **Other prohibitions.**

(1) No commercial unit shall endanger the health, safety, or welfare of the occupants of the residence or the neighborhood.

(2) The commercial unit shall not generate any adverse impacts such as, but not limited to, noise, vibrations, smoke, dust, odors, heat, glare or interference with radio or television transmissions in the area noticeable at or beyond the property line.

(3) No toxic, explosive, flammable, radioactive, or other hazardous materials, including ammunition, as defined by the International Building Code or the International Fire Code of the City of Thornton, shall be used, sold, or stored on the site for the use and in association with the commercial unit.

Sec. 18-04-175. Accessory Community Center, Private.

(a) **Definition.** An integral part of a residential project that is under the management and unified control of the operators of the project or development, and that is used by the residents of the project or development for a place of meeting, recreation, or social activity.

(b) A Private Community Center shall not be operated as a business.

(c) This accessory use need not be located on the same lot as the main use.

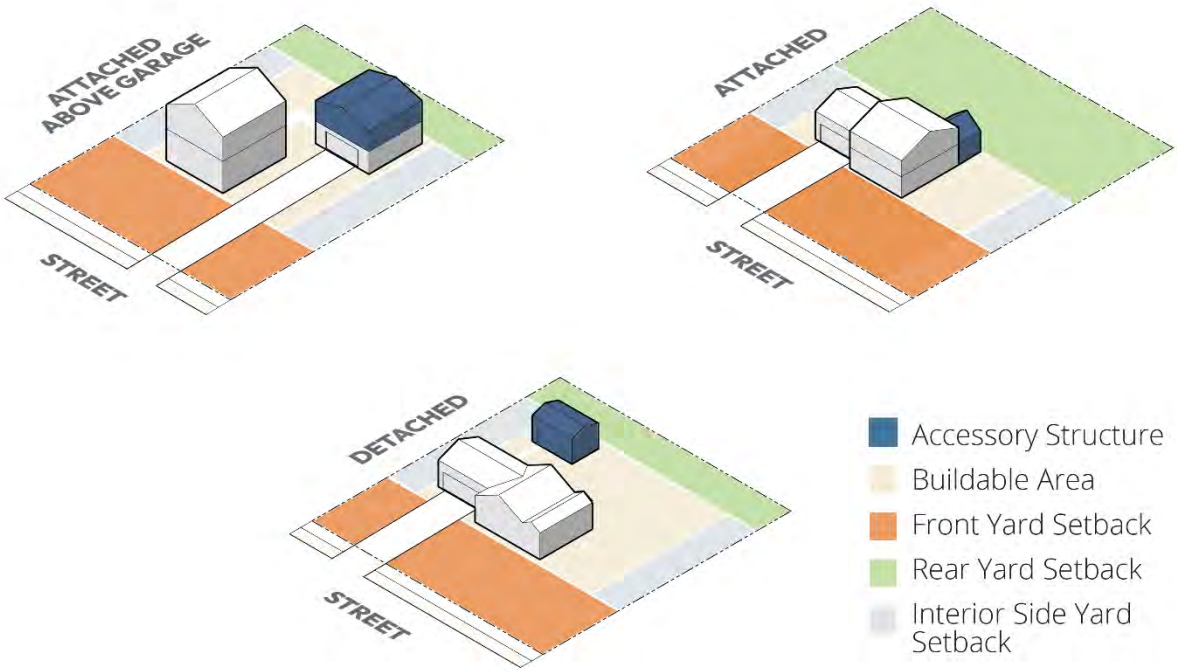
(d) The area restrictions in Section 18-04-172 do not apply to this use.

Sec. 18-04-176. Accessory Dwelling Unit (ADU).

(a) **Definition.** A dwelling unit located on a lot with an existing primary dwelling unit that provides independent living facilities for one or more individuals and includes facilities for living, sleeping, eating, cooking and sanitation with no access to the primary unit. This use may also be referred to as an ADU.

(b) Accessory Dwelling Units may be located within the principal dwelling unit, attached to the principal dwelling unit, or located separately on the same lot as the principal dwelling unit as shown in Figure 18-04-176.1. If attached or within the principal dwelling unit, an accessory dwelling unit shall have an exterior point of egress separate distinct from the primary dwelling unit and a separate address.

Figure 18-04-176.1 Accessory Dwelling Unit example locations.



(c) Accessory Dwelling Units shall be allowed accessory to Dwelling, 1 Unit Detached uses only.

(d) An Accessory Dwelling Unit is not permitted to have more than one kitchen as defined in Article XIII. When an ADU is added to the principal dwelling unit or as a detached ADU on the Dwelling, 1 Unit Detached lot, the principal dwelling unit is not permitted to have more than one kitchen.

e. Only one Accessory Dwelling Unit is allowed per lot.

f. Any Accessory Dwelling Unit shall meet the same development standards required for the principal dwelling unit unless otherwise noted in this chapter.

g. A certificate of occupancy may only be issued to an Accessory Dwelling Unit if the principal dwelling unit associated with it has a Certificate of Occupancy (CO) in place or is issued a CO concurrently with the CO issued for the Accessory Dwelling Unit.

h. Required parking shall be located on the same lot as the principal dwelling unit and identified on the site plan required as part of a Development Plan.

i. Accessory Dwelling Units shall comply with all applicable building and fire codes as adopted by the city.

j. Approval of an Accessory Dwelling Unit is subject to verification of adequate water and sewer capacity.

k. **Size requirements.**

(1) The maximum size for an accessory dwelling unit shall be 1,000 square feet or 50 percent of the gross floor area of the primary residence, whichever is greater.

(2) For the purposes of this subsection, area calculations shall exclude any garage, porch, or similar area.

(3) The area restrictions specified in Section 18-04-172 do not apply.

(l) The property owner, as reflected in title records and evidenced by voter registration, vehicle registration or other similar means, must occupy either the principal dwelling unit or accessory dwelling unit.

(m) Manufactured homes, campers, camper buses, travel trailers and recreational vehicles are prohibited as Accessory Dwelling Units.

(n) **Deed restrictions.**

(1) Prior to the issuance of a building permit for an Accessory Dwelling Unit, the property owner shall file with the county clerk and recorder a declaration of restrictions to the deed for the property where the accessory dwelling unit will be located. At a minimum, the restrictions shall state:

a. The Accessory Dwelling Unit shall not be sold separately from the principal dwelling unit, nor shall the lot on which it is situated be subdivided unless such subdivision has been approved by the city in accordance with all provisions of Chapter 18 of the Code;

b. The Accessory Dwelling Unit shall comply with an approved Development Plan;

c. The certificate of occupancy for the Accessory Dwelling Unit shall be in effect only so long as either the principal dwelling unit or the accessory dwelling unit is occupied by the owner of record; and

d. All restrictions run with the land and are binding upon any successor in ownership of the property.

(2) It shall be unlawful for any property owner to fail to comply with the deed restrictions.

(3) The deed restrictions shall lapse upon removal of the Accessory Dwelling Unit. Upon verification of removal of an Accessory Dwelling Unit, the city shall record appropriate documentation releasing such encumbrance. The property owner shall pay all required recording fees, and it shall be the property owner's responsibility to ensure that such recording is successfully completed.

Sec. 18-04-177. Accessory Fleet Vehicle Storage / Maintenance.

(a) **Definition.** Indoor or outdoor area for the storage of motor vehicles owned or leased by a business, government agency, or other organization rather than by an individual(s) and an accompanying indoor area for vehicle service work. Maintenance may include fueling of fleet vehicles but does not include sale of vehicle fuels.

(b) **Storage.** Fleet vehicle storage shall be allowed only in parking areas meeting all landscape and screening requirements.

(c) **Maintenance.** Fleet vehicle maintenance shall occur indoors only.

Sec. 18-04-178. Accessory Food Truck Court.

(a) **Definition.** A permanent site for the location of one or more food trucks simultaneously accessory to a primary use.

(b) **Requirements**.

(1) A minimum of 10 feet of clearance shall be provided between all individual food trucks and from buildings.

(2) The area for a Food Truck Court shall be clearly defined and separated from all patron parking with an enclosure. Any use of fencing or planters to separate the food truck court from parking shall provide visibility into the site and shall not exceed four feet in height.

(3) A minimum of one outdoor dining table with seating and a waste receptacle shall be provided per food truck. At least one shade element per Food Truck Court, shall be provided.

(4) Electrical service shall be provided to each food truck, no generators shall be allowed.

(5) Food trucks shall be inspected in accordance with Colorado State and Adams County requirements and meet all requirements of Article XI of Chapter 42.

(c) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-171.1 as a limited use, subject to the condition that this use shall not exceed 3,500 square feet.

Sec. 18-04-179. Accessory Game Court, Private.

(a) **Definition.** A game court for engaging in tennis, handball, racquetball, or similar physical activities for the use of residents and their guests of a residential main use.

(b) A Private Accessory Game Court shall not exceed the lot coverage restrictions allowed by the zoning district.

(c) A Private Accessory Game Court need not be located on the same lot as the main use.

Sec. 18-04-180. Accessory Outdoor Merchandise Display and Sales.

(a) **Definition**. The outside placement of merchandise for sale.

(b) **Principal use.** Outdoor Display and Sales shall be allowed accessory to a legally conforming principal use only.

(c) **Location.** Accessory Outdoor Display and Sales areas may be located:

(1) On a private sidewalk directly in front of the principal use to which the outdoor display and/or sales is accessory so long as:

a. A clear pathway at least five feet wide is maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required by the director to ensure the safe and convenient flow of pedestrian traffic; and

b. A clear separation of at least five feet is maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required by the director to ensure use of the public or emergency access features.

(2) In a parking lot so long as:

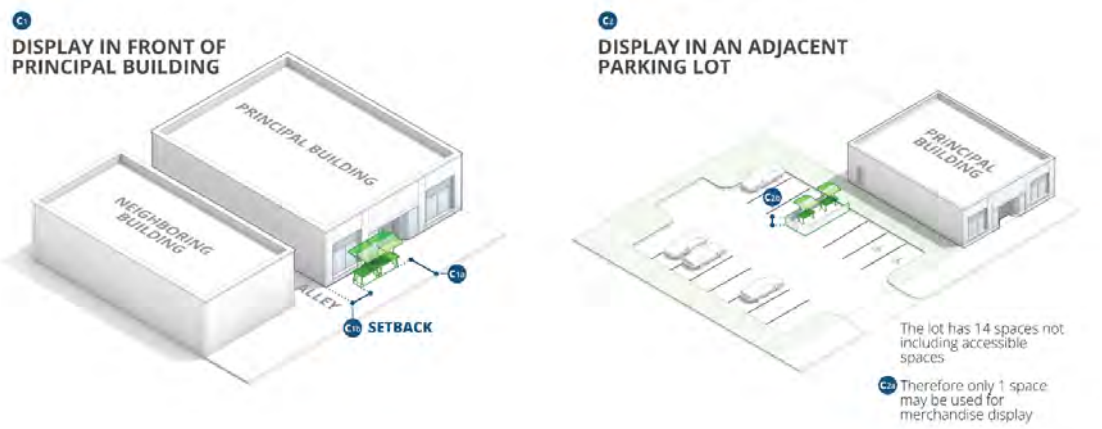
a. No more than 10 percent of the required parking spaces per the standards of Section 18-09-21 are utilized, with exception of accessible parking spaces which must not be occupied by this use; and

b. The outdoor display and sales area is surrounded by a barrier with a minimum height of three feet and maximum height of four feet.

(3) All other locations which are not within any required yard setback, per Article III, or within any easements.

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Figure 18-04-180.1 Accessory Outdoor Merchandise locations. (The letters and numbers in Figure 18-04-180.1 refer to the subsection letters and numbers contained within subsections 18-04-180(c).)



(d) **Noise.** No sound production or reproduction machine or device including, but not limited to musical instruments, loud-speakers, and sound amplifiers shall be used, operated, or played in an outdoor display area within 750 feet of a residential use or residentially zoned property except in mixed use zones.

(e) **Hours of operation.** Hours of operation shall be the same as those for the principal use to which the outdoor display area is accessory.

Sec. 18-04-181. Accessory Outdoor Seating.

(a) **Definition.** The provision of on-site or on sidewalk outdoor seating areas by a restaurant, bar, or other use where food or beverages are served for consumption. This use does not include ancillary seating such as a bench.

(b) **Location.** Accessory Outdoor Seating areas may be located:

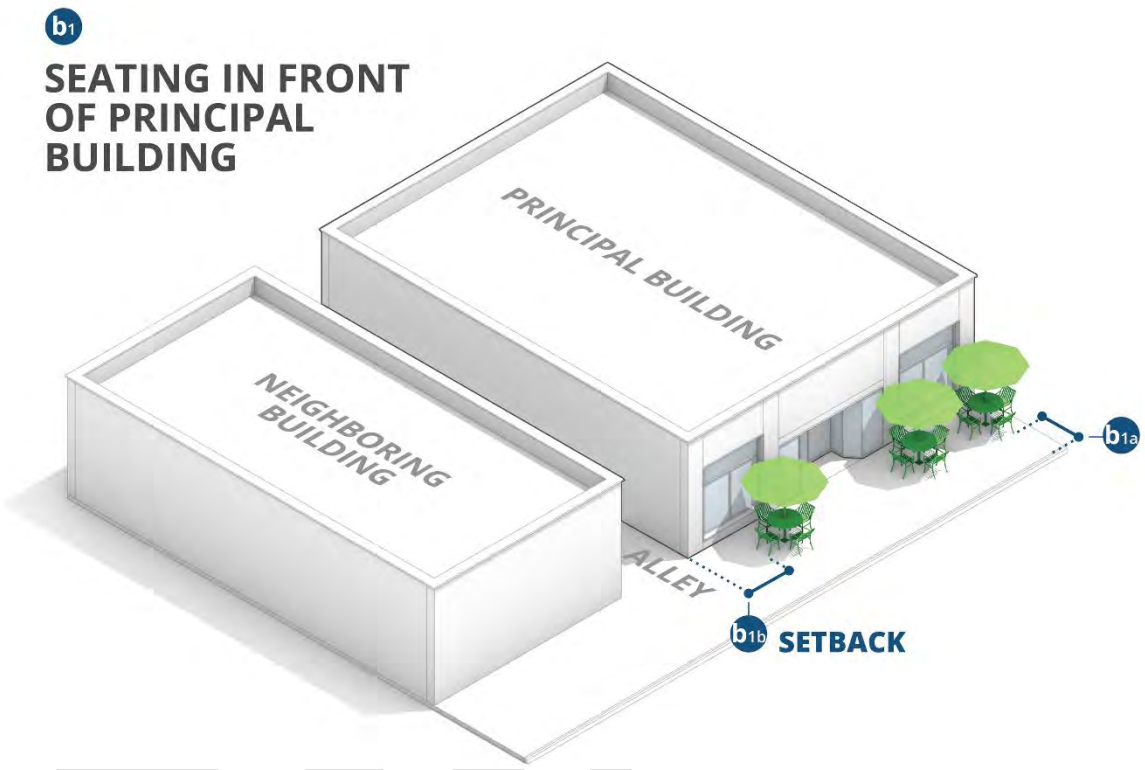
(1) On a private sidewalk directly in front of the principal use to which the outdoor seating is accessory so long as:

a. A clear pathway at least five feet wide is maintained to allow public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required by the director to ensure the safe and convenient flow of pedestrian traffic; and

b. A clear separation of at least five feet is maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required by the director to ensure use of the public or emergency access features.

c. All other locations which are not within any required yard setback, per Article III, or within any easements.

Figure 18-04-181.1 Accessory Outdoor Seating. (The letters and numbers in Figure 18-04-181.1 refer to the subsection letters and numbers contained within subsections 18-04-181.1 (b).)



(c) **Furnishings.**

(1) Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality design, materials, and workmanship to ensure the safety and convenience of area occupants and compatibility with adjacent uses.

(2) If located on a public sidewalk, no tables, chairs, umbrellas, or other furnishings or equipment associated with the outdoor seating area shall be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture within the outdoor seating area. Use of the public right-of-way requires a revocable permit per the City Charter.

(d) **Noise.** No sound production or reproduction machine or device including, but not limited to musical instruments, loud-speakers, and sound amplifiers shall be used, operated, or played in an outdoor seating area within 750 feet of a residential use or residentially zoned property except in mixed-use zones.

Sec. 18-04-182. Accessory Outdoor Storage.

(a) **Definition.** The outside placement of an item for a period in excess of 24 hours, as an accessory use to the principal use.

(b) Accessory Outdoor Storage shall be screened from view from the public right of way and adjacent property not zoned for industrial uses by at least one of the following, listed in priority order:

(1) The principal building;

(2) A fully opaque wall or fence meeting the materials standards of Section 18-06-10 with a minimum height of eight feet and a maximum height of 10 feet; and/or

(3) A landscape buffer as detailed in Article VIII, Division 3 of this chapter.

(c) A person shall not place, store, or maintain outside for a period in excess of 24 hours, an item which is not:

(1) Customarily used or stored outside; or

(2) Made of a material that is resistant to damage or deterioration from exposure to the outside environment.

(d) Except as otherwise provided in this section, accessory Outdoor Storage is not permitted in the front yard or on an unenclosed front porch of a residential building or a carport.

(e) It is a defense to prosecution under Subsection (b) of this section that the item is:

(1) An operable motor vehicle parked in a manner that meets off-street parking regulations for residential uses contained in Section 18-09-24;

(2) A boat, trailer, or recreational vehicle parked in a manner that meets off-street parking regulations for residential uses contained in Section 18-09-24;

(3) Landscaping or other ornamental structures placed in the front yard or on a front porch for landscaping purposes, or lawn furniture made of a material that is resistant to damage or deterioration from exposure to the outside environment; or

(4) Located on an unenclosed front porch and not visible from the street.

(f) A person shall not use more than five percent of the lot area of a premises for accessory outdoor storage in a residential district. The area occupied by an operable motor vehicle parked in a manner that meets off-street parking regulations for residential uses contained in Section 18-09-24 is not counted when calculating the area occupied by accessory outside storage.

(1) Nonresidential accessory uses are subject to the area limitations in Section 18-04-172 unless otherwise stated in this chapter.

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Sec. 18-04-183. Accessory Retail / Restaurant.

(a) **Definition.** A commercial retail or restaurant use accessory to a nonresidential or Multi-Unit Dwelling use and located within the same building as such use.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-171.1 as a limited use, subject to the condition that this use shall not exceed 2,000 square feet.

(b) All permanent and temporary signs associated with the Accessory Retail / Restaurant use shall count towards the maximum permanent and temporary signs allowed for the lot.

Sec. 18-04-184. Amateur Telecommunications Facility.

(a) **Definition.** A non-portable Wireless Telecommunication Facility or attachment used for the sole purpose of non-commercial transmissions within the radio spectrum. This spectrum includes, but is not limited to, amateur and citizen's band radio service.

(b) **Maximum height and size.**

(1) **Towers and antennae other than dishes.** Seventy-five feet, measured from the highest extent of an amateur telecommunication facility to grade as defined in Article XIII of this chapter. The height of telescoping towers shall be measured in the fully extended position.

(2) **Ground-mounted radio dishes.** The height of the dish from grade shall not exceed four feet plus the diameter of the dish. Ground-mounted radio dishes more than eight feet in diameter are not permitted.

(3) **Building-mounted radio dishes.** The height of the dish measured from the point of attachment to the roof shall not exceed four feet plus the diameter of the dish. Building-mounted radio dishes 40 inches or more in diameter are not permitted.

(c) **Maximum number.** Any lot shall not contain more than one amateur communications tower. The number of amateur telecommunication antennae per tower, and the number of freestanding amateur telecommunication antennae per lot, is not restricted.

(d) **Setback requirements.**

(1) In this subsection, the facility is defined by the smallest imaginary rectangular prism that contains all the extremities of the structure, with the exception of guy wires and anchor points.

(2) Amateur communication facilities, including guy wires, anchor points and support structures, shall not encroach into a "front view area" as defined in Article XIII in this chapter.

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(3) In areas other than the "front view area" as defined in Article XIII of this chapter, the minimum setback from a telecommunications facility to any property line shall be 25 percent of the height of the facility or the principal building setback, whichever is greater.

(4) There is no minimum setback requirement for guy wires and anchor points used to secure amateur communication towers or antennae.

(5) Guy wires and anchor points shall be appropriately marked in order to prevent human injury.

(e) **Administrative relief.** Applicants may apply for an Administrative Adjustment to the setback and height restrictions stated in this section using the procedures stated in Section 18-02-12. Administrative Adjustments shall be granted only if it is determined by the director that such relief is necessary in order to have at least one location on a specific property where it is practical to collect and/or transmit electromagnetic waves used for amateur telecommunications, and that without such relief, no location is feasible for this purpose.

Sec. 18-04-185. Drive-Through Facilities.

(a) **Definition.** An accessory facility where goods or services may be obtained by motorists without leaving their vehicles. These facilities include but are not limited to drive-through bank teller windows, dry cleaners, fast-food restaurants, drive-through coffee, photo stores, pharmacies, and Automated Teller Machines (ATMs). It does not include vehicle fueling stations or other vehicle services, which are separately defined.

(b) **Purpose.** The purpose of this section is to mitigate potential impacts of Drive-Through Facilities and drive-up ATM/teller windows, including but not limited to, visual, traffic, and noise impacts, and to ensure that these facilities are developed to enhance the city's urban form.

(c) **Location.** Drive-Through Facilities, including but not limited to order boxes, menu boards, stacking spaces and lanes shall comply with the following:

(1) Shall be adjacent to the Type 2 façade of the building to which the Drive-Through Facility is accessory; and

(2) Shall be screened from view from the public right of way per Section 18-08-19.

(3) A drive-through lane shall not be located between the building and a public street except in the BP Zoning District.

(4) **Separation from residential uses and residential districts**.

a. A 100-foot distance must be provided between the drive-through lane and any residential use or property zoned for residential uses, as shown in Figure 18-04-185.1.

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b. The director, or their designee, may approve a distance less than 100 feet if a sound study submitted by the applicant demonstrates that the drive-through noise level at the property line will not exceed 60 decibels.

c. If the ambient noise level exceeds 60 decibels, the noise study must demonstrate that the Drive-Through Facility will not increase the existing noise level.

d. The distance shall be measured from the far edge of the drive-through lane to the property line containing the residential use or property zoned with a residential district.

(d) **Onsite circulation and stacking study.**

(1) An onsite circulation and stacking study is required with every application for a new Drive-Through Facility.

(2) Drive-up ATM/teller windows are exempt from this requirement.

(3) The onsite circulation and stacking study shall include the following:

a. Description of onsite operations including:

1. Business hours of operation;

2. The method by which a customer order is placed and processed;

3. Peak demand hours;

4. The time required to serve a typical customer; and

5. A description of how sound from external operations will be attenuated from neighboring properties.

b. Description of onsite traffic activity, including:

1. Arrival rates of customers;

2. Anticipated vehicular stacking required;

3. An onsite circulation plan showing points of entry to the site, stacking locations and distances, and anticipated patterns of onsite circulation;

4. A mitigation plan describing how backup stacking will be addressed so that vehicles are not blocking internal drives or backing up onto roadways; and

5. An evaluation of uses within 1,200 feet of the proposed development identifying cumulative traffic impacts and mitigation efforts to ensure that vehicles are not blocking internal drives or backing up onto roadways.

c. Other information deemed necessary by the director or their designee to review the proposal including additional information to determine whether the proposal has appropriate traffic circulation and stacking.

(e) **Stacking requirements.**

(1) **Stacking lanes.** Stacking lanes shall have a minimum depth of 20 feet per stacking space, as shown in Figure 18-04-185.1, and the following minimum lane widths:

a. One lane: 12 feet.

b. Two or more lanes: ten feet per lane.

(2) **Stacking spaces**.

a. Drive-Through Facilities shall have the minimum number of stacking spaces established per principal use as detailed in Table 18-04-185.1.

Table 18-04-185.1 Drive-through stacking requirements.

Use	Minimum Stacking	Measure From
Automated Teller Machine/Window	2 per machine	teller machine
Bank Teller Lane	2 per lane	teller or window
Restaurant	6 per order box	order box [1]
Pharmacy	4 per lane	machine or window
Other Use	As determined by director	As determined by director

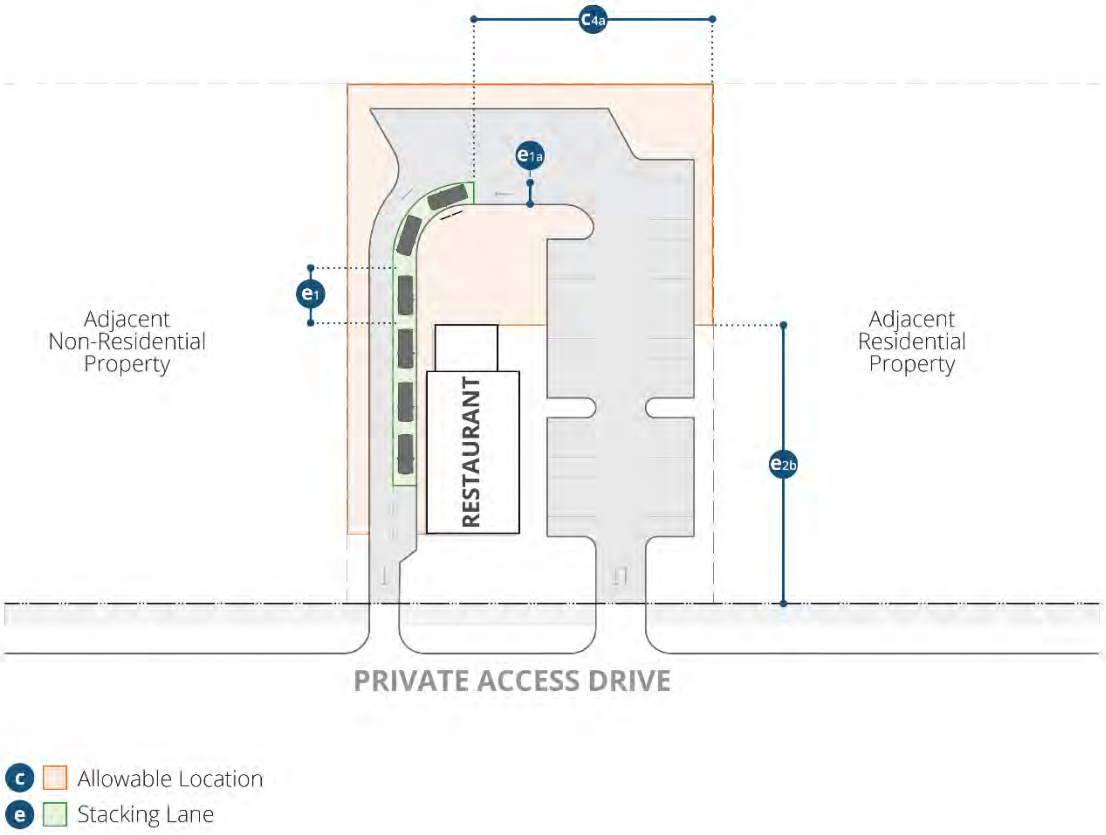
Table 18-04-185.1 footnotes:

[1] Four of the required stacking spaces shall be located between the order-box and pick-up window. Stacking spaces include the stacking space at the pick-up window and the stacking space at the order box.

b. A minimum of 50 feet shall be provided between the entrance of a drive-through lane and a street access driveway or cross access drive aisle. The distance is measured from the entrance of the drive-through lane to the right-of-way, property line or edge of street access driveway or cross access drive aisle, as shown in Figure 18-04-185.1.

(3) **Modifications to stacking requirements.** Modifications to the stacking requirements found in this section may be approved through the site plan review process if the director or their designee determines, based on the onsite circulation and stacking study, that the proposed modifications to the stacking requirements are sufficient to meet the demands of the development, including the traffic circulation and stacking demands.

Figure 18-04-185.1. Drive-Through Facilities stacking requirements. (The letters and numbers in Figure 18-04-185.1 refer to the subsection letters and numbers contained within subsections 18-04-185(c) and (e).)



(f) **Overhead canopy.** Should an overhead canopy be utilized, it shall meet the following standards:

(1) **Location**. Canopies shall be located behind the principal building. Canopies shall be a minimum of 100 feet from any interior side or rear property line that adjoins residentially developed property.

(2) **Materials**.

a. Canopy support columns shall be clad in the Category 1 material utilized on the principal building for a minimum of four feet from the ground.

b. Canopy roofs shall be steel construction. Plastic and similar materials are prohibited.

(3) **Height**. Canopy height shall not exceed the height of the principal building or 16 feet, whichever is greater.

(4) Lighting on the underside of canopies shall be flush with or recessed above the underside of the canopy surface. "Bubble" type lenses which refract light outside of the area directly under the canopy area are not permitted. Light bulbs or fixtures shall be coated to reduce glare.

(g) **Screening**. If located adjacent to a property with a residential use or in a residential district, a transition buffer per Section 18-08-20 shall be utilized to minimize the impact of menu boards, headlights, and other off-site impacts of Drive-Through Facilities.

(h) **Employee protection requirements.** Drive-Through Facilities, whose operations include employees who take orders outside of the eating establishment, must provide a raised two-foot-wide pedestrian path and an architecturally compatible shade structure along the area in which employees are staged and take orders.

(i) **Pedestrian pathway**. If a pedestrian pathway must cross a drive-through lane, the pathway shall be raised to the level of the sidewalk so that pedestrians do not need to step down into the drive aisle.

Sec. 18-04-186. Golf Safety Net.

(a) **Definition.** A barrier consisting of support posts and netting panels erected adjacent to a golf course or golf driving range for the purpose of preventing golf balls from entering property adjacent to the golf course.

(b) Golf safety nets are permitted on lots whose side or rear yard abut a golf course or golf driving range, or are across the street from a golf course or golf driving range.

(c) Golf safety nets may be erected on the golf course or golf driving range property, or on property adjacent to or across the street from the golf course or golf driving range. The restriction in Section 18-04-172 requiring an accessory use to be located on the same lot as the main use does not apply to this use.

(d) A person shall not erect or maintain a golf safety net more than 60 feet above grade when located in the rear or side yard. Golf safety nets are prohibited in the front yard.

(e) In the event a Development Plan and Special Use Permit is approved with golf safety net standards different from the standards in this section, the standards established in the Development Plan and Special Use Permit review process shall control.

(f) Golf safety nets may not be located within a floodplain easement without consideration of flooding conditions and as approved by the floodplain administrator.

(g) The location of a golf safety net shall comply with all visual obstruction regulations contained in Section 18-06-58.

(h) Flags, signs, banners and other appurtenances are prohibited from being attached to the support structure or netting.

(i) Golf safety nets shall be constructed in accordance with the following minimum standards:

(1) All golf safety nets require a building permit;

(2) Support posts and netting shall be consistent in all detail, including height, color and style, with existing golf safety nets surrounding an adjacent golf course or driving range, if any;

(3) All golf safety nets shall be constructed in accordance with the manufacturer's recommendations;

(4) Support posts shall be constructed of rust-resistant metal approved by a structural engineer and shall meet all requirements of the city's Building Code and all other applicable codes;

(5) Netting material shall be black in color and of a quality designed for the purpose of obstructing golf balls. Netting shall also be designed to withstand the area's climate conditions and shall meet all requirements of the city's Building Code and all other applicable codes; and

(6) Support structures should be fitted with a device, such as a halyard, that allows the net panel(s) to be removed for repair or storage.

(j) Golf safety nets shall be maintained and repaired by the property owner in accordance with the following minimum standards:

(1) Any missing or broken support post that was a component of the original design of the golf safety net shall be repaired or replaced with similar material; and

(2) Torn netting which no longer serves the intended purpose shall be repaired or replaced with similar material.

Sec. 18-04-187. Home Occupation.

(a) **Definition.** A legal trade, occupation or profession conducted by any person within or from a dwelling unit. The home occupation shall be clearly incidental and accessory to the use of the dwelling as a residence and shall not change the physical characteristics of the residence as a home.

(b) The home occupation can only be conducted by the residents of the dwelling. No employees of the home occupation may conduct business at the residence.

(c) The activities conducted at the site shall be contained totally within the principal structure or Accessory Dwelling Unit. No garages shall be used for the Home Occupation, except for off-street parking of vehicles associated with the Home Occupation.

(d) The home occupation shall clearly be incidental and secondary to the use of the dwelling unit as a residence and shall not change the character thereof.

(e) There shall be no interior alterations not customarily allowed for the use of the dwelling as a residence.

(f) There shall be no exterior alteration or addition to the home that alters the residential appearance of the premises or creates a separate entrance to the premises except as may be required or allowed by state law.

(g) The home occupation shall not generate any adverse impacts such as, but not limited to, noise, vibrations, smoke, dust, odors, heat, glare or interference with radio or television transmissions in the area noticeable at/or beyond the property line.

(h) No toxic, explosive, flammable, radioactive, or other hazardous materials, including ammunition, as defined by the International Building Code or the International Fire Code of the City of Thornton, shall be used, sold, or stored on the site for the use and in association with the home occupation.

(i) There shall be no Outdoor Storage of any type as part of the home occupation.

(j) There shall be no outside uses associated with a home occupation anywhere on the lot, other than those typically associated with the use of the property as a dwelling.

(k) No home occupation shall disrupt the residential character of the neighborhood, particularly with numerous cars, trucks, and trailers parked in the neighborhood.

(l) Performance of professional sales and services on the site as a home occupation will be limited to no more than one pupil, client, or customer at a time.

(m) No home occupation shall endanger the health, safety, or welfare of the occupants of the residence or the neighborhood.

(n) Family childcare home facilities are allowed as home daycare operations and shall be regulated as defined by the state and not by this Code.

Sec. 18-04-188. Private Stables.

(a) **Definition.** An area for the keeping of horses for the private use of the property owner.

(b) A Private Stable is permitted only on a lot at least one acre in area (43,560 square feet) and a person may keep only the number of horses permitted for the following lot areas:

(1) At least one acre but less than two acres, three horses (per Section 6-36); and

(2) For lots over two acres, a maximum of four horses.

(c) A Private Stable shall include a pen or corral containing at least 800 square feet for each animal with a stable under a roof containing at least 100 square feet for each animal.

(d) Each stable shall have proper drainage and other facilities so as not to create offensive odors, insect or rodent breeding, or other nuisances.

(e) A pen, corral, fences, or similar enclosures shall have a minimum front setback of 50 feet and a minimum side and rear setback of 30 feet from the property line. In addition, they may not be located any closer than 100 feet to the dwelling on premises.

(f) The area restrictions in Section 18-04-172 do not apply to this accessory use.

Sec. 18-04-189. Short-Term Rental.

(a) **Definition.** A dwelling unit, or portion thereof, that is leased for periods of less than 30 days per occurrence, the owner of which holds a valid license issued pursuant to this chapter.

(b) **License required.** Operation of a Short-Term Rental without a license issued pursuant to Section 18-02-22 or contrary to any provision of this section shall be unlawful and a violation of the Thornton City Code subject to the provisions of Section 1-8(a).

(c) **Administration.** The city manager or designee shall administer the provisions of this section and shall promulgate rules and regulations for its administration and implementation.

(d) **Severability.** If any clause, sentence, paragraph, or part of this section or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this section or its application.

(e) **Operational regulations.** All Short-Term Rentals shall comply with the following operational regulations. Failure to comply with these regulations or other applicable city, state, or federal law may be grounds to suspend or revoke any license, or for the imposition of civil penalties where applicable.

(f) **Allowed dwelling types.** In order to protect the character of residential neighborhoods, the following types of dwellings are permitted as Short-Term Rentals:

(1) All or a portion of a Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Dwelling, 3-8 Units Attached; or Triplex / Quadplex shall be permitted to be used as a Short-Term Rental. Owner occupied condominiums are also eligible for use as a Short-Term Rental.

(2) The property owner's approved accessory dwelling unit when the principal dwelling is the owner's primary residence. An Accessory Dwelling Unit shall not be used for Short-Term Rentals if any portion or all of the principal dwelling is used as a Short-Term Rental.

(g) **Occupancy limit.** Overnight occupancy in the portion of the property used as a Short-Term Rental shall be limited to no more than two persons per legal conforming bedroom, plus two additional persons. The total users, including overnight occupants and any other guests, shall be limited to ten more than the number of allowed overnight occupants.

(h) **Off-street parking.** No additional parking is required for Short-Term Rentals and any Short-Term Rental must comply with applicable parking regulations for the main use. Short-Term Rental licensees desiring to expand the amount of off-street parking area shall seek approval via the processes specified in this chapter.

(i) **Safety requirements.** Each Short-Term Rental shall have smoke detectors, at least one carbon monoxide detector, and at least one fire extinguisher on the licensed premises during each Short-Term Rental occupancy. All safety equipment shall be operable and installed in accordance with the manufacturer's instructions. It shall be unlawful to operate a Short-Term Rental without the required operable smoke detectors, carbon monoxide detector, and fire extinguisher. Safety equipment shall be located as specified below:

(1) One smoke detector shall be installed in each bedroom and in each area used for sleeping. An additional smoke detector shall be installed outside each sleeping area in the immediate vicinity of the bedrooms, which is typically in a hallway.

(2) One carbon monoxide detector shall be installed outside each sleeping area in the immediate vicinity of the bedrooms, within 15 feet of bedroom doors.

(3) One fire extinguisher shall be located in close proximity to the kitchen or area available for cooking, if such area is accessible to the Short-Term Rental. If the Short-Term Rental does not include cooking space, a fire extinguisher shall be located in the sleeping area.

(4) The Short-Term Rental shall not be rented if construction or repairs are occurring on the property that negatively affect the safety of the Short-Term Rental.

(j) **Primary residence.** It shall be unlawful to operate a Short-Term Rental in any location that is not the licensee's primary residence. The primary residence is the place that a person by custom and practice, makes his or her principal domicile, and the address to which the person intends to return following any temporary absence, such as a vacation, and it shall be where the licensee resides in excess of 50 percent of the year. Residence is evidenced by actual daily physical presence, use and occupancy of the primary residence, and the use of the residential address for domestic purposes, such as, but not limited to slumber, preparation of meals, package delivery, vehicle and voter registration, or credit and utility billings. For the purposes of this section, a person shall have only one primary residence.

(k) **Compliance with applicable laws.** It shall be unlawful to operate a Short-Term Rental that does not comply with all applicable city, state, and federal laws, including but not limited to those regulating property maintenance and tax collection and remittance.

(l) **Advertising.** It shall be unlawful to advertise a Short-Term Rental without the SHORT-TERM RENTAL license number clearly displayed on the face of the advertisement. For the purpose of this section, the terms advertise, advertising, or advertisement mean the act of drawing the public's attention to a Short-Term Rental in order to promote the availability of the Short-Term

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Rental, including but not limited to websites and other electronic applications or media, and print, video, or other promotional materials.

(m) **Commercial events.** It shall be unlawful to operate or advertise the use of the Short-Term Rental as a commercial venue for weddings, parties, or for any similar activities.

(n) **Insurance.** It shall be unlawful to operate a Short-Term Rental without liability insurance coverage of a minimum of $1,000,000.00.

(o) **Right of entry.** Where there is probable cause to believe that there is a condition that is contrary to or in violation of the Code that makes the Short-Term Rental unsafe, dangerous or hazardous, a peace officer, as designated in Section 14-10 of the Code, is authorized to enter the property at reasonable times and with proper respect of the occupant's constitutional rights, to inspect or to perform the duties imposed by this section, provided that if the property is occupied that credentials be presented to the occupant and entry requested. If such Short-Term Rental or the property housing the Short-Term Rental is unoccupied, the peace officer shall first make a reasonable effort to locate the owner and request entry. If entry is refused, the peace officer shall have recourse to the remedies provided by law to secure entry.

(p) **Notification of general rules and regulations.** The owner shall, in a conspicuous location within the interior of the Short-Term Rental, provide the following information:

(1) The Short-Term Rental license number;

(2) The contact information of the property owner and/or local emergency contact;

(3) The contact information for all emergency services;

(4) The maximum number of overnight occupants and maximum total users of the property subject to the Short-Term Rental license;

(5) The location of all trash receptacles and the process for trash collection and container storage;

(6) The city's noise regulations;

(7) The location of any authorized areas for legal marijuana use; and

(8) Any other general behavioral expectations to minimize the impacts on neighboring property and maintain the nature of the dwelling.

Sec. 18-04-190. Solar Energy Collection System, Canopy.

(a) **Definition.** A solar energy collection system that is structurally mounted to the roof of a canopy, including limited accessory equipment or buildings associated with a system which may be ground mounted.

(b) Canopy Solar Energy Collection Systems are permitted over any principal or accessory parking lot.

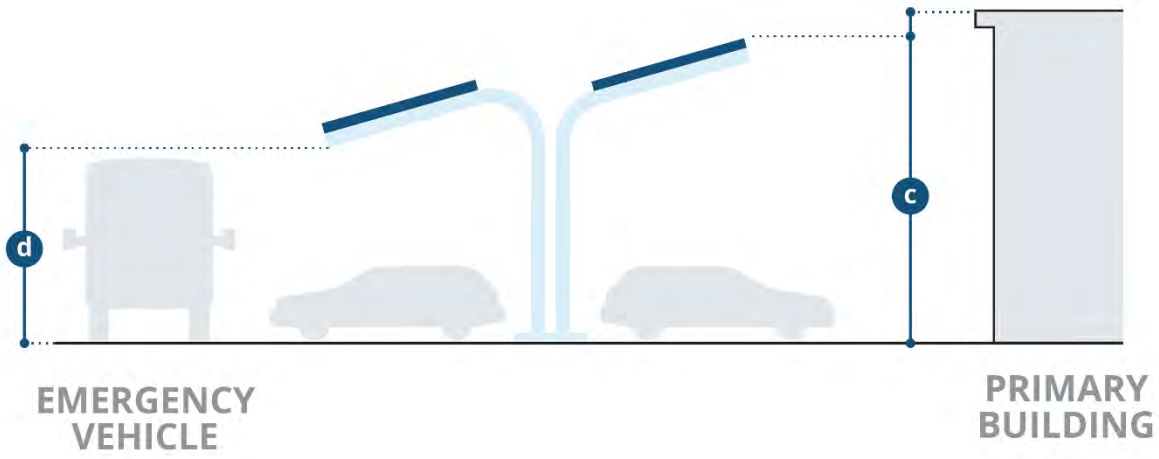
(c) The height of Canopy Solar Energy Collection Systems shall not exceed the height of the principal building that the parking area serves or 20 feet, whichever is greater, as shown in Figure 18-04-190.1.

(d) The minimum height of solar energy collection systems shall allow clearance for emergency and service vehicles, as shown in Figure 18-04-190.1.

(e) No accessory solar collector shall be used as a commercial enterprise. Before any building permit may be issued for a solar collector, where it is to be interconnected with the local public utility company so that excess power produced by the solar collector can be fed into the utility lines, evidence of approval from the local utility company shall be submitted.

(f) The area restrictions specified in Section 18-04-172 do not apply to canopy-mounted solar collectors.

Figure 18-04-190.1 Solar Energy Collection System, Canopy. (The letters in Figure 18-04-190.1 refer to the subsection letters numbers contained within subsections 18-04-190(c) and (d).)



Sec. 18-04-191. Solar Energy Collection System, Ground-Mounted.

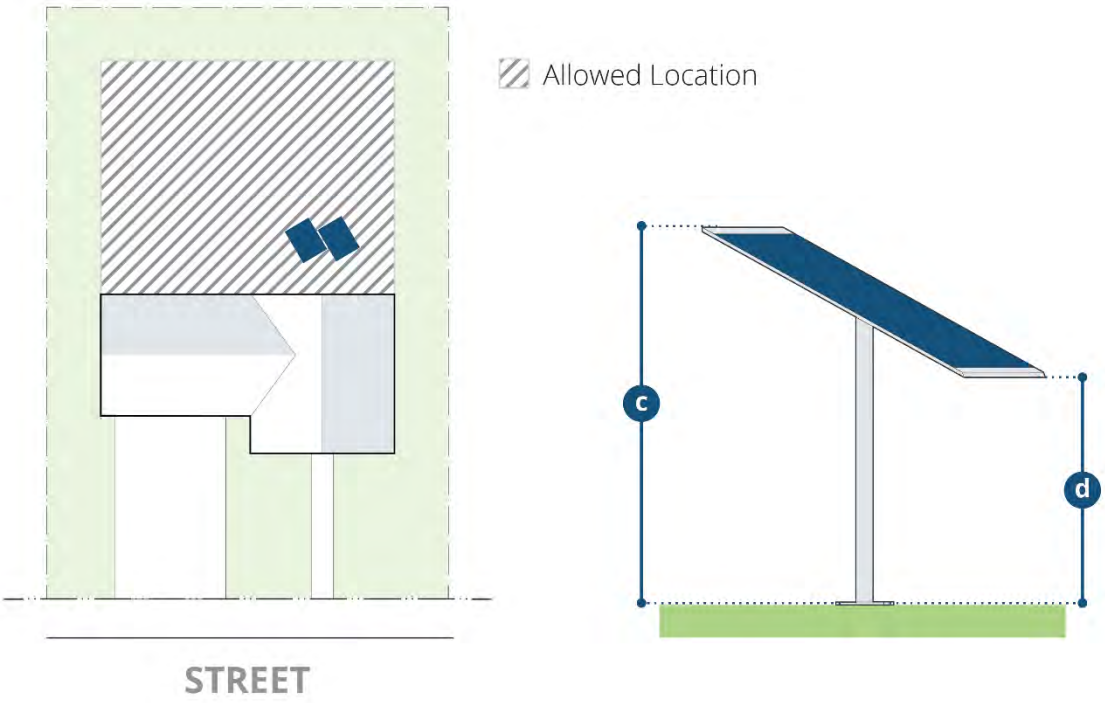
(a) **Definition.** A solar energy collection system and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems and located on a site with a principal use.

(b) Ground-Mounted Solar Energy Collection Systems shall be permitted in accordance with any applicable accessory structure setbacks and shall not be located in the required front yard.

(c) The maximum height of Ground-Mounted Solar Energy Collection Systems shall be six feet, measured from the grade at the base of the pole to the highest edge of the system, as shown in Figure 18-04-191.1.

(d) The minimum clearance between the lowest point of the system and the surface on which the system is mounted shall be 12 inches, as shown in Figure 18-04-191.1.

Figure 18-04-191.1 Solar Energy Collection System, Ground-Mounted. (The letters in Figure 18-04-191.1 refer to the subsection letters numbers contained within subsections 18-04-190(c) and (d).)



(e) Ground-Mounted Solar Energy Collection Systems shall be exempt from the impervious surface limits if the ground directly under the solar panel is planted with native plantings and groundcover other than turf grass.

(f) **Sites 1-5 acres in area.** In addition to meeting the standards in Subsections (b) – (e) of this section, Ground-Mounted Solar Energy Collection Systems occupying 1-5 acres in area shall also meet the following requirements:

(1) **Decommissioning required.** Any solar energy use that is not actively in use for 12 consecutive months shall be decommissioned by the operator within six months, including all panels, structures, accessories, and appurtenances, and shall be entirely removed from the lot.

(2) **Decommissioning plan.** Prior to receiving approval, the applicant for any solar energy use shall submit a decommissioning plan to ensure that the project is properly decommissioned, which shall include:

a. Procedures for the removal of structures, debris, and cabling, including those below the soil surface;

b. Provisions for the restoration of the natural soil and vegetation; and

c. A provision that the terms of the decommissioning plan shall be binding upon the owner or operator and any of their successors, assigns, or heirs.

(g) No accessory solar collector shall be used as a commercial enterprise. Before any building permit may be issued for a solar collector, where it is to be interconnected with the local public utility company so that excess power produced by the solar collector can be fed into the utility lines, evidence of approval from the local utility company shall be submitted.

(h) The area restrictions specified in Section 18-04-172 apply to ground-mounted solar collectors.

Sec. 18-04-192. Solar Energy Collection System, Roof-Mounted.

(a) **Definition.** A solar energy collection system that is structurally mounted to the roof of a building, including limited accessory equipment associated with a system which may be ground mounted.

(b) Roof-Mounted Solar Energy Collection Systems may be located on any roof face of principal or accessory buildings. Systems should be flush mounted when possible.

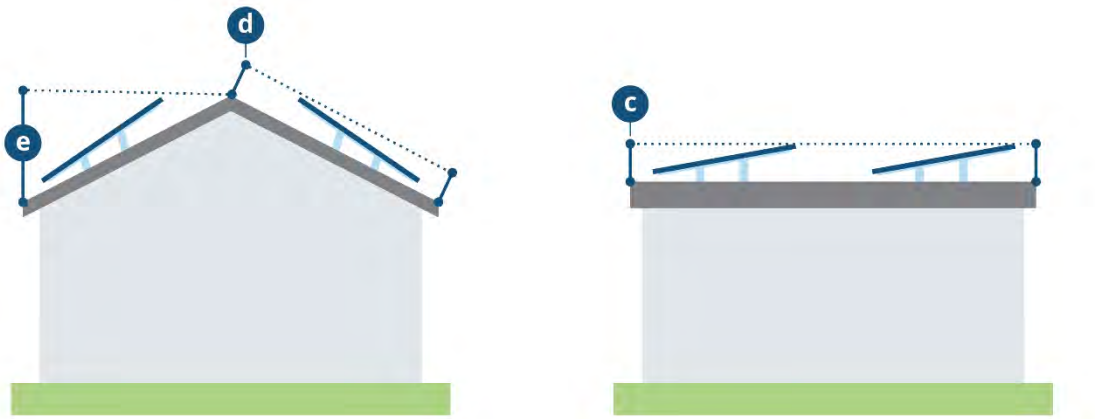
(c) Systems on structures 35 feet or less in height shall not extend beyond 12 inches parallel to the roof surface, as shown in Figure 18-04-192.1.

(d) Systems on structures greater than 35 feet in height shall not extend beyond 36 inches parallel to the roof surface, as shown in Figure 18-04-192.1.

(e) Systems on all structures shall not extend above the highest peak of a pitched roof, as shown in Figure 18-04-192.1.

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Figure 18-04-192.1 Solar Energy Collection System, Roof-Mounted. (The letters in Figure 18-04-192.1 refer to the subsection letters contained within subsections 18-04-192(c), (d), and (e).)



(f) All materials used for racking, mounts, mounting clamps, and flashings shall be of a color consistent with the color of the roof surface to minimize visibility.

(g) No accessory solar collector shall be used as a commercial enterprise. Before any building permit may be issued for a solar collector, where it is to be interconnected with the local public utility company so that excess power produced by the solar collector can be fed into the utility lines, evidence of approval from the local utility company shall be submitted.

(h) The area restrictions specified in Section 18-04-172 do not apply to roof-mounted solar collectors.

Sec. 18-04-193. Swimming Pool, Private.

(a) **Definition.** A swimming pool constructed for the exclusive use of residents of a residential use.

(b) No Private Swimming Pool may be operated as a business, except private swimming lessons may be given under the Home Occupation or Accessory Commercial Unit uses.

(c) No Private Swimming Pool may be maintained in such a manner as to be a hazard or obnoxious to adjacent property.

(d) A Private Swimming Pool shall be surrounded by a fence constructed in such a manner as to prevent access by unauthorized persons, as required in Chapter 10.

(e) **Location.**

(1) Above-ground and in-ground pools shall be subject to side and rear setback requirements. However, above ground and in-ground pools may encroach into the rear setback up to 10 feet from the rear property line.

(2) No Private Swimming Pool may be located in the required front yard.

(f) The area restrictions in Section 18-04-172 do not apply to this use.

Sec. 18-04-194. Urban Garden.

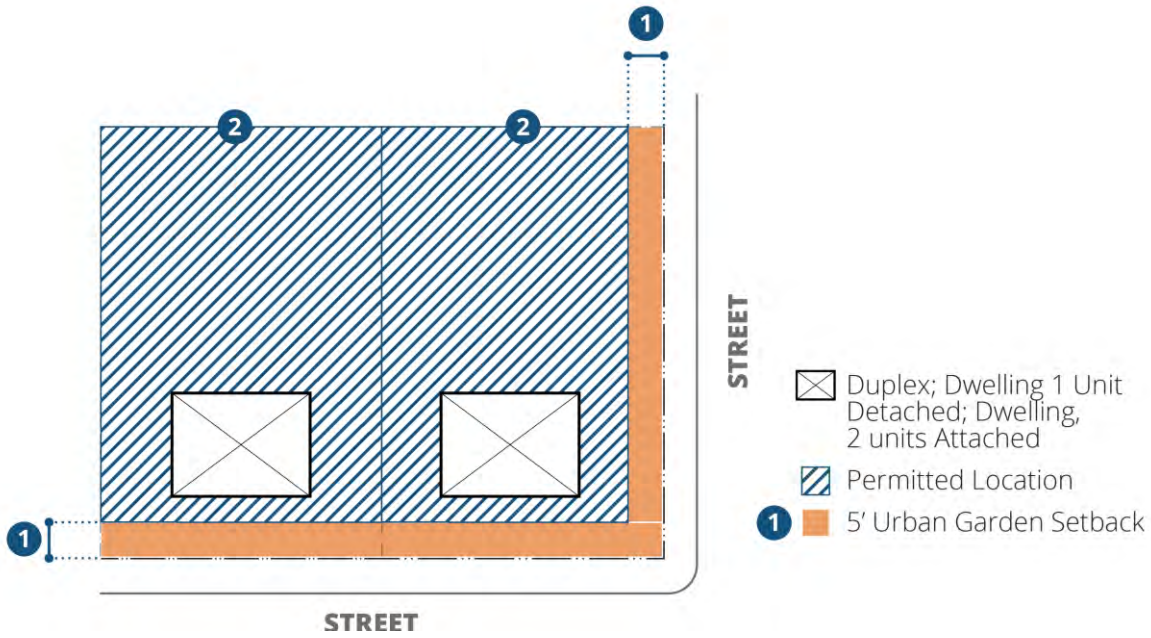
(a) **Definition.** Food producing gardens in residential yards that do not detract from the character of residential neighborhoods.

(b) **Location.** An Urban Garden is allowed on a lot with a Duplex; Dwelling, 1 Unit Detached; or Dwelling, 2 Units Attached use in accordance with the following standards, as shown in Figure 18-04-194.1.

(1) **Front / Street Side Yard**. Urban Gardens located in a front and/or street side yard shall be setback a minimum of five feet from the front and/or street side property lines.

(2) **Interior Side and Rear Yards**. Urban Gardens can be located anywhere in an interior side or rear yard and are not required to be set back from the interior side or rear yard property line.

Figure 18-04-194.1 Urban Garden locations. (The numbers in Figure 18-04-194.1 refer to the subsection numbers contained within Subsection 18-04-194.)



Requirements.

(3) **Grading**. Urban Gardens shall be designed and maintained to prevent fertilizer and/or water from irrigation and other activities from draining onto adjacent property.

(4) All food producing gardens located in the front or street side yard shall either:

a. Be located in raised planter boxes with a maximum height of four feet; or

b. Be screened from the public right-of-way and adjacent property with a fence meeting the standards of Division 2 of Article VI.

(5) Storage sheds, hoop houses, cold frames and other urban garden related structures are prohibited in front or street side yard Urban Gardens.

(6) **Maintenance.** In addition to the landscaping maintenance requirements noted in Section 18-8-39:

a. All annual plants, expired perennials, and any seasonal vegetation within urban garden areas shall be fully uprooted and properly disposed of within 45 days following the end of the growing season, typically after the first frost.

b. All supporting infrastructure such as stakes, nets, or trellises shall also be dismantled, cleaned and stored appropriately to maintain garden neatness and usability within 45 days following the end of the growing season, which is typically after the first frost.

Sec. 18-04-195. Wind Energy Conversion Systems (WECS).

(a) **Definition.** A device or facility to convert the power of wind to mechanical or electrical energy.

(b) Before any building permit may be issued for a WECS, where it is to be interconnected with the local public utility company so that excess power produced by the WECS can be fed into the utility lines, evidence of approval from the Colorado Public Utilities Commission and local utility company shall be submitted.

(c) In all districts where this accessory use is permitted, a person may erect one WECS that exceeds the maximum height permitted in the district, if the WECS:

(1) Does not exceed 75 feet in height; and

(2) Is set back an additional 12 inches from the required front, side and rear yards for each additional 12 inches of height above the maximum height permitted in the district.

(d) No WECS may be located in the required front or street side yard.

(e) The minimum distance between any point on the ground and any protruding blade utilized on a WECS shall be a minimum of 15 feet as measured at the lowest point of the arc of the blade. Greater clearance may be required in areas where oversize vehicles may travel.

(f) Climbing access to the WECS tower shall be limited by either a fence six feet in height around the base of the tower with a locking portal, or by placing tower climbing apparatus no closer than 12 feet to the ground. Portal locks shall be accessible by authorized city personnel.

(g) Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.

(h) Clearly visible warning signs shall be posted to warn of electrical and other hazards associated with the WECS. These signs shall be in English and Spanish.

(i) All WECS shall be equipped with the following:

(1) Automatic over-speed controls that are designed to render the system inoperable when winds are blowing in excess of the speeds for which the machine was designed.

(2) Manual shutdown features that allow the WECS to be manually shutdown in the event of structural or mechanical failure of any part of the system.

(j) Commercial sale of converted wind energy is prohibited. No WECS shall be used as a commercial enterprise.

(k) All WECS shall be maintained in safe working order. A yearly inspection shall be made by a private entity and shall certify to the city the safety and maintenance of the WECS. City inspectors shall have the right to enter the premises on which a WECS is located, in the company of the owner or the owner's agent, at any reasonable time, to inspect the system. In the event repairs or alterations are needed, the property owner or the property owner's agent shall have 30 days to complete the work.

(l) Roof or building-mounted Wind Energy Conversion Systems may project above the structure to the maximum allowed height specified in the district regulations.

Sec. 18-04-196. Wireless Telecommunications, Building/Structure Mounted.

(a) **Definition.** Any equipment or structures used for the purpose of collecting or transmitting electromagnetic signals, or to provide immediate support to such equipment or structure, attached to an existing building or structure.

(b) **Limited use.** This use may be conducted in districts as shown on Use Table 18-04-171.1 as a limited use, subject to the condition that attachments are not allowed on:

(1) Duplex;

(2) Dwelling, 1 Unit Detached;

(3) Dwelling, 2 Units Attached;

(4) Dwelling, 3-8 Units Attached;

(5) Dwelling, Live-Work;

(6) Triplex/Quadplex; or

(7) Accessory structures associated with residential uses.

(c) **Roof-mount elements.** Roof-mounted wireless telecommunications antennas shall be subject to the following standards:

(1) Telecommunication/antenna features shall not exceed the height of the building by more than 15 feet.

(2) The telecommunications antenna and associated equipment located on buildings shall be screened from the right-of-way with enclosures or façades having an appearance that blends with the building on which they are located; and/or be located so they are not visible from the opposite side of an adjacent public right-of-way.

(d) **Surface-mount elements.** Surface-mounted telecommunications antennas shall be subject to the following standards:

(1) Telecommunications antenna features shall be mounted flush with the exterior of the building or structure so that it projects no more than 30 inches from the surface to which it is attached.

(2) The height of the antenna structure shall not exceed the height of the building or structure in the immediate vicinity where the antenna is attached.

(3) The telecommunications antenna appearance shall blend in with the surrounding surface of the building or structure in terms of color and materials.

(4) All accessory electronic equipment associated with an attached antenna and located outside of the building or structure to which the antenna is attached, shall be placed either in an underground vault, a weather proof cabinet, or in an enclosed and roofed building meeting the requirements of Section 18-07-43.

(5) Surface-mount elements are subject to applicable design standards in National Register listed properties and historic districts, Local historic districts, and locally designated historic landmarks.

(e) **Elements attached to other existing structures**. Telecommunications antennas are permitted on existing telecommunications towers, and other structures subject to the following standards.

(1) Existing telecommunications towers, and other structures used to affix telecommunication antenna features shall not exceed 50 feet in height above grade.

(2) The telecommunications antenna shall not exceed the height of the existing structure by more than 10 feet for a non-whip antenna or 15 feet for a whip antenna.

(3) Existing structures may be rebuilt or modified to support the load of the new telecommunications antenna and subject to the city's building permitting standards.

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(4) Existing structure-mounted elements are subject to applicable design standards in National Register listed properties and historic districts, local historic districts, and locally designated historic landmarks.

Sec. 18-04-197. Reserved.
Sec. 18-04-198. Reserved.
Sec. 18-04-199. Reserved.
Sec. 18-04-200. Reserved.

DIVISION 11. TEMPORARY USES SUPPLEMENTAL STANDARDS

Sec. 18-04-201. Temporary use allowances.

(a) **Temporary Uses Table**. The following shall be used in the interpretation of Table 18-04-202.1.

(1) **Temporary uses**. Uses which are marked as "T" in the table shall be allowed temporary uses after the approval of a Temporary Use Permit (TUP), as detailed in Section 18-02-24.

(2) **Prohibited uses**. A blank space in the table indicates that use is not permitted.

(3) **Uses not listed**. A use not specifically listed is prohibited unless the director determines the use to meet the definition of a temporary use as established in Section 18-04-04, per the administrative Interpretations process established in Section 18-02-19.

(4) **Supplemental standards**. If a use has supplemental standards, they are referenced in the Supplemental Standards column.

(5) **Other districts**. The DR, POS, PD-L, NW-O, and PD-O districts are not included in Table 18-04-202.1. The allowed uses in these districts shall be as detailed below:

a. **DR**. Uses allowed in the DR District shall be as detailed in Section 18-03-44.

b. **POS**. Uses allowed in the POS District shall be aligned with the Thornton Parks and Open Space Master Plan, as allowed in Section 18-03-46, and/or as determined through Development Plan review, as detailed in Section 18-02-17. Temporary Use Permits for uses in the POS district are administered by the Thornton Parks, Recreation & Community Programs Department.

c. **PD-L and PD-O**. Uses allowed in a PD-L and PD-O Districts shall be as established through the PD approval process, as detailed in Section 18-02-38 and per Section 18-03-65.

d. **NW-O**. Uses allowed in the NW-O district shall be the uses allowed in the underlying base district per Section 18-03-64 unless otherwise specified in this chapter.

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Sec. 18-04-202. TEMPORARY USES TABLE

Table 18-04-202.1 Temporary uses.

Table key:
T = Permitted use
Blank - Prohibited

Use	Supplemental Standards	RE	MH-L	RL	RM	RH	MU	TOD	NC	GC	RC	BP	ER	EO	ETD	EB	ES	CI	AG	SFD-L	CC-L	EC-L	I-L
Mobile Vendor	18-04-203					T	T	T	T	T	T	T			blank								
Pop-Up Retail / Restaurant	18-04-204					T	T	T	T	T	T												
Seasonal Sales	18-04-205	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		T	T	T	T	T
Special Event	18-04-206	T	T	T	T	T	T	T	T	T	T	T	blank	T	T	T	T		T	T	T	T	T
Temporary Concrete or Asphalt Batch Plant	18-04-207	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T
Temporary Donation Collection Bin	18-04-208	blank			blank		T		T	T	T	T		T		T	T				T	T	T
Temporary Grazing	18-04-209	T	T	T	T	T	T	T	T	T	T	T						T	T	T	T	T	T
Temporary Living Quarters	18-04-210	T		T			blan												T	T			
Temporary Parking Lot	18-04-211	T	T	T	T	T	T	T	T	T	T	T						T	T		T	T	T
Temporary Use, Other	18-04-212	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T

Sec. 18-04-203. Mobile Vendor.

(a) **Definition.** A readily movable wheeled structure, motorized vehicle, towed vehicle, trailer, or cart that is equipped and operated for the purpose of retail sales or the provision of services such as, but not limited to, pet grooming or mobile library. For the purposes of this Section, a Mobile Vendor truck is motorized and a Mobile Vendor cart is not motorized and does not include trailers of any type. This use does not include Food or Ice Cream Trucks, which are separately defined elsewhere in this Code.

(b) A Mobile Vendor shall comply with all applicable health and sanitation statutes, rules, regulations, ordinances, sales taxes, and other laws.

(c) **Location.**

(1) Mobile Vendor carts and trucks may be operate in parking lots or private residential driveways if motorized, and on sidewalks or in pedestrian plazas if not motorized, not within the travel lanes of the street, as shown in Figure 18-04-203.1. Carts and trucks shall not be stored in residential driveways per Article IX.

(2) Mobile Vendor trucks shall not be located in a drive aisle.

(3) Mobile Vendor carts and trucks shall not obstruct parking lot circulation or block access to a public street, alley, or sidewalk.

(4) Mobile Vendor carts and trucks shall not block a pedestrian walkway or public sidewalk in a manner which reduces the width of that walkway or sidewalk to less than five feet, as shown in Figure 18-04-203.1, or causes damage to any improvements within the public right-of-way.

(5) Mobile Vendor carts and trucks shall not be set up on any privately owned lot or parcel without written permission of the owner.

(6) Mobile Vendor carts and trucks shall not be located within 50 feet of the established outer boundary of any city-permitted or licensed event where the sale of merchandise and food has been allowed unless it is part of the event.

(7) Mobile Vendor carts and trucks shall serve only walk-up customers, and may display, sell, give away anything of value including any food, beverage, goods, wares, or merchandise. The display, sale, or giving away of alcohol or marijuana from a vending cart or truck is prohibited.

(8) Mobile Vendor carts shall not be stored outdoors when the vendor is not open for business.

(9) Refer to Chapter 42 Article IX for Ice Cream Vendor Truck requirements.

(10) Refer to Chapter 42 Article XI for Mobile Food Truck requirements.

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(11) Setbacks do not apply to this use.

Figure 18-04-203.1 Mobile Vendor location. (The letters and numbers in Figure 18-04-203.1 refer to the subsection letters and numbers contained within subsections 18-04-203(c).)



(12) **Temporary Use Permit requirements.**

a. The director may issue a Temporary Use Permit that allows intermittent occurrences (such as every weekend) or a continuous time for up to a total of 100 days per calendar year for this use.

b. The application for the Temporary Use Permit shall include a waste management plan to manage any trash or other waste generated by the use.

c. The application for the Temporary Use Permit shall specify anticipated locations, days and hours of operation.

d. A Temporary Use Permit is not required for Ice Cream Vendors or Mobile Food Trucks.

Sec. 18-04-204. Pop-Up Retail / Restaurant.

(a) **Definition.** A retail or restaurant use established on a temporary basis in an existing commercial building.

(b) **Additional provisions**. A Pop-Up Retail or Restaurant use shall receive a pop-up user license prior to establishment.

Sec. 18-04-205. Seasonal Sales.

(a) **Definition -** The sale of agricultural products that are seasonal in nature, including but not limited to farmers markets.

(b) **Location.**

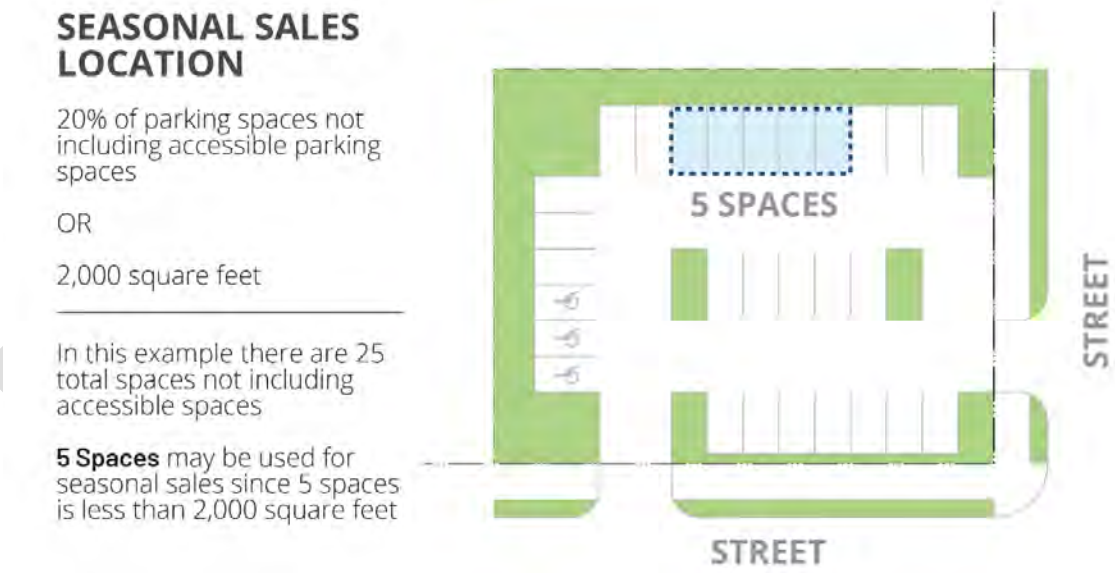
(1) Seasonal Sales areas may use a maximum of 20 percent of the parking spaces required for the operation of the principal use or 2,000 square feet, whichever is less, as shown in Figure 18-04-205. No accessible parking spaces shall be occupied by this use.

(2) Seasonal Sales areas shall not block circulation and movement of emergency vehicles.

(3) Seasonal Sales areas shall not block pedestrian walkways in a manner which reduces the width of that walkway to less than five feet.

(4) Setbacks do not apply to this use.

Figure 18-04-205.1 Seasonal Sales location.



(c) **Hours of operation.** Seasonal sales hours of operations shall be limited to between 7:00 am and 10:00 p.m.

(d) **Duration.**

(1) Seasonal sales may receive a Temporary Use Permit for a period of up to 60 days.

(2) The director may grant one 30-day extension of the Temporary Use Permit if the use has fully complied with all applicable city ordinances and conditions of the permit.

(e) **Restoration.** Upon completion of the temporary use, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

Sec. 18-04-206. Special Event.

(a) **Definition.** An activity of limited duration. Examples include, but are not limited to grand openings, special sales, community events or similar activities.

(b) Subject to the conditions listed below, the director may approve Special Event activities for a maximum duration of 30 calendar days if it is determined that such uses would not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity. The director may grant one 30-day extension of the Temporary Use Permit (TUP) if the use has fully complied with all applicable city ordinances and conditions of the TUP.

(c) **Traffic.** The proposed site must be adequately served by streets or drives having sufficient width and improvements to accommodate the type and quantity of traffic that such temporary use will or could reasonably generate.

(d) **Parking.** Off-street parking requirements for this use may be satisfied by using existing parking spaces for other uses located within 500 feet of the site of the Special Event, or by providing temporary parking spaces that do not strictly comply with the construction and maintenance provisions for off-street parking in this chapter. The operator of this use has the burden of demonstrating to the satisfaction of the director that temporary off-street parking spaces:

(1) Are adequately designed to accommodate the parking needs of the use; and

(2) Will not adversely affect surrounding uses.

(e) **Signs**. Only temporary and vehicular signs are permitted with the approval of a special event sign permit. Signs shall conform to the provisions of the Sign Code in Article XI of this chapter and shall be removed when the activity ends. Permanent signs are prohibited.

(f) **On-site lighting.** Temporary uses operating after dark shall provide lighting in accordance with Division 5 of Article VI.

(g) **Trash.**

(1) The operator of a temporary use is responsible for the storage and removal of all trash, refuse, and debris on the site.

(2) When possible, all trash storage areas should be screened from view from adjacent rights-of-way.

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(3) The property owner and the applicant are responsible for ensuring that the site is maintained in a clean and safe manner.

(4) An application for a Temporary Use Permit shall include a waste management plan to manage any trash and other waste generated by the use.

(h) **Noise.** All Special Events shall comply with the sound level standards specified in Section 38-441 of the Code unless otherwise exempted.

(i) **Dwelling prohibited.** Except as authorized in Sections 18-04-210 and Section 18-06-65, no Special Event shall include dwelling units.

(j) **Restoration.** Upon completion of the Special Event, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

(k) **Licensing and permits.** The applicant is responsible for obtaining any licenses and permits and shall fully comply with license requirements in Article IV of Chapter 42, state statute, or other regulations. No person shall engage in the operation or activities of a Special Event prior to the issuance of a Temporary Use Permit, unless exempted in Section 18-02-24.

(l) Setbacks do not apply to this use.

Sec. 18-04-207. Temporary Concrete or Asphalt Batch Plant.

(a) **Definition.** A temporary facility for the mixing of cement or asphalt associated with an ongoing construction project.

(b) A Temporary Use Permit for a batch plant is valid for a period up to one year. The director may grant up to three six-month extensions if the builder maintains active and continuous construction on the project for which the temporary batch plant permit was granted.

(c) A person to whom a Temporary Use Permit for a batch plant is issued shall:

(1) Comply with city, state and federal laws at the batch plant site;

(2) Clear the site of equipment, materials, and debris upon completion of the project;

(3) Repair or replace any public improvement that is damaged during the operation of the Temporary Batch Plant;

(4) Locate and operate the temporary plant in a manner which eliminates unnecessary dust, noise and odor; and

(5) Provide for adequate on-site fencing, screening, or buffering elements so that adjacent properties are protected from hazards and negative impacts.

(d) A person shall only furnish concrete, asphalt, or both, to the specific project for which the Temporary Use Permit was issued.

(e) Upon completion of the temporary use, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

Sec. 18-04-208. Temporary Donation Collection Bin.

(a) **Definition.** A small receptacle used to collect donated materials from the public for temporary holding prior to delivery of the materials to a broker for additional processing.

(b) **Requirements.**

(1) No person shall place, use or operate a donation collection bin without first obtaining a Temporary Use Permit pursuant to this article. Upon approval, the director shall issue a Temporary Use Permit (TUP) that is valid for a period of one year. The director may approve the renewal of the permit for subsequent one-year periods, subject to payment of a new permit fee, if the use has and continues to fully comply with all applicable city ordinances and conditions of the TUP.

(2) At a minimum, each bin shall display the name, address and telephone number for the person, business, or organization responsible for placing and maintaining the bin.

(3) Only one bin is permitted per lot, and each bin shall not exceed 200 square feet or be taller than six feet in height. Bins shall be made of metal, steel, or similar durable product.

(4) No donation collection bin shall be located on property zoned for residential use.

(5) Each bin shall be located on an improved durable, drainable surface. If placed in a parking area, the bin shall not reduce the number of available parking spaces below the minimum number required for the lot.

(6) No bin shall be placed in the following locations:

a. Within a required building setback as set forth in Article III of this chapter;

b. Within a site visibility triangle as defined in Section 18-06-57;

c. Within an access easement as defined in Section 18-09-37;

d. In a driveway, sidewalk, or other pedestrian circulation area;

e. Within three feet of any fire hydrant;

f. Within any fire lane;

g. Within required landscaped areas as described in Division 3, Article VIII of this chapter;

h. In whole or in part upon any portion of a public-right-of-way or projecting onto or over any part of a public right-of-way; or

i. On an undeveloped parcel of land.

(7) Each application for this Temporary Use Permit shall include:

a. A waiver and consent form authorizing the city to remove graffiti vandalism from the donation collection bin if the person, business, or organization responsible for the bin does not do so within 48 hours of notice by the city.

b. An authorization form signed by the property owner or property owner's agent authorizing the placement of the bin on the private property.

c. An authorization form signed by the property owner or property owner's agent authorizing removal by the city of the bin, its contents and any items dumped outside the bin upon reasonable notice that the maintenance requirements specified in Subsection (c) below have not been met.

(c) **Maintenance and enforcement.**

(1) Each bin shall be serviced and emptied as needed or within 24 hours of a request by the property owner or city.

(2) Each bin shall be enclosed by use of a one-way receiving door and locked so that the contents of the bin may not be accessed by anyone other than those responsible for the retrieval of the contents.

(3) Each bin shall clearly display a sign indicating that no donated items, garbage or other debris is to be left outside of the bin.

(4) Upon completion of the temporary use the bin shall be removed, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

(d) **Violations and penalties.**

(1) It shall be unlawful for a property owner or donation bin owner to place, use, permit, or allow a donation collection bin to be placed or allow to remain on a property without a permit, or permit or allow operation of a bin that is not in compliance with any requirement of this section. Violations of this section are detrimental to the public health and safety.

(2) It shall be unlawful for any donation bin owner to fail to maintain or keep in good repair any donation collection bin, including without limitation, the prompt removal of graffiti and the repairing of any part of the bin that is missing, broken, damaged, or deteriorated.

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(3) It shall be unlawful for any property owner or donation bin owner to fail to maintain the area around a donation bin, including without limitation, the prompt removal of dumped items.

(4) Any person, property owner, donation bin owner, or company in violation of this section shall, upon conviction, be issued a fine up to the maximum fine authorized by Section 1-8(a). The court shall make a finding that the bin is a cause of blight and shall order the removal of the donation bin and any property in the area around or inside a donation bin. The court shall also issue an order for reimbursement for any costs incurred by the city for the failure to remove any donation bin or property in the area around or inside the donation bin.

Sec. 18-04-209. Temporary Grazing.

(a) **Definition.** An area used for the grazing of animals on a temporary basis while land is waiting for future development.

(b) Temporary grazing activity shall not be permitted on areas less than five acres.

(c) An application for a temporary use permit for this use shall specify the number and type of animal that will be grazing. No Temporary Use Permit shall be granted where the number and type of animals to be grazed is likely to result in overgrazing and/or significant environmental degradation of the site.

(d) Structures may be erected for a stable, pen, barn, or shed for the protection of the animals on the premises.

(e) Standings under roofed stables shall be made of a material that provides for proper drainage so as not to create offensive odors, insect or rodent breeding, or other nuisances.

(f) Adequate drainage facilities and other improvements shall be provided so as to protect any adjacent river, stream, or other body of water from pollution or other environmental damage.

(g) A Temporary Use Permit for grazing is valid for a period of three years. The director may grant one-year extensions if conditions at the time of initial approval have not changed.

(h) Upon completion of the temporary use, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

Sec. 18-04-210. Temporary Living Quarters.

(a) **Definition.** Temporary facilities in the form of a manufactured home, used as living quarters during the construction of a residence upon a property not less than one-half acre in area.

(b) The Temporary Use Permit for temporary living quarters is valid for a six-month period. An additional six months may be granted by the director provided the exterior walls and roof of the residence are completed.

(c) If additional extensions are requested, they shall be via application for an extension to the commission.

(d) Setbacks do not apply to this use.

Sec. 18-04-211. Temporary Parking Lot.

(a) **Definition.** A tract of land which is used for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking spaces which are either free or rented to the general public.

(b) The director may require or the applicant may request temporary parking to serve new developments until a point where a project is built out enough to meet the intent of the parking requirements. Typically, this is a requirement when a parking garage will be built to accommodate the required parking.

(c) During the build out of a project, temporary surface parking lots may be used for parking.

(d) A temporary parking lot shall not exist for more than three years from the date that it is first put into use.

(e) After three years, the temporary parking lot shall be removed.

(f) Maintenance of the temporary parking lot shall be according to the requirements of Section ###.

(g) Temporary Parking Lots shall be screened from view from the public right-of-way and adjacent residential properties with a 100 percent opacity wall or fence with a minimum height of three feet and maximum height of four feet. Chain link fence with slats shall not be considered as meeting screening requirements.

Sec. 18-04-212. Temporary Use, Other.

(a) **Definition.** A use or activity of limited duration that is not specifically listed as a temporary use in this article.

(b) Subject to the conditions listed below, the director may approve other temporary uses and activities if it is determined that such uses would not jeopardize the health, safety, or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

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(c) **Traffic.** The proposed site must be adequately served by streets or drives having sufficient width and improvements to accommodate the type and quantity of traffic that such temporary use will or could reasonably generate.

(d) **Parking.** Adequate parking must be available, either on-site or at alternate locations, to accommodate vehicular traffic reasonably expected to be generated by such use.

(e) **Signs**. Only temporary and vehicular signs are permitted. Signs shall conform to the provisions of the Sign Code in Article XI of this chapter and shall be removed when the activity ends. Permanent signs are prohibited.

(f) **On-site lighting.** Temporary uses operating after dark shall provide sufficient lighting to ensure safety.

(g) **Trash.** The operator of a temporary use is responsible for the storage and removal of all trash, refuse, and debris on the site. When possible, all trash storage areas should be screened from view from adjacent rights-of-way. The property owner and the applicant are responsible for ensuring that the site is maintained in a clean and safe manner. An application for a temporary use permit shall include a waste management plan to manage any trash and other waste generated by the use.

(h) **Noise.** All temporary uses shall comply with the sound level standards specified in Section 38-441 of the Code unless otherwise exempted.

(i) **Dwelling prohibited.** Except as authorized in Sections 18-04-210 and 18-06-65, no temporary use shall be used as a dwelling unit.

(j) **Restoration.** Upon completion of the temporary use, the site shall be cleaned, all evidence of its use removed, and left in a condition that minimizes adverse impacts to the site itself and to surrounding properties.

(k) **Additional review criteria.** All temporary uses shall meet the requirements of Section 18-02-24 pertaining to temporary use permits.

(l) **Licensing and permits.** The applicant is responsible for obtaining any licenses and permits when required by this Code, state statute, or other regulation. No person shall engage in the operation or activities of a temporary use prior to the issuance of a temporary use permit, unless exempted in Section 18-02-24.

Sec. 18-04-213. Reserved.

Sec. 18-04-214. Reserved.

Sec. 18-04-215. Reserved.

Sec. 18-04-216. Reserved.

Sec. 18-04-217. Reserved.

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ARTICLE V: OIL AND GAS REGULATIONS

DRAFT 3 – MAY 27, 2025

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Chapter 18 / Article V: Oil and Gas Regulations

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DIVISION 1. GENERALLY

Sec. 18-05-01. PURPOSE AND AUTHORITY.

(a) The purpose of these regulations is to use the city's land use and other police powers to provide a framework for the responsible exploration and production of oil and gas resources in a manner that is compatible with surrounding land uses, mitigates adverse impacts, and is consistent with and subject to the protection of public health, safety, welfare and the environment. These regulations are intended to harmonize with state laws, regulations, and rules pertaining to oil and gas development.

(b) These regulations are adopted pursuant to the Thornton City Charter, C.R.S. § 31-15-401 and §§ 29-20-101 et seq., and Colo. Const. Art. XX, § 6.

Sec. 18-05-02. APPLICABILITY.

(a) It shall be unlawful for any person to commence an oil and gas operation unless the city has first authorized the operation pursuant to these regulations.

(b) New oil and gas operations located wholly or partially on land within the city and the expansion of existing oil and gas operations within the city are subject to these regulations.

(c) Oil and gas operations may be approved pursuant to these regulations on property that has not been subdivided without requiring the property to be subdivided.

(d) **Pre-existing oil and gas operations.**

(1) Except for the requirements of Section 18-05-02(d)(2), these regulations do not apply to oil and gas operations that exist as of the effective date of these regulations.

(2) When the city approves any type of real property that contains residential uses and that will be located within 500 feet of any well site or production site in use by an oil and gas operation in existence as of the effective date of these regulations, the operator shall be required to implement the lighting study set forth in Section 18-05-11(f)(2) and the noise management plan set forth in Section 18-05-11(f)(3) and will be required to follow the signage requirements in Section 18-05-22(h) of these regulations. Measurement of the 500-foot restriction shall be taken from the closest edge of either the well pad or aboveground production facilities to the boundary line of the real property that contains residential uses. The operator shall coordinate with the developer of the real property that contains residential uses to provide the location of all existing flowlines and gathering lines associated with the oil and gas operation. The operator shall mark all such lines within the oil and gas location.

(3) The city manager shall provide written notice to the operator of the approval of residential development within 500 feet of the existing oil and gas operations. The

standards triggered by the new development must be satisfied by the operator within 90 days unless otherwise agreed to by the city manager.

(e) Authorization to conduct oil and gas operations pursuant to these regulations allows the operator to conduct the activities only specified by the authorization. The authorization to conduct an oil and gas operation terminates if the operation is not commenced within three years of the date of the authorization, or upon abandonment of a well.

(f) Shut-in of a well or resuming production of a well that has been shut-in in accordance with ECMC Rules does not require an operator agreement or a permit. Well shut-in or resuming production at a shut-in well requires notice as follows:

(1) For a well shut-in other than a temporary shut-in described in Subsection (3) below, the operator shall provide written notice to the city of the name or designation for and location of the shut-in well within 30 days of shut-in.

(2) For resuming production at a shut-in well other than a temporary shut-in described in (3) below, not less than 14 days before beginning work to resume production, the operator shall provide written notice to the city, including the general description of the work to be performed to resume production at a shut-in well, and estimated timetable for conducting and completing the work.

(3) For a temporary well shut-in, if production resumes within two weeks of the temporary shut-in, the operator shall timely provide written notice to the city of the name or designation for and location of the well, the anticipated dates for shut-in and for resuming production, a description of what will be done to get the well ready to resume production, and an estimated timetable for conducting and completing the work.

(g) Renovation or repair of accessory equipment or pumping systems, other than regular routine maintenance, does not require an operator agreement or a permit, provided the work does not constitute expansion of the oil and gas operation. Renovation or repair of accessory equipment or pumping systems requires an activity notice as follows:

(1) Prior to the renovation or repair of accessory equipment or pumping systems, the operator shall submit an activity notice to the city.

(2) The activity notice shall contain the following information:

a. Operator's name and address and, if a type of entity, the name and address of the registered agent of the operator defined as any other person that the operator designates to receive notice.

b. Name, address, and telephone number of the person other than the operator who will be responsible for conducting and completing the renovation or repair work, if applicable.

c. Copy of the ECMC form 2 and form 2A for the existing oil and gas operation.

d. A plan for the renovation or repair of the accessory equipment or pumping facilities. The plan must include the following sections:

1. Estimated timetable for conducting and completing the renovation or repair work.

2. Narrative description of the methods to be used for landscaping or reclamation of the area, as necessary upon completion of the renovation or repair work.

3. Narrative description of the practices proposed to be followed to ensure public health and safety and to protect the environment and wildlife habitat from adverse impacts as a result of the renovation or repair work.

4. Any additional material deemed necessary by the city manager to allow a determination of whether the renovation or repair work increases the scale or intensity of the oil and gas operation.

(h) Nothing in these regulations shall be construed to limit other applicable provisions of the Code not in conflict with these regulations. If there is a conflict between these regulations and other city regulations and requirements, these regulations shall govern oil and gas operations.

Sec. 18-05-03. Three types of authorization for oil and gas operations.

These regulations provide for the following three alternative processes by which operators can choose to obtain authorization to conduct oil and gas operations in the city:

(a) **Oil and gas permit process.** An applicant may seek authorization to conduct oil and gas operations pursuant to the oil and gas permit process which requires review and recommendation by the city manager and decision by the city council after a public hearing. The oil and gas permit process is set forth in Division 4 of these regulations.

(b) **Expedited oil and gas permit process.** An applicant may seek authorization to conduct oil and gas operations pursuant to an expedited oil and gas permit process if the operator agrees to satisfy the eligibility requirements contained in Section 18-05-15. The expedited process is set forth in Division 3 of these regulations.

(c) **Operator agreement.** An applicant may seek authorization to conduct oil and gas operations through a negotiated agreement between the city and the operator. The operator agreement is approved by the city council at a regular meeting without public hearing. The process for an operator agreement is set forth in Division 6 of these regulations.

Sec. 18-05-04. Other requirements.

(a) Once the city has authorized an oil and gas operation pursuant to these regulations, the operator shall obtain a city sales and use tax license by filing the appropriate application with the finance director.

(b) Once the city has authorized an oil and gas operation pursuant to these regulations, the operator shall obtain all applicable permits and licenses before commencing oil and gas operations and before constructing any above-ground structures or facilities.

(c) Notice procedures:

(1) Every operator of any oil and gas operation subject to these regulations shall designate an agent residing within the state to receive any legal process or orders and notices provided for in these regulations. Notice of change of the agent or the agent's address shall be submitted by electronic notice and certified mail, return receipt requested, to the city within ten days following the occurrence of such change.

(2) In every instance herein where notice to the city is required by these regulations, such notice shall mean to the attention of the city manager at 9500 Civic Center Drive, Thornton, CO 80229 and a separate notice to the attention of the local government designee - city development at the same address as above.

(3) All such notices shall be effective as of the date stamped when received by either the city manager's office or city development for the local government designee.

Sec. 18-05-05. Definitions

The following terms, phrases, and definitions specifically apply to these regulations in Article V and shall control in the event of conflict with the terms, phrases and definitions in Article XIII, Section 18-13-01 of the Code. All other words used in these regulations are given their usual and customary meaning, and all words of a technical nature or specific to the oil and gas industry shall have the meaning which is generally accepted in the oil and gas industry.

Abandonment means the cementing of a well, the removal of its associated production facilities, the removal of its flowlines, and the remediation and reclamation of the well site.

Activity notice means a notice of renovation or repair of accessory equipment or pumping systems, submitted to the city prior to beginning the work and pursuant to Section 18-05-02(g).

Boundary or *boundary line* means the border of any real property, specifically designated by any means of documented linear measurements or by stationary markers.

City means the city of Thornton.

City council or *council* means the city council of the city of Thornton.

City manager means the city manager of the city of Thornton or designee.

Closed loop systems means a closed loop mud drilling system that typically consists of steel tanks for mud and storage and the use of solids removal equipment, which normally includes some combination of shale shakers, mud cleaners, and centrifuges sitting on top of the mud tanks. This equipment separates drill cutting solids from the mud stream coming out of the well bore while retaining the water or fluid portion to be reused in the continued drilling of the wellbore. The solids are placed in containment provided on the site. The system differs from conventional drilling where a reserve pit is used to allow gravitational setting of the solids from the mud which can then be reused. A closed loop system does not include use of a conventional reserve drilling pit.

Code means the Thornton City Code.

Days means calendar days.

ECMC means the Energy and Carbon Management Commission of the state of Colorado.

Expansion of oil and gas operations means an increase in the intensity and/or size of an oil and gas operation and/or an increase in the number of wells or production facilities.

Expedited oil and gas permit means a permit for oil and gas operations approved by the expedited process set forth in Division 3 of these regulations.

Exploration and production waste or E&P waste means those wastes associated with operations to locate or remove oil or gas from the ground or to remove impurities from such substances and which are uniquely associated with and intrinsic to oil and gas exploration, development, or production operations that are exempt from regulation under subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 USC Sections 6921, et seq. For natural gas, primary field operations include those production-related activities at or near the wellhead and at the gas plant (regardless of whether or not the gas plant is at or near the wellhead), but prior to transport of the natural gas from the gas plant to market. In addition, uniquely associated wastes derived from the production stream along the gas plant feeder pipelines are considered E&P wastes, even if a change of custody in the natural gas has occurred between the wellhead and the gas plant. In addition, wastes uniquely associated with the operations to recover natural gas from underground storage fields are considered to be E&P waste.

Flowline means those segments of pipe from the wellhead downstream through the production facilities ending at:

(a) In the case of gas lines, the gas metering equipment; or

(b) In the case of oil lines, the oil loading point or LACT unit; or

(c) In the case of water lines, the water loading point, the point of discharge to a pit, the injection wellhead, or the permitted surface water discharge point.

Gas means all natural gases and all hydrocarbons not defined in this section as oil.

Gathering pipeline means a pipeline that transports gas or oil from a current production facility to a transmission line or main, but does not apply to a pipeline carrying produced water subject to ECMC Rules.

Geological hazard means a geologic phenomenon that is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:

(a) Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;

(b) Seismic effects;

(c) Radioactivity; and

(d) Ground subsidence.

Green completion practices mean those practices intended to reduce emissions of salable gas and condensate vapors during cleanout and flowback operations prior to the well being placed on production.

Hydraulic fracturing fluid means the fluid, including the applicable base fluid and all hydraulic fracturing additives, used to perform a hydraulic fracturing treatment.

Hydraulic fracturing treatment means all stages of the treatment of a well by the application of hydraulic fracturing fluid under pressure that is expressly designed to initiate or propagate fractures in a target geologic formation to enhance production of oil and natural gas.

Injection well means any class II well used for the exclusive purpose of injecting fluids or gas from the surface for enhanced oil recovery or the disposal of E&P wastes. A gas storage well is not an injection well.

Kelly means the heavy square or hexagonal steel member suspended from the swivel through the rotary table and connected to the topmost joint of the drill pipe to turn the drill stem as the rotary table turns.

Loadline means a type of hose to pump oil and water into a transport truck.

Local government designee or *LGD* means the office designated by the city to act on behalf of the city in accordance with responsibilities defined by the ECMC Rules.

Maximum allowable operation pressure or *MAOP* means the maximum pressure at which a pipeline or segment of a pipeline may be operated pursuant to 49 CFR 192 Part A.

Oil and gas containment berm or *berm* means a barrier of any type used for preventing the passage of liquid materials or providing screening from adjacent uses as may be specified in an applicable oil and gas standard.

Oil and gas location means a definable area of land where an operator has disturbed or intends to disturb the land surface in order to locate an oil and gas operation; as more specifically depicted in the facilities plan required by Section 18-05-11(f)(4).

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

Oil and gas permit means a permit for oil and gas operations approved by council following public hearing. The oil and gas permit process is set forth in Division 4 of these regulations.

Operator means any person who exercises the right to control the conduct of oil and gas operations.

Operator agreement means an agreement between the city and an operator describing how proposed oil and gas operations are to be conducted within the municipal boundaries.

Outdoor activity areas means parks, designated playground areas or similar types of recreation areas including trail and trail corridors, amphitheaters or similar outdoor entertainment venues or areas.

Permit means oil and gas permit or expedited oil and gas permit.

Production facility means any storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil wells, gas wells, or injection wells.

Production site or *site* means a site where production facilities are located.

Reclamation means the process of returning or restoring the surface of disturbed land as nearly as practicable to its condition prior to the commencement of oil and gas operations or to landowner specifications with an approved variance under ECMC Rule 502.b.

Recompletion of a well means actions taken following the initial completion of a well, including the action and techniques of reentering the well and redoing or repairing the original completed well to restore the well's productivity.

Regulations means these oil and gas regulations codified in Chapter 18, Article V of the Code.

Shut-in well means a well which is capable of production or injection by opening valves, activating existing equipment or supplying a power source.

Specified minimum yield strength or *SMYS* means:

(a) For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

(b) For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with §192.107(b) of 49 CFR 192 part A.

Spill means any unauthorized sudden discharge of E&P waste to the environment.

VOC emissions means volatile organic compounds in oil and gas operations that are released into the atmosphere and/or ground.

Water body or *water bodies* means any surface waters which are contained in or flow in or through the city, but does not include roadway ditches, ephemeral streams, water in sewage systems, water in treatment works of disposal systems, non-municipal water facilities, water in potable water distribution systems, or irrigation or lateral ditches not discharging directly to live streams or municipal water facilities.

Well means an oil or gas well, a hole drilled for the purpose of producing oil or gas, a well into which fluids are injected, a stratigraphic well, a gas storage well, or a well used for the purpose of monitoring or observing a reservoir. Well includes a shut-in well.

Well pad means a specifically designated area of land that is used for drilling and extraction for a single well or multiple wells; multiple wells on a pad may be referred to as a multi-well pad.

Well site means the areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil well, gas well, or injection well and its associated well pad.

Wildlife habitat means a natural or manmade environment that contains the elements of food, shelter, water, and space in a combination and quantity necessary to sustain one or more wildlife or plant species at stable population levels in historically used habitats. Sensitive wildlife habitat areas include, but are not limited to, nesting, brood rearing areas, rookeries, leaks, migration corridors, and calving and fawning grounds for big game.

DIVISION 2. APPLICATION PROCESS FOR AUTHORIZATION TO CONDUCT OIL AND GAS OPERATIONS

Sec. 18-05-06. PRE-APPLICATION CONFERENCE.

(a) Prior to submitting an application for a permit or seeking permission to negotiate an operator agreement, an applicant shall meet with the city manager to discuss the proposed oil and gas operation. The purpose of the pre-application conference includes, without limitation the following:

(1) The location and nature of the proposed oil and gas operation.

(2) The application submittal requirements, the nature of materials that will be responsive to those requirements, and waivers of any materials that would not be necessary in determining whether the application complies with city requirements.

(3) Whether the application will be reviewed under the expedited oil and gas permit process, or whether the applicant will seek permission to negotiate an operator agreement.

(4) The terms and conditions imposed on the proposed oil and gas operation.

(5) Identification of site-specific concerns and issues that bear on the proposed oil and gas operation.

(6) Projected impacts and potential mitigation.

(7) The city's oil and gas standards that must be satisfied for authorization to conduct an oil and gas operation.

(8) Proposed date(s) and location(s) for neighborhood meeting(s).

(9) Applicant concerns, if any, about potential operational conflicts or waivers of oil and gas standards based on technical infeasibility or environmental protection that the applicant intends to request.

(b) Pre-application materials. Not less than 20 days before the pre-application conference, the applicant shall provide the city manager with information that is sufficient for determining the location and nature of the proposed oil and gas operation, the degree of impacts associated with the operation, and mitigation proposed to offset such impacts.

Sec. 18-05-07. Neighborhood meeting.

As soon as possible following the pre-application conference, and prior to the city manager's report, the applicant shall hold at least one neighborhood meeting; if the city determines that the neighborhood meeting did not convey the proper information to citizens, the city may require another meeting. The meeting location shall be approved by the city.

(a) **Purpose of neighborhood meeting.** The purpose of a neighborhood meeting is to provide an informal opportunity to inform the residents and property owners of the surrounding neighborhood(s) of the details of a proposed oil and gas operation, and to receive public comment and encourage dialogue at an early time in the review process.

(b) **Presentation at the meeting.**

(1) The operator will present the oil and gas operation concept, including how the operator intends to site oil and gas facilities, an estimated drilling and completion schedule, and how the operator will implement setback requirements. The operator will discuss mitigation of impacts to air and water quality, transportation, and other

nuisances so citizens may identify and discuss issues related to the proposed operation.

(2) Citizens will be informed of the applicable review and approval process and how the applicant will meet the standards contained in these regulations.

(3) Decisions regarding the application will be made after the neighborhood meeting.

(4) The operator will provide a draft schedule of activities and presentation to the city at least five days before the neighborhood meeting.

(c) **Format.** The neighborhood meeting shall include a brief presentation about the development and allow participants to ask questions. Maps of the development site, site plans, and elevation drawings should be available for review by the public. The applicant or applicant's known representative shall be available to answer questions. The applicant shall provide comment sheets for participants to provide feedback concerning the proposed development to the city; comment sheets are to be left with city personnel at the meeting or mailed to the attention of the LGD - city development at 9500 Civic Center Drive, Thornton, CO 80229. The applicant shall offer participants the opportunity to provide their names and mailing addresses for the purpose of receiving notice of public hearings concerning any application that is subsequently submitted.

(d) **Notice and time for a neighborhood meeting.** The applicant shall provide notice of the neighborhood meeting(s) to residents and property owners within a minimum one-half mile radius of the boundary lines of the oil and gas location and such notice shall be mailed at least ten days before the meeting. The applicant shall submit a copy of the notice and an affidavit to the city identifying the residents and property owners that were sent notice of the neighborhood meeting. The neighborhood meeting shall be held on a weekday evening between the hours of 5:00 p.m. and 8:00 p.m., not on holidays.

(e) **Location.** In order to provide surrounding property owners the best opportunity to attend, the neighborhood meeting is to be held at an indoor location approved by the city as close as possible to the subject site.

(f) **Attendance at neighborhood meeting.** The applicant or their representative shall attend the neighborhood meeting. The applicant shall be responsible for scheduling the meeting, coordinating the meeting, and for retaining an independent facilitator if needed. City staff will also attend the meeting.

(g) **Summary of neighborhood meeting.** The city staff shall prepare a written summary of the neighborhood meeting to be provided to the operator and the city manager.

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Sec. 18-05-08. Application submittal.

An applicant seeking authorization to conduct an oil and gas operation shall submit to the city manager the application materials set forth in Section 18-05-11.

Sec. 18-05-09. Waiver of application material requirements.

The city manager may waive one or more of the application materials if they are not applicable given the nature or location of the oil and gas operation. The city manager may also request additional information deemed necessary for the review of the permit application to evaluate compliance with these regulations. The applicant may submit materials submitted to the ECMC that are responsive to these regulations to avoid duplication.

Sec. 18-05-10. Application fee.

(a) **Fee requirement.** The application shall be submitted with full payment of the application fee as set forth by resolution of the city council.

(b) **Payment of additional costs.** The applicant is responsible for the costs of outside counsel, consultants, and referral agency review of the application including reviews associated with the pre-application conference, verification of application submittals and acceptance of the application, and all hearings and meetings on the application. All additional costs and any additional permit fees shall be paid prior to approval of a permit.

Sec. 18-05-11. Application materials.

An application must include the following materials unless the city manager has waived one or more of the materials pursuant to Section 18-05-09. To avoid duplicative or unnecessary work, the applicant may submit any materials prepared for the ECMC or other regulatory agencies that the city manager determines are adequate substitutes for these application materials. To avoid unnecessary cost and time, the applicant should consult with the city prior to preparing any reports and studies so that the scope and substance of the reports and studies is responsive to city requirements and concerns.

(a) The application form furnished by the city and the operator's name and address and, if a type of entity, the name and address of the registered agent of the operator; any other person that the operator designates to receive notice, and a person designated by the operator to serve as an on-site contact.

(b) Name and address of the surface owner and a copy of surface use agreement.

(c) Title commitment and documents for mineral and surface interests, if available.

(d) Copies of applicable ECMC forms 1, 2, and 2A if they have been submitted to the ECMC. The operator shall also provide notice to the city when the operator files a ECMC form 6.

(e) A list of all permits or approvals obtained or yet to be obtained from state or federal agencies other than ECMC.

(f) Plans and reports.

(1) **Air quality impact assessment and mitigation plan.** The plan shall include projected impacts to air quality attributable to the oil and gas operation, and the mitigation steps that will be implemented to avoid significant degradation of air quality.

(2) **Lighting study.** A photometric study to include a plan for installation of lighting. The plan shall show how the applicant will mitigate light pollution and spill-over onto properties within 1,000 feet of the well site, and meet the glare requirements of Section 38-442 of the Code unless another type of lighting is necessary for public and occupational safety.

(3) **Noise management plan.** The plan shall identify hours of maximum noise emissions and type, frequency, and level of noise to be emitted during each phase of the oil and gas operation. The plan shall include proposed mitigation measures and a requirement that all decibel readings to verify compliance with these regulations shall be taken for each well site and production site in the manner prescribed in ECMC Rule 802.c.

(4) **Stormwater management plan.** A copy of the stormwater management plan submitted to the Colorado Water Quality Control Division, and a description of the measures proposed to comply with the applicable ECMC stormwater control requirements in Rule 1002(f).

(5) **Flowline management plan.**

a. **Existing flowlines.**

1. The plan will provide for advance notice to the city when removal of any existing or abandoned flowlines is scheduled to occur.

2. The plan will provide for notice to the city when existing flowlines are relocated and for update of the facilities plan, Section 18-05-11(f)(14).

3. Flowlines to be used shall be marked within the oil and gas location every 100 feet with a marker approved by the city. Flowlines not used shall be abandoned.

b. **Proposed flowlines.**

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1. A copy of ECMC Rule 1101.e approved continuous monitoring program providing for pressure data monitoring 24 hours a day seven days a week and a provision for reporting results to the city; or

2. A description of ECMC Rule 1101.e pressure testing practices and provision for reporting results to the city.

3. A map locating all flowlines within the oil and gas location and the size, depth, and length of the flowlines. The map can be used as a part of the facilities plan.

4. All proposed flowlines will be marked in the same manner as existing flowlines.

(6) **Gathering pipeline integrity management plan.**

a. The owner of a gas gathering pipeline shall prepare and maintain an Integrity Management Plan in conformance with 49 CFR § 192, subpart O.

b. The owner of an oil gathering pipeline shall prepare and maintain an Integrity Management Plan in conformance with 49 CFR § 195.452.

c. The plan shall include the location of existing and proposed gathering pipeline(s) and shall identify the material, thickness, diameter, and operating pressure of existing and proposed pipelines; the materials transported in existing pipeline(s); the pipeline easement(s) by location and dimension; and the owner of each existing gathering pipeline.

d. Where operator is not the owner of a gathering pipeline, operator shall show where operator's facilities connect to a gathering pipeline and identify the owner of the gathering line.

e. The plan shall require that all gathering lines within the oil and gas location be marked every 100 feet with a marker approved by the city.

(7) **Water availability plan.** The plan shall identify the anticipated volume of water needed for each phase of the oil and gas operation, and verification of all sources of water for the life of the operation. The plan shall take into consideration that the city will not provide city water for use by an oil and gas operation.

(8) **Water quality impact assessment and monitoring plan.** The plan shall establish a baseline and a process for monitoring changes to water quality and the aquatic environment to demonstrate the effectiveness of mitigation. The plan shall include an inventory and location of all water bodies and groundwater, as well as domestic and commercial water wells within a one-mile radius of the oil and gas operation and the following:

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a. The location of all existing water bodies and watercourses, including direction of groundwater flow. This information shall be submitted on United States Geological Service (USGS) 7.5 minute series, assessor base maps which indicate topographic detail and show all existing water bodies and watercourses with a physically defined channel within a 1,000-foot radius of the well site or a map of equal quality and information.

b. Locations for and frequency of sampling and monitoring to establish baseline of existing conditions prior to the proposed oil and gas operation, including existing water quality, aquatic life and macro-invertebrates, and groundwater data.

c. Key indicators of water quality and stream health, and threshold levels that will be monitored to detect changes in the water quality and health of the aquatic environment.

d. Locations for and frequency of sampling and monitoring for key indicators of water quality and stream health including, but not limited to, contaminants regulated by the ECMC and any other contaminants associated with the oil and gas operation.

e. Locations for and frequency of sampling and monitoring to measure effectiveness of water quality mitigation during the life of the oil and gas operation and five years after final reclamation of all disturbed areas is complete.

f. Projected impacts to water quality and mitigation steps that will be implemented to avoid significant degradation of water bodies if monitoring of key indicators reveals water quality degradation is attributable to the operation.

(9) **Wildlife and habitat assessment mitigation plan.** The plan shall include identification of existing wildlife and wildlife habitat, as defined by the Colorado Division of Parks and Wildlife, and projected impacts and mitigation steps that will be implemented to avoid significant degradation of wildlife and wildlife habitat located within the oil and gas location.

(10) **Landscaping and reclamation plan.**

a. Description of the species, character, and density of existing vegetation on the site.

b. Projected impacts to vegetation as a result of the oil and gas operation, and mitigation steps that will be implemented to address these impacts and minimize damage to existing trees and vegetation.

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c. Description of the proposed landscaping.

d. Description of the plan for weed management in compliance with Section 38-444 of the Code.

e. Interim and final reclamation plan.

(11) **Grading, drainage, and erosion control plan.** Identification of existing and proposed contours, at two-foot intervals, and the methods for controlling erosion and dust during construction and all phases of the oil and gas operation, pursuant to Chapter 22, Article V and Chapter 22, Article V, Division 6 of the Code.

(12) **Geological assessment report.** The report, prepared by a professional engineer, shall detail the geological characteristics of the site. The report shall include an assessment of the geologic hazards within one mile of the site and the plan for mitigating impacts from geologic hazards to the oil and gas operation, and impacts of the operation on such geologic hazards.

(13) **Vicinity map that includes:**

a. The location of existing oil and gas wells as reflected in ECMC records, including abandoned wells, within a 1,000-foot radius of the proposed location of the boundaries of the well pad.

b. The location of proposed well pad sites and production sites, including the information submitted on ECMC form 2, graphically depicted on a map of the section in which the sites are to be located, including the tax parcel identification number of the property on which the well pad and production sites are to be located.

(14) **Facilities plan.**

a. A site map depicting the boundary line of the oil and gas location and all proposed well sites and production sites. The site map shall be at a scale no less than one inch equals 100 feet showing:

1. The proposed location of all production facilities associated with the oil and gas operation; the flowline management plan may be used to supplement this information.

2. The location of any existing wells and production facilities, including without limitation flowlines, twinning locations, motors, tank battery, separators and treaters, production pits, and other accessory equipment that are to be used for the oil and gas operation.

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3. The location of any proposed fencing surrounding the oil and gas location, excluding any flowlines or gathering lines extending beyond the oil and gas location and the location of all proposed berming.

4. Proposed accessways and storage facilities associated with the well site and production site.

5. Description of intended color of paint for storage tanks and other permanent structures.

6. Existing physical features, including drainageways, floodplains, roads, rights-of-way, and irrigation or lateral ditches that discharge to live streams and any municipal water facility within 1,000 feet of the designated boundary for the well site or production site.

7. Existing subdivision boundaries, existing buildings or structures, property lines, public and private utility easements of record, and utility facilities and improvements on or located within 1,000 feet of the designated boundary for the well sites or production sites.

8. The location of existing and proposed transmission lines and gathering pipeline(s) identified by material, thickness, diameter, and operating pressure and the easement identified by location and dimension.

9. Location of guy line anchors buried for future use.

b. A topographic map and aerial photo of the oil and gas operation location and a boundary map specifically identifying the boundary lines for the parcel on which the oil and gas operation will be located.

c. The facilities plan shall be amended if the location proposed during the application but prior to construction changes.

(15) **Emergency preparedness and response plan.** A plan for each specific facility associated with the oil and gas operation in compliance with the International Fire Code as amended in the Code. The plan shall be filed with the Thornton Fire Department, the Adams/Jeffco Hazardous Materials Response Authority ("hazmat team"), and the city's emergency and safety administrator, updated on an annual basis and as conditions change (responsible field personnel change, ownership changes, etc.).

a. Name, address and phone number, including 24-hour emergency numbers for at least two persons responsible for emergency field operations.

b. Contact information for the Thornton Fire Department, the hazmat team, and the city's emergency and safety administrator. Any spill response will require

notification to the Thornton Fire Department, city's emergency and safety administrator, and the hazmat team.

c. A facilities map depicting the proposed locations and type of above- and below-ground facilities, including sizes and depths below grade of all flowlines, oil and gas gathering pipelines and transmission lines and associated equipment, isolation valves, surface operations and their functions, as well as transportation routes to and from the site of the oil and gas operation for emergency response and management purposes.

d. Information detailing each reasonable potential emergency that may be associated with the operation. This may include any or all of the following: Explosions, fires, gas, oil or water pipeline leaks or ruptures, uncapped flowlines or unsecure valves connected to a wellbore, hydrogen sulfide or other toxic gas emissions, or hazardous material vehicle accidents or spills.

e. Information detailing access or evacuation routes, and health care facilities anticipated to be used.

f. A project-specific emergency preparedness plan for any project that involves drilling or penetrating through known zones of hydrogen sulfide gas.

g. Information demonstrating that the applicant has adequate personnel, supplies, and training to implement the plan immediately at all times during construction and operations.

h. A process for maintaining the current material safety data sheets (MSDS) for all chemicals used or stored on-site for inspections, and a process for providing such MSDS information upon request, and at any stage of development, to city officials, a public safety officer, or a health professional.

i. A community outreach policy that establishes a process by which the operator engages with the surrounding neighbors to educate them on the risks of the on-site operations, and to establish a process for surrounding neighbors to communicate with the operator.

j. A list of names and contact information for a third-party emergency response agency, other than the Thornton Fire Department, an independent contractor, or a division within the operator's oil and gas operation, that is appropriately equipped to respond to the specific emergency and other hazardous incidents that may occur in connection with the operation, and proof that such agency or independent contractor is willing and able to respond to any such incident occurring on the site of the operation.

k. A section providing that when an emergency situation arises that creates an imminent threat to health and safety, as determined by the city, the operator

will, in consultation with the city, take all steps necessary to abate the emergency including cessation of operations if cessation will abate the emergency.

l. A provision obligating the operator to reimburse the appropriate emergency response service providers for costs incurred in connection with any emergency in accordance with Colorado state statutes.

(16) **Transportation plan.**

a. Description of all proposed private and public access and haul routes for all product produced and transported; equipment delivery; water, sand, waste solids, fluids, and E&P waste; and any other materials to be hauled onto or from the site of the oil and gas location.

b. Description of each vehicle type, the unloaded and loaded weight of each vehicle, and the number of wheels and axles for each vehicle, including an estimate of the number of trips per day for each type of vehicle for each phase of the oil and gas operation. This information shall also be provided to the traffic engineer in connection with the process for obtaining an access road permit, once a permit is approved.

c. Description of the proposed routes that will be utilized for all truck traffic and anticipated times of travel for the operator or any subcontractor of the operator. The plan shall demonstrate how such routes and times will be used to insure that public roads and public intersections will be used in a manner that minimizes delays in the use of public roads by the general public, and will not result in an unacceptable level of service for any contemplated intersection. The operator will submit, for approval by the traffic engineer, a plan to meet the applicable level of service for each intersection to insure the public traffic will not be adversely impacted.

(17) **Chemicals and hydraulic fracturing fluids disposal and reporting plan.** A plan for disposal and reporting of chemicals and hydraulic fracturing fluids.

(18) **Spill prevention control and countermeasures plan.**

a. Spills and releases shall be contained, investigated, and cleaned up as soon as possible or immediately in emergency situations. All employees performing spill clean-up shall be qualified in accordance with applicable state and federal requirements.

b. An electronic monitoring program to aide in discovery of spills and releases.

c. Copies of form 19 spill release reports (both the initial report and supplemental report) and form 23 loss of well control report shall be

submitted to the city manager, the LGD, and the Thornton Fire Department 911 line at the same time that they are submitted to the ECMC.

d. Spills and releases outside of containment which exceed one barrel of E&P waste or produced fluids shall be reported to the city manager and the LGD within 24 hours.

e. Spills and releases that impact or threaten to impact waterbodies or ditches, residences or other structures occupied by, livestock, or public byways shall be reported in person, by phone, or text to the Thornton Fire Department, the hazmat team, the city's emergency and safety administrator, the city manager, and the LGD within 24 hours, with a follow-up written notice within 48 hours of such notice.

f. Spills and releases that impact or threaten to impact a water supply intake shall be reported immediately to the city manager and the LGD and if the city is not the owner of the intake, also to the owner of the intake.

g. Spills and releases shall be reported in compliance with state and federal laws.

(19) **Leak detection and repair plan.** A plan to detect and promptly repair leaks in equipment and facilities. At a minimum, the plan shall be comparable to EPA method 21, and provide for:

a. Monthly infrared camera and olfactory inspections of new and existing wells, related facilities, and equipment. After one year of operation, inspections shall be made at least quarterly.

b. Baseline inspections within 60 days after authorization of the oil and gas operation.

c. Computerized monitoring and leak detection with 24-hour reporting capabilities to the operator, who will then immediately provide notice to the Thornton Fire Department and emergency and safety administrator.

(20) **Operating plan.** The plan shall identify the method of extraction to be used and the schedule for each phase of the oil and gas operation including drilling, completion, transporting, and production.

(21) **Recreation impact assessment and mitigation plan.**

a. Description of any outdoor activity areas located within 1,000 feet of the oil and gas operation boundary line and user data for those areas.

b. Projected impacts to active and passive recreation activities including, but not limited to, loss of user days, degradation of views and vistas, and impacts on access to public recreation areas.

c. Mitigation steps that will be implemented to avoid degradation of such outdoor activity areas and the type of activities designated for such areas.

(22) **Public facilities and services.** A description of existing levels of public services and the costs to provide the services affected by the proposed oil and gas operation, a description of the increase in demand on those services, and a plan for mitigating the impacts to public services and facilities.

(23) **Other material.** Any other material necessary to demonstrate eligibility for an expedited oil and gas permit, if the applicant is proposing to apply for an expedited oil and gas permit.

Sec. 18-05-12. Verification of application submittal and acceptance of application.

(a) **Verification of application submittal.** Within ten days after receiving the application materials, the city manager will determine whether all the required application materials have been submitted.

(1) If the city manager determines that the application does not include all the required application materials, the city manager will notify the applicant. Notice to the applicant will identify the deficiencies and the city will take no further action until the deficiencies are remedied.

(2) If the applicant fails to remedy the deficiencies within 30 days after the notice, the application shall be considered withdrawn unless the applicant requests more time.

(b) **Acceptance of application.** Within 20 days after verification that all the required application materials have been submitted, the city manager will review the application to determine if the application materials are responsive to the city's requirements. Upon determination that the application is responsive, the city manager will accept the application. The application shall be dated with the date of acceptance.

(c) **Acceptance of the application is not a determination of compliance.** Acceptance of the application shall not constitute a determination that it complies with the oil and gas standards of these regulations.

(d) **Consultants.** The city manager may rely on consultants during the review of the application under this section.

Sec. 18-05-13. Determination of type of permit.

Within 14 days after acceptance of the application, the city manager will determine if the permit application is eligible for the expedited oil and gas permit process under Division 3, or subject to the oil and gas permit process under Division 4.

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Sec. 18-05-14. Referral of application to consultants and agencies.

Following acceptance of the application, the city manager may send a copy of the application to consultants and any local, state, or federal agency that may have expertise or an interest in impacts that may be associated with the oil and gas operation.

DIVISION 3. EXPEDITED OIL AND GAS PERMIT DECISION PROCESS

Sec. 18-05-15. Eligibility for expedited oil and gas permit process.

An oil and gas operation is eligible for the expedited oil and gas permit process if the applicant agrees to conduct the operation in conformance with the following minimum requirements in addition to the oil and gas standards in Division 5 and all other applicable city requirements. The applicant may submit a written proposal to use an alternate best management practice or technology to the city manager. The city manager may approve the alternate best management practice or technology if it is more protective of public health, safety, welfare, and the environment than the city standard or requirement.

(a) **Multi-well pads.** The applicant agrees to use multi-well pads as follows:

(1) Wells will be consolidated to create multi-well pads, including shared locations with other operators where possible.

(2) Well pads shall be constructed in such a manner that noise mitigation may be installed and removed with minimal disturbance to the site or landscaping.

(b) **Setbacks.** The applicant agrees to locate well sites and production sites in accordance with the following setbacks. These setback requirements may not be altered.

(1) Any type of well pad and above-ground production facility will be located at least 1,000 feet from occupied buildings, or a proposed building that has applied for a building permit that requires a certificate of occupancy pursuant to the Code. Measurement shall be taken from the edge of either the nearest well pad or above-ground production facility to the nearest wall or corner of any such buildings.

(2) Any type of well pad and above-ground production facility will be located at least 750 feet from the boundary line of platted residential lots and the boundary line of any outdoor activity areas. Measurement shall be taken from the edge of either the nearest well pad or above-ground production facility to the boundary line of the platted residential lots or any outdoor activity area.

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(3) Any type of well pad and above-ground production facility will be located at least 500 feet from the ordinary high water mark of any water body, or the edge of the bank of any irrigation or lateral ditch.

(4) Any type of well pad and above-ground production facility shall be located at least 500 feet from the boundary line of the property where the oil and gas location is situated.

(c) **Water quality requirements.**

(1) The applicant agrees to test for metals and other pollutants to establish baseline and post drilling conditions in accordance with the approved water quality impact assessment and monitoring plan.

(2) Containment berms. The applicant agrees to construct containment berms as follows:

a. Containment berms or other secondary containment facilities will be installed around crude oil, condensate, and produced water storage tanks and shall be capable of completely and safely impounding 150 percent of the capacity of the largest tank size within the berm.

b. Containment berms will be constructed of steel rings designed and installed to prevent leakage and resist degradation from erosion or routine operation.

c. The number of crude oil or condensate storage tanks will not exceed the berm capacity based upon generally accepted engineering criteria, but shall be designed to minimize the overall site footprint and surface disturbance.

d. Secondary containment areas for tanks will be constructed with a synthetic or engineered liner that contains all primary containment vessels and flowlines and is mechanically connected to the steel ring to prevent leakage.

e. No potential ignition sources will be located inside the secondary containment area unless the area encloses a fired vessel.

(3) Closed loop systems. The applicant agrees to use closed loop systems for all oil and gas operations.

(d) **Noise mitigation.**

(1) The applicant agrees that noise levels will conform to ECMC noise rules except that the noise level for any oil and gas operation located within the city will not exceed 60 dBA. Measurements shall be taken 350 feet from the source of the sound and will not be taken when traffic is passing the sound level meter.

(2) Electric motors and rigs will be used where use of electric power is available.

(e) **Green completion emission control systems.** The applicant agrees to comply with green completion standards for emission control systems for the flowlines, separators, and sand traps.

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(f) **Loadline requirements.** The applicant agrees to construct loadlines as follows:

(1) Loadlines will be capped, bull-plugged, or locked shut.

(2) Loadline receivers/valves will be placed inside secondary containment areas, or in a proper loadline containment device, or both.

(g) **Guy line anchors.** The applicant agrees that all guy line anchors left buried for future use will be identified by a marker of bright color not less than four feet in height and not greater than one foot east of the guy line anchor.

(h) **Tank requirements.**

(1) The applicant will maintain written records verifying proper design, construction, maintenance, locations and relocations of tanks.

(2) All newly installed or replaced crude oil and condensate storage tanks shall be designed, constructed, and maintained in accordance with the National Fire Protection Association ("NFPA"), Code 30, as may be amended from time to time.

(3) All fire department tanks that are part of the production site, and not temporary tanks, shall be no higher than nine feet.

(i) **Blowout preventer equipment.** The applicant agrees to install blowout preventer equipment as follows:

(1) **During drilling operations:**

a. Rig with kelly. Double ram with blind ram and pipe ram; annular preventer or a rotating head.

b. Rig without kelly. Double ram with blind ram and pipe ram.

c. Pressure test casing string and each component of blowout prevention equipment shall be performed upon initial rig-up and minimum once every 30 days during drilling operations. Results shall be documented and retained for up to one year.

d. Daily activation of pipe rams for function testing.

e. Mineral management certification or approved training required for at least one person at well site during drilling operations.

(2) **Well servicing operations:**

a. Adequate blowout prevention equipment will be used on all well servicing operations.

b. Backup stabbing valves will be installed on well servicing operations during reverse circulation and valves pressure tested before each well servicing.

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Sec. 18-05-16. City manager's review and decision.

(a) **Application review.** Following acceptance of the application, the city manager shall review the application to determine whether the applicant has demonstrated that the oil and gas operation will be conducted in accordance with the eligibility requirements in Section 18-05-15, the oil and gas standards in Division 5, and all other applicable requirements.

(b) **City manager decision and report.** Within 90 days of acceptance of the application, the city manager shall approve, approve with conditions, or deny the application.

(1) If the city manager determines that the application satisfies all requirements and standards, the city manager shall approve the application.

(2) If the city manager determines that the application fails to satisfy any one or more requirements and standards, the city manager may approve the application with conditions necessary to satisfy the requirements and standards, or deny the application. If the city manager decides to approve the application with conditions, the city manager will notify the applicant of such conditions prior to sending the report to city council in order to allow the applicant to submit additional documents to the city to address such conditions.

(3) The city manager will prepare and date a report that documents the decision, summarizes the oil and gas operation, and identifies the information on the record that indicates whether or not the operation is likely to comply with each requirement or standard. When the city manager decides to conditionally approve the application, the report will list each condition and the requirement or standard the condition addresses.

(4) The city manager will send the report to city council and the applicant after its completion.

(5) Unless the city council initiates a call-up pursuant to Section 18-05-17, or the applicant requests reconsideration of the city manager's decision pursuant to Section 18-05-18, the city manager's decision shall be deemed final 30 days after the date of the city manager's report.

(c) **Application record.** The application record consists of all application materials submitted by the applicant, the summary of the neighborhood meeting(s) prepared by city staff, correspondence to and from the applicant, reports prepared by consultants and referral agencies, written public comments, and the city manager's report and documents referenced in the report.

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Sec. 18-05-17. Call-up by city council of city manager's decision.

(a) **Call-up by city council.** At the next regular meeting or special meeting of the city council within 30 days of the date of the city manager's report, the council may, at its discretion and by an approved motion, call-up the city manager's decision.

(b) **Reconsideration of city manager's decision.** After the decision to call-up the city manager's decision, the city council will reconsider the city manager's decision at the next regular meeting or special meeting that allows for at least ten days' notice to the applicant. A public hearing is not required.

(c) **City council decision.** Based on its review of the city manager's report, the city council shall adopt a written resolution upholding, modifying, or overturning the city manager's decision as it deems necessary to comply with these regulations.

(d) **Rationale for city council decision.** The city council's resolution shall set forth its rationale. The rationale may generally refer to the record, summarize the essential facts (or missing facts) and witnesses that support its decision. The city council shall grant some deference to the city manager's decisions that rest on expert analysis by the city manager, staff, and/or outside experts. However, city council shall not be limited to the city manager's decision for issues involving interpretation or application of the regulations to the facts and expert opinions presented to city council.

(e) **City council record.** The city council record shall consist of the application record as described in Section 18-05-16(c), the written and taped record of oral proceedings, and the adopted resolution setting forth the council's decision.

Sec. 18-05-18. Applicant request for city council reconsideration of city manager's decision.

(a) **Request for reconsideration.** Not more than 30 days from the date of the city manager's decision, the applicant may submit a written request to city council for reconsideration of the city manager's decision. The request shall detail the reasons why the city manager's decision should be modified or overturned.

(b) **Reconsideration of city manager's decision.** The city council may reconsider the city manager's decision at the next regular meeting or special meeting that allows for at least ten days' notice to the applicant following receipt of the applicant's request for reconsideration. A public hearing is not required.

(c) **City council decision.** Based on its review of the city manager's report, the city council shall adopt a written resolution upholding, modifying, or overturning the city manager's decision as it deems necessary to comply with these regulations. The council's decision is final.

(d) **Rationale for city council decision.** The city council's resolution shall set forth its rationale. The rationale may generally refer to the record, summarize the essential facts (or missing

facts) and witnesses that support its decision. The city council shall grant some deference to the city manager's decisions that rest on expert analysis by the city manager, staff, and/or outside experts. However, city council shall not be limited to the city manager's decision for issues involving interpretation or application of the regulations to the facts and expert opinions presented to city council.

(e) **City council record.** The city council record consists of the application record as described in Section 18-05-16(c), the written and taped record of oral proceedings, and the adopted resolution setting forth the council's decision.

(f) **Request for public hearing.** In lieu of the process set forth in this Division 3, the applicant can request that the city council reconsider the city manager's decision in a public hearing conducted pursuant to the timeframes and appeal process in Section 18-02-32 of the Code.

DIVISION 4. OIL AND GAS PERMIT PROCESS

Sec. 18-05-19. CITY MANAGER REVIEW OF APPLICATION.

If the application is not eligible for the expedited permit process in Division 3 or the applicant has not chosen to pursue an operator agreement under Division 6, the city manager shall review the application following acceptance of the application to determine whether the applicant has demonstrated that the oil and gas operation will be conducted in compliance with the oil and gas standards in Division 5, and all other applicable requirements.

Sec. 18-05-20. CITY MANAGER'S RECOMMENDATION AND REPORT.

(a) **City manager's report.** Within 90 days following acceptance of the application, the city manager shall prepare and date a report that documents the recommendation, summarizes the oil and gas operation, and identifies the information on the record that indicates whether the operation is likely to comply with each standard. Where the city manager recommends to conditionally approve the application, the report will list each condition and the standard the condition addresses.

(b) **Recommendation.** The city manager's report will recommend that the application be approved, approved with conditions, or denied. If the report recommends that the application be approved with conditions, the city manager will notify the applicant of the conditions prior to sending the report to city council in order to allow the applicant to submit additional documents to the city to address such conditions.

(c) **Distribution of report.** Not less than five days prior to the date of the public hearing, the city manager shall submit the report to the applicant and to the city council. A copy of the report shall also be available for public review prior to the hearing.

(d) **Application record.** The application record consists of all application materials submitted by applicant, the summary of the neighborhood meeting(s) prepared by city staff, correspondence to and from the applicant, reports prepared by consultants and referral agencies, written public comments, and the city manager's report and documents referenced in the report.

Sec. 18-05-21. Public hearing and decision by city council.

(a) **Scheduling of city council public hearing.** Within 45 days after the date of the city manager's report, the city manager shall schedule a city council public hearing.

(b) **Public notice of city council hearing.**

(1) **Published notice.** Not less than ten days prior to the date of the public hearing, the city manager shall give notice of the public hearing on the oil and gas permit application pursuant to Section 2-1.

(2) **Written notice of hearing to adjacent property owners.** Not less than ten days prior to the date of the public hearing, the city manager shall mail written notice of the public hearing to all owners of real property lying within one-half mile of the boundary of the oil and gas operation. Measurement of the one-half mile includes streets and alleys. The applicant shall provide the names and addresses of the parties to be notified, using the most current list of property owners on file with the county assessor.

(3) **Posted notice.** Not less than ten days prior to the date of the public hearing, the applicant shall post a notice of the public hearing on the subject property.

a. The number and location of signs to be posted shall be approved by the city.

b. The applicant shall post the proper number of signs at the locations specified by the city. Proper posting of the signs shall be affirmed by a notarized affidavit of posting signed by the applicant, on a form provided by the city.

c. If the city council determines that the applicant has failed to comply with the city's requirements for posting notice of the hearing, the council shall take no action on the application other than to continue the public hearing to a date certain.

(c) **City council decision.** At the close of the public hearing, the city council shall approve, approve with conditions, or deny the oil and gas permit application based upon the city manager's recommendation, public comment, and all other information on the record. The city council may request more information and continue the final decision to a date certain.

(1) **Approval of application**. If the city council determines that the application satisfies all the applicable standards, it shall approve the application.

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(2) **Conditional approval or denial of application**. If the city council determines that the application fails to satisfy any one or more standards, it may approve the application with conditions necessary to satisfy the applicable standards or deny the application.

(3) **Rationale for council decision**. The council's decision shall be memorialized in a resolution setting forth its rationale. The council's decision is final.

(d) **Public hearing record.** The record consists of the application record as described in Section 18-05-20(d), the written and taped record of oral proceedings, including testimony and statements of personal opinions and the minutes of the hearing, exhibits and papers submitted in the proceeding before the council, and the adopted resolution setting forth the council's decision.

DIVISION 5. OIL AND GAS STANDARDS

The purpose of these oil and gas standards is to ensure that oil and gas operations are compatible with the surrounding land use and that adverse impacts are mitigated in a manner that is consistent with and subject to the protection of the health, safety, and welfare of the citizens and the environment. The applicant may submit a written proposal to use an alternate best management practice or technology to the city manager. The city manager may approve the alternate best management practice or technology if it is more protective of public health, safety, welfare, and the environment than the city standard or requirement.

Sec. 18-05-22. STANDARDS FOR OIL AND GAS OPERATIONS.

The following oil and gas standards are the minimum standards that apply to all oil and gas operations. One or more these oil and gas standards may be waived for operational conflict, technical infeasibility, or environmental protection in accordance with Section 18-05-23. Where the application will be reviewed under the expedited oil and gas permit process, oil and gas operations are subject to these oil and gas standards in addition to the eligibility requirements in Section 18-05-15.

(a) **Well site and above-ground production facility setbacks.** Wells and above-ground production facilities shall be located in accordance with the following minimum setbacks unless the city approves a lesser setback under Section 18-05-23, waiver of oil and gas standards:

(1) Any type of well pad and above-ground production facility is to be located the greatest distance possible, at no less than 750 feet, from occupied buildings or a proposed building that has applied for a building permit that requires a certificate of occupancy pursuant to the Code. Measurement is to be taken from the edge of either the nearest well pad or above-ground production facility to the nearest wall or corner of any such buildings.

(2) Any type of well pad and above-ground production facility shall be located the greatest distance possible, at no less than 750 feet from any platted residential lots and from the boundary line of any outside activity areas. Measurement shall be taken from the edge of either the nearest well pad or above-ground production facility to the boundary line of the platted residential lots or any outdoor activity area.

(3) Any type of well pad and above-ground production facility shall be located the greatest distance possible, but at no less than 500 feet from ordinary high water mark of any water body, or the edge of the bank of any irrigation or lateral ditch.

(4) Any type of well and above-ground production facility shall be located at least 500 feet from the boundary line of the property where the oil and gas location is situated.

(b) **Surface disturbance.** The oil and gas operation shall be located and constructed in a manner that minimizes site disturbance and that minimizes the amount of cut and fill on-site. If the ECMC Rules do not otherwise require such site disturbance standards for the oil and gas operation, the following shall apply:

(1) When an applicant is proposing multiple wells, the wells shall be located on multi-well pads and all operations shall be consolidated wherever possible.

(2) Pad dimensions shall be reduced to a size necessary to accommodate operations, and shall be located in a manner to minimize impacts on surrounding uses and be compatible with the natural topography and existing vegetation while maintaining safe operation distances in accordance with OSHA and generally accepted industry best practices.

(3) The size of the structure and surface equipment for present and future operational needs shall be minimized as much as possible without compromising safety concerns.

(c) **Flowlines.**

(1) The operator shall remove any existing abandoned flowlines in accordance with the flowline management plan. The operator shall provide notice to the city of abandonment of all flowlines per ECMC Rule 1103.

(2) Flowlines shall not be abandoned in place, they must be removed upon abandonment.

(3) Proposed flowlines shall be monitored and tested in accordance with the ECMC Rule 1101.e continuous monitoring program or pressure testing practices. The operator shall report all flowline testing and monitoring results to the city.

(4) Flowlines shall be located at least 500 feet from the nearest exterior wall of any building that is required to obtain a certificate of occupancy pursuant to the Code. All flowlines that extend beyond the boundary line of the oil and gas location shall be marked every 300 to 350 feet with a marker approved by the city.

(5) The operator shall notify the city of any flowline integrity failure upon discovery.

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(d) **Noise mitigation.** The operator shall implement the noise mitigation plan.

(e) **Wildlife standards.**

(1) The operator shall implement the wildlife assessment and mitigation plan so as not to cause significant degradation of wildlife and wildlife habitat.

(2) When a well site or production site is located in a significant wildlife habitat, as defined by the Colorado Division of Parks and Wildlife or where designated in the city's comprehensive plan, the applicant shall consult with the Colorado Division of Parks and Wildlife and the city to obtain recommendations for appropriate site-specific impact mitigation procedures. The applicant shall implement such procedures as recommended by the Colorado Division of Parks and Wildlife in addition to any other requirements set forth in the wildlife and habitat assessment and mitigation plan.

(f) **Compatibility with surrounding uses.**

(1) **Site preferences.**

a. Production and storage facilities shall be designed to maximize distances from prominent natural features, to the extent feasible, such as distinctive rock and land forms, vegetative patterns, river crossings, specifically designated open space areas, and other designated landmarks. Such sites shall be located to avoid, to the extent feasible, the top of hills and ridges in order to prevent the appearance of any accessory equipment profiles on the horizon.

b. The operator shall locate facilities at the base of slopes to provide a background of topography and/or natural cover whenever feasible. The applicant shall align on-site roads to follow existing grades and minimize cuts and fills.

(2) **Facilities mitigation.**

a. All production facilities that can be painted shall be painted as follows:

1. Uniform, noncontrasting, nonreflective color tones similar to the Munsell soil color coding system.

2. Color matched to land, not the sky, and slightly darker than adjacent landscape.

3. Exposed concrete colored to match the soil color.

b. Electric pumping systems shall be required in all areas where service is technically and practicably available. Electrical lines servicing pumping and accessory equipment shall be installed below ground.

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c. All structures and equipment shall be regularly maintained so as not to become so deteriorated as to be hazardous or potentially injurious to the public health and safety.

d. When an oil and gas operation becomes operational, all construction-related debris shall be removed from the site for proper disposal. The entire site of the oil and gas operation shall be maintained free of debris and excess materials at all times during operations. Burying debris or any type of excess materials on-site is prohibited.

e. All equipment used for drilling, re-completion, and maintenance of the site shall be removed within 30 days of completion of the work. Permanent storage of equipment on well sites shall not be allowed other than equipment needed for routine maintenance.

f. Tanks shall be low-profile tanks.

(g) **Required fencing.**

(1) All pumping systems and accessory equipment shall be screened on all sides by a non-flammable type of privacy fence of a height equal to the highest accessory equipment. The fence will be secured against unauthorized entry.

(2) Chain link, wrought iron or other type of open style fence material shall be installed surrounding the oil and gas location as specifically depicted in the facilities plan. The operator shall use the factory applied finish or may paint wrought iron black; galvanized is appropriate for chain link fence.

(3) Access to the site of the oil and gas operations shall be provided by a securely locked, solid gate that preserves the integrity of the screening but that is designed to allow access by emergency responders.

(h) **Signs.** Operator shall install signs displaying operator contact and well information and warning of safety hazards. All oil and gas operations shall be posted with a "No Trespassing" sign, which may be incorporated into any warning sign. Such no trespassing signs shall meet the requirements of Section 38-179(a) of the Code for posted premises.

(i) **Floodplain.** All oil and gas operations within the city-designated 100-year floodplain area, referred to as areas of special flood hazards, require a floodplain development permit pursuant to Chapter 22, Article V, Division 6, floodplain regulations, of the Code.

(j) **Well leak detection and repair.** Operator shall implement the leak detection and repair plan.

(k) **Water reuse/waste water.**

(1) Operator shall recycle and reuse water to the maximum extent feasible, and shall minimize waste water production.

(2) No E&P waste shall be permanently stored on the site. E&P waste shall be stored in tanks on-site for no longer than three months and transported off-site by tanker trucks for disposal at facilities approved to receive E&P waste.

(l) **Water quality/supply.**

(1) The applicant has demonstrated that an adequate water supply is available for all phases of the oil and gas operation through implementation of the water availability plan.

(2) The oil and gas operation shall be conducted in accordance with the grading, drainage and erosion control plan.

(3) The oil and gas operation shall not cause significant degradation of water quality of affected water bodies as set forth in the approved water quality impact assessment and monitoring plan.

a. Maintenance of machinery is prohibited within 300 feet of a water body.

b. No fluids shall be discharged off-site, except pursuant to an approved discharge permit.

c. Class II underground injection wells are prohibited unless specifically approved by the city.

d. Tertiary containment, such as an earthen berm, is required around production facilities located upgradient of a surface water body and shall be designed to contain an amount of fluid equal to the capacity of the largest tank within the berm.

(m) **Air quality standards.** The oil and gas operation shall not cause significant degradation of air quality and all operations shall be conducted in compliance with the air quality impact assessment and mitigation plan.

(n) **Chemical disclosure and hazardous material storage.** Hazardous material storage shall be conducted in compliance with the chemicals and hydraulic fracturing fluids disposal and reporting plan.

(o) **Spill and release response and reporting.** Spill and release response and reporting shall be in compliance with the spill prevention control and countermeasures plan. The city will not regulate the composition of chemicals used in the operation.

(p) **Discharge valves.**

(1) Discharge valves shall be secured and inspected regularly to insure proper functioning. The operator shall document all inspections.

(2) Open-ended discharge valves shall be placed in containment.

(q) **Implementation of transportation plan.** It is the operator's responsibility to implement the transportation plan.

(r) **Access roads.**

(1) Access roads to a production site:

a. Shall be a graded roadway having a prepared subgrade and an aggregate base course surface a minimum of ten inches thick compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures.

b. Aggregate base course at a minimum shall meet the requirements for the Colorado Department of Transportation's class 1, 4, 5, or 6 aggregate base courses as specified in the Colorado Department of Transportation's standard specifications for road and bridge construction, latest edition.

c. Shall be graded so as to provide drainage from the roadway surface, and constructed to allow for cross drainage of waterways (i.e., roadside swales, gulches, rivers, creeks, etc.) by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval of the development engineering manager.

(2) Access roads to a well site:

a. Shall be graded, dirt roadway compacted to a minimum density of 95 percent of the maximum density determined in accordance with generally accepted engineering sampling and testing procedures.

b. Shall be graded so as to provide drainage from the roadway surface, and constructed to allow for cross drainage of waterways by means of an adequate culvert pipe. Adequacy of the pipe shall be subject to approval of the development engineering manager.

(3) All proposed access roads that gain access off of a paved public right-of-way shall be improved to the following minimum standards:

a. An access width of 24 feet with paved 35-foot radii at each side of the access road at the point of intersection with the public right-of-way.

b. A minimum of six inches of asphalt pavement over the initial 24-foot portion of the proposed access road, beginning at the edge of the existing pavement of a paved public right-of-way; and two inches minimum for gravel shoulders on either side of the asphalt pavement. The operator shall maintain the private access portion of this road.

c. Road shall be improved from the point of connection a minimum distance of 200 feet on the access road.

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d. Traction chains from heavy equipment shall be removed before entering public roadways.

e. Operator shall take all practicable measures to ensure that production and transport truck traffic does not track mud or debris onto public roads. If mud or debris is nonetheless deposited on a public road, the operator shall be required to clean the roadway in accordance with the requirement of Section 38-394 of the Code; this obligation is in addition to the general maintenance obligations in subsection (4) below.

(4) General maintenance obligations to clean the road shall include use of a street sweeper to clean public access roads from all dust, mud, or debris daily or more frequently as deemed necessary by the city. All such street cleaning shall be to the satisfaction of the city. Snow removal shall be on the private portion of the access roads referenced in subsection (3)c. above, and shall occur within 24 hours of storms which produced accumulations of snow of two inches depth or greater. The operator shall keep all private roads and access roads in good repair at all times such that the roads continue to meet the road standards set forth herein.

(s) **Municipal services and service delivery systems.** The oil and gas operation shall not have a significant adverse impact on the capability of the city to provide municipal services or the capacity of the service delivery systems.

(t) **Recreation.** The operator shall implement the recreation impact assessment and mitigation plan so as not to cause significant degradation to outdoor activity areas within 1,000 feet of the oil and gas operation.

(u) **Control of fire hazards.**

(1) Fire hazards that are discovered must be moved to a location at least 25 feet from the wellhead, tanks, and separator.

(2) The site of the oil and gas operation will comply with API RP 500 classifications and the National Electrical Code.

(v) **Landscaping and reclamation.** The operator shall implement the landscaping and reclamation plan.

(w) **Lighting.** The operator shall install lighting in accordance with the plan included in the lighting study.

(x) **Emergencies.** The operator shall implement the emergency preparedness and response plan.

(y) **Liability insurance.** All operators shall maintain general liability insurance coverage for property damage and bodily injury to third parties in the minimum amount of $5,000,000.00 per occurrence. Such policies shall endorse the city as an additional insured. In addition, the operator shall indemnify and defend the city for any damage or injury resulting from oil and gas operations or any hazardous or dangerous condition resulting from the operations.

(z) **Additional standards for gathering pipelines.** The following standards apply specifically to construction of gathering lines owned by the operator, in addition to the applicable standards in Section 18-05-22(a) thru (y) of this Division 5:

(1) **Underground location.** All gathering pipelines, whether owned by the operator or another company associated with the oil and gas operation, shall be located underground. All gathering pipelines extending beyond the boundary line of the oil and gas location shall be marked every 300 feet to 350 feet with a marker approved by the city.

(2) **Alignment.** Gathering pipelines shall be aligned with established roads and share existing pipeline rights-of-way or consolidate new corridors for pipeline rights-of-way whenever possible. If it is not possible to align with existing rights-of-way, any gas gathering pipeline must be located at least 500 feet from the nearest exterior wall of any building that is required to obtain a certificate of occupancy pursuant to the Code.

(3) **Water body crossing.** Boring technology must be used for gathering pipelines crossing streams, rivers, or irrigation ditches.

(4) **Compliance with floodplain regulations.** Gathering pipelines located in or crossing an area of special flood hazard shall comply with the requirements of the city's floodplain regulations in Chapter 22, Article V, Division 6.

(5) **Operations and maintenance.** Operations and maintenance shall be conducted in accordance with the procedural manual for operations, maintenance, and emergencies prepared in conformance with 40 CFR § 192.605 for gas gathering pipelines or 40 CFR § 195.402 for oil gathering pipelines. This manual will be provided to the city before initial operations commence.

(6) **GPS information and as-built drawings.** Within 30 days of completing construction, the following information shall be provided to the city manager:

a. Global positioning system (GPS) information sufficient to locate the gathering pipeline in a format compatible with the city's GIS system.

b. As-built drawings showing the size, length and depth of the gathering pipeline.

c. Engineering plans, drawings, and maps with summarized specifications showing the horizontal location, covering depths, and location of shutoff valves of the gathering pipeline. The drawings shall show the location of other pipelines and utilities that are crossed or paralleled within 15 feet of the gathering pipeline right-of-way.

d. Detailed cross-section drawings for all public rights-of-ways and easement crossings on city property.

e. A list of the names and mailing addresses of all residents, property owners, and tenants adjacent to the gathering pipeline construction.

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(7) **Recordation of as-built location and abandonment.**

a. A legal description of the gathering pipeline location shall be recorded with the city and the county clerk and recorder within 30 days after construction is completed.

b. Notice to the city shall be given of abandonment of any recorded gathering pipeline within 30 days after abandonment.

(8) **Restoration of site upon completion of construction.** Within 30 days after construction of a gathering pipeline is completed, the affected property shall be graded, leveled, and restored to the same surface condition, as nearly as practicable, as existed before construction activities were first commenced.

(9) **Valves.** Gathering pipelines shall be equipped with automatic shut-off valves or remote control valves.

(10) **Computerized monitoring and leak detection.** Gathering pipelines shall be equipped with computerized monitoring and leak detection that provides immediate notice of any leak to the city's emergency response providers.

(11) **Notification of gas leaks.** The Thornton Fire Department, the hazmat team, the city's emergency and safety administrator, and the city manager shall be notified immediately of gas leaks.

(12) **Oil gathering pipelines.** These additional requirements apply to oil gathering pipelines.

a. Setback. Oil gathering pipelines shall be located a minimum distance of 500 feet from the nearest exterior wall of any building that is required to obtain a certificate of occupancy pursuant to the Code.

b. Periodic reports and reporting of accidents and safety-related conditions for oil gathering pipelines.

1. Operator shall provide the city manager with copies of the periodic reports at the time of reporting to the Pipeline Hazardous Material Safety Administration ("PHMSA").

2. Operator shall notify the city manager of accidents and safety related conditions at the time of reporting to the PHMSA.

(13) **Gas gathering pipelines.** These standards apply to gas gathering pipelines located in areas with ten or fewer buildings, or outdoor areas of public assembly within 220 yards on either side of the centerline of any continuous mile of pipeline. Pipelines in other areas are subject to PUC regulations.

a. Hoop stress of 20 percent or more MAOP or more than 125 psig. Metallic gathering pipelines with a MAOP that produces a hoop stress of 20 percent or

more of the SMYS or non-metallic gathering pipelines with a MAOP of more than 125 psig shall comply with the transmission line requirements of 49 CFR §192, except for subpart D § 192.150, passage of internal inspection devices.

b. Hoop stress of less than 20 percent MAOP or 125 psig or less. Metallic gathering pipelines with a MAOP that produces a hoop stress of less than 20 percent of the SMYS or non-metallic gathering pipelines with a MAOP of 125 psig or less shall comply with the following:

1. If a line is new, replaced, relocated, or otherwise changed, the design, installation, construction, initial inspection, and initial testing must comply with the following:

(I) Design and installation:

(i) 49 CFR § 192 subpart B.

(ii) 49 CFR § 192 subpart C.

(iii) 49 CFR § 192 subpart D, except for § 192.150, passage of internal inspection devices.

(II) Construction and inspection: 49 CFR § 192 subpart B.

(III) Initial testing: 49 CFR § 192 subpart J.

2. Metallic gathering pipelines shall comply with corrosion control requirements of 49 CFR § 192, subpart L.

3. Damage prevention program described in 49 CFR § 192.614, subpart L.

4. Public education program required by 49 CFR § 192.616, subpart L.

5. Install and maintain line markers required by 49 CFR § 192.707, subpart M.

6. Leakage control program according to 49 § 192.723(b), subpart M.

7. Procedural manual addressing the maintenance and operational requirements of this section.

8. Implementation of the gas pipeline integrity management plan.

Sec. 18-05-23. WAIVER OF OIL AND GAS STANDARDS.

An applicant may request a waiver of one or more of the oil and gas standards in this Division 5 because of operational conflict, technical infeasibility, or for environmental protection purposes.

(a) **Operational conflict.** An oil and gas standard in Division 5 may be waived by the city council for operational conflict, asserted by the applicant at any time during the application review process and prior to the final decision on the application. An operational conflict exists if compliance with the oil and gas standard would materially impede or destroy the state's interest in the responsible and balanced development, production, and utilization of oil and gas consistent with and subject to the protection of protection of public health, safety and welfare, including protection of the environment and wildlife resources.

(1) **Waiver request**. Upon written request by the applicant, a public hearing before the city council will be scheduled to take place as soon as possible following receipt of the written waiver request.

(2) **Public notice of city council hearing on waiver request**.

a. The notice of public hearing on the waiver request shall be prepared by the city manager and shall include a description of the oil and gas standard(s) sought to be waived and the date and location of the hearing. The public hearing on the waiver request will be consolidated with the public hearing on the underlying application.

b. Not less than ten days prior to the date of the public hearing, the city manager shall give notice of the public hearing on the waiver request pursuant to Section 2-1.

c. Not less than ten days prior to the date of the public hearing on the waiver request, the city manager shall mail written notice of the public hearing to owners of real property lying within one-half mile of the boundary of the oil and gas operation. Measurement of the one-half mile shall include streets and alleys. The applicant shall provide the names and addresses of the parties to be notified, using the most current list of property owners on file with the county assessor.

(3) **Decision by city council**. The city council may waive the standard if it is determined, based on evidence and testimony at the hearing, that compliance with the oil and gas standard will create an operational conflict as described in Section 18-05-23(a). The city council may impose conditions that are necessary to minimize any negative impacts of the waiver.

(b) **Technical infeasibility waiver.** An oil and gas standard may be waived by the city council for technical infeasibility, asserted by the applicant at any time during the application review process and prior to the final decision on the application. The city council may approve the request for waiver if it is determined that there is no economical technology commercially available to conduct the oil and gas operation in compliance with the standard; and conduct of the oil and gas operation, if the standard is waived, will be protective of public health, safety, welfare, and the environment.

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(1) **Waiver request**. Upon written request by the applicant, a public hearing before the city council will be scheduled to take place as soon as possible following receipt of the written waiver request. The public hearing on the waiver request will be consolidated with the public hearing on the underlying application.

(2) **Notice of public hearing**.

a. The notice of public hearing on the waiver request shall be prepared by the city manager and shall include a description of the oil and gas standard(s) sought to be waived, and the date and location of the hearing.

b. Not less than ten days prior to the date of the public hearing, the city manager shall give notice of the public hearing on the waiver request pursuant to Section 2-1.

c. Not less than ten days prior to the date of the public hearing on the waiver request, the city manager shall mail written notice of the public hearing to owners of real property lying within one-half mile of the boundary of the oil and gas operation. Measurement of the one-half mile shall include streets and alleys. The applicant shall provide the names and addresses of the parties to be notified, using the most current list of property owners on file with the county assessor.

(3) **Decision by city council**. City council may waive the standard if it determines, based on evidence and testimony at the hearing, that compliance with the oil and gas standard is technically infeasible as described in Section 18-05-23(b). The city council may impose conditions that are necessary to minimize any negative impacts of the waiver.

(c) **Environmental protection**. The applicant may make a written request to the city manager for a waiver based on environmental protection at any time during the application review process prior to the final decision on the application. The city manager may approve the request for waiver if protection of public health, safety, welfare, and the environment will be enhanced by an alternate best management practice or technology approach proposed by the applicant and not contemplated by the standard.

DIVISION 6. OPERATOR AGREEMENT

Sec. 18-05-24. OPERATOR AGREEMENT OPTION.

(a) In lieu of submitting an application for a permit pursuant to these regulations, following the pre-application conference an operator may seek permission from the city manager to enter into negotiations as to any requirement and standard for an operator agreement between the city and the operator for oil and gas operations. The combination of the negotiated terms and

conditions of any operator agreement must be at least as protective of public health, safety, welfare, and the environment as the protections afforded by the requirements and standards of these regulations.

(b) The city manager may use discretion to choose not to enter into negotiations for an operator agreement and instead, direct the applicant to submit an application for a permit pursuant to Division 3 or Division 4 of these regulations.

(c) If the city manager chooses to enter into negotiations with the operator, the city manager, and such legal or technical consultants he deems necessary, shall conduct negotiations with the operator. The city manager may request from the operator whatever information deemed necessary to fully understand the proposed oil and gas operation, its potential impacts, proposed mitigation, and related issues. All costs associated of the negotiations shall be borne by the operator.

(d) If the operator and the city manager fail to come to terms on a mutually acceptable operator agreement, the operator must apply for and receive approval of a permit under these regulations before commencing any oil and gas operation in the city.

Sec. 18-05-25. Preparation and approval of operator agreement by city council.

If negotiations are successful, the city manager, in consultation with the operator, will prepare a final draft of the negotiated operator agreement, and present the operator agreement to the city council at a regular or special meeting. The city council may approve or reject the operator agreement.

Sec. 18-05-26. Enforcement of operator agreement.

If the operator violates any terms and conditions of the operator agreement, the violation shall constitute a violation of these regulations subject to the enforcement provisions in Division 7.

DIVISION 7. ENFORCEMENT

Sec. 18-05-27. Oil and gas operations in violation of these regulations.

It shall be unlawful for any operator engaging in oil and gas operations wholly or partially within the city to fail or refuse to obtain authorization by the city to conduct oil and gas operations pursuant to these regulations, or for an operator to violate any term or condition of a permit or operator agreement, which violation shall be subject to a penalty as prescribed by the Code. In addition, any operator who has violated this section may have any authorization pursuant to these regulations revoked, and may be enjoined by the city from engaging in such oil and gas operations and may be subject to such other criminal or civil liability as may be prescribed by the Code or otherwise by law.

Sec. 18-05-28. Inspections.

The city may inspect and monitor all oil and gas operations for road damage, and compliance with the city's Fire Codes, Building Codes, conditions of approval imposed under these regulations or other applicable city requirements. By accepting an approved permit or entering into an operator agreement, the operator grants consent to such inspections.

(a) **Right to enter.** For the purpose of implementing and enforcing these regulations, duly authorized city personnel or contractors may enter onto the operator's property upon a minimum three days' notice (or less in emergencies) to the operator or any other party holding any record interest in the property.

(b) **Operator contact.** The operator shall provide the telephone number and email address of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed city inspection under this section.

(c) **Inspection fees.** The city shall impose a reasonable fee to cover the cost of inspection and monitoring for road damage and compliance with the city's Fire Codes, Building Codes, and conditions of approval imposed under these regulations.

(d) **Denial of entry to operator's property for inspections.** If entry is denied, the city may discontinue application processing, initiate the process to revoke authorization to conduct oil and gas operations pursuant to Section 18-05-29, initiate termination of an operator agreement, or obtain an order from a court of competent jurisdiction to obtain entry to operator's property.

Sec. 18-05-29. Revocation of authorization to conduct oil and gas operations.

(a) If the city manager believes an operator has failed to conduct its oil and gas operations in accordance with the terms and conditions of the approved permit or an operator agreement, the city manager may initiate proceedings herein to revoke or suspend the authorization to conduct oil and gas operations.

(1) As a condition precedent to initiating a proceeding to revoke an authorization to conduct oil and gas operations, the city must provide written notice to the operator specifying, in reasonable detail, the factual basis to assert the failure of the operator to comply with city requirements, and the remedy required. The operator shall have ten days from the date of the receipt of the notice to commence actions to remedy the failure and such actions shall be completed within a reasonable time.

(2) If the operator fails to remedy a failure in the manner set forth above, the city manager shall request a hearing before the city council. Upon ten days written notice sent by certified mail to the operator, the city council shall schedule a public hearing on the alleged failure of the operator to comply with the authorization to conduct oil and gas operations. At such hearing, the city council may determine that no such failure

occurred, that such failure occurred but was remedied in the manner set forth above, or that such failure occurred and has not been remedied.

(b) If the city council finds that the operator has failed to comply with the authorization to conduct oil and gas operations and such failure has not been remedied, the city council, upon a 15-day notice to operator prior to such action (or shorter in emergencies), may act in its discretion to suspend or revoke the authorization to conduct oil and gas operations.

(1) Upon such revocation, operator shall cease the oil and gas operation at issue until it obtains approval for such operation under the then-applicable regulations. If the operator fails to comply, the city may initiate a legal proceeding to enforce the city council's order.

DIVISION 8. GUARANTY

Sec. 18-05-30. GUARANTY.

The city shall require financial security in a form and amount approved by the city, to guaranty compliance with the city's fire codes, building codes, conditions of approval imposed under these regulations and other applicable city requirements.

Sec. 18-05-31. - 18-05-45. RESERVED.

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ARTICLE VI: GENERAL DEVELOPMENT STANDARDS

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Chapter 18 / Article VI: General Development Standards

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DIVISION 1. GENERALLY

Sec. 18-06-01. PURPOSE AND APPLICABILITY.

(a) **Purpose**. The purpose of this article is to establish standards for development site improvements, including fences, walls, screening, outdoor lighting and visual obstructions to ensure safety while maintaining visual harmony and enhanced community appearance.

(b) **Applicability**. The standards of this article shall apply to new development, major redevelopment, intermediate redevelopment, and minor redevelopment as indicated in Table 18-06-01.1 and based on the development activity categorizations described in Section 18-01-9.

(1) Except where regulations are silent, development in the Eastlake, EC-L, and NW-O Districts shall be regulated through the applicable district-specific standards detailed in Article III. Where regulations for those zoning districts are not addressed in Article III, the regulations of this Article VI shall apply.

Table 18-06-01.1 General development standards applicability overview.

Table key.

E = Standards apply to entire development site
P = Standards apply to portion of site or building(s) impacted by development activity
Blank = Standards do not apply

Standard	Reference	New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment
Fences and Screen Walls	Division 2	E	E	P	P
Retaining Walls and Wall Systems	Division 3	E	E	P	P
Grading	18-06-25	E	P	P	
Screening	Division 4	E	E	E	P
Outdoor Lighting	Division 5	E	E	E	P
Visual Obstruction Regulations	Division 6	E	E	E	E

Sec. 18-06-02. Reserved.
Sec. 18-06-03. Reserved.
Sec. 18-06-04. Reserved.
Sec. 18-06-05. Reserved.
Sec. 18-06-06. Reserved.

DIVISION 2. FENCES AND SCREEN WALLS

Sec. 18-06-07. General fence and screen wall standards.

(a) **Fence standards.**

(1) All fences and screen walls over 30 inches in height above grade require a building permit.

(2) Perimeter fences 60 inches in height or greater shall be of two-sided construction.

(3) A person shall not construct or maintain more than one fence of any type parallel to or generally following a property line unless the fences are immediately abutting, i.e. touching, for their entire length, or at least five feet apart.

(4) Where a property owner is constructing a fence that is single-sided and has exposed framing, the exposed framing side shall face the interior yard of the owner's property.

(b) **Application of height restriction to Capital Improvement Projects for sound walls and fences.** Height restrictions set forth in this section shall not apply to city financed or constructed public improvement projects for sound walls or fencing.

(c) Construction of fences and/or walls for development adjacent to a regional thoroughfare shall be the responsibility of the developer and not a transportation agency.

Sec. 18-06-08. Fence and screen wall location standards.

The following general standards shall apply to the location of fences and screen walls.

(a) A fence or screen wall may not be constructed within a floodplain unless a Floodplain Development Permit is obtained from the floodplain administrator.

(b) A fence and its associated columns or a screen wall may not be located within the public right-of-way.

(c) Fences and their associated columns, and screen walls shall be located a minimum of two feet away from trails.

(d) Fences adjacent to natural open space, detention ponds, parks, and public gathering areas shall be open fences, other than chain link fences, unless otherwise approved by the director as an Administrative Adjustment per Section 18-02-12.

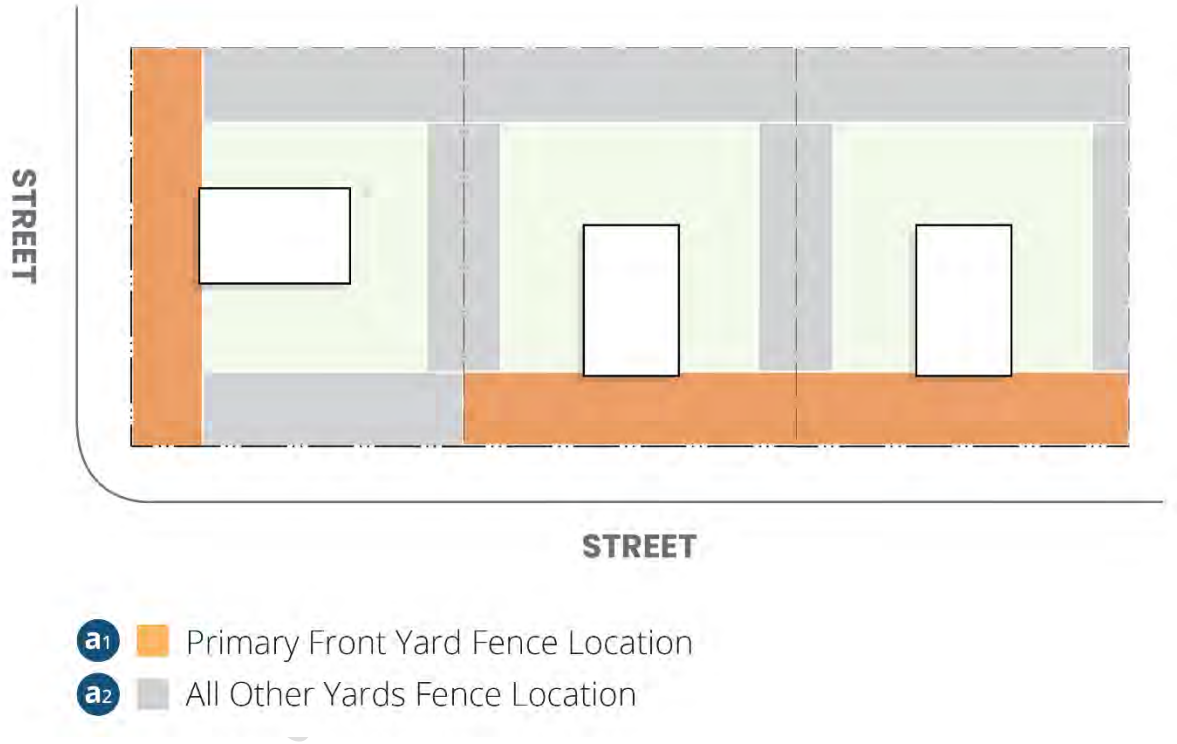
Sec. 18-06-09. Fence and screen wall height standards.

(a) **Maximum height**. The maximum height of fences or screen walls shall be as detailed in Subsections (a)(1) and (2) of this section, unless otherwise allowed in Subsection (b) of this section or required elsewhere in this Code:

(1) Primary front yard **-** four feet above grade.

(2) All other yards - six feet above grade. This includes wing fences.

Figure 18-06-09.1. Maximum fence height and primary yard locations (The numbers in Figure 18-06-09.1 refer to the subsection numbers contained within Subsection 18-06-09(a)(1) & (2))**.**



(b) **Height exceptions.** An increase to the maximum allowed height of fences or screen walls is allowed in the following circumstances:

(1) A fence in a side or rear yard may have a maximum height of eight feet if abutting an arterial street, regional thoroughfare, interstate or toll road.

(2) Refer to the provisions in Section 18-4-182 for fence and screen wall heights allowed for screening Accessory Outdoor Storage.

(3) A taller fence or screen wall may be approved by the director as an Administrative Adjustment per Section 18-02-12.

Sec. 18-06-10. Fence and screen wall materials standards.

(a) **Allowed fence and screen wall materials**.

(1) Fences and screen walls shall be constructed of the following materials only:

a. Stone;

b. Brick;

c. Architectural block (not smooth faced);

d. Stucco on masonry;

e. Concrete (made to look like masonry with form liner, decorative texture, or masonry exterior);

f. Decorative metal;

g. Wrought iron;

h. Chain link;

i. Cementitious fiber board;

j. Milled wood and or wood composite;

k. Vinyl / PVC;

l. Gabion baskets with minimum wire gauge of 11 galvanized steel wire with openings no smaller than 4" x 4"; or

m. Three rail fencing. A minimum 11-gauge galvanized steel wire with openings no larger than 4" x 4" is allowed except as otherwise prohibited in Section 18-08-23.

n. Hog wire fencing framed with milled wood, wood composite, or decorative metal, with a minimum 11-gauge galvanized steel wire with openings no larger than 4" x 4" is allowed except as otherwise prohibited in Section 18-08-23.

(2) Barbed wire, electrified fencing, and metal fencing with curved or spear tips are allowed for Animal Production and Heavy or Light Industrial uses only unless otherwise approved by the director as an Administrative Adjustment per Section 18-02-12 for site security purposes.

(b) **Prohibited fence materials**.

(1) Chicken wire, deer, and other temporary fence materials, except for:

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a. Urban Garden uses meeting the standards of Section 18-04-194 are allowed this type of fence material if the fence is:

1. Located around the garden perimeter;

2. Located fully within the interior side and/or rear yard;

3. Setback a minimum of five feet from the property line; and

4. A maximum height of six feet.

b. Temporary fences in connection with ongoing construction projects, street maintenance, or traffic and pedestrian control.

(2) Waste materials including debris, junk, rolled plastic, sheet metal, or other materials not designed for use as a fence or wall.

Sec. 18-06-11. Fence and screen wall installation and maintenance.

(a) **Applicability.** Any fence more than 30 inches in height parallel to public streets, public alley ways, public rights-of-way, public trail easements or public trail tracts; provided, however, this subsection shall not apply to fences between private property boundaries.

(1) Any fence that is out of plumb by more than one inch per foot of height, not to exceed six inches out of plumb, or does not meet the wind load standards of the city's Building Code shall be repaired with similar material, replaced, or removed entirely unless the fence is required by the Development Plan.

a. Any span of fence that has a gap created as a result of more than one missing or broken picket or chain link that was a component of the original design of the fence shall be repaired with similar material, replaced, or removed entirely unless the fence is required by a Development Plan; or

b. Any rail or post of the fence that was a component of the original design of the fence, if missing or broken, shall be repaired with similar material or replaced.

(2) All fence repairs or replacement shall be in accordance with this section concerning fence standards.

(3) All repairs, removal or replacement of a fence shall be at the expense and responsibility of the owner or occupant of the property on which the fence is erected.

(4) Enforcement procedures shall be in accordance with Sections 18-01-16 and 18-01-17 and abatement procedures shall be in accordance with Article X of Chapter 38 of this city Code.

(b) **Repair and replacement of existing fence or screen wall along specified roadway types**.

(1) When existing double-sided fences parallel to arterial streets or regional thoroughfares are to be repaired or replaced, the repair or replacement shall be with a double-sided fence unless otherwise approved through a Development Plan.

(2) Any repair or replacement of a portion of an existing fence or screen wall that is adjacent to a collector street, arterial street, or regional thoroughfare shall be in accordance with the original design.

a. For the purposes of this subsection, the term "original design" includes, but is not limited to fence height, style, and similar color palette.

(3) The replacement of an existing fence or screen wall that is adjacent to a collector street, arterial street or regional thoroughfare for at least the distance of one block, as defined in Article XIII, may be changed from the original design and materials if a Development Plan is granted.

Sec. 18-06-12. Reserved.
Sec. 18-06-13. Reserved.
Sec. 18-06-14. Reserved.
Sec. 18-06-15. Reserved.
Sec. 18-06-16. Reserved.

DIVISION 3. RETAINING WALLS, WALL SYSTEMS, AND GRADING

Sec. 18-06-17. Retaining wall and wall system height standards.

(a) If the retaining wall or wall system is located on residential lots with Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Dwelling, 3-8 Units Attached; Triplex/Quadplex; or Dwelling, Live-Work uses it shall not exceed a height of four feet.

(b) If the retaining wall or wall system is located on a development site in the BP, I-L or EC-L Zone Districts, it shall not exceed a cumulative height of 30 feet.

(c) If the retaining wall or wall system is located on any other lot or development site not included as part of Subsections (a) or (b) in this section, it shall not exceed a cumulative height of 20 feet.

(d) The director may approve an increase in retaining wall or wall system height as an Administrative Adjustment per Section 18-02-12 if sufficient evidence is provided by the applicant that such height is necessary for the practical development of a site.

Sec. 18-06-18. Retaining wall and wall system design standards.

(a) Retaining walls and wall systems shall meet the design standards established in Table 18-06-18.1 and this section in addition to all standards established in the Building Code. All wall systems four feet and higher require a building permit.

Table 18-06-18.1: Retaining wall and wall system design.

Cumulative wall height from lowest grade	Terracing	Minimum terrace width
4 -7.99 feet	Optional	5 feet
8 feet and taller	Required	8 feet

(b) Each level of a terraced retaining wall or wall system shall not exceed eight feet in height at its highest point. The terracing requirements of this section shall not apply where the wall or wall system serves as the structural support wall of a connected building or structure.

(c) Terrace width is measured from the front of the upper wall to the back of the lower wall.

(d) Terraced wall cumulative height shall be designed as a singular wall unit for bearing failure and slope stability per the Standards and Specifications.

(e) Terraces shall be landscaped per Section 18-8-25.

Sec. 18-06-19. Retaining wall and wall system materials standards.

(a) Concrete retaining walls and wall systems shall be integrally colored and finished with a texture, using a form liner or other finishing method, that is architecturally compatible with the development, or not colored and clad with a material that is architecturally compatible with the development.

(b) Retaining walls and wall systems that utilize a decorative facing material shall be clad with decorative block, stone, or brick.

(c) Alternative methods of providing interest to a concrete wall may be approved by the director as an Administrative Adjustment per Section 18-02-12.

(d) Retaining walls may be constructed with other materials as determined by director.

Sec. 18-06-20. Retaining wall and wall system location standards.

(a) Buildings, structures, and trees shall not be located within the retaining wall tie back area to avoid disruption of the tie back system. Final setback shall be determined with the structural wall design.

(b) No component of the wall shall encroach into the public right-of-way or within easements, including within dry utility easements. Building structures and trees shall not be located within retaining wall system components.

Sec. 18-06-21. Retaining wall and wall system safety barrier standards.

(a) A guardrail, handrail, fence, or wall shall be required at the top level of a retaining wall or wall system greater than 30 inches in height when the top of the wall is within ten feet of a sidewalk, trail or vehicular traffic or as otherwise determined by the director.

(b) The design of the guardrail, handrail, fence or wall shall be architecturally compatible with the development.

(c) The guardrail, handrail, fence, or wall shall be made of materials that are complementary to other railing, fence, or wall materials used on site.

Sec. 18-06-22. Retaining wall and wall system certification.

Retaining walls and wall systems taller than four feet from the bottom of the foundation to top of wall shall be designed, stamped and signed by a professional engineer.

Sec. 18-06-23. Retaining wall and wall system easement.

Retaining wall easements shall be required as determined by the director to allow access for maintenance by the responsible party.

Sec. 18-06-24. Retaining wall and wall system exemptions.

The requirements of this division, as it relates to height and material, shall not apply to retaining walls or wall systems associated with public improvements constructed by or sponsored by the city.

Sec. 18-06-25. Grading.

(a) Site planning shall meet all requirements of Chapter 22 and shall take into consideration the existing grade and slope of the site as well as existing grades and building elevations off-site. Proposed grading shall meet existing grade at property lines and take into consideration future development of adjacent property as approved by the director.

(b) Grading of property must be sensitive and compatible with surrounding properties and public streets and shall not:

(1) Exceed slopes as noted in the Standards and Specifications;

(2) Result in the need for retaining walls that exceed the maximum wall heights allowed per Section 18-06-17; or

(3) Increase the grade of the property with off-site fill that significantly impacts existing sight lines of the mountains and other natural features.

(c) Nonresidential and vertical mixed-use development built adjacent to existing residential development or areas identified for future residential development in the Comprehensive Plan shall not significantly increase the overall elevation of the development site, particularly above the elevation of the adjacent residential site unless approved by the director.

(d) Grading of entryways for nonresidential, vertical mixed-use, and multi-unit dwelling buildings shall comply with the standards of Section 18-07-28(b).

(e) Site planning shall consider the relationship of buildings and detention areas to natural grades and visibility from adjacent roads and properties. Final grades within landscaped areas shall meet the Standards and Specifications unless otherwise approved by the director. The use of terraced parking lots, stepped building pads, retaining walls and larger setbacks may be necessary. The use of landscaped, sloped areas is preferable to retaining walls.

Sec. 18-06-26. Reserved.
Sec. 18-06-27. Reserved.
Sec. 18-06-28. Reserved.
Sec. 18-06-29. Reserved.
Sec. 18-06-30. Reserved.

DIVISION 4. SCREENING

Sec. 18-06-31. Waste receptacle screening and design standards.

(a) **General requirement.** Waste receptacles stored outdoors shall be screened on all four sides with solid, opaque materials.

(b) **Exemption.** Waste and recycle containers belonging to the city are exempted from this section and shall be stored and/or screened per Chapter 58.

(c) **Residential waste receptacles**.

(1) Except when placed at the street or alley for collection, residential waste receptacles, excluding Multi-Unit Dwelling buildings and complexes, shall be stored as follows:

a. In the rear yard area behind the principal residential structure;

b. Within a garage or carport; or

c. Adjacent to an exterior side wall of the principal residential structure.

(2) All containers stored in areas other than those described in this subsection shall be screened from public view. Screening devices shall be affixed to the property or a permanent property structure. All screened containers shall be concealed entirely from public view.

(d) **All other waste receptacles.**

(1) **Location**.

a. Waste receptacles and enclosures shall not occupy areas designated for required parking spaces or loading areas.

b. Enclosures shall not be located between a building and the street right-of-way unless otherwise approved by the director in accordance with the review criteria established in Section 18-02-12 for Administrative Adjustments.

(2) **Dimensions**.

a. Enclosure walls shall be a minimum height of six feet and a maximum height of eight feet.

b. Enclosures shall be of an adequate size to accommodate all on-site waste receptacles.

(3) **Materials**.

a. The exterior of the enclosure shall consist of Category 1 exterior building cladding materials per Section 18-07-18 for Multi-Unit Dwelling developments and Section 18-07-26 for nonresidential and vertical mixed-use developments, and shall complement the exterior cladding materials and colors of the primary building.

b. Enclosures that are attached to buildings shall be designed to appear to be part of the primary building.

c. Gates are required and shall be constructed of metal or composite wood and shall incorporate colors that are visually consistent with or complementary to those of the screening walls. All gates shall be provided with wheels and drop pins or rods for securing gates when open and closed. An eight-inch minimum vertical opening is required at the ground to ensure visibility into the enclosure for safety purposes.

(4) **Landscaping**.

a. Waste receptacle enclosures shall be integrated into a landscape plan and screening plant materials shall be installed along the exterior of the portions of the enclosure adjacent to a street, on-site walkways, or abutting residential

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parcels, with the exception of enclosure openings, to provide a softening effect.

b. Required landscape shall meet all design, installation, and maintenance requirements of Article VIII.

(5) **Operations and maintenance**.

a. Enclosure gates shall be kept closed at all times except for when the receptacle is being accessed.

b. Property owners shall be responsible for ensuring that waste receptacles are placed in the enclosure at all times other than when they are being accessed.

c. Access drives shall be constructed in accordance with the requirements for pavement design established in the Standards and Specifications and meet appropriate vehicle weight requirements. The property owner or tenant shall ensure service truck access to the enclosure is maintained year-round.

d. Waste shall be stored in closed containers and regularly emptied. The enclosure shall be maintained in a clean condition to avoid vermin and foul odors from impacting surrounding areas.

Sec. 18-06-32. Off-street parking screening standards.

(a) Off-street parking for a use other than Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; or Triplex / Quadplex uses shall provide screening to separate the parking area from:

(1) A contiguous residential use or vacant lot if either is in a residential district and the parking area serves a nonresidential use or mixed-use district; or

(2) A contiguous Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; or Triplex / Quadplex use or a vacant lot if any of these are in an RE, RL, RM, AG, or SFD-L District and the parking serves a Multi-Unit Dwelling use.

(3) If an alley separates a parking area from another use, the use is considered contiguous to the parking area. If a street separates a parking area from another use, the use is not considered contiguous to the parking area.

(b) Unless a different but equivalent material is specifically approved in the Development Plan review process, screening for off-street parking required under Subsection (a) of this section shall be not less than six feet in height and shall be constructed of:

(1) Brick;

(2) Stone;

(3) Architectural concrete masonry units (not smooth faced);

(4) Stucco on masonry;

(5) Concrete which is integrally colored and finished with a texture, using a form liner or other finishing method, that is architecturally compatible with the development, or not colored and clad with a material that is architecturally compatible with the development; or

(6) Wood fence.

(c) The screening wall or fence may not have more than ten square inches of open area for each square foot of surface area and may not contain any openings or gates for vehicular access but may contain gates or openings for pedestrian access.

(d) The wall or fence shall be maintained to prevent leaning of the structure in a manner which lessens the effectiveness of the screening. The owner of the off-street parking shall maintain the screening in compliance with these standards.

(e) In all nonresidential districts, the MU District, and in the RH District, all off-street parking lots, excluding driveways for ingress or egress, shall be screened from the street with buildings, low walls, or through the use of landscaping approved in the Landscape Plan as part of the Development Plan per the provisions of Section 18-8-33.

Sec. 18-06-33. Ground or wall mounted building equipment screening standards.

(a) **General requirements.**

(1) Screening shall be provided for all ground or wall-mounted building equipment, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, transformers, backflow preventers, pedestal mount irrigation controllers and/or above ground water meters that are visible from any public right-of-way or adjacent property. Equipment that is located in a side or rear yard and is otherwise screened by landscaping, fencing, or a building, so that it is not visible from the right-of-way or adjacent property shall not require additional screening.

(2) Locating building equipment within the building or on the roof, as practical, is encouraged in order to minimize exterior visual impacts. Ground mounted equipment is prohibited within the front or street side setback, unless otherwise approved by the director.

(b) **Screening materials.**

(1) Materials used for screening shall be a minimum of 80 percent opaque.

(2) Materials used for screening shall include allowed materials for fences and screen walls as established in Section 18-06-32(b) and shall complement the exterior building cladding materials of the primary building.

(3) Evergreen shrubs with a minimum height sufficient to screen the equipment may be utilized.

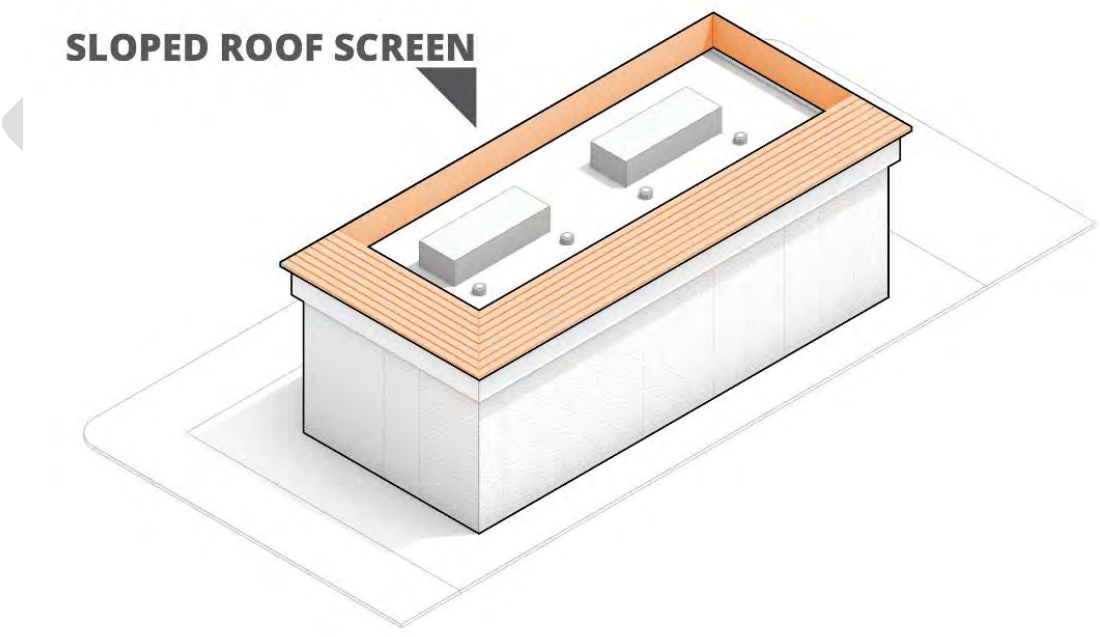
(c) **Alternatives.** If, due to site constraints or utility provider restrictions, it is not possible to screen ground or wall mounted building equipment in accordance with the requirements above, the director may approve an alternative screening method, such as but not limited to painting equipment to match or complement the building façade, as an Administrative Adjustment per Section 18-02-12.

Sec. 18-06-34. Roof mounted building equipment screening standards.

(a) **Flat roofs**.

(1) Roof-mounted building equipment shall be screened using architecturally integrated screening units, or roof parapets, which are at least 12 inches taller than the equipment, or sloped roof forms that appear as integral elements of the overall building design. See Figure 18-06-34.1 for an example of screening of roof mounted building equipment.

Figure 18-06-34.1. Roof mounted screening example.



(2) Alternatively, a sight visibility study can be provided which shows that the equipment is not visible from the opposite side of the nearest right-of-way, five feet above grade.

(b) **Sloped roofs**.

(1) All significant rooftop equipment, including without limitation HVAC units, swamp coolers, and antennas, shall not be placed on the street-facing sides of sloped roofs.

(2) Piping, venting, flashing, solar panel frames, and other rooftop equipment exposed to view shall be finished to match the roof surface color or otherwise designed to blend with the roof surface.

(c) All roof scuppers, gutters and downspouts shall be painted to match the surrounding façade.

(d) Solar panels are exempt from roof top screening requirements.

Sec. 18-06-35. Loading docks, truck parking, and service area screening standards.

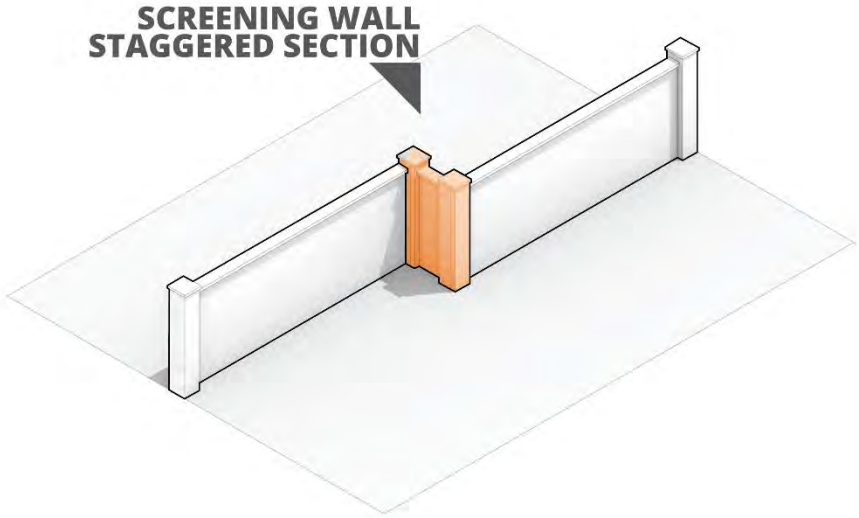
(a) **Applicability:** screening shall apply to loading docks and truck parking areas visible from a public right-of-way or adjacent property.

(b) Screening for loading docks, truck parking and service areas shall be a minimum of six feet in height and constructed of materials and finishes that are compatible with, and complementary of, the main building. All authorized outside storage shall be screened per Section 18-04-182.

(c) For every 50 linear feet, a screening wall shall provide staggered sections and columns or other visual relief, as shown in Figure 18-06-35.1.

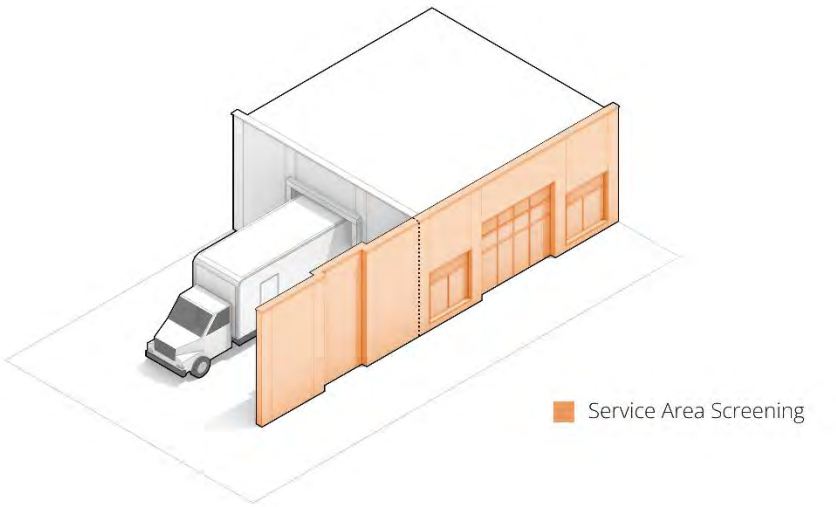
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Figure 18-06-35.1. Screening wall, staggered sections.



(d) Delivery service areas shall be visually unobtrusive and integrated within the overall design theme of the building or development and landscape so that the architectural design features are continuous and uninterrupted. See Figure 18-06-35.2.

Figure 18-06-35.2. Delivery service area screening, continuous architecture.



(e) Service entrances, loading docks, waste disposal areas and other similar uses shall be oriented away from arterial and collector streets and residential areas as much as possible; such areas

shall be screened with fencing, walls, landscaping, or a combination of the three consistent with that used elsewhere within the development.

Sec. 18-06-36. Reserved.
Sec. 18-06-37. Reserved.
Sec. 18-06-38. Reserved.
Sec. 18-06-39. Reserved.
Sec. 18-06-40. Reserved.

DIVISION 5. OUTDOOR LIGHTING

Sec. 18-06-41. General outdoor lighting prohibitions.

The following lighting types shall be prohibited within the city:

(a) The use of laser source light or any similar high intensity light for outdoor advertising or entertainment;

(b) The operation of searchlights for advertising purposes;

(c) Site lighting that may be confused with warning, emergency, or traffic signals;

(d) Lights that flash, move, revolve, rotate, scintillate, blink, flicker, vary in intensity or color, or use intermittent electrical pulsation; and

(e) Lights that interfere with the vision of drivers on public streets. Such lights shall be relocated, re-aimed or removed.

Sec. 18-06-42. General outdoor lighting exemptions.

The following items shall be exempt from the requirements of this article:

(a) Streetlights and other fixtures installed or temporarily used for public right-of-way illumination;

(b) All temporary emergency lighting needed by the police or fire departments or other emergency and maintenance services;

(c) All hazard warning luminaires required by federal regulatory agencies;

(d) Individual residential lighting;

(e) Lighting associated with holiday, festival or other temporary uses permitted in Article IV;

(f) Lighting of fountains or public art that has been permitted or otherwise approved by the city;

(g) Other municipal or state lighting installed for the benefit of public health, safety, and welfare; and

(h) Lighting of U.S. and Colorado state flags.

Sec. 18-06-43. General outdoor lighting design standards.

(a) Light sources shall be indirect, diffused, or shielded type fixtures, installed to reduce glare and the consequent interference with boundary streets and adjacent property.

(b) Fixtures shall be attached to buildings or mounted on poles in such a manner and height that light is not directed at a residential use.

(c) All light poles on private property shall have a maximum height of 35 feet, except for light poles in pedestrian and plaza areas that shall be limited to 16 feet.

(d) In all districts the maximum horizontal uniformity ratio shall be 4:1 on average. Minimum lighting in parking areas shall not apply to driveways serving residential uses.

(e) Lighting standards in footcandles (Fc). Lighting levels shall adhere to the standards in Table 18-06-43.1 and Table 18-06-43.2. All numerical values in both tables represent measurements in footcandles.

Table 18-06-43.1 Lighting standards in footcandles at property line.

Lighting area	Measurement	Adjacent property zone = RE, RL, RM, SFD-L, MH-L	Adjacent property zone = RH, NC, MU, TOD	Adjacent property zone = GC, RC, BP, CI	Adjacent property zone = All other districts and at ROW
At property line [1]	Maximum point of illuminance at the property line	0.1 Fc	0.3 Fc	0.8 Fc	1 Fc

Table 18-06-43.1 footnote:

[1] In the case of buildings closer than 10 feet to the property line and using only wall fixtures, light trespass may be greater than one foot-candle as long as the wall fixtures are fully shielded to direct the light downward, have a light output of 1,600 lumens or lower, and the light source (lamp) is not visible from off-site.

Table 18-06-43.2 Lighting standards in footcandles.

Lighting Area	Measurement	Property in zone district = RE, RL, RM, SFD-L, MH-L	Property in zone district = RH, NC, MU, TOD	Property in zone district = GC, RC, BP, CI	Property in zone district = All other districts
Vehicle sales/drive-throughs/canopy areas	Maximum point of illuminance at grade	5 Fc	12 Fc	15 Fc [1]	15 Fc [1]
Parking areas, drive aisles, and internal access drives	Minimum point of illuminance at grade	0.4 Fc	0.4 Fc	0.5 Fc	0.5 Fc
	Average point of illuminance at grade	1 Fc	1 Fc	2 Fc	2 Fc
All other on-site lighting	Maximum point of illuminance at grade	4 Fc	4 Fc	6 Fc	6 Fc
Private streets	Minimum point of illuminance at grade	1 Fc	1 Fc	2 Fc	2 Fc
	Maximum point of illuminance at grade	4 Fc	4 Fc	6 Fc	6 Fc
Pedestrian walkways/ trails/gathering areas	Minimum point of illuminance at grade	0.4 Fc	0.4 Fc	1 Fc	0.5 Fc
Building entrances	Minimum point of illuminance at grade	2 Fc	2 Fc	2 Fc	3 Fc

Table 18-06-43.2 footnote:

[1] Outdoor display lots for vehicle sales and leasing may exceed 15 foot-candles if outdoor white lighting is turned off, leaving only security lighting that is amber in color (a temperature rating equal to or less than 2,700 Kelvin), after closing or 11:00 p.m., whichever comes earlier.

Sec. 18-06-44. General outdoor lighting maintenance.

All outdoor lighting provided on a property, whether required by this article or not, shall be continually maintained in working order in compliance with the standards of this article.

Sec. 18-06-45. Landscape lighting standards.

Landscape and decorative lighting with a light output of 800 lumens or less is permitted provided that the light is installed and aimed to prevent light trespass and shielded to prevent view from the public right-of-way.

Sec. 18-06-46. Building façade lighting standards.

(a) Floodlights, spotlights, or any other similar lighting shall not be used to illuminate buildings or other site features unless approved as an integral architectural element on the site plan.

(b) On-site lighting may be used to accent architectural elements but not used to illuminate entire building(s).

(c) Where accent lighting is used, the maximum illumination on any vertical surface or angular roof surface shall not exceed 5.0 average maintained footcandles.

(d) Building façade and accent lighting will not be approved unless the light fixtures are selected, located, aimed, and shielded so that light is directed only onto the intended target and spillover light is minimized. Light sources shall be either recessed or flush with the bottom of the light fixture.

(e) Lighting that accents building features and creates visual interest is permitted, provided that design continuity is maintained among buildings within the same development.

(f) Wall packs on buildings may only be used at or above the second-floor level, at secondary entrances and exits to a building, and in loading and service areas to promote safety and shall:

(1) Be low profile and project from the wall a maximum of six inches;

(2) Be consistent or complementary in color to the building materials;

(3) Be fully shielded to direct the light downward;

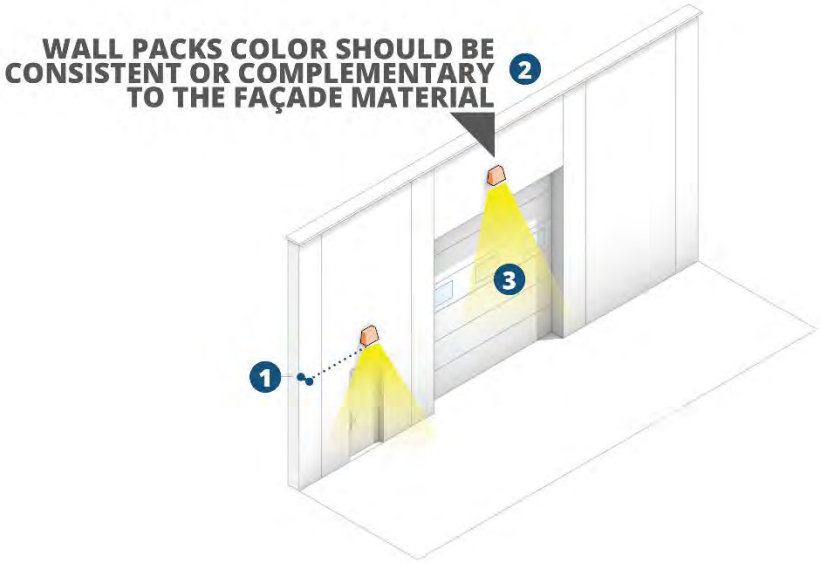
(4) Have a light output of 1,600 lumens or lower; and

(5) Shield the light source so it is not visible off-site.

Figure 18-06-46.1 provides a visual example of a wall pack.

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Figure 18-06-46.1. Wall packs (The numbers in Figure 18-06-46.1 refer to the subsection numbers contained within Subsection 18-06-46(f))**.**



Sec. 18-06-47. Accessory outdoor merchandise display and sales area lighting standards.

The mounting height of accessory outdoor display and sales area fixtures shall not exceed 20 feet above finished grade.

Sec. 18-06-48. Vehicular canopy lighting standards.

Lighting under vehicular canopies shall be either recessed or flush with the bottom surface of the vehicular canopy.

Sec. 18-06-49. Outdoor recreational area lighting standards.

(a) Ball fields, basketball courts, tennis courts, outdoor performance areas, and similar recreational uses are exempt from otherwise applicable exterior lighting standards and shall instead adhere to the requirements below.

(b) Outdoor recreational lighting shall not exceed a maximum permitted pole height of 80 feet unless otherwise approved by the director as an Administrative Amendment per Section 18-02-12. Lights shall be shielded and positioned so as not to shine onto adjacent roadways or properties.

(c) Fixtures shall be designed and aimed so that their beams fall within the primary playing area and the immediate surroundings, so that off-site illumination is significantly restricted. The

maximum permitted illumination at the property or right-of-way line shall not exceed 2 foot-candles, and all lights, except for any amber color (a temperature rating equal to or less than 2,700 Kelvin) security lights, shall be shut off after use.

Sec. 18-06-50. Pedestrian walkway lighting standards

(a) Pedestrian-scaled street lighting no taller than 16 feet shall be placed on all private local roads to allow for the safe use of streets by motorists, cyclists, and pedestrians and shall:

(1) Have a minimum average maintained illuminance of 0.3 foot candles; and

(2) Have uniformity ratio of 6:1.

(b) Pedestrian-scaled lighting no taller than 16 feet shall be required in gathering areas, along regional and local trails, and on-site pedestrian walkways and shall be placed in a manner to limit the casting of shadows on sidewalks. Pedestrian-scaled lighting may include:

(1) Lamp post/pole lighting;

(2) Bollard lighting;

(3) Fence post cap lighting;

(4) Festoon lighting;

(5) Pathway lighting; or

(6) Other as approved by the director.

Sec. 18-06-51. Parking structure lighting standards

(a) All areas of a parking structure shall have a horizontal uniformity ratio of 10:1.

(b) Parking structures shall meet the lighting requirements established in Table 18-06-51.1.

Table 18-06-51.1: Parking structure lighting standards.

Parking structure area	Minimum horizontal illuminance	Minimum vertical illuminance
Ramps - Day [1]	2 Fc	1 Fc
Ramps - Night	1 Fc	0.5 Fc
Entrance Areas - Day [2]	50 Fc	25 Fc
Entrance Areas - Night	1 Fc	0.5 Fc
Stairways - Day and Night	2 Fc	1.0 Fc

Table 18-06-51.1 footnotes:

[1] Daylight may be considered in the design calculation.

[2] A high illuminance level for the first 65 feet inside the structure is required to help with the transition from bright daylight to a lower internal level.

Sec. 18-06-52. Reserved.
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Sec. 18-06-56. Reserved.

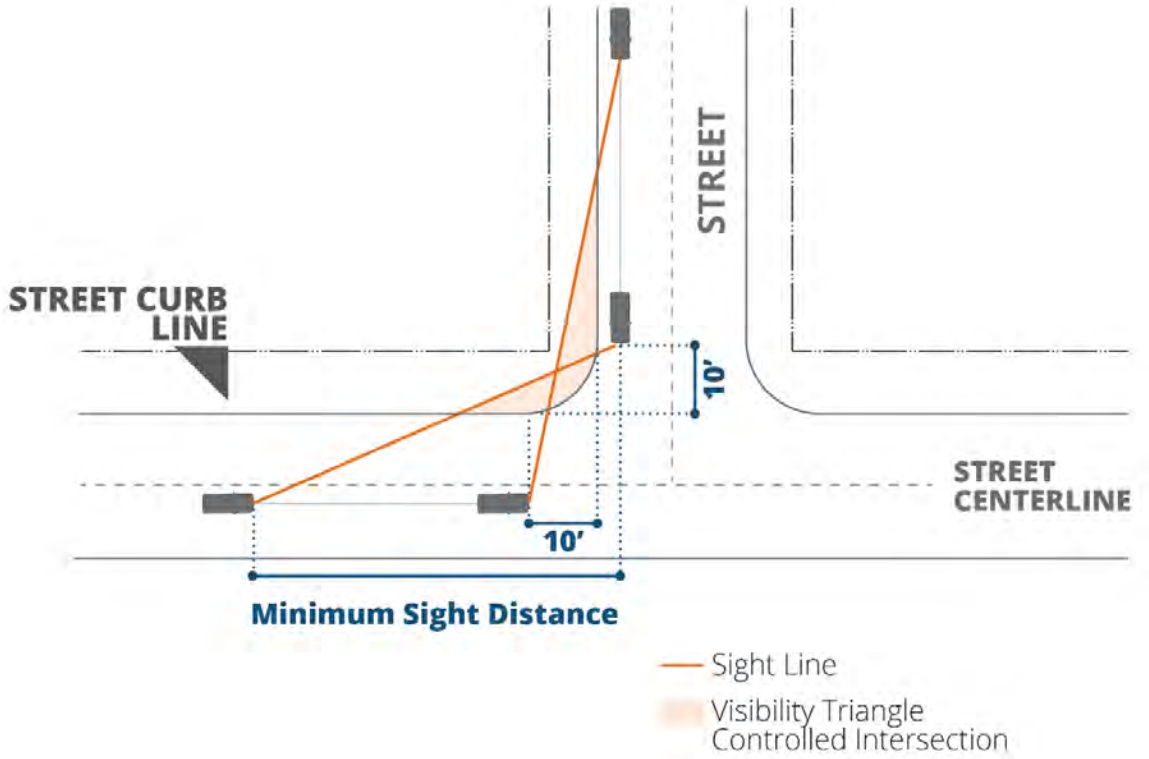
DIVISION 6. VISUAL OBSTRUCTION REGULATIONS

Sec. 18-06-57. Visibility triangle definition.

(a) **Visibility triangle definition.** For the purposes of this section, the term "visibility triangle" means:

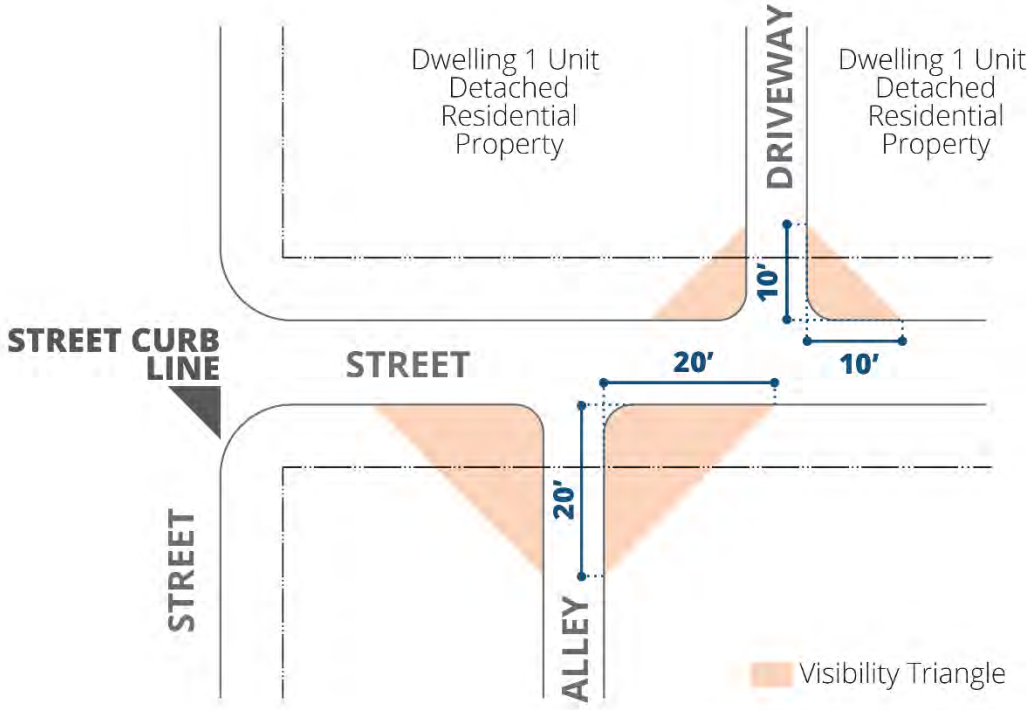
(1) For all street intersections and intersections of public streets and access drives or public streets and private streets, the portion of a corner lot within a triangular area formed by connecting the point of intersection of adjacent street curb lines and points on each of the street curb lines created by a sight line. As shown in Figure 18-06-57.1, the sight line shall be projected from the centerline of the nearest oncoming travel lane, starting at the minimum sight distance for a stopped vehicle (based on the design speed of the through roadway and corrected for grade) and a point on the centerline of the nearest oncoming through lane of the intersecting street, ten feet inside the curb line. See Table 18-06-59.1 for minimum sight distances and grade correction distances. If there are no street curbs, measurement shall be based on what would be the normal street curb lines. Figure 18-06-57.1 displays how to measure the visibility triangle for street intersections.

Figure 18-06-57.1. Visibility triangle for street intersections.



(2) For alleys and driveways intersecting a street, the portion of a lot within a triangular area formed by connecting together the point of intersection of the edge of a driveway, alley, or street and an adjacent street curblines, or, if there are no street curbs, what would be the normal street curblines, and points on each of the street curblines 20 feet from the intersection. On Dwelling, 1 Unit Detached residential lots the distance shall be 10 feet from the intersection. Figure 18-06-57.2 displays how to measure the visibility triangle when applied to alleys and driveways.

Figure 18-06-57.2. Visibility triangle for alleys and driveways.



(b) The traffic engineer or designee may develop, and the traffic engineer approve, a revised sight distance criteria requirement for any special traffic circumstance so long as the revised sight distance criteria meets sound engineering principles.

Sec. 18-06-58. VISIBILITY TRIANGLE RESTRICTIONS.

A person shall not erect, place, or maintain a structure, berm, plant, or any other item on a lot or tract or within a right-of-way if the item is:

(a) In a visibility triangle as defined in this section; and

(b) Between 2.5 feet and eight feet in height measured from the top of the adjacent street curb. If there is no adjacent street curb, the measurement is taken from the grade of the paved portion of the street adjacent to the visibility triangle.

(c) Refer to the Standards and Specifications for regulations regarding sight visibility at roundabouts and circular intersections.

(d) Only items approved by the traffic engineer or their designee may be within visibilty triangles.

Sec. 18-06-59. Visibility triangle minimum site distance and adjustments.

Minimum sight distances and grade correction distances shall be in accordance with Table 18-06-59.1.

Table 18-06-59.1: Minimum sight distances and grade correction.

Design speed of through roadway	Minimum sight distance for stopped vehicle	Upgrade correction distance - approaching intersection - up to 3%	Upgrade correction distance - approaching intersection - greater than 3% to 6%	Downgrade correction distance - approaching intersection - up to 3%	Downgrade correction distance - approaching intersection - greater than 3% to 6%
25 MPH	250 FT	0 FT	-10 FT	+10 FT	+20 FT
30 MPH	300 FT	0 FT	-10 FT	+10 FT	+20 FT
35 MPH	350 FT	-10 FT	-15 FT	+10 FT	+25 FT
40 MPH	400 FT	-10 FT	-20 FT	+10 FT	+30 FT
45 MPH	450 FT	-15 FT	-25 FT	+15 FT	+40 FT

Sec. 18-06-60. Reserved.
Sec. 18-06-61. Reserved.
Sec. 18-06-62. Reserved.
Sec. 18-06-63. Reserved.
Sec. 18-06-64. Reserved.

DIVISION 7. OTHER REGULATIONS

Sec. 18-06-65. Use of vehicle as a building.

(a) For the purposes of this section, a conveyance means a railway coach or car, streetcar, bus, airplane, trailer, or similar structure, vehicle, or device originally intended for transporting people or goods.

(b) A person shall not place or use a conveyance as a building for the operation of a use allowed within Section 18-4-09, except as specifically permitted by this section.

(c) A person may use a conveyance as a temporary office, but not as a dwelling unit, in connection with any permitted temporary use as provided in Division 11 of Article IV of this chapter. The Temporary Use Permit shall specifically permit the use of a conveyance as an office, subject to the following measures to ensure sanitary conditions:

(1) If sanitary sewer facilities are available, temporary plumbing connections shall be made as prescribed by the city's plumbing code. No permanent plumbing connection is permitted.

(2) If sanitary sewer facilities are not available, sanitation facilities shall be provided in accordance with the rules and regulations of the health department. No permit or certificate of occupancy may be issued without the written approval of the health department.

(3) Electrical service connections with the use described in this subsection shall be limited to temporary pole service.

(d) Governmental agencies and civic organizations may conduct a use in a conveyance in accordance with this subsection.

(1) The use shall be sponsored by and under the direct control of a governmental agency or civic organization.

(2) The use shall be a function relating to the public health, safety, and welfare, such as drivers' training, education, medical or dental services, mobile library services, or other similar public service use that, due to the equipment involved, logistics or availability of locations, and the times needed in a specific community, the installation of the use on a temporary basis is desirable and appropriate.

(3) The conveyance shall be self-contained requiring only electrical service. Any electrical connection shall be installed in accordance with the city's building code.

(4) The conveyance may be located in any zoning district after written approval by the property owner.

(5) The conveyance shall comply with setback requirements of this chapter.

(6) The conveyance shall be parked in such a manner as to minimally impact required off-street parking while providing safe pedestrian access to the services provided.

(7) A Temporary Use Permit is required unless exempted by Division 11 of Article IV of this chapter.

(e) A person shall not place or use a conveyance as a dwelling unit, except that a person may use:

(1) A railroad work car, caboose, or converted freight car as a dwelling unit when it is confined to rails and located on the right-of-way of a railroad doing business as a common carrier;

(2) A manufactured home, self-propelled recreational vehicle, or recreational camper as a dwelling unit in a properly zoned district; or

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(3) A self-propelled recreational vehicle or recreational camper as a dwelling unit when specifically approved in the issuance of a Temporary Use Permit for a use allowed in Table 18-04-202.1.

(f) A person may use a conveyance as a building for the operation of a Recycling Collection Center as permitted in Section 18-04-90.

Sec. 18-06-66. Moving buildings and structures.

(a) Buildings and structures being transported on public right-of-way within the city, other than on federal interstate highways, shall comply with the city's Model Traffic Code and permitting requirements of the city's infrastructure department.

(b) No move-in building or structure shall be placed on a lot within the city unless it has an approved Development Plan and a valid building permit.

(c) All move-in buildings or structures shall meet the same requirements as new construction; except temporary structures permitted by this chapter shall only meet the standards specifically written for them.

Sec. 18-06-67. Reserved.
Sec. 18-06-68. Reserved.
Sec. 18-06-69. Reserved.
Sec. 18-06-70. Reserved.
Sec. 18-06-71. Reserved.

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ARTICLE VII: BUILDING AND SITE DESIGN STANDARDS

DRAFT 3 – MAY 27, 2025

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DIVISION 1. GENERALLY

Sec. 18-07-01. PURPOSE AND APPLICABILITY.

(a) **Purpose**. The purpose of the site and building design standards is to:

(1) Ensure that the physical characteristics of proposed development are compatible with the context of the surrounding areas

(2) Preserve and enhance the unique visual character and streetscapes of Thornton,

(3) Create unique and inspiring places that support the pedestrian experience and promote economic vitality, and

(4) Encourage creativity and innovation while avoiding incompatible or inconsistent structures.

(b) **Applicability**. The standards of this article shall apply to new development, major redevelopment, intermediate redevelopment, and minor redevelopment as indicated in Table 18-07-01.1 and based on the development activity categorizations described in Section 18-01-9.

(1) Except where regulations are silent, development in the Eastlake, EC-L, and NW-O Districts shall be regulated through the applicable district-specific standards detailed in Article III. Where regulations for those zoning districts are not addressed in Article III, the regulations of this Article VII shall apply.

Table 18-07-01.1. Site and building design standards applicability overview.

Table Key:
E = Standards apply to entire development site
P = Standards apply to portion of site or building(s) impacted by development activity
Blank = Standards do not apply

Standard	Reference	New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment
Building Design Standards for Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Triplex / Quadplex; Bed and Breakfast; and Boarding/Rooming House	18-07-15	E	E	P	
Building Design Standards for Dwelling, 3-8 Units Attached	18-07-16	E	E	P	

Standard	Reference	New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment
Building Design Standards for Cottage Housing	18-07-17	E	P	P	
Building Design Standards for Multi-Unit Dwelling and Multi-Unit Dwelling Complex	18-07-18	E	P	P	
Multi-Unit Residential Uses Amenity Requirements	18-07-19	E	E		
Nonresidential and Mixed-Use Exterior Building Cladding Materials Standards	18-07-26	E	P	P	
Nonresidential and Mixed-use Window Standards	18-07-27	E	P	P	
Nonresidential and Mixed-Use Building Entryway Design Standards	18-07-28	E	E	P	P
Nonresidential and Mixed-Use Building Façade Design and Articulation Standards	18-07-29	E	P		
Nonresidential and Mixed-Use Roof Design Standards	18-07-30	E	P		
Horizontal Mixed-Use Development Site Standards	Division 5	E	E		
Building Additions and Accessory Structure Standards	Division 6	P	P	P	P
Carport Standards	18-07-44	P	P	P	P
Green Court configuration	18-07-46	E	P	P	
Motor Court configuration	18-07-47	E	P	P	

Sec. 18-07-02. SUSTAINABLE BUILDING PRACTICES.

The city encourages the design and implementation of environmentally sustainable practices through all phases of site planning and building design for the purpose of reducing energy consumption, minimizing harmful emissions, reducing waste generation, mitigating the urban heat island effect, the responsible usage of natural resources, and improving the overall impacts of development on health and the environment. Nonresidential developments should consider practices outlined by the U.S. Green Building Council for Leadership in Energy and Environmental Design (LEED) certification. Practices shall comply with City Code and Colorado State law and may include:

(a) Utilization of energy efficient materials and technology.

(b) Utilization of highly reflective roof surfaces and cool roofs.

(c) Utilization of renewable resources and sustainable materials, including recycled and recyclable materials.

(d) Utilization of non-toxic materials.

(e) Design consideration of the resource consumption and pollution emissions over the building's complete life cycle.

Sec. 18-07-03. Reserved.
Sec. 18-07-04. Reserved.
Sec. 18-07-05. Reserved.
Sec. 18-07-06. Reserved.
Sec. 18-07-07. Reserved.

DIVISION 2. FAÇADE TYPE ESTABLISHMENT

Sec. 18-07-08. Residential façade types applicable to specified uses.

As specified in this article, the building design standards for certain residential and lodging uses include allowances and requirements that vary based on the following façade types:

(a) **Front façade**. The principal building façade oriented toward the primary front yard as defined in Section 18-3-73. The front façade contains the front door or primary entrance to the home or building.

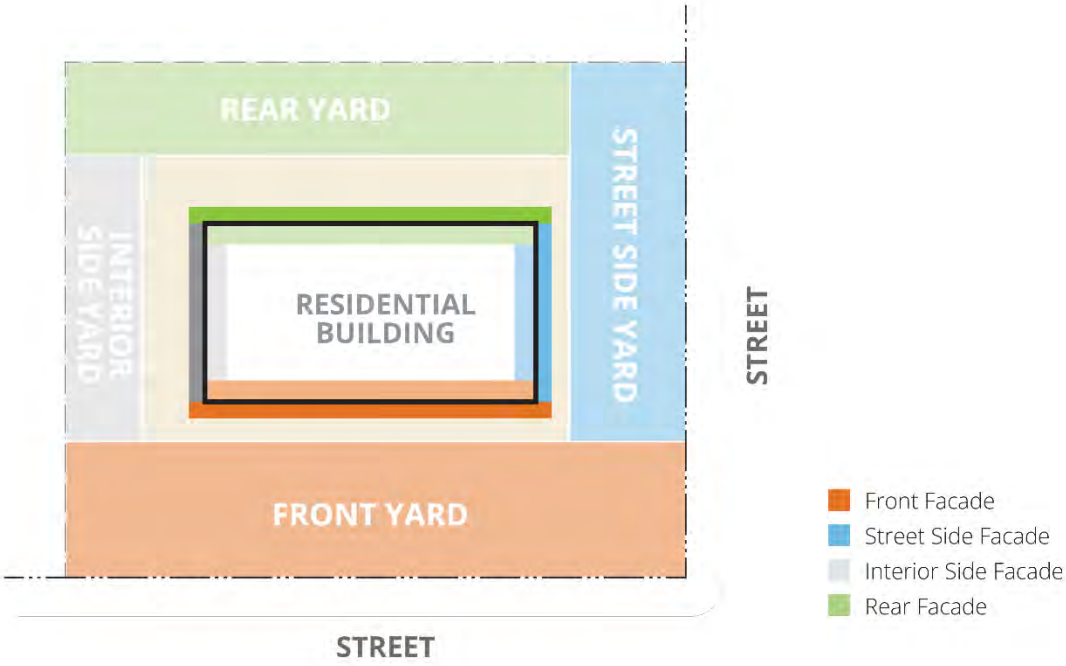
(b) **Interior side façade**. A building façade oriented toward the interior side yard as defined in Section 18-3-73.

(c) **Rear façade**. A building façade oriented toward the rear yard as defined in Section 18-3-73. The rear facade is typically the side opposite the front façade.

(d) **Street side façade**. A building façade oriented toward the street side yard as defined in Section 18-3-73 that is not considered the Front Façade. This façade applies only in situations where a dwelling is located on a corner lot.

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Figure 18-07-08.01 – Residential façade types.



Sec. 18-07-09. Nonresidential, Vertical Mixed-Use, Cottage Housing, and Multi-Unit Dwelling Façade Types.

As specified in this article, the building design standards for uses not regulated by the façade types indicated in Section 18-07-08 include allowances and requirements that vary based on the following façade types:

(a) **Type 1 façade**.

(1) A building façade that contains a primary entrance or is adjacent to the following shall be considered a Type 1 façade.
   a. Public or private streets;
   b. Primary or secondary internal drives (per Section 18-09-36); or
   c. A park.

(2) Type 1 façade standards shall apply to the entire length of a façade designated as a Type 1 façade.

(3) If a building is located on a corner, no more than two Type 1 façades shall be required, both of which shall face the streets.

(b) **Type 2 façade**.

(1) A building façade that does not qualify as a Type 1 or Type 3 façade and is adjacent to the following shall be considered a Type 2 façade.

a. Parking area;

b. Drive-through lanes and stacking;

c. Type 1 or 2 façade of another building whether on the same site or adjacent site; or

d. Open space and trail corridors.

(2) A portion of a Type 2 façade may be considered a Type 3 façade in accordance with Subsection (c).

(c) **Type 3 façade**.

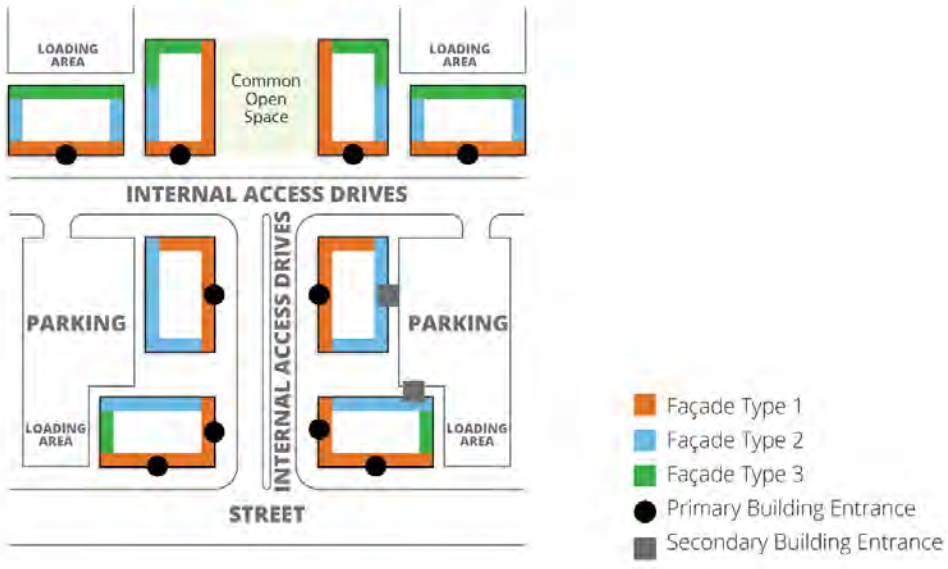
(1) A building façade that does not qualify as a Type 1 or Type 2 façade or is adjacent to the following shall be considered a Type 3 façade.

a. Loading and service areas; or

b. Type 3 façade of another building.

(2) Type 3 façade standards may apply to a portion of a Type 2 façade for the extent of the façade that meets Type 3 façade criteria. See Figure 18-07-09.1. It shall be at the sole discretion of the director to make a determination on the exact extent of the Type 3 façade portion.

Figure 18-07-09.1 – Façade Type 1, 2 and 3.



(d) **Director determination**. In the event that there is uncertainty over which façade type applies, the director shall make a determination on the appropriate façade type classification based on the site and building configuration, orientation, and features.

Sec. 18-07-10. Reserved.
Sec. 18-07-11. Reserved.
Sec. 18-07-12. Reserved.
Sec. 18-07-13. Reserved.
Sec. 18-07-14. Reserved.

DIVISION 3. RESIDENTIAL BUILDING DESIGN STANDARDS FOR SPECIFIED USES

Sec. 18-07-15. Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Dwelling, Triplex/Quadplex; Bed and Breakfast; and Boarding/Rooming House building design standards.

(a) **Applicability**. The standards of this section shall apply to the following uses:

(1) Duplex;

(2) Dwelling, 1 Unit Detached;

(3) Dwelling, 2 Units Attached;

(4) Triplex/Quadplex;

(5) Bed and Breakfast; and

(6) Boarding/Rooming House.

(b) **Exterior building cladding materials**.

(1) **Prohibited materials**.

a. Corrugated metal siding;

b. Vinyl siding;

c. Unfinished concrete, including smooth or painted concrete block; and

d. Field-painted, highly reflective, or unfinished metal siding.

(2) **Allowed materials**.

a. **Category 1**. Category 1 exterior building cladding materials include:

1. Materials permitted without conditions including:

   i. Brick; and

   ii. Stone.

2. Materials permitted in compliance with the conditions indicated in Section 18-07-15(b)(3)b including:

   i. Fiber cement siding; and

   ii. Stucco.

b. **Category 2**. Category 2 exterior building cladding materials include:

1. Fiber cement siding;
2. Engineered wood/wood composite siding;
3. EIFS;
4. Stucco;
5. Non-corrugated architectural metal panels with a minimum 24-gauge thickness and a 30-year warrantied paint finish and concealed fastening system; and
6. Other building materials may be allowed by the director on a case-by-case basis if the director finds that the proposed material is compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture.

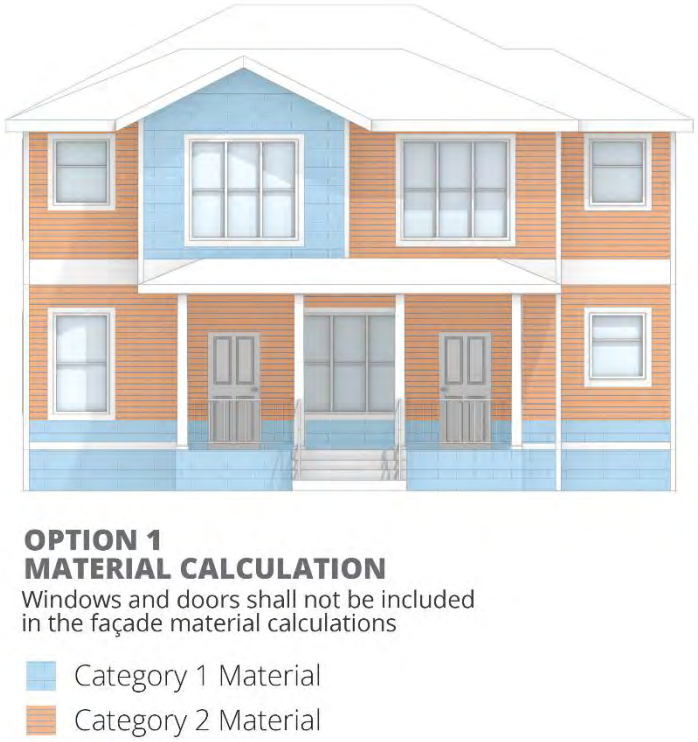
(3) **Façade type requirements**. Building façades shall include a mix of exterior building cladding materials per the façade types described in Section 18-07-08. Exterior cladding materials shall meet the requirements indicated in either Table 18-07-15.1 or 18-07-15.2. Windows and doors shall not be included in façade material calculations as shown in Figure 18-07-15.1.

a. ***Option 1***. Buildings can be clad as indicated in Table 18-07-15.1.

Table 18-07-15.1. Option 1 building cladding materials for Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Dwelling, Triplex/Quadplex; Bed and Breakfast; and Boarding/Rooming House.

Façade Type	Minimum Required Category 1 Materials Including Brick or Stone Only	Maximum Allowed Category 2 Materials
Front	30%	70%
Interior side and rear	any percent	any percent
Street side	10%	90%

Figure 18-07-15.1 Option 1 cladding example, façade area calculations.



b. ***Option 2***. Buildings can alternatively be clad as indicated in Table 18-07-15.2 in accordance with the following conditions.

1. When fiber cement siding or stucco are used as category 1 materials, the following additional conditions shall be met:

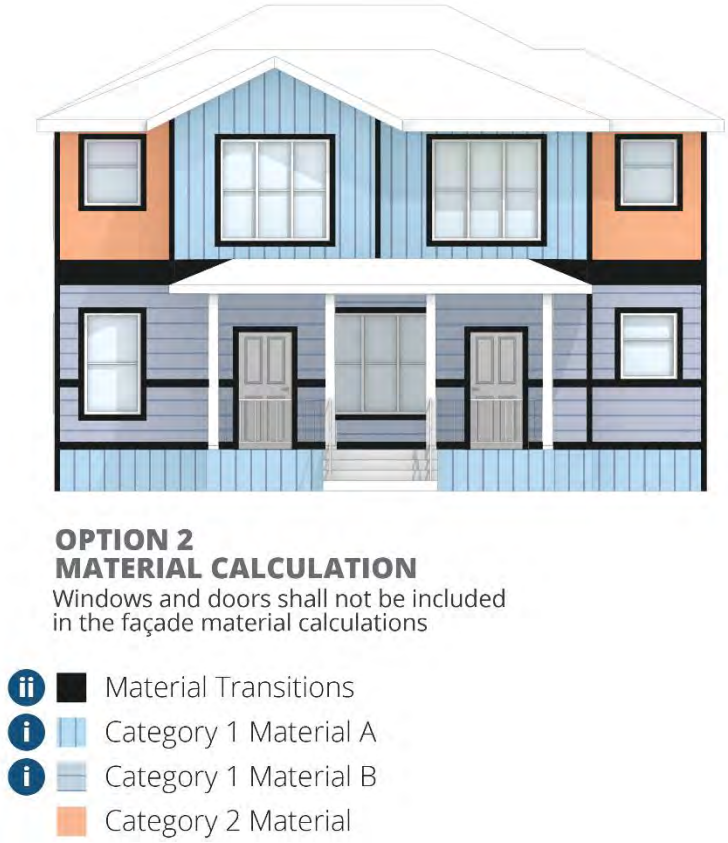
i. ***Material variety***: Front and street side façades must incorporate at least two visually distinct category 1 materials, which may include more than one variety of fiber cement siding based on different dimensions and/or orientations.

ii. ***Material transitions***: Transitions between different materials, if not accomplished at an inside corner, must be clearly defined with architectural trim or other distinguishing features to create a visually appealing separation between materials as shown in Figure 18-07-15.2.

Table 18-07-15.2. Option 2 building cladding materials for Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Dwelling, Triplex/Quadplex; Bed and Breakfast; and Boarding/Rooming House.

Façade Type	Minimum Required Category 1 Materials Including Fiber Cement Siding, Stucco. Brick or Stone	Maximum Allowed Category 2 Materials
Front	70%	30%
Interior Side and Rear	70%	30%
Street Side	70%	30%

Figure 18-07-15.2 Material variety and transitions. (The letters in Figure 18-07-15.2 refer to the subsection letters contained within subsection 18-07-15(b)(3)b.1.)



(c) **Orientation.** The primary entrances of individual units shall be located on the front façade and oriented in one of the following ways:

(1) **Toward the designated front lot line** . Units shall be oriented to the designated front lot line, facing a motor court per Section 18-07-47, or a public or private street. The primary entrance of end units on corner lots may be oriented toward the designated front or street side lot line.

(2) **Toward an internal courtyard space**. Units may be oriented toward an internal courtyard space accessible to the public or private street via a pedestrian walkway meeting the standards of Section 18-09-39. The primary entrance of end units adjacent to a public or private street shall be oriented toward the street side lot line. This configuration is defined as a green court and is further regulated by the standards in Section 18-07-46.

(d) **Anti-monotony**.

(1) **Intent**. The anti-monotony standards of this section are intended to ensure that new subdivisions have a variety of building designs that create a cohesive and unique sense of place.

(2) **Requirements**.

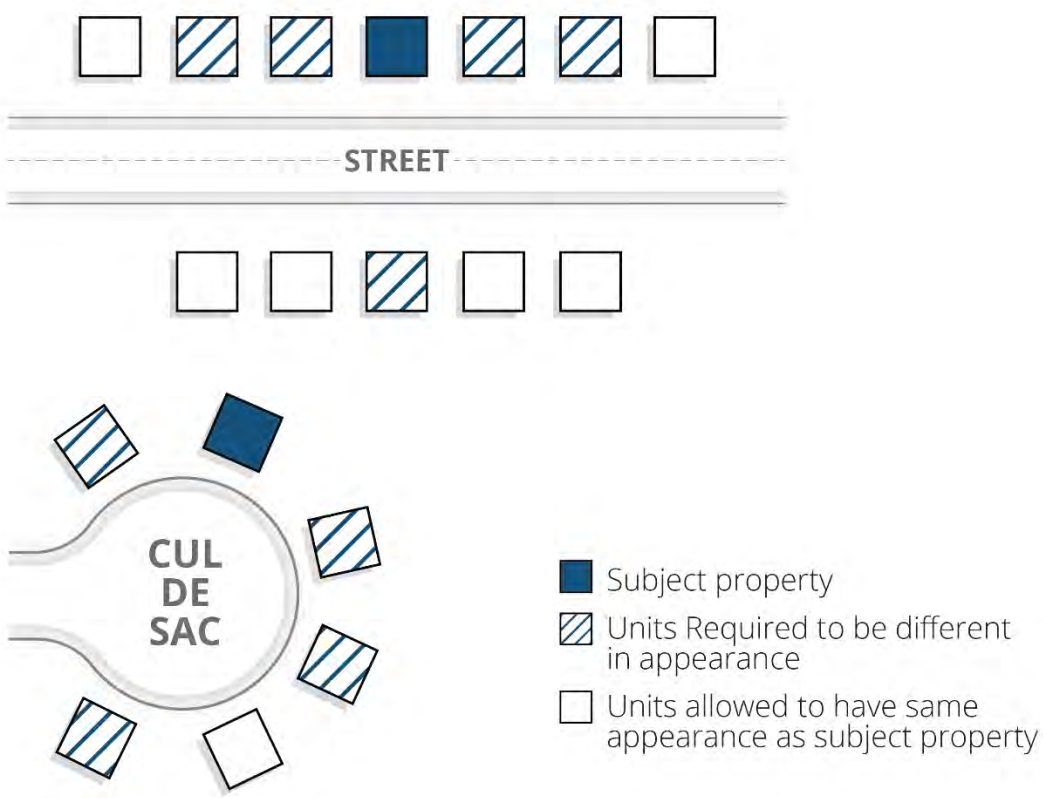
a. All subdivisions with more than 20 dwelling units shall offer at least four different home models. No more than 25 percent of the homes in a subdivision filing may be the same model.

b. No identical home model elevation shall be repeated more than once every four contiguous buildings (i.e. the first and fourth buildings in a row may contain the same model elevation, but the second and third building must contain two different model elevations), as shown in Figure 18-07-15.3.

c. No identical home model elevation shall be repeated directly across any street from itself. For the purposes of this provision, directly across the street means that there is any overlap in property lines when extended to the opposite side of the street.

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Figure 18-07-15.3 Anti-monotony requirements.



(3) **Design standards**. For purposes of this section, each home model elevation used to satisfy this requirement shall incorporate at least three distinct design elements on a Front Façade including:

a. The placement of windows and doors. At least a two-foot vertical or horizontal variation in size or location is required.

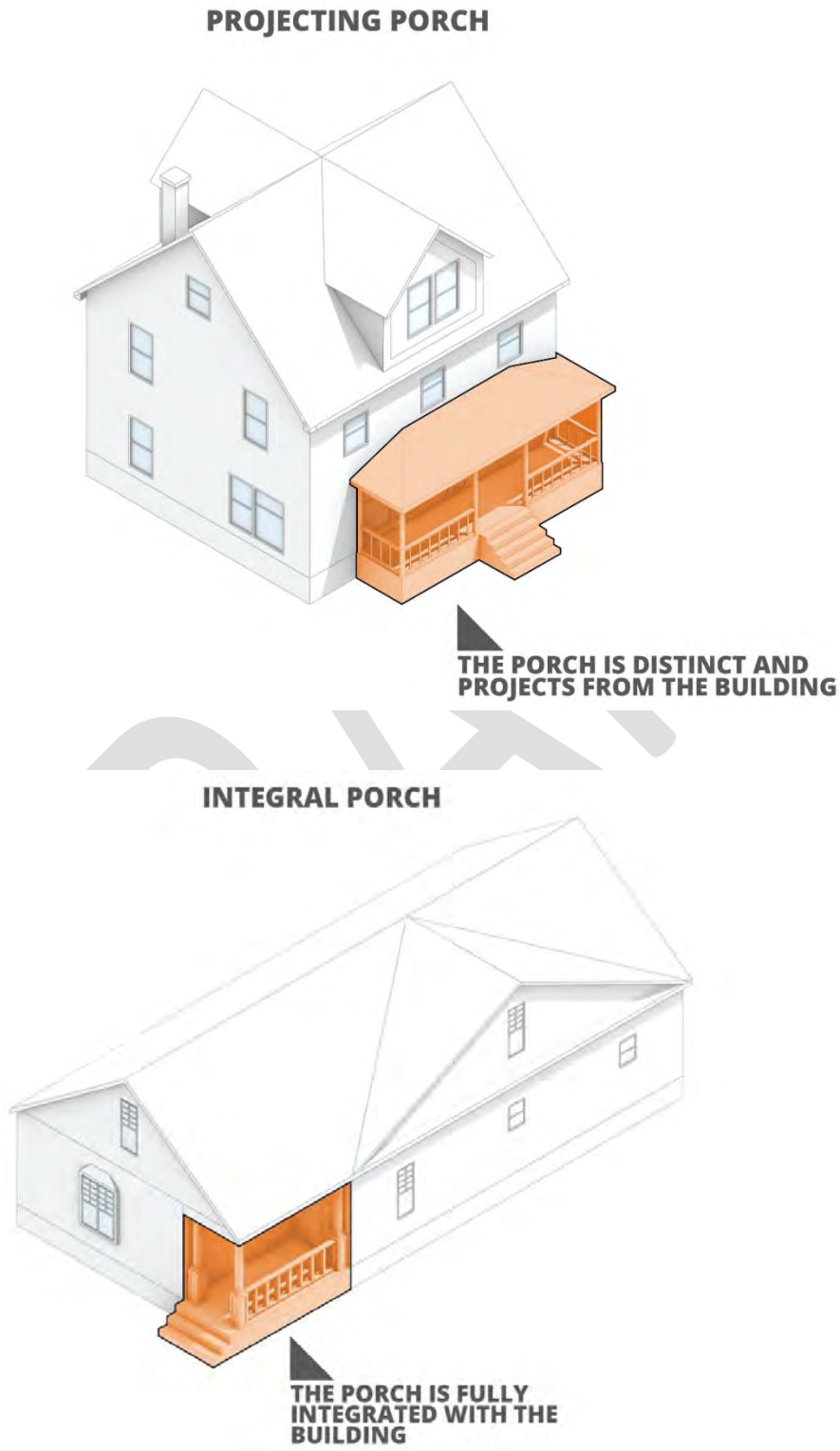
b. The shape of windows and doors and the style/width of window muntins, mullions, transoms, and/or trim. The ratio of the window proportions shall vary by whole numbers.

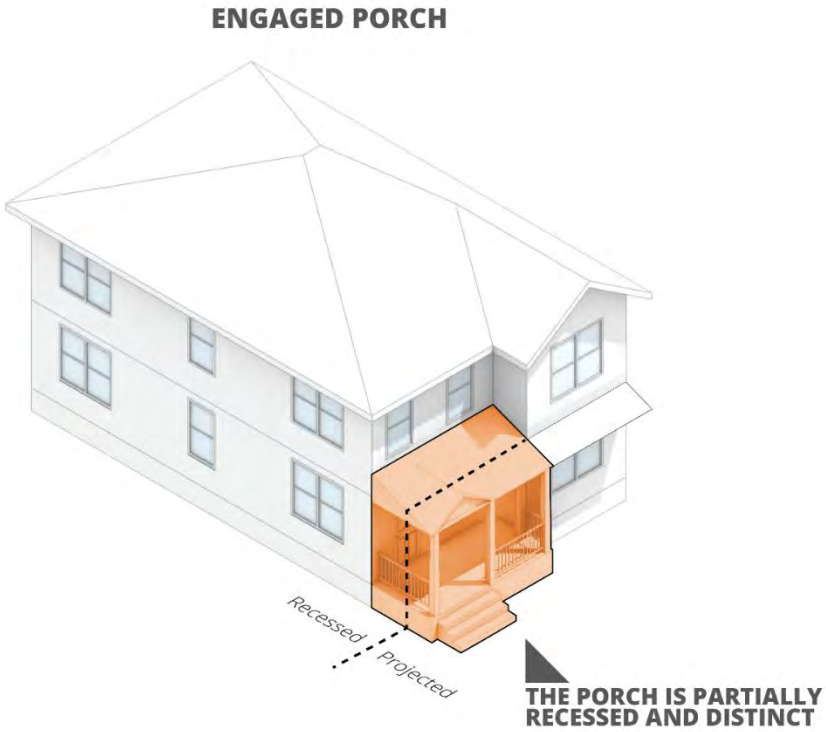
c. The use of different Category 1 materials.

d. The width of the front façade elevation must differ by more than two feet.

e. Variation in the style of front porch type including projecting, engaged, or integral as shown in Figure 18-07-15.4.

Figure 18-07-15.4 Porch types.

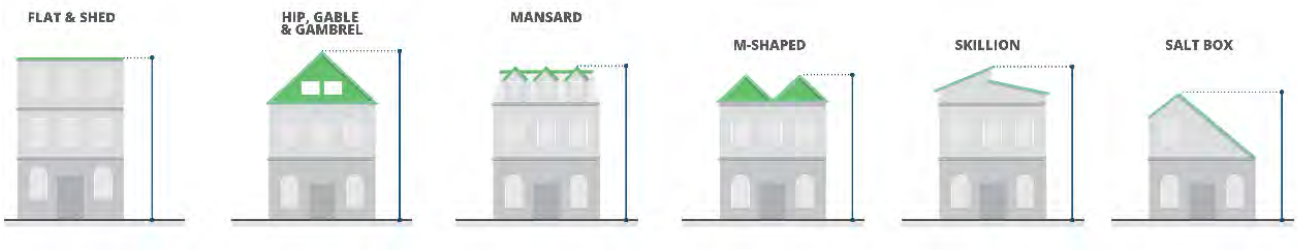




f. The location and/or loading configuration (front vs. side loaded, or garages in the backyard) of garage doors must vary.

g. Variations in roof type, as shown in Figure 18-07-15.5, including but not limited to open gable, box gable, gable with dormers, M shaped, hip, cross hipped, intersecting/overlaid hip, hip and valley, saltbox, pyramid hip, flat (with parapet walls), or skillion and lean-to.

Figure 18-07-15.5 Roof type examples.



h. Use of roof dormers.

i. A variation of building types: ranch, two-story and split-level.

(e) **Porches**. At least 50 percent of the homes in each filing shall incorporate a covered front porch with roof column supports. The minimum size of the porch shall be 50 square feet of floor area.

(f) **Foundations**. Exposed foundations which extend above grade more than 22 inches shall be covered with a material that is already approved for the home.

(g) **Windows and doors**.

(1) Each front façade and street side façade shall have a minimum window area of 10 percent of the façade. On any elevation requiring a window, the garage door, basement, or entry door windows may be used to satisfy the window requirement.

(2) Window frames other than wood shall be either anodized, electrostatically-painted, vinyl clad, or vinyl. Unpainted aluminum window frames are prohibited except for basement windows. Wood frames shall be painted, sealed, or stained.

(3) The front entry of any residential structure, which does not have a front entry porch, shall be emphasized by the use of at least one of the following design strategies:

a. The design of the door.

b. The design of its surrounding elements.

c. The inclusion of side-lights (glazed openings to the side of the door) in the entry design.

d. The location of the front door in a visually prominent location.

(4) Each door or window that is not located in a portion of the wall clad in masonry, EIFS, or stucco shall have a minimum four-inch nominal wide wood trim border.

(h) **Roofs**.

(1) Shake roof tiles are prohibited as a roofing material.

(2) All sloped roofs shall include a minimum overhang as follows:

a. 12-inch overhang for a 4:12 pitch

b. 10-inch overhang for a 5:12 pitch

c. 8-inch overhang for a 6:12 pitch beyond each major wall plane of the home. An 8-inch overhang is the minimum overhang allowed.

d. Other architectural features may be used if approved by the director.

(i) **Garages**.

(1) All garages shall be clad with the same ratio of Category 1 and Category 2 exterior building cladding materials as the dwelling unit on the same lot.

(2) All carports must comply with Section 18-07-44.

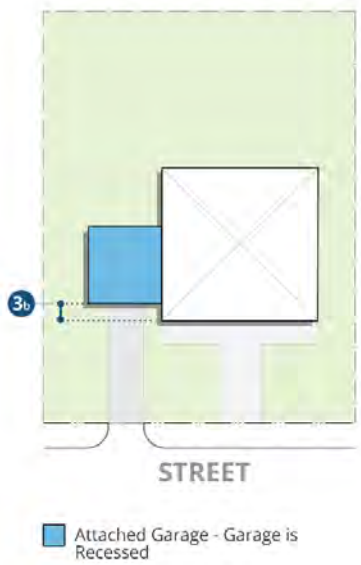
(3) **Attached garages on front façade**.

a. Attached garages on a Front Façade shall be setback a minimum of 20 feet from the applicable property line to provide sufficient driveway space to park a vehicle.

b. A minimum of 75% of homes in a subdivision shall set back the garage a minimum of five feet behind the front porch if provided and located on the applicable façade, or a minimum of two feet behind the Front Façade entry door.

1. This requirement does not apply to side-loaded garages.

Figure 18-07-15.6 Attached garage standard. (The letter and number in Figure 18-07-15.6 refer to the subsection letters and numbers 18-07-15(i)(3)b.)



c. A maximum of 25% of homes in a subdivision may have a front garage that extends past the front porch or Front Façade entry door by a maximum of five feet.

1. Houses with garages that extend past the front porch or entry door shall not be located adjacent to each other.

d. Attached garages on a Front Façade of a Dwelling, 1 Unit Detached home shall have a maximum of three single car garage doors or one two-car garage door and one single car garage door. Additional garages can be side-loaded.

e. Attached garages on a Front Façade with three single car garage doors or one two-car garage door and one single car garage door shall be set back at least two feet further from the street than the wall plane of the other garage door(s).

f. Where the total width of an attached garage makes up more than 75 percent of a total Front Façade width, it shall be improved with at least one of the following quality enhancements:

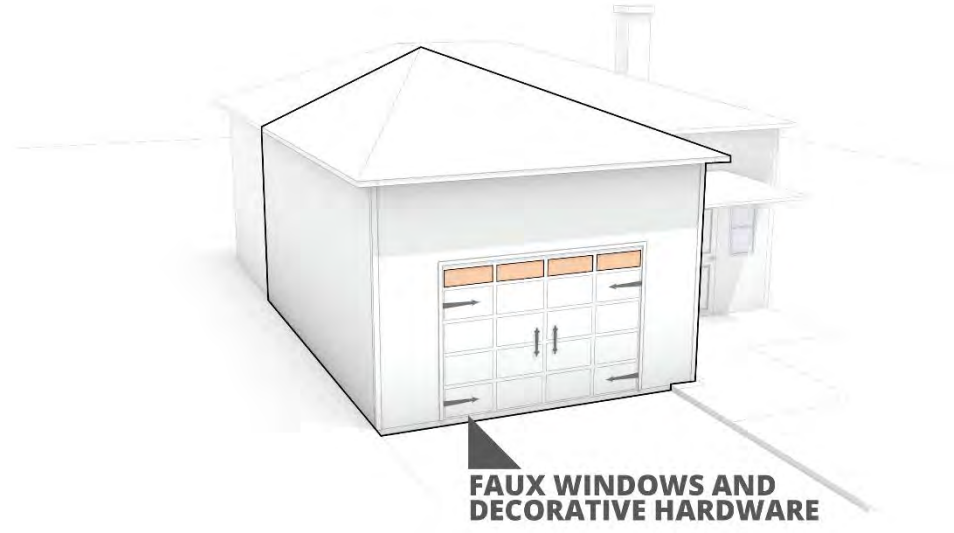
1. Functioning windows, such as shown in Figure 18-07-15.7;

Figure 18-07-15.7 Functioning windows on a garage.



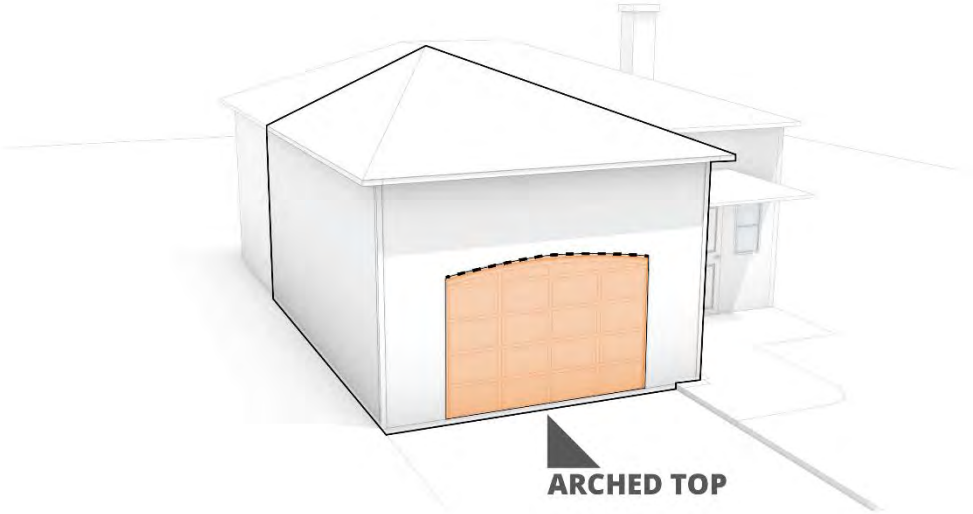
2. Faux windows and decorative hardware, such as shown in Figure 18-07-15.8;

Figure 18-07-15.8 Faux windows and decorative hardware.



3. Arched top, such as shown in Figure 18-07-15.9;

Figure 18-07-15.9 Arched top garage door.



4. Over-door pergola / trellis / canopy, such as shown in Figure 18-07-15.10; or

Figure 18-07-15.10 Over-door pergola / trellis / canopy.



5. Wall mounted accent lighting on either side of the garage door and at the front door, such as shown in Figure 18-07-15.11.

Figure 18-07-15.11 Wall mounted accent lighting



Sec. 18-07-16. Dwelling, 3-8 Units Attached building design standards.

(a) **Applicability**. The standards of this section shall apply to Dwelling, 3-8 Units Attached buildings.

(b) **Exterior building cladding materials**.

(1) **Prohibited materials**.

a. Corrugated metal siding;

b. Vinyl siding;

c. Unfinished concrete, including smooth or painted concrete block; and

d. Field-painted, highly reflective, and unfinished metal siding.

(2) **Allowed materials**.

a. ***Category 1***. Category 1 exterior building cladding materials include:

1. Materials permitted without conditions including:

i. Brick; and

ii. Stone.

2. Materials permitted in compliance with the conditions indicated in Section 18-07-16(b)(3)b including:

i. Fiber cement siding; and

ii. Stucco.

b. ***Category 2***. Category 2 exterior building cladding materials include:

1. Fiber cement siding;
2. Engineered wood/wood composite siding;
3. EIFS;
4. Stucco;
5. Non-corrugated architectural metal panels with a minimum 24-gauge thickness and a 30-year warrantied paint finish and concealed fastening system; and
6. Other building materials may be allowed by the director on a case-by-case basis if the director finds that the proposed material is compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture.

(3) **Façade type requirements**. Building facades shall include a mix of exterior building cladding materials per the façade types described in Section 18-07-08. Exterior cladding materials shall meet the requirements indicated in either Table 18-07-16.1 or 18-07-16.2. Windows and doors shall not be included in façade material calculations. Material percentages apply to the entire building cluster and are not calculated per unit.

Figure 18-07-16.1 Façade area calculation.



a. ***Option 1***. Buildings can be clad as indicated in Table 18-07-16.1.

Table 18-07-16.1. Option 1 building cladding materials for Dwelling, 3-8 Units Attached.

Façade Type	Minimum Required Category 1 Materials Including Brick or Stone Only	Maximum Allowed Category 2 Materials
Front	30%	70%
Side and Rear	any percent	any percent
Steet Side	10%	90%

b. ***Option 2***. Buildings can alternatively be clad as indicated in Table 18-07-16.2 in accordance with the following conditions.

1. When fiber cement siding or stucco are used as Category 1 materials, the following additional conditions shall be met:

i. ***Material variety***: Front and Street Side Façades must incorporate at least two visually distinct Category 1 materials, which may include more than one variety of fiber cement siding based on different dimensions or orientations.

ii. ***Material transitions***: Transitions between different materials must be clearly defined with architectural trim or other distinguishing features to create a visually appealing separation between materials.

Table 18-07-16.2. Option 2 building cladding materials for Dwelling, 3-8 Units Attached.

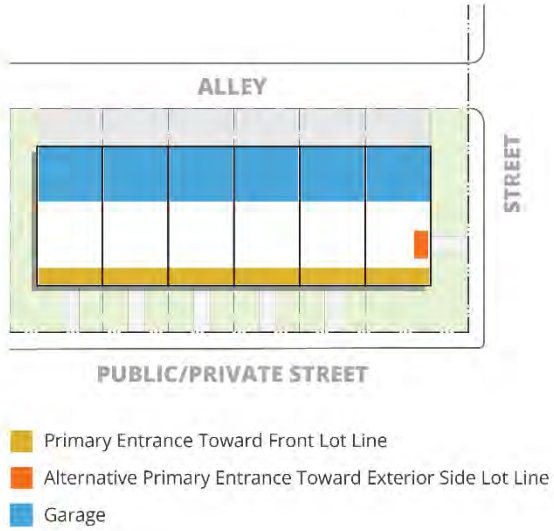
Façade Type	Minimum Required Category 1 Materials Including Fiber Cement Siding, Stucco. Brick or Stone	Maximum Allowed Category 2 Materials
Front	70%	30%
Interior Side and Rear	70%	30%
Street Side	70%	30%

(c) **Site design**.

(1) **Orientation**. The primary entrances of individual units shall be located on the Front Façade and oriented in one of the following ways:

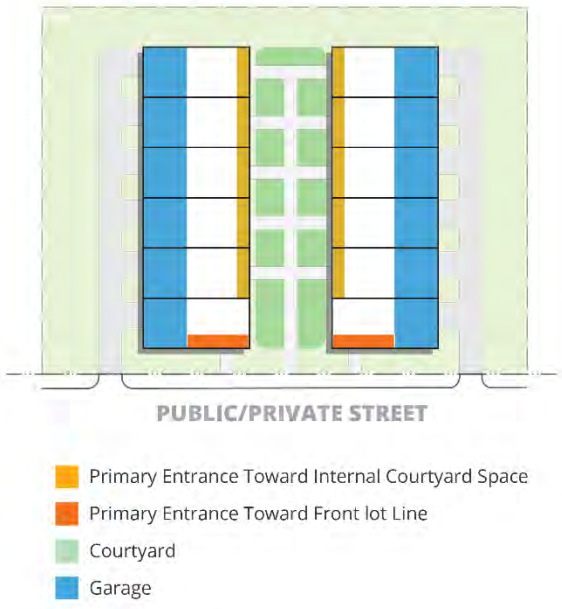
a. **Toward the designated front lot line**. Units shall be oriented to the designated front lot line facing a public or private street. The primary entrance of end units on corner lots may be oriented toward the designated front or street side lot line as shown in Figure 18-07-16.2. Units shall not be oriented toward an abutting area with head-in parking; or

Figure 18-07-16.2 Units oriented toward the front lot line.



b. **Toward an internal courtyard space**. Units may be oriented toward an internal courtyard space accessible to the public or private street via a pedestrian walkway meeting the standards of Section 18-09-39. The primary entrance of end units adjacent to a public or private street shall be oriented toward the street side lot line as shown in Figure 18-07-16.3.

Figure 18-07-16.3 Units oriented toward an internal courtyard space.



(2) **Internal circulation**. Refer to Section 18-09-40 for internal circulation requirements.

(d) **Unit differentiation.**

(1) No more than eight units may be attached in any single row or building cluster.

(2) Each unit shall have at least 100 square feet of private outdoor space with a minimum dimension of 5 feet.

a. For the purposes of this provision, a covered or uncovered porch, balcony, rooftop deck, or fenced yard qualifies as outdoor space.

b. Outdoor spaces may be combined to achieve the total required area.

c. Outdoor spaces provided under this provision may qualify as quality enhancements if the space meets the requirements for the quality enhancement.

(3) The siting of the units in a building cluster shall be staggered in order to define entry points and provide variety and interest.

(4) Front Façades shall be articulated to differentiate individual units utilizing one or more of the following design elements:

a. Category 1 materials shall increase by at least five percentage points;

b. The style of front porch type shall vary including projecting, engaged, or integral as shown in Figure 18-07-15.4;

c. Variations in roof type, as shown in Figure 18-07-15.5, shall be provided including but not limited to open gable, box gable, gable with dormers, M shaped, hip, cross hipped, intersecting/overlaid hip, hip and valley, saltbox, pyramid hip, flat, or skillion and lean-to; or

d. Other as approved by the director after determination that the intent of the façade variety standards is met.

(e) **Windows and doors**.

(1) A Front Façade of a building cluster shall have a minimum window area of 10 percent of the facade. The front door, garage or basement windows may be used to satisfy the window requirement.

(2) Non-wood window and door frames shall be either anodized, electrostatically painted, vinyl clad, or vinyl. Unpainted aluminum window frames are prohibited except for below-grade basement windows.

(3) Wood window and door frames shall be painted, sealed, or stained.

(4) The placement, size, and proportions of windows and doors shall vary substantially between units.

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a. Windows and doors shall have at least a two-foot vertical or horizontal variation in size or location;

b. Transoms shall be provided on windows and/or doors on the Front Façade and Street Side Façade; or

c. The ratio of the window proportions shall vary by whole numbers.

(f) **Roofs**.

(1) **Roofing materials**. All sloped roof areas shall be clad with high profile composition shingles such as slate, tile, or dimensional asphalt shingles.

(2) **Roofline articulation**. Roofline articulation shall be provided for at least one quarter of all units in a cluster. Requirements for roofline articulation may be met by:

a. Distinctions in roof pitch, such as through the use gables, hipped roofs, dormers, shed dormers, flat roofs, or towers, that are visually apparent as seen from the ground;

b. Variation in roof accent elements including but not limited to, a different roofing material for porch roofs, canopies or dormers, gable accents, cupolas, vigas, pergolas, or brackets; or

c. Variation of at least two feet in unit height.

Figure 18-07-16.4 Roofline articulation. (The letters in Figure 18-07-16.4 refer to the subsection letters contained within subsection 18-07-16(f)(2) a, b and c.)



(3) **Sloped roofs**.

a. Buildings shall have a pitched roof with a minimum slope of 4:12.

b. All sloped roofs shall include a minimum 12-inch overhang beyond the building, and a 10-inch overhang along gable ends.

(4) **Parapet walls**.

a. All flat roofs shall utilize parapet walls.

b. Parapet walls shall be designed in a manner that prevents views of the rear of the parapet wall and any rooftop equipment per Section 18-06-34.

(g) **Parking**.

(1) **Location**.

a. If the parking required for a unit is provided via an attached garage, it may be located on any building façade.

b. Attached garages located on the Front Façade shall not exceed 75 percent of the façade's total width.

c. Garages, carports, and parking lots shall not occupy more than 30 percent of the total public street perimeter frontage.

(2) **Attached garage design**.

a. Attached garages located on a Front Façade shall be setback a minimum of 20 feet from the applicable property line to provide sufficient driveway space to park a vehicle.

b. A minimum of 75% of buildings in the development shall set back the garage a minimum of five feet behind the front porch if provided, or a minimum of two feet behind the entry door if either are located on the same façade as the attached garage.

1. This requirement does not apply to side-loaded garages.

c. A maximum of 25% of homes in the development may have a front garage that extends past the front porch or front façade entry door by a maximum of five feet.

1. Buildings with garages that extend past the front porch or entry door shall not be located adjacent to each other.

d. Attached garages shall be improved with at least one of the following quality enhancements:

1. Functioning windows such as shown in Figure 18-07-15.7;

2. Faux windows and decorative hardware such as shown in Figure 18-07-15.8;

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3. Arched top such as shown in Figure 18-07-15.9;

4. Over-door pergola/trellis/canopy such as shown in Figure 18-07-15.10; or

5. Wall mounted accent lighting on either side of the garage door, as shown in Figure 18-07-15.11, and at the front door.

(h) **Quality enhancements**. In addition to any other applicable standards set forth in this section, each unit shall incorporate at least four of the following architectural features on a Front Façade:

(1) At least one bay window.

(2) An at-grade fenced outdoor area of at least 100 square feet.

(3) A covered front porch at least 80 square feet with a minimum dimension of six feet.

(4) A recessed balcony or roof top deck of at least 80 square feet.

(5) A real or simulated chimney appearing on an exterior wall, faced with masonry.

(6) Patterned and/or pervious paving materials used in driveways and/or pedestrian walkways visible at the front and corner side property lines or adjacent streets in the case of green courts.

(7) At least one roof dormer containing a window.

(8) An end unit is designed to be turned so that the front entry door is located on the side of the cluster.

(9) The front elevation of a unit contains at least three distinct roof breaks.

(10) Variation in roof accent elements including but not limited to, a different roofing material for porch roofs, canopies or dormers, gable accents, cupolas, vigas, pergolas, or brackets.

Sec. 18-07-17. Cottage Housing design standards.

(a) **Applicability**. The standards of this section shall apply to Cottage Housing developments.

(b) **Exterior building cladding materials**.

(1) **Prohibited materials**.

a. Corrugated metal siding;

b. Vinyl siding;

c. Unfinished concrete including smooth or painted concrete block; and

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d. Field-painted, highly reflective, and unfinished metal siding.

(2) **Allowed materials**.

a. ***Category 1***. Category 1 exterior building cladding materials include:

1. Materials permitted without conditions including:

i. Brick; and

ii. Stone.

2. Materials permitted in compliance with the conditions indicated in Section 18-07-17(b)(3)b including:

i. Fiber cement siding; and

ii. Stucco.

b. ***Category 2***. Category 2 exterior building cladding materials for multi-unit buildings include:

1. Fiber cement siding;

2. Engineered wood/wood composite siding;

3. EIFS;

4. Stucco;

5. Non-corrugated architectural metal panels with a minimum 24-gauge thickness and a 30-year warrantied paint finish and concealed fastening system; and

6. Other building materials may be allowed by the director on a case-by-case basis if the director finds that the proposed material is compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture.

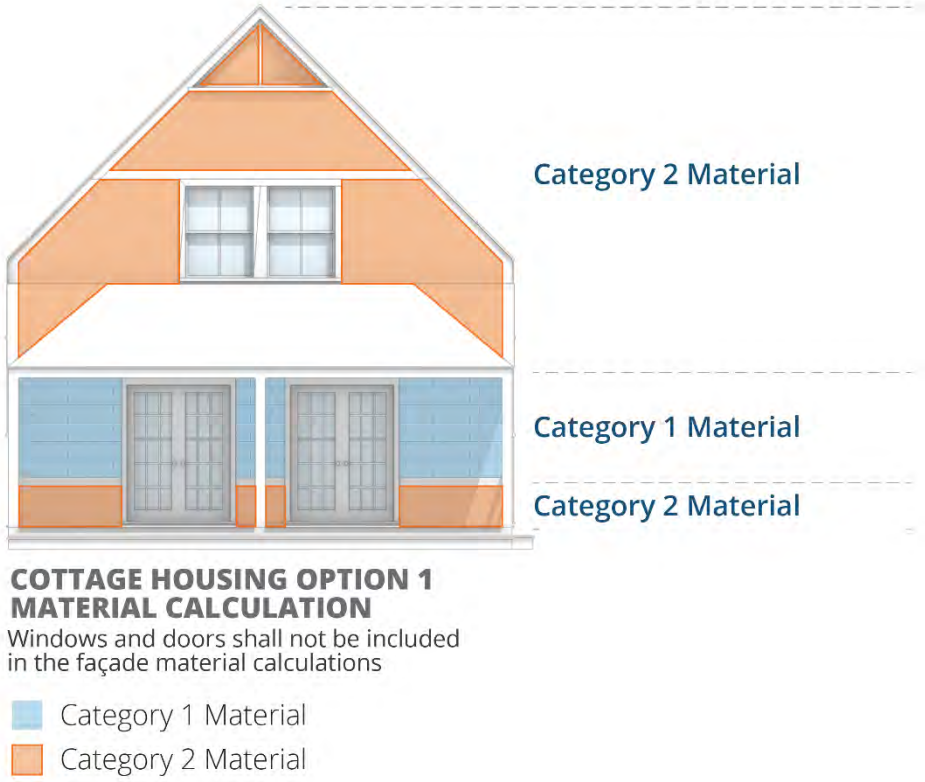
(3) **Façade type requirements**. Building façades shall include a mix of exterior building cladding materials per the façade types described in Section 18-07-09. Exterior cladding materials shall meet the requirements indicated in either Table 18-07-17.1 or 18-07-17.2. Windows and doors shall not be included in façade material calculations.

a. ***Option 1***. Buildings can be clad as indicated in Table 18-07-17.1.

Table 18-07-17.1. Option 1 building cladding materials for Cottage Housing developments.

Façade Type	Minimum Required Category 1 Materials Including Brick or Stone Only	Maximum Allowed Category 2 Materials
Type 1	30%	70%
Type 2	any percent	Any percent

Figure 18-07-17.1 Cottage Housing façade type Option 1.



b. **Option 2.** Buildings can alternatively be clad as indicated in Table 18-07-17.2 in accordance with the following conditions.

1. When fiber cement siding or stucco are used as Category 1 materials, the following additional conditions shall be met:

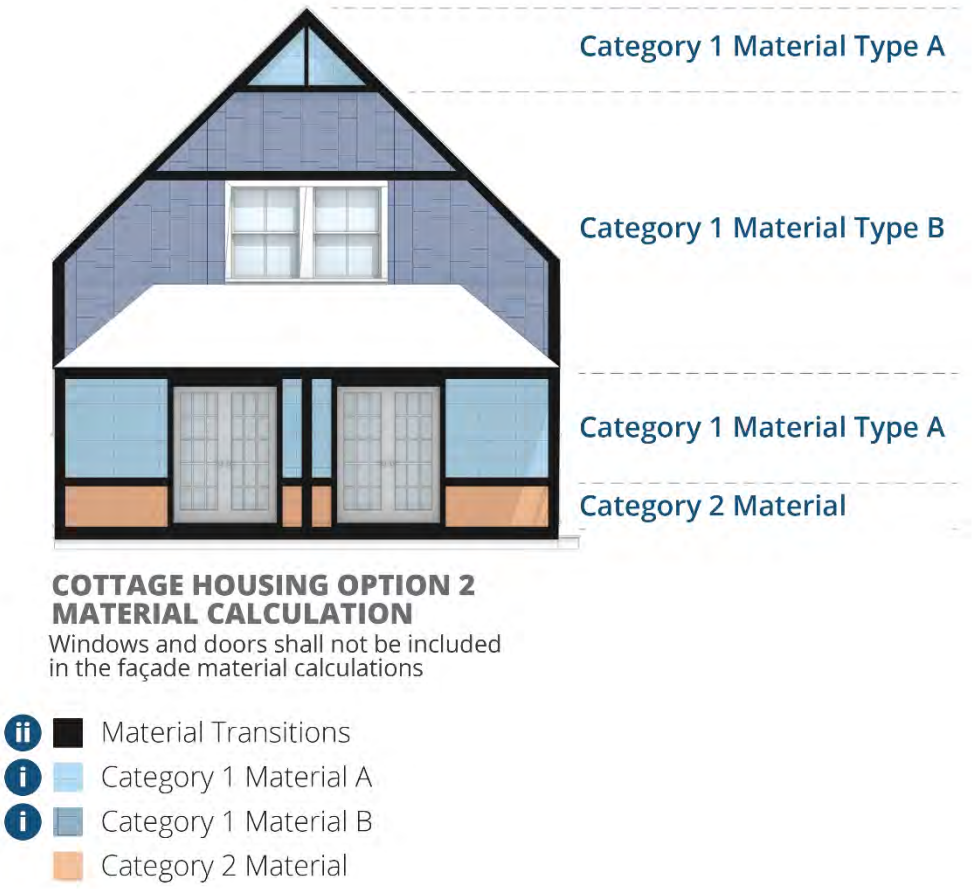
i. *Material variety*: Type 1 façades must incorporate at least two visually distinct Category 1 materials, which may include different varieties of fiber cement siding.

ii. *Material transitions*: Transitions between different materials must be clearly defined with architectural trim or other distinguishing features to create a visually appealing separation between materials.

Table 18-07-15.2. Option 2 building cladding materials for Cottage Housing developments.

Façade Type	Minimum Required Category 1 Materials Including Fiber Cement Siding, Stucco. Brick or Stone	Maximum Allowed Category 2 Materials
Type 1	70%	30%
Type 2	70%	30%

Figure 18-07-17.2 Cottage Housing façade type Option 2. (The letters in Figure 18-07-17.2 refer to the subsection letters contained within subsections 18-07-17(b)(3)b.1.)



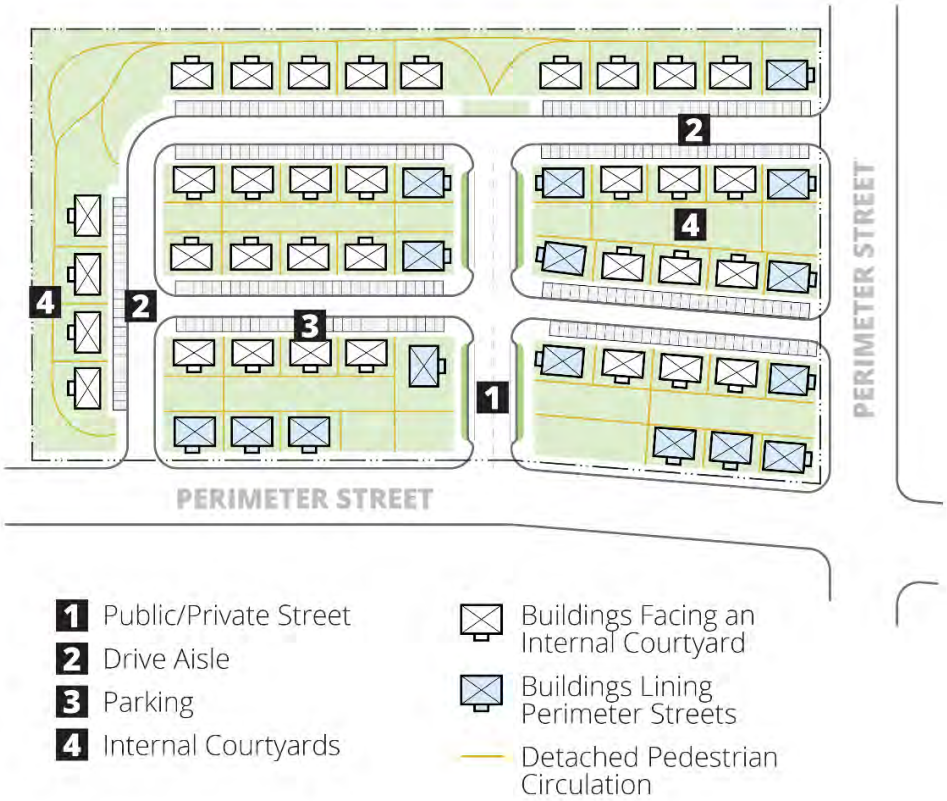
(c) **Site design**.

(1) Buildings shall be oriented toward a public or private street when abutting such a street and shall provide pedestrian access directly from the adjacent street.

(2) If not abutting a public or private street, buildings shall be oriented toward an internal courtyard, shared sidewalk, open space, or park space accessible to a public or private street via a pedestrian walkway meeting the standards of Section 18-09-39.

(3) **Internal circulation**. Refer to Section 18-09-40 for internal circulation requirements.

Figure 18-07-17.3 Cottage Housing development example.



(d) **Parking**.

(1) **Location**.

a. If the parking required for a unit is provided via a surface parking space, detached or attached garage(s), it shall be located to the rear or interior side of the development.

b. Garages, carports, and parking lots shall not occupy more than 30% of the total public street perimeter frontage.

(2) Detached garages shall utilize exterior building cladding materials that are consistent or compatible with materials used on the dwelling units.

(e) **Building variation**.

(1) Each Cottage Housing development shall provide variation in building styles if the development contains 20 units or more at the following rate:

a. 20 to 100 units: at least two building styles.

b. 101 to 200 units: at least three building styles.

c. 201 and more – at least four building styles.

(2) No more than 50 percent of the buildings in a development may be the same style unless the development contains fewer than 20 units.

(3) Requirements for building style variation may be met by:

a. Variation in the type of building, such as but not limited to Duplex and Dwelling, 1 Unit Detached,

b. Distinct changes in texture, type, and color of exterior building cladding materials, or

c. Variations in the distinct architectural style of the building such as but not limited to Farmhouse, Craftsman, Prairie, and Mid-Century Modern style.

(f) **Windows and doors**.

(1) A minimum window area per façade type is required as follows:

a. Type 1 Façade: 15 percent

b. Type 2 Façade: 10 percent

(2) The calculation of the façade area shall not include windows, doors, or gable ends.

(3) Glass panes in doors shall be included in the window area.

(g) **Unit outdoor space**.

(1) The provision of private outdoor space such as a private patio or deck shall be required per unit in accordance with this subsection. Private outdoor space is required in addition to private amenities in the development described in Section 18-07-19 and the public land dedication and easement requirements of Article X.

a. A private outdoor space shall be provided for each unit which is at least eight feet deep and 200 square feet in area.

b. A yard depth of less than eight feet but no less than five feet is allowable for irregularly shaped yards as long as the area requirement is met.

(2) Private patios shall be separated from public gathering spaces, parking areas, pedestrian walkways, the public right-of-way, and internal access drives by one of the following:

a. A fence with a maximum height of six feet,

b. A wall constructed of the same Category 1 exterior building cladding material utilized on the unit with a maximum height of six feet, or

c. A landscape hedge with a maximum height of six feet.

(3) Each unit shall be provided with a covered front porch with a minimum depth of four feet and a minimum area of 50 square feet.

(h) **Roofs**.

(1) **Roofing materials**. All sloped roof areas shall be clad with high profile composition shingles such as slate, tile, or dimensional asphalt shingles.

(2) Each Cottage Housing development shall provide variation in roof types if the development contains 20 units or more at the following rate:

a. 20 to 100 units – at least two roof types.

b. 101 to 200 units - at least three roof types.

c. 201 and more – at least four roof types.

(3) Requirements for roof type variation may be met by:

a. Distinctions in roof pitch, such as through the use gables, hipped roofs, dormers, shed dormers, or flat roofs that are visually apparent as seen from the ground,

b. Variation in roof accent elements including but not limited to, a different roofing material for porch roofs, canopies or dormers, gable accents, cupolas, vigas, pergolas, or brackets, or

c. Other variations as approved by the director.

(4) **Sloped roofs**.

a. One-story buildings shall have a pitched roof with a minimum slope of 4:12.

b. All sloped roofs shall include a minimum 12-inch overhang beyond the building, and a 10-inch overhang along gable ends.

(5) **Parapet walls**.

a. All flat roofs shall utilize parapet walls.

b. Parapet walls shall be designed in a manner that prevents views of the rear of the parapet wall and any rooftop equipment.

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Sec. 18-07-18. Multi-Unit Dwelling and Multi-Unit Dwelling Complex design standards.

(a) **Applicability**. The standards of this section shall apply to Multi-Unit Dwellings and Multi-Unit Dwelling Complexes. For the purposes of this section only, the term Multi-Unit Dwelling shall be applicable to both of these uses unless otherwise specified.

(b) **Exterior building cladding materials**.

(1) **Prohibited materials**.

a. Corrugated metal siding;

b. Vinyl siding;

c. Unfinished concrete including smooth or painted concrete block; and

d. Field-painted, highly reflective, and unfinished metal siding.

(2) **Allowed materials**.

a. ***Category 1.*** Category 1 exterior building cladding materials include:

1. Brick; and

2. Stone.

b. ***Category 2***. Category 2 exterior building cladding materials include:

1. Fiber cement siding;

2. Engineered wood/wood composite siding; and

3. EIFS or Stucco.

c. ***Category 3***. Category 3 exterior building cladding materials include:

1. Architectural concrete masonry units; and

2. Non-corrugated architectural metal panels with a minimum 24-gauge thickness and a 30-year warrantied paint finish and concealed fastening system.

d. ***Alternative materials***. Other building materials may be allowed by the director on a case-by-case basis if the director finds that the proposed material is compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture.

(3) **Façade type requirements**. Building façades shall include a mix of exterior building cladding materials per the façade types described in Section 18-07-09 and as detailed

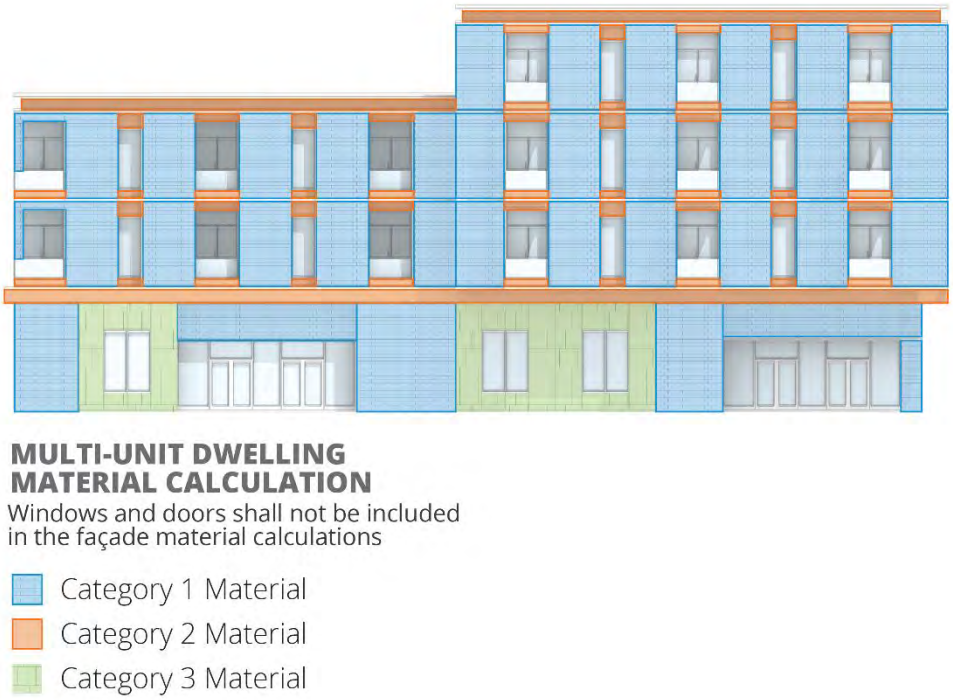
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in Table 18-07-18.1 below. Windows and doors shall not be included in façade material calculations.

Table 18-07-18.1. Multi-Unit Dwelling exterior building cladding materials.

Façade Type	Minimum Required Category 1 Materials	Maximum Allowed Category 2 Materials	Maximum Allowed Category 3 Materials
Type 1	40%	60%	30%
Type 2	30%	70%	30%
Type 3	any percent	any percent	70%

Figure 18-07-18.1 Façade calculation and façade types.



(c) **Building massing**.

(1) All Multi-Unit Dwellings shall be designed to provide complex massing configurations with a variety of different wall planes and roof planes. Plain, monolithic structures with long, monotonous, unbroken wall and roof plane surfaces of 60 feet or more are prohibited.

(2) If a Type 1 façade is more than 60 feet wide, the perceived mass and scale of the façade shall be reduced by incorporating at least three of the following design elements that are consistent with the development's architectural character and create distinctive variations in the façade:

a. Pronounced (at least two feet deep) recesses and/or projections in the wall plane;

b. Distinct changes in texture, type, and color of exterior building cladding materials;

c. Pedestrian building pass-throughs;

d. Projected or recessed stacked balconies at least five feet in depth for each unit abutting the façade.

e. For Multi-Unit buildings 10,000 square feet or less in floor area, provide an additional feature from Section 18-07-28(c)(2) on at least one entryway on all facades where an entryway exists.

~~d.~~f. For Multi-Unit buildings greater than 10,000 square feet in floor area, the entryway feature chosen in 18-07-28(c)(4) shall be either 18-07-28(c)(4)b., 18-07-28(c)(4)c., 18-07-28(c)(4)d., or 18-07-28(c)(4)e. In addition, all other entrances must provide one entryway feature from 18-07-28(c)(2).

~~e.~~g. Eight-foot minimum step back, as shown in Figure 18-07-18.2 of the entire Type 1 façade after the ground, second, or third floor. If a building is five or more stories tall, two step backs shall be provided; or

~~f.~~h. 20-foot minimum step back of 30 percent of the mass of the Type 1 façade such as in a manner that results in a "C" or "U" shaped building such as shown in Figure 18-07-18.3.

Figure 18-07-18.2 Example of an eight-foot step back.

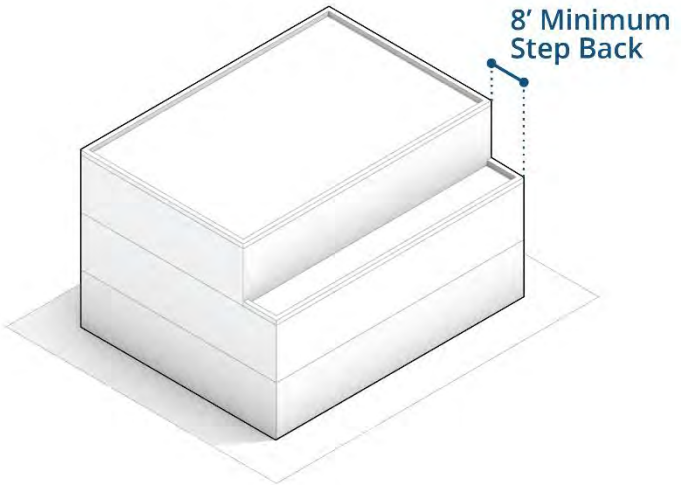
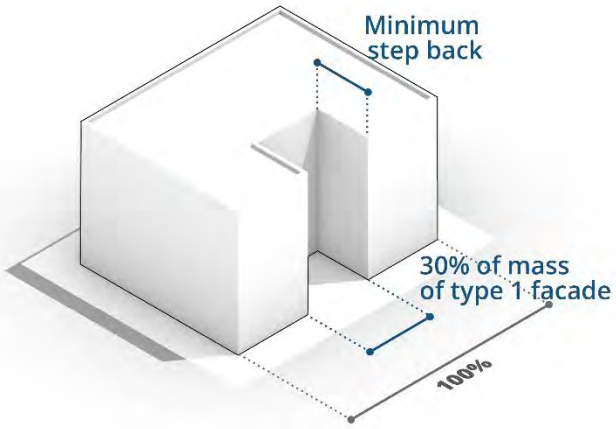


Figure 18-07-18.3 Example of a "C" or "U" shaped building.



(d) **Windows and doors**.

(1) Multi-Unit Dwellings shall have a minimum window area per façade type as follows:

a. *Type 1 façade*: 20 percent

b. *Type 2 façade*: 15 percent

c. *Type 3 façade*: 8 percent

(2) Multi-Unit Dwellings shall provide at least one building entryway in accordance with Section 18-07-28(c)(1) on all Type 1 and Type 2 façades.

(3) The primary building entryway(s) on a Type 1 façade shall meet the building entryway design standards of Section 18-07-28(c)(2).

(e) **Upper story unit access**. Upper story accessways serving two or more units shall be enclosed as follows:

(1) **Type 1 façade**. Upper story accessways, including stairwells and walkways, shall be fully enclosed inside the building if located along a Type 1 façade.

(2) **Type 2 and 3 façades.** Upper story accessways along Type 2 and 3 façades, including stairwells and walkways, may be fully enclosed inside the building or partially exposed to the elements if located within the building envelope. Accessways shall not be located outside of the building envelope.

(f) **Roofs**.

(1) **Roofing materials**. All sloped roof areas shall be clad with high profile composition shingles such as slate, tile, or dimensional asphalt shingles.

(2) **Roofline articulation**. Roofline articulation shall be provided every 60 feet of roof length. The director may approve alternative distribution of roofline articulation

features in accordance with the review criteria established in Section 18-02-12. Requirements for roofline articulation may be met by:

a. Distinctions in roof pitch, such as through the use of gables, dormers, shed dormers, flat roofs, or towers that are visually apparent as seen from the ground.

(3) Variation in roof accent elements including but not limited to, a different roofing material for porch roofs, canopies or dormers, gable accents, cupolas, vigas, pergolas, or brackets; or

a. Variation of at least two feet in building section height.

(4) **Sloped roofs**.

a. One-story Multi-Unit Dwellings shall have a pitched roof with a minimum slope of 4:12.

b. All sloped roofs shall include a minimum 18-inch overhang beyond the building, and a 12-inch overhang along gable ends.

(5) **Parapet walls**.

a. All flat roofs shall utilize parapet walls.

b. Parapet walls shall be designed in a manner that prevents views of the rear of the parapet wall.

c. Parapet walls shall be at least 12 inches taller than the tallest rooftop equipment.

(g) **Parking location**.

(1) If the parking required for a unit is provided via a surface parking lot, detached or attached garage(s), it shall be located to the rear or interior side of the Multi-Unit Dwelling(s).

(2) Garages, carports, and parking lots shall not occupy more than 30% of the total public street perimeter frontage.

(3) Detached garages shall utilize building cladding materials that are consistent or compatible with materials on the Multi-Unit Dwelling(s).

Sec. 18-07-19. Multi-Unit Residential Amenity Requirements.

(a) **Applicability**. The standards of this section shall apply to recreational amenities for Cottage Housing, Multi-Unit Dwellings, Multi-Unit Dwelling Complexes, and Multi-Unit Dwellings Above Ground Floor.

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(b) In addition to the required parks, open space, and trail, dedication described in Article X, multi-unit developments shall provide private amenities for the development based on the cost to develop one three-acre park per 1,000 projected residents in the development. The projected number of residents shall be based on current city housing and population data available within the city's Comprehensive Plan.

(c) The city shall require the developer to spend a sum of money based on a schedule adopted by resolution of the city council to provide private amenities within the development site. The council shall establish the amount of money to be spent based on the average cost per acre to improve land as a park in accordance with city standards and applicable Standards and Specifications. Amenities shall be centrally located for a majority of the residents.

(d) The following formula shall be used to determine the minimum sum of money to be spent:

(1) (Number of proposed dwelling units) x (Number of projected persons per dwelling unit) / (1,000 residents) x (3 acres) = (Total acres).

(b) (Total acres) x (Average cost to improve land as a park) = Sum to be spent on private amenities.

Sec. 18-07-20. Reserved.
Sec. 18-07-21. Reserved.
Sec. 18-07-22. Reserved.
Sec. 18-07-23. Reserved.
Sec. 18-07-24. Reserved.

DIVISION 4. NONRESIDENTIAL AND VERTICAL MIXED-USE BUILDING DESIGN STANDARDS

Sec. 18-07-25. Applicability.

(a) The standards of Division 4 apply to all uses except for the residential and lodging uses specified and regulated in Division 3 of this article.

(1) One exception is that the entryway standards described in this Division 4 shall also apply to Multi-Unit Dwellings and Multi-Unit Dwelling Complex uses that are otherwise regulated by Division 3.

(b) The nonresidential and vertical mixed-use building design standards for uses regulated by Division 4 vary by zoning district.

(c) Buildings in the ER, EO, ETD, EB, and ES Districts shall comply with the standards identified in the Eastlake Base District zoning standards of Article 3 Division 5.

(d) Buildings in the EC-L District shall comply with the standards identified in the EC-L zoning standards in Section 18-3-56.

Sec. 18-07-26. NONRESIDENTIAL AND VERTICAL MIXED-USE EXTERIOR BUILDING CLADDING MATERIALS STANDARDS.

(a) **Prohibited materials**.

(1) Corrugated metal siding;

(2) Vinyl siding;

(3) Unfinished concrete including smooth or painted concrete block;

(4) Field-painted, highly reflected, and unfinished metal siding; and

(5) Tilt-up concrete panels with no exterior textured finish.

(b) **Allowed materials**.

(1) **Category 1**. Category 1 exterior building cladding materials include:

a. Brick, and

b. Stone.

(2) **Category 2**. Category 2 exterior building cladding materials include:

a. EIFS or Stucco,

b. Fiber cement siding,

c. Engineered wood/wood composite siding, and

d. Architectural concrete masonry units - split faced not smooth, and

e. Non-corrugated architectural metal panels with a minimum 24-gauge thickness and a 30-year warrantied paint finish and concealed fastening system.

(3) **Category 3**. Category 3 exterior building cladding materials include:

a. Pre-cast and Tilt-up concrete panels which shall be textured-coated or have integral color and shall be articulated with design detailing or have application of other building materials to create detailed design interest.

i. Provision of brick or stone cast into pre-cast or tilt-up concrete panels qualifies as a Category 1 material.

(4) **Alternative materials**. Other building materials may be allowed by the director on a case-by-case basis if the director finds that the proposed material is compatible in

terms of general appearance, quality and durability, architectural style, design, color, and texture.

(c) **Façade type requirements**.

(1) The building façades for all uses not regulated by Division 3 of this article shall include a mix of exterior building cladding materials per the façade types described in Section 18-07-09 and as detailed in Tables 18-07-26.1, 18-07-26.2, and 18-07-26.3 below. Windows and doors shall not be included in façade material calculations.

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Figure 18-07-26.1 Façade calculation.

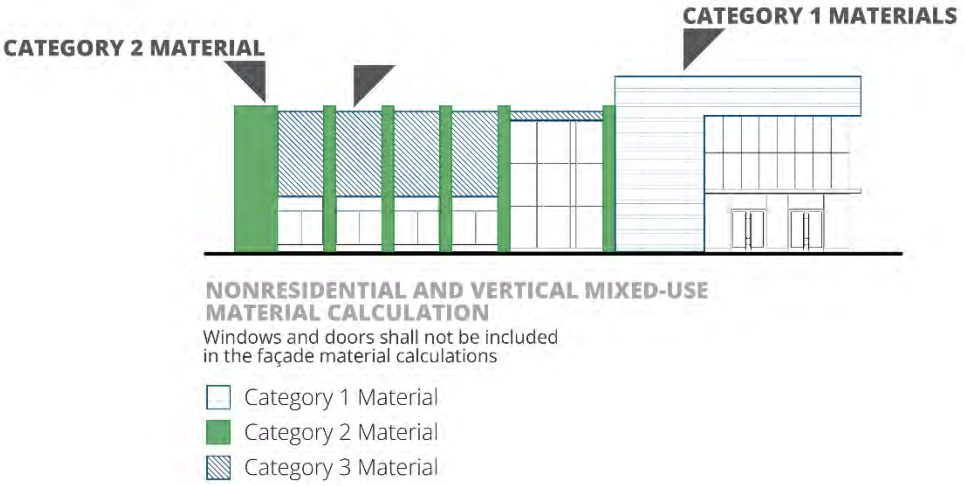


Table 18-07-26.1. RE, MH-L, SFD-L, RL, RM, RH, MU, TOD, NC, GC, and CC-L Zoning Districts exterior building cladding materials.

Façade Type	Minimum Required Category 1 Materials	Maximum Allowed Category 2 Materials	Maximum Allowed Category 3 Materials
Type 1	40%	60 %	20%
Type 2	30%	70%	20%
Type 3	Any percent	Any percent	70%

Table 18-07-26.2. RC, CI, and POS Zoning Districts exterior building cladding materials.

Façade Type	Minimum Required Category 1 Materials	Maximum Allowed Category 2 Materials	Maximum Allowed Category 3 Materials
Type 1	30%	70%	50%
Type 2	20%	80%	80%
Type 3	Any percent	Any percent	80%

Table 18-07-26.3. AG, BP, and I-L Zoning Districts exterior building cladding materials

Façade Type	Minimum Required Category 1 Materials	Maximum Allowed Category 2 Materials	Maximum Allowed Category 3 Materials
Type 1	20%	80%	80%
Type 2	Any percent	Any percent	Any percent
Type 3	Any percent	Any percent	Any percent

Sec. 18-07-27. Nonresidential and vertical mixed-use window standards.

(a) The use of highly reflective or glare-producing glass with a reflective factor of 0.25 or greater is prohibited.

(b) All ground floor windows shall use clear or tinted glass.

(c) Interior or exterior modifications, including temporary and permanent signage, window tinting, furnishings, fixtures, equipment or stored items within three feet of the windows may not reduce the effective transparency by more than 25 percent. Open display of individual merchandise is permitted.

(d) **Façade type requirements**.

(1) The building façades for all uses not regulated by Division 3 or Division 5 of this article shall include a minimum window area based on the façade types described in Section 18-07-09 and as detailed in Tables 18-07-27.1 through 18-07-27.5 below. Window area of doors shall be included in window area calculations.

Table 18-07-27.1. RE, MH-L, SFD-L, RL, RM, and RH Zoning Districts window area.

Façade Type	Minimum Required Window Area on Ground Floor	Minimum Required Window Area on Upper Floor(s)
Type 1	30%	20%
Type 2	20%	10%
Type 3	5%	Any percent

Table 18-07-27.2. MU and TOD Zoning Districts window area.

Façade Type	Minimum Required Window Area on Ground Floor	Minimum Required Window Area on Upper Floor(s)
Type 1	45%	20%
Type 2	30%	20%
Type 3	10%	Any percent

Table 18-07-27.3. NC, GC, and CC-L Zoning Districts window area.

Façade Type	Minimum Required Window Area on Ground Floor	Minimum Required Window Area on Upper Floor(s)
Type 1	30%	10%
Type 2	15%	8%
Type 3	5%	Any percent

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Table 18-07-27.4. RC, BP, CI, and POS Zoning Districts window area.

Façade Type	Minimum Required Window Area on Ground Floor	Minimum Required Window Area on Upper Floor(s)
Type 1	20%	10%
Type 2	10%	8%
Type 3	4%	Any percent

Table 18-07-27.5. AG and I-L Zoning Districts window area.

Façade Type	Minimum Required Window Area on Ground Floor	Minimum Required Window Area on Upper Floor(s)
Type 1	10%	Any percent
Type 2	5%	Any percent
Type 3	Any percent	Any percent

Sec. 18-07-28. NONRESIDENTIAL, VERTICAL MIXED-USE, AND MULTI-UNIT DWELLING BUILDING ENTRYWAY DESIGN STANDARDS.

(a) **Requirement**.

(1) Building entryway design standards shall apply to each building entrance on a nonresidential, multi-unit dwelling, and mixed-use building Type 1 façade, including building entrances at a chamfered corner.

(2) Primary entrances for each building shall be located on a Type 1 façade.

(3) Secondary entrances may be permitted on a Type 1 or Type 2 façade. For multi-unit dwellings, entrances are required on both Type 1 and Type 2 facades.

(4) For Dwelling, Live-Work and Multi-Unit Dwelling, Above Ground Floor uses, separate entrances shall be provided for the residential component and nonresidential component.

a. The nonresidential entrance shall be provided on the ground floor on the Type 1 façade.

b. The residential entrance may be provided on a Type 1 or 2 façade.

c. The nonresidential entrance and residential entrance shall be located on different façades unless otherwise approved as an Administrative Adjustment due to site or existing building constraints.

(5) Primary entrances shall be designed to be accessible to all users without having to utilize complex ramp systems to comply with ADA landing requirements unless otherwise approved by the director due to site constraints.

(b) **Grading**. Building entries shall be no more than five feet below or above the grade of the adjacent sidewalk.

(c) **Design**. Building entryways shall be designed to be clearly identifiable.

(1) In all of the following instances, Type 1 façade entrances shall include at least one of the features identified in Section 18-07-28 (c)(2):

a. In the AG or I-L Zoning Districts, the primary entrance for a single tenant building, a multi-tenant building with a common entrance, or the entrance belonging to the largest tenant in a multi-tenant building.

b. In all other zoning districts:

i. The primary entrance for a multi-unit dwelling, a single tenant building, a multi-tenant building with a common entrance, or the largest nonresidential tenant in a multi-tenant building smaller than 10,000 square feet.

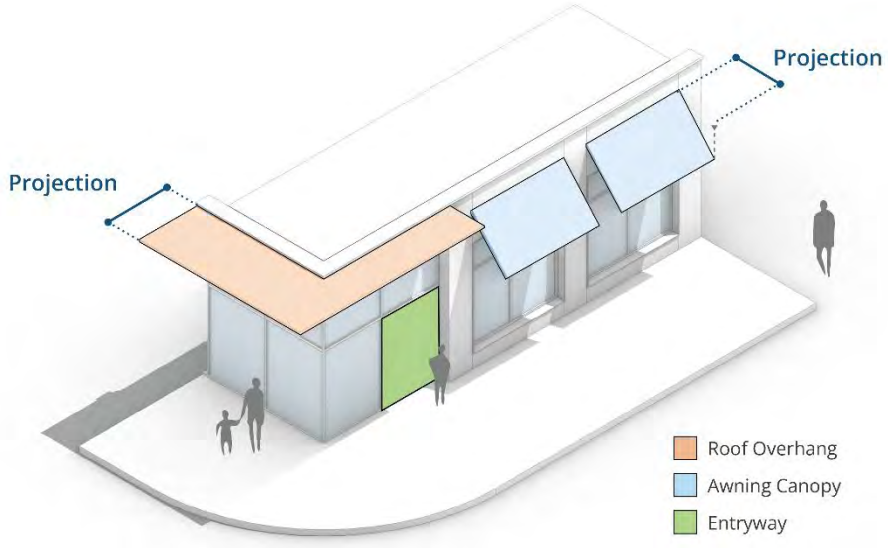
ii. All secondary entrances on a Type 1 façade of nonresidential single tenant or multi-tenant building with a common entrance 10,000 square feet or larger.

iii. All primary entrances of tenants which are not the largest tenant in a multi-tenant building 10,000 square feet or larger.

(2) **Building entryway design features 1**.

a. Canopy / roof overhang projecting a minimum of three and a maximum of six feet from the façade of the building such as shown in Figure 18-07-28.1.

Figure 18-07-28.1 Example of a canopy / roof overhang.



b. Recessed or projecting entrance that is proportionally wider than it is deep such as shown in Figure 18-07-28.2.

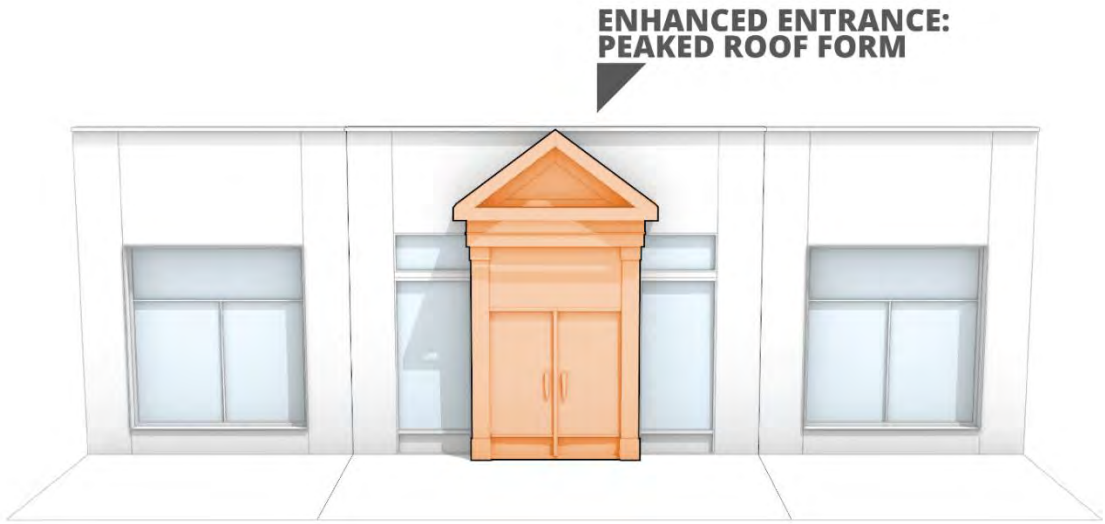
1. The recessed or projected area shall be decorative through the incorporation of design elements including but not limited to a mosaic tile floor, angled storefront windows, use of accent building materials or colors, or other as approved by the director; or

Figure 18-07-28.2 Example of a recessed entrance.



c. Entrance enhanced with an architectural feature that draws attention to the entrance, such as but not limited to an arch, peaked roof form, raised parapet, display windows, or seating with planters such as shown in Figure 18-07-28.3.

Figure 18-07-28.3 Example of a peaked roof form.



(3) In the following instances, Type 1 façade entrances in zoning districts other than the AG and I-L Districts shall additionally include at least one of the features identified in Section 18-07-28 (c)(4):

a. All primary entrances of multi-unit dwelling, single tenant, or a multi-tenant building with a common entrance 10,000 square feet or larger; or

b. All primary entrances of the largest tenant in a multi-tenant building 10,000 square feet or larger.

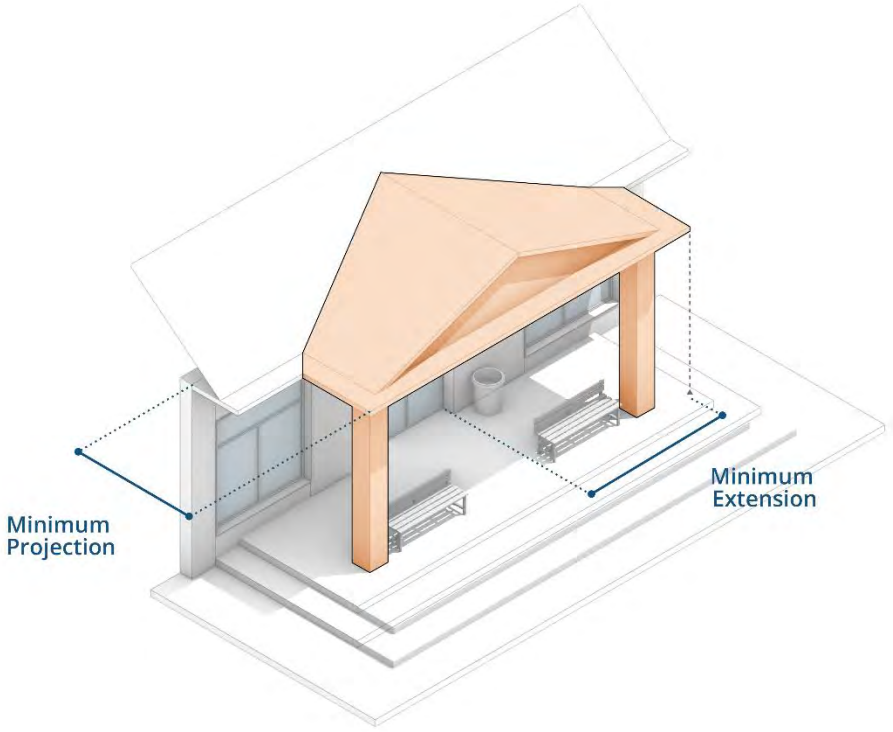
(4) **Building entryway design features 2.**

a. Portico which projects a minimum of eight feet from the façade of the building and extends a minimum of five feet on either side of the building entry such as shown in Figure 18-07-28.4.

1. Portico columns shall be wrapped with one of the Category 1 exterior building cladding materials utilized on the building; and

2. Seating and trash receptacles shall be provided at or near the entrance that is sheltered by the portico;

Figure 18-07-28.4 Example of a portico.



b. Entryway plaza that is located within a recessed portion of the building that is enclosed on two or three sides such as shown in Figure 18-07-28.5. The plaza shall have:

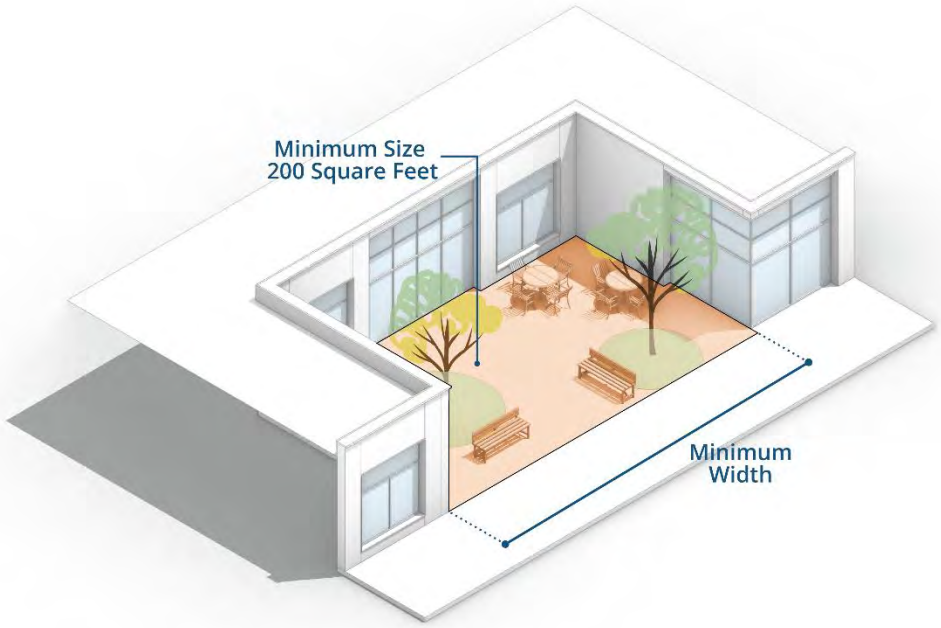
1. a minimum of 200 square feet;

2. a minimum width of 20 feet;

3. patterned paving, seating, landscaping, and trash receptacles; and

4. This amenity may receive Public Land Dedication credit if it is a minimum of 400 square feet;

Figure 18-07-28.5 Example of an entryway plaza.

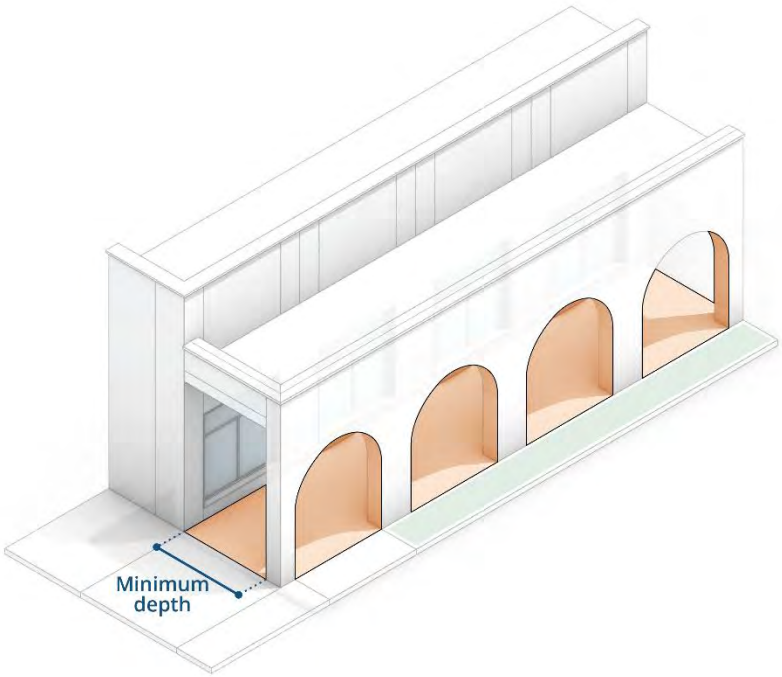


c. Pedestrian arcade that runs the full length of the building façade, such as shown in Figure 18-07-28.6, or leads to the primary entrance from a parking lot, park, or another building.

1. Pedestrian arcade columns shall be wrapped with one of the Category 1 exterior building cladding materials utilized on the building; and

2. The arcade shall project over the full width of the on-site pedestrian walkway and have a minimum depth of six feet;

Figure 18-07-28.6 Example of a pedestrian arcade.

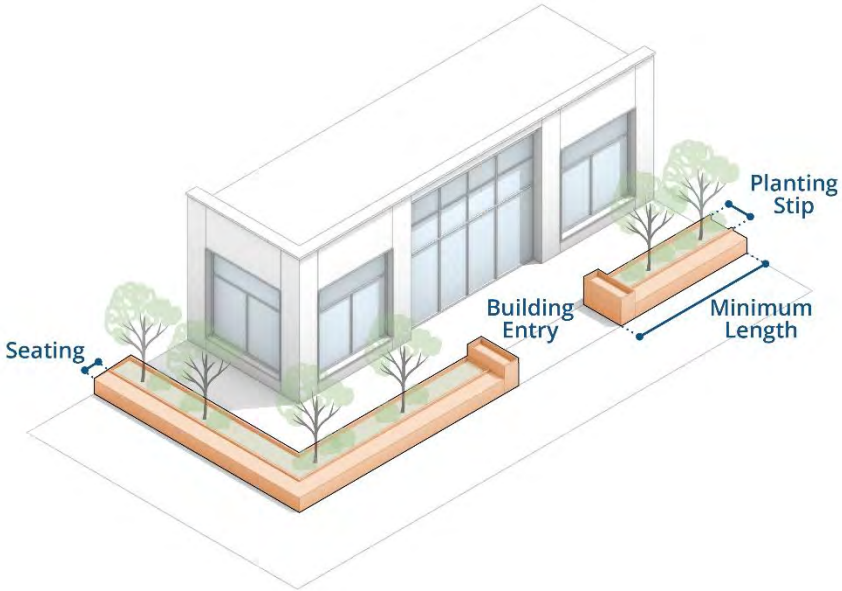


d. Landscape forecourt that includes permanent planters comprised of the Category 1 building material utilized on the primary building such as shown in Figure 18-07-28.7. The planters shall

1. be located in a manner that frames the building's entry;
2. have a minimum length of 10 feet;
3. be 16 – 20 inches tall to accommodate seating;
4. have a minimum width of 12 inches for seating and 24 inches for planting, or other seating configurations as approved by the director; and
5. be planted and perpetually maintained;

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Figure 18-07-28.7 Example of a landscaped forecourt.



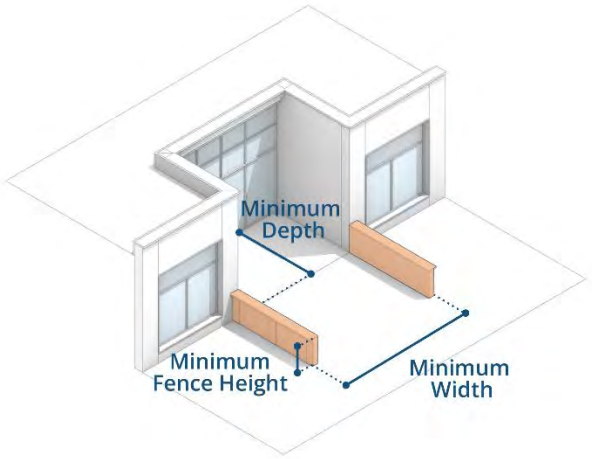
e. Courtyard, such as shown in Figure 18-07-28.8.

1. The portion of the building façade with the entry, with a minimum width of 10 feet, shall be recessed from the primary façade a minimum of eight feet;

2. A fence or wall, constructed with one of the Category 1 exterior building cladding materials utilized on the building, or a landscape hedge shall extend a minimum of 10 feet and maximum of 30 feet from the primary façade of the building to create a sense of enclosure in the courtyard; and

3. The fence, wall, or landscape hedge shall have a minimum height of three feet and a maximum height of four feet; or

Figure 18-07-28.8 Example of a courtyard.



f. Mosaic, mural or tile surround such as shown in Figure 18-07-28.9.

1. This option is only available to buildings with a front yard setback of five to 15 feet;
2. Mosaic or tilework shall be permanently applied to sides and top of building entry;
3. Mosaic, tilework or mural shall have a minimum width of one foot; and
4. If a mural, tilework or mosaic can be interpreted as advertising, it shall count toward the building allowable signage area.

Figure 18-07-28.9 Example of a mosaic, mural or tile surround.



Sec. 18-07-29. NONRESIDENTIAL AND VERTICAL MIXED-USE BUILDING FAÇADE DESIGN STANDARDS.

(a) **Coordination of design**.

(1) Unless otherwise approved through a Preliminary Plan, all structures within a development site shall maintain a consistent style/architectural theme and be designed in a manner to create the impression of a unified project and overall sense of a unique or identifiable place.

(2) New development shall be designed to be complementary or consistent with the scale of the surrounding area.

(b) **Building height and massing**. The base of each building should appear to be "weightier" or "anchored" to the ground through the use of heavier, larger or darker building materials.

(c) **Façade articulation requirements**.

(1) Structures shall not be comprised of large or plain unarticulated vertical surfaces.

(2) Expanses of blank facades may not exceed 20 feet in length in the RE, MH-L, SFD-L, RL, RM, RH, MU, and TOD districts; 30 feet in the NC, GC, and CC-L districts; or 50 feet in the RC, BP, CI, POS, AG, and I-L districts unless at least one of the following is provided:

a. Wall articulation, columns, pilasters, brackets, arches or other architectural features;

b. Transparent windows or doors;

c. Public art;

d. Public gathering spaces defined in Article XIII;

e. Vertical trellises/landscaping;

f. Canopies over ground floor windows and doors;

g. Variations in façade color and texture; or

h. Other as approved in the Development Plan process.

(3) Use of bright colors (including bright white) that may streak, fade or generate glare are prohibited.

(4) A bright or primary color used for accent elements such as door and window frames or architectural details is allowed.

(5) Reflective or mirrored glass is prohibited.

(6) Building or design elements that may function as signage shall be counted against the building's allowed signage area.

Sec. 18-07-30. Nonresidential and vertical mixed-use roof design standards.

(a) **Roof types**. Primary roof types shall be consistent with or complementary to adjacent development.

(b) **Roofline articulation**.

(1) Roofline articulation shall be provided every 60 feet of roof length in the RE, MH-L, SFD-L, RL, RM, RH, NC, GC, and CC-L districts; 50 feet in the MU, and TOD districts; or 100 feet in the RC, BP, CI, POS, AG, and I-L districts. The director may approve alternative distribution of roofline change features in accordance the Administrative Adjustments described in Section 18-02-12.

(2) Requirements for roofline articulation may be met by:

a. Distinctions in roof pitch, such as through the use of gables, dormers, shed dormers, flat roofs, or towers, that are visually apparent as seen from the ground,

b. Variation in roof accent elements including but not limited to, a different roofing material for porch roofs, canopies or dormers, gable accents, cupolas, vigas, pergolas, or brackets, and

c. Variation of at least two feet in building section height.

(c) **Parapet walls**.

(1) All flat roofs shall utilize parapet walls.

(2) Parapet walls shall be designed in a manner that prevents views of the rear of the parapet wall.

(3) Parapet walls shall be at least one-foot taller than the tallest roof-top equipment unless otherwise approved with a sight visibility study per 18-06-34.

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Sec. 18-07-31. Reserved.
Sec. 18-07-32. Reserved.
Sec. 18-07-33. Reserved.
Sec. 18-07-34. Reserved.
Sec. 18-07-35. Reserved.

DIVISION 5. HORIZONTAL MIXED-USE DEVELOPMENT STANDARDS

Sec. 18-07-36. Applicability.

(a) Residential portions of a horizontal mixed-use development shall follow the building design standards set forth in Article VII, Division 3, Residential Building Design Standards.

(b) Nonresidential portions of the development shall follow the building design standards set forth in Article VII, Division 4, Nonresidential and Vertical Mixed-Use Building Design Standards.

(c) To create a unified project that results in a unique and identifiable sense of place, horizontal mixed-use development sites shall additionally incorporate the design elements in this Division 5.

Sec. 18-07-37. Horizontal mixed-use development design.

(a) Structures shall be designed to be complementary or consistent with the characteristics of the overall development site. Strategies to achieve this include, but are not limited to:

(1) Using similar or complementary architectural styles, materials, colors or design details.

(2) Using similar or complementary building shapes and/or forms.

(b) Buildings shall be designed with a similar level of detail, patterning, and finish through the use of similar architectural features, building materials, and design of landscaping features.

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Sec. 18-07-38. Reserved.
Sec. 18-07-39. Reserved.
Sec. 18-07-40. Reserved.
Sec. 18-07-41. Reserved.
Sec. 18-07-42. Reserved.

DIVISION 6. BUILDING ADDITIONS, ACCESSORY STRUCTURES, CARPORT AND CANOPY STANDARDS.

Sec. 18-07-43. Building additions and accessory structures.

(a) **Visual appeal**. Additions, renovations and new accessory structures shall be designed to provide variety and visual interest while creating a unified overall image. Strategies to achieve this include, but are not limited to:

(1) Incorporating design details consistent with other buildings on the site.

(2) Providing relief in building façades by using a variety of compatible materials and complementary colors or by using materials with textures or depth such as brick or stone.

(3) Using simple lines and good proportions.

(4) Using consistent and/or complementary façade treatments for different façades of a structure, especially those façades which are visible from the street.

(b) **Massing and scale**. A balance shall be provided between the various parts and forms of a structure. Strategies to achieve this include but are not limited to:

(1) Designing a structure so that elements that are visually more massive or heavier are below elements which are visually less massive or lighter. For example, a second story addition to a house should be designed so that it does not appear heavier than the portion of the building that supports it.

(c) **Compatibility**. Where the character of an area is identifiable, additions, renovations and new accessory structures shall be designed to maintain that character. In areas where the character is not identifiable, additions, renovations and new accessory structures shall be designed to be complementary or consistent with the characteristics of the surrounding area in a way that contributes to the establishment of a positive character for the area. Strategies to achieve this include, but are not limited to:

(1) Using similar or complementary materials, colors or design details.

(2) Using similar or complementary building shapes and/or forms.

Sec. 18-07-44. Carports.

(a) **Applicability**. The standards of this section apply to all carports in all zoning districts unless otherwise specified in this Chapter.

(b) Carports shall comply with the front, street side, rear, and side yard setbacks and shall not be constructed in front of the principal residential structure.

(c) Carports shall not be constructed of cloth or fabric of any kind. Tarps, canvas, or similar materials shall not be used to enclose the carport.

(d) A building permit obtained from the city is required to build or modify a carport.

(e) Carports shall not be used for storage or placement of items for a period in excess of 24 hours.

(f) The maximum height of a carport is 16 feet or the height of the principal structure, whichever is less.

(g) The carport shall be a minimum size of 180 square feet and a maximum size of 440 square feet with a minimum width of nine feet.

(h) The carport pad shall comply with the parking space dimension standards in Section 18-09-35 and the location standards in Section 18-09-24.

(i) The carport shall be architecturally compatible with the existing structure.

(j) Carports that were constructed prior to March 8, 2011, and meet the side setback requirements are granted nonconforming status.

Sec. 18-07-45. Additional requirements for canopies.

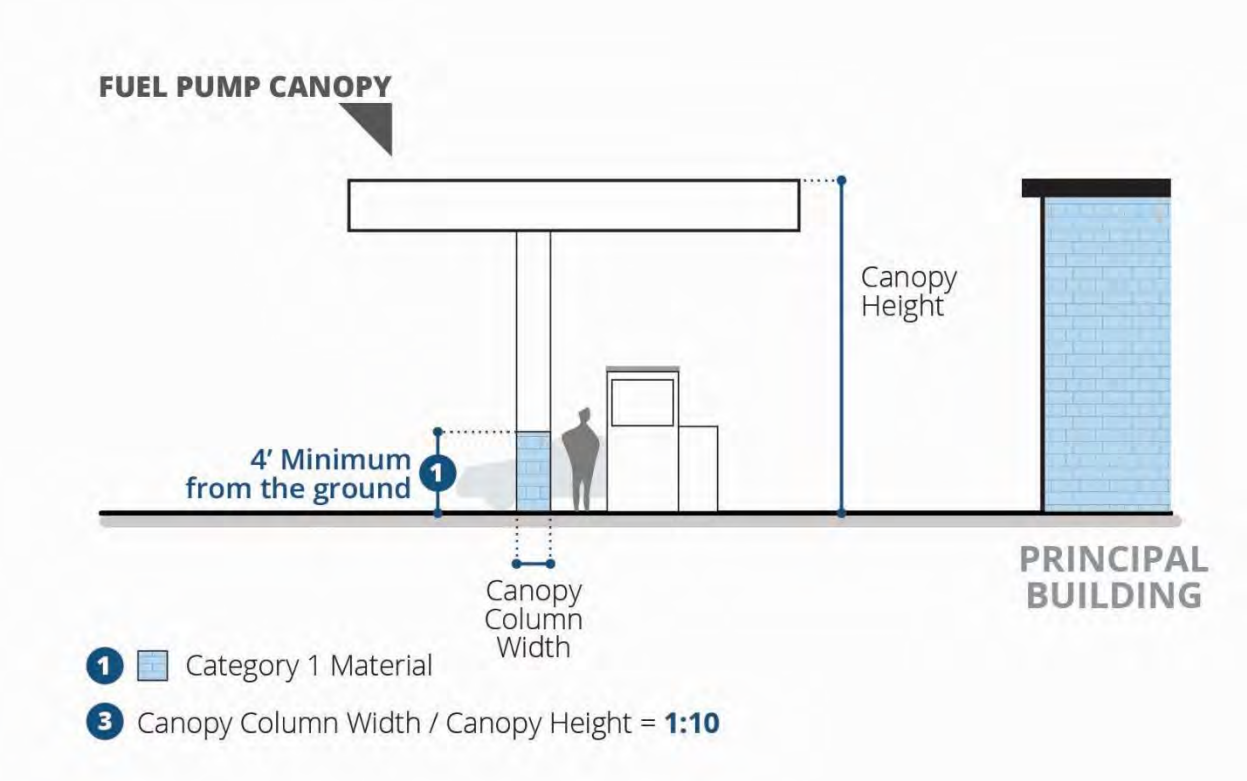
(a) **Vehicle Fueling Station canopy.**

(1) Fuel pump canopy support columns shall be clad in the Category 1 material utilized on the principal building for a minimum of four feet from the ground.

(2) Fuel pump canopy roofs shall be steel construction. Plastic and similar materials are prohibited.

(3) Canopy columns shall be designed such that their width proportions are approximately a 1:10 ratio with the canopy height.

Figure 18-07-45.1. Fuel Pump Canopy. (The numbers in Figure 18-567.1 refer to the subsection numbers contained within Subsection 18-567(a)).



(4) Canopies shall not be located between the associated retail building on the development site and the street. Canopies may be located behind or beside the associated retail building.

(5) The maximum elevation of the top edge of a canopy may not exceed the elevation of the associated retail building on the development site. This can be accomplished through a variety of techniques including lowering the fueling area through grading relative to the street and lowering the canopy height to the minimum allowed by the Building Code.

(b) **Drive-through canopy.**

(1) The canopy and canopy columns shall be constructed of the same primary building materials of the associated building(s) on the development site.

(2) Canopy columns shall be designed such that their width proportions are approximately a 1:10 ratio with the canopy height.

(3) Canopies shall not be located between the associated building on the development site and the street. Canopies may be located behind or beside the associated building.

(4) The maximum elevation of the top edge of a canopy may not exceed the elevation of the associated building on the development site. This can be accomplished through a variety of techniques including lowering the canopy height to the minimum allowed by the Building Code.

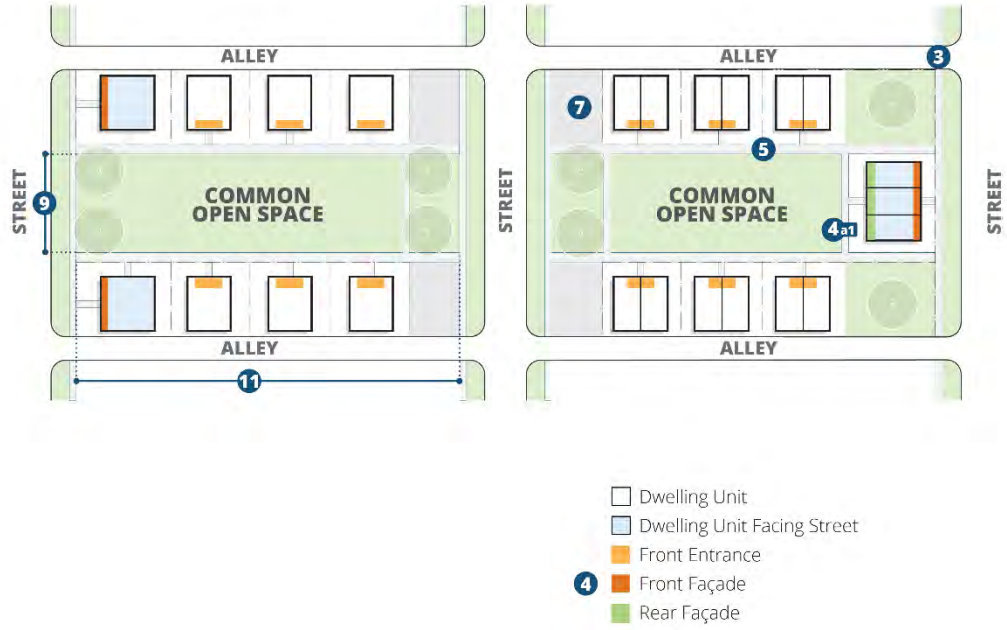
DIVISION 7. COURT CONFIGURATION STANDARDS.

Sec. 18-07-46. GREEN COURT CONFIGURATION.

(a) **Purpose.** The purpose of this section is to establish additional site design standards for dwellings arranged in a green court configuration. Figure 18-07-46.1 illustrates what a green court configuration may look like. Where conflicts exist between the standards in this section and Article III, this section shall govern.

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Figure 18-07-46.1 – Green court configuration.



(b) **Applicability.**

(1) The standards of this section may be applied to the following uses:

a. Duplex;

b. Dwelling, 1 Unit Detached;

c. Dwelling, 2 Units Attached; and

d. Triplex/Quadplex;

(c) **General requirements.**

(1) Each dwelling unit within a green court configuration may be attached or detached and shall be on its own lot.

a. Dwellings that are considered Duplex, Triplex, and Quadplex uses may have multiple dwellings on one lot.

(2) All dwelling units located in a green court subdivision configuration shall have front entry facade, stoops, and/or porches facing the green court common area.

(3) Each green court alley shall have direct access onto a public or private street that shall include on-street parking and sidewalks on both sides of the street.

a. The director may waive the requirement for on-street parking and/or sidewalks on both sides of the street where the green court subdivision configuration is proposed as:

1. Infill development within an existing development or subdivision; and

2. Site constraints or existing conditions do not allow for on-street parking and/or sidewalks on both sides of the street.

(4) The façade of a dwelling unit that abuts a public or private street shall be oriented as to have the front façade face the street and shall be considered the front façade for purposes of architectural design and fencing.

a. Where a dwelling has a front façade facing a street and the rear façade facing the green court common area, the following shall apply:

1. The rear façade shall be connected to the green court common area with a walkway.

2. Fencing abutting the green court common area shall not exceed a height of four feet.

(5) Pedestrian access shall be provided from each dwelling unit to the green court common area.

(6) Pedestrian access shall be provided from all green court common areas to the adjacent right-of-way.

(7) Guest parking shall be provided for each green court at a rate of one space per four dwelling units.

a. If all dwelling units within a green court contain two-car garages with a driveway that contains two off-street parking spaces meeting the dimensional standards contained in Article IX, then guest parking shall not be required for that green court.

b. Off-street parking not provided in garages or driveways shall be screened and landscaped as described in Section 18-8-22 regarding parking lots.

c. Head-in, off-street vehicle parking shall only be permitted when leading to a garage on a driveway, parking pad, or other designated parking area.

(8) Trees within the green court common area shall be located to provide shade and shelter for the land beneath the tree while still allowing clearance for pedestrians.

a. Trees located in areas intended for pedestrian or common area access shall consist of species with high canopies.

(9) Minimum green court common area widths shall be at least 30 feet measured from the narrowest dimension of front lot line to front lot line.

a. Portions of the green court common area may be less than 30 feet in width when the following conditions are met:

1. The green court common area meets or exceeds all standards above and is consistent with the purpose and intent of this section;

2. At least 75% of the green court common area meets or exceeds the minimum width requirement; and

3. In no case is any portion of the green court common area width less than 15 feet for one- to two-story buildings, or 25 feet for three-story buildings.

(10) No more than 16 dwelling units shall face the same green court common area unless both ends of the green court common area have frontage on a public or private street, in which case the maximum number of dwelling units facing the green court shall be 24 units.

(11) The maximum length of a green court common area is 360 feet.

(12) Above grade utility, cable, telecommunication infrastructure, or similar improvements shall be located along the edges of the green court common area.

a. Irrigation necessary for the landscaping of a green court shall be exempt from this subsection.

(13) Green court common areas shall be landscaped as common areas per Article VIII.

(d) **Setback requirements.**

(1) Lots within a green court subdivision configuration may have a reduced front setback of five feet.

(2) Setbacks for street facing dwellings shall meet the front setbacks for the zoning district..

(3) Covered porches may have a reduced setback of five feet.

Sec. 18-07-47. MOTOR COURT CONFIGURATION.

(a) **Purpose.** The purpose of this section is to establish additional site design standards for dwellings arranged in a motor court configuration. Figure 18-07-47.1 illustrates what a motor court configuration may look like. Where conflicts exist between the standards in this section and Article III, this section shall govern.

Figure 18-07-47.1 – Motor court configuration.



(b) **Applicability**.

(1) The standards of this section shall apply to the following uses:

a. Duplex;

b. Dwelling, 1 Unit Detached;

c. Dwelling, 2 Units Attached;

(c) **General requirements.**

(1) Each dwelling unit within a motor court subdivision configuration may be attached or detached and shall be on its own lot.

a. Dwellings that are considered a Duplex use may have multiple dwellings on one lot.

(2) Motor court configurations shall contain front-loaded or side-loaded dwelling units accessed through the shared motor court.

a. Rear-loaded dwellings shall only be permitted access to the motor court vehicular access when a front or street side façade faces a street; and

b. Alley loaded homes shall not have access from a shared vehicular access of a motor court.

(3) Each motor court vehicular access shall have direct access onto a public or private street that includes on-street parking and sidewalks on both sides.

a. The director may waive the requirement for on-street parking and/or sidewalks on both sides of the street where the motor court subdivision configuration is proposed as:

1. Infill development within an existing development or subdivision; and

2. Site constraints or existing conditions do not allow for on-street parking and/or sidewalks on both sides of the street.

(4) The façade of a dwelling unit that abuts a public or private street shall be oriented as to have the front façade face the street and shall be considered the front façade for purposes of architectural design and fencing.

a. Where a dwelling unit has two facades that abut two streets, one façade shall be a front façade and the other street facing façade shall be a street side façade.

(5) When up to four dwellings share a common vehicular access, the minimum width of the access lane shall be 16 feet, and the drive lane must be posted with "no parking – tow away zone" signs to ensure homeowner and fire department access.

(6) If five or more dwellings share a common vehicular access, the minimum width of the access lane shall be within the range of 23 feet to 26 feet, as determined by applicable building and fire code standards.

(7) All garages shall be accessed exclusively from the shared vehicular access of the motor court lane and not the public or private street.

(8) The motor court shared vehicular access shall be owned and maintained by the HOA or metro district as a tract, or by the adjacent homeowners as a shared access easement.

(9) Off-street parking shall not be provided within the shared vehicular access of a motor court.

a. The shared vehicular access of a motor court shall be posted with signs stating parking in the shared access is prohibited, consistent with city standards for such signage.

(10) When one-car garages are provided:

a. Off-street parking needed to meet the parking minimums shall be provided through parking pads, parking lots, shared driveways, or other off-street parking methods permitted in Article IX; or

b. A driveway leading to the garage is required to meet the minimum off-street parking standards; and

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1. The driveway shall be provided on the same lot as the dwelling unit it serves and not within the shared access drive;

2. The front plane of a one-car garage shall be setback a minimum of 20 feet; and

3. The driveway shall meet the minimum dimensions for off-street parking as established in Article IX.

(11) When two-car garages are provided:

a. The garage shall meet the required front setback for motor courts of five feet.

(12) Guest parking shall be provided for each individual motor court shared vehicular access at a rate of one space per four dwelling units.

a. If all dwelling units within a shared access motor court contain two-car garages with a driveway that contains two off-street parking spaces meeting the dimensional standards contained in Article IX, then guest parking shall not be required for that motor court.

(13) Motor court subdivision configurations shall be limited to 25 percent of the land area within a subdivision and shall be distributed throughout.

a. For the purposes of this standard, a motor court configuration shall include the lot area of all lots taking access from a motor court vehicular access and any shared lots or tracts associated with the lots of a motor court.

(14) No more than eight dwelling units shall be located on the same motor court.

(15) The maximum length of a motor court is 150 feet and is prohibited from a General Administrative Adjustment per Subsection 18-02-12(b)(2).

a. Motor courts may be longer than 150 feet if all applicable Fire Code standards and regulations regarding fire apparatus turnaround, dwelling unit building height, and dwelling unit sprinkler systems are satisfied. Increases in the maximum length of a motor court shall be considered a Specific Administrative Adjustment, per Subsection 18-02-12(b)(3), and shall not exceed 30 feet.

(d) **Setback requirements.**

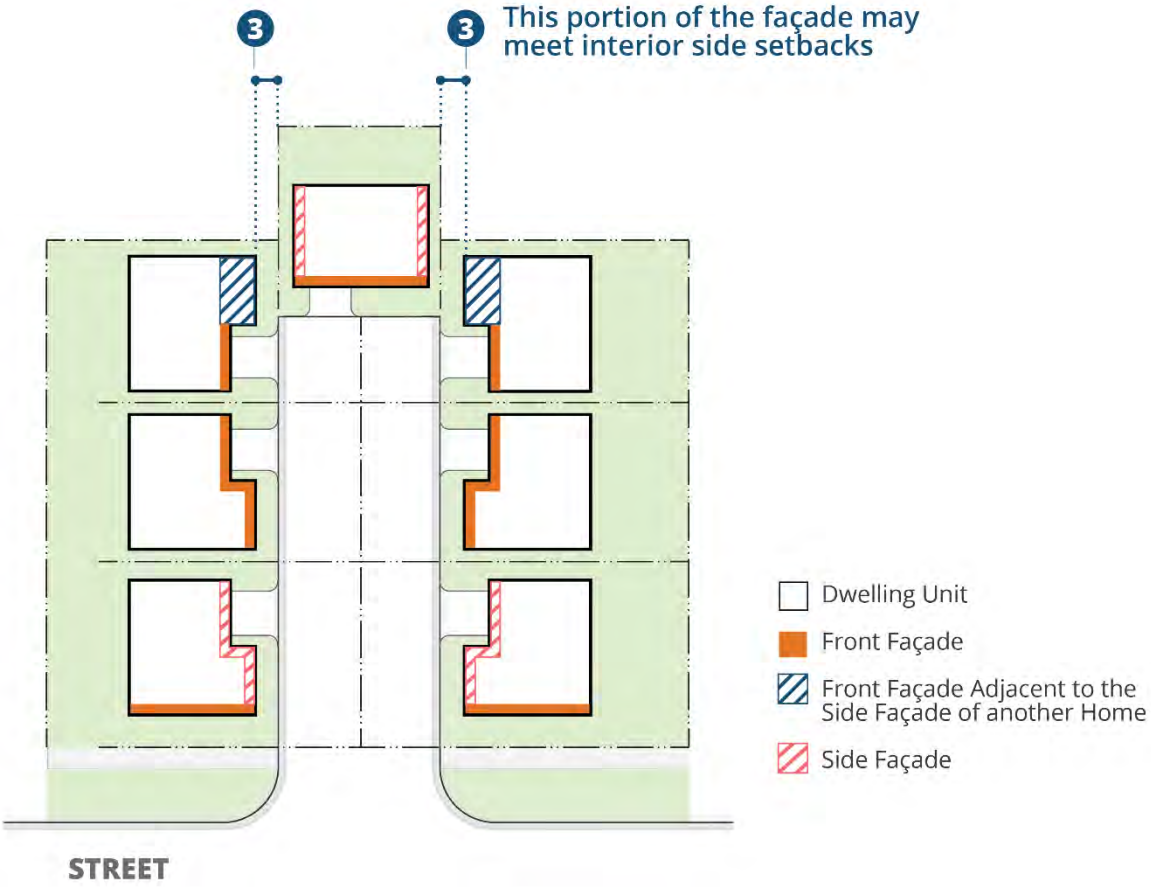
(1) Lots within a motor court subdivision configuration may have a reduced front setback of five feet except for the front plane of a one-car garage.

(2) When a dwelling within a motor court subdivision configuration abuts a private or public street the setback for the side abutting the street shall meet the front setback for the zoning district.

a. The required covered porch may have a reduced setback of five feet.

(3) When dwellings are arranged such that a front façade of one dwelling is adjacent to the side facade of another dwelling as shown in Figure 18-07-47.2, the portion of the front façade that does not contain the garage may meet interior side setbacks rather than front setback dimensions.

Figure 18-07-47.2 – Motor court front setbacks.



Sec. 18-07-48. Reserved.

Sec. 18-07-49. Reserved.

Sec. 18-07-50. Reserved.

Sec. 18-07-51. Reserved.

Sec. 18-07-52. Reserved.

ARTICLE VIII: LANDSCAPE STANDARDS

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Chapter 18 / Article VIII: Landscape Standards

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DIVISION 1. GENERALLY

Sec. 18-8-01. PURPOSE AND APPLICABILITY.

(a) **Purpose.** The purpose of the landscape standards is to conserve water, preserve and enhance Thornton's natural resources including tree canopies, grasslands, and riparian areas, reduce the urban heat island effect, and minimize negative off-site impacts including but not limited to noise, glare, and views of parking, service and loading areas. Further, these standards are based on the following principles:

(1) The community places significant value on the protection of existing landscapes and strives to create landscapes that will thrive and provide future generations and wildlife with an improved quality of life.

(2) The city considers drainage channels, irrigation ditches, and the trees and wildlife they support to be community assets that shall be preserved to enhance the city's sense of place unless otherwise approved during the development process.

(3) The community encourages attractive landscape areas and consistent streetscapes that create a cohesive community character and unify the city's sense of place while providing shade in summer but allowing for solar access in winter months.

(4) The city strives to add aesthetic value to the landscape by balancing the built elements with landscape and open spaces areas to buffer and mitigate potential impacts between adjoining properties.

(5) The community acknowledges the value and importance of our natural water resource and the city's ability to provide an adequate supply of water to its customers and strives to conserve its water resource by promoting water-wise landscape practices and efficient irrigation systems.

(b) **Applicability.** The standards of this article shall apply to new development, major redevelopment, intermediate redevelopment and minor redevelopment as indicated in Table 18-8-01.1 and based on the development activity categorizations described in Section 18-01-9.

(1) Except where regulations are silent, development in the Eastlake, EC-L, and NW-O Districts shall be regulated through the applicable district-specific standards detailed in Article III. Where regulations for those zoning districts are not addressed in Article III, the regulations of this Article VIII shall apply.

Table 18-8-01.1. Landscape standards applicability overview.

Table key.
E = Standards apply to entire development site
P = Standards apply to portion of site or building(s) impacted by development activity
R = Reduced standards, see section-specifics provision(s)
Blank = Standards do not apply

Standard	Reference	New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment
Tree Preservation	Division 2	E	E	E	E
Street Buffer	18-8-19	E	E	P	
Transition Area Buffer	18-8-20	E	P	P	P
Parking Lot Landscape	18-8-22	E	E	P	P
Detention and Drainage Channel Areas	18-8-23	E	E	E	P
Park Areas / Trails	18-8-24	E	P	P	P
Right-of-Way Landscape Area	18-8-18	E	E	P	P
Median Landscape	18-8-26	E	R	R	

Sec. 18-8-02. GENERAL PROVISIONS.

(a) Required public and/or private landscaping shall be designed and installed in general conformance to the current version of the Code, the Comprehensive Plan, the Parks and Open Space Master Plan, and all elements noted within the city's Standards and Specifications.

(b) **Obstructions.** Landscaping required or installed in rights-of-way and other public and pedestrian areas shall not be permitted to intrude onto or over the roadway or sidewalk in such a manner as to impact or obstruct pedestrian or vehicular traffic.

(c) **Landscape submittal review.**

(1) Applicants shall submit the following documents for approval of landscaping.

a. Landscape Plan approved through the Development Plan review process that includes the following components:

i. Landscape Plan as described in Division 4 of this article.

ii. Hydrozone Plan that includes a water budget calculation as described in Section 18-8-35.

iii. If applicable, a Tree Preservation and Mitigation Plan.

b. Construction documents including the following:

i. Irrigation Plan as described in Section 18-8-33(b)(3).

ii. If applicable, park element construction document package for public or private parks and open space as described in Section 18-8-24.

iii. If applicable, construction documents for median and roundabout landscaping as described in Section 18-8-28.

(2) **Controlling plans**. Once a Landscape or Irrigation Plan has been approved through the prescribed review process, the specific provisions contained within that approved plan shall have control over similar provisions within this article. Any requirement in this article not specifically addressed in the approved Landscape Plan remains in effect. As conditions change after approval of a Landscape Plan, the director in their sole discretion may permit substitutes for listed plants on the Landscape Plan.

(d) **Landscape areas.** All permeable portions of lots that are not occupied by structures, water bodies, or are surfaced by streets, roads, driveways, sidewalks, trails, parking or other vehicle use areas, shall be landscaped in accordance with the provisions of this article.

(e) **Landscape area slope.** Slopes within required landscape areas shall not exceed 4:1 unless specifically approved by the director. Landscape area slopes shall drain to either a storm drain inlet or to the public street. No low spots shall be created that result in ponding water and/or runoff.

Sec. 18-8-03. Establishment of tree equivalency (TE) standards.

(a) **Applicability**.

(1) All landscape area and buffer requirements utilize the tree equivalency (TE) standards to ensure sufficient plant material is provided to meet the intent of the landscape area or buffer while providing flexibility in landscape design.

(2) TE requirements are cumulative. The applicant shall provide the minimum TEs for each and every buffer and landscape area required for the development unless otherwise approved by the director.

(b) **Standards.** Each one required TE may be satisfied by one of the options listed below. All size specifications shall be per the minimum quality standards noted in this section and reflect the minimum size required at the time of planting.

(1) One (1) two-inch caliper, single stemmed balled & burlap (B&B) deciduous tree;

(2) One (1) six-foot tall balled & burlap (B&B) multi-stemmed deciduous tree or evergreen tree;

(3) Ten (10) #3 or larger container size evergreen or deciduous shrubs;

(4) Twenty (20) #1 container size ornamental grasses, perennials; or

(5) Other as approved by the director.

(c) **Minimum quality standards**. All plant materials shall comply with or exceed minimum standards in the Colorado Nursery Act Regulations (C.R.S. Title 35, Article 26) and the current edition of the American Standard for Nursery Stock (ANSI Z60.1-2014).

Sec. 18-8-04. Prohibitions.

(a) The following are prohibited on all properties in the city, developed or undeveloped.

(1) Plants that grow thorns which, upon maturity, will intrude onto or overhang sidewalks or other pedestrian areas.

(2) Plantings or other landscape elements that conflict with intersection visibility triangle as defined in Section 18-06-57.

(3) The planting of any plants listed on the Colorado Department of Agriculture Noxious weed list or in county weed management plan.

(4) The planting of tree species specifically noted as restricted in the Standards and Specifications.

(5) For new developments, the planting of trees and plant species not listed in the Standards and Specifications, unless approved as a part of a Development Plan or Landscape Plan.

(b) No person shall mutilate or otherwise damage a tree or plant located on private or public property.

(1) Prohibited actions include, but are not limited to:

a. Cutting, carving or removing a tree or plant;

b. Injuring the bark, branches, or leaves of any tree or plant;

c. Attaching a rope, wire, or other contrivance such as a sign, to any tree or plant;

d. Causing or permitting any wire charged with electricity to come in contact with any tree or plant;

e. Allowing any gaseous, liquid or solid substance which is harmful to a tree or plant to come in contact with any tree or plant; or

f. In any other way injuring or impairing the natural beauty or usefulness of a tree or plant.

(2) Maintenance or other actions taken by the property owner or owner's agent are excluded from this provision.

Sec. 18-8-05. Reserved.

Sec. 18-8-06. Reserved.

Sec. 18-8-07. Reserved.

Sec. 18-8-08. Reserved.

DIVISION 2. TREE PRESERVATION

Sec. 18-8-09. Tree preservation intent.

(a) Existing trees shall be preserved and incorporated into new development and redevelopment to the maximum extent practical, with the exception of tree species included on the restricted trees list in the city's Standards and Specifications.

(b) Significant and healthy trees, defined as being above a 50 percent condition rating, or that provide screening, buffering, wildlife habitat and/or linkages to wildlife habitat, are located within public rights-of-way, and are not included in the restricted tree list, shall be prioritized for preservation.

Sec. 18-8-10. Tree Preservation and Mitigation Plan.

(a) **Applicability and submittal.** No tree clearing, grading, or construction activity shall commence prior to the submittal and approval of a Tree Preservation and Mitigation Plan conducted by an independent consultant who is qualified through at least one of the following credentials: holds a degree in forestry, horticulture, or arboriculture, is an American Society of Consulting Arborists (ASCA) registered consulting arborist or International Society of Arboriculture (ISA) certified arborist, is a registered landscape architect, or is a consultant with at least five years of field experience in tree preservation. Tree Preservation and Mitigation Plans shall be submitted with the first application for development or redevelopment on a property and contain the following:

(1) **Tree Survey.** The Tree Preservation and Mitigation Plan shall include a tree survey that shall inventory, and graphically depict on a plan or aerial image, all existing trees impacted by the proposed development and include:

a. Species, including both scientific and common name;

b. Condition rating shown as a percentage of health/condition, species, and location as outlined in the "Guide for Plant Appraisal – Current Edition" published by the International Society of Arboriculture;

c. Size shown as a diameter at breast height (DBH) as required per industry standard measurements.

(2) **Mitigation table**. The Tree Preservation and Mitigation Plan shall include a mitigation table. Based on the tree survey information, the applicant shall provide the mitigation table adjusting the existing sizes based on calculated condition, resulting in an adjusted mitigated value. As an example, a 48-inch DBH tree at an 80 percent condition rating would equal 38-inch mitigated value (48x0.80 = 38.4).

(3) The Tree Preservation and Mitigation Plan shall identify all trees that are:

a. **Proposed for preservation or relocation**. If a tree is proposed to be preserved, its drip line and DBH/height shall be identified. All applicable details, notes, or references to Standards and Specifications ensuring preservation shall be provided for review and approval by the director. The Tree Preservation and Mitigation Plan shall include detailed information on tree protection requirements during and post development activity, including protection fence location and standards.

b. **Proposed for removal**. If a tree is proposed to be removed, it shall be clearly identified on the plan, and the number of replacement trees per Table 18-8-12.1 identified.

Sec. 18-8-11. TREE PRESERVATION INCENTIVE.

(a) Preserved trees deemed significant and healthy are allowed to be credited towards the required site TEs listed in Table 18-8-11.1.

Table 18-8-11.1. Tree preservation credits.

Tree Type	Credit
Deciduous Trees (per surveyed size):	
Less than 2-inch DBH (diameter at breast height)	0 TE (no credit provided)
2-inch DBH and greater	1 TE per 2-inches preserved or fraction thereof
Evergreen Trees (per surveyed height):	
Less than 6-foot height	0 TE (no credit provided)

Tree Type	Credit
6-foot height and greater	1 TE per each 6 feet of height preserved or fraction thereof, rounded to the nearest one-tenth of a fraction. (e.g., 10-foot tree = 1.7 TE)

(b) Diameter at breast height (DBH) shall be measured using the diameter generally at four-and-a-half feet or as required per industry standard measurements.

(c) Credit for protected/preserved trees shall be applied to no more than 30 percent of the overall required TEs generated on site without director approval.

(d) Removal or death of protected trees shall result in additional requirements as noted in Section 18-8-12(c).

Sec. 18-8-12. Tree mitigation requirements.

(a) Deviations from the provided Tree Preservation and Mitigation Plan, or trees removed in violation of this article, shall be mitigated in accordance with the requirements detailed in Table 18-8-12.1.

Table 18-8-12.1. Tree removal replacement penalty.

Tree Type	Replacement Rate with Tree Preservation and Mitigation Plan	Replacement Rate without Tree Preservation and Mitigation Plan
Deciduous Trees 2-inch DBH and greater	1 TE per 2-inch DBH removed.	1 TE per DBH inch removed
Evergreen Trees 6 feet in height or greater	1 TE per 6 feet of height removed or fraction thereof, rounded to the nearest one-tenth of a fraction. (e.g., 10-foot tree = 1.6 TE)	2 TE per 6 feet of height removed or fraction thereof, rounded to the nearest one-tenth of a fraction. (e.g., 10-foot tree = 3.3 TE)
Invasive / Volunteer Trees	N/A (not applicable)	N/A (not applicable)

(b) Mitigated TEs shall not be credited towards overall landscape TE requirements but shall be in addition to all landscape TEs required per this article unless otherwise approved by the director in the development process.

(c) **Removal or death of protected trees.** The following requirements apply to any protected/preserved trees noted on the Tree Preservation and Mitigation Plan that die or are removed at any time:

(1) Due to construction activity during active project construction, a protected tree shall be mitigated per the assigned credit noted in the Tree Preservation and Mitigation Plan.

(2) Due to causes not directly attributable to development activities, a protected tree shall be mitigated 'in kind' at a 1:1 (tree to tree) ratio.

(d) **Relocated trees that fail.** Required trees that fail as a result of relocation stress within two years of relocation shall be mitigated per the assigned credit noted in the Tree Preservation and Mitigation Plan elsewhere on the subject property or as an in-lieu fee alternative as described in Subsection (e).

(e) **In-lieu fee alternative.** Where existing conditions or site landscape area make it impractical to meet the tree removal/replacement penalty detailed in Table 18-8-12.1, the applicant may, at the discretion of the director, pay a fee in lieu of meeting the requirement for replacement of removed trees in whole or in part.

(1) The in-lieu fee shall be $1,000.00 per TE required, or the average price of three competitive bids provided by the applicant for installation of similar plant types as accepted by the director.

(2) In-lieu fees shall be deposited in a tree fund account for the purchase and installation of trees and tree-related irrigation system elements in public open spaces, city parks, rights-of-way, medians, and/or roundabouts maintained by the city throughout the city at the discretion of the director.

Sec. 18-8-13. Reserved.
Sec. 18-8-14. Reserved.
Sec. 18-8-15. Reserved.
Sec. 18-8-16. Reserved.
Sec. 18-8-17. Reserved.

DIVISION 3. LANDSCAPE AREAS & BUFFERS

Sec. 18-8-18. Right-of-way (ROW) landscape area.

(a) **Intent.** The intent of the right-of-way (ROW) landscape requirement is to buffer pedestrians from vehicular traffic, to improve the appearance of transportation corridors, and promote the aesthetic of tree-lined streets to the greatest extent possible.

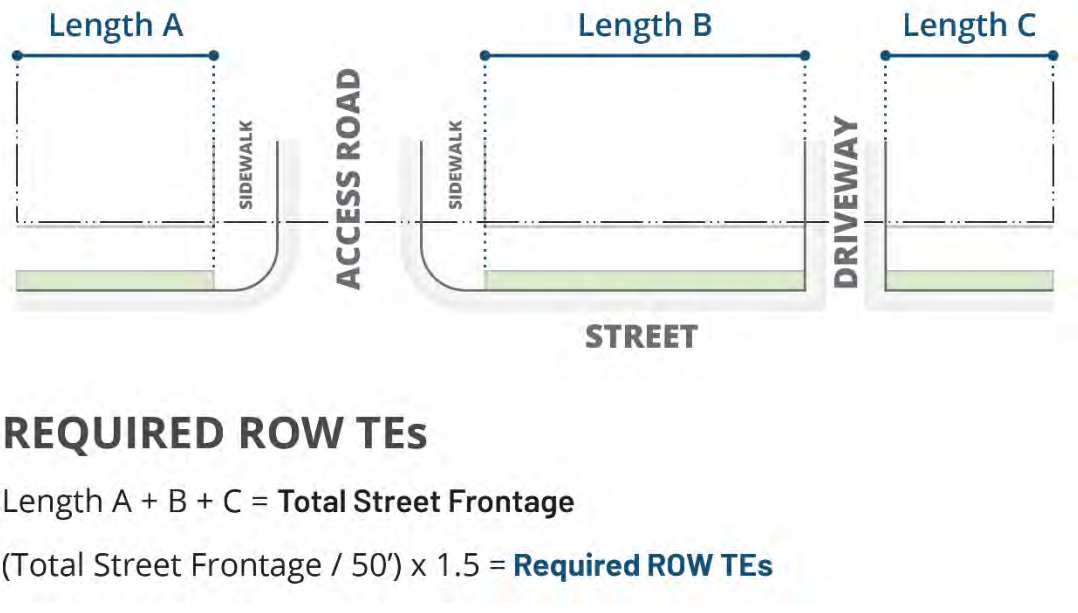
(b) **Applicability.** Right-of-way landscape area tree equivalents (TEs) shall be required in addition to any street buffer TE requirements as detailed in Section 18-8-19.

(c) **Location.** Required TEs shall be located within the ROW or within the adjacent street buffer as defined in Section 18-8-19.

(d) **Requirements**.

(1) **Required ROW TEs.** A minimum of one and one-half (1.5) TEs shall be required for each 50 linear feet of street frontage as measured from property line to property line along the frontage, excluding all existing and proposed driveways, alleys, curb returns, and maintenance access roads. Spacing and design of the minimum TEs shall comply with the Standards and Specifications and be at the discretion of the applicant. See Figure 18-8-18.1.

Figure 18-8-18.1. ROW TEs Frontage Calculation.



(2) **ROW landscape width.** The landscape area between the back of curb and detached sidewalk shall be per the assigned street classification and cross section. The minimum required width to allow tree plantings within a ROW landscape strip shall be eight feet of landscape area or as established in the Standards and Specifications. If there is a conflict between these standards, the Standards and Specifications provisions will control. If the available ROW landscape strip does not meet the minimum width for tree planting, the required TEs shall be provided as shrub and/or ornamental grass material meeting the TE requirements defined in Section 18-8-03.

a. If the sidewalk is attached, the required TEs shall be included within the ROW behind the sidewalk or within the street buffer as defined in Section 18-8-19 in addition to any other required TEs.

(3) **Compatibility and integration.** Right-of-way landscape strip plantings shall be compatible and integrated into the overall site landscape design and materials. Continuation of planting design within the landscape beds between the required ROW landscape strip and adjacent street buffer shall be encouraged. See Figure 18-8-18.2.

Figure 18-8-18.2. Planting design compatibility and integration.



(4) **Water demand.** Right-of-way landscape shall be included in and meet the associated hydrozone goals for the site as defined in Section 18-8-35 and noted in the Standards and Specifications.

(5) **Designated maintenance.** Maintenance of applicable right-of-way landscape areas as defined in Section 18-8-39 shall be provided.

(6) **Artificial turf and nonfunctional turf prohibited.** The installation of artificial turf and nonfunctional turf shall not be permitted. Existing artificial or nonfunctional turf may be maintained as follows:

a. The use of artificial turf and nonfunctional turf shall be prohibited in all right-of-way landscape areas for new development and redevelopment.

b. Artificial turf or nonfunctional turf installed prior to January 1, 2026, may be maintained within any right-of-way until such time that the conditions of Subsection (d)(6)a of this section are met for any public or private new

development or redevelopment activity from an abutting property to the right-of-way.

Sec. 18-8-19. STREET LANDSCAPE BUFFER.

(a) **Intent.** The street buffer is intended to ensure that new development and redevelopment is adequately separated from street rights-of-way.

(b) **Location.** The street buffer shall be located on private property along all street right-of-way property lines unless exempted per Subsection (c) of this section.

(c) **Requirements.** Street buffer requirements shall apply based on the subject use and the classification of the applicable roadway per the Thornton Transportation and Mobility Master Plan.

(1) **Artificial turf and nonfunctional turf prohibited.** The installation of artificial turf and nonfunctional turf shall not be permitted. Existing artificial or nonfunction turf may be maintained as follows:

a. The use of artificial turf and nonfunctional turf shall be prohibited in all street landscape buffers for new development and redevelopment.

b. Artificial turf or nonfunctional turf installed prior to January 1, 2026, may be maintained within any street landscape buffer until such time that the conditions of Subsection (c)(1)a of this section are met for any public or private new development or redevelopment activity.

(2) **Residential street buffer**. If a street buffer is required per Table 18-8-19.1, the standards established for one of the buffer types indicated in Table 18-8-19.1 shall be provided unless a deviation in minimum width is approved by the director as an Administrative Adjustment per Section 18-02-12. Street buffer standards indicated in Table 18-8-19.1 for higher classification roadways may be utilized on lower classification roadways. Figures 18-8-19.1 – 18-8-19.5 depict the residential street buffers.

Table 18-8-19.1. Residential street buffer requirements.

Specification	Freeway / Tollway	Major / Minor Arterial	Collector Option 1	Collector Option 2	Collector Option 3
Minimum width (as measured from the right-of-way line)	35 feet	25 feet	20 feet	15 feet	10 feet
6-foot minimum height	required	optional	optional	optional	required [3]

Specification	Freeway / Tollway	Major / Minor Arterial	Collector Option 1	Collector Option 2	Collector Option 3
freestanding masonry or concrete wall					
6-foot minimum height solid fence with masonry columns [1] [2]	N/A (not applicable)	required	optional	required [3]	n/a
Minimum TE per 50 linear feet	3.5	3	2	3	2

Table 18-8-19.1 footnotes:

[1] Where a fence is required, a wall may be utilized.

[2] Fence shall be double-sided and have masonry columns located at fence terminations, changes in direction of the fence, or at a minimum of every 100 feet along the property line.

[3] For residential developments where the principal building Front Façade faces a collector street, the wall and fence requirements shall be waived.

Figure 18-8-19.1. Residential street buffer requirements – Freeway/Tollway.

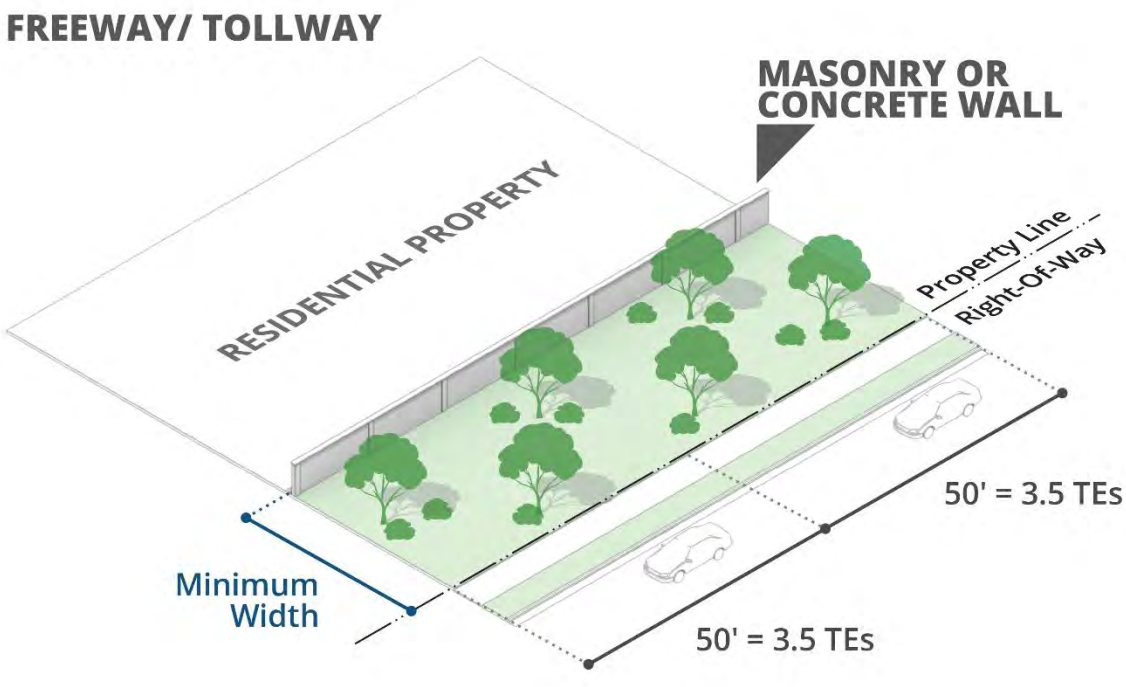


Figure 18-8-19.2. Residential street buffer requirements – Major/Minor Arterial.

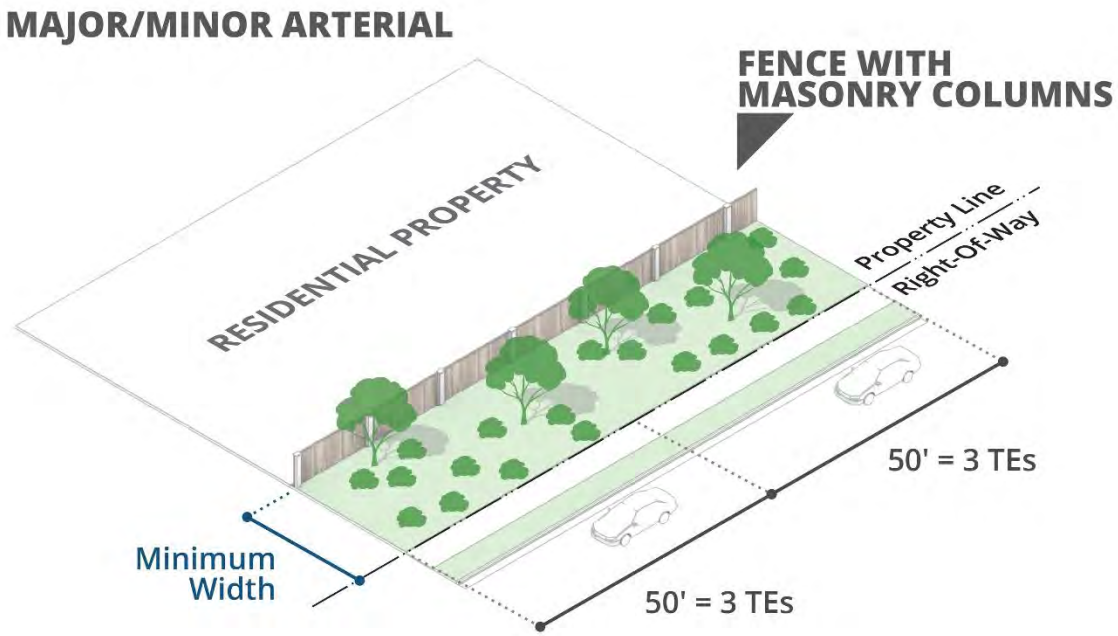


Figure 18-8-19.3. Residential street buffer requirements – Collector Option 1.

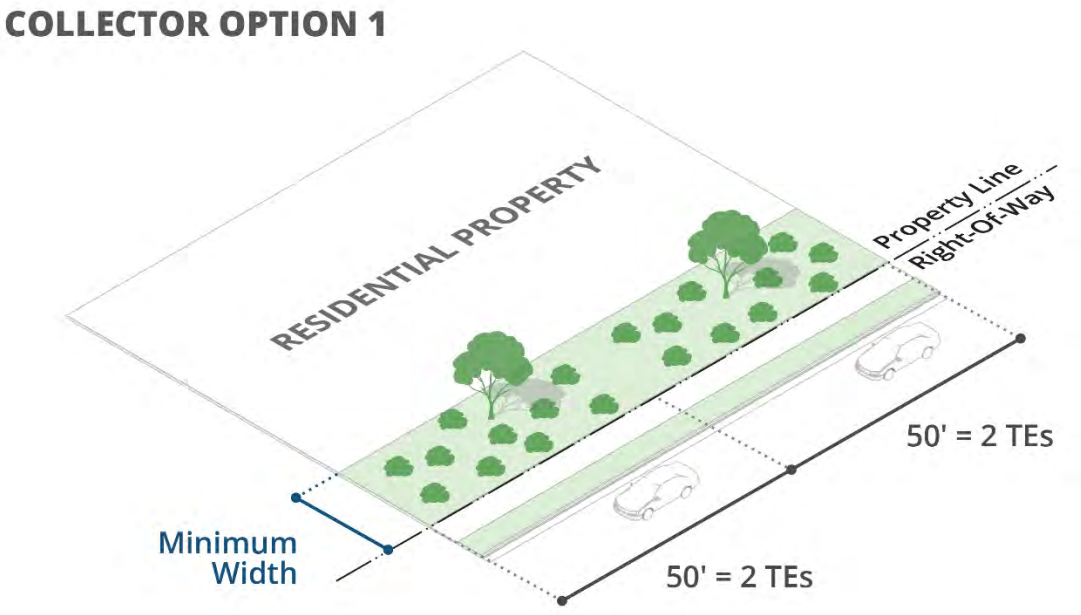


Figure 18-8-19.4. Residential street buffer requirements – Collector Option 2.

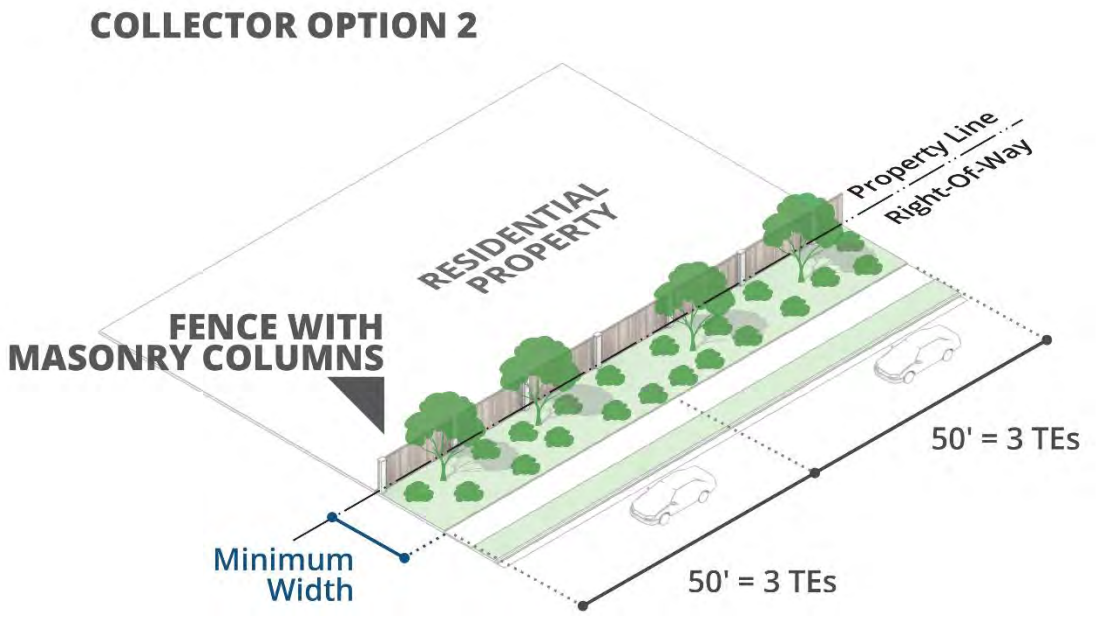
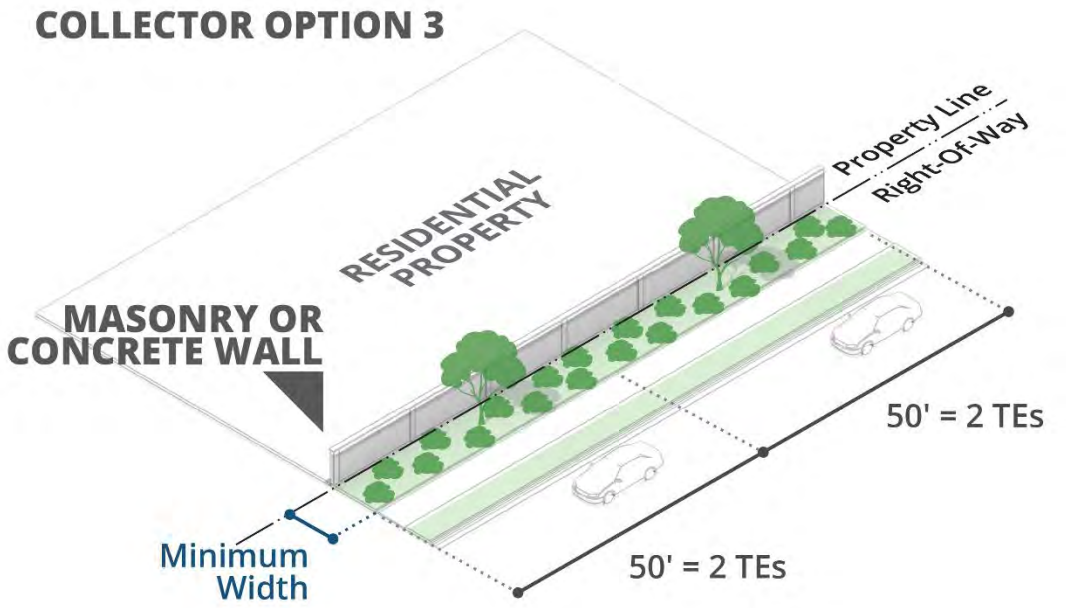


Figure 18-8-19.5. Residential street buffer requirements – Collector Option 3.



(3) **Mixed-use and nonresidential street buffer**. If a street buffer is required for a mixed-use or nonresidential development per Table 18-8-19.2, the standards established for the applicable roadway classification, as indicated in Table 18-8-19.2, shall be provided unless a deviation in minimum width is approved by the director as an Administrative Adjustment per Section 18-02-12. Figures 18-8-19.6 – 18-8-19.10 depict the mixed-use and nonresidential street buffers.

Table 18-8-19.2. Mixed-use and nonresidential street buffer requirements.

Specification	Freeway / Tollway	Major Arterial Option 1	Major Arterial Option 2	Minor Arterial / Collector Option 1	Minor Arterial / Collector Option 2
Minimum width (as measured from the right-of-way line)	25 feet	15 feet	5 feet	10 feet	5 feet
6-foot minimum height freestanding masonry or concrete wall	optional	optional	required [3] [4]	optional	optional
6-foot minimum height solid fence with masonry columns [1] [2]	N/A (not applicable)	N/A (not applicable)	N/A (not applicable)	optional	required [3] [4]
Minimum TE per 50 linear feet	3.5	2	1	1.5	1

Table 18-8-19.2 footnotes:

[1] Fence shall be double-sided and have masonry columns located at fence terminations, changes in direction or at a minimum of every 100 feet along the property line.

[2] Where a fence is required, a wall may be utilized.

[3] Specifically for redevelopment sites or Type 1 Façades of commercial buildings, wall and fence requirements can be waived and alternatively a low continuous landscaped hedge (minimum three feet in height) or decorative masonry wall (minimum three feet in height) may be used in lieu of walls or fences in combination with shrubs, ornamental grasses and perennials planted between the ROW and wall location.

[4] Where the setbacks within a zoning district are ten feet or less, the wall or fence requirements of this section may be waived.

Figure 18-8-19.6. Mixed-use and nonresidential street buffer requirements – Freeway/Tollway.

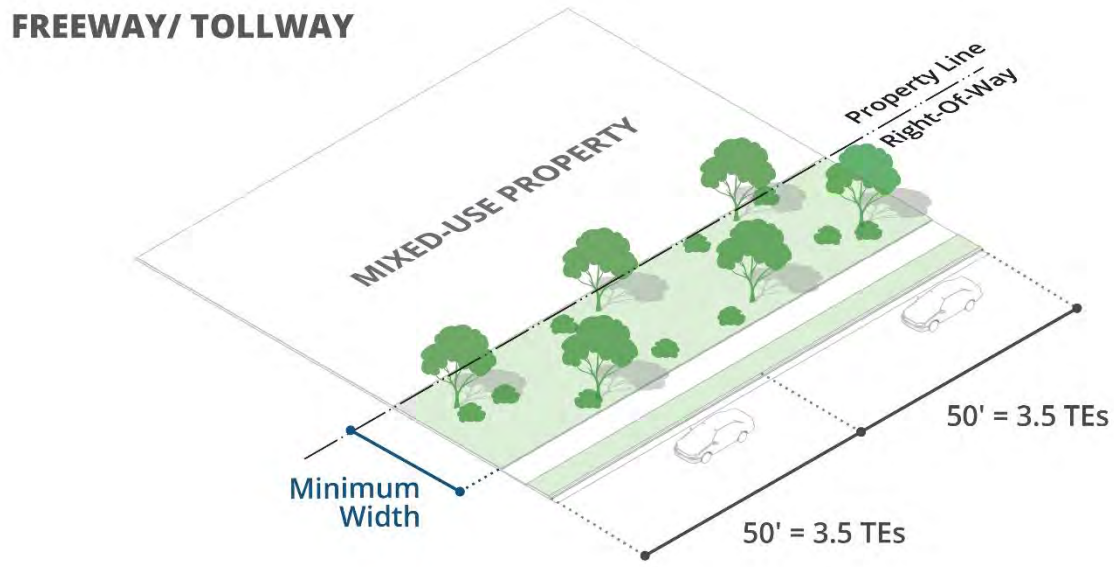


Figure 18-8-19.7. Mixed-use and nonresidential street buffer requirements – Major Arterial Option 1.

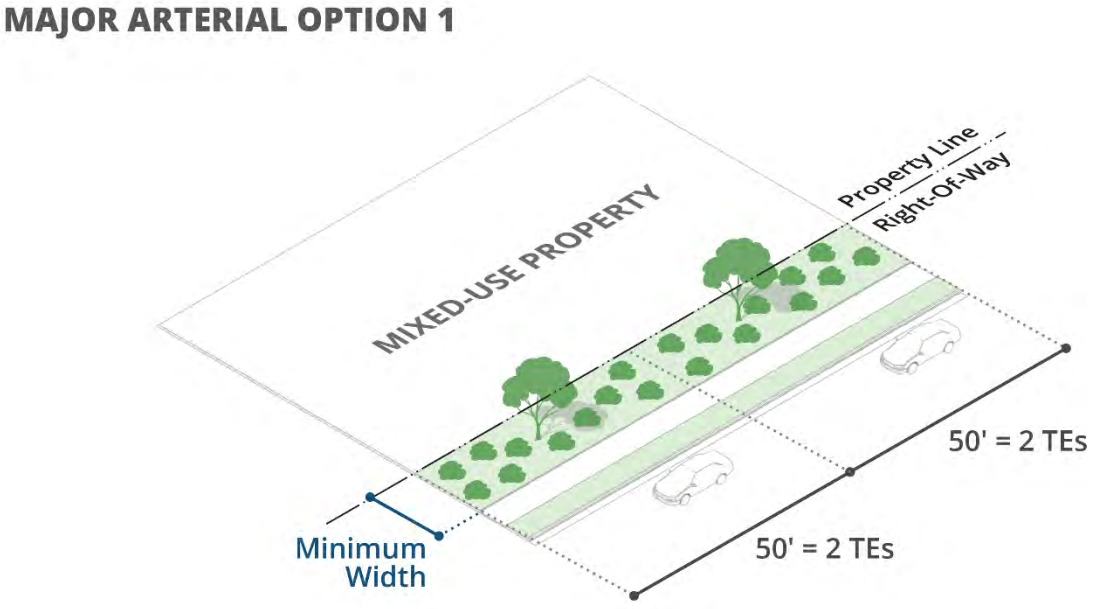


Figure 18-8-19.8. Mixed-use and nonresidential street buffer requirements – Major Arterial Option 2.

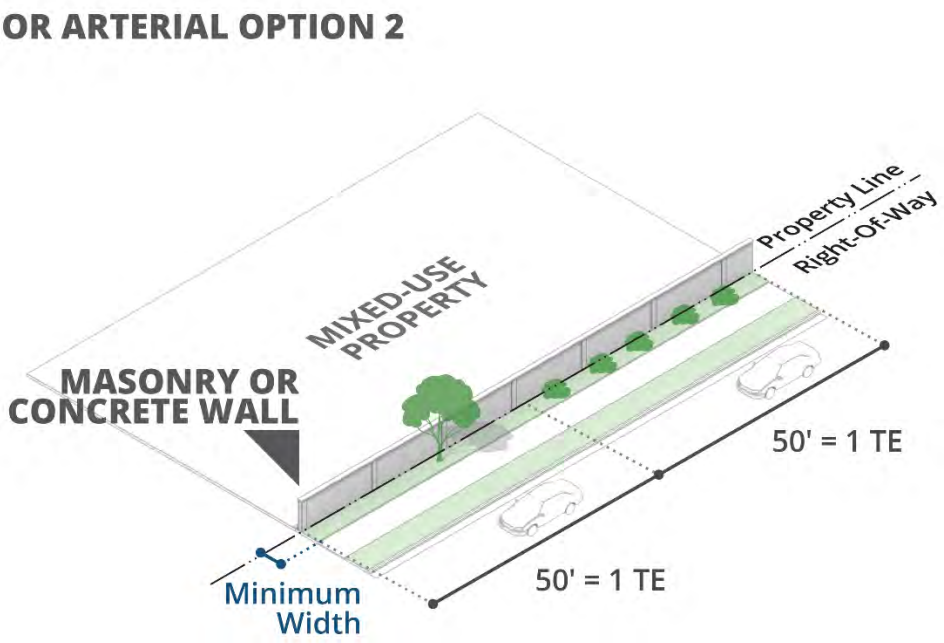


Figure 18-8-19.9. Mixed-use and nonresidential street buffer requirements – Minor Arterial/Collector Option 1.

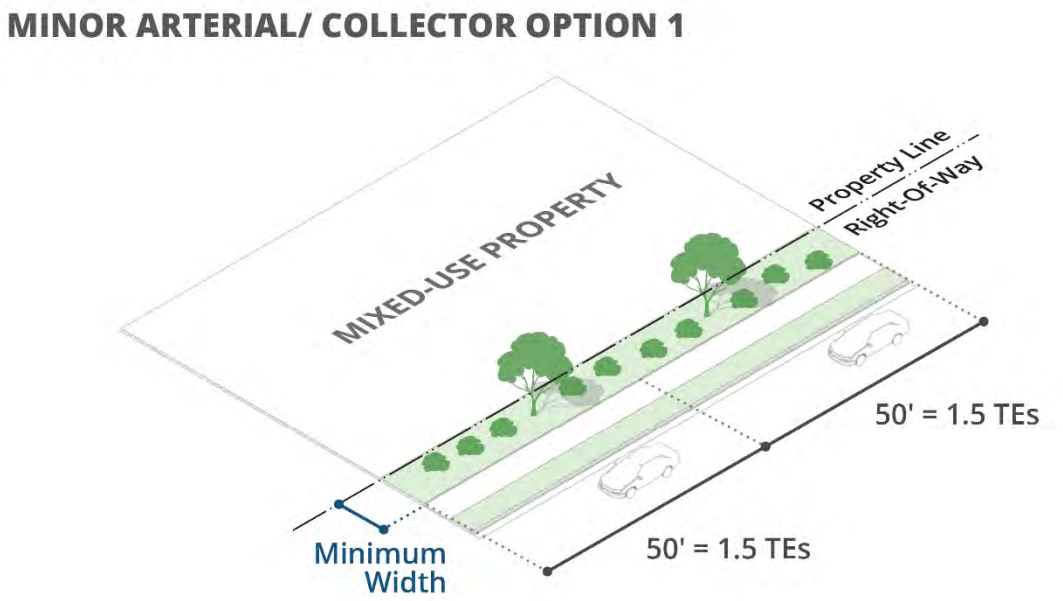
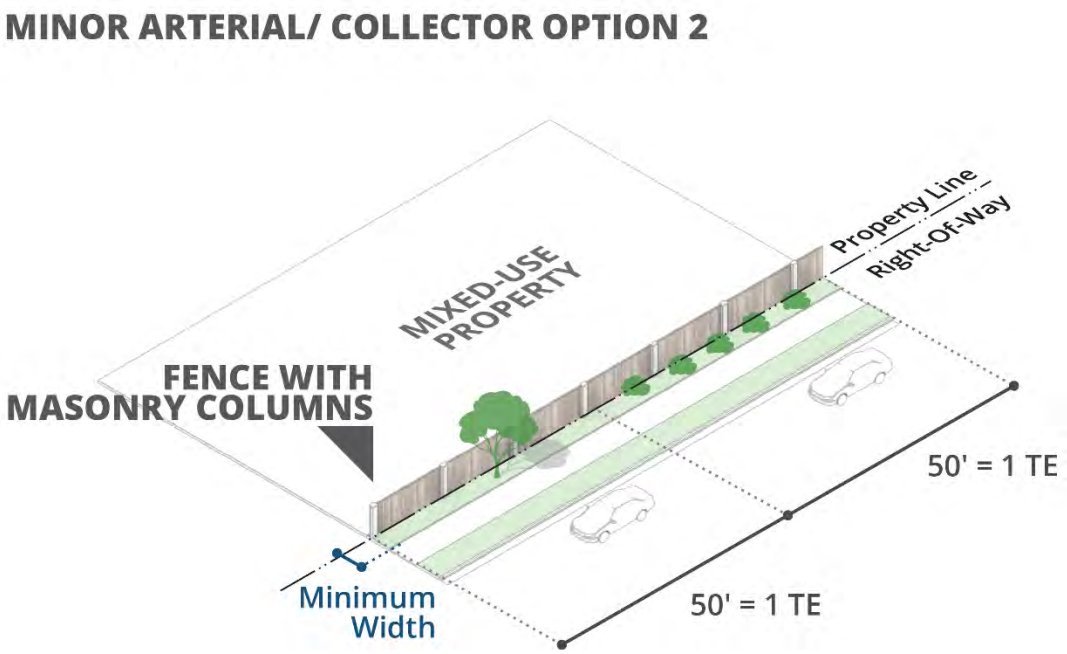


Figure 18-8-19.10. Mixed-use and nonresidential street buffer requirements – Minor Arterial/Collector Option 2.



Sec. 18-8-20. TRANSITION LANDSCAPE AREA BUFFER.

(a) **Intent.** The transition landscape area buffer shall ensure that new development and redevelopment is compatible with adjacent development or is separated from adjacent development by appropriate distance, landscape, and/or screening elements.

(b) **Applicability**.

(1) Transition area buffer requirements shall apply to the uses listed below if adjacent to a residential property in the RL, RM, and SFD-L Districts and detached residential portions of a Planned Development (development zoned PD).

a. Cottage Housing;

b. Dwelling, Live-Work;

c. Multi-Unit Dwellings;

d. Multi-Unit Dwelling Complex;

e. Multi-Unit Dwelling, Above Ground Floor; and

f. Nonresidential uses.

(2) Transition area buffer requirements shall apply to the uses listed below if adjacent to a residential use.

a. Animal Clinic/ Day Care, with outdoor runs;

b. Animal Kennel, with outdoor runs;

c. Animal Production;

d. Animal Shelter, with outdoor runs;

e. Car Wash;

f. Commercial Greenhouse / Nursery;

g. Commercial Stable;

h. Drive-through facilities;

i. Equipment Rental;

j. Grain and Feed Elevators;

k. Heavy or Light Industrial uses;

l. Indoor Horticulture/Aquaculture;

m. Livestock Auction Pens or Sheds;

n. Mining;

o. Motor Vehicle Pawnbroker;

p. Outdoor Storage;

q. Railroad Yard;

r. Recycling Collection Center;

s. Salvage reclamation, outdoor;

t. Self Storage;

u. Sewage Treatment Plant;

v. Solar Farm;

w. Truck Machinery, Heavy Equipment;

x. Vehicle Fueling Station;

y. Vehicle Leasing/sales;

z. Vehicle Rental;

aa. Vehicle Service – Major Repair / Body Work;

bb. Warehouse uses; and

cc. Water Treatment Plant, Reservoir, and Water Storage Tanks.

(c) **Location.** The transition area buffer shall be located on the subject property along all perimeter property lines not adjacent to a street right-of-way.

(d) **Requirements.**

(1) One of the transition landscape area buffer, also known as buffer yard, options detailed in Table 18-8-20.1 and shown on Figure 18-8-20.1 below shall be installed when required by this subsection unless one or more of the following are approved by the director as an Administrative Adjustment per Section 18-02-12:

a. A deviation in minimum width; or

b. A reduction in TEs.

(2) Following are the options for the transition landscape area buffer specifications.

Table 18-8-20.1: Transition landscape area buffer requirements.

Specification	Option 1	Option 2	Option 3	Option 4
Minimum Width (landscape area width as measured from the Property Line)	30 feet	20 feet	15 feet	8 feet
6-foot minimum height wall or solid fence with masonry columns [1]	optional	optional	required [3]	required [2] [3]
Minimum 8-foot private soft surface trail connection and/or amenities [4]	required	optional	N/A (not applicable)	N/A (not applicable)
Minimum TE per 50 linear feet	2.5	3	2	2

Table 18-8-20.1 footnotes:

[1] Masonry columns shall be located at the property corners, or adjacent as required due to intersection visibility requirements and a minimum of every 100 feet along the property line.

[2] Six-foot height fence with masonry columns is not applicable to Option 4.

[3] Existing, well maintained, 6-foot height solid fencing may be allowed to meet the wall requirements of Options 3 or 4 with director approval.

[4] Trail enhancements (width, surface, etc.) or amenity upgrades can be applied to required Public Land Dedication as described in Section 18-10-22.

Figure 18-8-20.1. Transition Landscape Buffer Option 1.

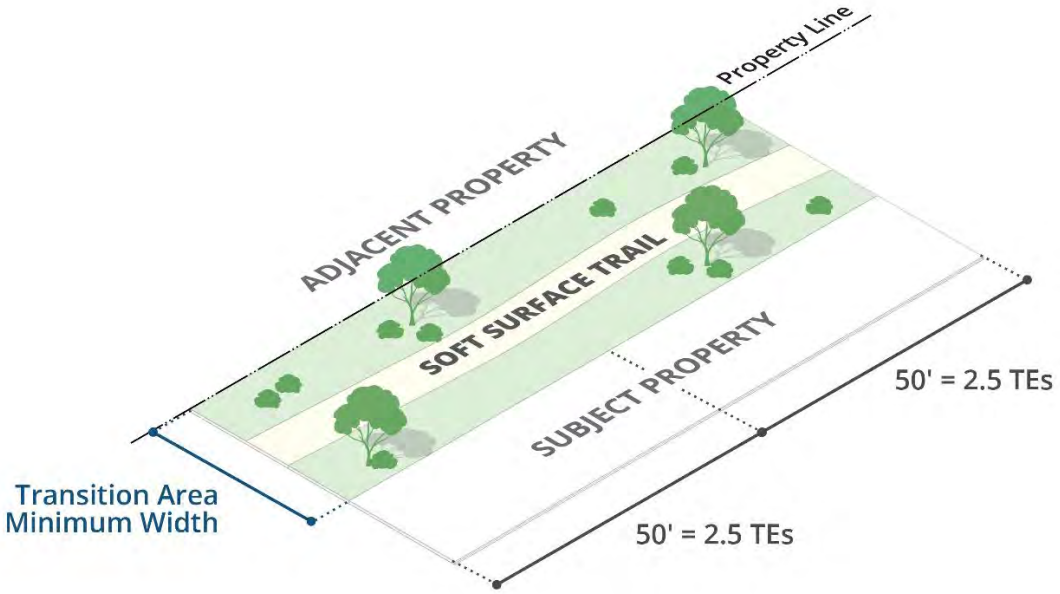


Figure 18-8-20.2. Transition Landscape Buffer Option 2.

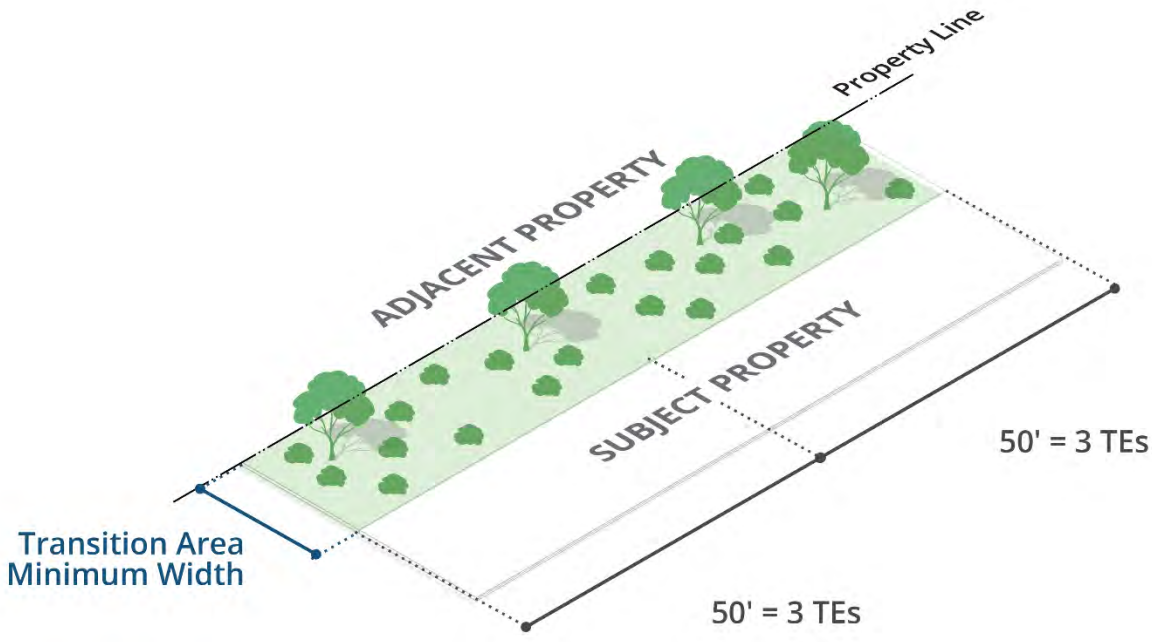


Figure 18-8-20.3. Transition Landscape Buffer Option 3.

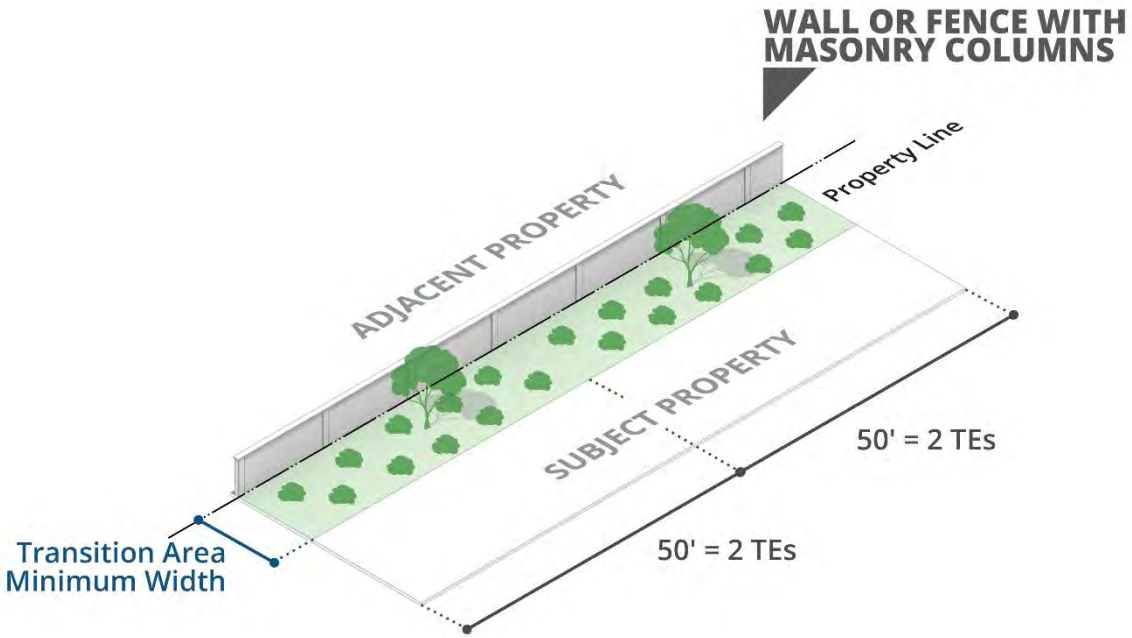
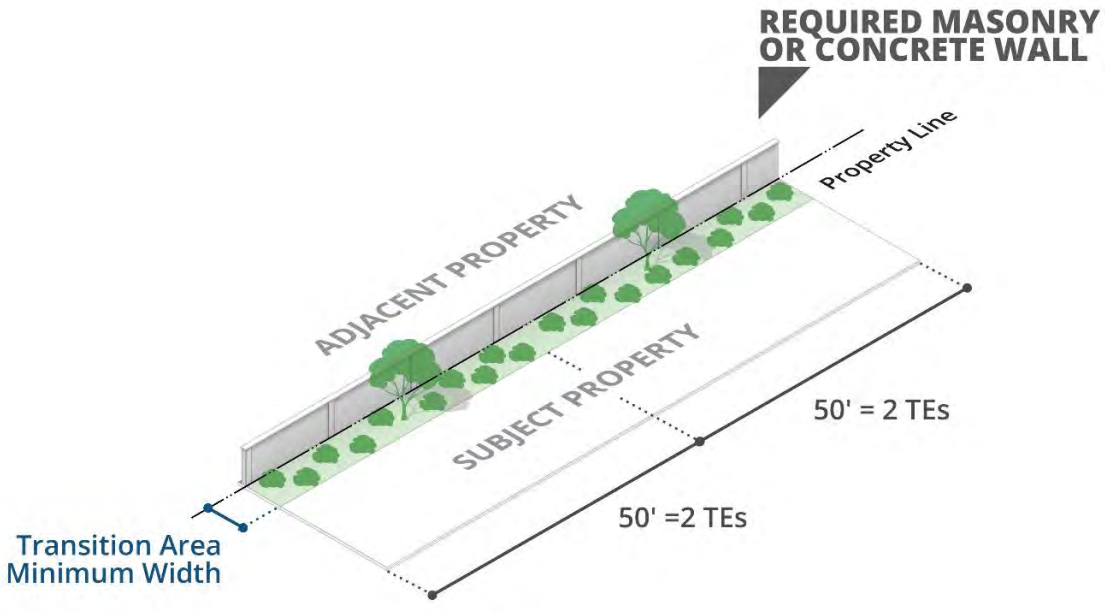


Figure 18-8-20.4. Transition Landscape Buffer Option 4.



(e) **Artificial turf and nonfunctional turf prohibited.** Transition landscape area buffers shall not contain artificial turf and nonfunctional turf meeting the following standards:

(1) The use of artificial turf and nonfunctional turf shall be prohibited in all new development and redevelopment activity types when required to conform to the water efficient principles identified in Section 18-8-35(c) or artificial turf standards in Section 18-8-36(a).

a. Nothing in this Subsection (e)(1) shall prohibit the use of functional turf as defined in Section 18-8-34 when transition landscape area buffers are used in combination with a permitted use of functional turf.

(2) Artificial turf or nonfunctional turf installed prior to January 1, 2026, may be maintained within any transition landscape area buffer until such time that the conditions of Subsection (e)(1) of this section are met for any public or private new development or redevelopment activity type.

Sec. 18-8-21. COMMON AREA LANDSCAPING.

(a) **Intent.** The intent of the common area landscaping requirements is to ensure all provided landscape areas within the site not specifically covered in other sections of these requirements are landscaped appropriately.

(b) **Applicability.** The general landscape area requirements of this section shall be provided for any common landscape areas created as a result of the development that are not specifically covered in other sections of this article.

(c) **Location.** These areas are typically, but not limited to, areas outside 100-year water surface elevation, privately owned common ownership association tracts not adjacent to the right-ot-way or other buffers, and general landscape areas within commercial development. Common area landscaping can be used to supplement other required landscape areas or may be used for TEs of other landscaped areas required in this article where there is insufficient space for the required number of TEs.

(d) **Requirements**.

(1) One TE shall be provided for 600 square feet of landscape area or any fraction thereof.

(2) **Water demand**. Common area landscaping shall meet the associated hydrozone requirements as defined in Section 18-8-35 and noted in the Standards and Specifications.

(3) **Artificial turf and nonfunctional turf prohibited.** Common area landscaping shall not contain artificial turf and nonfunctional turf meeting the following standards:

a. The use of artificial turf and nonfunctional turf shall be prohibited in all new development and redevelopment activity types when required to conform to the water efficient principles identified in Section 18-8-35(c) or artificial turf standards in Section 18-8-36(a).

1. Nothing in this Subsection (d)(3)a shall prohibit the use of fine/functional turf as defined in Section 18-8-34 when common area landscapes meet a permitted use of fine/functional turf.

(4) Artificial turf or nonfunctional turf installed prior to January 1, 2026, may be maintained within any common area landscape until such time that the conditions of Subsection (d)(3)a of this section are met for any public or private new development or redevelopment activity type.

Sec. 18-8-22. Parking lots.

(a) **Intent.** Parking lot landscape area standards are intended to provide shade within parking areas, break up large expanses of parking area pavement, support stormwater management where appropriate, improve the appearance of parking areas as viewed from rights-of-way, and provide a safe pedestrian environment.

(b) **Applicability.** Parking lot landscape standards shall apply as detailed in this section if a parking lot has 30 or more parking spaces.

(c) **Location.** Required parking lot landscape shall be located within the subject parking lot unless otherwise approved during the development review process.

(d) **Requirements**.

(1) **Minimum landscape islands.** Minimum landscape areas within parking lots shall be provided at a rate of 100 square feet per six parking stalls.

(2) **Parking lot islands**.

a. Landscaped islands shall be a minimum width of nine feet, and a minimum of 100 square feet in plantable landscape area to qualify.

1. Islands used as a pedestrian walkway or crossing shall still qualify as a parking lot island as long as the required TEs are located in other landscape areas.

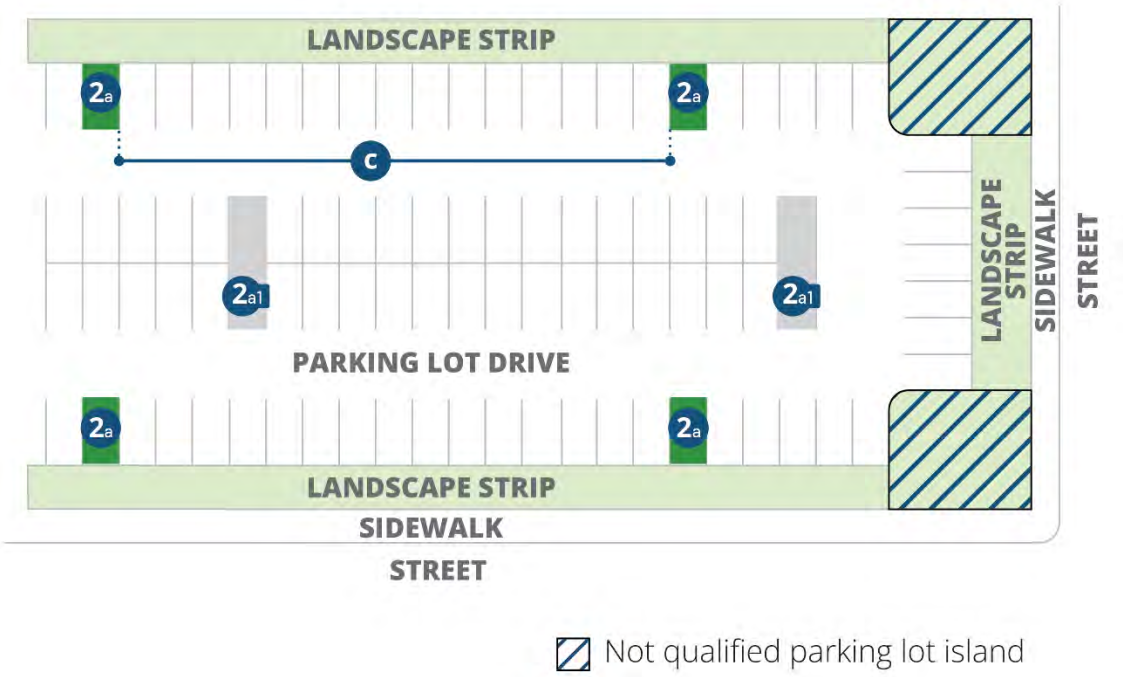
b. A minimum of one tree equivalent per 75 square feet of parking lot island area, or fraction thereof to the nearest one-tenth of a fraction, is required.

c. Parking lot islands shall have parking and/or drive lanes on at least 3 sides and be separated by no more than 15 parking stalls in a continuous row.

d. Parking lot islands shall not exceed the low water-demand landscape standard, as detailed in the Standards and Specifications. High water-demand plant material is prohibited in parking lot islands except when used for stormwater quality features.

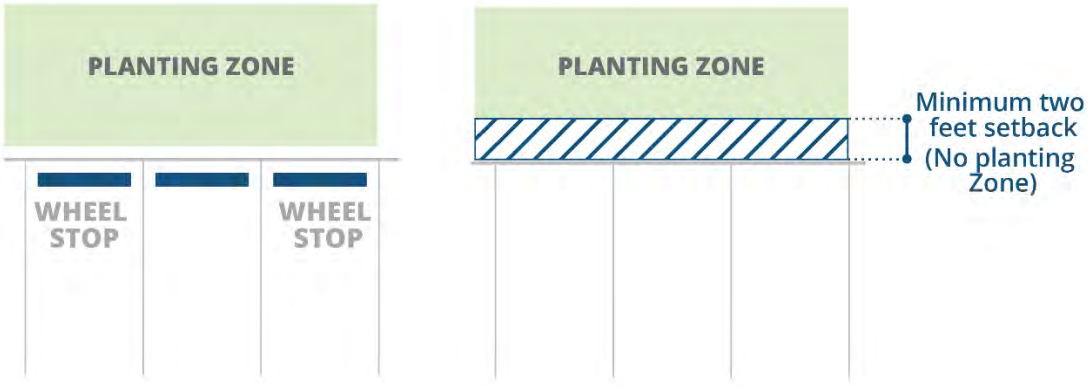
e. No landscaping within any parking lot islands may be placed or allowed to grow in such a manner as to obstruct visibility for vehicles entering, maneuvering in, or exiting the parking lot.

Figure 18-8-22.1. Parking Lot Islands. (The numbers and letters in Figure 18-8-22.1 refer to the subsection letters contained within Section 18-8-22(d)(2).)



(3) **Landscape protection.** Required parking lot landscape shall be protected from vehicles by the placement of wheel stops, curbs, or other means approved by the director. If wheel stops are not used, landscape plant material is not allowed in the two-foot vehicle overhang area.

Figure 18-8-22.2. Parking Lot Landscaping and Wheel Stops.



(4) **Parking lot screening and buffering.** To minimize negative impacts on surrounding properties and right-of-way, parking lot perimeters shall be visually screened to mitigate effects of headlight glare off-site. Screening shall be accomplished by the use of landscape vegetation, fences/walls, or a combination of elements as approved during the development review process.

a. Screening and buffering shall diffuse/obscure 50 percent of the proposed parking perimeter to a minimum height of 36 inches at maturity.

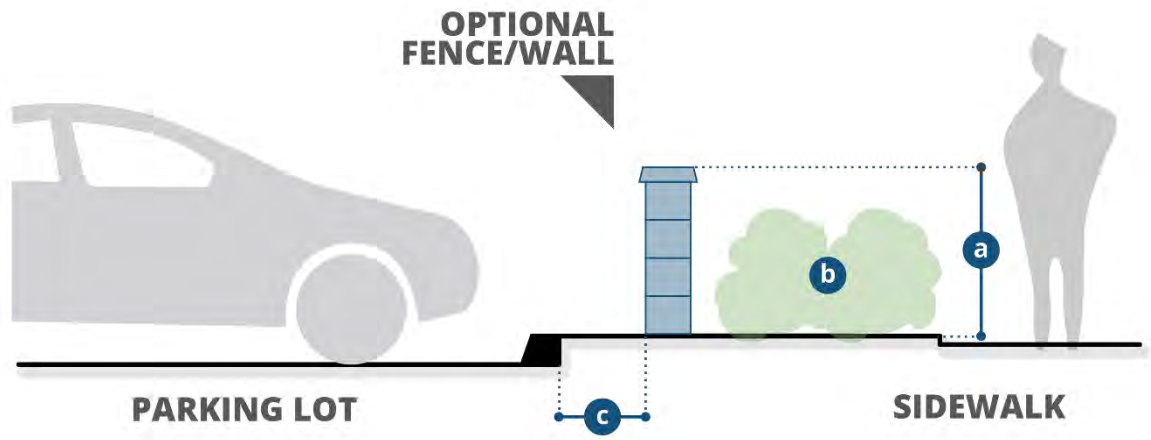
b. Vegetative screening shall be deciduous or evergreen woody plant material and shall not be achieved by utilizing ornamental grass or perennial plant material.

c. Plant material shall not be located within two feet of the curb, unless wheel stops are provided, and shall adequately offset from adjacent walkways or adjacent hardscapes.

d. Openings for pedestrian, vehicular access or drainage purposes shall not be included in the perimeter calculation.

e. Accommodations for snow removal and storage shall be incorporated throughout to minimize damage to proposed buffering and screening of the parking facility.

Figure 18-8-22.3. Parking Lot Screening and Buffering. (The letters in Figure 18-8-22.3 refer to the subsection letters contained within Section 18-8-22(d)(4).)



(5) **Artificial turf and nonfunctional turf prohibited**. Parking lot landscape areas shall not contain artificial turf and nonfunctional turf meeting the following standards:

a. The use of artificial turf and nonfunctional turf shall be prohibited in all new development and redevelopment activity types for parking lot landscape areas.

b. Artificial turf or nonfunctional turf installed prior to January 1, 2026, may be maintained within any parking lot landscape area until such time that the conditions of Subsection (d)(5)a of this section are met for any public or private new development or redevelopment activity type.

Sec. 18-8-23. Detention and drainage channel areas.

(a) **Intent.** The intent of the detention and drainage channel area landscape requirements is to protect their function and public safety and to enhance the aesthetic quality of the detention and drainage channel areas.

(b) **Definition.** A detention or drainage channel area is defined as follows for the purposes of determining required landscaping:

(1) **Detention**. All landscape area within or below the maximum 100-year water surface elevation or as per the discretion of the director.

(2) **Drainage channel**. All areas within the maximum 100-year water surface elevation and freeboard within the channel and within the Special Flood Hazard Area (100-Year

Floodplain). Landscape requirements would also apply for drainage channels that are not part of the Floodplain or Special Flood Hazard Area.

(c) **Requirements**.

(1) **Required TEs**. Required detention and drainage channel area landscaping shall be calculated at a rate of one tree equivalent (TEs) for every 4,000 square feet of area. The detention and drainage channel area shall be defined as the area within or below the required water surface elevation and associated freeboard. Required landscape TEs shall be located within the detention or drainage channel tract, adjacent to or above the required water surface elevation or relocated to other on-site landscape areas as approved during the development review process.

(2) **Landscape coverage**. All areas of the detention and drainage channel shall be completely landscaped with hydrozone-appropriate landscape material to minimize erosion potential and maintain compliance with required stormwater conveyance.

(3) **Landscape irrigation**. Detention and drainage channels shall be irrigated for establishment of landscape material with a permanent irrigation system meeting the requirements noted in this section. Temporary irrigation for establishment can be allowed per this section at the sole discretion of the director. Irrigation mainlines shall be rerouted outside the spillway areas or sleeved below the rip rap. Irrigation heads and laterals shall be adjusted or transitioned to a temporary above-grade condition based on buried rip rap depth or soil coverage.

(4) **Water demand**. Detention and drainage channel shall meet applicable hydrozone requirements as detailed in the Standards and Specifications. Wetland or other high water use plant material may be used at the bottom of drainage channel areas as appropriate or as required by the director to minimize possible erosion potential and shall be excepted from the hydrozone calculation.

(5) **Fencing**. If a tract containing a detention or drainage channel area directly abuts a residential lot(s) and a fence is provided, the fence shall be open rail and located on the residential lot line. Open rail fencing shall provide a maximum opacity of 20 percent unless otherwise approved as an Administrative Adjustment per Section 18-02-12.

a. Mesh shall not be permitted on open rail fencing that is located within a floodplain as indicated in this Subsection (c)(5).

(6) **Floodplain**. In instances where detention areas or drainage channels are located in the 100-year floodplain, landscaping requirements are subject to the Mile High Flood District guidelines and all required TEs calculated from this section shall be relocated to other on-site landscape areas.

(7) **Obstructions.** Trees, shrubs, fencing, signage, and other obstructions as determined by the city are prohibited within detention pond spillways, rundowns and drainage swales. Use of organic (wood) mulch is not permitted within the detention and drainage channel or any associated spillways.

(8) **Artificial turf and nonfunctional turf prohibited**. Detention and drainage channel landscape areas shall not contain artificial turf and nonfunctional turf meeting the following standards:

a. The use of artificial turf and nonfunctional turf shall be prohibited in all new development and redevelopment activity types for detention and drainage channel landscape areas except where:

1. Fine/functional turf may be required in detention and drainage channel landscape areas to meet any federal, state, or local permitting requirements for water quality treatment. When fine/functional turf is contained in a detention and drainage channel landscape area it shall:

i. Not be irrigated; and

ii. Not have herbicides applied.

b. Artificial turf or nonfunctional turf installed prior to January 1, 2026, may be maintained within any detention and drainage channel landscape areas until such time that the conditions of Subsection (c)(8)a of this section are met for any public or private new development or redevelopment activity type.

Sec. 18-8-24. Public and private park areas/trails.

(a) **Intent.** The intent of this section is to establish guidelines and regulations regarding landscape and irrigation, and maintenance of public and private park areas and trails within the city.

(b) **Applicability.**

(1) **Public parks and open space**. All public park and open space areas that are required due to the public land dedication (PLD) requirements in Section 18-10-22 and are accepted to be owned and maintained by the city but constructed by a developer shall comply with this Code, the Comprehensive Plan, the Parks and Open Space Master Plan, and all elements noted within the city's Standards and Specifications.

a. **Park construction documents**. A separate park element construction document (CD) package shall be provided as noted and required in Section 18-8-33(b)(4) for review and approval for all public park and open space areas.

(2) **Private parks and open space.** All private park and open space amenities utilized to offset public land dedication (PLD) value or to provide a private benefit to the proposed community shall be constructed and designed in accordance with this Code, and applicable sections of the city's Standards and Specifications. Utilization of the Parks and Open Space Master Plan, and other relevant policies, as guidance on elements is strongly encouraged unless otherwise approved in the Development Plan.

a. **Park construction documents**. A separate park element construction document (CD) package shall be provided as noted and required in Section 18-8-33(b)(4) for review and approval for all park and open space areas unless not required by the director.

(3) **Trails.** Development projects that incorporate multi-use/regional trails, local trails or trail elements noted on the Parks and Open Space Master Plan shall comply with this Code.

(c) **Location.** These areas include, but are not limited to, landscape areas directly adjacent to park amenity areas such as play features, picnic areas, plaza/seating/gathering nodes, play fields, trails, parking facilities or park circulation. Public/private park elements shall be located within a tract or lot sized to adequately contain the activated amenity areas and associated buffers from adjacent uses but shall not contain excess common areas or landscape not intended for active use.

(d) **Requirements**.

(1) **Required TEs**.

a. Required public/private parks and open space shall meet the landscape requirements of Table 18-8-24.1, for the park area as defined in Section 18-8-24(c). Required landscape shall be located within the Public and private park tract area unless otherwise approved during the development review process.

Table 18-8-24.1. Public and private park area.

Wall Height	Required TEs
Less than 0.5 acres	1 TE per 1,000 sf
0.5 acres – 5.0 acres	1 TE per 2,000 sf
5.0 acres and above	1 TE per 3,500 sf

b. Required multi-use/regional trails shall require landscaping to provide shade and heat island reduction and shall be calculated at a rate of one tree equivalent (TEs) for every 40 linear feet of trail length. Required landscape TEs shall be located within the required easement clustered for shade and interest at the discretion of the designer as approved during the development review process.

(2) Site features as outlined in the city's Parks and Open Space Master Plan including, but not limited to, signage, lighting, other site furnishings, fencing and other requirements shall be included in locations approved in the Development Plan.

(3) Each park with playground equipment shall contain an accessible ramp and transition point for accessibility to the play elements provided. A minimum of one accessible play component shall be provided.

(4) In instances where parks are located within the 100-year floodplain, landscaping requirements may be adjusted to meet the specific requirements of the Mile High Flood District.

(5) **Water demand**. Park and trail amenities shall meet the associated hydrozone requirements as defined in Section 18-8-35 and noted in the Standards and Specifications. Landscaping consisting of trees, shrubs, and ground covers shall be grouped and hydrozoned into similar water use areas.

(6) **Functional turf:** Cool season high water use turf may be utilized for playgrounds, sports fields, picnic grounds, amphitheaters, passive seating portions of a park and the playing area of playfield or designated sports fields within parks as required and outlined in Section 18-8-34.

(7) **Artificial turf and nonfunctional turf prohibited**. In public and private parks shall not contain artificial turf and nonfunctional turf meeting the following standards:

a. The use of artificial turf and nonfunctional turf shall be prohibited in all new development and redevelopment activity types for private and public parks except where:

1. The use of the turf meets the permitted uses of fine/functional turf identified Section 18-8-34.

b. Artificial turf or nonfunctional turf installed prior to January 1, 2026, may be maintained within any private or public park until such time that the conditions of Subsection 18-08-24(d)(7)a of this section are met for any public or private new development or redevelopment activity type.

Sec. 18-8-25. Retaining Wall Landscape Buffer.

(a) **Intent.** The retaining wall landscape buffer and screening requirements are intended to soften and screen the impact of proposed retaining walls from site users and adjacent properties to the greatest extent feasible and allowed per any applicable geotechnical reports.

(b) **Requirements**.

(1) All retaining walls and wall systems described in Article VI, Division 3 shall meet the landscape requirements of Table 18-8-25.1.

Table 18-8-25.1 Retaining wall and wall system landscape.

Wall Height	Required TEs per 100 Linear Feet
4-7.99 feet	Foreground and Terrace (if provided): 3 TEs
8 feet and above	Foreground: 5 TEs
8 feet and above	Terrace: 3 TEs, per terrace

(2) Trees shall be setback a minimum of 10 feet from the retaining wall or wall system. Additional distance may be required for segmental walls.

(3) Required TEs shall be met with shrubs and/or ornamental grasses only in areas of geotechnical stabilization.

(4) **Artificial turf and nonfunctional turf prohibited**. The use of artificial turf and nonfunctional turf shall be prohibited between retaining wall tiers, and for a minimum of ten feet below or above the retaining wall system.

Figure 18-8-25.1. Retaining wall and wall system landscape, 4-7.99 feet.

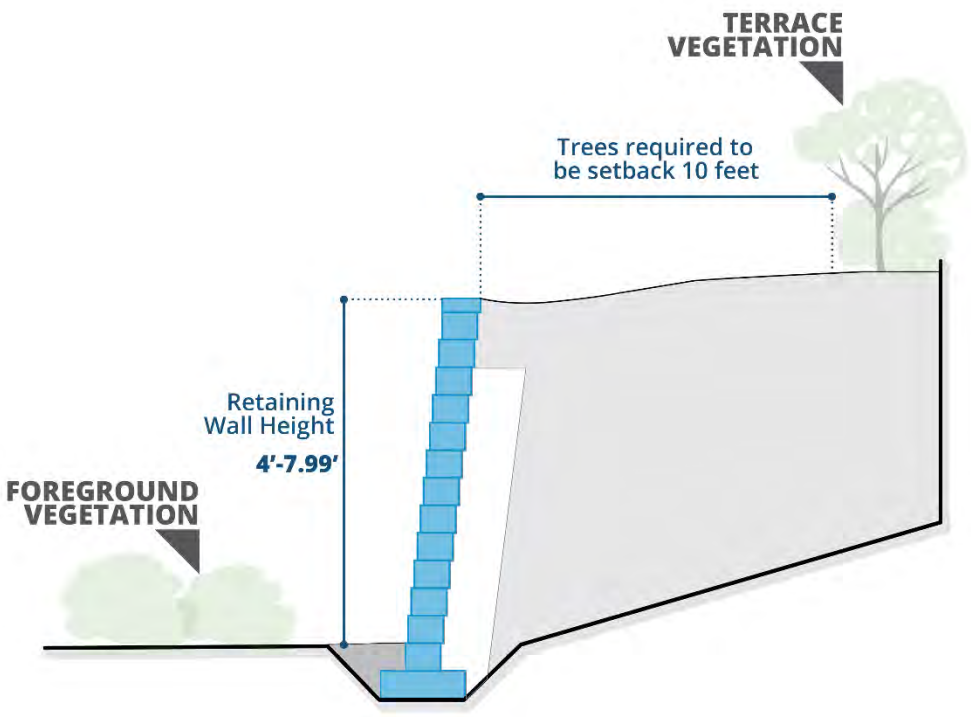
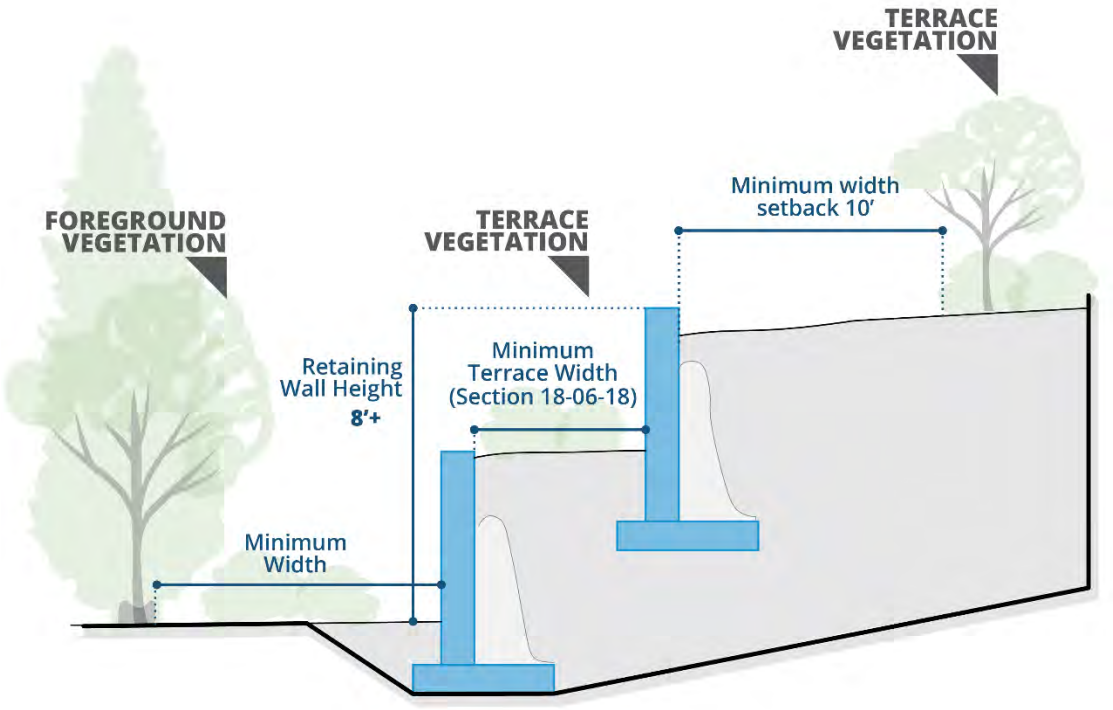


Figure 18-8-25.2. Retaining wall and wall system landscape, 8+ feet.



Sec. 18-8-26. MEDIAN AND ROUNDABOUT LANDSCAPE.

(a) **Intent.** The intent of the median and roundabout landscape requirements is to minimize conflicts with vehicular traffic and to improve the appearance of rights-of-way.

(b) **Applicability.** Medians and roundabouts shall be landscaped as required and as defined per the Standards and Specifications and this section.

(c) **Location.** All required median and roundabout landscape shall be located within the median or roundabout of the applicable roadway.

(d) **Requirements**.

(1) **Required area**. The amount of landscape or hardscape area required shall be determined in accordance with the Standards and Specifications.

(2) **Required TEs**.

a. Landscaping planting areas within medians and roundabouts shall be landscaped in accordance with the following.

1. Medians - Two (2) TEs per 50 linear feet of median landscape area;

2. Roundabouts – One (1) TE per every 350 square feet of landscape area.

b. Medians and roundabout hardscape areas shall not be applied to the TE calculation noted above.

(3) **Water demand**. Median and roundabouts shall meet the associated hydrozone requirements as defined in Section 18-8-35 and noted in the Standards and Specifications. No overhead irrigation shall be permitted in privately maintained median and roundabout areas.

(4) **Landscape alternative**. In lieu of providing required roundabout landscape material noted above, the developer may elect to provide public art or thematic elements as approved by the director.

(5) **Artificial turf and nonfunctional turf prohibited**. Median and roundabout landscape areas shall not contain artificial turf and nonfunctional turf meeting the following standards:

a. The use of artificial turf and nonfunctional turf shall be prohibited in all new development and redevelopment activity types for Median and roundabout landscape areas.

b. Artificial turf or nonfunctional turf installed prior to January 1, 2026 may be maintained within any detention and drainage channel landscape areas until such time that the conditions of Subsection 18-8-26(d)(5)a of this section are met for any public or private new development or redevelopment activity type.

(e) Landscaped medians on arterial streets which are over 600 feet in length shall incorporate a motor vehicle maintenance pullout area with mountable curb as required per the Standards and Specifications and approved by the director.

(f) Median and roundabout landscape or hardscape shall not interfere with visibility requirements of Article VI, Division 6.

(g) Unless maintenance responsibility is specifically dedicated to an entity other than the city as a condition of approval during the development review process, the city shall maintain medians and roundabouts within arterial roadways as defined by the Transportation and Mobility Master Plan at the time of installation. Roundabouts and medians within all other roadway classifications shall be maintained by the adjacent property owner or assigns as approved in the development process.

(1) When the director determines that it is in the best interest of the city that a median or right-of-way area cannot be built or landscaped simultaneously or that landscaping the right-of-way or the median should occur on a different schedule than the development project, the developer shall be required to provide a cash-in-lieu

payment for development improvements as outlined in the installation delay requirements noted in Section 18-8-38(d).

a. Payments shall be due for residential development projects prior to the issuance of any building permit. For nonresidential projects, the schedule for payment will be established in the same manner as the schedule for construction of the improvements as provided in the developer's agreement.

Sec. 18-8-27. Residential lot landscaping.

(a) **Intent.** The intent of the residential lot landscaping requirements is to create consistency throughout all residential developments within the city and to ensure all portions of residential lots are landscaped appropriately.

(b) **Applicability.** Residential lot areas not occupied by driveways, sidewalks, patios, decks, buildings, or other allowed impermeable elements shall be landscaped or mulched per the requirements noted in this section.

(c) **Location.** Required residential front yard landscape shall be provided between the principal building and the street right-of-way or front property line when not facing an adjacent ROW. Residential rear and side yard landscaping, screened from public view, shall be provided within private lots between the front façade of the principal building and the rear lot line.

(d) **Requirements**.

(1) For Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; and Duplex uses, two and one half (2.5) TEs shall be provided for each lot. If the front setback provided is ten feet or less, the requirement shall be reduced by one (1) TE.

(2) For Triplex/Quadplex or Dwelling, 3-8 Units Attached, one (1) TE shall be provided for every 400 square feet of front landscape areas or fraction thereof.

(3) Rear and side yards screened from public view shall be landscaped or mulched within 12 months of the issuance of the certificate of occupancy. Designated areas shall be maintained per Section 18-8-39 until landscape or mulch is installed.

(4) Water Demand. Residential front and rear yard areas shall meet the associated hydrozone requirements as defined in Section 18-8-35 and noted in the Standards and Specifications.

a. No residential front or side yard area shall contain more than 35% high water use nonfunctional turf areas meeting all design and installation requirements noted in Division 4 of this article.

b. High water use nonfunctional turf is not required to be installed on residential lots.

(5) Artificial turf shall meet all requirements noted within Section 18-8-36.

Sec. 18-8-28. Reserved.
Sec. 18-8-29. Reserved.
Sec. 18-8-30. Reserved.
Sec. 18-8-31. Reserved.
Sec. 18-8-32. Reserved.

DIVISION 4. LANDSCAPE DESIGN, INSTALLATION, AND MAINTENANCE

Sec. 18-8-33. Design.

(a) **Intent.** To ensure compliance with requirements noted within this article and provide design flexibility for property owners to explore unique and interesting design solutions. Landscape and irrigation design documents shall contain all required information to clearly demonstrate the design adheres to requirements noted in this article. Designs shall strive to integrate sound design thought, sustainability, and other best management practices ensuring overall functionality and aesthetic quality of the landscapes developed within the city.

(b) **Plan requirements**.

(1) All public landscape areas (constructed by private developers/applicants) and private landscape areas shall be designed, installed and maintained following the requirements of this article and as per the current edition of the city's Standards and Specifications.

(2) **Landscape Plan.** Each applicant required to install landscaping or screening by this Code shall submit a Landscape Plan, meeting the requirements established in the Development Plan Application Checklist, as part of the Development Plan review process unless specifically waived due to limited area or impact by the director. The plan shall comply with the following:

a. ***Qualifications***. Colorado state law governs the sizes and types of projects that unlicensed individuals can design. All projects shall be prepared by a Licensed Landscape Architect, Licensed Architect, or Licensed Professional Engineer with the exception of residential landscape design for residential projects of four or fewer units as outlined by the Colorado Department of Regulatory Agencies.

b. Include all elements as noted in the applicable checklist.

c. Plant material shall be shown at appropriate sizes to match the mature size of the plant it represents.

d. TE Calculations and Plant schedule shall be provided to confirm compliance with this article.

e. Landscape construction details, specifically tree and shrub planting details shall comply with the current edition of the City of Thornton Standards and Specifications.

(3) **Irrigation Plan.** Each applicant required to install landscaping by this Code shall submit a corresponding Irrigation Plan for review prior to the release of Civil Construction Documents. The plan shall:

a. Qualifications: All projects shall be prepared by a Certified Irrigation Designer (CID), Licensed Landscape Architect, Licensed Architect or Licensed Professional Engineer with exception of residential landscape design for residential projects of four or fewer units as outlined the Colorado Department of regulatory agencies.

b. Include all elements and meet the requirements as noted in the applicable checklist

c. Plans may be generally diagrammatic in nature but shall still strive to achieve clear understanding of the location for proposed irrigation equipment.

d. The plan shall contain the following elements for review and confirmation of compliance with this article:

1. Irrigation water meter or point of connection size required.

2. Friction loss analysis proving adequate pressure exists as worst-case scenario emission device to ensure operation per the manufacturer.

3. A peak season calculation of required run time (post establishment/peak season operating schedule) to ensure water windows can be achieved per the Standards and Specifications.

4. Total annual water use calculation and peak season max flow for evaluation and comparison to meter size proposed.

5. Irrigation construction details specifically required including independent irrigation meter, vault/pit, and point of connection details as provided in the current edition of the Standards and Specifications.

(4) **Park construction documents**. Each applicant required to install a separate private park element, or a public park, right-of-way median or roundabout as a part of the

development application shall provide a separate construction document (CD) package for review and approval. The CD shall meet the following requirements:

a. **Qualifications**. All projects shall be prepared by a Licensed Landscape Architect, Licensed Architect or Licensed Professional.

b. The CD shall include all applicable construction notes to allow for complete construction of the proposed development.

c. A Park Construction Document set shall be separate and contain all of the following information as applicable to allow for complete construction of the proposed development within the specific park or amenity tract:

1. Existing conditions,
2. Layout,
3. Materials,
4. Fine/detailed grading,
5. Drainage,
6. Landscape,
7. Irrigation
8. Associated construction details

(c) **Materials**.

(1) When installed as landscaping, mulch shall fully cover the designated area and shall be installed at least three inches (3") deep or as noted in the approved Development Plans.

(2) Commercial grade edging shall be installed when shrub beds are adjacent to turf, native seeded area, except as determined in the Development Plan. Spade cut edges are not allowed on development projects.

(d) **Landscape design requirements**. All Landscape Plans reviewed and approved by the city shall be installed and located on the property for which it is required and comply with the following requirements:

(1) Areas required to be landscaped shall have a ground surface cover of living plant materials that reflect a mix of evergreen and deciduous canopy, understory, ground cover material as required.

a. Plants shall be selected from the current City of Thornton Plant list or equal species as approved by the director in the Development Plan process.

b. Plants shall meet the criteria noted in the standards and specifications.

c. Weeds shall not be considered as living plant materials.

(2) Each planting bed shall contain plant materials sized appropriately to provide at least 50 percent coverage to the gross area of the planting bed at maturity.

a. Non-living ground cover used on the remaining area may include decorative gravel, bark mulch, river rock, cobble mulch or similar materials and may include decorative elements such as walks, boulders, or other artistic landscape elements.

(3) Where landscaping is required by this Code, at least seventy-five percent of all plant materials shown on the submitted Landscape Plan, shall be a very low to moderate water use species as noted on the plant list provided in the Standards and Specifications.

(4) Environmental concerns, including shade and winter ice, shall be addressed in the design of medians and right-of-way areas.

(5) Development projects adjacent to the E-470 right-of-way shall be in substantial compliance with the E-470 Multiple Use Easement Landscape and Improvement Policy.

(6) No landscape shall be required to be installed within four feet of any fire hydrants.

(7) No trees shall be installed within any exclusive utility easements or where it would grow within twenty vertical feet of any overhead electric or utility lines. A minimum 10-foot radial clearance must be maintained at all times from all overhead electric facilities including, but not limited to, construction activities and permanent structures.

(e) **Irrigation design requirements**. All permanent irrigation systems approved by the city shall be installed in landscape areas and comply with the following requirements.

(1) All commercial, nonresidential sites, or common interest areas of residential properties shall provide irrigation water service with the use of an independent irrigation water meter unless use of a domestic water meter is allowed by the director by meeting the following minimum qualifications.

a. The required landscape area is less than one acre.

b. The required peak season flow to meet the irrigation water window is less than ten gallons per minute.

(2) Each irrigation system shall have only one water source, with the exception of well water used for irrigation as allowed. Multiple domestic water connections to an interconnected or looped irrigation system shall not be permitted.

(3) A quick acting rain sensor shall be installed that is capable of sensing rainfall and stopping any irrigation within five minutes.

(4) Appropriately hydrozone all irrigation zones, separating turf grass, native seed and planting bed areas.

(5) Areas without turf, seed, groundcover or plantings shall not be irrigated.

(6) Overhead irrigation shall not be utilized for landscaping in areas less than ten feet in width, roadway medians, right-of-way landscape strips, or parking lot islands.

(7) Irrigation shall be designed and located to avoid overspray onto streets, driveways, walkways, other paved areas, and impervious surfaces to the maximum extent practicable.

(8) Pressure regulation of emission devices shall be utilized to the greatest extent practicable.

(9) Smart controllers with EPA water sense label certification shall be used for all landscape areas, specifically controllers with the capability of automatically adjusting the irrigation schedule utilizing sensor input, other weather-based devices, or the internet.

Sec. 18-8-34. Functional Turf Allowances.

(a) **Intent.** The intent of the functional turf allowances is to create standards for the use of high water use/fine turf grasses not considered native to Colorado or hybridized for arid climate conditions for their use in specific community gathering, civic, or otherwise public or quasi-public spaces used for gathering of people or pets, leisure, sport or other similar civic, private, or public uses. It is intended to support active uses (e.g., sports, games) and passive uses (e.g., relaxation, social gatherings). The standards of this section are prohibited from Administrative Adjustment per Section 18-2-12.

(b) **Applicability.** Functional turf is permitted for all land uses in allowed landscape areas & buffers as described in Division 3 of this article and as described in this Section 18-8-41 and shall be noted as such on any required Landscape Plan.

(c) **Location.** Turf grasses permitted to be used as a functional turf shall not be located in any transportation right-of-way, parking lot, median, or transportation corridor regardless of its allowance elsewhere or as described in Section 18-8-34(d).

(d) **Requirements**. Functional turf and the allowance for non-native or hybridized grass turf species shall conform to the city's Standards and Specifications and meet the following minimum standards:

(1) Be in a location that is regularly used for community or recreational purposes and shall contain at least one of the following minimum standards:

a. Active functional turf amenity.

1. A minimum contiguous turf area of 5,000 square feet to accommodate active recreational activities such as sports or group games.

2. Contiguous area shall be calculated as open turf area with no trees or other obstructions and shall be predominantly rectangular or square to maximize usability for games and activities,

3. At least one dimension being no less than 70 feet, and

4. Slopes shall not exceed 5 percent in the contiguous turf area.

b. Passive functional turf amenity.

1. A minimum contiguous turf area of 2,500 square feet with multiple features that enhance leisure and comfort.

2. Contiguous area may contain landscape canopy of shade trees or other elements to provide shade and refuge from the environment.

3. Areas may be irregular in shape but shall not be smaller than 20 feet in width.

4. Passive functional turf areas shall have direct pedestrian access to the entire area and contain two or more of the elements indicated below within direct proximity to the functional turf area:

i. Waste disposal node containing a minimum of one trash receptacle and pet waste disposal station.

ii. Seating node with a minimum of two benches or alternate seating material.

iii. Picnic shelter with a minimum 120 square-foot shelter coverage and a minimum width of ten feet containing a minimum of one picnic table.

iv. Formal outdoor leisure activity or amenity areas.

v. Amphitheater or similar gathering space.

vi. Other similar passive use as allowed by the director as part of the Development Plan review process.

c. The tract/park or amenity area is dedicated to the city for public use, or is granted continual public use through easement and meets the applicable park design requirements as noted in the Parks and Open Space Master Plan.

Sec. 18-8-35. Water efficient landscaping and Hydrozone Plan.

(a) **Purpose.** Water efficient landscaping is required as described in this section for all public and private development, in recognition of the city's semi-arid climate and limited amount of water available for outdoor uses. The standards described in Section 18-8-35 may not be adjusted per the Administrative Adjustment in Section 18-02-12.

(b) Each new development and redevelopment activity shall comply with the following:

(1) The hydrozone requirements for the specific development type, as specified in Section 18-8-35(e) and as identified in the Standards and Specifications; and

(2) The irrigation design requirements specified in this Code and the Standards and Specifications; and

(3) Any other water-efficiency requirements specified in this Code or in an approved Development Plan.

(4) The installation or use of high water use fine turf is not required on any application.

(c) **Water efficient landscape principles.**

(1) Water-efficient landscaping principles are required for all development activities that are considered new development or major redevelopment and include:

a. Agriculture and Animal Related Land Uses;

b. Commercial Land Uses;

c. Entertainment Land Uses;

d. Industrial, Automotive, and Transportation Land Uses;

e. Lodging Land Uses;

f. Public and Institutional Land Uses; and

g. Residential Land Uses that contain landscape areas within common ownership.

(2) Water efficient landscape principles include:

a. Prohibiting the use of nonfunctional turf is prohibited and promoting the use of hardy/adapted low water-demand turf alternatives, native turf-like varieties, native grasses, hardy/xeric and adapted plant is required in areas not landscaped with trees or tree equivalents. materials.

1. Existing nonfunctional turf and fine turf installed prior to January 1, 2026 may be maintained within any unchanged landscape areas of the development site.

2. Nothing in this subsection shall preclude the use of functional turf as described in Section 18-8-34.

b. Grouping plants with similar water and environmental requirements together on the same irrigation zone.

c. Use of efficient irrigation systems utilizing available pressure regulation and striving to utilize high efficient irrigation equipment as available.

d. Use of soil amendments and mulches.

(d) **Prohibition of restricting water-wise principles.** No person, organization, or association may create or impose restrictive covenants, conditions, restrictions, deed clauses, or other agreements between the parties that prevent the use of water-efficient landscaping.

(e) **Hydrozone Plan.** All proposals for public and private new development and redevelopment projects shall include a Hydrozone Plan demonstrating that water use is in compliance with the Standards and Specifications. The Hydrozone Plan shall be submitted as a component of the Development Plan.

(1) As part of the Development Plan review process, a Hydrozone Plan shall be provided for review and approval that graphically depicts and includes information in accordance with this Subsection (e)(1).

a. The plan shall provide accurate and clear identification of all applicable hydrozones using the categories identified in Table 18-8-35.1.

Table 18-8-35.1. Water use calculation per landscape area.

Landscape Area	Calculated gallons of water per square foot per year
Fine turf	20
Utility turf	12
Native seed	7
Moderate water-use planting bed	16
Low water-use planting bed	12
Ultra-low water-use planting bed	8

Landscape Area	Calculated gallons of water per square foot per year
Non-irrigated area	0

b. Plant beds shall be completely contained in one hydrozone.

c. Plant coverage of specific beds shall not be excluded or applied to the non-irrigated hydrozone unless the bed is completely void of plant material due to site constraints acceptable to the director.

d. These figures assume 100 percent irrigation efficiency and cannot be used for billing or determining an actual total water use.

(2) The Hydrozone Plan shall include a complete hydrozone chart submitted on a form acceptable to the director that shows:

a. The total hydrozone area in square feet;

b. The assigned calculated gallons per square foot as provided in Table 18-8-35.1 per proposed hydrozone area;

c. The total calculated water use per hydrozone;

d. Total site landscape area, in square feet;

e. Total calculated water use for all hydrozone areas proposed; and

f. A calculated average gallon per square foot water use on site (total calculated water use dived by total site landscape area) ensuring compliance with the maximum required hydrozone per the Standards and Specifications.

(3) If there is more than one irrigation point of connection on site, then separate hydrozone charts are required for each irrigation point of connection.

(4) For new development containing residential uses where no common interest area irrigation is proposed, the private lot hydrozone shall align to the provided typical lot Landscape Plan submitted and approved with the Development Plan review process indicated in Section 18-02-17.

(5) For new development containing residential uses where the private property is irrigated from a common interest area irrigation point of connection, private landscape areas shall be included in the overall Hydrozone Plan or the common interest area.

Sec. 18-8-36. ARTIFICIAL TURF STANDARDS.

(a) **Locations permitted**.

(1) Artificial turf is allowed on lots developed with a Dwelling, 1 Unit Detached; Duplex; or Dwelling, 2 Units Attached uses.

(2) Artificial turf is prohibited on all other lots or tracts unless the requirements of both Subsections (a)(2)a and (a)(2)b of this section are met.

a. The artificial turf has been allowed through the Development Plan process for:

1. Designated sports fields on city-owned or city-operated parks and recreational facilities; or

2. Designated activity areas where the artificial turf serves a functional purpose and is not intended as landscaping, such as putting greens, playground surfacing, and similar spaces that facilitate play, sport, or other specific recreational opportunities; and

b. The artificial turf complies with the design, materials, and installation requirements of this section.

(3) A Development Plan is required prior to the installation of artificial turf as landscaping.

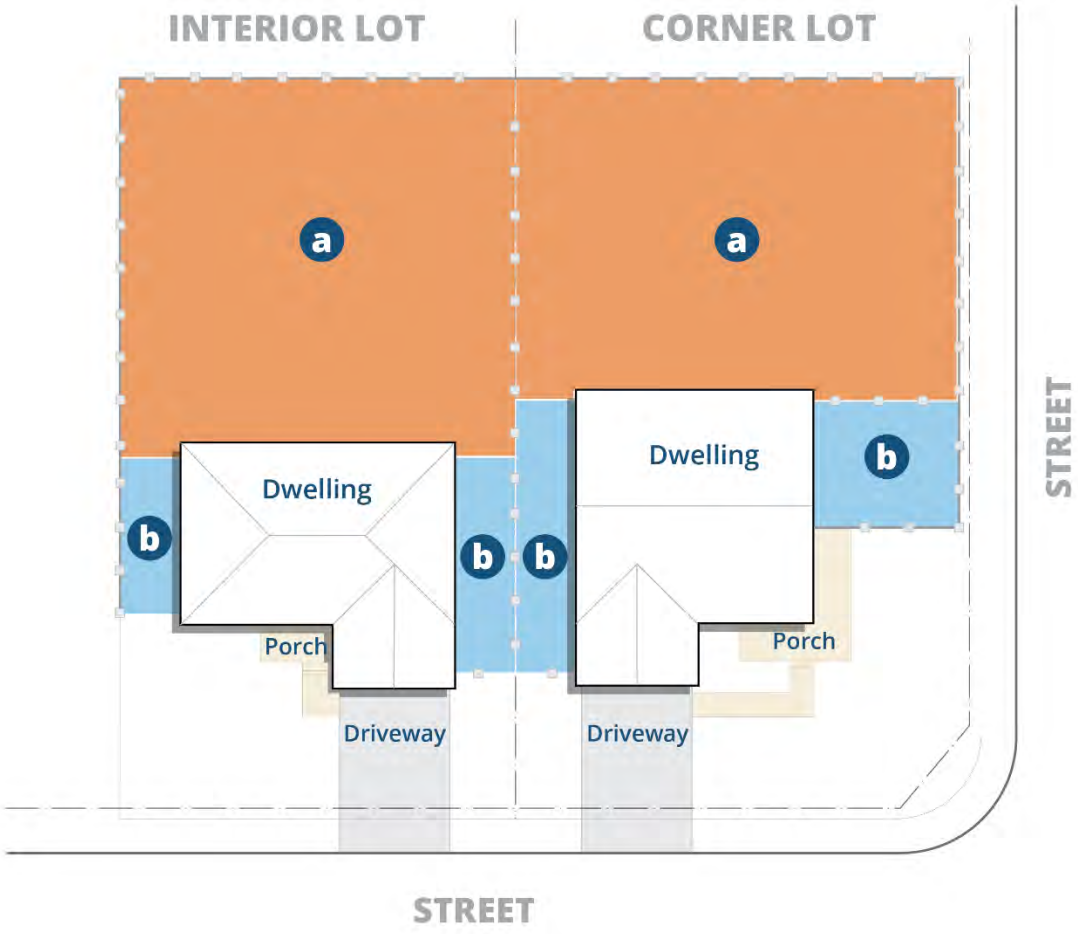
(b) **Maximum area.** Artificial turf is permitted as follows:

(1) In the rear landscape area, with no area limitations. For purposes of this provision, the rear landscape area means:

a. The area between the rear plane of the dwelling and the rear lot line, extending the width of the lot, as shown on Figure 18-8-36.1 as the shaded area designated as 'a', and;

b. Areas of the lot located behind the front plane of the dwelling which are visually shielded or obscured from public places by solid fencing, densely planted vegetation, structures, or combination thereof, as shown on Figure 18-8-36.1 as the shaded area designated as 'b'.

Figure 18-8-36.1. Artificial Turf Area Maximums.



(2) In all other areas of the lot that are not the rear landscape area, as defined by Subsection (b)(1), artificial turf shall not exceed 25 percent of the area that is not occupied by driveways, sidewalks, patios, decks, buildings, or other structures.

(c) **Design requirements**.

(1) The design and installation of all artificial turf areas shall comply with the front, side, and rear yard landscaping requirements of the landscape code.

(2) Artificial turf shall be installed and maintained to effectively simulate the appearance of a well-maintained lawn. The department shall maintain and make available for public inspection a sample of various artificial turf products that meet this standard of appearance.

a. Artificial turf must be a green color, similar to natural grass.

b. Artificial turf products shall have a minimum eight-year warranty against fading.

(3) **Buffers**.

a. The following minimum buffer areas are required between the edge of the artificial turf and the specified location:

1. Three feet from all property lines. Artificial turf may extend to the front property line if a minimum three-foot buffer is installed between the artificial turf and the sidewalk along a street.

2. Eight feet from the front wall of any building, and three feet from all other building walls or impervious surfaces when located outside of rear landscape area, as defined in Subsection (b)(1).

3. Three feet from the trunk of any deciduous tree, and no closer than the dripline of any evergreen tree.

b. Buffers shall be permeable, consisting of wood mulch, gravel, or rock a maximum of two inches in diameter, or other approved permeable materials.

(4) Living plant materials are required when artificial turf is installed on the lot outside of the rear landscape area, as defined in Subsection (b)(1).

a. For the first 750 square feet of artificial turf, or fraction thereof, one tree equivalent is required.

b. For each additional 250 square feet of artificial turf, or fraction thereof, one-half tree equivalent is required.

c. Required living plant materials shall be located on the lot outside of the rear landscape area, as defined in Subsection (b)(1).

d. Required living plant materials may consist of:

1. Existing plant materials meeting the requirements of Section 18-33(c) and (d);

2. New plant materials installed in accordance with Section 18-33(c) and (d); or

3. A combination of existing and new materials.

(d) **Materials requirements**.

(1) **Artificial turf products**.

a. Artificial turf shall be of a type known as cut pile infill and shall be manufactured from polypropylene, biobased products, nylon, polyester, polyethylene, or a blend of polypropylene, biobased products, nylon, polyester, or polyethylene fibers stitched onto a meshed or hole-punched backing made of similar materials. Biobased products are derived from plants and other agricultural, marine, and forestry materials, and may be certified as a USDA Bio Preferred product.

b. Hole-punched backings shall have holes spaced in a uniform grid pattern with spacing not to exceed four inches by six inches on center.

c. Backings shall be designed to drain at a minimum rate of two inches per hour.

d. The use of indoor or outdoor carpeting in lieu of artificial turf, mulch or other plant materials is not permitted.

(2) **PFAS-free requirements**. All artificial turf, infill, and other manufactured products used in the installation of artificial turf shall be free of per- and poly-fluoroalkyl substances (PFAS).

a. PFAS-free means that at least one of the following requirements have been met:

1. The manufacturer or distributor has publicly stated that the product is made without the intentional use of PFAS in a statement referring to all members of the class of PFAS using language such as "PFAS-free," "fluorocarbon-free," "per- and poly-fluorinated compounds-free," and similar. "PFC-free" shall not be sufficient to satisfy this requirement. The statement must explicitly address which product or products it applies to, and ambiguous statements will not be accepted.

2. The product has been tested and shown to be PFAS-free. Testing sufficient to satisfy this requirement may have been carried out at the manufacturer's request or as a part of an independent investigation by a nongovernmental organization, research laboratory, or other entity not affiliated with the company. Testing completed by the manufacturer does not satisfy this requirement. Testing results must be published online and must indicate the test method used, and the specific product tested. Third-party certifications are not valid as "PFAS-free" unless the testing evaluates total organic fluorine and results are publicly available.

b. Documentation evidencing that the proposed product is PFAS-free shall be submitted at the time of permit application and approval of such documentation is at the sole discretion of the director or designee.

c. Additional restrictions or standards may be adopted in writing by the director due to the rapidly evolving science around the presence of PFAS.

d. If a product is installed that is later determined to contain PFAS, that product may remain in place so long as the applicant complied with the PFAS-free documentation requirements in Subsection (d)(2) above.

(e) **Installation and maintenance**.

(1) Artificial turf shall be installed in accordance with the manufacturer's specifications, including the following:

a. Sod or existing groundcover shall be removed prior to installation of any artificial turf.

b. Artificial turf shall be installed over a compacted aggregate material that is a minimum of three inches deep, which may be a combination of course and fine material layers separated by a geotextile per the manufacturer's specifications.

c. The specified base material(s) system must be able to contain a minimum of one-half inch of precipitation prior to generating sheet flow runoff.

d. Artificial turf shall be anchored at all edges and seams.

e. All artificial turf seams shall be glued and not sewn.

f. An infill medium consisting of clean washed sand and/or ground shells, or other approved mixture may be brushed into the fibers to ensure that the fibers remain in an upright position and to provide ballast that will help hold the turf in place and provide a cushioning effect. Infill is not required if the artificial turf manufacturer does not recommend or require its use.

(2) Artificial turf shall be maintained in a manner to mimic healthy living turf. General maintenance requirements are specified in Section 18-8-39. In addition, the following maintenance activities are required for artificial turf:

a. Cleaning, sanitizing, brushing, and removal of debris. Cleaning shall be done with biodegradable products.

b. Hand raking of worn turf areas on an as needed basis.

c. Repairing of depressions to maintain an even visual surface.

d. Brushing back any loose infill that has been washed or moved off the turf.

e. Regular maintenance to eliminate any odors, flat or matted areas, weeds, looseness at edges, seams, or elsewhere.

f. Replacement of the artificial turf when maintenance or repair is unable to simulate a healthy living turf.

(f) **Interpretations.** The director shall interpret this section and all other applicable provisions of this chapter as the need for interpretation arises pertaining to artificial turf, including but not limited to issues such as site configurations, buffer requirements, and area limitations. No interpretation shall permit artificial turf to be installed in locations prohibited in Subsection (a) of this section.

Sec. 18-8-37. Deviations from standards.

(a) The regulations, standards and policies contained in this division are to facilitate development that is consistent with the city's landscape objectives. The commission or director may consider deviations from the landscape area, area dimensions and quantity of plant materials standards in this division on a case-by-case basis during the Development Plan review or Special Use Permit process. Any deviation shall be evaluated on its own unique site-specific conditions and shall take into consideration:

(1) The design quality and content of the Landscape Plan of record, if any;

(2) The relationship of the proposed Landscape Plan to adjacent land uses;

(3) The contribution of the proposed Landscape Plan to the overall landscape character and development of the surrounding area;

(4) The extent to which the proposed Landscape Plan contributes to the achievement of the purposes of this division;

(5) Compliance is not feasible because the area necessary to properly install the quantity of plant material required is not available on the project site, the project cannot comply as a result of dedication of property or right-of-way to the city, or unique site conditions, including but not limited to, slopes, wetlands, configuration of the site, or the location of existing principal structures, makes compliance with this division not possible; or

(6) Any development project whose Landscape Plan proposes a reduction in the square footage of landscape area shall be required to exceed the minimum landscape requirements as listed below:

a. Relocate the plant materials that would have been required in the landscape area prior to the reduction to remaining landscape areas.

b. Add one-half (0.5) TE for each 100 square feet of reduced landscape area.

c. The applicant may propose increasing the size of plants in the remaining landscape area as a substitute for additional plant material, having to relocate

the plant materials that would have been required in the landscape area that is being reduced. Substitution of larger plants shall not apply to the additional shrubs required in this provision.

d. Each tree above the minimum size required shall be counted as that percent above the minimum for the purposes of plant substitutions or requirements. For example, if three tree equivalents of two-inch caliper trees are required for a total of six caliper inches, two three-inch caliper trees may be substituted.

(b) Requirements for the installation of landscape and buffers and a permanent automatic irrigation system may be exempted for parcels, lots or tracts designated to remain as wildlife habitat, natural areas, or areas of limited disturbance as approved by the director.

(c) Such areas shall be approved by the director through a site verification and are based on the Comprehensive Plan, the Parks and Open Space Master Plan, or other adopted city plans and policies.

(d) Provisions shall be made for temporary irrigation and maintenance of newly installed plant material in disturbed areas or areas of off-site impacts.

Sec. 18-8-38. INSTALLATION.

(a) **Intent.** The intent of the landscape and irrigation installation is to ensure that all properties within the city are fully landscaped in general conformity to the approved Landscape and Irrigation Plans and meeting requirements as noted in this article.

(b) **Requirements**.

(1) All landscape and irrigation installation required as a part of an approved Development Plan, shall first receive a Development Landscape Construction Permit from the city.

(2) Prior to any landscape and irrigation work, the landscape contracts shall attend a Pre-Construction meeting with the assigned Landscape Inspector.

(3) All landscape installation completed as a part of the permit shall be in general conformance with the approved Landscape Plan included in the Development Plan and Irrigation Construction Documents.

(4) **Soil improvement.** Existing soil shall be improved and tilled as outlined in the Standards and Specifications.

(c) **Installation timing.** All required landscape and irrigation contained within the approved plans shall be installed per the Standards and Specifications or any applicable Developer's Agreement.

(1) All attempts shall be made to install Landscape plant material required by this Code within the timeframes noted in the Standards and Specifications. If compliance with this timeframe is impractical due to the time of year that site work is completed, the applicant may request an installation delay as noted in Section 18-8-38 as allowed.

(d) **Installation delay**.

(1) **Applicability**. A developer or property owner may request, and the director may approve a delay in the installation of required landscape per the Standards and Specifications or any applicable Developer's Agreement.

(2) **Requirements**.

a. An installation delay request shall include:

1. A schedule for the completion of the installation. In no event shall the installation schedule be longer than 8 months from the date of acceptance of the request.

2. An installation guaranty as outlined in the Standards and Specifications or applicable Developer's Agreement.

b. If the installation is not completed per the approved installation schedule, the installation guaranty, as required, may be used by the city to complete the landscape installation.

1. If the provided surety is not adequate the balance will be charged back to the developer.

c. When the landscape surety is submitted, temporary access shall be granted to the city for completion of the installation as necessary.

d. If the city is required to install the incomplete landscape, any portion of the surety remaining shall be returned to the applicant, after payment of:

1. The cost of the installation; and

2. The city's total personnel, administrative, legal, and other costs.

(e) **Completion and acceptance of installation**.

(1) **Completion Review**. Upon request, city staff shall complete a site review to ensure general conformance to applicable approved plans. Upon inspection, the city will either issue a letter of completion or issue a punch list of items needing correction prior to completion. Punch list items shall be addressed and reinspected as noted in the standards and specifications.

(2) **Completion of Private Improvements**. Upon completion of the landscape and irrigation installation and confirmation of general conformance to the approved Development Plan documents, a Completion of Private Improvements letter shall be issued.

a. ***Seed surety***. If at the time of completion areas of native seeding do not yet meet the acceptance criteria noted in the standards and specifications the applicant may provide surety as outlined in the Standards and Specifications to the City to allow the "Completion of Private Improvements with Seed Surety" letter to be issued.

1. ***Surety review***. Periodically or as requested by the surety Grantor, City Staff shall review and evaluate the seed for conformance to the Standards and Specifications. Until the time that the seed meets the level of acceptance noted, the surety grantor shall be responsible for the ongoing and routine maintenance, reseeding, and irrigation of the seeded areas as outlined in the maintenance section of this article.

(3) **Completion of Public Improvements**. All completion reviews, and initial or final acceptance of public improvements shall be completed as noted in the Standards and Specifications.

Sec. 18-8-39. Maintenance.

(a) **Definitions**. For purposes of this provision, owner means the property owner, tenant, or developer; or the homeowners' association, special district, or other entity that has been assigned maintenance responsibility through the Development Plan process or as specified in a recorded developer's agreement.

(b) **Designated maintenance**. Upon notice by the city, the owner or assigns shall assume landscape maintenance responsibility and shall maintain all landscaping shown in an approved Landscape Plan as follows:

(1) Areas shall be maintained in a healthy, clean, and weed-free condition

(2) Routine mowing, irrigating, weeding, fertilizing, pruning, and other maintenance appropriate for the type of plant materials on the property.

(3) Removal of trash, litter, graffiti and weeds.

(4) Treating plant materials that exhibit evidence of insect, pest, or disease damage.

(5) Dead plant materials shall be replaced in-kind once identified by the owner or the city.

a. Dead plant material not replaced within 45 days upon written notification from the city shall be subject to code enforcement and possible citation. Except that

during adverse weather conditions a longer period, not to exceed eight months, may be granted by the department. Replacements shall be the same species, quantity and quality of landscape elements as initially approved, unless substitutions are coordinated and approved by the director.

(6) Replenishing natural landscape materials such as mulch, which no longer cover the area in which they were originally deposited so as to achieve full coverage as initially approved.

(7) Repairing, replacing, or maintaining landscaping structural features, including but not limited to site amenities, outdoor artwork, walls, fences, benches, or other site furniture, as necessary to maintain these items in good condition.

(8) Repairing and maintaining irrigation system equipment to prevent water waste, including but not limited to:

a. Checking of emission devices and repairing/replacing broken or misaligned heads and spray patterns as discovered.

b. Verifying and certifying backflow prevention device is in proper working order as required.

c. Reviewing and ensuring all required weather sensors are functional.

d. Reviewing and implementing seasonal adjustments to controller programs as appropriate for the landscape material being irrigated.

(9) Any other action necessary to maintain landscaping installed in accordance with an approved Landscape Plan and Code requirements.

(c) The owner adjacent to a public right-of-way, assigned medians or roundabouts as defined in Section 18-8-26(g), is responsible for the designated maintenance of the landscape between the property line and the edge of the roadway.

(1) For residential uses on individual lots, the owner is responsible for maintaining the landscaping between the property line and the edge of the roadway adjacent to the front and side yards of the lot unless otherwise assigned to a common ownership association.

(2) For undeveloped lots, the owner is responsible for maintaining a minimum of ten feet from any property lines, the rights-of-way adjacent to all public streets, and for removal of any plant materials that obstruct or interfere with the use of the public rights-of-way.

(3) The property owner is responsible for the designated maintenance of the property if no other entity has been assigned.

(d) Development projects that incorporate city trails, parks, open space, detention areas or drainage channels shall be required to maintain such areas unless specifically excluded in the Development Plan, developers agreement or other governing documents.

(e) All landscape plantings, as well as natural and manmade landscaping features required by an approved Development Plan shall be subject to periodic inspection by the city when necessary to ensure compliance with this chapter and approved plans.

Sec. 18-8-40. RESERVED.

Sec. 18-8-41. RESERVED.

Sec. 18-8-42. RESERVED.

Sec. 18-8-43. RESERVED.

Sec. 18-8-44. RESERVED.

ARTICLE IX: ACCESS AND MOBILITY STANDARDS

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DIVISION 1. GENERALLY

Sec. 18-09-01. PURPOSE AND APPLICABILITY.

(a) **Purpose**. The purpose of this article is to ensure that development activities provide for the access and mobility needs of vehicular, transit, pedestrian, bicycle, active transportation users and other wheeled and human powered mobility devices by regulating public and private improvements required with development activities in a manner that:

(1) Implements the vision and goals of the Comprehensive Plan and its component plans, including but not limited to the Transportation and Mobility Master Plan (TMMP);

(2) Considers access and mobility infrastructure and improvements that are consistent with the safe system approach;

(3) Provides local and regional transportation options that include bicycling, transit, walking, and ride sharing services;

(4) Supports street and access design that promotes pedestrian and bicyclist movements over automobile movements where appropriate, or in other cases maintains a safe separation of pedestrian and bicyclist movements to avoid unnecessary or unsafe conflicts between vehicular movements;

(5) Supports the efficient movement of people and goods through a multi-modal, interconnected transportation network to improve quality of life, support the local economy, and facilitate rapid emergency response;

(6) Minimizes negative impacts on the environment through a reduction in carbon emissions associated with automobile use;

(7) Promotes an environment built to human scale that accommodates pedestrians and active transportation as the first priority and complies with the Americans with Disabilities Act;

(8) Relieves traffic congestion on streets by limiting curb cuts and promoting alternative modes of transportation; and

(9) Provides adequate, but not excessive, off-street parking.

(b) **Applicability**. The standards of this article shall apply as detailed in Subsections (b)(1) and (b)(2) of this section. Zoning district specific standards pursuant to Article III may supersede the standards of this article if specifically stated therein.

(1) **Standards and Specifications**. Standards as outlined in this article are in addition to any standards, regulations, or guidelines outlined within the City of Thornton Standards and Specifications for the Design and Construction of Public and Private Improvements (herein this article referred to as the Standards and Specifications).

a. Where the terms of this article conflict with the Standards and Specifications, the Standards and Specifications shall apply unless otherwise approved by the Director, in their sole discretion.

(2) **Development activity and Article IX applicability**. This article applies to all development activities in the city, as described in Section 18-01-9 and as outlined in Tables 18-09-01.1 through 18-09-01.3.

Table 18-09-01.1. Division 2 - Frontage, Access, and Mobility Improvements applicability.

Table key.

E = Standards apply to entire development.

P = Standards apply to portion of site or building(s) impacted by development activity.

R = Reduced standards, see section-specific provision.

E/P = Standards may apply to the entire development site as determined by the director (or the traffic engineer for the Transportation Impact Study), relative to the lot size and the scale and scope of the development activity proposed; see section-specific provisions.

P/R = For the Transportation Impact Study only: Development activities are subject to interpretation by the traffic engineer; traffic impacts are dependent on the land use and its associated impacts relative to its surroundings.

Blank = Standards do not apply

Standard	Reference	New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment
Transportation Impact Study (TIS)	18-09-07	E	E/P	P/R	P/R
Transportation And Mobility Master Plan Improvements and Right of Way Dedication Criteria	18-09-08	E	E/P	R	R
Street and Right-of-Way Design	18-09-09	E	E	P	P
Subdivision Connectivity Index	18-09-10	E [1]			

Standard	Reference	New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment
Block Arrangement	18-09-11	E	E	P	P
Intersections and Street Access	18-09-12	E	E	P	P
External Steet Connections and Access	18-09-13	E	E	P	P
Traffic Calming	18-09-14	E	E	P	P
Street Naming	18-09-15	E	E	P	P
Sidewalks and Trails	18-09-16	E	E/P	P	P
Public Transit Improvements	18-09-17	E	E	P	

Table 18-09-01.1 Footnote:

[1] The subdivision connectivity index shall only apply to qualifying subdivisions as described in Subsection 18-09-10(b).

Table 18-09-01.2. Division 3 – Off-Street Parking, Loading, and Driveways applicability.

Table key.

E = Standards apply to entire development.

P = Standards apply to portion of site or building(s) impacted by development activity.

R = Reduced standards, see section-specific provision.

E/P = Standards may apply to the entire development site as determined by the director (or the traffic engineer for the Transportation Impact Study), relative to the lot size and the scale and scope of the development activity proposed; see section-specific provisions.

Blank = Standards do not apply.

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Standard	Reference	New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment
General Vehicle Parking Standards	18-09-23	E	P	P	P
Allowed Off-street Vehicle Parking Locations	18-09-24	E	E	P	P
Min. and Max. Parking Space Calculation Standards	18-09-25	E/P	E/P	E/P	E/P
Required Vehicle Parking	18-09-26	E	E/P	E/P	P
Adjustments to Min. and Max. Parking Requirements	18-09-27	P	P	P	P
Loading and Delivery	18-09-28	P	P	P	P
Driveways	18-09-29	E	E	E	E/P

Table 18-09-01.3. Division 4 –Internal Site Access, Design, and Mobility Improvements applicability.

Table key.
E = Standards apply to entire development
P = Standards apply to portion of site or building(s) impacted by development activity
R = Reduced standards, see section-specific provision
Blank = Standards do not apply

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Standard	Reference	New development	Major redevelopment	Intermediate redevelopment	Minor redevelopment
Parking Dimensional and Design Standards	18-09-35	E	E/P	E/P	E/P
Internal Access Drives	18-09-36	E	E	P	P
Access Easements	18-09-37	E	E	P	P
Bicycle Parking	18-09-38	E	E	P	P
Pedestrian Walkways	18-09-39	E	E	P	P
Land Use Specific Internal Circulation Standards	18-09-40	E	E	P	P

(c) **Payment in lieu**. A payment may be provided in lieu of required transportation improvements or mitigation items identified in this article. A combination of mitigation measures and payment in lieu of improvements may be used at the discretion of the director. The amount, form, and timing of the payment shall be determined as a part of the Developer's Agreement in compliance with Section 18-02-16. The director may approve payment in lieu in cases where either:

(1) The applicant has provided sufficient documentation to demonstrate the required improvements cannot physically be constructed concurrently with the associated development; or

(2) The director determines that the overall development of the city would be better served if the required improvements were constructed at a later date.

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Sec. 18-09-02. Reserved.
Sec. 18-09-03. Reserved.
Sec. 18-09-04. Reserved.
Sec. 18-09-05. Reserved.
Sec. 18-09-06. Reserved.

DIVISION 2. FRONTAGE, ACCESS, AND MOBILITY IMPROVEMENTS

Sec. 18-09-07. Transportation Impact Study.

(a) **Purpose**. The Transportation Impact Study (TIS) is a specialized study that evaluates the effects of a development's traffic and transportation network impacts on the surrounding transportation infrastructure. The TIS may be used to evaluate whether the scale of development is appropriate for a particular site and what improvements may be necessary, internal and external to the site, to provide safe and efficient access and traffic flow.

(b) **Threshold**. The TIS shall be required when proposed development meets any of the following criteria:

(1) The proposed development is anticipated to generate 100 or more vehicle trips during any peak hour, per the Institute of Transportation Engineers (ITE) Trip Generation Manual, latest edition, based on the proposed uses within the site;

(2) Any change in use,

a. A TIS may be waived by the director for a change in use if the change in use decreases the daily and peak hour vehicle trips; or

b. A traffic conformance letter may be submitted in lieu of a TIS for a change of use if there is an approved TIS that was previously completed for the property. This would be at the discretion of the director. Traffic conformance letters shall have valid data generated within a year prior to the development proposal unless otherwise approved at the sole discretion of the traffic engineer;

(3) Additional phases or changes to existing development bring the development activity above one of the thresholds identified in Subsections (b)(1) or (b)(2) of this section; or

(4) The Traffic Engineer in their sole discretion determines a TIS is required.

(c) **Licensed engineer required**. A TIS must be prepared, stamped, and signed by a Professional Engineer licensed in the State of Colorado.

(d) Refer to the Standards and Specifications regarding the full scope and requirements of the TIS or traffic conformance letter not specifically described in this section.

Sec. 18-09-08. Transportation and Mobility Master Plan Improvements and Right-of-way Dedication Criteria.

(a) **Applicability**. In conjunction with applicable development or construction activity, the developer shall be responsible for dedicating and improving the adjacent right-of-way or bring the right-of-way and associated improvements into compliance with the vision of the Transportation and Mobility Master Plan (TMMP) and the specificity of the Standards and Specifications.

(1) Streets shall be designed to create consistency with identified future streets in the TMMP. Where a street is not designated in the TMMP, the classification shall be determined using the Standards and Specifications.

(2) Streets and street intersections shall be designed in accordance with Accessibility Standards for Pedestrian Facilities in the Public Right-of-Way, as amended, referred to as the Access Board's Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (PROWAG).

a. The standards of Subsection 18-09-08(a)(2) shall also apply to private streets.

b. The director in their sole discretion may waive the requirements of 18-09-08(a)(2) with regards to PROWAG.

(b) **Determination of required improvements and right-of-way dedication**.

(1) The entire right-of-way shall be provided and improved where any part of a development is on both sides of an existing or proposed street.

a. Where improvements of the right-of-way are missing, the street shall be improved to conform to the Standards and Specifications.

(2) The adjacent right-of-way required for the street cross section shall be provided and improved where a development is located on one side of an existing or proposed street and as required per the applicability table in Table 18-09-01.1. Additional width of improvements, as determined by the Standards and Specifications, may be required to establish a minimum of one travel lane in each direction.

a. Where any street abutting a development site is not constructed to the extent identified in the Standards and Specifications, the developer of the new subdivision or development site shall dedicate and improve the street to meet the improvements in a manner that complies with the Standards and Specifications.

b. Where the Comprehensive Plan, TMMP, TIS, or other similar plan indicates that a street or intersection should be realigned or widened as a result of the impact attributed to the development activity, the developer shall dedicate and improve the area required for the street widening or realignment located within or abutting the proposed development.

1. Widening and realignment, in addition to vehicle travel lanes, shall also include bicycle lanes, active transportation improvements, landscaping, pedestrian improvements, and/or similar improvements identified in the Standards and Specifications.

(3) Any off-site improvements, transitions, and right-of-way acquisition identified as a result of the impact attributed to the development activity shall be required as a part of the street design and construction, unless otherwise approved at the sole discretion of the director due to lack of legal access, site constraints, or other similar constraints.

a. Where a second access is necessary as a result of the impact attributed to the development and is off-site from the development site, the developer shall acquire and dedicate the required right-of-way and improve the street in accordance with this article and applicable city requirements and as set forth in the developer's agreement.

(4) If the property adjacent to the opposite side of the right-of-way is a service road, railroad right-of-way, irrigation ditch, water body, or similar site feature, the developer shall be responsible for dedicating the entire required right-of-way width but shall only be responsible for half of the improvement requirements, unless full construction is needed to provide required or desired access to the development.

Sec. 18-09-09. Street and Right-of-Way Design.

(a) **Applicability**. Each street, public or private, shall be classified per the Transportation and Mobility Master Plan (TMMP) and include the elements detailed in the Standards and Specifications, including but not limited to minimum right-of-way width and required improvements.

(1) If a street classification is not identified in the TMMP, the traffic engineer shall review and approve the appropriate street classification during the development review process.

(2) The traffic engineer shall review and approve the selected street classification for missing right-of-way improvements for the street such as bicycle lanes, sidewalks, landscaping, lighting, and other improvements related to street right-of-way design and construction.

(3) Streets shall be located, designed, and have suitable right-of-way widths to:

a. Accommodate existing and projected traffic consistent with:

1. The Comprehensive Plan and its component plans, and

2. An applicable TIS as identified in Section 18-09-07;

b. Afford access to emergency vehicles, sanitation, snow removal and road maintenance equipment;

c. Accommodate landscaping, signage, sidewalks and other streetscape elements that may be needed through the City Code or Standards and Specifications; and

d. Avoid undue hardship to adjoining properties by providing continuity of access between properties.

(4) Vertical and horizontal roadway curves and grades shall be designed in accordance with the Standards and Specifications.

(b) **Minimum street access requirements.** No subdivision shall be approved unless all lots and tracts within the area to be subdivided have access to a public street. Access to a public street sufficient for approval means:

(1) All lots and tracts have frontage on an existing public street built to the standards of this chapter;

(2) All lots and tracts have frontage on a proposed public street offered for dedication as part of the proposed subdivision and acceptable to the city;

(3) All lots and tracts have frontage on a public street shown on a recorded plat and secured by a performance guaranty in accordance with this chapter and other applicable city requirements and the street is required to be installed in sufficient time to serve the proposed subdivision; or

(4) All lots and tracts have frontage or direct access to an access easement that connects to a public street. The following criteria, in addition to the standards of Section 18-09-37, shall be satisfied to obtain approval under this subsection:

a. The access easement shall grant access to the adjoining lots or tracts, the city, and the public. The access easement shall be approved by the city and shall be consistent with Section 18-09-37.

b. The developer shall submit for city approval the proposed maintenance system, including snow removal, and financial plan for maintenance, and shall demonstrate the plan is adequate to address long-term maintenance and replacement of the easement surface.

c. The developer shall submit for city approval a proposed emergency access plan and shall demonstrate that all emergency services have adequate access to all structures.

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d. The proposed location, configuration, use and ownership of access easements shall be approved by the city based on the design and character of the development.

e. Approval to have access by easement does not waive any dedication and construction of streets required by the Comprehensive Plan or city ordinances or regulations.

f. If the developer or successor requests the city to accept the access easement as a public street, the developer or successor shall demonstrate that the access easement meets the structural standards in the city's Standards and Specifications prior to dedication to the city.

Sec. 18-09-10. SUBDIVISION CONNECTIVITY INDEX.

(a) **Purpose**. A subdivision connectivity index shall be used for applicable residential subdivisions to determine the adequacy of street network design.

(b) **Applicability**. The connectivity index is applicable to new development of subdivisions that include attached or detached residential uses that meet one of the following conditions:

(1) The subdivision is a minimum of 10 acres; or

(2) The subdivision includes more than 200 residential units.

(c) **Subdivision connectivity index calculation.** The connectivity index is calculated as the ratio of the number of street links (road sections between intersections) in the subdivision street layout divided by the number of street nodes (intersections and cul-de-sac heads);

(1) Ratios are displayed as: [number of street links] / [number of street nodes] = subdivision connectivity index.

(2) The following shall apply when considering the connectivity index ratio:

a. Intersections or street stubs that create street links that are located partially outside of the proposed subdivision but are proposed as a street link entering into the proposed subdivision may count as a street link for the proposed subdivision, whether a future or existing street connection;

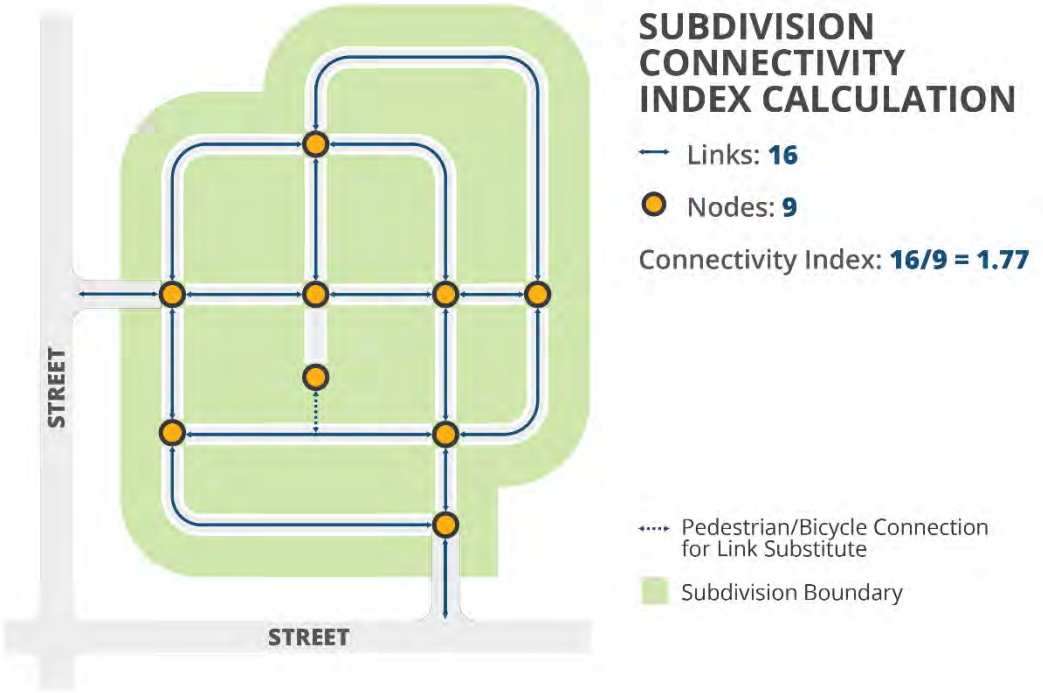
b. Intersections between a road and an alley shall not count as street links; and

c. Street links from existing streets and subdivisions may be used to determine a connectivity index if the proposed subdivision is a phased portion of that subdivision and becomes connected to the existing streets within the existing subdivision.

(3) A subdivision subject to this section shall have a minimum connectivity index measurement of 1.5. Figure 18-09-10.1 displays an example of a subdivision meeting the minimum connectivity index of 1.5.

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Figure 18-09-10.1. Subdivision connectivity index, example subdivision.



(4) Other features that create an internally connected subdivision may be substituted for required street links at a rate of 1:1 (i.e. one substitution per Section 18-09-10(c)(4) can become one street link) as approved by the director, through an Administrative Adjustment per Section 18-02-12, including features as listed below:

1. A pedestrian or bicycle trail connection outside of the street right-of-way that connects different cul-de-sacs or dead-end streets to other cul-de-sacs or dead-end streets such that non-motorized users could continue like a street or sidewalk where there;

2. A pedestrian or bicycle trail connection outside of the street right-of-way that connects a cul-de-sac or dead-end street to a pedestrian walkway, trail, or sidepath that leads to a park, open space, or other community amenities within or abutting the subdivision; or where the pedestrian or bicycle connection provided connects the subdivision with adjacent commercial or mixed-used development;

3. To qualify as a street link, the pedestrian or bicycle connections provided shall lead to a continuous and direct path within the

subdivision or abutting properties that lead to a listed item in Subsection 18-09-09(c)(4); or

4. Existing sidewalks, sidepaths, trails, or other pedestrian walkways may be considered in determining a direct path.

b. Midblock multi-use trail or pedestrian crossings.

c. Other street link substitutions approved at the sole discretion of the director through an Administrative Adjustment per Section 18-02-12.

Sec. 18-09-11. Block and Street Arrangement.

(a) **Purpose.** To promote walking, bicycling, and efficient automobile trips, this section is established to create minimum and maximum block lengths and the arrangement of streets.

(b) **Block and street arrangement standards**.

(1) Blocks shall be of sufficient width to accommodate two tiers of lots having appropriate depth, except when lots abut an interstate, toll road, and/or arterial streets.

(2) Blocks adjacent to an interstate, toll road, arterial street, and/or railroad right-of-way shall be permitted to vary from the maximum block length requirements at the sole discretion of the director.

(3) Blocks adjacent to or on a development site with steep slopes, environmental resources, water features, or other natural features shall be permitted to vary from the maximum block length requirements at the sole discretion of the director.

(4) Blocks shall be designed to prioritize vehicular traffic on collector and arterial streets.

(5) Block lengths on local streets shall be:

a. At least 200 feet in length, 100 feet from street centerline to alley centerline; but

b. Not greater than 800 feet in length.

(6) Block lengths on collector streets shall be:

a. At least 200 feet in length, 100 feet from street centerline to alley centerline; but

b. Not greater than 1,320 feet in length.

c. Alleys may be permitted ingress or egress on collector streets except within 200 feet of an intersection with an arterial street or within 100 feet of an intersection with a collector street.

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(7) Block lengths on arterial streets shall be limited by intersection spacing standards and other applicable standards as identified in the City Code or the Standards and Specifications. The following standards shall also apply:

a. At least 600 feet in length; and

b. Alleys shall be prohibited from accessing an arterial street.

(8) Block lengths in developments using private streets shall:

a. Meet the standards of Subsections 18-09-11(b)(5)a, (6)a, and (7)a for the first block of a private street when that street is leading from a public intersection. Street classification shall be determined using the standards applied to public streets that are classified as a local, collector, or arterial.

(9) Block lengths shall be measured from centerline of the intersecting street to the opposite centerline of an intersecting street for which a block is created.

(10) Blocks and block arrangement shall be designed to minimize the need for traffic calming and speed reduction measures as identified in Section 18-09-14. Use of traffic calming and speed reduction measures shall be approved by the traffic engineer.

(11) The city may require the dedication of an easement through a block to accommodate utilities, drainage facilities, pedestrian and bicycle traffic, emergency access, or other public purposes.

(12) The director may grant exceptions to block length and other standards of this section to allow for proposed streets to connect to existing street stubs as described in Section 18-09-13.

(c) **Additional street and block arrangement and locational standards.**

(1) The arrangement of streets shall, at a minimum, provide for the properly aligned continuation of arterial and collector streets between adjacent properties and/or subdivisions when the continuation is necessary for:

a. The safe and convenient movement of traffic; and

b. The efficient provision of services and utilities.

(2) Collector streets shall be designed to connect adjacent subdivisions unless otherwise approved by the traffic engineer.

(d) **Access for subdivisions and new development.**

(1) All residential subdivisions of more than 50 lots shall have two points of public vehicular access.

(2) New developments and major redevelopments of 200 or more off-street vehicle parking spaces shall have two points of public vehicular access.

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(3) Two points of vehicular access shall meet applicable Fire Codes and any life and safety codes identified through the development review process.

(4) The director, in their sole discretion, may waive the standards of Subsection 18-09-11(d).

Sec. 18-09-12. Intersections and street access.

(a) **Purpose.** This section is established to provide minimum standards as it applies to development activities that require street access, new intersections, or improvements to existing intersections as identified in the Transportation Impact Study as established in Section 18-09-07. The standards of this section may only be waived by the traffic engineer, in their sole discretion.

(b) **Intersections and street access**.

(1) **Roundabouts**. A roundabout shall be required for nonresidential developments and the preferred form of traffic control for residential developments provided at all new and reconstructed intersections between collector streets (both minor and major) and other collector streets. Roundabouts shall also be the preferred form of traffic control at any intersection that meets The Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD) warrants for the installation of all-way stop control or a traffic signal.

(2) **City traffic engineer intersection review**. In addition to the duties assigned in Chapter 38, the city traffic engineer shall be responsible for the approval of spacing and design of intersections per the Standards and Specifications and as follows:

a. Streets shall be laid out so that they intersect at right angles for a minimum of 100 feet back from the intersection of the flowlines of each street.

1. For locations where one of the two streets does not have curb and gutter, the measurement shall be taken from the intersection of the curb and gutter and the projected edge of pavement for the street without curb and gutter.

2. A street approaching another street at an oblique angle shall be curved upon approaching the street intersection so that the two intersecting streets are at right angles for a minimum distance of 100 feet from the intersection of the flow lines of the intersecting streets.

b. No more than two streets shall intersect at any one point.

c. New intersections located along one side of an existing street shall align with existing intersections on the opposite side of the street.

d. The intersection of an arterial street and a local street shall be prohibited unless it is the only way to achieve access.

e. Intersections shall be avoided on curves or at or near the crest of hills.

(3) In reviewing and approving the spacing of intersections and private access, the city traffic engineer shall use the following general guidelines when making their determination of intersection locations:

a. ***Arterials***.

1. The centerlines of signalized intersections shall not be spaced at less than one-quarter-mile intervals;

2. The centerlines of nonsignalized intersections shall be "T" intersections spaced a minimum of 600 feet apart or from the centerlines of the nearest designated signalized intersection;

3. Nonsignalized, four-legged intersections may be allowed provided that the design of the intersection precludes left turn onto and through movements across the arterial street; and

4. The minimum centerline spacing of nonsignalized four-legged intersections shall be 600 feet apart or from the centerline of the nearest designated signalized intersection.

b. ***Collectors***.

1. The centerlines of signalized intersections shall not be spaced at less than one-quarter-mile intervals;

2. The centerlines of "T" intersections shall be offset a minimum of 300 feet apart or from the centerline of the nearest designated signalized intersection; and

3. The minimum centerline spacing of nonsignalized, four-legged intersections shall be 600 feet apart or from the centerline of the nearest designated signalized intersection.

c. ***Locals***.

1. The centerlines of four-legged intersections in nonresidential and multi-unit dwelling residential areas shall be spaced a minimum of 600 feet apart;

2. The centerlines of "T" intersections in nonresidential and multi-unit dwelling residential areas shall be offset a minimum of 300 feet apart or from the centerline of the nearest four-legged intersection;

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3. The minimum centerline spacing of four-legged intersections in areas with attached and detached residential uses shall be 200 feet apart; and

4. The centerlines of "T" intersections in in areas with attached and detached residential uses shall be offset a minimum of 150 feet apart or from the centerline of the nearest four-legged intersection.

(4) In reviewing and approving private access to streets, the city traffic engineer shall use the following general guidelines.

a. ***Attached and detached residential uses primary access***.

1. Access to a lot for a detached or attached residential use to a local street shall not be located closer than 20 feet to the right-of-way of the nearest intersecting local street or closer than 30 feet to the nearest intersecting collector street;

2. A lot with a detached or attached residential use shall not have access to an arterial or collector street unless approved in writing by the city traffic engineer.

3. Access to a lot with a detached or attached residential use shall not be in front of a dwelling, except for access leading to a garage, parking pad, carport, or other permitted off-street vehicle parking space.

b. ***Nonresidential uses and multi-unit residential uses access***.

1. Access to a local street from a lot used for a land use other than a attached or detached residential land use shall be located using guidelines in Subsection 18-09-12(b)(3)c. for local streets;

2. Access to a collector street from a lot used for a land use other than a attached or detached residential land use shall be located using guidelines in Subsection 18-09-12(b)(3)b. pertaining to collectors; and

3. Access to an arterial street shall be subject to the review and approval of the city traffic engineer.

(c) **Bridges.**

(1) Bridges within a subdivision that are necessitated by traffic generated primarily by the subdivision, as determined by a Traffic Impact Study, shall be constructed in accordance with Colorado Department of Transportation standards and paid for by the developer.

Sec. 18-09-13. Street connections and access.

(a) **External street connections and access standards**.

(1) Development site and lot/parcel access points. Development sites shall maintain external access points through the use of a street, driveway, access easement, and/or internal access drive connections to existing streets and existing internal access drives in accordance with the Standards and Specifications and applicable Fire Codes, and as amended, such as Sections 10-160, 10-161, and International Fire Code.

a. Individual lots/parcels shall have direct access to a public or private street as permitted in this article unless otherwise approved by the director.

b. Individual lots/parcels that do not have access to a public right-of-way may be required to take access from an access easement or other means of private or public access as determined by the director. Figure 18-09-13.1 displays how access shall be provided meeting the standards of this subsection.

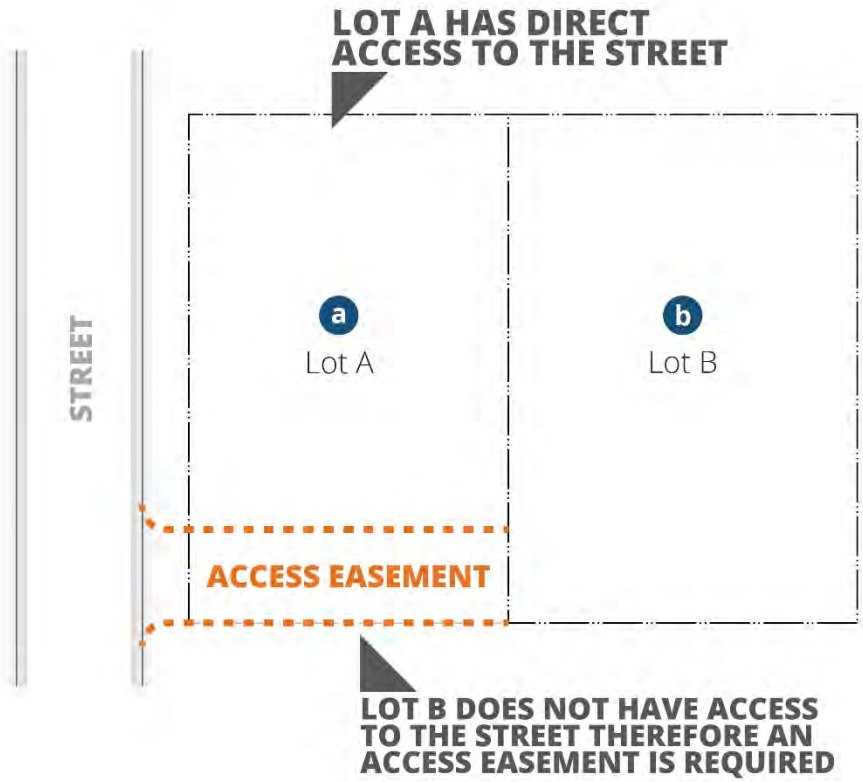
1. This shall also include any secondary access needed to conform with applicable Fire Codes.

2. The developer shall be responsible for gaining access to an existing private access easement and/or private street.

3. Where an existing private access easement or street does not exist the developer shall acquire and dedicate the required right-of-way or access easement and improve the street or access easement in accordance with this article, other applicable city requirements, and as set forth in the Developer's Agreement.

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Figure 18-09-13.1. Street stubs, adjacent properties. (The letters in Figure 18-09-13.1 refer to the subsection references contained within Subsection 18-09-13(a)(1) a. & b.)**.**



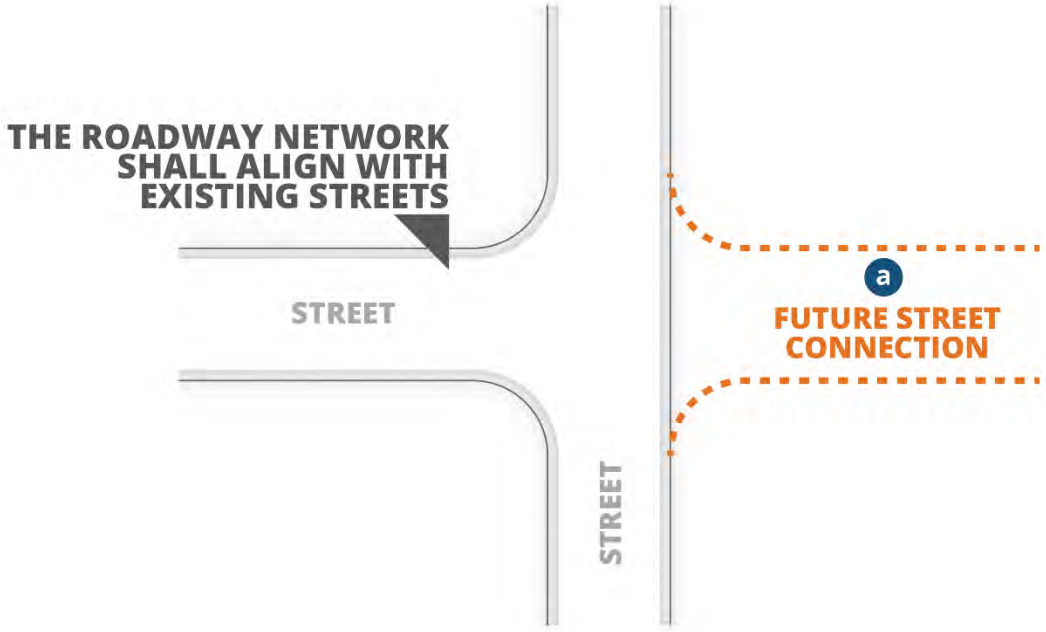
(2) **External street connections**.

a. The roadway network shall be designed to align with and extend existing streets, as displayed in Figure 18-09-13.2. Deviation in these alignments must be approved by the director.

b. Street connections included in the TMMP are required.

c. Reserve strips are prohibited unless otherwise approved by the director due to site constraints.

Figure 18-09-13.2. Alignment to existing streets. (The letter in Figure 18-09-13.2 refer to the subsection reference contained within Subsection 18-09-13(a)(2) a.).



(3) **Gated entranceways prohibited**. Gated streets, roadways, and developments are prohibited on public rights-of-way.

(4) **Street stubs**.

a. All new developments shall connect to any existing street stub(s) from adjacent properties. If an existing street stub is located on a nearby property other than the adjacent property, new street stubs shall be arranged to allow for future connection to existing street stubs to create the through street. Figures 18-09-13.3 and 18-09-13.4 display how street stubs shall be arranged to ensure future street connections.

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Figure 18-09-13.3. Street stubs, adjacent properties.

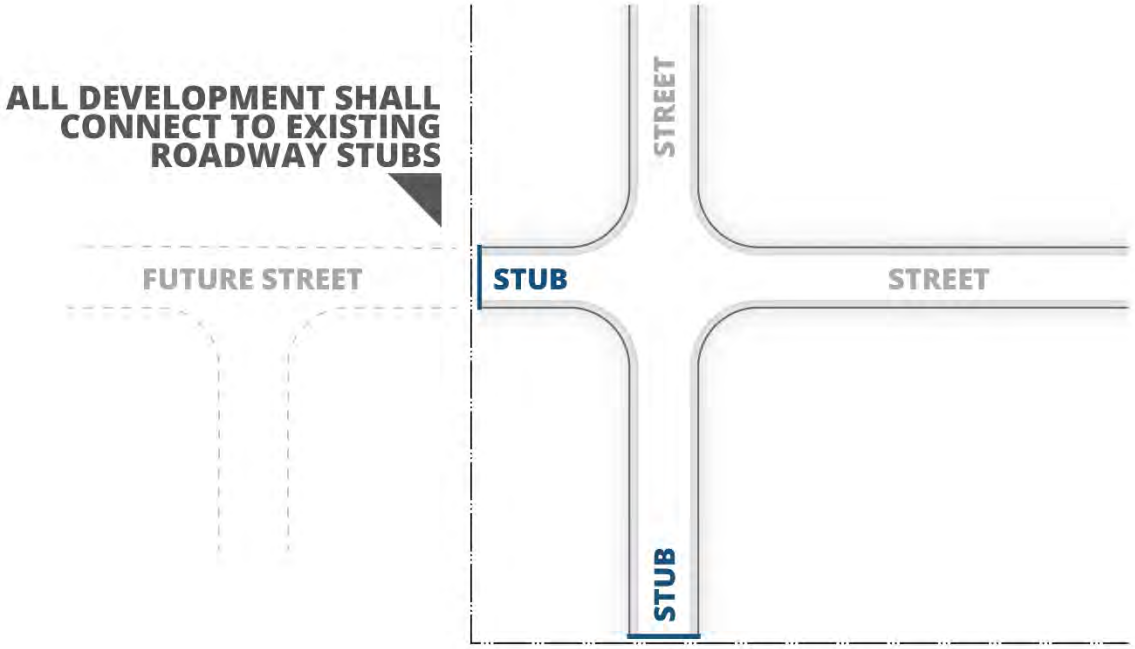
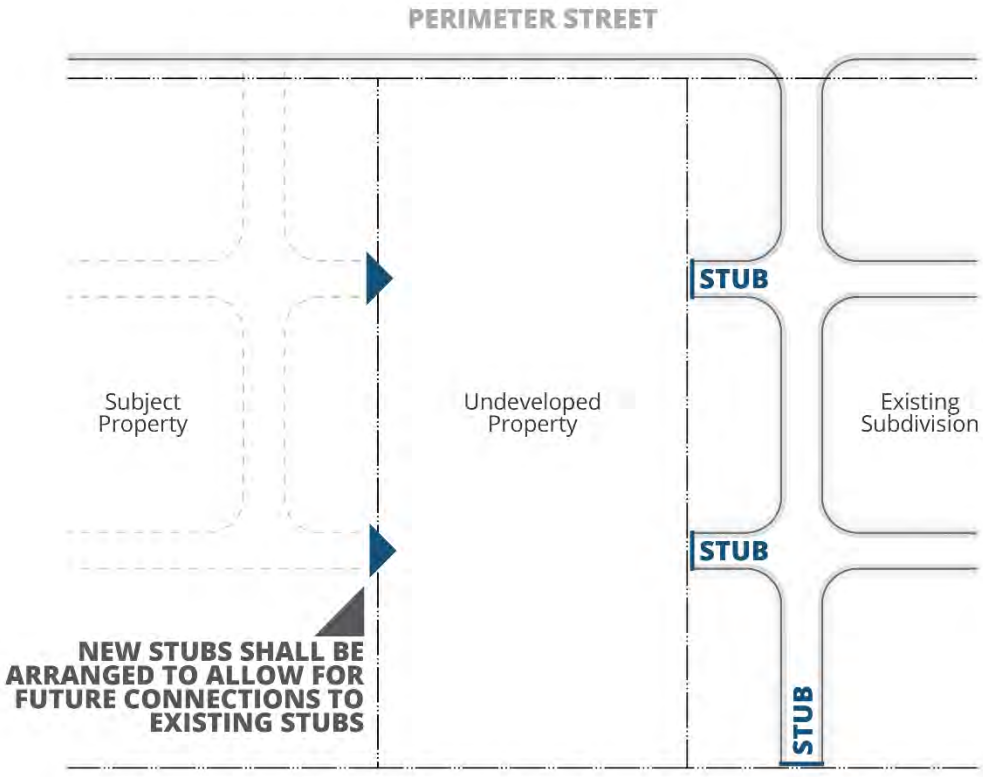


Figure 18-09-13.4. Street stubs, aligned with nearby street stubs.



b. All development shall stub to all adjacent properties at the rate of at least one street stub per 800 feet of property boundary.

1. An Administrative Adjustment per Section 18-02-12 to the standard contained in this subsection may be granted if necessary to align with an existing street or street stub.

c. Local street stubs to adjacent parcels shall be arranged and designed to allow future connections. Local streets shall not be designed or located in a manner to stub to the following:

1. Railroad or controlled access highway.

2. Previously established park, open space, or public gathering space unless:

(a) A through street is planned and is through or within an existing or planned park, open space, or public gathering space, a street stub may be constructed. Street stubs may only be planned for future through streets or on-site access to the park, open space or public gathering space; or

(b) When access is proposed for a park, open space, or public gathering space and is not for a future through street or on-site access, a dead-end street as defined in Subsection 18-09-13(c) shall be constructed.

3. Significant physical barrier where steep slopes or wetlands prevent the construction of a street at the maximum slope requirements per the Standards and Specifications.

d. The director may waive street stub prohibitions where access is needed.

e. The director may waive the requirement for street stubs after all viable locations for a street stub to an adjacent property have been exhausted.

f. Street stubs and streets shall be designed and constructed to the property line or as close to the line, as practicable.

1. Any slope easements, construction easements, access easements, and/or right-of-way needed to construct the future connection shall be dedicated.

g. Street stubs that exceed 150 feet in length, as measured from the edge of the traveled way portion of the intersecting street to the end of the travelled way portion of the stub street, shall include an approved turnaround meeting the requirements of this section, Sections 10-160 through 10-161, and the Standards and Specifications.

h. When a street stub is provided, a clearly visible roadway sign per the Standards and Specifications shall be erected at the end of the street stub stating that the street is planned to connect to a future roadway.

(5) Temporary turnaround.

a. A temporary turnaround shall be placed in an easement until such time that the roadway is extended. The easement shall be designed to allow for the necessary construction space for future conversion.

(b) **Access to arterial and collector streets.**

(1) Where a subdivision or development site borders on or contains an existing or proposed arterial street, a private access drive or public street shall be utilized to access Multi-unit Residential or Nonresidential uses in order to minimize turning movements onto and out of the site.

(2) Where private access drives or public streets are used to access Multi-Unit or Nonresidential uses from arterial streets, medians and protected turn lanes may be required to minimize the need for traffic signals at the intersections and to promote public safety and the orderly flow of traffic.

(3) No attached or detached residential land use may have direct access to an existing or proposed arterial or collector street.

(c) **Dead end streets**.

(1) Allowed use of dead end streets. Dead end streets shall be utilized only when necessary due to existing site conditions such as:

a. *Not a through street.* Dead end streets may be used where a street is designed to not be a through street and does not conflict with street alignments identified in the TMMP;

b. *Topographical conditions*. Dead end streets may be used to preserve areas with pre-development slopes 25 percent or greater, if the entirety of the steep sloped area is to remain undisturbed;

c. *Parks, open spaces, and public gathering spaces*. Dead end streets may be used when adjacent to an existing or planned park, open space, or public gathering space per Sections 18-07-19 or 18-10-22;

d. *Property shape*. Dead end streets may be used if the development site is uniquely shaped, and a through street is not possible;

e. *Property accessibility*. Dead end streets may be used if access to the development site is restricted by the governing jurisdiction; or

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f. *Land use relationships*. Dead end streets may be used to minimize issues of land use incompatibility.

(2) Length.

a. Dead end streets that exceed 150 feet in length, as measured from the edge of the traveled way portion of the intersecting street to the end of the travelled way portion of the dead end street, shall include an approved turnaround meeting the requirements of this section, Sections 10-160 through 10-161, and Standards and Specifications.

b. Dead end streets shall not exceed 500 feet in length as measured from the edge of the traveled way portion of the intersecting street to the end of the traveled way portion of the dead end street. For dead end streets that have a cul-de-sac turnaround, the maximum distance shall be measured from the edge of the traveled way portion of the intersecting street to the center of the bulb of the cul-de-sac.

(3) Dead end turnaround. Where a turnaround is required, a cul-de-sac or hammerhead dead end turnaround meeting the requirements of this section, Sections 10-160 through 10-161, and Standards and Specification shall be provided. The use of "Y" turnarounds shall not be permitted, unless approved by the director.

Sec. 18-09-14. TRAFFIC CALMING.

(a) **Purpose.** It is the purpose of this section to implement a minimum standard by which development activities shall be required to provide traffic calming or speed reduction measures.

(b) **Traffic calming and speed reduction standards**. If the uncontrolled block lengths in a residential development exceed 800 feet in length on a local street, or 1,500 feet on a collector street from centerline of intersection to centerline of intersection, and cannot be shortened through redesign of the street layout, speed reduction mitigation or traffic calming measures shall be required.

(1) The location and type of measure shall be reviewed and approved by the traffic engineer and shall comply with the Standards & Specifications. Traffic calming measures may include but are not limited to:

a. Roundabouts;

b. Raised intersections;

c. Speed tables, only when used where there is a mid-block crossing;

d. Pedestrian refuge islands;

e. Curb extensions, only when used in combination with another traffic calming measure; or

f. Other measures as approved by the traffic engineer.

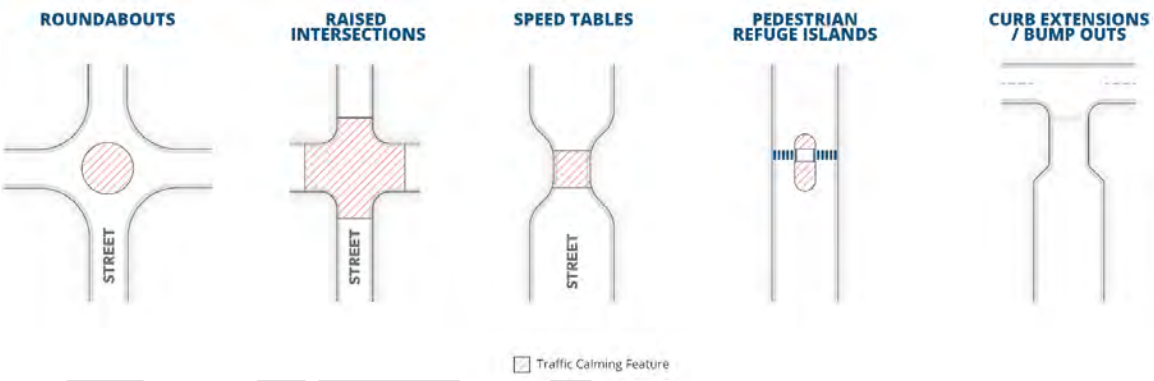
(2) Vertical deflection devices such as speed bumps are not permitted.

(3) Crosspans shall not be used for speed control.

(4) Stop sign locations shall be per the Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), or as approved by the traffic engineer, and shall not be used for speed control.

(5) Figure 18-09-14.1 displays examples of permissible forms of traffic calming identified in this section.

Figure 18-09-14.1. Traffic calming.



Sec. 18-09-15. Street naming.

(a) **Applicability**. Street names shall be approved by the city and in accordance with the following standards as contained in this section. Only the director may waive these standards in their sole discretion.

(b) **Block numbering**.

(1) Blocks shall be consecutively numbered within a subdivision and between separate filings of a phased subdivision or an addition to an existing subdivision.

(2) Tracts or out-lots shall be lettered in alphabetical order.

(c) **Street naming for public and private streets**.

(1) Street names shall be in accordance with the following standards unless otherwise approved by the city:

a. Any new public or private street to be established within the city, and any existing unnamed public or private street, shall require a street name approved by the department;

b. Approved street names shall be designated on the subdivision plat;

c. Extensions of existing named streets shall continue the existing street name;

d. The Denver Street Grid System shall be continued for north-south and east-west streets;

e. Numbered streets shall run principally in the east-west direction. In general, the numerical designations shall change every 660 feet from north to south within the designated grid;

f. Named streets shall run principally in the north-south direction. In general, the alphabetical designation shall change every 330 feet from east to west within the designated grid;

g. Street names shall not be of similar pronunciation or spelling as any other existing or proposed street;

h. No street name shall consist of more than two words or contain more than 14 letters, excluding the street suffix, unless otherwise approved by the department;

i. Streets with a centerline alignment that is offset 125 feet or less from the centerline of an existing street and has the same directional course shall continue the existing street name;

j. Street names shall change from a named street to a numbered street when the street is at an angled deflection of 60 degrees or more unless the street is a loop street or a street that meanders through and serves a single development;

k. Curvilinear streets that cross and run parallel to other streets and result in either alphabetical or numerical streets becoming out of order shall be prohibited;

l. Bulbs or eyebrows with six or fewer lots shall be considered part of the street that they abut and shall not be separately named; and

m. Street signs shall comply with the standards established in the Standards and Specifications.

(2) Suffix designation for streets shall be in accordance with the following guidelines unless otherwise approved by the city:

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a. Streets that have a definitive north-south directional course shall use the suffix "Street;"

b. Streets that have a definitive east-west directional course shall use the suffix "Avenue;"

c. A dead-end street or cul-de-sac less than 1,000 feet in length shall use the suffix "Court." This suffix shall not be used when the street is an extension of an existing street or a continuation of a proposed street, or when the street is designated to continue in an additional phase of development;

d. A street that has its beginning and end on the same street shall use the suffix "Loop;"

e. A street with its beginning and end at the same point shall use the suffix "Circle;"

f. Long, continuous streets with tree and turf embellishment, particularly within residential developments, may use the suffix "Boulevard;"

g. Long, continuous streets with arterial or regional thoroughfare characteristics may use the suffix "Parkway;"

h. East-west streets located between numbered streets with the "Avenue" suffix should take the name of the preceding Avenue to the south, with the suffix "Place;"

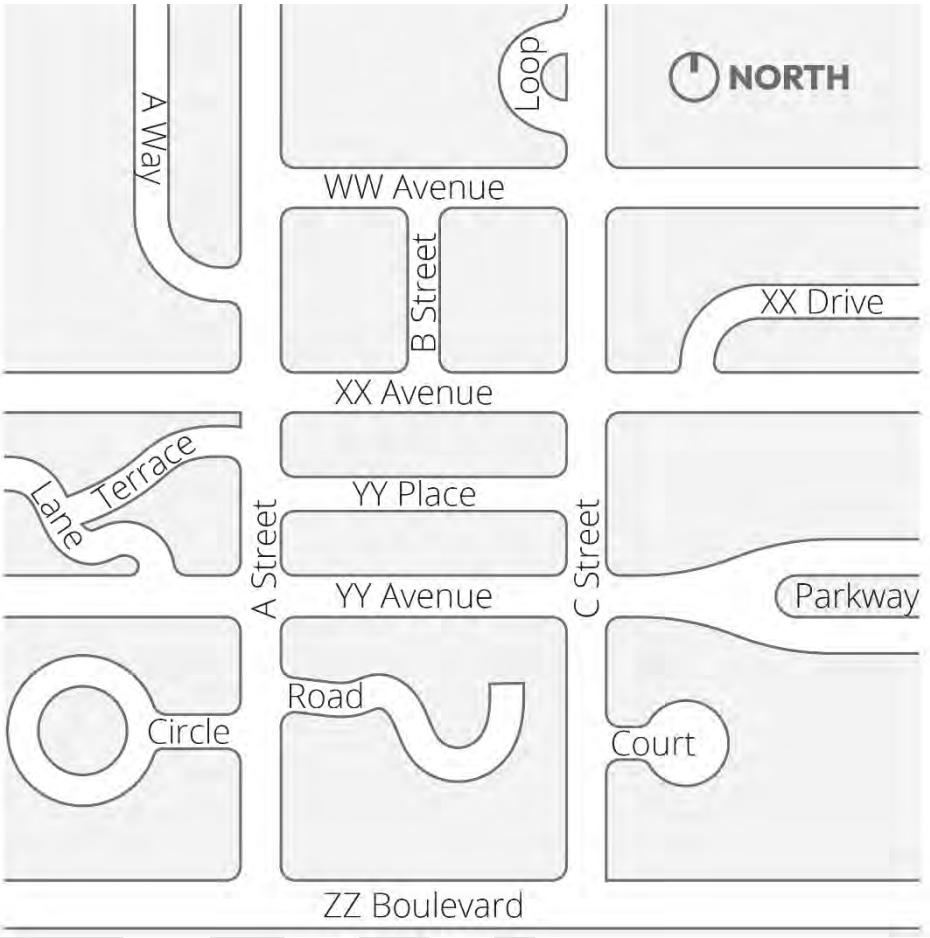
i. East-west streets connecting with an east-west "Avenue" street should take the name of the connecting Avenue with the suffix "Drive;"

j. North-south streets connecting with a north-south "Street" may take the name of the connecting street with the suffix "Way;" and

k. Streets that do not have a definitive directional course shall use the suffix "Lane," "Terrace," or "Road."

(3) Figure 18-09-15.1 provides a visual representation of street suffix naming as contained in Subsection 18-09-15(c)(2).

Figure 18-09-15.1. Street suffix naming.



(d) **Street numbering on public and private streets.**

(1) Address numbers shall be in accordance with the following standards unless otherwise approved at the sole discretion of the director:

a. Any new address to be established within the city, shall require approval by the director;

b. Address numbers shall be assigned based on the location's geographic correlation within the Denver Street Grid;

c. Structures shall be assigned an address number correlating to the point where a line drawn perpendicular to the facing street intersects with the primary entrance to the structure. Corner lots shall be assigned based on the street the structure faces;

d. Even numbers shall be used to number structures or lots located on the east and south sides of all streets;

e. Odd numbers shall be used to number structures or lots located on the west and north side of all streets;

f. Address numbers on north-south streets will be determined in relation to the Denver Street Grid and shall increase sequentially from the south to the north;

g. Address numbers on east-west streets will be determined in relation to the Denver Street Grid, increasing sequentially from the zero axis to the east and from the zero axis to the west;

h. Address numbers for meandering or diagonally-oriented streets shall be assigned according to the most favored axis of the Denver Street Grid;

i. Address numbers for "Circle" and "Loop" streets shall be assigned based on the street's most favored Denver Street Grid base axis. Numbering shall begin at the lowest numerical point on the favored axis and shall continue as if the street were straight;

j. No address shall contain a "½" number or letter designation;

k. Hundred block designations shall start at street and avenue intersections, except for long blocks:

1. A maximum of a 200-number limit shall be permitted on north-south streets; and

2. A maximum of a 400-number limit shall be permitted on an east-west street;

l. Properties accessed via a common driveway or access easement shall be assigned an address based on the point where the driveway or easement intersects a public or private street; and

m. Streets with the same name but a different suffix shall not use the same last digit in the numbering sequence. For example, if a street with the suffix of "Avenue" uses ones and twos as the last digit for the odd and even sides of the street, then a street with the same name, but a different suffix, should use threes and fours as the last digit for the odd and even sides of the street.

(2) Address numbering for specific occupancies shall be in accordance with the following standards unless otherwise approved at the sole discretion of the director:

a. Each occupancy in a nonresidential development shall have a separate address.

1. In the case of a multi-tenanted building with individual occupancy access from an internal corridor, a single building address shall be assigned, with the addition of a three-digit or four digit suite number

for each dwelling unit or occupancy, a suite number shall be a minimum of three numbers. The first digit of the suite number shall represent the floor level of the entrance to the suite and the ground floor shall start with the number one and go up in sequential order as for each floor above the ground floor. No letters shall be used in creating dwelling unit suite numbers.

2. Multi-tenanted buildings with external access to individual occupancies shall have an individual address assigned for each occupancy with an external entrance. Individual addresses shall be assigned according to the closest fronting street. Unit numbers may be required for multi-tenant buildings where address ranges necessitate addresses not within the allowable address ranges.

b. Detached residential and attached residential dwellings shall be assigned a separate address for each individual unit. Detached or attached residential dwellings that have an Accessory Dwelling Unit (ADU) or Accessory Commercial Unit (ACU) shall have an address assigned for the entire lot and:

1. The primary residence will be given the designation of “Address # + Unit 1;” and

2. The ADU or ACU shall be given the designation of “Address # + Unit 2.”

c. Live-Work Dwellings shall contain one address or two at the sole discretion of the director.

d. A single multi-tenanted residential structure, including but not limited to multifamily/apartment and condominium uses, shall be assigned one address for the structure with the addition of a three-digit or four-digit number for each unit. The first digit of the unit number shall represent the floor level of the entrance to the unit.

e. A multi-tenanted residential complex with two or more buildings, including but not limited to multifamily/apartment and condominium uses, with a single access point to an adjoining public or private street, shall have an address assigned for the entire complex with:

1. A building number designated for and displayed on each structure, beginning with the number "1" and continuing sequentially; and

2. Each individual unit assigned the building number designation as well as a three-digit or four-digit unit number, where the first digit of the unit number represents the floor level of the entrance to the unit.

f. A multi-tenanted residential complex with two or more buildings that abuts two or more streets with an access point from each street, including but not limited to multifamily/apartment and condominium uses, shall have:

1. An address assigned for each structure, with each individual unit assigned a three-digit or four-digit number. The first digit of the unit number shall represent the floor level of the entrance to the unit; and

2. Buildings shall be addressed from the nearest adjoining street which connects with the entrance drive.

g. Buildings with a mix of residential and nonresidential uses shall be assigned address numbers as determined appropriate by the director.

h. Only one street address shall be assigned to a manufactured home development. The owner of the development shall assign a unit number to each individual home site. Numbers shall be assigned in a logical and sequential order.

(e) **Display of addresses**.

(1) **General requirements**.

a. Approved address numbers shall be installed on all new and existing buildings.

b. All address numbers shall conform with the requirements of the International Fire Code as adopted and amended by the city.

c. Address numbers shall be plainly visible and legible from the street fronting the property and shall contrast with the background color on which they are displayed.

d. Address numbers shall be Arabic numerals. Numbers displayed as words, such as "twenty-five" shall not be permitted.

e. Address numbers shall be at least four inches in height with a stroke width of at least one-half inch. Larger address numbers are encouraged to allow easier viewing by emergency responders.

f. All nonresidential structures with a rear entrance visible from a public or private drive shall display the street addresses on or near each rear building entrance.

g. If a structure is more than 75 feet from the street or is otherwise not clearly visible from the street, its address shall also be posted at the intersection of its access drive with the fronting street. Such additional address posting shall be:

i. Clearly visible from the street; and

ii. In compliance with the visual obstruction regulations in Article VI, Division 6 of Chapter 18; and

iii. Displayed at least four feet above the ground and no more than six feet above the ground; and

iv. In compliance with the sign regulations in Article XI of Chapter 18.

h. For multi-tenanted structures, each unit shall display the building number and unit number adjacent to or on the main entry door. For example, "Building 1, Apartment 202 shall display "1202" on or adjacent to the main entry door to the apartment.

(2) Multi-tenanted structures over one story, including but not limited to multifamily/apartments, condominiums and nonresidential uses, shall display the address or building number, as applicable, on all sides of the building. These number(s) shall be at least ten inches in height with a stroke width of at least three-fourths inch.

(f) **Street name signs**.

(1) The developer shall be required to install street name signs that comply with applicable state regulations or the standards contained in the Manual on Uniform Traffic Control Devices for Streets and Highways published by the U.S. Department of Transportation as adopted by the State of Colorado. The design of street signs shall be consistent and of a uniform size and color, and shall be in compliance with the city's Standards and Specifications.

(2) The permanent street name signs within a subdivision shall be installed before a certificate of occupancy is issued for any buildings within the subdivision.

(3) Street signs in phased subdivisions shall be installed such that sufficient signage is in place to ensure that the building sites can be readily located by emergency services.

(4) At least two street name signs shall be installed at each four-way intersection. One street name sign shall be installed at each "T" intersection within the subdivision and at intersections leading to the subdivision from existing streets.

(5) Street name signs for regional thoroughfares and arterial and collector streets shall have the hundred block number identified on the sign.

(g) **Street regulatory devices and streetlights**.

(1) The developer shall be required to install and/or modify existing street regulatory devices of the type and at the locations required by the city as necessary to facilitate the safe and efficient movement of traffic generated by the development.

(2) Within a subdivision, street regulatory devices shall be installed prior to the opening of the street to traffic. Where street regulatory devices are required on existing streets, they shall be in place or upgraded prior to the issuance of a Certificate of Occupancy for the development.

(3) The developer shall install all required streetlights in accordance with this chapter and applicable city requirements and as set forth in the Developer's Agreement.

Sec. 18-09-16. SIDEWALKS, SIDEPATHS, AND TRAILS.

(a) **Sidewalks and sidepaths**.

(1) Sidewalks and sidepaths shall be provided within the dedicated right-of-way of all streets or transportation easements as approved by the director.

a. Sidewalks shall be detached from the street with a right-of-way landscape area consistent with the standards of Section 18-8-18 and the Standards and Specifications.

1. Use of sidewalks other than detached sidewalks shall be approved by the director.

(2) Unless otherwise approved at the sole discretion of the director, sidewalks and sidepaths shall meet the Transportation and Mobility Master Plan and the Standards and Specifications.

(3) Sidewalk and sidepath surfacing shall meet the Standards and Specifications. This standard applies to both private and public sidewalks.

(4) Sidewalks and sidepaths on private property shall connect to existing and adjacent sidewalks, sidepaths, and trails.

(5) Sidewalks or sidepaths on private and public property shall connect to existing and planned future locations of abutting sidewalks, sidepaths, and trails such as in the right-of-way or along adjacent properties.

a. Planned locations shall include sidewalks, sidepaths, and trails delineated by the Comprehensive Plan or its component plans, such as the TMMP or Parks and Open Space Master Plan, within or abutting the development site.

(6) Sidewalks or sidepaths on private and public property shall connect to existing and planned future locations of abutting parks, open spaces, and public gathering spaces.

a. Planned future locations shall include parks, open spaces, and public gathering spaces delineated by the Comprehensive Plan or its component plans, such as the TMMP or Parks and Open Space Master Plan, within or abutting the development site.

1. Planned future locations shall also include parks, open spaces, and public gathering spaces as required for public land dedication as identified in Section 18-10-22 and residential amenities as required in Section 18-07-21.

(b) **Trails**.

(1) Trails shall be dedicated, or an easement granted, and constructed by the developer within:

a. Any trail corridor delineated by the Comprehensive Plan or its component master and functional plans adopted by Council, such as the Parks and Open Space Master Plan or TMMP, within the proposed development site,

1. Where only portions of the trail are contained within the development site the Director may request an easement and a fee in lieu, instead of construction, for the portions of the trail that are within the development site;

b. Any trail corridor delineated by the Denver Regional Council of Governments (DRCOG) Regional Transportation Plan (RTP) within the proposed development site; and

c. Any trail system required by the city to provide:

1. Additional pedestrian access or provide additional pedestrian safety;

2. Links between existing or planned or platted trails in adjacent areas;

3. Links between schools, parks, or other public facilities within the development site and adjacent areas of the city; or

4. Recreational improvements in dedicated parks or open space per Section 18-10-22.

(2) Suitable locations for trails include within or adjacent to:

a. Parks;

b. Open spaces;

c. Public gathering spaces;

d. Private or Public schools;

e. Streets;

f. Existing informal trails;

g. Canals, drainageways, irrigation channels, or ditch rights-of-way; or

h. Utility easements.

(3) Trails shall not be located abutting the paved portion of street rights-of-way unless otherwise approved by the director. When near a street:

a. Trails shall be separated from adjacent streets by a distance of at least six feet; and

b. When trails are adjacent to an arterial street or any street that does not have curb and gutter adjacent to the trail, the separation distance shall be increased to at least ten feet and meet the following standards:

1. For locations where the street has curb and gutter, the separation distance shall be measured from the top back of curb to the nearest edge of the trail; or

2. For locations where the street does not have curb and gutter, the separation distance shall be measured from the edge of pavement to the nearest edge of the trail.

(4) Trails shall be designed to minimize grading and scarring of the landscape and not to create erosion and drainage problems.

(5) Trails located along drainageways, ditch rights-of-way, utility easements, or irrigation channels shall be designed and constructed to facilitate maintenance vehicle and equipment access to these facilities, unless otherwise approved by the director.

(6) Trails shall be constructed in accordance with the Standards and Specifications, unless otherwise approved by the director.

(7) Land dedicated for trail purposes in accordance with the standards of this article shall be credited toward the public land dedication requirements for parks, open space, and public gathering space as indicated in Section 18-10-22.

(c) **Pedestrian connections to Transit Stops, Transit Passenger Shelters, Micro-Mobility Hubs, and Transit Stations**. All new development and major redevelopment that is abutting an existing or planned Transit Stop, Transit Passenger Shelter, Micro-mobility Hub, or Transit Station shall provide a sidewalk, sidepath, or trail connection to at least one sidewalk that has a direct connection to the existing or planned Transit Stop, Transit Passenger Shelter, Micro-mobility Hub, or Transit Station.

Sec. 18-09-17. PUBLIC TRANSIT IMPROVEMENTS.

(a) **Generally**. All new development and major redevelopment shall construct transit stops, micro-mobility hubs, and transit passenger shelters as requested by the city, the Regional Transit District (RTD), or other applicable transit agencies providing transit in Thornton.

(1) Where an existing or planned transit route is located through or is abutting a development site, a Transit Stop or Transit Passenger Shelter shall be constructed when requested by the city of Thornton or RTD.

(2) The design and construction of Transit Stops and Transit Passenger Shelters shall be consistent with established standards by city of Thornton, RTD and the city's Standards and Specifications. Requested Transit Stops and Transit Passenger Shelters shall be for existing or planned transit routes only, as identified by RTD or within the TMMP and its component plans.

(3) In addition, Transit stops, Transit Passenger Shelters, Micro-Mobility Hubs, and Transit Stations and the associated improvements identified in the TMMP shall be considered for construction and may be used as mitigation measures for reducing transportation impacts generated by the impacts of development as identified in the Transportation Impact Study (TIS), Section 18-09-07.

(b) **RTD consultation**. All new development and major redevelopment shall be responsible for contacting RTD for conformance with this section. Proof of consultation with RTD shall be submitted with development application submittals.

Sec. 18-09-18. Reserved.
Sec. 18-09-19. Reserved.
Sec. 18-09-20. Reserved.
Sec. 18-09-21. Reserved.
Sec. 18-09-22. Reserved.

DIVISION 3. OFF-STREET PARKING, LOADING, AND DRIVEWAYS

Sec. 18-09-23. General vehicle parking standards.

(a) **General provisions**.

(1) When a lot or development site is used for a combination of uses, the off-street parking requirements are the sum of the requirements for each use, and no off-street parking space for one use is included in the calculation of off-street parking requirements for any other use, except as otherwise provided in this division.

(2) Except as otherwise permitted in Subsection 18-09-18(a)(2)a. or as approved as an Administrative Adjustment per Section 18-02-12 no parking space located on a public street or alley may be included in the calculation of minimum vehicle parking requirements.

a. Required guest parking for a Cottage Housing, Dwelling, 3-8 Units Attached, and Multi-~~unit~~ Unit Residential uses may be on local streets where on-street parking is provided with ~~space is~~ sufficient dimensions and when designated as such during the land use or development approval process.

(3) Except for driveways for a residential use as described in this article, head-in vehicle parking adjacent to a public street where the maneuvering of the vehicle in parking or leaving the parking space is done on a public street is prohibited.

a. Head-in parking may be permitted when identified in a plan adopted by City Council such as the Eastlake Subarea Plan, Station Area Master Plan, or the Comprehensive Plan and its component plans.

1. When identified in an adopted plan, the traffic engineer shall review and determine if head-in parking as described in Subsection-(3) above is permitted.

(4) In all zoning districts, up to one-half of required vehicle parking may be contract parking provided at an hourly, daily, or monthly fee basis, the remaining shall be available as free parking.

(5) All vehicle parking shall be provided on the lot occupied by the use it serves unless otherwise approved as:

a. A Parking Structure per Section 18-04-88, Satellite Parking per Subsection 18-09-35(i), or Joint Use Parking per Subsection 18-09-35(j); or

b. An Administrative Adjustment per Section 18-02-12

(6) Vehicle parking areas are prohibited in visibility triangles as regulated in Article VI, Division 6 of Chapter 18.

(7) Screening of vehicle parking areas shall comply with Section 18-06-32 unless otherwise established in this article.

(b) **Accessible parking spaces**. Accessible parking spaces may be included in the required minimum off street vehicle parking counts, per use, as identified in Table 18-09-26.1, as detailed in the Building Code.

(1) The minimum required parking spaces as identified in Table 18-09-26.1 shall still be calculated for development applications applying the *Adjustments to Minimum and Maximum Standards* in Section 18-09-27 to determine the required Accessible Parking Spaces needed to conform with ADA requirements.

a. ADA vehicle parking spaces are prohibited from Administrative Adjustment per Section 18-02-12.

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Sec. 18-09-24. Allowed off-street vehicle parking locations.

(a) **Applicability**. Off-street vehicle parking shall be permitted in the locations specified in this section. Additionally, any parking location requirements identified in the zoning district provisions in Article III or the supplemental use standards in Article IV shall apply. Nothing in this section shall supersede required buffering or landscaping established in Article VIII. Off-street parking location requirements are identified in this section as follows:

(1) For all residential and nonresidential uses located in residential zoning districts, except for the Eastlake Residential District, requirements are identified in Subsection 18-09-24(b).

(2) For specified residential and lodging uses located in nonresidential and mixed-use zoning districts, except for the Eastlake Zone Districts, requirements are identified in Subsection 18-09-24(c).

(3) For all uses in the Eastlake Zoning Districts, requirements are identified in Subsection 18-09-24(d).

(4) For nonresidential uses located in nonresidential and mixed-use zoning districts, except for the Eastlake Districts, requirements are identified in Subsection 18-09-24(e).

(b) **Residential zoning districts**. Off-street vehicle parking in the indicated residential zoning districts shall be limited in location as detailed in this subsection and Table 18-09-24. 1 unless otherwise approved as an Administrative Adjustment in accordance with Section 18-02-12 due to lack of feasible vehicular access to allowed locations. See Subsection 18-09-24(d) for Eastlake parking requirements.

(1) Off-street parking for detached residential uses may be within a carport, garage, on a driveway, or parking pad in a location consistent with Table 18-09-24.1 and the standards of Section 18-09-29.

(2) For existing residential uses, the director may approve a Minor Planning Permit allowing off-street parking in the required front yard if:

a. The driveway is consistent with the standards of Section 18-09-29; and

b. There is no vehicle access to an area behind the required front building line that would accommodate a parking space; and

c. The structure was built without adequate off-street parking; or

d. A permitted modification of a structure eliminated a required off-street parking space.

(3) **Table 18-09-24.1. Allowed location of off-street vehicle parking for certain uses in the RE, MH-L, SFD-L, RL, RM, RH, and AG Zoning Districts.**

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Use	Front yard	Street side yard	Interior side yard	Rear yard
Category 1, see Figure 18-09-24.1: Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Accessory Dwelling Unit (ADU); Bed and Breakfast; Boarding / Rooming House; Manufactured Home; Manufactured Home Park	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.
Category 2, see Figure 18-09-24.2: Dwelling, 3-8 Units Attached; Dwelling, Live-Work; Triplex/Quadplex	Allowed	Allowed	Allowed	Allowed
Category 3, see Figure 18-09-24.3: Multi-Unit Dwelling; Multi-Unit Dwelling Complex; Multi-Unit Dwelling, Above Ground Floor Cottage Housing	Prohibited	Prohibited	Allowed	Allowed
Category 3, see Figure 18-09-24.3: Nonresidential Uses in Residential Districts	Prohibited	Prohibited	Allowed	Allowed

a. Driveway and parking pad standards can be found in Section 18-09-29.

1. Parking pad dimensions are contained within Section 18-09-35.

Figure 18-09-24.1. Category 1 parking locations, residential districts.

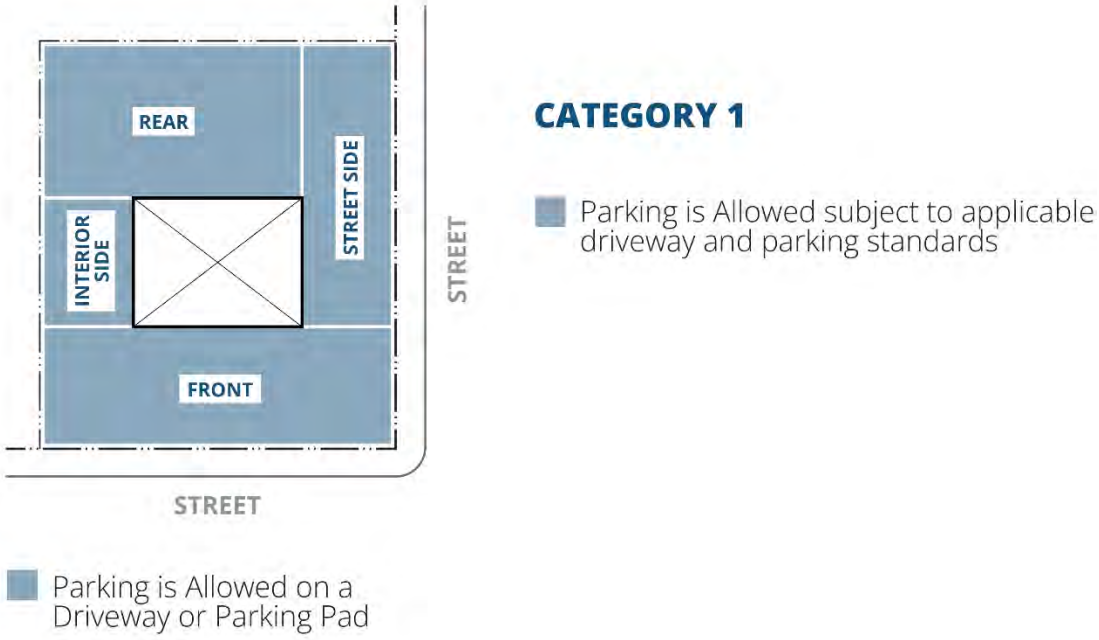


Figure 18-09-24.2. Category 2 parking locations, residential districts.

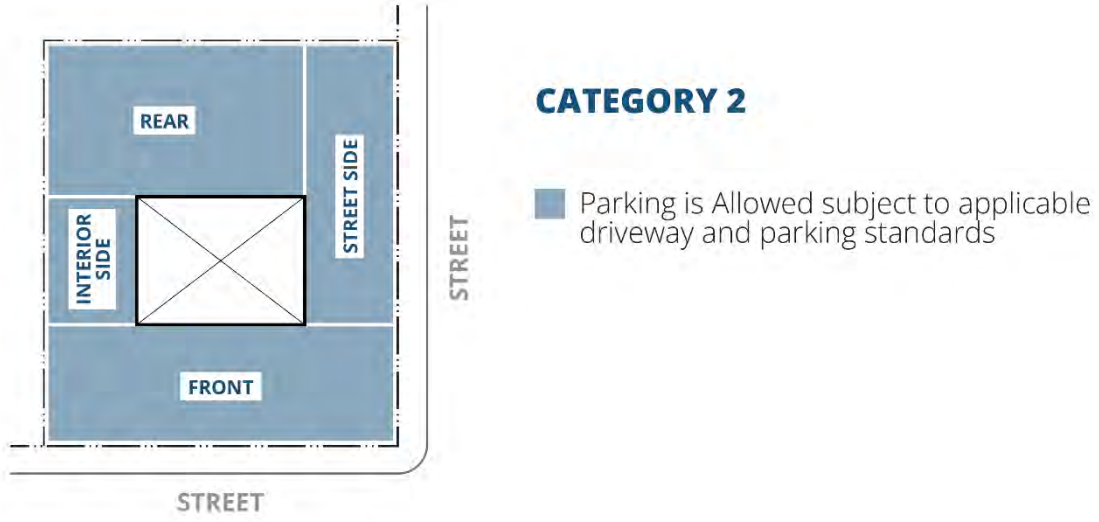
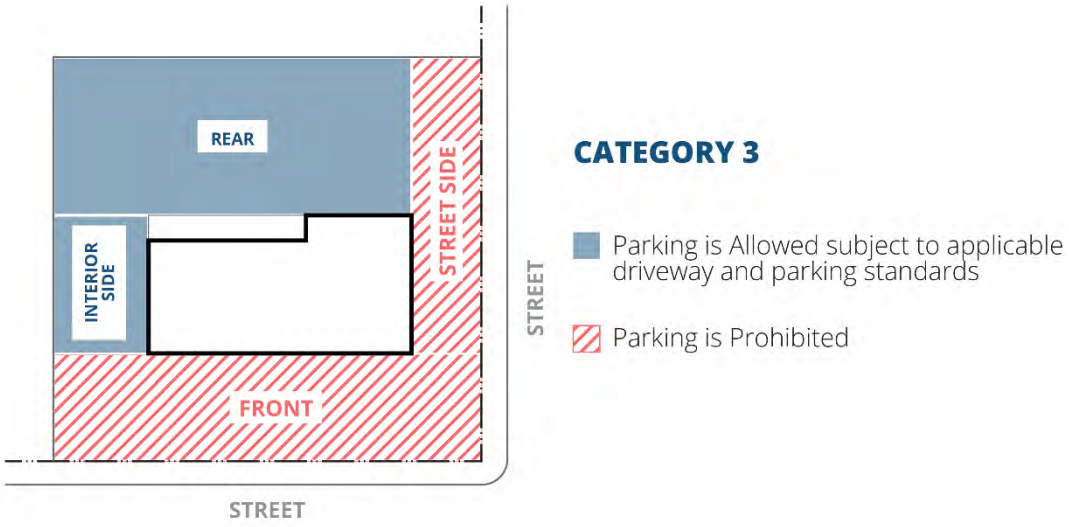


Figure 18-09-24.3. Category 3 parking locations, residential districts.



(4) **Allowed locations of recreational vehicle (RV), trailer, boat, and motor home parking and storage locations in residential zoning districts.**

a. RVs, trailers, boats, and motor homes not intended for permanent habitation may be stored in the residential districts as follows:

1. On a permitted driveway or parking pad meeting the standards of this article with a minimum length of 30 feet and width of 10 feet;

2. On the side or rear yard of home on a paved surface leading to a parking pad, secondary driveway, drive aisle, or alley with a minimum length of 30 feet and a width of 10 feet;

i. When not stored on the primary driveway, a second access shall be required to obtain approval of a secondary driveway.

3. In a garage or carport of sufficient height, length, and width to store the applicable RV, boat, trailer, or motor home;

4. In an RV or utility vehicle storage area in a Manufactured Home Park; or

5. On a permitted guest parking space or approved off-street vehicle parking area associated with a Multi-Unit Dwelling building.

b. RVs, trailers, boats, and motor homes shall not block drive aisles, right-of-way, internal access drives, or other vehicle maneuvering areas necessary for on-site and off-site access.

c. RVs, trailers, boats, and motor homes shall adhere to applicable standards in Chapter 38.

(c) **Residential and lodging uses in nonresidential zoning districts**. Off-street vehicle parking for the residential and lodging uses specified in this subsection that are located in nonresidential and mixed-use zoning districts shall be limited in location as detailed in Table 18-09-24.2 unless otherwise approved as an Administrative Adjustment in accordance with Section 18-02-12 due to lack of feasible vehicular access to allowed locations. Hotel and Motel uses shall be regulated as a nonresidential use per Subsection 18-09-24(e). See Subsection 18-09-24(d) for the Eastlake Zoning District parking requirements.

(1) **Table 18-09-24.2. Allowed location of off-street vehicle parking for residential and lodging uses in the MU, TOD, NC, GC, RC, AG Zoning Districts.**

Use	Front yard	Street side yard	Interior side yard	Rear yard
Category 1, see Figure 18-09-24.1 Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Accessory Dwelling Unit (ADU); Bed and Breakfast; Boarding / Rooming House; Short-Term Rental	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.
Category 2, see Figure 18-09-24.1 Dwelling, 3-8 Units Attached; Dwelling, Live-Work; Triplex/Quadplex	Allowed, except for Live-Work in NC district.	Allowed, except for Live-work in NC district.	Allowed	Allowed
Category 3, see Figure 18-09-24.3 Accessory Commercial Unit; Cottage Housing; Multi-Unit Dwelling; Multi-Unit Dwelling Complex; Multi-unit Dwelling, Above Ground Floor;	Prohibited	Prohibited	Allowed	Allowed

a. Driveway and parking pad standards can be found in Section 18-09-29.

1. Parking pad dimensions are contained within Section 18-09-35.

(d) **Eastlake zoning districts**. All off-street vehicle parking in the Eastlake Zoning Districts, including the ER, EO, EB, ES, or ETD Zoning Districts, as identified in this subsection, shall be limited in location as detailed in Table 18-09-24.3 unless otherwise approved as an

Administrative Adjustment in accordance with Section 18-02-12 due to lack of feasible vehicular access to allowed locations.

(1) Vehicle access via a driveway or access way, across a front yard or side yard, is excluded when considering vehicle parking location.

(2) Existing vehicle parking and access not meeting the standards of Section 18-09-24 shall be permitted to continue, subject to redevelopment standards for driveways per Section 10-09-30 or Article XII Nonconformities.

(3) **Table 18-09-24.3. Allowed location of off-street vehicle parking in the Eastlake zoning districts.**

Use	Front yard	Street side yard	Interior side yard	Rear yard
ER	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.	Outdoor vehicle parking shall be allowed on a driveway or parking pad only.
EO, EB, ETD	Prohibited	Prohibited	Allowed	Allowed
ES	Allowed	Allowed	Allowed	Allowed

a. Driveway and parking pad standards can be found in Section 18-09-25.

1. Parking pad dimensions are contained within Section 18-09-23.

(e) **Nonresidential and mixed-use zoning districts**. Off-street vehicle parking for nonresidential uses located in nonresidential and mixed-use zoning districts, as identified in this subsection shall be limited in location as detailed in Table 18-09-24.4 unless otherwise approved as an Administrative Adjustment in accordance with Section 18-02-12 due to lack of feasible vehicular access to allowed locations.

(1) **Table 18-09-24.4. Allowed location of off-street vehicle parking for nonresidential uses in mixed-use and nonresidential zoning districts.**

District	Front Yard	Street Side Yard	Interior Side Yard	Rear Yard
MU, TOD, GC, NC [1] See Figure 18-09-24.4	Prohibited [2]	Prohibited [2]	Allowed - setback shall depend on required landscape per Article VIII.	Allowed - setback shall depend on required landscape per Article VIII.
RC, BP, CI See Figure 18-09-24.5	Allowed if setback a minimum of 25 feet from the property line.	Allowed if setback a minimum of 25 feet from the property line.	Allowed - setback shall depend on required landscape per Article VIII.	Allowed - setback shall depend on required landscape per Article VIII.
AG	Prohibited	Prohibited	Allowed - setback shall depend on required landscape per Article VIII.	Allowed - setback shall depend on required landscape per Article VIII.
POS	Allowed - setback shall depend on required landscape per Article VIII.	Allowed - setback shall depend on required landscape per Article VIII.	Allowed - setback shall depend on required landscape per Article VIII.	Allowed - setback shall depend on required landscape per Article VIII.
CC-L	Prohibited	Prohibited	Allowed	Allowed
EC-L	Prohibited within 15 foot perimeter landscape buffer per Section 18-3-56.	Prohibited within 15 foot perimeter landscape buffer per Section 18-3-56.	Prohibited within 15 foot perimeter landscape buffer per Section 18-3-56.	Prohibited within 15 foot perimeter landscape buffer per Section 18-3-56.
I-L, MC-L, DR	Allowed	Allowed	Allowed	Allowed

Table 18-09-24.4 footnotes:

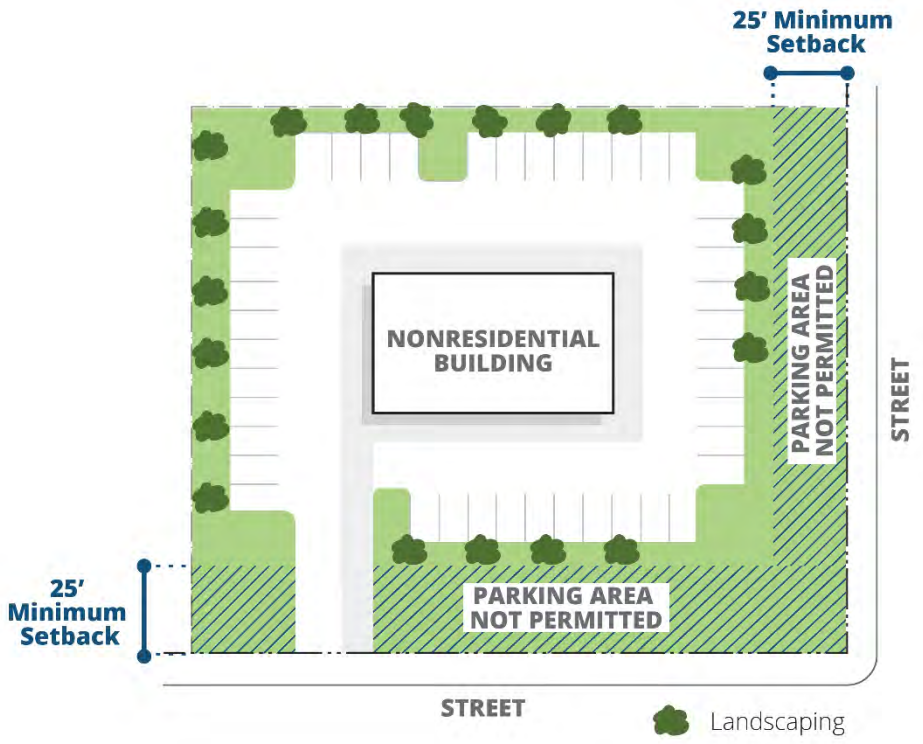
[1] Parking areas may be located between a building and street right-of-way if approved by an Administrative Adjustment per Section 18-02-12.

[2] Off-street vehicle parking may be permitted in this location as described only in Article III.

Figure 18-09-24.4. Parking locations in the MU, TOD, GC, and NC Zone Districts.



Figure 18-09-24.5. Parking locations in the RC, BP, and CI Zone Districts.



(f) **Commercial vehicles, semi-trucks, or delivery vehicles stored on site**.

(1) **Generally**. Commercial, nonpassenger vehicles larger than 8,000 pounds manufacturer's gross vehicle weight may be stored on an off-street vehicle parking area when:

a. The off-street vehicle parking area is for a nonresidential land use; and

b. The off-street vehicle parking area has been designed to accommodate the weight of commercial vehicles greater than 8,000 pounds manufacture's gross vehicle weight; and

c. The areas used for commercial vehicle storage where designated for storage during the development review process and where shown to be:

1. Screened from view from the public right-of-way unless approved through an Administrative Adjustment per Section 18-02-12; and

2. 500 feet from any detached or attached residential land use, or

3. Screened from abutting detached or attached residential land uses using opaque screening or an enclosed structure; and

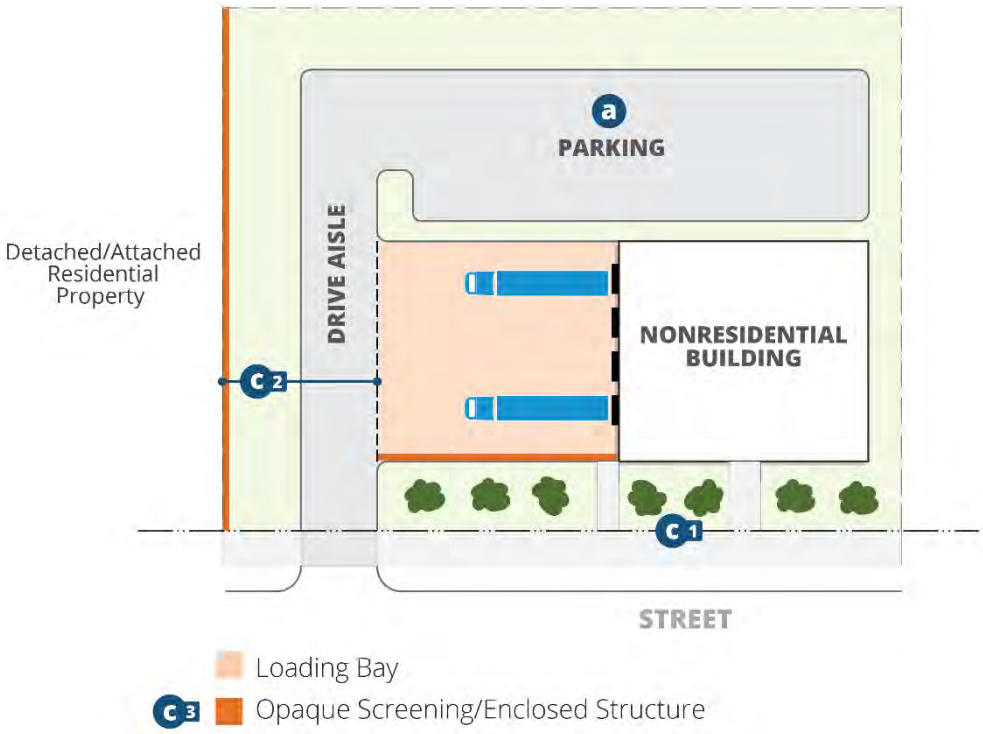
d. Loading and delivery areas for use by nonpassenger, commercial vehicles shall comply with Section 18-09-28; and

e. Storage of commercial vehicles greater than 8,000 pounds manufacture's gross vehicle weight shall not be stored on lots containing residential uses.

(2) See Figure 18-09-24.6 which displays the standards of 18-09-24(f).

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Figure 18-09-24.6. Parking locations for commercial vehicles, semi-trucks, or delivery vehicles stored on site. (The letters displayed in Figure 18-09-24.6 represent Subsections 18-09-24(f)(1)a.,(1)c.1., & (1)c.2.).



(g) **Additional parking locational standards.** The standards of this subsection are in addition to the standards contained within Tables 18-09-24.1 through 18-09-24.3. These standards apply to only the Dwelling, 3-8 Units Attached, Cottage Housing, and Multi-Unit Dwelling uses:

(1) If the minimum vehicle parking required for a unit is provided via an attached garage, the garage entrance may be located on any building façade.

(2) Parking provided via surface parking shall be located to the rear or interior side of the development unless on a driveway leading to an attached garage.

(3) Parking required for guests may be accommodated on a driveway or on private streets where space is sufficient. Otherwise, guest parking shall be provided adjacent to an internal access drives or access easement to the rear or interior side of the development, preferably adjacent to park or public gathering space within the development.

Sec. 18-09-25. Minimum and Maximum Parking Space Calculation Standards.

(a) **Applicability.** This section establishes general standards that apply to calculating the minimum and maximum amount parking spaces that shall be applied for all land uses within

the city. Parking minimums and maximums shall be applied to all development activities unless explicitly exempted in Chapter 18.

(b) **Calculating parking standards**.

(1) **Minimums and maximum parking standards**. The required vehicle parking minimums and maximums are found in Table 18-09-26.1. Unless otherwise stated, parking is calculated by determining the ratio of a number of parking spaces to an area in square feet, dwelling unit/room counts, or specifically listed items to count when considering a specific land use type. Where no ratio is listed, the minimum will be described. Ratios are typically displayed as but not limited to:

a. *[# of parking spaces] / [### square feet (sqft) of floor area];*

b. *[# of parking spaces] / [### of dwelling units]; or*

c. *[# of parking spaces] / [### of rooms/beds].*

d. The abbreviation "sqft" in Table 18-09-26.1 stands for "square feet".

(2) **Floor area**. The following floor areas may be excluded from the computation of required off-street parking as determined by the director:

a. Floor area devoted to off-street parking;

b. Floor area on the ground floor between an omitted wall line and the structural wall when the area is used solely for foot or vehicular traffic, off-street parking, or landscaping;

c. Floor area of a private balcony that is not accessible to the public and does not provide a means of ingress or egress;

d. Floor area occupied by hallways, stairwells, escalators, and elevator shafts;

e. Floor area occupied by a closet, mechanical, telephone, and electrical equipment, including mechanical penthouses, coolers, freezers and refrigeration units, and similar equipment;

f. Floor area of an entrance lobby;

g. Floor area of public and private restrooms; and

(3) **Fractions**. In determining the required number of parking spaces, fractional spaces are counted to the nearest whole number, with one-half or greater counted as an additional space.

(4) **Maximum allowed.** Off-street vehicle parking shall not exceed 75 percent more than the minimum required in Table 18-09-26.1 Refer to Section 18-09-27 for the exemptions and adjustments to maximum parking.

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a. Maximum parking as outlined in Subsection 18-09-25(b)(4) shall not apply to attached and detached residential uses.

b. The maximum amount of off-street parking spaces for attached and detached residential uses shall be eight off-street parking spaces and spaces shall count as a whole space when meeting the dimensions described in Section 18-09-35(b)(1).

1. Designated guest parking for attached residential uses shall not count towards the maximum.

(5) **Adjustments and exemptions**. The parking standards of Table 18-09-26.1 may be adjusted and exempted per the standards and criteria established in Section 18-09-27. Administrative Adjustments to the parking minimums and maximums contained within Table 18-09-26.1 are prohibited from adjustment other than as established in Section 18-09-27.

Sec. 18-09-26. Required vehicle parking.

(a) **Applicability**. This section establishes the minimum amount of vehicle parking spaces that shall be applied for all land uses within the city. Parking minimums shall be applied to all development activities.

(b) **Table 18-09-26.1: Minimum required vehicle parking spaces (N/A indicates no minimum parking standard)**

Use	Minimum required vehicle parking spaces
Accessory Uses	
Accessory Building / Structure	N/A
Accessory Commercial Unit	Minimum is the number of employees & customers expected at one time, a minimum of two spaces shall be provided.
Accessory Community Center, Private	2 / for each game court; + 1/ 500 sqft of floor area of enclosed structures (no minimum vehicle parking required when accessory with a multi-unit residential land use; when accessory to a land use containing attached or detached dwellings or when within an attached or detached residential dwelling subdivision, minimum vehicle parking may be exempt if the Accessory Community Center is

Use	Minimum required vehicle parking spaces
	within 500 feet of at least 20 percent of the dwellings.)
Accessory Dwelling Unit	1/accessory dwelling unit
Accessory Fleet Vehicle Storage / Maintenance	1/1,500 sqft of site area devoted to repair and services provided
Accessory Food Truck Court	One food truck: N/A Two or more food trucks: 1/150 sqft of seating area or three spaces, whichever is greater
Accessory Game Court, Private	2 / for each game court (no minimum when accessory to detached, attached, or multi-unit residential uses)
Accessory Outdoor Merchandise Display and Sales	N/A
Accessory Outdoor Seating	Seating area shall be measured using the same minimum as the primary use when intended for guest and customers
Accessory Outdoor Storage	N/A
Accessory Retail / Restaurant	N/A
Amateur Telecommunications Facility	N/A
Drive Through Facilities	May reduce minimum parking of the base use by 15%.
Golf Safety Net	N/A
Home Occupation	Not permitted except for as described in Section 18-04-187.
Mobile Vendor	N/A
Private Stables	N/A
Short Term Rental	N/A
Solar Energy Collection System, Canopy	N/A
Solar Energy Collection System, Ground Mounted	N/A
Solar Energy Collection System, Roof Mounted	N/A
Swimming Pool, Private	N/A
Wind Energy Conversion Systems	N/A
Wireless Telecommunications, Building/Structure Mounted	N/A
Agriculture and Animal Related	
Animal Clinic / Day Care, with outdoor runs	1/300 sqft of floor area
Animal Clinic / Day Care, without outdoor runs	1/400 sqft of floor area
Animal Kennel or Shelter, with outdoor runs	1/500 sqft of floor area
Animal Kennel or Shelter, without outdoor runs	1/500 sqft of floor area

Use	Minimum required vehicle parking spaces
Animal Production	Minimum determined by a Parking Study Per Subsection 18-09-26(c).
Commercial Greenhouse / Nursery	1/5,000 sqft (minimum of two required) + 1/250 sqft of space devoted to retail sales
Commercial Stable	1/4 horse stalls + 1/400 sqft of event space
Community Garden	N/A
Crop Production	N/A
Grain and Feed Elevators	1/500 sqft of floor area (minimum of five spaces required)
Indoor Horticulture / Aquaculture	1/5,000 sqft (minimum of two required) + 1/250 sqft of space devoted to retail sales
Livestock Auction Pens or Sheds	1/50 sqft of auction seating area + 1/600 sqft of sales display area
Commercial	
Artisan Manufacturing	1/500 sqft of floor area + 1/300 sqft of floor area devoted to retail sales
Bank, Credit Union, Financial Services	1/333 sqft of floor area
Bar / Lounge / Tavern	1/100 sqft of floor area
Equipment Rental	1/500 sqft of floor area
Food Truck Court	1/150 sqft of seating area + 1 space per food truck
General Commercial, 5,000 sq ft or less	1/300 sqft of floor area
General Commercial, more than 5,000 sq ft	1/250 sqft of floor area
General Office / Professional Services, any size	1/333 sqft of floor area
Liquor Store	1/300 sqft of floor area
Marijuana Store	1/300 sqft of floor area
Medical Clinic	1/333 sqft of floor area
Micro Alcohol	1/100 sqft of floor area for customer service + 1/1,000 of all other floor area
Natural Medicine Healing Center	1/333 sqft of floor area
Pawnshop	1/250 sqft of floor area
Personal Services	1/250 sqft of floor area
Private Convention Center	Minimum determined by a Parking Study Per Subsection 18-09-21(c)
Private Event/Banquet Facility	1/3 persons of facility max capacity
Restaurant 5,000 sq ft or less	1/150 sqft of floor area
Restaurant more than 5,000 sq ft	1/100 sqft of floor area
Sexually Oriented Business	Minimum determined by a Parking Study Per Subsection 18-09-26(c).

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Use	Minimum required vehicle parking spaces
Tobacco Store	1/300 sqft of floor area
Entertainment	
Cultural and Arts Facility	Minimum determined by a Parking Study Per Subsection 18-09-26(c).
Private Entertainment / Recreation / Fitness Facility, indoor & outdoor	Private Entertainment: 1/400 sqft of site area exclusive of parking Recreation/Fitness Facility: Three spaces for each game court + 1/150 sqft of floor or site area opened to the public, customers, or members, exclusive of parking.
Movie Theater	1/3 seats
Shooting Range, Indoor and Outdoor	1.5/shooting station (a minimum of five spaces is required)
Industrial, Automotive, and Transportation	
Airport	Minimum determined by a Parking Study Per Subsection 18-09-26(c).
Brewery / Winery / Distillery	1/100 sqft of floor area for customer service + 1/2,000 of all other floor area
Car Wash	One space
Catering	1/500 sqft of floor area
Commercial Bus Station and Terminal	1/1,500 sqft of floor area for the terminal building
Commercial Kitchen	1/500 sqft of floor area
Heavy Industrial, Indoor and Outdoor	1/1,500 sqft of floor/site area devoted to the use, exclusive of parking and loading areas + 1/333 sqft of floor area for office or retail uses + 1/caretakers residence
Heliport	1/1,500 sqft of site area (a minimum of four spaces is required)
Light Industrial, Indoor and Outdoor	1/1,500 sqft of floor/site area devoted to the use, exclusive of parking and loading areas + 1/333 sqft of floor area for office or retail uses + 1/caretakers residence
Marijuana Testing Facility	1/1,500 sqft of floor area + 1/333 sqft of floor area for office use

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Use	Minimum required vehicle parking spaces
Mining	1/caretakers residence + 1/employee expected at one time
Motor Vehicle Pawnbroker	1/ 5,000 sqft of total lot area over 10,000 sqft (a minimum of four spaces is required)
Natural Medicine Manufacturer, Cultivation Facility, or Testing Facility	1/1,500 sqft of floor area + 1/333 sqft of floor area for office use
Outdoor Storage	2/5,000 sqft of the site area devoted to retail, leasing, or office uses (a minimum of two spaces required)
Parking Structure	Minimum required for uses the parking structure provides for
Railroad Yard	1/5,000 sqft of floor area of the primary structures on site + 1/333 sqft of floor area for office use
Recycling Collection Center	Minimum determined by a Parking Study Per Subsection 18-09-26(c).
Salvage / Reclamation, Outdoor	1/1,500 sqft of floor area. (a minimum of five spaces is required)
Self-Storage	1/3,000 sqft of floor area + 2/caretakers residence
Self-Service Storage Indoor Above Ground Floor	1/3,000 sqft of floor area + 1/employee + 2/caretakers residence + Applicable ground floor uses parking minimums
Transit Passenger Shelter and Stops	N/A
Transit Station	Minimum determined by a Parking Study Per Subsection 18-09-26(c).
Truck, Machinery, Heavy Equipment Sales, Service or Repair	1/1,500 sqft of site area used for retail sales and/or repair services (vehicle repair bays and parking spaces used to repair motor vehicles and located in a structure shall not count in meeting the minimum required vehicle parking)
Vehicle Fueling Station	1/300 sqft of floor area + 1/ charging station
Vehicle Leasing / Sales	1/10,000 sqft of total area used to display vehicles for sale/lease. (a minimum of four spaces required; vehicle repair bays and parking spaces used to repair motor vehicles and located

Use	Minimum required vehicle parking spaces
	in a structure shall not count in meeting the minimum required vehicle parking).
Vehicle Rental	1/500 sqft of leasing office floor area (vehicle repair bays and parking spaces used to repair motor vehicles and located in a structure shall not count in meeting the minimum required vehicle parking
Vehicle Service - Major Repair / Body Work	1/1,500 sqft of site area devoted to repair and services provided (vehicle repair bays and parking spaces used to repair motor vehicles and located in a structure shall not count in meeting the minimum required vehicle parking)
Vehicle Service - Minor Repair / Maintenance	1/500 sqft of floor area. (a minimum of four spaces required; vehicle repair bays and parking spaces used to repair motor vehicles and located in a structure shall not count in meeting the minimum required vehicle parking)
Warehouse - Distribution	1/1,000 sqft of floor area + 1/333 sqft of floor area for office use
Warehouse Showroom / Office	1/333 sqft of floor area for office uses + 1/1,000 sqft of warehouse and showroom floor area
Warehouse - Storage	1/2,000 sqft of floor area + 1/333 sqft of floor area for office use
Well / Production Sites	1/caretaker residence + Minimum determined by a Parking Study Per Subsection 18-09-26(c)
Lodging	
Bed and Breakfast	1/guest lodging room
Boarding/Rooming House	1/guest room or bed + 1/300 sqft of floor area for accessory commercial or entertainment uses
Hotel and Motel	1/unit for first 250 rooms + 0.75/unit for rooms 251 to 500 + 0.50/unit for rooms 500 or more + 1/200 sqft of floor area exclusive of guest rooms open to non-guest
Public and Institutional	

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Use	Minimum required vehicle parking spaces
Business / Technical / Trade School, Indoor Activity Only	1/300 sqft of floor area
Cemetery / Mausoleum	Two spaces + 1/caretaker residence
Civic Meeting Facility	1/300 sqft of floor area
Crematorium	1/1,000 sqft of floor area
Day Care Facility	1/500 sqft of floor area
Emergency Shelter	1/3 client beds, may be waived at the sole discretion of the director.
Funeral Home/Mortuary	1/300 sqft of floor area + 1/50 sqft of seating area in gathering spaces for funeral services
Group Home	Four spaces.
Hospital / Sanitarium	Minimum determined by a Parking Study Per Subsection 18-09-26(c).
Institutional Residential, Assisted Living and Long Term Care	1/3 client beds or rooms
Institutional Residential, Dormitory	1/dormitory bed.
Library	1/500 sqft of floor area
Park	Parks under one acre have no minimum. Parks greater than an acre shall have minimum determined by a Parking Study Per Subsection 18-09-26(c).
Post Office	Minimum determined by a Parking Study Per Subsection 18-09-26(c).
Public Entertainment / Recreation Facility	Minimum determined by a Parking Study Per Subsection 18-09-26(c).
Public Service / Safety Facility	Police Station: 1/200 sqft of floor area Fire Station: 1/bed in the fire station (a minimum of five is required) All other public service uses/facilities not otherwise listed: 1/333 sqft of floor area
Recovery Residences	1/3 client beds or rooms
Religious Institution	1/50 sqft of seating/gathering areas

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Use	Minimum required vehicle parking spaces
School, Public or Private	1.5/kindergarten or elementary school classroom; 3.5/junior high or middle school classroom; 9.5/senior high school classroom; 20/postsecondary school classroom When the school has a stadium, gymnasium, or auditorium designed to accommodate spectators and visitors at extracurricular events the minimum shall be determined by a Parking Study Per Subsection 18-09-26(c).
Transitional Housing	1/3 client beds or rooms
Residential	
Duplex (single lot)	4 spaces
Dwelling, 1 Unit Detached (single lot)	2/dwelling; one space shall be in a garage for all new development
Dwelling, 2 Units Attached (1 unit per lot)	2/dwelling
Dwelling, 3-8 Units Attached (1 unit per lot)	1.5/dwelling + 1/4 units for guest parking
Dwelling, Live-Work (1 unit per lot)	1/dwelling (the "work" portion of the "live-work" use shall have a minimum parking amount consistent with the "work" use)
Manufactured Home Park	2/dwelling
Multi-Unit Dwellings (single lot), Multi-Unit Dwelling Complex (single lot) Cottage Housing	1/ studio,1 bedroom unit + 1.5 / 2 bedroom unit + 2 / 3 bedroom unit + 2.5 / 4+ bedroom unit + 1 / 5 units guest parking
Multi-Unit Dwelling, Above Ground Floor Only (single lot)	1 / studio,1 bedroom unit + 1.5 / 2 bedroom unit + 2 / 3 bedroom unit + 2.5 / 4+ bedroom unit + 1 / 5 units guest parking + (the nonresidential portion of this use, not specifically accessory to the residential use, shall have a minimum parking amount consistent with the nonresidential use)

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Use	Minimum required vehicle parking spaces
Triplex/Quadplex (single lot)	2/dwelling
Utilities, Infrastructure, Wireless Telecommunication Uses	
Commercial Satellite Dish,	A minimum of two spaces; no minimum when accessory to a primary use
Public Utility Facilities	N/A
Sewage Treatment Plant	N/A
Solar Farm	N/A
Utility or Government Installation Other than Listed	N/A
Water Treatment Plant, Reservoir and Water Storage Tanks	N/A
Wireless Telecommunications, Tower and Equipment	N/A

(c)

Parking study. To determine minimum or maximum parking needs a parking study may be required. Land uses requiring a parking study are identified in Table 18-09-26.1.

(1) Adjustments and exemptions to parking minimums and maximums shall require a parking study as expressly outlined in Table 18-09-26.1 and Section 18-09-27. If a parking study is not listed in Section 18-09-27 for an adjustment, a parking study is not required for that adjustment.

a. Upon receiving a request for an adjustment to the required minimum or maximum parking in accordance with Section 18-09-27, the director may require the applicant to prepare and submit a parking study.

(2) The parking study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE), or other acceptable estimates as approved by the director. Other data estimates should include quantifiable and relevant data sources collected with regards to the proposed use or combinations of uses.

(3) Data estimates as used in Subsection 18-09-26(c)(2) shall be:

a. Of comparable land use to the proposed use;

b. Of similar size density, scale, bulk, area, type of activity, and location; and

c. Quantifiable with regards to off-street vehicle parking spaces and their utilization throughout the time of day, month, or year.

(4) Data estimates as used in Subsection 18-09-26(c)(2) should be:

a. Derived from the greater Colorado Front Range, preferably in the Denver Metro.

(5) The parking study shall document the sources of data used to generate data estimates and shall provide a comparison of the proposed development activity to the provided data estimates.

Sec. 18-09-27. Adjustments to minimum and maximum parking requirements.

(a) **Applicability.** The standards of Section 18-09-27 shall apply only to the off-street vehicle parking amounts identified in Table 18-09-26.1.

(b) **Adjustments to minimum parking requirements applicability**. The director may approve adjustments to the minimum number of required parking spaces, as detailed in Table 18-09-26.1, through an Administrative Adjustment per Section 18-02-12.

(1) Adjustments in Table 18-09-27.1 to the minimum parking requirements may be combined but shall not combine to more than a 50 percent reduction in minimum parking.

(2) **Table 18-09-27.1 Adjustments to minimum parking requirements.**

Type	Criteria (if statement)	Adjustment (then statement)
Tree preservation	If a reduction is necessary to preserve a tree from being damaged or removed;	then, the director may approve a reduction in required parking sufficient to preserve trees consistent with Article VIII.
Transit proximity	If a land use is located within one quarter (0.25) mile of a public Transit Stop, Micro-Mobility Hub, Transit Passenger Shelter, or Transit Station;	then, the director may approve a 25 percent maximum reduction in required parking. For land uses with residential units, the Director may approve a 50 percent maximum reduction for the required residential parking spaces.
Ground floor, nonresidential uses - Multi-Unit Dwelling, Above Ground Floor and Dwelling, Live-Work only	If a ground floor land use contained in "Multi-Unit Dwelling, Above Ground Floor" or "Dwelling, Live-Work" and the use is in the MU and TOD base zone district;	then, the director may approve up to a 50 percent reduction in the minimum parking required for the ground floor, nonresidential uses.

Type	Criteria (if statement)	Adjustment (then statement)
Public off-street parking	If a land use is located within 1,000 feet of a parking garage or lot that is available for use by the public without charge and the spaces within the garage are not used as required off-street parking for another land use;	then, the director may approve a 25 percent maximum reduction in required parking.
Affordable units	If a residential dwelling unit of a Multi-Unit Dwelling is deed restricted to be affordable to households making 80 percent or less of the Area Median Income for the county in which the dwelling unit is in;	then, the director may approve the reduction of 0.5 parking spaces per deed restricted affordable unit.
Parking study	If a parking study, meeting the requirements of Section 18-09-26(c), identifies a parking minimum below the minimum required spaces identified in this article;	then, the director may approve the decrease in allowed parking identified as necessary in the parking study.

(c) **Adjustments to maximum parking restrictions**. The director may approve adjustments to the maximum number of allowed parking spaces, as detailed in Table 18-09-27.2, through an Administrative Adjustment per Section 18-02-12.

(1) **Table 18-09-27.2 Adjustments to maximum parking requirements.**

Type	Criteria (if statement)	Adjustment (then statement)
Permeable Surfacing	If all parking spaces are surfaced with a permeable material approved by the director;	then the director may approve a 15 percent maximum increase to the maximum allowed parking.
Parking Area Interior Landscape	If a minimum of one additional parking lot island, beyond what is required by Section 18-8-22, shall be provided per every 12 vehicle parking spaces, including reserved parking spaces;	then the director may approve a 25 percent maximum increase to the maximum allowed parking.
Parking Study	If a parking study, meeting the requirements of Subsection 18-09-26(c), identifies a need for more parking spaces than allowed;	then the director may approve the increase in maximum allowed parking identified as necessary in the parking study.

Sec. 18-09-28. Loading and delivery.

(a) **Requirement.** On the same premises with every building erected and occupied for any Multi-Unit Residential, Commercial, Entertainment, Industrial, Automotive, Transportation, Lodging, Public and Institutional use involving the receipt or distribution of vehicles, materials, or merchandise, there shall be provided and maintained adequate, designated space for standing, turning, loading, and unloading services in a manner that does not interfere with required vehicle or bicycle parking, pedestrian walkways, or with the public use of rights-of-way.

(b) **Permitted loading locations**.

(1) Off-street loading spaces shall be provided on the same lot as the use served, unless provided in a common terminal with off-street connections between the building and terminal.

(2) No loading bay for vehicles over two tons capacity shall be located closer than 50 feet to any residential property, unless it is enclosed on a minimum of three sides by building or screening walls.

(3) No loading bay shall be located within 25 feet of the nearest point of intersection of any two streets.

(4) No loading bay shall be located in:

a. Any front yard or street side yard;

b. A fire lane;

c. In a manner that intrudes into any portion of a required parking area drive aisle or internal access drive; or

d. In a manner that prevents access to an off-street parking space.

(c) **Loading design and locational standards**.

(1) **Dimensional standards**. Off-street loading spaces shall meet one or more of the dimensional standards established in Table 18-09-28.1.

a. **Table 18-09-28.1: Loading space dimensional standards.**

Loading dimension minimum	*Large size loading space*	*Medium size loading space*	*Small size loading space*
Width	11 feet	11 feet	10 feet
Length	55 feet	35 feet	25 feet
Vertical clearance	14 feet	13 feet	7.5 feet

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(2) The first required off-street loading space shall be of the medium or large size and at least 50 percent of the required off-street loading spaces shall be of the medium or large size.

(3) Ingress to and egress from off-street loading spaces shall have at least the same vertical clearance as the off-street loading space.

(4) Each off-street loading space shall be designed with a reasonable means of vehicular access from the street or alley in a manner which will least interfere with traffic movement.

(5) Each off-street loading space shall be independently accessible so that no loading space blocks another loading space. Trash storage facilities and other structures shall not block a loading space.

(6) The design of the ingress, egress, and maneuvering area shall be approved by the director.

(7) Off-street loading facilities for more than one building may be provided in a common terminal if connections between the building and terminal are off-street

(d) **Required loading spaces.**

(1) Required loading spaces shall be applied to the portion of the development activity for which loading spaces are specified in Table 18-09-28.2.

(2) If a land use is not listed in Table 18-09-28.2, no minimum amount of loading spaces are required.

a. The director may require loading and delivery spaces for temporary and accessory uses if the use is determined to have inadequate space for loading and delivery spaces using the dimensions and standards of this section.

(3) A structure containing more than one use shall meet the loading requirements for the sum of the requirements for each use, except if one use occupies 90 percent or more of the floor area of the structure, the off-street loading requirement is calculated as if that use occupied the entire structure.

(4) In determining the required number of loading spaces in Table 18-09-28.2, fractional spaces above one-half are counted to the next whole number

(e) **Table 18-09-28.2: Minimum required loading spaces.**

Land Use	Minimum required loading spaces (sqft shall indicate square feet)
Bar / Lounge / Tavern; Micro Alcohol; Restaurant more than 3,500 sq ft;	0 to 5,000 sqft – no loading space 5,001 to 50,000 sqft – one loading space

Land Use	Minimum required loading spaces (sqft shall indicate square feet)
	Each additional 100,000 or fraction thereof over 100,000 – one additional loading space
Animal Clinic / Day Care, with or without outdoor runs; Animal Kennel or Shelter, with or without outdoor runs; Bank, Credit Union, Financial Services; Boarding/Rooming House; Catering; Civic Meeting Facility; Commercial Bus Station and Terminal; Cultural and Arts Facility; Equipment Rental; General Commercial, more than 3,500 sq ft; Hospital / Sanitarium; Hotel and Motel; Institutional Residential, Assisted Living and Long Term Care; Institutional Residential, Dormitory; Library; Marijuana store; Medical Clinic; Movie Theater; Natural Medicine Healing Center; Pawnshop; Personal Services; Private Convention Center; Private Entertainment / Recreation / Fitness Facility, indoor & outdoor; Private Event/Banquet Facility; Public Entertainment / Recreation Facility; Public Service / Safety Facility [2]; Public Utility Facilities [2]; School, Public or Private; Sexually Oriented Business; Vehicle Leasing / Sales [1]; Vehicle Rental; Vehicle Service – Major and Minor Repair/Maintenance; Warehouse – Distribution; Warehouse – Storage; Warehouse Showroom / Office;	0 to 10,000 sqft – no loading space 10,001 to 50,000 sqft – one loading space Each additional 100,000 or fraction thereof over 100,000 – one additional loading space
Crematorium	0 to 10,000 sqft – two loading spaces

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Land Use	Minimum required loading spaces (sqft shall indicate square feet)
	10,001 to 20,000 sqft – three loading spaces Each additional 100,000 or fraction thereof over 10,000 – one additional loading space
Business / Technical / Trade School, Indoor Activity Only;	0 to 50,000 sqft – no loading space 50,001 to 100,000 sqft – one loading spaces Each additional 100,000 or fraction thereof over 100,000 – One additional loading space
Airport; Commercial Greenhouse / Nursery; Funeral Home/Mortuary; Grain and Feed Elevators; Heavy Industrial, Indoor and Outdoor; Light Industrial, Indoor and Outdoor; Liquor Store; Livestock Auction Pens or Sheds; Marijuana Testing Facility; Motor Vehicle Pawnbroker [1]; Natural Medicine Manufacturer, Cultivation Facility, or Testing Facility; Outdoor Storage; Post Office; Recycling Collection Center; Salvage / Reclamation, Outdoor; Truck, Machinery, Heavy Equipment Sales, Service or Repair;	0 to 50,000 sqft – one loading space 50,001 to 100,000 sqft – two loading spaces Each additional 100,000 or fraction thereof over 100,000 – one additional loading space

Table 18-09-28.2 Footnotes:

[1] In addition to required loading spaces, an adequate area shall be provided on site that allows for the off-loading of vehicles from vehicle transports.

[2] The director may require additional loading spaces, of any size contained within this section, for a use that is most equivalent to the proposed land use in terms of function.

Sec. 18-09-29. Driveways.

(a) **Applicability**. The standards of this section shall apply to a private vehicular access intended to serve properties directly from right-of-way or an access easement and which have access to off-street vehicle parking, loading & delivery areas, internal access drives, pedestrian facilities, and serves primary and accessory structures on the property.

(b) **Definitions.** For purposes of this section, the following definitions shall be used for driveways for attached and detached residential uses:

(1) Primary driveway means:

a. The driveway installed at the time of initial development of the property; or

b. If no driveway was installed at the time of initial development, then the first driveway constructed on the single-family lot; or

c. A driveway leading to newly constructed enclosed parking spaces when the number of new enclosed parking spaces exceeds the number of existing enclosed parking spaces.

(2) Secondary driveway means a driveway other than the primary driveway.

(c) **General standards**. The following standards shall apply to all driveways necessary for required ingress and egress of a parcel:

(1) The driveway between the traveled portion of a street and the lot or tract property line shall be constructed by the developer prior to the issuance of a certificate of occupancy and shall be designed in accordance with the following:

a. The location and design of the driveway shall not endanger or impede the existing or projected traffic on the street;

b. Driveway locations shall not alter the profile or cross section of the street;

c. Driveway locations shall not create or increase erosion or drainage problems; and

d. Driveways for attached and detached residential uses shall not be permitted on arterial or major collector streets.

(2) Driveways within the lots or tracts shall be provided from the property line to the building site without:

a. Creating erosion or drainage problems; and

b. Crossing sewage disposal leach fields.

(3) Cross-access easements shall be obtained and conveyed where determined necessary by the city to provide safe and efficient access between two or more properties under separate ownership.

(4) The maximum widths for primary and secondary driveways for attached and detached uses, as displayed in Figure 18-09-29.1, shall be as follows:

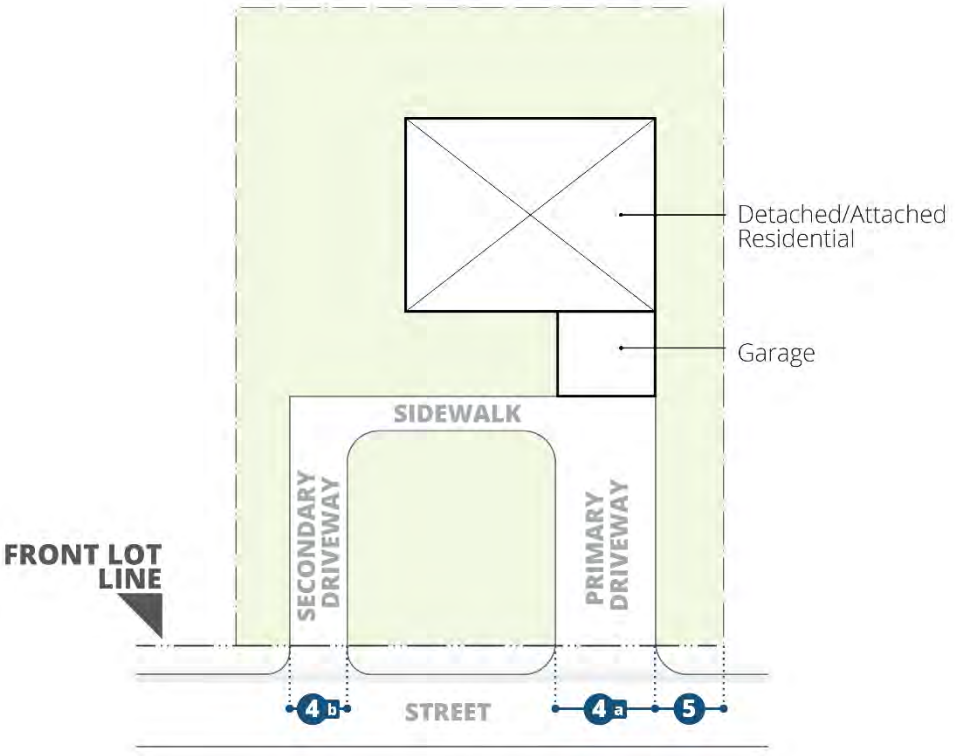
a. The maximum width for primary driveways providing access to an attached or detached dwelling unit is restricted to the following outer limits:

1. No more than three feet in front of the livable portion of the home is allowed for a walkway; and

2. The minimum distance from the side property line is dictated by the setback requirements in Subsection 18-09-29(c)(5) below.

b. The maximum width for a secondary driveway accessing an attached or detached dwelling unit is 12 feet, as measured at the property line and at all points along the driveway surface.

Figure 18-09-29.1. Residential primary and secondary driveways. (The numbers in Figure 18-09-29.1 represent Subsections 18-09-29(c)(4) and (c)(5)).



(5) The location of a driveway to an attached or detached dwelling unit shall lead to a garage, carport, or parking pad, and maintain the following setbacks from a side property line:

a. In front of the house, except for corner lots:

1. Lots with a one-car or no garage must keep a minimum of 12 inches between the edge of the driveway and a side property line.

2. Lots with at least a two-car garage and all secondary driveways must keep a minimum of three feet between the edge of the driveway and a side property line.

b. Behind the front plane of the house no minimum side setback is required for all lots.

(6) Circular driveways are prohibited, unless specifically allowed for as part of the Planned Development Legacy (PD-L) or Planned Development Overlay (PD-O) Standards for a property.

(7) All residential driveways shall also comply with the requirements of Section 18-09-24, as amended.

(8) Primary access driveways shall also comply with the requirements of Sections 18-09-12 and 18-09-13, as amended, pertaining to street access.

(9) Access drives and vehicle entrances to specified land uses in this subsection shall be designed in accordance with Section 18-09-12 and to the following standards:

a. **Table 18-09-29.1. Access drive dimensions.**

Land use category	Radii	Maximum access drive width (measured at the property line)
Residential, Multi-Unit	15 feet	30 feet
Industrial, Automotive, and Transportation	30 feet	46 feet
All other use categories not specifically listed in Table 18-09-29.1.	30 feet	35 feet

(d) **Additional standards for driveways**.

(1) When a driveway is provided that leads to a garage for the Cottage Housing, Dwelling, 3-8 Units Attached, or Multi-Unit Dwelling residential uses it shall be a minimum of 20 feet long, excluding sidewalks or pedestrian walkways, except for when:

a. Maneuvering to and from the garage is into a drive aisle meeting the standards of Section 18-09-35;

b. The maneuvering area to and from the garage is not to an alley, access easement, or public or private street; and

c. Signs shall be posted stating that parking in front of the garages is prohibited.

(2) Driveways shall be constructed and maintained in accordance with the standards set forth in Section 18-09-35 and the Standards and Specifications.

(3) Any driveway situated less than three feet from a side property line shall include a six inch curb or other design element which directs drainage away from the adjacent lot.

(4) Driveways shall not:

a. Create or increase erosion or drainage issues on the subject lot or any adjacent lot in alignment with Chapter 22;

b. Endanger or impede the existing or projected traffic on the street;

c. Directly access an arterial or major collector street;

d. Alter the profile or cross section of the street;

e. Cover, obscure, or prevent easy access to a fire hydrant or a utility device, such as a water meter per Section 74-106; or

f. Traverse sewage disposal leach fields.

(e) **Addition or modification of driveways for existing attached and detached residential dwelling units.** The intent of these standards is to provide standardized requirements for the installation or expansion of driveways for existing attached or detached dwelling units. These requirements apply to all primary and secondary driveways that provide access from a public or private street to a attached or detached residential uses and are installed or expanded after the initial development of the property.

(1) All primary and secondary driveways for a attached or detached dwelling units that are installed or expanded after the initial development of a property require a Minor Planning Permit from the Planning Division. This includes both new and replacement driveways.

(2) Secondary driveways shall also comply with the requirements of Subsection 18-09-29(f) below, as amended, pertaining to access requirements. Only one secondary driveway is permitted per attached and detached residential uses.

(f) **Provisions applicable to secondary vehicular access to attached and detached residential land uses, excluding multi-unit dwelling land uses**.

(1) A secondary driveway is not permitted for the Dwelling, 3-8 Units Attached use.

(2) Subject to the restrictions stated below, detached residential uses on an individual lot may have a secondary access point or gate to a street from the lot the use is on.

a. Use by motor vehicles of a secondary access shall be done in a safe and prudent manner and otherwise in strict compliance with the city traffic code, Section 38-521 et seq., as amended, including any required permits for street or lane closures.

(3) No secondary access shall be permitted to a roadway as classified by the city in the city's Standards and Specifications as a:

a. Regional arterial;

b. Major arterial; or

c. Minor arterial.

(4) Secondary access shall meet the sight distance guidelines contained in Division 6 of Article VI of this chapter.

(5) All secondary accesses from the property line to the street shall be an all-weather and drainable material approved by the director or a material specified in the Standards and Specifications.

(6) If the access is into a fenced area, the gates for the fence shall not open into the city's right-of-way. The gate must either open into the private lot, roll, or slide parallel with the fence.

(7) No secondary access shall be permitted if the secondary access will cause damage to any improved streetscape within the city's rights-of-way or public trail adjacent to the secondary access, including sidewalks and landscaping.

(8) If any injuries, property damage, or traffic accident or violation occur as a result of a person utilizing a secondary access, or if there is a significant increase in traffic volumes on a street that a secondary access provides access to, the city traffic engineer may review the use of the secondary access. The city traffic engineer's review will be in accordance with the policies herein and based upon accepted practices of the safety principles, concepts and standards of traffic engineering. If the city traffic engineer determines that the use of the secondary access constitutes a threat to the public safety, the city traffic engineer may issue an order directing the owner(s) to cease and desist the use of such secondary access within ten days after written notice of the order.

a. Owner(s) may appeal the decision of the traffic engineer to the board in accordance with Section 18-02-32. If a timely appeal is not initiated the city traffic engineer's order shall become final, and any further use of the subject secondary access shall be considered a violation of this chapter.

(9) Any secondary access covered by this section which is in existence as of November 18,1996 will be considered a permitted access if such secondary access is in conformance with the requirements of Subsections 18-09-29(f)(2) & (3) above. Such access shall not be expanded unless all requirements of this section are met. Enforcement under this paragraph shall be limited to those roadways where traffic volumes meet the classifications described in Subsection 18-09-29(f)(2).

(10) This section shall not create liability on the part of the city, any officer or employee thereof for injury or damages that results from reliance on this section or any administrative decision made hereunder. Owners shall be responsible for any personal injuries, damage to any rights-of-way improvements or other property damage caused by the use of the secondary access.

Sec. 18-09-30. Reserved.
Sec. 18-09-31. Reserved.
Sec. 18-09-32. Reserved.
Sec. 18-09-33. Reserved.
Sec. 18-09-34. Reserved.

DIVISION 4. INTERNAL SITE ACCESS, DESIGN, AND MOBILITY IMPROVEMENTS

Sec. 18-09-35. Parking dimensional and design standards.

(a) **Parking space and drive aisle dimensional applicability**. Each off-street parking space shall be provided in accordance with the applicable dimensional standards established in Tables 18-09-35.1 through 18-09-35.4.

(b) **Off-street vehicle parking space dimensional standards, for attached and detached residential uses**.

(1) **Minimum dimensions on permitted locations for attached and detached residential uses**. To be considered toward the minimum parking standard for an attached or detached residential use the off-street vehicle space shall be in a location permitted as described in Section 18-09-24 and shall meet the minimum dimensions identified in Table 18-09-35.1 to be considered an off-street vehicle space.

a. **Table 18-09-35.1 Minimum parking space dimensions for attached and detached residential uses.**

Parking dimension	0 degree (parallel parking)	45 degree	60 degree	90 degree (head-in parking)
Garage - depth	Not permitted	Not permitted	Not permitted	20 feet
Garage - width	Not permitted	Not permitted	Not permitted	10 feet
Driveway, parking pads, carports - depth	24 feet	18 feet	18 feet	19 feet
Driveway, parking pads, carports - width	10 feet	8.5 feet	9 feet	9 feet

(c) **Off-street vehicle parking space dimensional standards for multi-unit residential and nonresidential land uses**.

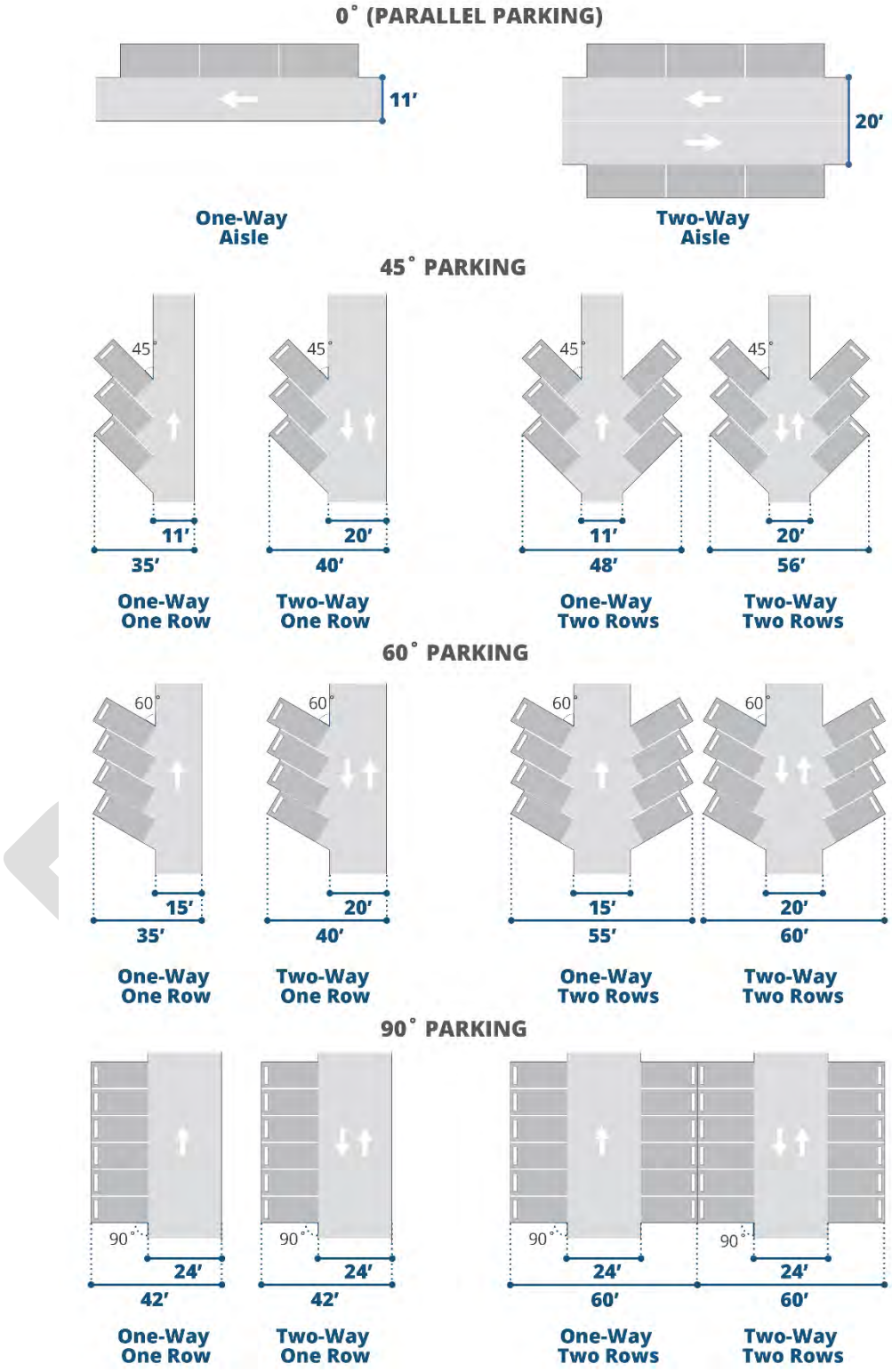
(1) **8.5-foot wide space**. If a parking space is eight and one-half feet wide, it shall meet the minimum dimensional standards established in Table 18-09-35.2 and as displayed in Figure 18-09-35.1.

a. **Table 18-09-35.2: 8.5-foot wide spaces.**

Parking dimension	0 degree (parallel parking)	45 degree	60 degree	90 degree (head-in parking)
One-way aisle	11 feet	11 feet	15 feet	24 feet
Two-way aisle	20 feet	20 feet	20 feet	24 feet
One-way one row	N/A	30 feet	35 feet	42 feet
Two-way one row	N/A	38 feet	40 feet	42 feet
One-way two rows	N/A	48 feet	55 feet	60 feet
Two-way two rows	N/A	56 feet	60 feet	60 feet

b. Vehicle parking spaces that are 8.5 feet wide shall not exceed more than 35 percent of the total required parking unless otherwise approved by an Administrative Adjustment per Section 18-02-12.

Figure 18-09-35.1. 8.5-foot wide spaces.



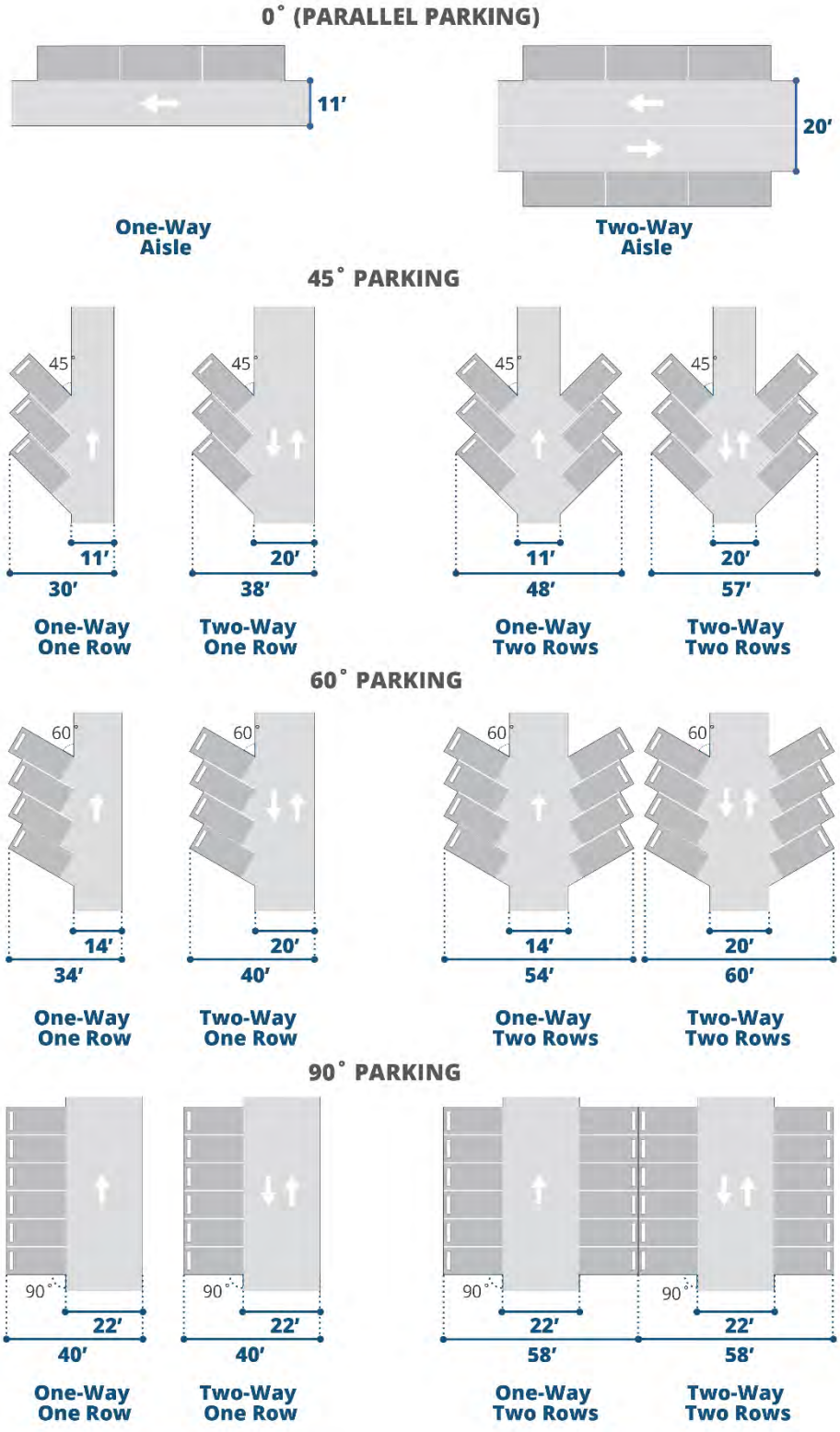
(2) **9-Foot Wide Space.** If a parking space is nine feet wide, it shall meet the minimum dimensional standards established in Table 18-09-35.3 and as displayed in Figure 18-09-35.2.

a. **Table 18-09-35.3: 9-foot wide spaces.**

Parking dimension	0 degree (parallel parking)	45 degree	60 degree	90 degree (head-in parking)
One-way aisle	11 feet	11 feet	14 feet	22 feet
Two-way aisle	20 feet	20 feet	20 feet	22 feet
One-way one row	N/A	30 feet	34 feet	40 feet
Two-way one row	N/A	38 feet	40 feet	40 feet
One-way two rows	N/A	48 feet	54 feet	58 feet
Two-way two rows	N/A	57 feet	60 feet	58 feet

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Figure 18-09-35.2. 9-foot wide spaces.



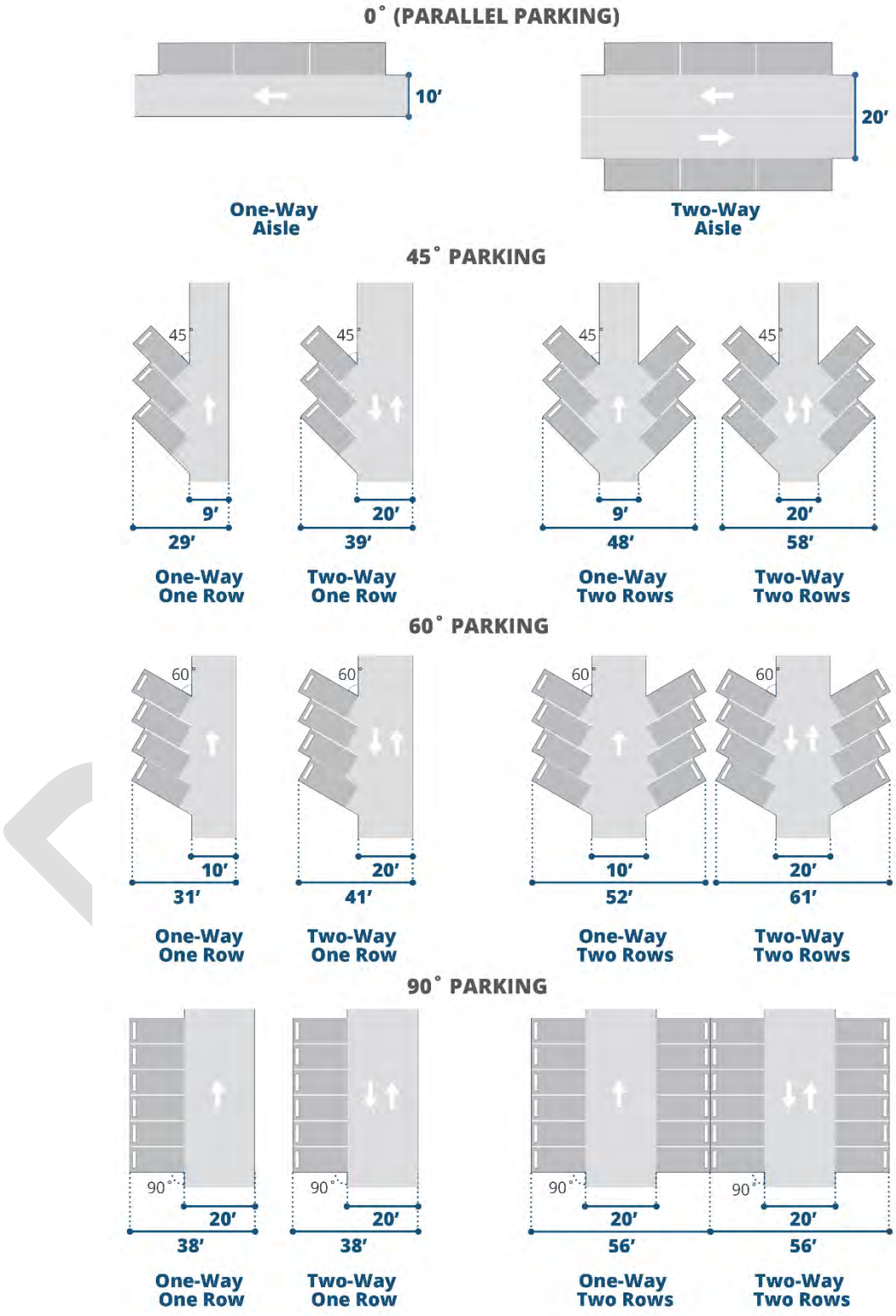
(3) **10-foot-wide space**. If a parking space is ten feet wide, it shall meet the minimum dimensional standards established in Table 18-09-35.4 and as displayed in Figure 18-09-35.3.

a. **Table18-09-35.4: 10-foot-wide spaces.**

Parking dimension	0 degree (parallel parking)	45 degree	60 degree	90 degree (head-in parking)
One-way aisle	10 feet	9 feet	10 feet	20 feet
Two-way aisle	20 feet	20 feet	20 feet	20 feet
One-way one row	N/A	29 feet	31 feet	38 feet
Two-way one row	N/A	39 feet	41 feet	38 feet
One-way two rows	N/A	48 feet	52 feet	56 feet
Two-way two rows	N/A	58 feet	61 feet	56 feet

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Figure 18-09-35.3. 10-foot wide spaces.



(d) **Parking area design standards**.

(1) **Parking space delineation**. For uses other than attached and detached residential land uses, each off-street parking space shall be clearly and permanently identified by stripes, buttons, tiles, barriers, or other methods approved by the director.

a. Spaces for attached and detached residential uses shall meet the dimensions in Subsection 18-09-35(b)(1) but need not be delineated when on a driveway or within a garage.

(2) **Parking area surfacing**.

a. For attached and detached residential uses the surface of a parking space, maneuvering area for parking, or driveway shall consist of an all-weather and drainable material approved by the director or a material specified in the Standards and Specifications.

b. For all uses but the attached and detached residential uses, the surface of an enclosed or unenclosed parking space, maneuvering area for parking, or a driveway which connects to a street or alley shall be on a compacted subgrade and shall consist of a surfacing material identified in the Standards and Specifications.

(3) **Wheel stops.** Off-street parking spaces shall have wheel stops as follows:

a. For nonresidential uses, and

1. Parking spaces along the perimeter of a commercial parking lot or garage; and

2. Parking spaces abutting sidewalks, sidepaths, trails, or pedestrian walkways.

b. Wheel stops shall be a minimum of six inches tall unless alternatives are approved by the director.

c. Wheel stops or barriers shall be placed at least three feet from any screening or landscaping and shall be placed so that:

1. No part of the automobile extends into the public sidewalk, sidepath, trail, or on-site pedestrian walkway, or adjoining property except in the following circumstance.

2. Curbs may be used in lieu of wheel stops, however, when head-in parking is adjacent to sidewalks, sidepaths, trails, or pedestrian walkways the sidewalk, sidepath, trail or pedestrian walkway width shall be increased by 2 feet.; and

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d. No part of the automobile extends into screening identified in Article VI or landscaping identified in Article VIII except for the following circumstances:

1. Required parking lot landscaping shall be protected from vehicles by the placement of wheel stops, curbs, or other means approved by the director. If wheel stops are not used, landscaping is not allowed in the two-foot vehicle overhang area.

2. Screening abutting parking spaces, where wheelstops are required, may provide a barrier that protects the screening and the barrier shall be setback two feet and parallel to the screening in lieu of wheelstops. Paint alone is not a sufficient barrier.

(4) **Snow storage.** All outdoor, off-street vehicle parking areas shall include a designated snow storage area(s), as approved by the director.

(e) **Parking area connectivity**.

(1) A minimum of 70 percent of all parking area drive aisles shall connect to internal access drives or to an adjacent parking lot.

(2) Adjoining parking areas serving (or parking areas designed to provide future access to) Nonresidential or Multi-Unit Residential uses shall be interconnected as follows:

a. At least one connection shall be provided at all lot lines that are coincident for at least 60 feet with another nonresidential or multi-unit residential use;

b. The connection shall be at least 20 feet wide;

c. The connection shall align with a connection that has been previously constructed on an adjacent property or shall be stubbed for future connection if the adjacent site is undeveloped;

d. The connection shall have a slope of no greater than the maximum allowable slope as detailed in the Standards and Specifications, unless otherwise approved by the director;

e. The connection shall not be placed where a building on an adjacent property is within 50 feet of the lot line which would hamper traffic movements within the parking lot; and

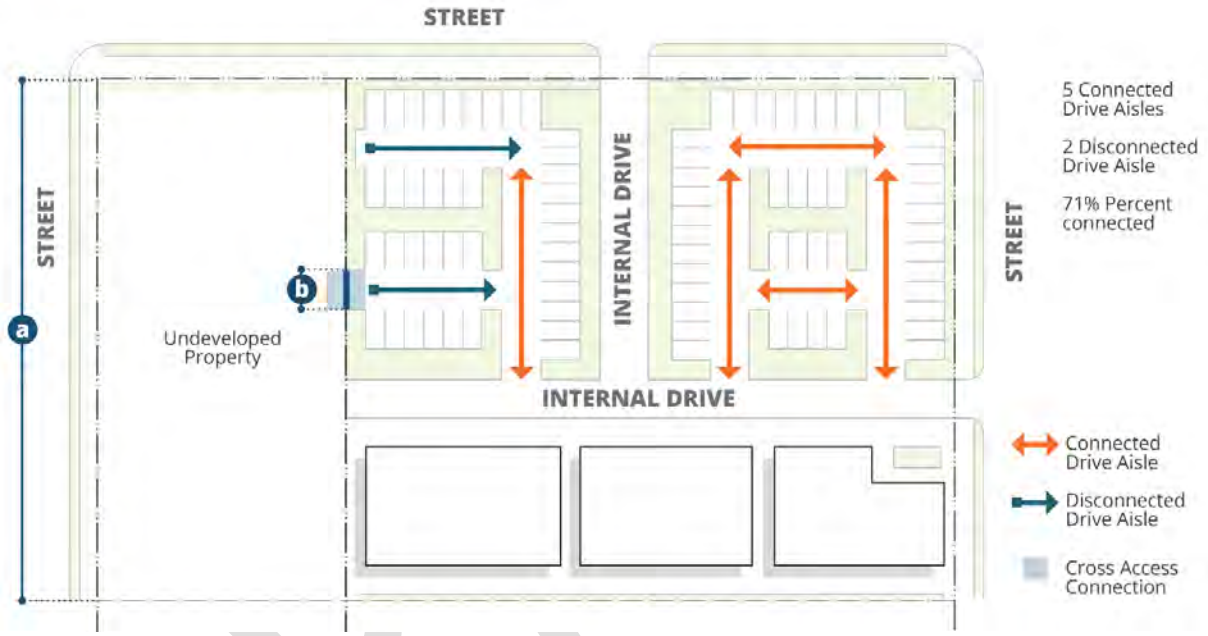
f. The connection shall be placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 6 inches or more.

(3) **Administrative Adjustment.** In the event that the conditions of this section cannot be met without undue hardship, or if such connections would create undesirable traffic flow, the Director may waive the connection requirement per an Administrative Adjustment per Section 18-02-12.

(4) Where a parking lot connection is required, an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the applicable county clerk and recorder in the form of an easement plat.

(5) See Figure 18-09-35.4 which displays how the standards of this subsection can be met.

Figure 18-09-35.4. Parking area connectivity. (The percentages and letters in Figure 18-09-35.4 represent the standards contained within Subsection 18-09-35(e)(1), (e)(2)a., & (e)(2)b.)**.**



(f) **Parking structures**.

(1) Parking Structures are allowed by Special Use Permit in the zoning districts specified in the Principal Use Table in Section 18-04-09.

(2) Parking structures shall comply with the use standards as identified in Section 18-04-88.

(g) **Short-term parking.** Parking spaces reserved for curb-side pickup of patrons, rideshare pick up and drop off, or other short-term parking needs, shall be located either to the side of the principal building, in the rear of the parking lot, away from principal building entrances, near employee exits, or in another location approved by the director through an Administrative Adjustment (Section 18-02-12) so as not to inhibit pedestrian travel between the principal building entrance and off-street parking areas.

(h) **Electric vehicle chargers and electric vehicle readiness**.

(1) **Applicability.** Electric vehicle chargers are permitted as an accessory use in accordance with Section 18-04-172(j). Vehicle Fueling Stations that consist of, or

include, electric vehicle charging facilities as defined and regulated in Section 18-04-97 are considered a principal use that shall be permitted only as identified in the Principal Use Table in Section 18-04-09 and in compliance with the use standards of Section 18-04-97.

(2) **Parking area**. Parking areas for new development shall comply with the *Colorado Model Electric and Solar Ready Code* for electric vehicle charging stations and electric vehicle charging readiness.

(3) **Parking structures**. The following standards of Subsections 18-09-35(h)(2)a., (2)b., and (2)c. shall apply to parking structures with regards to electric vehicle chargers:

a. Parking structures for specific commercial or residential occupancies as defined in the *Colorado Model Electric and Solar Ready Code* shall comply with the electric vehicle charging and electric vehicle charging readiness standards as descried in said code.

b. Parking structures with 100 or more parking spaces shall provide electric vehicle chargers for at least five percent of provided parking spaces and the infrastructure needed for a minimum of 10 percent of provided parking spaces to be converted to electric vehicle chargers at a later date.

c. Parking structures with fewer than 100 parking spaces shall provide the infrastructure needed for a minimum of five percent of provided parking spaces to be converted to electric vehicle chargers at a later date.

(4) **Attached and detached residential land uses.** Parking for new development of attached and detached residential uses shall comply with the *Colorado Model Electric and Solar Ready Code* for electric vehicle charging stations and electric vehicle charging readiness.

(i) **Satellite parking**.

(1) Satellite parking may be approved for nonresidential uses only and shall not be established in any zoning district that does not allow the subject use.

(2) If the parking spaces required by Section 18-09-26 for nonresidential uses cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within

a. 1,320 feet (¼ mile); and

b. On a lot that allows either the primary use or that allows for parking structures or temporary parking lots.

(3) The measurement identified in Section 18-09-35(i)(2)a. shall be taken from the edge of the satellite parking area closest to the entryway of the principal use for which the

parking is provided and shall be measured as walking distance and not as a straight line.

(4) Satellite parking for uses other than nonresidential uses may only be approved by Variance per Section 18-02-36.

(5) Satellite parking for attached, detached, and multi-unit residential uses is prohibited.

(6) A continuous sidewalk, sidepath, trail, or pedestrian walkway meeting the standards of Section 18-09-16 or 18-09-39 shall be provided between the satellite parking lot and the primary building entryway of the principal use. A combination of private access or public sidewalks, sidepaths, and trails may be used to provide the continuous connection.

(7) If satellite parking is utilized to fulfill parking requirements, the owner or authorized agent for the land upon which such satellite parking is located shall restrict the use of such parking area for parking only in connection with the use(s) for which such satellite parking is provided. Such restriction shall be recorded through a plat or plat easement properly filed with the applicable county clerk and recorder.

(8) Applicants requesting satellite parking shall:

a. Present satisfactory written evidence as a part of the development review that they have the legal right to use the satellite parking spaces and that such right is exclusive during the operating hours of the use in question; and

b. The applicant must also sign an acknowledgement that the continuing validity of the applicant's development permit depends upon the continuing ability to provide exclusive use during operating hours of the requisite number of parking spaces.

c. The applicant using satellite parking to comply with the requirements of this article must sign an acknowledgement that the continuing validity of the applicant's development permit depends on the continuing ability to provide the requisite number of parking spaces. If a land use utilizing the satellite parking fails to comply with the requirements of Subsection 18-09-35(i), the parking requirement reverts to those requirements in Table 18-09-26.1 and the property owner and/or applicant shall demonstrate compliance with said requirements or the development permit may be revoked.

1. Continued conformance will be determined at the time of land use application or if a tenant improvement requires demonstration of minimum parking amounts.

(9) In the event of a change in ownership, change in use, or an expansion or reduction in building or parking area, the applicant shall demonstrate continued compliance with satellite parking standards and/or provide additional parking as required in this article.

(j) **Joint use parking**.

(1) Joint use parking may be approved for Nonresidential, Multi-Unit Dwelling, Above Ground Floor, and Mult-Unit Dwelling, Live-work uses.

(2) Joint use parking may be approved where vehicular cross access is provided between adjoining nonresidential developments and:

a. The operating hours of adjoining uses do not significantly overlap, the uses may share up to 50 percent of required parking spaces; or

b. A parking study, meeting the standards of Subsection 18-09-26(c), identifies a lower parking demand, the uses may share up to the number of required parking spaces identified as unnecessary by the parking study.

(3) An applicant proposing joint use parking shall:

a. Present satisfactory written evidence as part of the development review process indicating that they have the legal right to use the specified parking spaces; and

b. Provide a joint use parking agreement as part of the development review process detailing how the parking spaces will be shared among the uses, which shall be recorded as an easement on the applicable subdivision plat or as an easement plat with the applicable county clerk and recorder upon approval; and

c. Sign an acknowledgement that the continuing validity of the applicant's development permit depends upon the continuing ability to provide the requisite number of parking spaces. If the shared parking is no longer available or the property owner fails to comply with the requirements of this section, the parking requirement reverts to the requirements identified in Table 18-09-26.1 and the property owner or applicant must demonstrate compliance with said requirements or the development permit may be revoked. Continued conformance will be determined at the time of land use application or if a tenant improvement requires demonstration of minimum parking amounts.

(4) If there is a change in ownership, change in use, expansion in building area or reduction in parking area, a new joint use agreement shall be submitted to the city and additional parking shall be provided, if required in accordance with this article.

Sec. 18-09-36. Internal access drives.

(a) **Generally**. All development sites' internal site access and circulation shall be provided via the standards of this section, Division 3 of this article, and Section 18-09-39 except where an Administrative Adjustment per Section 18-02-12 is permitted, a Variance per Section 18-02-36 is granted, or at the sole discretion of the director. The standards of this section pertain to

parking lots and internal site access and shall not apply to streets or right-of-way unless described as such in this section.

(1) Development sites that are greater than five acres or have at least 200 parking spaces shall contain both primary and secondary internal access drives and may contain driveways and drive aisles.

a. Driveways and drive aisles meeting these standards shall not be connected directly to right-of-way. This standard shall not preclude minimum parking requirements.

b. Parking lot connectivity shall comply with Subsection 18-09-35(e) , Parking area connectivity.

(2) Sites smaller than five acres or 200 parking spaces may address on-site access and mobility using driveways (see Section 18-09-29), drive aisles (see Subsection 18-09-35(c)), primary or secondary internal access drives (see Subsections 18-09-36(b) &(c)), or access easements (see Section 18-09-37).

a. This standard of Subsection 18-09-32(a)(2) shall not preclude minimum parking requirements. Use of drive aisles and driveways to provide access to the right-of-way shall be approved by the director.

(3) Where an internal access drive, drive aisle, or driveway provides access directly to a loading or delivery space, the travel lanes provided shall be at least the minimum width of the loading or delivery space.

(4) Off-street access shall meet all applicable Standards and Specifications. Where a stricter standard applies between this article or the Standards and Specifications, the stricter standards shall apply.

(5) The standards of this section pertain to off-street access for vehicles, pedestrians, and active transportation users and include primary internal access drives, secondary internal access drives, pedestrian and active transportation access and circulation, landscaping, off-street parking standards, and off-street loading and delivery standards.

(b) **Primary internal access drive**. Primary internal access drives shall connect a development site to the public right-of-way, connect to secondary internal access drives, and meet the standards established in Table 18-09-36.1.

(1) **Table 18-09-36.1 Primary internal access drive standards** (see Figure 18-09-36.1).

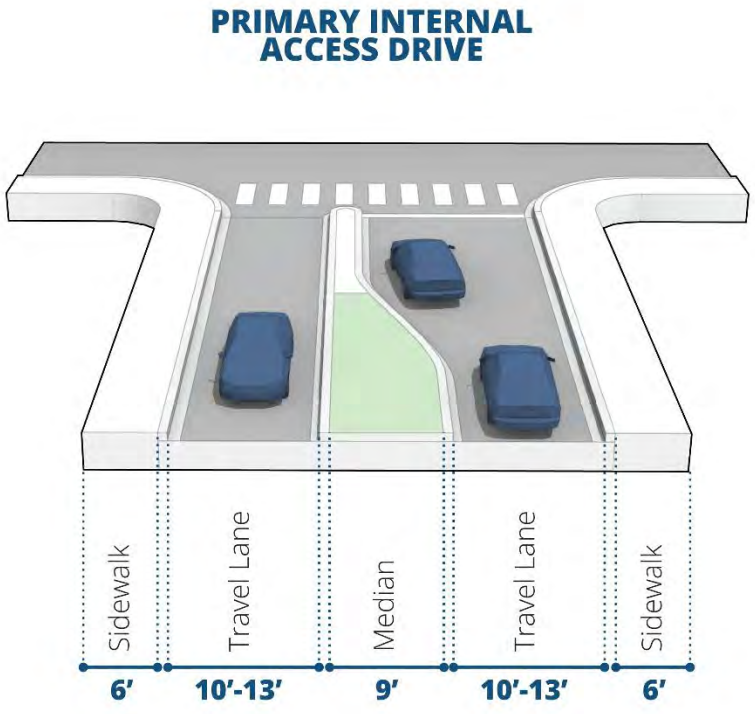
Access drive component	Required	Minimum dimensions
Two travel lanes	Yes	10-13 feet per lane, subject to applicable Fire Codes and the Standards and Specifications.

Access drive component	Required	Minimum dimensions
Median [1]	Yes	9 feet, medians shall have breaks to accommodate turning movements.
Median landscape	Yes	See Section 18-8-26.
Bicycle lane	No	If provided, shall be 6 feet.
Parallel parking width	No	If provided, shall be 8 feet.
Parallel parking length	No	If provided, shall be 22 feet.
Angled parking	No	If provided, see Subsection 18-09-35(b).
Curb and gutter	Yes	Per Standards and Specifications.
Parkway	No	If provided, the parkway shall meet the same standards as the right-of-way buffer, see Section 18-8-18.
Sidewalk – both sides of drive	Yes	6 feet

Table 18-09-36.1 Footnote:

[1] Medians may only be required for the first 200 feet of the length of the primary access drive immediately from the access point of right-of-way.

Figure 18-09-36.1. Primary internal access drive.



(c) **Secondary internal access drive**. Secondary internal drives shall connect primary internal access drives to buildings and parking areas and meet the standards established in Table 18-09-36.2.

(1) **Table 18-09-36.2 Secondary internal access drive standards** (See Figure 18-09-36.2)**.**

Component	Required	Minimum dimensions
Two travel lanes	Yes	10-13 feet per lane, subject to applicable Fire Codes and the Standards and Specifications.
Bicycle lane	No	If provided, shall be 6 feet.
Parallel parking	No	If provided, shall be 8 feet.
Angled parking	No	If provided, see Subsection 18-09-35(b).
Curb and gutter	Yes	Per Standards and Specifications.
Parkway	No	If provided, shall be 6 feet, see Section 18-8-18.
Sidewalk – one side of drive	Yes	6 feet

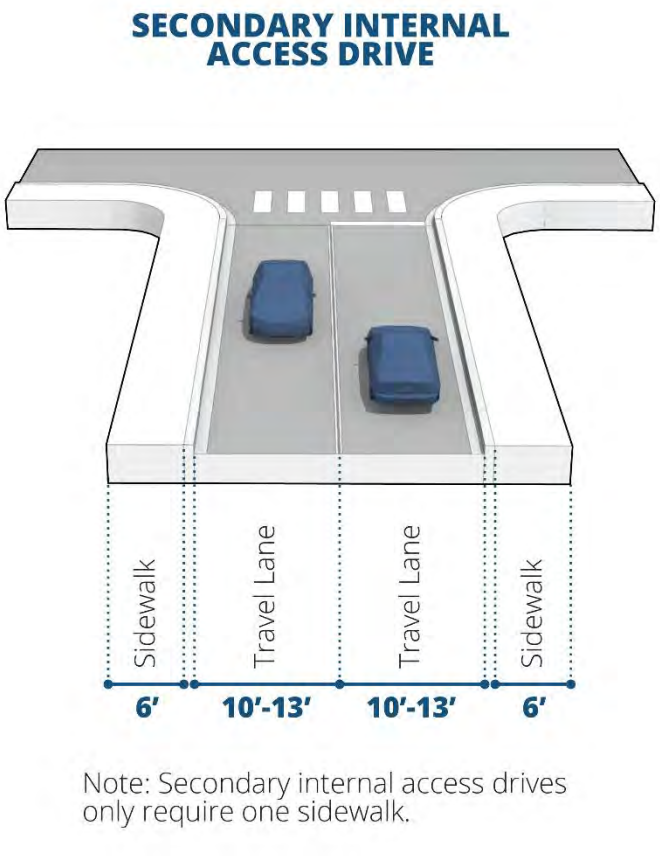


Figure 18-09-36.1. Secondary internal access drive.

Sec. 18-09-37. Access easements.

(a) **Generally.** All development site access that requires and the use of an access easement or an alley, public or private, shall adhere to this section except where an Administrative Adjustment (see Section 18-02-12) is permitted, a Variance (see Section 18-02-36) granted, or at the sole discretion of the director. Access easements may include:

(1) Private streets;

(2) Alleys;

(3) Drive aisles per Section 18-09-35;

(4) Internal access drives per Section 18-09-36; or

(5) Shared driveways.

(b) **Access easement.** All lots and tracts shall have direct access to the public right-of-way or an access easement that connects to a public street or internal access drive that connects to a public street. The following minimum standards shall apply to access easements:

(1) An access easement shall be a minimum of 20 feet wide;

(2) An access easement without secondary ingress or egress is prohibited from exceeding 150 feet in length unless granted by applicable Fire Codes;

(3) Access easements shall comply with applicable Fire Codes; and

(4) The transportation elements – including any provided sidewalks, on-street parking, bicycle facilities, landscaping, medians, or other elements – contained within the access easement shall comply with:

a. Chapter 18; or

b. The Standards and Specifications;

(c) **Additional access easement standards.**

(1) development engineering manager may vary these standards based on the location of other access points, the configuration of the property, the traffic generation projections, and public safety considerations.

(2) The director may vary these standards based on the location of other access points, the configuration of the property, the traffic generation projections, and public safety considerations

(3) The developer shall submit for city approval with a Development Plan (Section 18-02-17) the proposed maintenance system, including snow removal, and financial plan for maintenance, and shall demonstrate the plan is adequate to address long-term maintenance and replacement of the easement surface.

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(4) The developer shall submit for city approval with a Development Plan (Section 18-02-17) a proposed fire turning radius study and shall demonstrate that all emergency services have adequate access to all structures.

(5) The proposed location, configuration, use and ownership of access easements shall be approved by the city based on the design and character of the development. The director may require additional access easements for:

a. Cross access between adjacent or abutting properties; or

b. For off-street vehicle parking in adjacent parking lots serving more than one property.

(6) If the developer or successor requests the city to accept the access easement as a public street, the developer or successor shall demonstrate that the access easement meets the structural standards in the city's Standards and Specifications prior to dedication to the city.

Sec. 18-09-38. Bicycle parking.

(a) **Minimum bicycle parking requirements applicability**. Bicycle parking standards shall apply as detailed in this section.

(b) **General bicycle parking facilities standards**.

(1) **Surfacing**. Bicycle parking, with the exception of indoor, long-term parking facilities, shall be provided on a hard-surface, all-weather pavement of asphalt or concrete or may be permeable surfaces like stone pavers.

(2) **Placement**.

a. Bicycle parking shall be located as not to interfere with pedestrian access or ADA compliance.

b. Bicycle parking shall be located a minimum of three feet away from walls, fences, and the edge of landscaping at the time of maturity, as measured from the edge of the bicycle parking facility closest to the wall, fence, or landscaping.

c. Bicycle parking shall maintain a minimum clearance of four feet when measured from the ground or floor.

(3) **Rack types**.

a. Bicycle racks shall meet all requirements of the Americans with Disabilities Act.

b. Grid/schoolyard bicycle racks are prohibited. See Figure 18-09-38.1 for an example of prohibited bicycle racks.

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c. Bicycle lockers or similar types of facilities are permitted and count towards required bicycle parking standards.

Figure 18-09-38.1. Prohibited bicycle rack types.



(c) **Minimum short-term bicycle parking requirements**. The minimum short-term bicycle parking requirements established in Table 18-09-38.1 shall apply to all but the attached, detached, and multi-unit residential land uses in the zone districts identified in Table 18-09-38.1.

(1) **Table 18-09-38.1 Minimum short-term bicycle parking requirements.**

Zoning district	Minimum required number of short-term bicycle parking spaces
RH; MU; TOD	~~1~~ 2 per 20 vehicle parking spaces or 5, whichever is greater
NC; GC; CI	~~1~~ 2 per 40 vehicle parking spaces or 5, whichever is greater
RC; BP	~~1~~ 2 per 80 vehicle parking spaces or 3, whichever is greater

a. For development activities qualifying as intermediate redevelopment and for which an increase in vehicle parking spaces is required, a minimum of 10 percent or ~~one~~ two space<u>s</u> of the short-term bicycle parking identified in Table 18-09-38.1 shall be provided, whichever is greater.

<u>b.</u> <u>Development activities qualifying as minor redevelopment do not need to provide short-term bicycle parking.</u>

~~b.~~<u>c.</u> <u>Short-term bicycle parking in the TOD and MU Districts shall be calculated prior to any reductions or adjustments to the minimum required vehicle parking are applied.</u>

(2) **Short-term bicycle parking facilities standards**.

a. Short-term bicycle parking facilities shall be located such that they are highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach.

b. If provided outdoors, short-term bicycle parking facilities shall be sited within 50 feet of the main entrance of the land use the short-term bicycle parking is being used for.

c. If provided in a parking structure, short term bicycle parking shall be within 50 feet of a pedestrian entrance.

d. If provided indoors, short-term bicycle parking facilities shall be located within an easily-accessible common area designated for secure bicycle storage.

e. The location of short-term bicycle parking facilities shall not conflict with pedestrian, ADA, and/or vehicle access and mobility.

f. Short-term bicycle parking facilities adjacent to a sidewalk, sidepath, trail, or pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained.

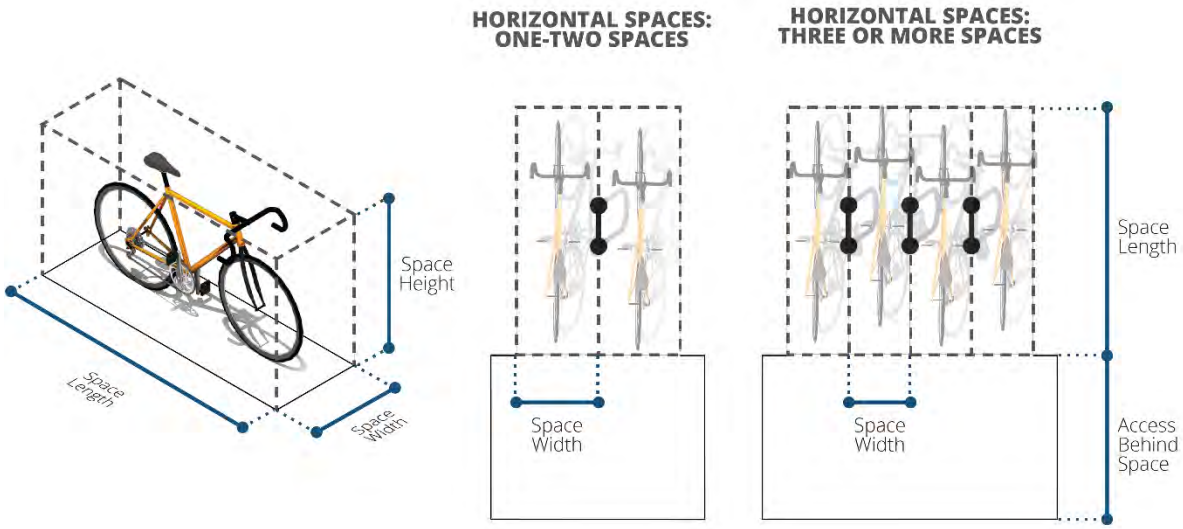
(3) **Minimum short-term bicycle parking facility dimensional standards**. Short-term bicycle parking facilities must comply with the spacing standards as set forth in this subsection in Tables 18-09-38.2 through 18-09-38.5:

a. **Table 18-09-38.2 Short-term bicycle parking minimum space and access dimensions – horizontal spaces** (See Figure 18-09-38.2)**.**

Number of Spaces	Individual Space Width	Space Length	Access Behind Bicycle Space
One-Two Spaces	Two Feet	Six Feet	Four Feet
Three or more, side by side	One-and-a-half feet	Six feet	Four Feet

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Figure 18-09-38.2. Short-term bicycle parking – horizontal spaces.



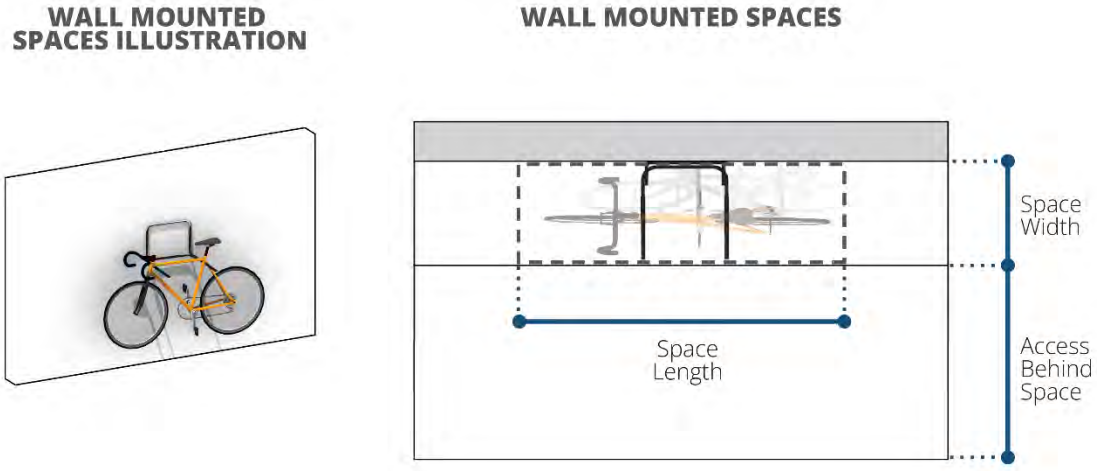
b. **Table 18-09-38.3: Short-term bicycle parking minimum space and access dimensions – wall mounted spaces** (See Figure 18-09-38.3)**.**

Number of Spaces	Individual Space Width	Space Length	Access Behind Bicycle Space
One Space [1]	Two Feet	Six Feet	Four Feet

Table 18-09-38.3 Footnote:

[1] Wall mounted spaces shall only comprise one space attached to a wall where the back rest on two wheels on the ground.

Figure 18-09-38.3. Short-term bicycle parking – wall mounted spaces.



c. **Table 18-09-38.4: Short-term bicycle parking minimum space and access dimensions – vertical spaces** (See Figure 18-09-38.4)**.**

Number of Spaces	Individual Space Width	Space Length	Access Behind Bicycle Space
One-Two Spaces	Two Feet	Six Feet [1]	Five Feet
Three or more, side by side	One-and-a-half feet	Six feet [1]	Five Feet

Table 18-09-38.4 Footnote:

[1] Vertical spaces shall be measured from the floor to the top of the wall mounted equipment used to create the bicycle rack meeting the standard as described in Subsection 18-09-38(c)(2)a.3.

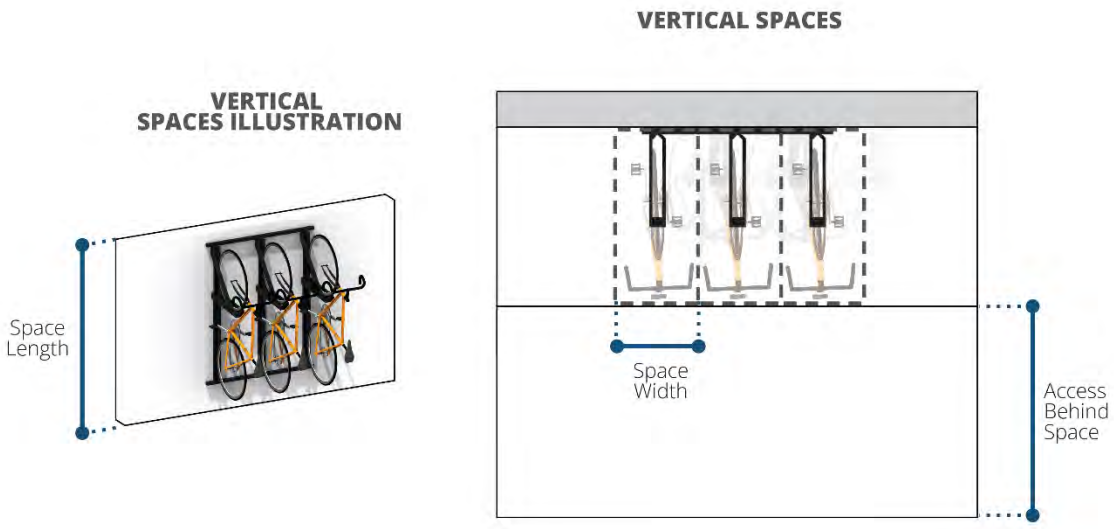


Figure 18-09-38.4. Short-term bicycle parking – vertical spaces.

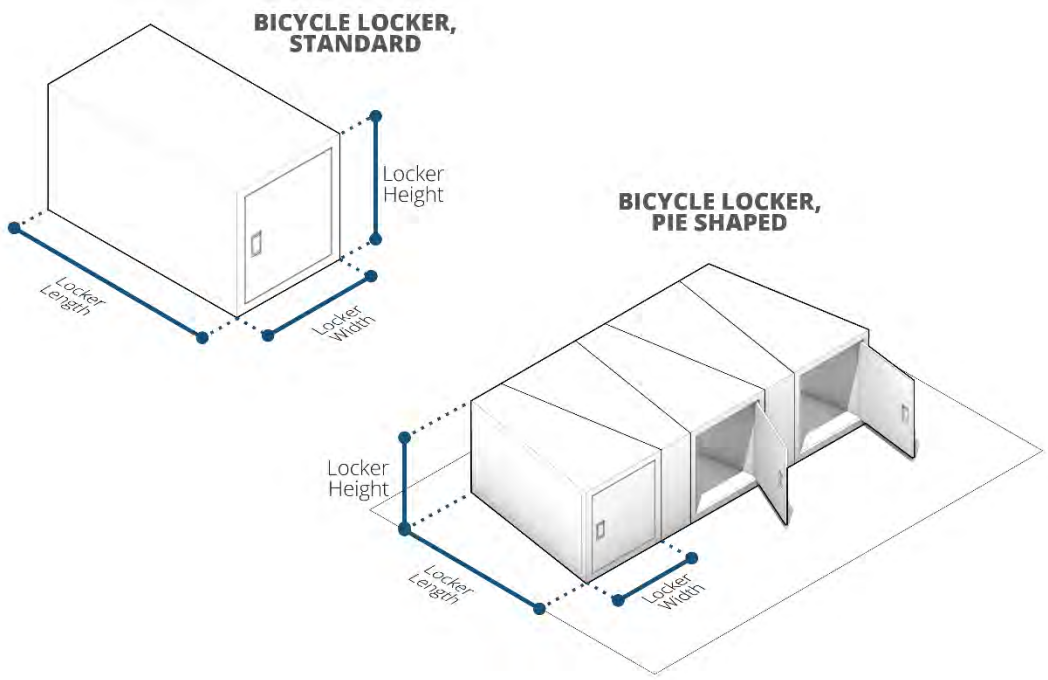
d. **Table 18-09-38.5: Short-term bicycle parking minimum space and access dimensions – bike locker spaces.**

Number of Spaces	Individual Space Width	Space Length	Access Behind Bicycle Space
Bicycle locker, standard	Two feet	Six Feet	Four Feet
Bicycle locker, pie shaped	30 inches at widest end	Six feet	Four Feet

Figure 18-09-38.5. Short-term bicycle parking – bike locker spaces.

(d) **Minimum long-term bicycle parking requirements**. The minimum long-term bicycle parking requirements established in Table 18-09-38.1 shall apply to Multi-Unit Residential uses only.

(1) **Table 18-09-38.1 Minimum long-term bicycle parking requirements.**



Zoning district	Minimum required number of long-term bicycle parking spaces
RH; MU; TOD; NC; GC; RC; CC-L	1 per 10 vehicle parking spaces or 10, whichever is greater. This standard shall apply only to new development and redevelopment with residential units in excess of 20 units in one building. The standard shall only apply to the residential portions of the development.

(2) **Long-term bicycle parking facilities standards**.

a. Long-term bicycle parking shall be covered and enclosed.

b. Long-term bicycle parking shall be located near the building entrance it is intended to serve.

c. Long-term bicycle parking may be located within an internal common area such as a lobby, bicycle locker room, or stairwell.

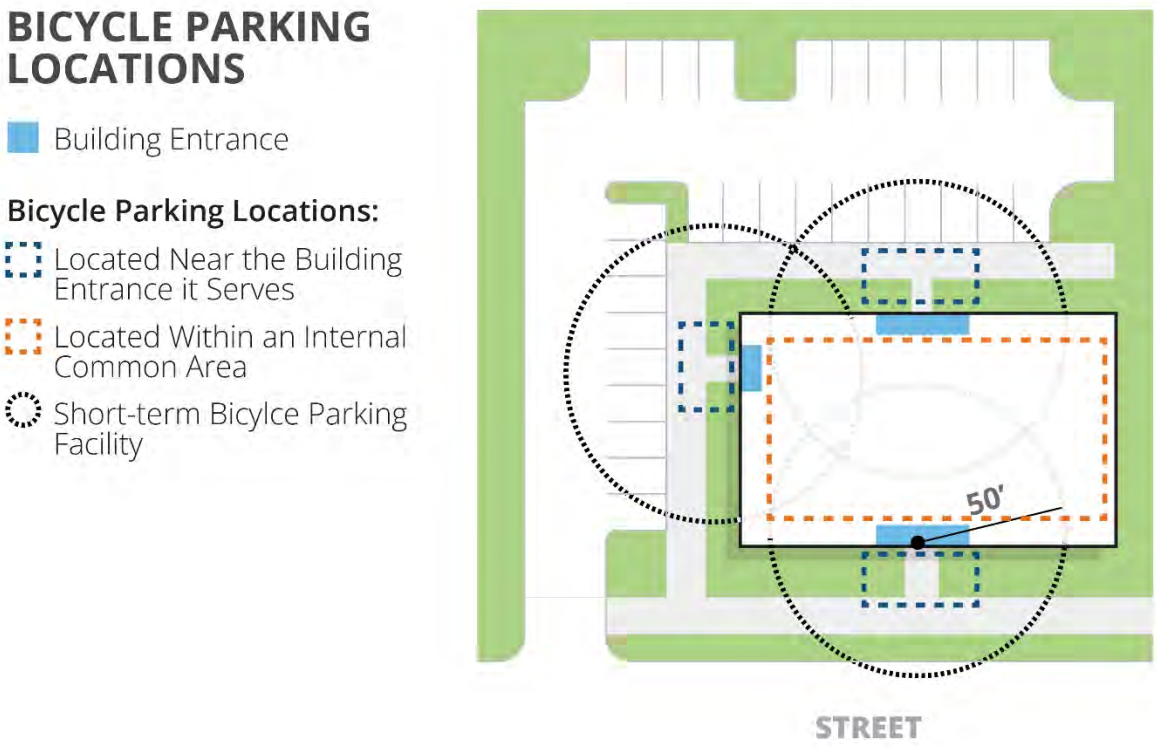
d. Storage within a dwelling unit shall not be considered a long-term bicycle parking space.

e. Long-term bicycle parking shall meet the dimensional standards of the applicable table identified in Tables 18-09-38.02 through 18-09-38.05.

(e) **Parking structures**. Bicycle parking shall be located within a parking structure on the level closest to the street and/or a primary building entrance.

(f) **Bicycle parking locational standards**. This subsection contains Figure 18-09-38.6 which displays the short-term and long-term locational standards for bicycle parking on a hypothetical development site. Short-term bicycle parking locational standards are contained in Subsection 18-09-38(c) and long-term bicycle parking locational standards are contained in Subsection 18-09-38(d).

Figure 18-09-38.6. Short-term and long-term bicycle parking locational standards.



Sec. 18-09-39. Pedestrian Walkways.

(a) **Generally**. On-site, pedestrian walkways shall meet all standards for sidewalks and sidepaths as established in the Standards and Specifications and shall:

(1) Provide a minimum of one path of travel via a pedestrian walkway that connects the accessible entrances of each building within the site with the sidewalks along a public or private street, meeting the Accessibility Standards for Pedestrian Facilities in the Public Right-of-Way (PROWAG) and any additional applicable Americans with Disabilities Act (ADA) requirements.

a. A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

(2) Connect all buildings on the site to one another.

(3) Provide connections to and through parking areas using internal access drives or separate and distinct pedestrian walkways.

(4) Connect internal access drives to buildings.

(5) Connect two dead end streets that are within 300 feet of each other and to dead end streets within 300 feet of an existing street with a sidewalk or sidepath.

(6) Connect each building on a development site to trails, parks, open space, and public gathering space located within the development site or abutting to the development site.

a. For each 600 feet of abutting frontage or property lines to a trail, park, open space, or public gathering space a pedestrian access point shall be provided in intervals of 600 feet and shall be in the form of a pedestrian walkway.

(7) Connect building entrances to Transit Stops, Transit Passenger Shelters, Transit Stations, or Micro-mobility Hubs on the same property and to adjacent public sidewalks along direct routes of travel.

(8) Be designed with minimal disruptions to safe, continuous pedestrian connectivity.

(9) Be lit with one of the pedestrian scale lighting options, as detailed in Section 18-06-50.

(10) If a pedestrian walkway is used for vehicle overhang, then the walkway shall be widened by two feet.

(b) **Pedestrian walkway design in larger off-street vehicle parking areas**. When an off-street vehicle parking area is larger than 200 spaces or within a development site that is five acres or greater it shall meet the following criteria:

(1) Pedestrian circulation shall be provided from the sidewalks, sidepaths, trails, and pedestrian walkways along the adjacent public rights of way to all buildings within the site.

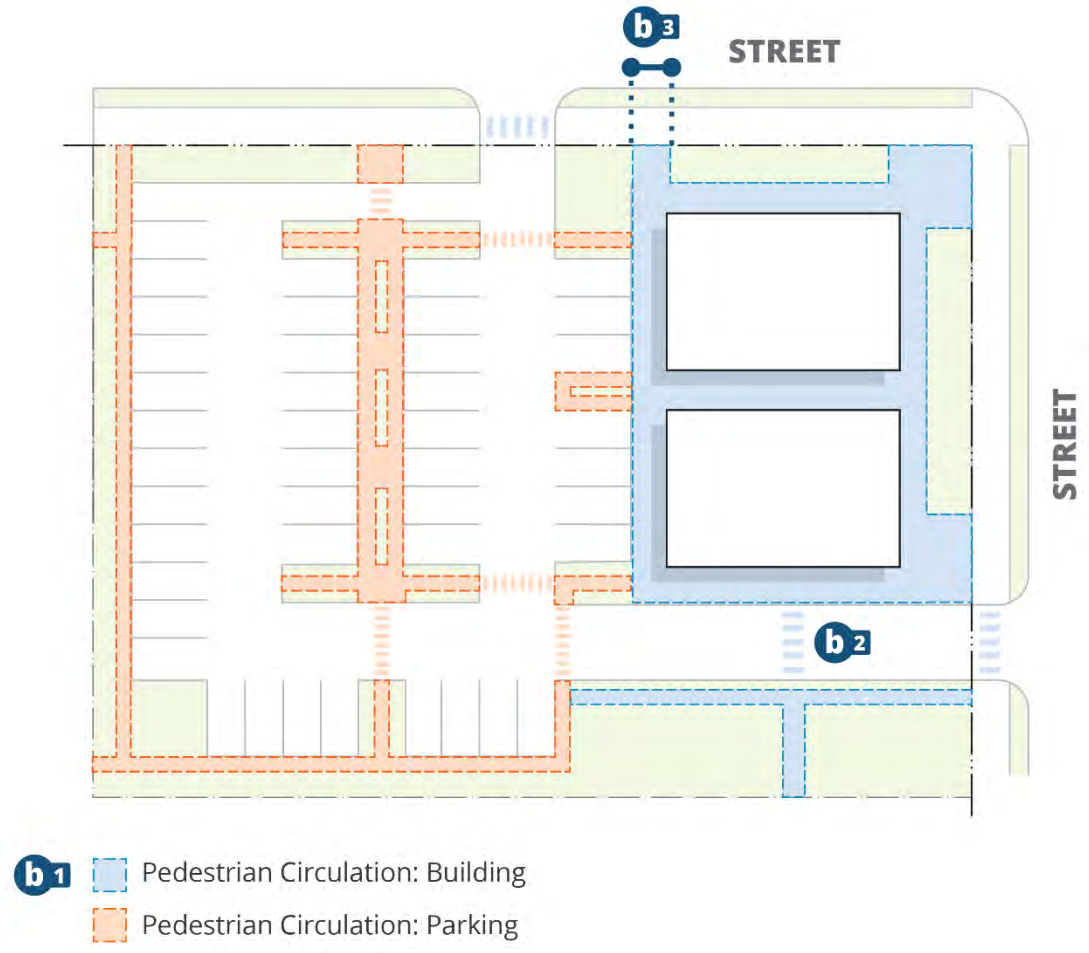
(2) Pedestrian crosswalks within a development site shall be distinguished from the driving surface by the use of raised crosswalks, brick pavers, integrally colored and patterned concrete, or other methods approved through the development permit process. Pedestrian access route surfaces must be generally planar and smooth, with a design conforming to the requirements of the Americans with Disabilities Act.

(3) Pedestrian sidewalks in front of buildings shall be designed to accommodate pedestrian activity.

a. Sidewalks in front of or adjacent to buildings of less than 10,000 square feet shall be at least 10 feet in width, exclusive of auto overhang.

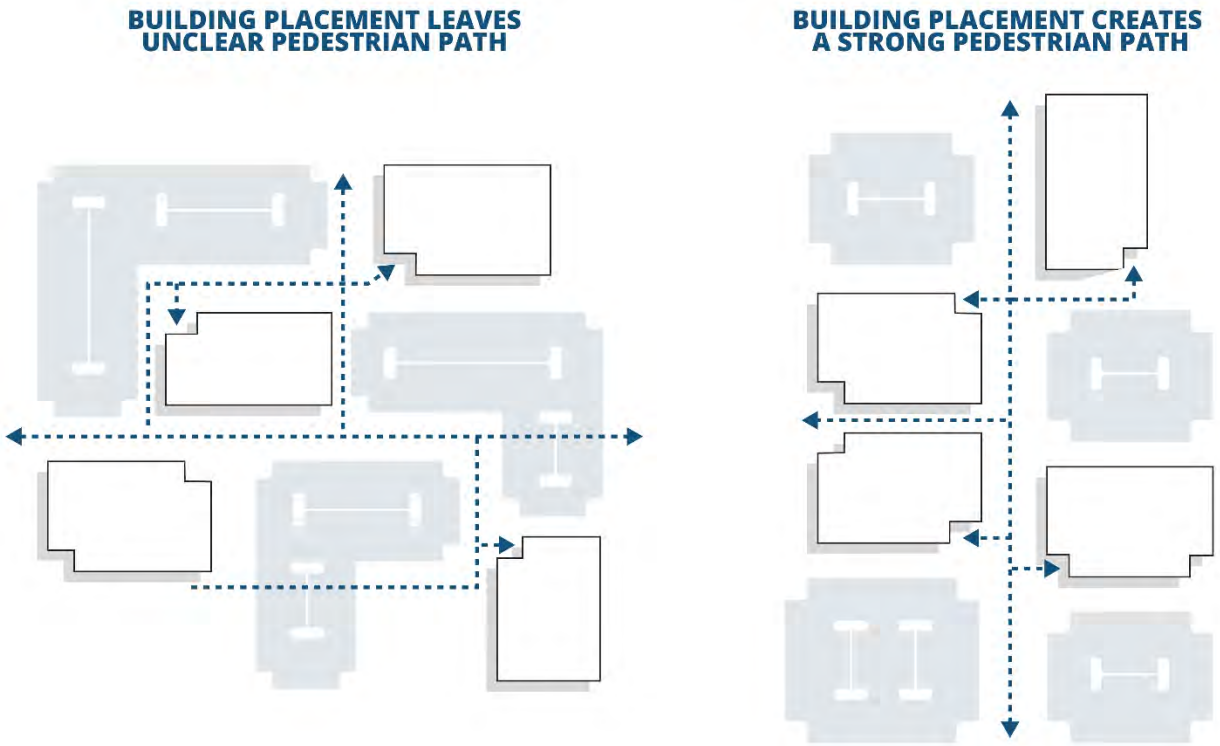
b. Sidewalks in front or adjacent to buildings of more than 10,000 square feet shall be at least 15 feet in width, exclusive of auto overhang.

Figure 18-09-39.1. Pedestrian walkway design in larger off-street vehicle parking areas. (The letters displayed on Figure 18-09-39.1 represent the standards contained in Subsection 18-09-39(b)(1) through (b)(3))**.**



(c) A coordinated pedestrian circulation system that ensures safe accessibility throughout the development site and separates pedestrian circulation from vehicular circulation is required. Building placement shall provide pedestrian plazas and/or corridors to encourage walking between buildings, such as is shown in Figure 18-09-39.2.

Figure 18-09-39.2. Building placement for pedestrian connectivity.



Sec. 18-09-40. LAND USE SPECIFIC INTERNAL CIRCULATION STANDARDS.

(a) **Applicability.** The standards of this section shall apply to the listed land uses with regards to internal site circulation and shall be in addition to any other applicable standards of this article and Chapter 18.

(b) **Internal circulation for Dwelling, 3-8 Units Attached and Cottage Housing.**

(1) Each development consisting of Dwelling, 3-8 Units Attached and Cottage Housing uses shall provide public or private streets within the development if the development contains 20 units or more at the following rate:

a. 20 to 100 units – at least one public or private street.

b. 101 - 200 units – at least two public or private streets.

c. 201 – 300 units - at least three public or private streets.

d. 301 and more units - at least four public or private streets.

(2) For the purposes of this provision, drive aisles with parking that is other than parallel parking do not qualify as a public or private street.

(3) Private streets shall include detached sidewalks and a landscape area between the sidewalk and the street.

(4) When applied to the Dwelling, 3-8 Units Attached, the standards of this section shall only apply when the dwelling units are not all on separate lots.

>> INSERT DIAGRAM<<

Sec. 18-09-41. Reserved.

Sec. 18-09-42. Reserved.

Sec. 18-09-43. Reserved.

Sec. 18-09-44. Reserved.

Sec. 18-09-45. Reserved.

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ARTICLE X: SUBDIVISION STANDARDS

DRAFT 3 – MAY 27, 2025

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Chapter 18 / Article X: Subdivision Standards

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DIVISION 1. GENERALLY

Sec.18-10-01. SUBDIVISION PURPOSE.

(a) It is the policy of the city to ensure:

(1) The subdivision and subsequent development of land within the control of the city is consistent with the Comprehensive Plan and its component plans, water and wastewater systems master plan, capital improvements program, and all other rules, regulations, and policies the city may adopt for the orderly, planned, efficient and economical development of the city; and

(2) The standards and regulations of this article supplement and are intended to facilitate the enforcement of the provisions and standards of this chapter by the identification or creation of legal building sites, lots, tracts, streets, easements and other land areas upon which the standards and provisions of this chapter are applied.

(b) **Purpose.** This article is adopted to ensure that the subdivision of land is done in such a manner as to:

(1) Protect and provide for the public health, safety and general welfare of the city;

(2) Promote orderly growth and provide for the harmonious development of the city in accordance with the Comprehensive Plan and its component plans, including but not limited to the Transportation and Mobility Master Plan and the Parks and Open Space Master Plan;

(3) Provide for adequate light, air and privacy and secure safety from fire, flood and other danger;

(4) Ensure that public facilities and services are available and will have sufficient capacity to serve the development;

(5) Minimize the conflicts among the uses of land and buildings placed on the land;

(6) Provide for an interconnected multimodal transportation network for all people to access goods, services, residences, and employment that accommodates safely moving people, goods, and services and as envisioned in the city's Transportation and Mobility Master Plan;

(7) Provide for the proper location and size of streets in relationship to the adjacent development;

(8) Provide for reasonable standards for design in order to further the orderly layout of land and ensure proper legal descriptions and monumentation of subdivided land;

(9) Mitigate the pollution of air, streams and ponds, ensure the adequacy of drainage facilities, safeguard the water table, and encourage the wise use and management of the natural environment;

(10) Preserve and enhance the natural beauty and topography of the city and ensure appropriate development with regard to such natural features; and

(11) Identify, preserve and provide for open spaces through the most efficient design and layout of the land.

Sec.18-10-02. SUBDIVISION APPLICABILITY.

(a) **Purpose.** These subdivision regulations shall apply to all subdivisions of land, as described in this article, located within the corporate limits of the city. The process by which subdivision applications are processed is identified in Article II. Development standards for subdivisions are contained throughout this chapter.

(b) Subdivision is required when:

(1) Any land, vacant or improved, is divided or proposed to be divided into two or more legal lots or tracts for the purpose of sale, exchange and/or development;

(2) Any number of lots, parcels, or tracts that are proposed to be combined, changed, or modified into any number of legal lots, parcels, or tracts for the purpose of sale, exchange, transfer, lease, or development;

(3) A single parcel which has not previously been subdivided in compliance with the city's subdivision procedures is proposed for development by the owner or the applicant, except for development projects that qualify as a minor or intermediate redevelopment as defined in Section 18-01-9, shall not be required to be subdivided; or

(4) A property is proposed to be developed in a manner inconsistent with, or requiring an alteration of, an existing approved plat, except as specified under Subsection 18-10-02(c);

(c) Subdivision is not required when:

(1) Land is leased as a home site in a permitted manufactured home park, where the owner or operator of the manufactured home park maintains property records as to the size and location of the home sites.

(2) Land is sold as cemetery lots within a permitted cemetery, where the cemetery maintains property records as to the size, location and ownership of the lots.

(3) The creation of a leasehold for a space within a multi-occupant building provided that the building is located on property that is part of an approved subdivision and

developed in accordance with applicable development review procedures in Article II and standards of the city.

(4) The sale of agricultural property that does not involve new development or any activity not directly related to agricultural use of the land or crops or livestock raised thereon and is at least 35 acres in size.

(5) Subsurface oil and gas mineral rights are sold or leased, or when an oil and gas permit is obtained under Article V, Division 2 starting with Section 18-05-06.

(6) Land is divided through the foreclosure of a deed of trust or through a court order.

(7) A Special Use Permit or Development Plan is obtained for a wireless telecommunications facility under Article IV of this chapter.

(8) A condominium plat is proposed for the site.

(9) Development projects that qualify as intermediate redevelopment or minor redevelopment per Section 18-01-9 shall not be required to be subdivided where the land had previously been subdivided under previous city standards and regulations.

(d) **Additional standards applicable to subdivisions.** The following standards shall also apply to subdivisions of land:

(1) A subdivision shall create legal lots, tracts, rights of way, or some combination thereof.

(2) No building shall be erected on any property, nor shall a building permit be issued for any building unless the property is part of a subdivision approved in accordance with this article or prior subdivision regulations of the city.

(3) No person shall sell, exchange, or offer for recordation land required to be subdivided under this article or offer for recordation any deed conveying a parcel of land, unless a subdivision plat has been recorded in accordance with the provisions of this article.

(4) All subdivision plats shall comply with the requirements of C.R.S. § 38-51-101 et seq.

a. Permanent reference monuments shall be placed on the property to identify the boundaries of lots, blocks, tracts, streets, parks, and designated open spaces in accordance with C.R.S. § 38-51-101 et seq.

Sec.18-10-03. RESERVED.

Sec.18-10-04. RESERVED.

Sec.18-10-05. RESERVED.

Sec.18-10-06. RESERVED.

Sec.18-10-07. RESERVED.

DIVISION 2. LOT, TRACT, SITE, AND BUILDABLE AREA REQUIREMENTS

Sec.18-10-08. Purpose.

The standards of Division 2 of this article shall apply during construction activities for the subdivision and upon platting of the subdivision unless exempted per other sections of this chapter. The standards of this division are prohibited from an Administrative Adjustment as identified in Article II. The purpose of Division 2 of this article is to provide for uniform standards for the subdivision of land and define relevant standards to ensure that each subdivision contains:

(a) Lots with buildable areas; or

(b) Tracts and/or restricted lots.

Sec.18-10-09. Lot standards.

(a) **Lot arrangement.**

(1) Lot arrangement within a subdivision shall be organized so that there will be no foreseeable and substantial difficulties in achieving compliance with the requirements of this chapter.

(2) Where proposed lots are more than twice the size of the minimum lot permitted for the zoning district in which the proposed subdivision is located, the lots shall be arranged in such a manner that any further subdivision is able to meet the minimum requirements of this Code.

(3) Existing features which would add value to a subdivision or site development or to the city, such as large trees, watercourses, historic sites, or areas containing similar irreplaceable features, shall be required to be preserved in the subdivision or site design to the greatest extent practicable.

(4) When a residential subdivision borders a railroad or transit right-of-way, freeway or arterial street, well site or production site, the subdivision design shall include adequate provisions for noise reduction, safety, and visual screening.

(5) Parallel streets, fences, landscaped buffer areas, berms, and sound walls among other measures may be required.

(6) Subdivisions shall comply with Article IX for pedestrian, bicycle, vehicular and other forms motorized and non-motorized access as it pertains to lot and street arrangements.

(b) **Lot dimensions.**

(1) Lot dimensions shall comply with the requirements in Article III.

(2) Side lot lines shall generally be at approximately right angles to the street line or radial to curved street lines unless a more appropriate street layout or lot plan can be achieved by a different side lot line arrangement.

(3) Corner lots shall be large enough for the erection of buildings similar to other buildings along the street and still meet all yard and visibility triangle requirements.

(c) **Lot relationship to street frontage.**

(1) The depth and width of lots shall be appropriate for the types of uses and development contemplated and for access for private and emergency vehicles.

(2) Residential lots with narrow frontages may be required to have additional area on the lot, or in common parking areas for the use of residents, for the parking of personal vehicles.

(3) Detached and attached residential land uses within a subdivision shall not have direct driveway vehicle access onto an existing or proposed arterial, collector, or regional roadway as classified in the Transportation and Mobility Master Plan, Comprehensive Plan, or as defined by the city.

(d) **Lot and tract standards.**

(1) All lots and tracts shall have the possibility of creating ingress and egress in compliance with the access requirements of this chapter and other applicable city requirements.

a. Ingress and egress for tracts may be waived in the sole discretion of the director.

(2) If lots are proposed to be served by other than public water and/or sewer utilities, the lots shall have suitable locations for individual wells and/or septic systems or subdivision-wide sewer systems when utilized that comply with state, county, and city regulations.

Sec.18-10-10. BUILDABLE AREA STANDARDS.

(a) **Applicability.** Each lot in a subdivision shall result in a buildable area that can be developed for use in conformance with all of the city's applicable land use code regulations and standards for the zoning district in which the property is located, including but not limited to:

(1) City Code Chapter 18, Article III, Zoning Districts;

(2) City Code Chapter 18, Article VIII, Landscape Standards;

(3) City Code Chapter 18, Article IX, Access and Mobility Standards;

(4) City Code Chapter 22, Environment;

(5) City Code Chapter 74, Utilities; and

(6) The city's Standards and Specifications.

(b) The buildable area of a lot shall also meet the following:

(1) No portion of the buildable area of a lot shall be located within an easement, unless the easement beneficiary approves the location of a buildable area within the easement. Additional restrictions as to the types of structures that are permitted to encroach onto the easement may be established.

(2) No portion of the buildable area of a lot shall be located within a hazardous area unless the hazards are abated to the satisfaction of the city.

(c) The city may require that the buildable area be provided through an exhibit during the development review process where necessary to determine conformance with this chapter.

(d) Items described in this Division 2 of this article shall be considered in determining the buildable area of a lot.

Sec.18-10-11. TRACTS OR RESTRICTED LOTS.

(a) **Applicability of tracts and restricted lots.** Tracts or restricted lots shall be used where buildable areas are not possible within a subdivision. Land proposed for subdivision which is found by the city to have areas which are wholly or partially unsuitable for development may be subdivided provided that:

(1) Appropriate mitigation measures are:

a. Formulated by the applicant to adequately address the problems created by the unsuitable land conditions; and

b. Approved by the director.

(2) The portions of the property which continue to be unsuitable for development after the application of mitigation measures shall be subdivided into tracts or restricted lots.

(3) The portions of the property suitable for development must meet all requirements of this chapter.

(b) **Unsuitable land for development.** Tracts and restricted lots shall be designated for the following land unsuitable for development with:

(1) Improper drainage.

(2) Adverse geographic, geologic, and soil conditions.

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(3) Natural or other features which will unreasonably be harmful to the safety, health, and general welfare of the inhabitants of the subdivision, the surrounding areas, or the city.

(4) Well or production sites or where any municipal, county, or state permits have been issued for well or production sites.

(5) Floodways, special flood hazard areas, and land within the 100-year floodplain which shall be dedicated and/or platted as established in Chapter 22.

(c) **Tract size.** The size required for the tract or restricted lot shall be determined at the time of subdivision approval.

(d) **Tract ownership.** Tracts or restricted lots shall be designated on the plat as common areas to be maintained and managed by the property owner or owners' association for the subdivision unless the tracts or restricted lots are:

(1) Determined by the director to have public value or are shown in the Comprehensive Plan or its component plans as a public park, public open space, or trail uses; and

(2) Accepted for dedication to the city.

(e) **Tract access.** Access easements from a street, sufficient to provide access for maintenance equipment and personnel, shall be granted on the plat through each tract or restricted lot dedicated in favor of the party responsible for maintenance, repair, and/or monitoring.

(f) **Land uses and tracts.** No structure or amenity is allowed on tracts or restricted lots unless:

(1) It is a use permitted by the zoning district with which it is in;

(2) It is specifically identified at the time of platting;

(3) Appropriate conditions are established; and

(4) The director finds that the use will be compatible with the public health, safety, and general welfare.

Sec.18-10-12. Well and production sites.

(a) **Applicability of tracts and restricted lots, well and production sites in subdivisions.** Where well and production sites are located or proposed to be located in a subdivision the standards of this section shall apply. The standards of this section are prohibited from an Administrative Adjustment as identified in Article II.

(b) **Definitions.**

(1) The definitions found in Section 18-05-05 for the following words, terms and phrases, are hereby incorporated into this section:

a. Energy and Carbon Management Commission (ECMC) of the state of Colorado;

b. Flowline;

c. Gathering pipeline;

d. Outdoor activity areas;

e. Shut-in well; and

f. Well site;

(2) Plugged and abandoned well, for purposes of this section, means an oil and gas well which has been cemented and the associated production facilities have been removed in accordance with ECMC regulations.

(c) **Standards for well and production sites.**

(1) The restricted lot or tract shall be of an adequate size to allow a minimum separation of 200 feet between the well sites and all proposed main buildings.

(2) The restricted lot or tract shall be of an adequate size to allow a minimum separation of 500 feet between the production sites and all proposed main buildings with an occupancy of group A, E, or I, as defined by the International Building Code, and 350 feet for proposed main buildings with all other occupancy groups. The size required for the tract or restricted lot shall be determined at the time of subdivision approval.

(3) Where flowlines and gathering pipelines are located within a proposed development. Flowlines and gathering pipelines shall have a minimum separation of 50 feet from any building that is required to obtain a certificate of occupancy pursuant to the Code. Measurements shall be taken from the edge of the flowlines and gathering pipelines to the outside wall of the building. A developer shall be required to meet the following additional criteria:

a. The subdivision plat shall show easements for flowlines and gathering pipelines.

b. Every subdivision plat where flowlines and gathering pipelines are located shall include a notation that states, "The location of flowlines and gathering pipelines shall be disclosed to all prospective purchasers of lots within 200 feet of all flowlines and gathering pipelines."

c. Flowlines and gathering pipelines shall be arranged within a proposed development so that they cross streets at a substantially right angle.

d. The start and end point of each flowline and gathering pipeline shall be marked with an indicator approved by the city. Additional city-approved markers shall be installed at least every 350 feet along the entirety of each flowline and gathering pipeline.

e. Abandoned flowlines must be removed pursuant to Article V of the Code. In the case where there may be flowlines or gathering pipelines that have not been located, the developer is required to provide evidence that no flowlines or gathering pipelines remain on the site prior to subdivision.

(4) Where plugged and abandoned wells are located within a proposed development, a developer shall be required to meet the following additional criteria:

a. In attached and detached residential developments, plugged and abandoned wells shall be located in tracts which shall be at least 50 feet in width and 100 feet in length. The plugged and abandoned wells shall be located as close as possible to the center of the tract. All plugged and abandoned wells shall be permanently marked by a brass plaque set similar to a permanent benchmark to identify its existence and location. The plaque shall contain all information required on a dry hole marker by the ECMC and the city.

b. No building requiring a certificate of occupancy shall be constructed within 50 feet of a plugged and abandoned well. Measurements shall be taken from the center of the brass plaque described in Subsection 18-10-12(c)(4)a. to the outside face of the exterior wall of any building that is required to obtain a certificate of occupancy pursuant to the Code.

c. Outdoor activity areas shall be separated from a plugged and abandoned well by the use of landscaping, topography, or other physical means without creating an attractive nuisance.

1. Landscaping shall be consistent with the standards of Article VIII.

d. On a case-by-case basis, the city may accept plugged and abandoned wells within public right-of-way if there are no impacts to public infrastructure.

e. Every subdivision plat where a plugged and abandoned well is located shall include a notation that states, "The location of plugged and abandoned wells shall be disclosed to all prospective purchasers of lots within a 200-foot radius of all plugged and abandoned wells."

f. A letter of confirmation regarding the completion of the abandonment and reclamation process in accordance with state law and ECMC regulations shall be submitted to the city prior to the approval of a subdivision plat.

g. Any wells which are not plugged and abandoned shall meet the requirements outlined in Subsections 18-10-12(c)(1) and (c)(2).

h. Provide information regarding environmental testing and monitoring for the site. Site investigation, sampling, and monitoring shall be conducted to demonstrate that the well has been properly abandoned that soil, air, and water quality have not been adversely impacted by oil and gas operations or

facilities or other sources of contamination. Such sampling and monitoring shall be conducted by a qualified environmental engineering or consulting firm with experience in oil and gas investigations.

(5) The city may require landscaping around fencing of restricted lots or tracts where well sites and production sites are located. Any required landscaping shall conform to the landscaping criteria contained in Article VIII.

(6) The minimum requirements set forth in Subsections 18-10-12(c)(1) through (c)(5) may be modified by a Variance per Section 18-02-36 and shall consider the following aspects of the surrounding properties and items applicable to the well or production site:

a. Proposed number of dwelling units or proposed floor area ratio;

b. Total capacity of all production tanks;

c. Topography;

d. Capability of redevelopment of the tract or restricted lot for future residential or nonresidential development in compliance with this chapter; and

e. Alternative materials and methods that provide an equivalent level of safety to adjacent buildings and occupants as determined by the fire department.

Sec.18-10-13. PLATS CROSSING JURISDICTIONAL BOUNDARIES.

When a proposed subdivision has property that is not wholly within the city, lot lines shall be laid out so as not to cross municipal boundary lines. If access to a subdivision, lot, or tract within the city is over lands located in another jurisdiction, the developer shall provide evidence from the other jurisdiction that:

(a) The access to the subdivision, lot, or tract has been legally established; and

(b) The improved access meets all applicable laws and/or standards; or

(c) A performance guaranty has been provided to the other jurisdiction sufficient in amount and form to ensure the access road construction.

Sec.18-10-14. SOIL CONDITIONS.

All subdivisions and the associated soil conditions shall comply with the standards of this article, Chapter 22, and the Standards and Specifications.

Sec.18-10-15. Grading.

(a) **Grading plans.** Development applications for subdivisions shall contain grading plans and shall be submitted to and approved by the city at the time of construction drawing submittal.

(b) **Subdivision compliance.** Grading of subdivisions shall comply with Chapter 22 and the Standards and Specifications.

(c) **Adjacent subdivision grading.** Grades set for residential subdivisions shall blend the development of the subdivision into the adjacent environment meeting the grading standards identified in Article VI.

(1) Screening and retaining walls may be indicated on the plat. When indicated on the plat they shall have property descriptions pertaining to maintenance and ownership provided on the plat.

(d) **Buildable area required.** Finished grading of lots shall result in a lot with a buildable area.

Sec.18-10-16. RESERVED.
Sec.18-10-17. RESERVED.
Sec.18-10-18. RESERVED.
Sec.18-10-19. RESERVED.
Sec.18-10-20. RESERVED.

DIVISION 3. PUBLIC LAND DEDICATION AND EASEMENT REQUIREMENTS

Sec.18-10-21. Purpose.

The standards of this division establish the minimum standards for land dedication of parks, open spaces, and trails and the description of easements on subdivision plats. The Standards and Specifications shall also contain the minimum standards pertaining to easements. Where conflicts between this division and the Standards and Specifications exist, the Standards and Specifications shall govern.

(a) **Utility plans required.** Utility plans shall be prepared by the developer in coordination with the city and shall adhere to all requirements of this chapter and the Standards and Specifications.

(b) **Easements**.

(1) Adequate easements shall be provided for public and private utilities.

(2) Utility easements shall be unobstructed and of sufficient width to provide for utility placement and maintenance and repair access as determined by the city, in coordination with the utility providers, and shall comply with Standards and Specifications.

(3) Utility easements acquired in adjoining properties to provide service to the proposed subdivision or development project shall be recorded with the county clerk and recorder of the county in which the property is located.

(4) Prior to recordation of any utility easements described in this article, the applicant shall submit an adequate abstract of title that shows all liens and encumbrances impacting the easement area. All title issues shall be resolved to the satisfaction of the city attorney prior to dedication and recordation.

(5) Where topographical or other conditions make the location of utility easements along the rear lot lines infeasible, an unobstructed easement shall be provided along the side lot line with appropriate access to a public road or rear lot lines.

Sec.18-10-22. LAND DEDICATION FOR PARKS, OPEN SPACES, AND TRAILS.

(a) **General provisions.** Land dedication for parks, open spaces, and trails is subject to the following:

(1) All residential and nonresidential developments shall be required to provide parkland, open space and recreation needs of future residents and employees through dedication and improvement of suitable land for park, open space, and trail purposes or through the payment of fees in lieu of land dedication and improvement.

(2) All real property which is listed as exempt from real property taxation, by the county clerk and recorder for the county in which the real property is located, shall be exempted from these requirements of land dedication for parks, open space, and trails.

(b) **Land dedication**.

(1) The numeric values used to calculate the required land dedication described in this Subsection (b) are prohibited from an Administrative Adjustment. However, the resultant acres required for dedication as described in Subsection 18-10-22(b) may be permitted an Administrative Adjustment per Section 18-02-12.

(2) The developer shall dedicate or grant for public access, free of liens or encumbrances, the parks, open spaces, and trails as required for residential and nonresidential development based on the following standards:

a. Residential developments shall dedicate or grant for public access land for parks, open spaces, and trails based on ~~ten~~ one acre~~s~~ per ~~1,000~~100 projected residents in the development and based on current city housing and

population data available from the department. The following formula shall be used to determine the minimum amount of land to be dedicated:

1. (Number of proposed dwelling units × Number of projected persons per dwelling unit) ÷ 1000 × 10 = number of acres to be dedicated.

2. The equation is read as: First, multiply the number of proposed dwelling units by the projected number of persons per dwelling unit to get the total number of projected residents. Then, divide the total number of projected residents by 1000 and multiply the result by 10 to get the number of acres to be dedicated.

b. Nonresidential developments shall dedicate or grant for public access eight percent of the subdivision's gross land area for parks, open spaces, and trails.

c. Developments with a combination of residential and nonresidential uses shall dedicate or grant for public access land based on the total sum of:

1. The number of dwelling units proposed for residential use multiplied by the projected number of persons per dwelling unit to get the total number of projected residents. Then, divide the total number of projected residents by 1000 and multiply the result by 10100 to get the number of acres to be dedicated ; and

2. The percentage of land within the development that is occupied or intended to be occupied by a nonresidential use multiplied by the land amount calculated in Subsection 18-10-22(b)(2)b.

d. Developments with vertical mixed-use development shall dedicate or grant for public access land for parks, trails, and open space based on the total sum of:

1. The number of dwelling units proposed for residential use multiplied by the projected number of persons per dwelling unit to get the total number of projected residents. Then, divide the total number of projected residents by 1000 and multiply the result by 10100 to get the number of acres to be dedicated; and

2. The portion of the development that is occupied or intended to be occupied by a nonresidential use shall dedicate or grant for public access land based on ten percent of the development's nonresidential gross floor area for parks, open spaces, and trails.

3. Instead of land dedication, a cash-in-lieu land payment meeting the criteria of Section 18-10-22(d) may be paid to the city at the time of the subdivision plat.

(3) The dedication or publicly accessible land shall result in a park, open space, or trail site that is at least five acres in size or, in combination with existing or future dedications,

will total five acres. In the event that a park, open space or trail site of less than five acres in size will result from the dedication, the city may elect to accept the land offered for dedication or require cash-in-lieu of dedication pursuant to this section.

(4) The land to be dedicated or granted shall be of a size, character, and location consistent with the policies of the Comprehensive Plan and Parks and Open Space Master Plan.

(5) Land areas dedicated to the city, or granted public access, to satisfy land dedication requirements for parks, open space, and trails shall be suitable for development of recreational areas. Where suitability for development of recreational areas is reduced due to environmental conditions, the following reductions in credit shall apply:

a. Dedicated land that includes but is not limited to floodplains, drainage ditches, steep slopes, and similar subdivision features shall be permissible for meeting this dedication standard at a rate of 50 percent of its land area and shall provide trail or public access that is safe and useable for the public.

1. Floodways, detention ponds or retention ponds are prohibited from counting towards this dedication standard.

b. Where dedicated land as described in Section 18-10-22(b)(5)a is improved to be permanent and able to withstand unintentional removal from a flood or other weather events, it may count towards dedication requirements up to 100 percent of its land area and shall be:

1. Determined through an Administrative Adjustment per Section 18-02-12; and

2. "Improved to be permanent," which shall be interpreted to include features such as concrete trails, walkways designed to withstand flooding, structures for community gathering, game courts, or other similar trails or structures that are not temporary in nature.

(c) **Improvement of dedicated land.** Park, open space, and trail areas required to be dedicated pursuant to this section shall be improved in accordance with the landscape regulations of this chapter and other applicable city Standards and Specifications.

(d) **Cash-in-lieu requirements of land dedication and improvement.**

(1) The city shall require the developer to spend a sum of money based on a schedule adopted by resolution of the city council, to provide parks, open space, trails, and other amenities within the development site, if the city finds:

a. The dedication and improvement of land for a park, open space, or trail within the subdivision is inconsistent with the Comprehensive Plan; or

b. The acreage proposed for dedication is less than the amount required to provide a usable park, open space, or trail site.

(2) The council shall establish the cash-in-lieu schedule for land dedication and improvement for parks, open spaces, and trails, based on the following:

a. The average price to acquire land zoned for detached and attached residential dwelling development within the city; and

b. The average cost per acre to improve land as a park in accordance with city standards and applicable Standards and Specifications.

(3) Cash-in-lieu monies shall be deposited in a city account to be used solely for the purchase and improvement of parks, open space, and trails within the city.

(e) **Waivers**. The city may waive the land dedication, improvement and cash-in-lieu requirements of this section when:

(1) The project has already been developed and is considered a redevelopment; or

(2) The development does not result in an increase in demand for park, open space, or trail facilities as determined by the director.

Sec.18-10-23. Drainage.

The city shall not approve any subdivision plat which does not make adequate provisions for stormwater runoff and floodplains.

(a) **Developer responsibility.** The developer shall be responsible for the conveyance of all storm water flowing through the site and for the planning, design and installation of an adequate drainage system in accordance with Chapter 22, Chapter 74, and all applicable city Standards and Specifications.

(b) **Drainage conveyance outside the subdivision.** When a proposed drainage system will convey runoff across private land outside the subdivision, appropriate drainage easements shall be secured by the developer if sufficient easement is not already present, indicated on the subdivision plat, and shown by an appropriate instrument of grant which shall be recorded with the county clerk and recorder of the county within which the property is located.

(1) Drainage easements described in Section 18-10-23(c) shall meet the standards of the Colorado Floodplain and Stormwater Criteria Manual (CWCB standards) and city standards.

(2) Nothing in this subsection shall preclude the city from requiring modifications to existing easements.

(3) When required, subdivision detention facilities shall be located within the proposed subdivision, unless downstream regional detention facilities exist and were designed

to accommodate developed flows generated by the subdivision and are available for legal use within the subject watershed.

(4) The drainage facilities and the associated easements for the proposed subdivision shall be designed to accept stormwater runoff from areas upstream of the subdivision site and release stormwater runoff from the subdivision site in a manner which does not adversely affect downstream properties and rights of way.

(c) **Peak flow conveyance.** Drainage easements or property conveyances shall be of sufficient width to contain the detention and/or drainage facilities and to convey the peak flow runoff from at least a one percent chance (100-year) storm event and shall follow the natural watercourse or drainage facility. An overland flow path within an easement or property conveyance shall be provided to convey the peak flow runoff from at least a one percent chance (100-year) storm event away from any low-point, as if the underground drainage system is clogged.

Sec.18-10-24. WATER AND SANITARY SEWER FACILITIES.

(a) **Applicability.** The water system and sanitary sewer system easements shall be granted by the developer in accordance with the requirements of Chapter 74, the Utility Master Plan, and the city's Standards and Specifications.

(1) The developer shall be responsible for the extension and/or creation of water transmission facilities to the proposed subdivision which provide sufficient water for potable use, landscape watering, fire suppression, and other uses permitted by the zoning classification of the land.

(2) Water facilities identified in this section may be required to be extended to adjacent properties, at the sole discretion of the director, when necessary for the conveyance of water for adjacent development.

(b) **Water and sanitary sewer facility requirements.**

(1) All existing, proposed, and future water facilities shall be contained within rights-of-way or easements granted to the city and shown on the subdivision plat.

(2) The width of easements for water and sanitary sewer facilities shall be granted in accordance with the requirements of the Standards and Specifications to accommodate the installation and maintenance of the lines and facilities.

(3) Water and sanitary sewer facility easements shall be granted as exclusive easements taking into consideration approved and existing encumbrances.

(4) Water and sanitary sewer facility easements acquired in adjoining properties shall be recorded with the county clerk and recorder of the county in which the property is located and the recording information shall be provided on the subdivision plat.

(c) **Groundwater.**

(1) All nontributary and not nontributary groundwater shall be dedicated to the city.

(2) The city may accept cash-in-lieu money as a substitute for some or all of the groundwater to be dedicated as established by the fee resolution.

Sec.18-10-25. UTILITY FACILITIES AND UTILITY LINES.

(a) **Utility facilities not otherwise listed.** All existing, proposed, and future utility facilities described in this section shall be contained within rights-of-way or easements granted to the city and shown on the subdivision plat.

(1) The standards of this section are for dry utilities and/or utilities not listed in Section 18-10-23 and Section 18-10-24.

(b) **General requirement for placing utility facilities and lines underground**. All utility facilities and lines, including but not limited to gas, electric distribution, telephone, cable television, data communication lines, and all street lighting circuits, within a subdivision or development project and within abutting rights-of way to that same subdivision or development project, shall be installed underground as herein provided except if such facilities are exempt as provided in Subsection 18-10-25(c) or a waiver has been granted in accordance with Subsections 18-10-25(c)(8) through (c)(10).

(1) The requirement for placement of utilities underground shall apply to existing overhead utility lines within a subdivision or development project and within abutting rights-of-way to that same subdivision or development project.

(c) **Exceptions from undergrounding requirements**. The requirements of this section shall not be required for the following facilities or types of development:

(1) Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, and other appurtenances necessary to underground utility lines and streetlights when placed aboveground within any utility easement, right-of-way or other public place, as appropriate, and necessary to connect underground facilities to existing or permitted overhead or aboveground facilities.

a. Facilities and appurtenances described in Section 18-10-25(c)(1) are prohibited from being in:

1. The intersection visibility triangle as defined in Section 18-06-57;

2. Horizontal sightline offsets as defined in the Standards and Specifications;

3. Floodplains as defined in Article XIII;

4. Overland flow paths as defined in Article XIII; or

5. A watercourse as defined in Article XIII.

(2) Electric transmission line used for the movement or transfer of electric energy in bulk between points of supply and points of delivery.

a. Typically, these lines are rated 44 kilovolt and above.

(3) Wireless Telecommunication Facilities meeting the standards of Article IV.

(4) Replacement of existing overhead electric and communication utility lines which may have been damaged by a fire, storm event, or similar occurrence.

(5) Aboveground facilities necessary for temporary service and ancillary to ongoing construction or development prior to permanent installation of underground facilities, subject to removal upon discontinuance of service or installation of permanent facilities or upon 60 days notice determined by the chief building official. In no event shall such aboveground facilities be permitted to remain longer than one year.

(6) All nonresidential use improvements that can be classified as an intermediate redevelopment or minor redevelopment, as defined in Section 18-01-9.

(7) Catenary or other lines and support structures to provide electrical service to transit service vehicles.

(8) These exceptions shall not be construed to permit the extension of existing aboveground electric and communication utility lines and services along or across streets, easements, or other public ways to a development in an area not presently being served by overhead facilities.

(9) The director may waive in whole or in part, through the procedures in Article II, the undergrounding requirements for nonresidential uses in areas of the city that have existing overhead electric and communication utility lines and services if the combined length of the lines within or adjacent to the site does not extend beyond one block or 750 feet, whichever is less. This exception shall not be construed to permit service laterals that serve a new structure or structures in a new development from being undergrounded. The developer's agreement shall expressly state the duration of such waiver.

(10) The director may waive in whole or in part, through the procedures in Article II, the undergrounding requirements for residential uses in areas of the city that have existing overhead electric and communication utility lines and services if the development involves the subdivision of five or fewer residential lots. The developer's agreement shall expressly state the duration of such waiver.

(d) **Utility appurtenances**. Utility appurtenances as described in Subsection 18-10-25(c)(1), unless situated underground, shall be located away from public activity areas such as parks, playgrounds and schools. When situated above ground, these appurtenances shall be:

(1) Located in a visually unobtrusive area and screened in accordance with this chapter;

(2) Located a sufficient distance from parks, playgrounds, and schools to avoid potential danger to the public, consistent with applicable building and fire codes; and

(3) At the sole discretion of the director these items may be located within or adjacent to parks, playgrounds, and schools when necessary for utility conveyance and the health, safety, and welfare of the community.

(e) **Installation and maintenance**. Unless otherwise assumed by the individual utility provider, underground service connections to the street property line of each platted lot and other utility improvements required by the city and/or utility provider shall be installed and maintained at the developer's expense until a new property owner or owners' association assumes the perpetual maintenance responsibility for the utility improvement.

(1) Existing and proposed easements for irrigation ditches and channels shall be granted to the appropriate ditch company and shown on the subdivision plat.

(f) **Assurances.** The property owner and developer shall be responsible for complying with the requirements of this section. The property owner and developer shall make the necessary arrangements for installation of utilities with each of the utility providers serving the property, including payment for any construction or installation charges.

(1) The city may request evidence that such arrangements have been made in compliance with this subsection prior to final approval of any Development Plan.

Sec.18-10-26. RESERVED.
Sec.18-10-27. RESERVED.
Sec.18-10-28. RESERVED.
Sec.18-10-29. RESERVED.
Sec.18-10-30. RESERVED.

DIVISION 4. ASSURANCES OF COMPLETION

Sec.18-10-31. IMPROVEMENT REQUIREMENTS.

Any public improvements required by this Code shall be constructed and installed or improvement assurances made therefore pursuant to the terms of a Developer's Agreement. Assurances made shall be defined by a Developer's Agreement per Section 18-02-16 or as defined in Section 2-278.

Sec.18-10-32. ASSURANCES OF DEDICATION AND IMPROVEMENT.

(a) **Dedication assurances**. The applicant shall provide the following dedication assurances through a Developer's Agreement as detailed in Article II:

(1) Current title policy naming the city as an additional insured party, for the property and/or facilities to be conveyed and dedicated which shows that the rights-of-way , easements, and other dedicated lands are free and clear of all liens and encumbrances unless specifically permitted by the city attorney;

(2) An initial site assessment demonstrating that the land to be dedicated is free of any hazardous substance; and

(3) The listing of all required dedication statements on the site plan or subdivision plat in a form acceptable to the city.

(b) **Subdivision improvement assurances**.

(1) The improvement assurances provided by the applicant shall be one or a combination of the following at the sole discretion of the city:

a. Performance guaranty, which is a guaranty secured by deposited collateral in the form of cash, an irrevocable letter of credit or performance bond; and

b. Warranty guaranty, which is a guaranty secured by deposited collateral in the form of an irrevocable letter of credit or warranty bond; or

c. The withholding of building permits or certificates of occupancy, except those for public improvements.

(2) If there are any buildings on a street not acceptable to the city, the city may effect emergency demolitions, repairs, and/or replacements and charge the developer for the repair and/or replacement costs plus administrative expenses incurred.

(c) **Waiver.**

(1) At the sole discretion of the director, the requirement for a Developer's Agreement may be waived for subdivisions where:

a. Sufficient assurances consistent with the intent of this section or Article II are provided by the applicant; or

b. The need for assurances was determined unnecessary due to the size and scale the proposed subdivision.

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Sec.18-10-33. RESERVED.
Sec.18-10-34. RESERVED.
Sec.18-10-35. RESERVED.
Sec.18-10-36. RESERVED.
Sec.18-10-37. RESERVED.

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ARTICLE XI: SIGN STANDARDS

DRAFT 3 – MAY 27, 2025

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Chapter 18 / Article XI: Sign Standards

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DIVISION 1. GENERALLY

Sec. 18-11-1. Title.

This article shall be known and cited as the Sign Code of the City of Thornton.

Sec. 18-11-2. Authority.

The city council finds and declares that:

(a) The city has the authority to regulate signs under the United States Constitution, the Constitution and Statutes of the State of Colorado, and the Charter of the City of Thornton;

(b) This article advances important and substantial government interests;

(c) The purpose of this article is to provide the minimum control of signs necessary to promote the health, safety, and general welfare of the citizens of Thornton;

(d) This article is not intended to regulate government signs;

(e) Any incidental restriction on the freedom of speech is no greater than is essential to the furtherance of the interests protected by this article;

(f) Certain types of speech are not protected by the First Amendment due to the harm that they cause to individuals or the community, and speech that is harmful to minors may be prohibited in places that are accessible to minors; and

(g) The city does not intend to regulate any sign content or message in any manner not permitted by law, and the provisions of this article should be interpreted to achieve that result.

Sec. 18-11-3. Purpose.

(a) **Generally.** The purpose of this article is to set out regulations for the erection and maintenance of signs while preserving the right of free speech and expression.

(b) **Objectives.** The objective of the regulations in this article is to provide a balanced and fair legal framework for the design, construction and placement of signs that:

(1) Promotes the safety of persons and property by ensuring that signs do not create a hazard by:

a. Collapsing, catching fire, or otherwise decaying;

b. Confusing or distracting vehicle, bicycle or pedestrian traffic; or

c. Impairing drivers' ability to see pedestrians, bicyclists, obstacles or other vehicles, or to read traffic signs;

(2) Promotes the efficient communication of messages, and ensures that persons exposed to signs:

a. Are not overwhelmed by the number of messages presented; and

b. Are able to exercise freedom of choice to observe or ignore said messages;

(3) Protects the public welfare and enhances the appearance and economic value of the landscape by protecting scenic views and avoiding sign clutter that can compromise the character, quality, and viability of commercial corridors;

(4) Ensures that signs are compatible with their surroundings, and prevents the construction of signs that are a nuisance to occupants of adjacent and contiguous property due to brightness, reflectivity, bulk, movement, or height;

(5) Promotes the use of signs that are aesthetically pleasing, of appropriate scale, and integrated with the built environment through architecture, landscaping and other features, in order to meet the city's objectives related to the quality and character of development as identified in the Comprehensive Plan;

(6) Enhances property values and business opportunities;

(7) Assists in way-finding; and

(8) Provides fair and consistent permitting and enforcement.

(c) **General findings of fact.** The city council finds and declares that:

(1) Signs of reasonable size and dimensions are a useful means of visual display for the convenience of the public and for the efficient communications of commercial and noncommercial speech;

(2) Signs are vital to the health and sustainability of many businesses, and the display of signs with noncommercial messages is a traditional forum of speech, but the constitutional guarantee of free speech may be limited by appropriate and constrained regulation that is unrelated to the message itself;

(3) The city has an important and substantial interest in protecting the public from signs which obscure the vision of motorists or interfere with official traffic control devices because the orderly movement of traffic contributes to the public health and safety;

(4) The city has an important and substantial interest in preventing sign clutter because sign clutter degrades the character of the community, makes the community a less attractive place for commerce and private investment, and dilutes or obscures messages by creating visual confusion and aesthetic blight;

(5) A reasonable balance between the interests of visual signage and the interest of the city to secure for its citizens the opportunity to enjoy pleasant and attractive

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surroundings protected from visual discord and clutter that may result from unrestricted proliferation and placement of signs contributes to the general welfare;

(6) Regulations that balance the legitimate needs of individual property owners to convey their commercial and noncommercial messages against the comparable needs of adjacent and nearby property owners and the interest of the community as a whole are necessary to preserve and enhance the aesthetic quality of life in the community;

(7) The uncontrolled use of off-premises outdoor advertising signs and their location, density, size, shape, motion, illumination and demand for attention can be injurious to the purposes of this article, and destructive to community character and property values, and that, as such, restrictions on the display of off-premises commercial messages are necessary and desirable;

(8) Signs that are not properly maintained or repaired degrade the aesthetics of the community; and

(9) Reasonable regulations are necessary to conserve the character and economic value of property and neighborhoods.

Sec. 18-11-4. Applicability.

(a) This article applies to signs on private property and does not abrogate, override, limit, modify or nullify any easements, covenants, leases or other existing private agreements that are more restrictive than this article.

(b) This article does not regulate signs that are displayed on public streets, public alleyways, public sidewalks, public rights-of-way, public trail tracts, public trail easements, public parks and other public spaces. Those matters are regulated in Article I of Chapter 70 of this Code.

Sec. 18-11-5. General provisions.

(a) **Compliance required.** All construction, relocation, enlargement, alteration, and modification of signs within the city shall conform to the requirements of this article, all state and federal regulations concerning signs and advertising, and the Building Code adopted in Chapter 10 of this Code.

(b) **Responsibility for compliance.** The responsibility for compliance with this chapter rests jointly and severally upon the sign owner, the sign operator (if different from the sign owner), all parties holding the present right of possession and control of the property whereon a sign is located, mounted or installed, and the legal owner of the lot or parcel, even if the sign was mounted, installed, erected or displayed without the consent of the owner and/or parties holding the legal right to immediate possession and control.

(c) **Violations.** When a sign is displayed in violation of this article or chapter, or in violation of other applicable laws, rules, regulations, or policies regarding signs, each day the sign is displayed is a separate violation.

(d) **Interpretations.** The director shall interpret this article as the need for interpretation arises, including for application to specific issues and proposed signs. Such interpretations may be appealed in accordance with the procedures in Section 18-02-30.

(e) **Message neutrality.** It is the city's policy and intent to regulate signs in a manner consistent with the United States and Colorado Constitutions and all applicable law, and which is content-neutral as to protected speech.

(f) **Message substitution**.

(1) A protected commercial or noncommercial message of any type may be substituted, in whole or in part, for the message displayed on any sign for which the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval, permitting, registration or notice to the city. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message.

(2) This message substitution provision does not:

a. Create a right to increase the total amount of signage on a parcel, lot or land use;

b. Affect the requirement that a sign structure or mounting device be properly permitted;

c. Allow a change in the physical structure of a sign, its mounting device, or the technology used to present the message; or

d. Authorize the substitution of an off-site commercial message in place of an on-site commercial message or in place of a noncommercial message.

(g) **Discretionary approvals**.

(1) Whenever any sign permit, Variance, Special Use Permit, Temporary Use Permit, minor adjustment, large development signage plan, or other sign-related decision is made by any exercise of official discretion, such discretion shall be limited to the noncommunicative aspects of the sign, the architectural similarity of the proposed sign with other structures or signs in the surrounding area, and other factors listed in this article and in the Development Code.

(2) When discretion is authorized, it may be exercised regarding the following factors, as applicable:

a. Construction materials and details of structural design;

b. The number and spacing of signs in the area;

c. The sign's display area, height, and location in relation to its proposed use;

d. The sign's relationship with other nearby signs, other elements of street and site furniture and adjacent structures;

e. Form, proportion, and scale;

f. Potential effect of the proposed sign on driver, bicyclist and pedestrian safety;

g. Potential blocking of view, in whole or in part, of a structure or façade or public view of historical, cultural or architectural significance; and

h. Potential obstruction of views of users of adjacent buildings to side yards, front yards, open space, or parks.

(3) Discretion may not be exercised as to the message content of the sign.

(h) **Prospective regulation.**

(1) This article applies to signs that may be proposed or erected in the future. It also applies to existing signs that are not legal under prior law.

(2) All existing legal signs may continue in use, but any change must comply with this article. Any nonconforming sign for a business shall be immediately brought into conformance with this article or removed if any one of the following conditions occurs:

a. When the sign becomes damaged to the extent of 50 percent or more of its total replacement value, regardless of the cause of the damage;

b. When the sign becomes an imminent danger to public health or safety;

c. When there is a request to obtain a building permit to alter, enlarge, expand, or increase the structural support of the sign or any part of the sign;

d. When there is a request to obtain a building permit to make improvements to the facade of a building on a property on which a nonconforming sign is located; or

e. If the use or activity that the sign refers to has been discontinued or the property on which an on-site sign is located has been vacant for a period of six months or more.

(3) Any sign in existence on the effective date of this article which does not conform to its provisions, but for which the board has previously granted a variance, shall be considered a legal nonconforming sign.

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(4) In the event the regulations contained in this article are amended, any temporary sign that is not in compliance with the new regulations shall be removed immediately. Nonconforming temporary signs are not permitted.

(i) **Noncommunicative aspects.** All applicable regulations concerning the noncommunicative aspects of signs, as defined in Article XIII, stand enforceable independently of any permit or approval process.

(j) **Owner's consent.** No sign may be placed on private property without the consent of the legal owner of the property and all persons holding the present right of possession and control of signage. The city may require evidence of consent when enforcing the requirements of this article.

(k) **Signs accessory to main use.** Unless otherwise provided in this article, permanent structure signs shall be accessory to another main use on the same parcel.

(l) **Materials.** Materials selected for signs shall be durable and capable of withstanding weathering, with reasonable maintenance, over the life of the sign.

(m) **Zoning.**

(1) Any sign located in the zoning districts of Planned Development Legacy (PD-L) District or Mineral Conservation-Legacy (MC-L) District, unless otherwise specified in the ordinance creating the district, shall be erected in accordance with the requirements for the categorical zoning districts of this chapter, based upon the use of the site that the sign is located on, as determined by the director or designee.

(2) In any zoning district where both residential and nonresidential land uses are allowed, the sign-related rights and responsibilities applicable to any particular parcel or land use shall be determined as follows:

a. Residential uses shall be treated as if they were located in the lowest intensity zone where a use of that type would be allowed as a matter of right; and

b. Nonresidential uses shall be treated as if they were located in the lowest intensity zone where that particular use would be allowed, either as a matter of right or subject to a Special Use Permit or a Temporary Use Permit.

(n) **Maintenance and alterations.**

(1) It shall be unlawful to fail to maintain or keep in good repair any sign, including without limitation the repairing of glass, plastic, or other sign face material which is missing, broken, damaged, or deteriorated and the repairing of any pole, frame, support or similar structure which is broken, damaged, or deteriorated.

(2) A permit is not required when only the sign face or copy is changed and the resulting sign complies with the requirements of this article.

(3) A permit is required for structural alteration or enlargement of the sign area.

(4) The maintenance, renovation, or repair of a sign without the alteration of noncommunicative aspects shall not require a new sign permit, but may require a building permit under the building code of the city.

(5) Whenever the use of a sign frame or sign supporting structure, has been discontinued for a period of six months or more, such sign, sign frame, or sign supporting structure shall be removed immediately.

Sec. 18-11-6. EXEMPTIONS FROM THE PROVISIONS OF THE SIGN CODE.

The following types of long-term and temporary sign devices are exempted from the provisions of this article, except as specified:

(a) Official governmental signs, including but not limited to traffic control signs and devices, informational signs, temporary public notices, banners, flags, light pole banners, and any other signs required by law.

(b) Signs that:

(1) Are installed in a location or manner which do not create a traffic hazard;

(2) Are located on private property and not in any public rights-of-way;

(3) Do not exceed four square feet per sign face;

(4) Do not cumulatively exceed 40 square feet per zone lot; and

(5) Are not prohibited or illegal signs as provided in Section 18-11-7 or otherwise regulated herein.

(c) Signs painted on or placed in a window.

(d) Flags that meet the following standards and that maintain a minimum seven-foot clearance between the lowest point of the flag and grade level:

(1) On zone lots smaller than 10,000 square feet, one flag no larger than 15 square feet is permitted.

(2) On zone lots between 10,000 and 100,000 square feet, flags shall be no larger than 50 square feet, and a maximum of two flags per zone lot is permitted.

(3) On zone lots larger than 100,000 square feet, flags shall be no larger than 100 square feet, and a maximum of three flags per zone lot is permitted.

(4) The maximum height of a flagpole for all flags is 35 feet or the height of the building, whichever is less.

(e) **Vehicular signs**:

(1) Shall be permitted if they:

a. Contain no flashing or moving elements;

b. Are permanently mounted or affixed, or magnetically attached, to the vehicle;

c. Do not project beyond the surface of the vehicle on which they are attached a distance in excess of six inches;

d. Are attached to an operable vehicle;

e. Are parked in a designated parking space, when available, when parked and visible from the public rights-of-way.

(2) Shall not be used to increase the total permitted sign area or number of signs either on-site or off-site for a business as provided in this article except as provided for in Division 7 of this article. Vehicular signs parked within 25 feet of an arterial or collector street shall count against the total sign area allowance for the property unless there is no other location on the property where the vehicle can be parked.

(f) Any sign on or constructed in association with a bus shelter or bus bench that is specifically allowed by a written contract with the city.

(g) Temporary decorations of any type, number, area, height, location, illumination, or animation that are located on buildings or structures so as not to conflict with or obstruct traffic regulatory devices.

(h) Private persons dressed in costume or displaying signs expressing messages that are within the protection of the First Amendment, subject to the following:

(1) The signs must be held by or attended by one or more persons;

(2) Signs shall not be inflatable or air-activated;

(3) In order to serve the city's interests in traffic flow and safety, persons and signs shall not:

a. Visually or physically obstruct, impede or block the flow of traffic or pedestrians on streets, sidewalks or trails;

b. Be located on a public street median or round-a-bout;

c. Conduct sales, transfer product, or collect monies of any kind; and

d. Obstruct or impede scheduled activities.

(i) Any signs required to be erected by city, state, or federal law.

(j) Any signs not legible or intended to be read from the right-of-way or private streets.

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Sec. 18-11-7. Prohibited and illegal signs.

It shall be unlawful for any person to:

(a) Erect, maintain, or continue the use of any sign with an image or message which is not within the protection of the Colorado Constitution and the First Amendment to the U.S. Constitution because of the harm that they cause to minors, or to individuals or to the community.

(b) Erect, maintain, or continue the use of any sign that is not specifically permitted or exempted from this article, or is an animated sign, roof sign, building wrap sign, or searchlight.

(c) Erect, maintain, or continue the use of any sign in, over, or extending into any public rights-of-way, or to paint or affix any sign on or to any object within any public rights-of-way, except as permitted in this article or in Chapter 70 of this Code.

(d) Erect, maintain, or continue the use of any sign within a visibility triangle as defined in Section 18-06-57 unless otherwise exempted by this article.

(e) Erect, maintain, or continue the use of any sign that causes a traffic hazard because of glare, focus or intensity of illumination.

(f) Erect, maintain, or continue the use of any sign that blocks a doorway or opening which is required for entrance to or exit from any building, structure, parking lot or driveway by the International Building Code adopted in Section 10-151, the International Fire Code adopted in Section 10-160, or any Development Plan.

(g) Erect, maintain, or continue the use of any sign on any fence, or paint or affix any sign on, or to, a fence set back five feet or less from the city's rights-of-way, except as specifically permitted by this article.

(h) Erect, maintain, or continue the use of any sign on any property without the written permission of the property owner or person in lawful possession of the property.

(i) Erect, maintain, or continue the use of any sign or signal, marking or device that is not authorized and which purports to be, is an imitation of, or resembles but is not an official traffic control device or railroad sign or signal, within 10 feet of the edge of any street.

(j) Erect, maintain, or continue the use of any sign that hides from view or interferes with the visibility of any official traffic control device or railroad sign or signal.

(k) Erect, maintain, or continue the use of any sign attached to landscaping elements or other natural objects.

(l) Erect, maintain, paint, affix or continue the use of any sign on or to any other sign unless done with a valid sign permit or unless exempted from the requirement for a permit under this article.

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Sec. 18-11-8. Enforcement.

(a) **Authority.**

(1) The city shall have the authority to enforce provisions of this article. In addition to any other remedies provided in this section, a summons and complaint may be filed in the municipal court to any person for which probable cause exists concerning the violations of this article.

(2) The city shall have the authority in emergency situations to place barriers in or about any sign which is dangerous or constitutes a hazard and when the city has attempted to serve notice as required in this section, but has been unable to do so or when such sign constitutes an immediate danger to the public. In such instances, notice after the placement of barriers shall suffice and the owner of the sign shall be responsible for reimbursement to the city for expenses incurred.

(3) The city shall have the authority to move or remove any sign to facilitate public safety officials in dealing with any public emergency.

(4) In addition to the enforcement remedies before the municipal court as set out in this section, the city shall have the authority to bring an action before any court of competent jurisdiction to secure equitable relief and secure damages for costs incurred by the city in securing compliance with this article.

(b) **Procedures.**

(1) Prior to abatement of a violation of this article, the police department or the city development department shall provide notice to the responsible party of the property, as described in Section 18-11-5(b), upon which the sign is placed that:

a. No sign permit has been issued; or

b. The sign device has been determined to be dangerous or constitutes a hazard; or

c. Is prohibited; or

d. Is in violation of a specific provision of this article; and

e. The sign shall be removed, repaired, or brought into compliance within a reasonable, specified length of time.

(2) Notice of intent to abate any violation of this article shall be pursuant to the requirements specified in Chapter 38, Article X.

(3) In lieu of or concurrent with Subsection (b)(1) above, a summons and complaint may be issued to the responsible party of any property within the city, as described in Section 18-11-5(b), that is in violation of any provision of this article.

Sec. 18-11-9. Severability.

If any clause, sentence, paragraph, section or part of this article shall be determined by any court of competent jurisdiction to be invalid, such determination shall not affect, impair, or invalidate the remainder of this article but shall be confined in its operation to the clause, sentence, paragraph, section or part directly involved in the controversy for which the court's determination was made. Without affecting this general statement, each portion of these sign regulations is specifically severable, and the invalidity of any regulation in that portion shall not affect the validity or enforceability of other regulations in that portion. If any portion of this article is determined to be invalid, the remaining portions of this article shall be interpreted and applied to achieve as nearly as possible the result that would have been achieved if part of the article had not been determined to be invalid.

Sec. 18-11-10. Reserved.

Sec. 18-11-11. Reserved.

Sec. 18-11-12. Reserved.

Sec. 18-11-13. Reserved.

Sec. 18-11-14. Reserved.

Sec. 18-11-15. Reserved.

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DIVISION 2. ADMINISTRATION

Sec. 18-11-16. SIGN PERMITS.

(a) **Permit required.** It shall be unlawful for any person to erect, maintain or continue the use of any sign regulated by this article without first obtaining a sign permit from the department, unless this article specifies that a permit is not required or the sign is specifically exempted in Section 18-11-6.

(b) **Permit application.**

(1) An application for a sign permit shall be filed with the director in accordance with Section 18-02-02.

(2) In addition to the requirements of Section 18-02-02, the application shall include clear and complete graphic and written information adequate to show compliance with all applicable requirements of this article and any other applicable regulations of the city. At a minimum, the application shall include all requirements listed in the current sign permit application checklist.

(c) **Permit approval.**

(1) Sign permit applications shall be for review and action by the director. The director may take one of three actions:

a. Approval as submitted, if the application complies with all requirements of this article;

b. Approval with conditions which if followed will bring the application into compliance with all requirements of this article; or

c. Denial, if the application does not meet the requirements of this article.

(2) The director shall make a decision within 45 days after receiving a complete application for a sign permit.

(3) The actions of the director may be appealed to the board as provided in Section 18-02-32. If appealed, the board shall hear the appeal within 45 days after receiving a complete application for appeal.

(4) The requirement for a permit shall be deemed met upon specific agreement between the owner and the city to erect, maintain or continue the use of any sign.

(d) **Inspection requirements.**

(1) All signs for which a permit is required may be subject to the following inspections:

a. Footing inspection on all freestanding signs.

b. Electrical inspections on all illuminated signs or electronic signs.

c. An inspection of braces, anchors, supports and connections.

d. Site inspection to ensure that the sign has been constructed and located according to the approved application and valid sign permit.

(2) Every sign shall comply with the building code adopted in Chapter 10 of this Code.

Sec. 18-11-17. LARGE DEVELOPMENTS.

(a) Large developments shall submit a signage plan so the city may ensure that the signs on the site are similar in noncommunicative aspects with the main buildings and other signs.

(b) For provisions of this chapter, a large development shall be any development project on a site that contains four acres or more that is located in the MU, TOD, NC, GC, RC, BP, EO, ETD, EB, ES, CI, CC-L, EC-L, and I-L Zone Districts that either:

(1) Contains four or more contiguous tenant spaces in any one building on a zone lot; or

(2) Contains two or more main buildings on contiguous (disregarding intervening streets or alleys) lots, or the same lot, that share parking facilities and accesses.

(c) The owner(s) of adjacent projects that were separately developed may request designation by the director as a large development if:

(1) The combined site meets the criteria in Subsection 18-11-17(b); and

(2) The properties have access to internally connecting driveways.

(d) The owner(s) shall submit to the director a large development signage plan containing the following:

(1) An accurate plot plan of the site, at such scale as the director may reasonably require;

(2) Location of buildings, parking lots, driveways, and landscaped areas on the site;

(3) Computation of the maximum total sign area, the maximum area for each individual sign, the height of each sign and the number of attached and freestanding signs included in the plan under this article based on the following:

a. The maximum sign area, maximum number of signs, maximum height, minimum setback, illumination, and additional requirements for attached signs shall be in accordance with Division 3 of this article;

b. The maximum sign area, maximum number of signs, maximum height, minimum setback, illumination, and additional requirements for freestanding signs shall be in accordance with Division 4 of this article;

c. All freestanding signs shall be monument signs;

d. One additional monument sign may be erected per street frontage.

e. Pad sites with no street frontage may have signage included in an off-site monument sign in accordance with Subsection (d)(3)d above or on a monument sign erected off-site but within the large development boundaries if the owner of the property where the monument sign is to be located provides notarized written authorization; and

f. One electronic sign is permitted for large developments adjacent to I-25 or E-470 or an arterial or collector street in accordance with the regulations in Section 18-11-50.

(4) An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except those signs exempted from this article under Section 18-11-6.

(5) The following design standards shall be used to ensure aesthetic consistency among all signs on a site for a large development and shall be reflected in the signage plan.

a. Wall signs on the same main building shall be placed in a common configuration sign area that is consistent with other signs;

b. All wall signs on the same main building shall be similar in their noncommunicative aspects;

c. Each monument sign shall be located within a planted landscape area, which is of a shape and design that will provide ground definition to the sign and is similar in noncommunicative aspects with the surrounding area;

d. All monument signs shall be designed using materials, colors and design details that are complementary to the main building structure(s) in the large development.

(e) Compliance with the large development signage plan shall be in accordance with the approved sign permit.

Sec. 18-11-18. Interpretations for sign area.

Sign area shall be measured for all types of signs as follows:

(a) **Signs with backing.** Signs with backing shall include, but not be limited to, cabinet signs or signs that are outlined or framed. The area of a cabinet sign or a sign enclosed by a box, outlined or framed, shall be measured by determining the smallest possible area of any rectilinear geometric shape that utilizes eight or fewer lines that join each other at right angles that enclose the extreme limits of the display surface or face of the sign; including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

(b) **Signs without backing.** If the sign is composed of individual letters or symbols that are mounted against a surface that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the area of the sign shall be measured by determining the area of the smallest possible area of a rectilinear geometric shape that utilizes eight or fewer lines that join each other at right angles that enclose the extreme limits of each message. See Figures 18-11-18.1 to 18-11-18.5.

Figure 18-11-18.1. Sign area, individual letters.



Figure 18-11-18.2. Sign area, cabinet sign.

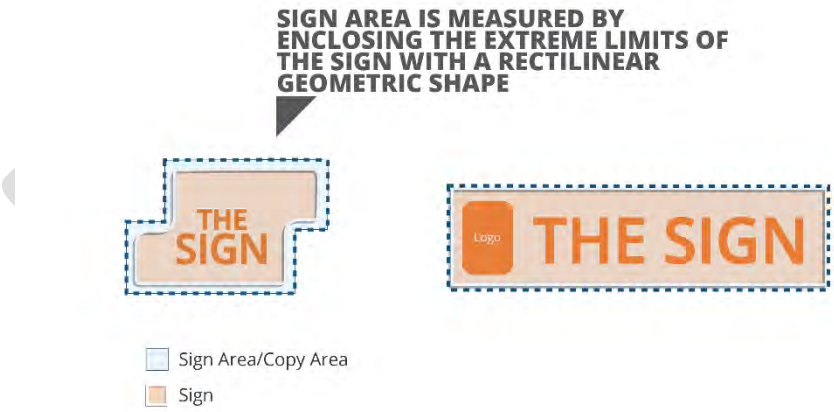


Figure 18-11-18.3. Sign area, on building.



Figure 18-11-18.4. Sign area, monument sign.

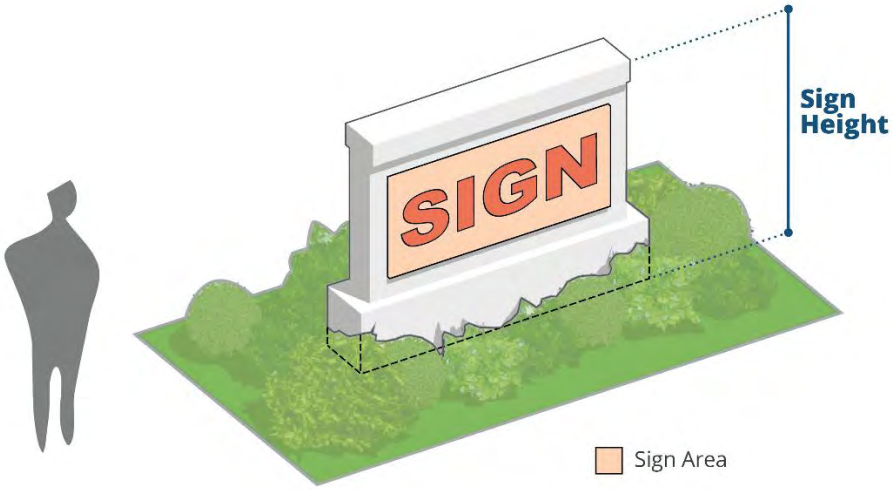
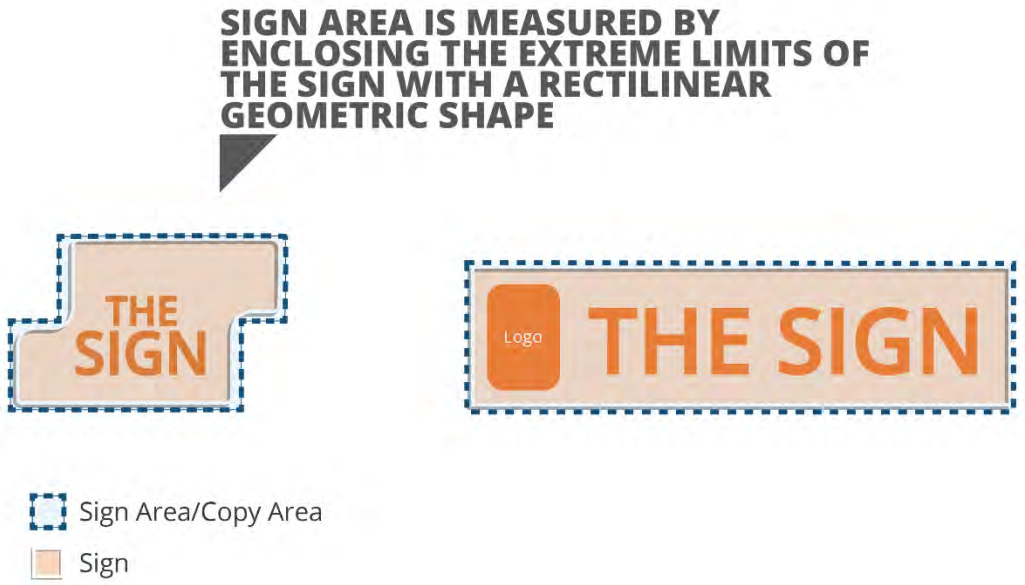


Figure 18-11-18.5. Sign area

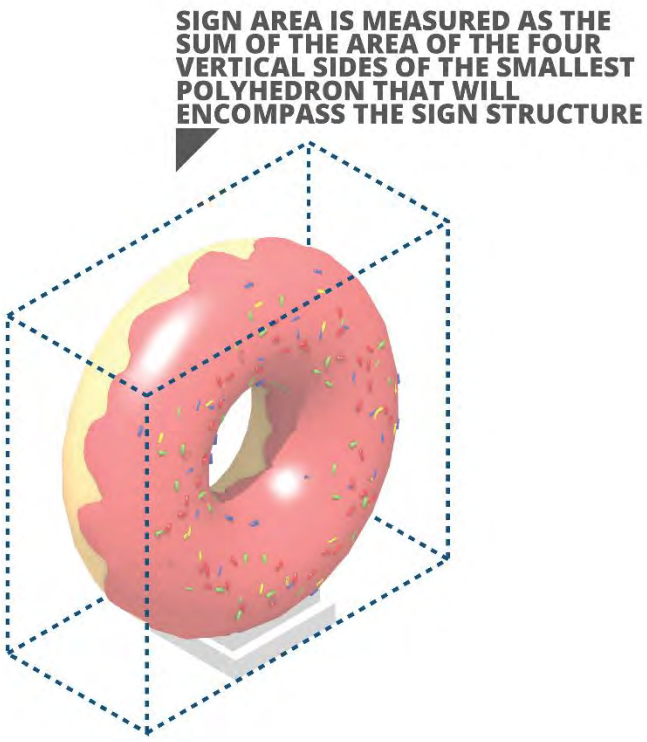


(c) **Multi-faced signs.** Sign area for signs which have two parallel sign faces assembled in such a way that the faces cannot be viewed from any one point at the same time shall be calculated using only the larger of the two sign faces. Sign area for signs which have multiple sign faces not being parallel, which can be viewed from any one point at the same time, such a V-shaped, triangles or cubes, shall be calculated using the total of all faces.

(d) **Other forms.**

(1) When a sign is spherical, free form, sculptural and/or other nonplanar form, the sign area is measured as the sum of the area of the four vertical sides of the smallest polyhedron that will encompass the sign structure. See Figure 18-11-18.6.

Figure 18-11-18.6. Sign area, other forms.



(2) Works of art, wall graphics, and architectural features shall be interpreted to constitute a sign, and the area shall be included in the calculation for determining the allowable sign area unless the applicant obtains any required approval from the Thornton Arts, Sciences and Humanities Council (TASHCO) pursuant to Division 7 of this article, or is exempted from the requirements of that division.

(e) **Exceptions.**

(1) An illuminated canopy, awning, or architectural feature of a building is not considered a distinctive background for the purposes of measuring the sign area.

(2) A decorative neon band or other outdoor building illumination which does not identify or convey information is not considered in the calculation of sign area.

Sec. 18-11-19. Appeals, variances, and adjustments.

(a) **Appeals to the board.**

(1) Appeals from a decision of the director or a decision of the Thornton Arts, Sciences, and Humanities Council (TASHCO) regarding a display under Division 7 are available by the submission of a written request, on a form supplied by the department, to the

board. The request shall specify the basis for the appeal. The board may overturn the decision of the director for two reasons:

a. The board finds the director or TASCHCO erred in the interpretation of the applicable regulation as provided in this article; or

b. The board finds a variance is in order due to an extraordinary hardship not induced by the appellant.

(2) The board shall make its determination only on the merits of each appeal brought before it.

(3) The board shall make a decision on the appeal within 45 days after receiving a complete application for appeal.

(4) Applications for a hearing of an appeal before the board shall be processed in accordance with the rules, regulations, and procedures governing actions of the board and contained in Sections 18-02-30 and 18-02-32.

(b) **Variances.**

(1) In considering a variance to the sign regulations in this article, the board shall consider the following noncommunicative aspects of the proposed sign with and without the variance in making its determinations:

a. Whether the physical conditions are such that strict compliance with these regulations will create extreme, continuing, and undue hardship or harm.

b. Whether physical conditions are such that strict compliance with these regulations will unreasonably restrict the effectiveness of a sign and the absence of alternative means and locations available which would be in compliance with this article.

c. Whether the variance, if granted, will adversely affect an adjacent property or neighborhood.

d. Whether the variance, if granted, will comply with the overall intent of this article to secure the public health, safety, and welfare of the citizens of the city.

e. Whether the variance, if granted, is limited to the extent absolutely necessary to afford relief.

(2) Any variance granted by the board shall not be subject to any assignment or other permanent or temporary transfer by the variance recipient and shall terminate and become null and void upon discontinuance of the use or activity underlying the variance when granted.

(3) The board shall, in order to best satisfy the review criteria and standards set forth in Subsection (b)(1) of this section, have the discretion to limit the time of the variance

granted, subject the matter to periodic review, or impose other terms and conditions on the granting of the variance.

(4) Applications for a hearing for a variance before the board shall be processed in accordance with the rules, regulations, and procedures governing actions of the board and contained in Sections 18-02-30 and 18-02-36.

(c) **Appeals to the director for minor adjustments.**

(1) Applicants may seek approval from the director to allow for minor adjustments from the sign code on a form supplied by the department for this purpose in response to unanticipated sign location issues or unusual physical site conditions, which may cause the need for some minor adjustments to be made to the allowable sign area or sign height. The director may authorize minor adjustments to the sign code that do one of the following:

a. Allow for sign heights to be increased up to a maximum of two feet in height; or

b. Allow the maximum sign face area or sign dimensions of an individual sign to be increased up to a maximum of ten percent of the area or dimension otherwise provided; or

c. Allow the sign to encroach into a required property line setback up to a maximum of 20 percent of the required setback if such encroachment will not create a threat to public health or safety; or

d. Allow the sign to be located closer to another sign by reducing a required separation distance between the signs by up to 20 percent if such reduction will not create a threat to the public health or safety.

(2) Allowances for director adjustments to sign standards shall be in accordance with this Subsection (c). Additional allowances for Administrative Adjustments as described in Section 18-02-12 to Sign Code standards shall be prohibited.

(3) The director shall consider the criteria in Section 18-11-5(g) regarding discretionary approvals when making a decision.

(4) The director shall make a written decision within ten days of the request being made to the department.

(5) Appeals from the decision of the director are to be made to the board within ten days of the receipt of the letter concerning the action taken on the request.

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Sec. 18-11-20. Reserved.
Sec. 18-11-21. Reserved.
Sec. 18-11-22. Reserved.
Sec. 18-11-23. Reserved.
Sec. 18-11-24. Reserved.
Sec. 18-11-25. Reserved.

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Sec. 18-11-26. PERMITTED SIGNS CHARTS.

Tables 18-11-26.1 through 18-26.4 summarize the types of signs allowed by zoning district. Additional criteria are included in the referenced sections, elsewhere in this article, and in the design standards in Article 7 of the Development Code.

Table 18-11-26.1 Permitted attached signs (per Division 3).

Table Key:
P = Permitted
N = Sign type not permitted

Sign Type	Agricultural	Residential Estate	Single-Family Detached Legacy	Residential – Low Density	Residential - Mid Density	Residential - High Density	Manufactured Home Legacy	Eastlake Residential	Neighborhood Commercial	General Commercial	Regional Commercial	Business Park	City Center Legacy	Civic Institutional	Employment Center Legacy	Mixed-Use	Transit-Oriented Development	Eastlake Business	Eastlake Service	Eastlake Office	Eastlake Transit-Oriented Development	Industrial Legacy
Canopy sign [1]	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Cylinder sign [2]	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Projecting sign [3]	N	N	N	N	N	N	N	N	P	P	P	N	P	N	P	P	P	P	P	P	P	N
Under-canopy sign [4]	N	N	N	N	N	N	N	N	P	P	P	N	P	N	N	P	P	P	P	P	P	N
Wall sign [5]	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 18-11-26.1 footnotes:

[1] See additional provisions in Sections 18-11-31 and 18-11-32.

[2] See additional provisions in Sections 18-11-31 and 18-11-33.
[3] See additional provisions in Sections 18-11-31 and 18-11-34.
[4] See additional provisions in Sections 18-11-31 and 18-11-35.
[5] See additional provisions in Sections 18-11-31 and 18-11-36.

Table 18-11-26.2 Permitted freestanding signs (per Division 4).

Table Key:
P = Permitted
N = Sign type not permitted

Sign Type	Agricultural	Residential Estate	Single-Family Detached Legacy	Residential - Low Density	Residential - Mid Density	Residential - High Density	Manufactured Home Legacy	Eastlake Residential	Neighborhood Commercial	General Commercial	Regional Commercial	Business Park	City Center Legacy	Civic Institutional	Employment Center Legacy	Mixed-Use	Transit-Oriented Development	Eastlake Business	Eastlake Service	Eastlake Office	Eastlake Transit-Oriented Development	Industrial Legacy
Billboard sign [1]	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P
Light pole banner [2]	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Monument sign [3]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pole sign [4]	P	N	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N	N	N	N	P

Table 18-11-26.2 footnotes:

[1] See additional provisions in Sections 18-11-40 and 18-11-41.
[2] See additional provisions in Sections 18-11-40 and 18-11-42.
[3] See additional provisions in Sections 18-11-40 and 18-11-43.
[4] See additional provisions in Sections 18-11-40 and 18-11-44.

Table 18-11-26.3 Permitted electronic signs (per Division 5).

Table Key:

P = Permitted

N = Sign type not permitted

Sign Type	Agricultural	Residential Estate	Single-Family Detached Legacy	Residential - Low Density	Residential - Mid Density	Residential - High Density	Manufactured Home Legacy	Eastlake Residential	Neighborhood Commercial	General Commercial	Regional Commercial	Business Park	City Center Legacy	Civic Institutional	Employment Center Legacy	Mixed-Use	Transit-Oriented Development	Eastlake Business	Eastlake Service	Eastlake Office	Eastlake Transit-Oriented Development	Industrial Legacy
Electronic sign [1]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 18-11-26.3 footnotes:

[1] See additional provisions in Section 18-11-50.

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Table 18-11-26.4 Permitted temporary signs (per Division 6).

Table Key:

P = Permitted

N = Sign type not permitted

Sign Type	Agricultural	Residential Estate	Single-Family Detached Legacy	Residential - Low Density	Residential - Mid Density	Residential - High Density	Manufactured Home Legacy	Eastlake Residential	Neighborhood Commercial	General Commercial	Regional Commercial	Business Park	City Center Legacy	Civic Institutional	Employment Center Legacy	Mixed-Use	Transit-Oriented Development	Eastlake Business	Eastlake Service	Eastlake Office	Eastlake Transit-Oriented Development	Industrial Legacy
Special event sign [1]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Temporary sign [2]	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 18-11-26.4 footnotes:

[1] See additional provisions in Section 18-11-56.

[2] See additional provisions in Section 18-11-57.

Sec. 18-11-27. —18-11-30. RESERVED.

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DIVISION 3. ATTACHED SIGNS

Sec. 18-11-31. General requirements.

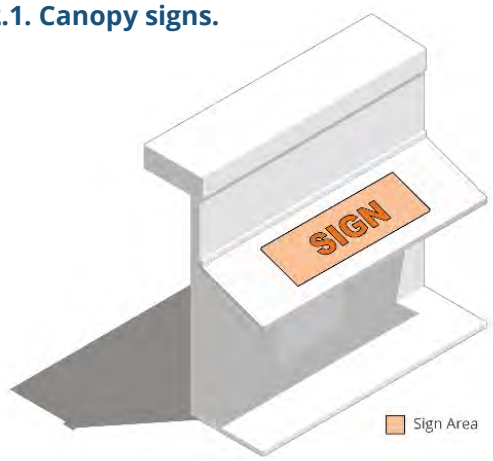
The standards of Division 3 of this article shall apply to all attached signs in those zone districts where the indicated type of attached sign is permitted pursuant to Table 18-11-26.1 in Section 18-11-26. These provisions shall not be interpreted to permit any attached sign in a zone district where it is not permitted by Section 18-11-26.

Sec. 18-11-32. Canopy sign.

Table 18-11-32.1 Canopy signs.

Regulation	Residential Zone Districts	Nonresidential Zone Districts (including AG District)
Maximum Number of Signs Allowed	None	Any number as long as the total square feet of all signs does not exceed 60 square feet.
Maximum Sign Area	N/A	60 square feet.
Maximum Sign Height	N/A	Controlled by the canopy structure.
Minimum Setback	N/A	Controlled by the canopy structure.
Illumination	N/A	Concealed illumination or neon.

Figure 18-11-32.1. Canopy signs.



Sec. 18-11-33. CYLINDER SIGN.

Table 18-11-33.1 Cylinder signs.

Regulation	Residential and AG Zone Districts	Nonresidential Zone Districts
Maximum Number of Signs Allowed	None	One.
Maximum Sign Area	N/A	12 square feet.
Maximum Sign Height	N/A	10 feet.
Minimum Setback	N/A	Controlled by the wall on which the sign is attached.
Illumination	N/A	Concealed illumination.

(a) **Additional requirements.**

(1) The outside edge of the sign shall project no more than 15 inches from the wall.

(2) A cylinder sign may rotate on its axis but shall not exceed 50 revolutions per minute.

Figure 18-11-33.1. Cylinder signs (The number in Figure 18-11-33.1 refers to the standard in Subsection 18-11-33(a)(1).

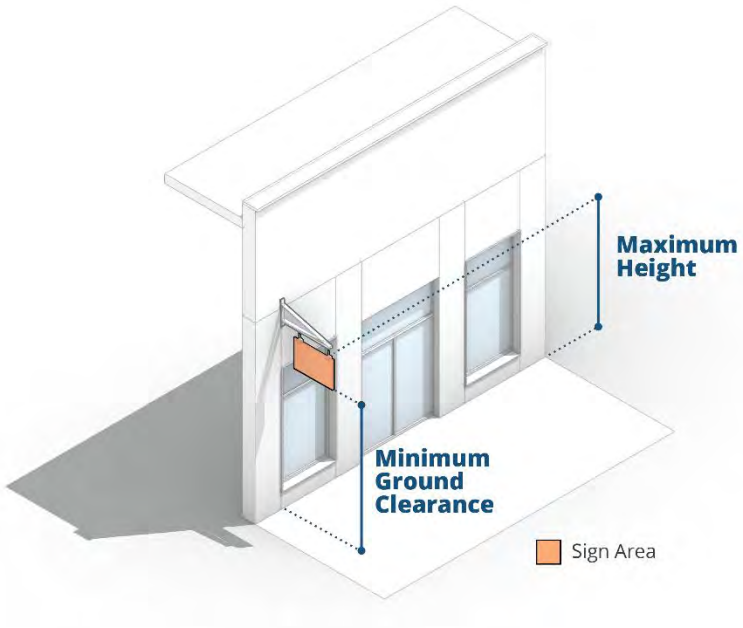


Sec. 18-11-34. PROJECTING SIGN.

Table 18-11-34.1 Projecting signs.

Regulation	Residential and AG Zone Districts	Nonresidential Zone Districts
Maximum Number of Signs Allowed	None	One per building user or tenant.
Maximum Sign Area	N/A	Total for all projecting signs = 50% of permitted sign area for wall signs. Total for all projecting signs and wall signs combined = 100% of permitted sign area for wall signs.
Maximum Sign Height	N/A	Maximum height of first floor elevation.
Minimum Sign Height	N/A	Minimum seven-foot clearance above grade required.
Minimum Setback	N/A	Controlled by the wall on which the sign is attached.
Illumination	N/A	Concealed illumination or neon.

Figure 18-11-34.1. Projecting signs.

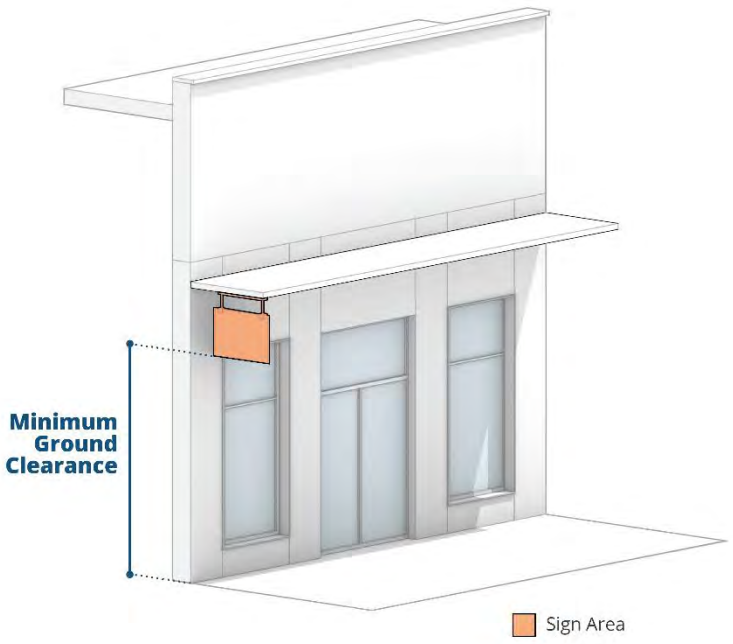


Sec. 18-11-35. UNDER-CANOPY SIGN.

Table 18-11-35.1 Under-canopy sign.

Regulation	Residential and AG Zone Districts	Nonresidential Zone Districts
Maximum Number of Signs Allowed	None	Two per building user or tenant.
Maximum Sign Area	N/A	Four square feet.
Maximum Sign Height	N/A	Controlled by the canopy structure.
Minimum Sign Clearance	N/A	Seven feet from bottom edge of sign.
Minimum Setback	N/A	Controlled by canopy structure.
Illumination	N/A	Concealed illumination.

Figure 18-11-35.1. Under-canopy signs.



Sec. 18-11-36. WALL SIGN.

Table 18-11-36.1 Wall signs.

Regulation	Residential and AG Zone Districts	Nonresidential Zone Districts (Low-Rise, 1-3 stories)	Nonresidential Zone Districts (High-Rise, 4 or more stories)
Number of Signs Allowed	None	No limit	First floor = No Limit; Above first floor = 2 (no more than 1 on an elevation)
Maximum Sign Area [1] [2] [3] [4]	N/A	Greater of 60 square feet or 8 percent of area of largest elevation of the main building(s) on a zone lot.	4-5 stories = 300 square feet; 6 stories = 325 square feet; 7 stories = 350 square feet; 8-10 stories = 400 square feet; 11-14 stories = 575 square feet; 15+ stories = 550 square feet
Maximum Sign Height	N/A	Controlled by wall on which sign is attached.	Controlled by wall on which sign is attached.
Minimum Sign Clearance	N/A	N/A	N/A
Minimum Setback	N/A	Controlled by wall on which sign is attached.	Controlled by wall on which sign is attached.
Illumination	N/A	Concealed illumination or neon is permitted. Direct illumination is allowed if it does not increase the light level at the boundary of any adjacent residentially zoned property, ignoring any intervening streets, by more than one foot-candle.	Concealed illumination or neon is permitted. Direct illumination is allowed if it does not increase the light level at the boundary of any adjacent residentially zoned property, ignoring any intervening streets, by more than one foot-candle.

Table 18-11-36.1 footnotes:

[1] Maximum on one elevation = 1,000 square feet.
[2] Maximum on all elevations = 2,000 square feet.
[3] These maximum limits shall not apply to large development projects with at least 300,000 square feet of retail space on a single lot that is at least 50 acres and has frontage on I-25 or E-470.
[4] Total area of all wall signs and projecting signs combined shall not exceed maximum area for wall signs.

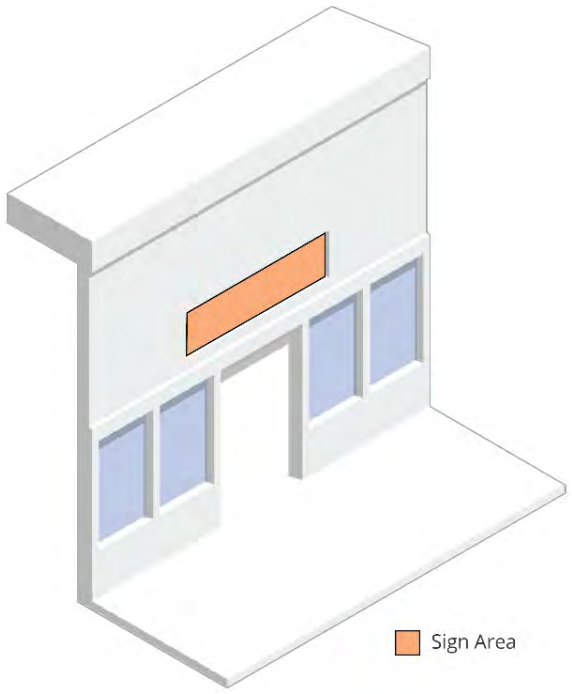
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(a) **Additional requirements.**

(1) Wall signs can be placed on any elevation of a building three stories or less in height as long as the signs do not illuminate a residential area.

(2) For purposes of this provision, a property shall be considered adjacent to or have frontage on the street or highway even if it is separated from the roadway by a publicly owned tract or a tract with a public easement that is restricted from development based on its use, topography, or physical characteristics.

Figure 18-11-36.1. Wall signs.



Sec. 18-11-37. —18-11-39. Reserved.

DIVISION 4. FREESTANDING SIGNS

Sec. 18-11-40. GENERAL REQUIREMENTS.

The standards of Division 4 of this article shall apply to all freestanding signs in those zone districts where the indicated type of freestanding sign is permitted pursuant to Table 18-11-26.2 in Section 18-11-26. These provisions shall not be interpreted to permit any freestanding sign in a zone district where it is not permitted by Section 18-11-26. Unless otherwise indicated in this division, the general standards of this section apply to all permitted freestanding signs.

(a) **Minimum setback.**

(1) One foot for every foot in height of the sign, or 25 feet, whichever is less. Signs located in an entry island shall have a setback of 25 feet from the flow line of the street.

(2) No freestanding sign shall have less than a five-foot setback, as measured to the leading edge of the sign.

(b) **Illumination.** Concealed illumination or neon.

(c) **Bonus signage.**

(1) Zone lots in the MU, GC, RC, BP, CI, CC-L, EC-L, and I-L Zoning Districts with more than 400 lineal feet of street frontage may have one additional freestanding sign per 400-foot increment. One of the zone lot's additional freestanding signs may have a maximum sign area of 200 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-11-40, 18-11-43, and 18-11-44.

(2) In the ETD and TOD zoning districts, zone lots with more than 300 lineal feet of street frontage may have one additional freestanding sign per 300-foot increment. One of the zone lot's additional freestanding signs may have a maximum sign area of 100 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-11-40, 18-11-43, and 18-11-44.

(3) Large developments, as defined in Section 18-11-17(b), may combine the individual lot street frontages adjacent to I-25 or E-470 for the purpose of calculating bonus signage.

a. Large developments with more than 400 lineal feet of street frontage adjacent to I-25 or E-470 may have one additional freestanding sign per 400-foot increment. One of the additional signs may have a maximum sign area of 200 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-11-40, 18-11-43, and 18-11-44.

b. Frontages on other streets shall not be included in this calculation.

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c. Other bonus signage shall be calculated based on the criteria in Subsections (c)(1) or (c)(2) above. The street frontage adjacent to I-25 or E-470 shall not be included in that calculation.

(4) Large developments with a primary entrance drive located within 1,000 feet of the center of an interchange with I-25 or E-470 may combine the street frontage of individual lots adjacent to the roadway intersecting I-25 or E-470 for the purpose of calculating bonus signage.

a. Large developments with more than 400 lineal feet of street frontage along the roadway intersecting I-25 or E-470 may have one additional freestanding sign per 400-foot increment. One of the additional signs may have a maximum sign area of 200 square feet. The size of the remaining signs shall be controlled by the criteria in Sections 18-11-40, 18-11-43, and 18-11-44.

b. Frontages on other streets shall not be included in this calculation.

c. The sign area calculated under this provision shall be the maximum signage allowed adjacent to the roadway intersecting I-25 or E-470.

d. Other bonus signage shall be calculated based on the criteria in Subsections (c)(1) or (c)(2) above. The street frontage adjacent to the roadway intersecting I-25 or E-470 shall not be included in that calculation.

(5) Large developments with at least 300,000 square feet of retail space on a single lot which is at least 50 acres and that has frontage on I-25 or E-470 may have:

a. 40 percent additional bonus signage area for the signs adjacent to I-25 or E-470; and

b. 40 percent additional height for one freestanding sign adjacent to I-25 or E-470.

(6) For purposes of this provision, a property shall be considered adjacent to or have frontage on the street or highway even if it is separated from the roadway by a publicly owned tract or a tract with a public easement that is restricted from development based on its use, topography, or physical characteristics.

(d) **Multiple signs**. If two or more freestanding signs are constructed on one zone lot they shall be:

(1) Similar in noncommunicative aspects, including construction, design, and material; and

(2) Separated by at least 250 feet.

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Sec. 18-11-41. BILLBOARD SIGN.

Table 18-11-41.1 Billboard signs.

Regulation	Residential and AG Zone Districts	Nonresidential Zone Districts
Number of Signs Allowed	None	Any number as long as they are located at least 600 feet from any other permitted sign and at least 1,000 feet from any other billboard sign.
Maximum Sign Area	N/A	300 square feet.
Maximum Sign Height	N/A	25 feet; lowest point of any sign located within 1,000 feet of intersecting public rights-of-way shall be at least 8 feet above ground.
Minimum Setback	N/A	25 feet, and at least 300 feet from intersecting rights-of-way.
Illumination	N/A	Concealed illumination or neon.

(a) **Additional requirements.**

(1) Billboard signs shall be off-site freestanding signs. Attached billboard signs are not permitted.

(2) A billboard sign is permitted only on undeveloped property and shall be removed when development or redevelopment of the property begins.

(3) Billboards located on undeveloped or developed property shall be removed when any redevelopment begins that requires a Development Plan.

(4) A billboard sign may not have more than two structural supports.

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Sec. 18-11-42. LIGHT POLE BANNER.

Table 18-11-42.1 Light pole banners.

Regulation	Residential Zone Districts	Nonresidential Zone Districts (including AG District)
Number of Signs Allowed	None	Two light pole banners may be erected on any nonresidential zone lot that has at least 100 lineal feet of street frontage. Zone lots which have more than 100 lineal feet of street frontage may have two additional banners per 100-foot increment. No more than 2 light pole banners may be attached to one light pole.
Maximum Sign Area	N/A	15 square feet
Maximum Sign Height	N/A	Must be attached below the light arm.
Minimum Clearance	N/A	Seven feet from bottom arm supporting the banner. [1]
Minimum Setback	N/A	No minimum; light pole banners shall only be placed on light poles located on private property. [2]
Illumination	N/A	Only by existing light source on the light pole where the light pole banner is attached.

Table 18-11-42.1 footnotes:

[1] The minimum clearance below a light pole banner may be less than seven feet if the applicant can demonstrate to the satisfaction of the director that the location of the light pole banner will not impede or block the regular flow of vehicle, bicycle or pedestrian traffic.

[2] Light pole banners may project onto the public rights-of-way by no more than 30 inches and shall not impede or block the flow of vehicle, bicycle, or pedestrian traffic on streets, sidewalks or trails.

(a) **Additional requirements.**

(1) Light pole banners shall be designed, manufactured and installed specifically for use on light poles.

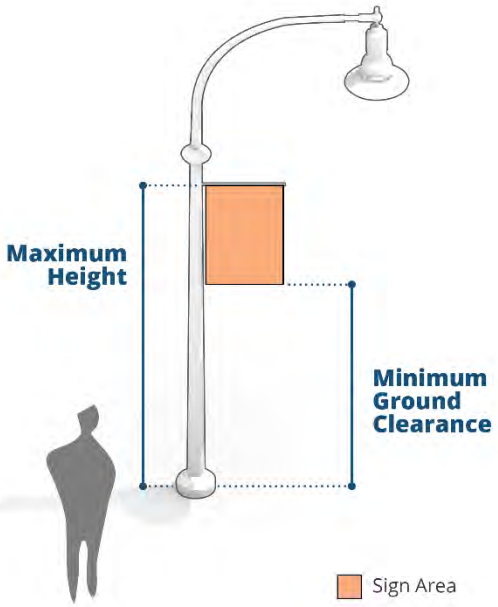
a. Light pole banners shall be made of fabric that can withstand all weather conditions to prevent fading and tearing.

b. Banners shall be mounted tautly and at a minimum shall have top and bottom support arms so that no part of the banner is flapping.

(2) Light pole banners shall be maintained in accordance with Section 18-11-5(n).

(3) A new sign permit is required if an approved light pole banner is replaced by a new light pole banner that varies in dimensions or placement to the original approval.

Figure 18-11-42.1. Light pole banners.



Sec. 18-11-43. MONUMENT SIGN.

Table 18-11-43.1 Monument signs.

Regulation	Residential Zone Districts	EB, ES, and EO Zone Districts	ETD Zone District	AG, NC, GC, MU, CI, and TOD Zone Districts	RC, BP, CC-L, EC-L, and I-L Zone Districts
Number of Signs Allowed	Two	[1]	[1]	[1]	[1]

Regulation	Residential Zone Districts	EB, ES, and EO Zone Districts	ETD Zone District	AG, NC, GC, MU, CI, and TOD Zone Districts	RC, BP, CC-L, EC-L, and I-L Zone Districts
Maximum Sign Area for signs legible from the public right-of-way	42 square feet	40 square feet	60 square feet	60 square feet [2][3]	100 square feet [2][3]
Maximum Sign Height	6 feet	8 feet	8 feet [4]	30 feet or the height of the building, whichever is less [4]	30 feet or the height of the building, whichever is less [4]

Table 18-11-43.1 footnotes:

[1] Allowed as follows:

a. General standard: One sign per zone lot street frontage longer than 90 linear feet, plus additional signs subject to Section 18-11-40(d).

b. Large developments: General standard in note [1]a above applies, plus one additional sign allowed per main building provided that:

1. The large development has internal roadways with a dedicated public access easement;
2. The additional sign is located adjacent to the internal roadway;
3. The additional sign does not exceed 8 feet in height or 40 square feet in area; and
4. Complies with all other requirements of this article.

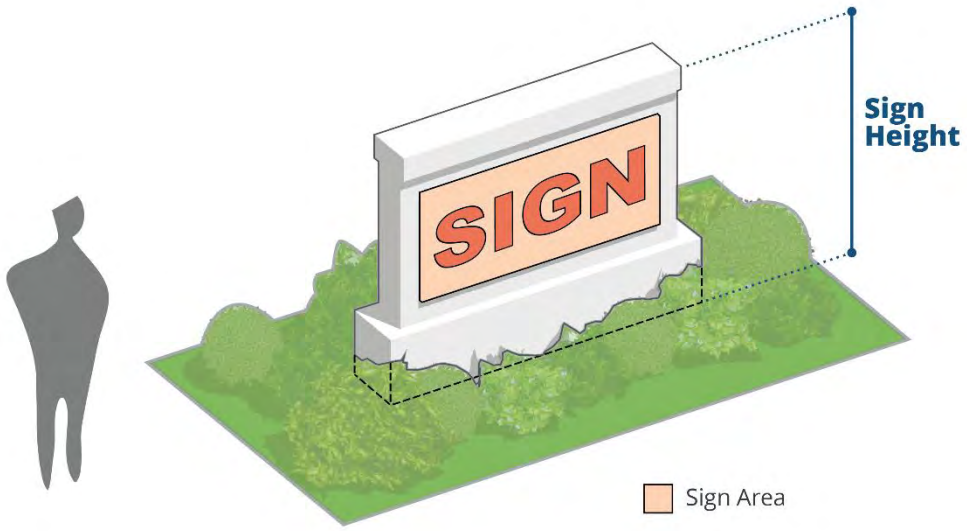
[2] For nonresidential lots or large developments adjacent to I-25 or E-470, the bonus signage authorized by Section 18-11-40(c)(1) or 18-11-40(c)(3) may be consolidated into one monument sign. The consolidated sign shall be located on the side of the property adjacent to I-25 or E-470.

[3] For nonresidential lots or large developments with a primary entrance drive located within 1,000 feet of the center of an interchange with I-25 or E-470, the bonus signage authorized by Section 18-11-40(c)(1) or 18-11-40(c)(4) may be consolidated into one monument sign. The consolidated sign shall be located on the side of the property adjacent to the roadway that intersects with I-25 or E-470.

[4] For nonresidential lots or large developments adjacent to I-25 or E-470 that have consolidated sign area pursuant to note [2] above, the maximum sign height for the consolidated sign is 50 feet.

(a) **Additional requirements.** Signs in residential districts should be located within a planted landscape area which is of a shape and design that will provide ground definition to the sign and is similar in noncommunicative aspects with the surrounding area.

Figure 18-11-43.1. Monument signs.

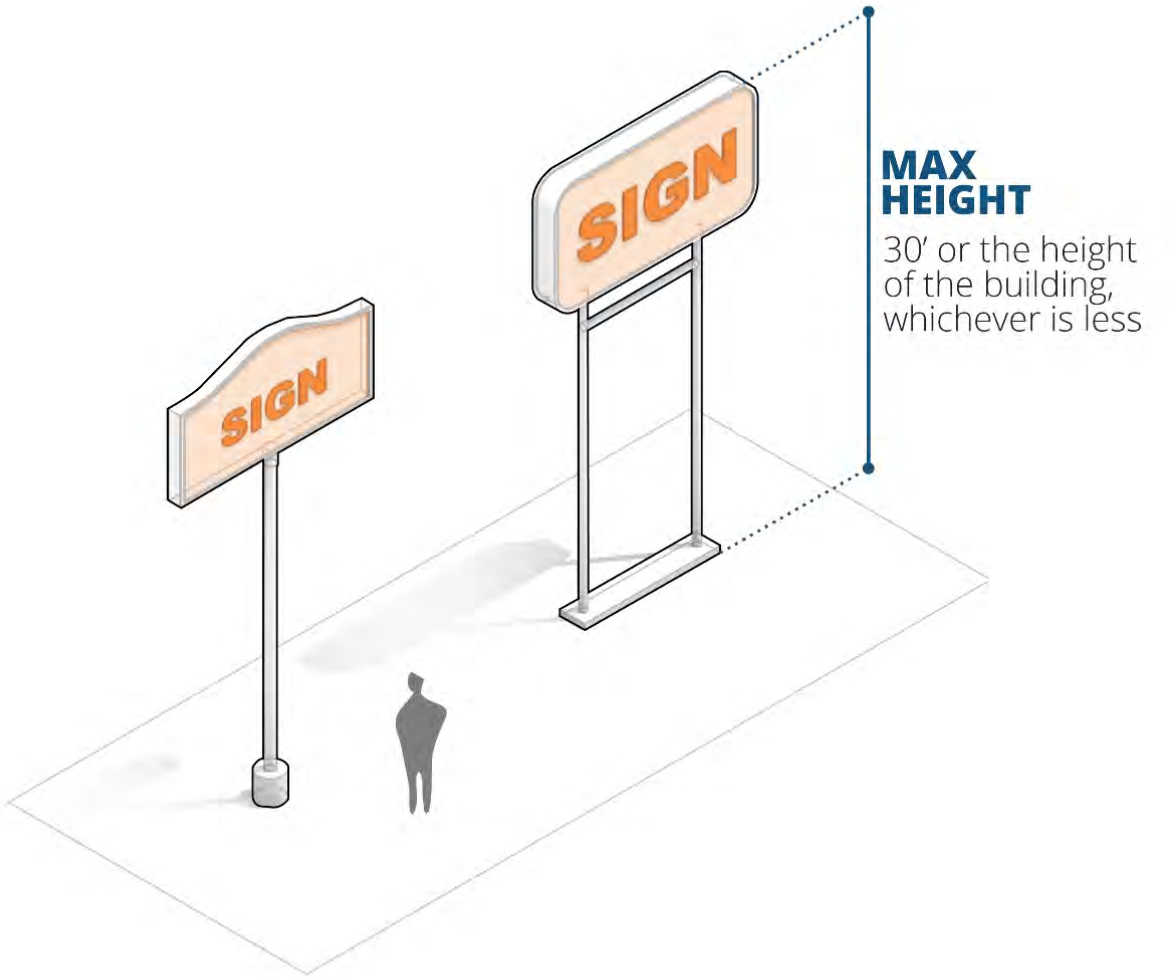


Sec. 18-11-44. POLE SIGN.

Table 18-11-44.1 Pole signs.

Regulation	Residential Zone Districts	AG, NC, GC, CI, MU, and BP Nonresidential Zone Districts	RC, BP, EB, and I-L Nonresidential Zone Districts
Number of Signs Allowed	None	One per zone lot containing at least 90 linear feet of street frontage.	One per zone lot containing at least 90 linear feet of street frontage.
Maximum Sign Area	N/A	40 square feet	80 square feet
Maximum Sign Height	N/A	30 feet or the height of the building, whichever is less.	30 feet or the height of the building, whichever is less.

Figure 18-11-44.1. Pole sign.



Sec. 18-11-45. – Sec.18-11-49 Reserved.

DIVISION 5. ELECTRONIC SIGNS

Sec. 18-11-50. ELECTRONIC SIGNS.

Table 18-11-50.1 Electronic signs.

Regulation	All Zone Districts
Number of Signs Allowed	One electronic sign per zone lot and one additional electronic sign per large development.
Maximum Sign Area	50 percent of the total allowed monument sign area; or 30 square feet for wall signs.
Maximum Sign Height	Wall signs shall comply with Sections 18-11-31 and 18-11-36. Monument signs shall comply with Sections 18-11-40 and 18-11-43.
Minimum Setback	Wall signs shall comply with Sections 18-11-31 and 18-11-36. Monument signs shall comply with Sections 18-11-40 and 18-11-43.
Illumination	Electronic signs shall have automatic dimmer software or solar sensors to control brightness for nighttime viewing. The intensity of the light source shall not produce glare, the effect of which constitutes a traffic hazard or is otherwise detrimental to the public health, safety or welfare. Lighting from the message module shall not exceed 300 NITs (candelas per square meter) between dusk and dawn as measured from the sign's face. Applications for sign permits containing an electronic display shall include the manufacturer's specifications and NIT (candela per square meter) rating. City officials shall have the right to enter the property and view the programmed specifications of the sign to determine compliance with this provision. Other portions of the sign shall comply with the requirements of Section 18-11-36 or Division 4 of this article, whichever is applicable.
Minimum message hold time	The displayed message shall not change more frequently than once per five seconds.
Transition method and duration	The sign shall contain static messages only, changed only through dissolve or fade transitions, but which shall otherwise not have movement, or the appearance or optical illusion of movement or varying light intensity, of any part of the sign structure, design or pictorial segment of the sign. The transition time between each message displayed on the sign shall be less than one second.

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(a) **Additional requirements.**

(1) Electronic signs shall be accessory structures, except as permitted for large developments in Section 18-11-17.

(2) Electronic signs are not allowed as pole signs or billboards.

(3) In residential zones and the AG Zone District, electronic signs are only permitted on zone lots that are one acre or larger.

(4) In the Neighborhood Commercial, Eastlake Business, Eastlake Service, Eastlake Office, and Eastlake TOD zones, electronic signs are permitted on zone lots that are one acre or larger.

(5) In nonresidential zones, electronic signs are permitted for lots or large developments that are adjacent to I-25 or E-470 or an arterial or collector street. For purposes of this provision, a property shall be considered adjacent to the street or highway even if it is separated from the roadway by a publicly owned tract or a tract with a public easement that is restricted from development based on its use, topography, or physical characteristics.

Sec. 18-11-51. —18-11-55. Reserved.

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DIVISION 6. TEMPORARY SIGNS

Sec. 18-11-56. SPECIAL EVENT SIGN.

Table 18-11-56.1 Special event signs - permit required.

Regulation	Residential and AG Zone Districts	Nonresidential Zone Districts
Number of Signs Allowed	4 sign permits per calendar year, each not exceeding 15 consecutive days	6 sign permits per calendar year, each not exceeding 15 consecutive days
Maximum Sign Area of Freestanding Signs and Banners	60 square feet	[1]
Maximum Sign Area of Small Balloons	Unlimited	Unlimited
Maximum Sign Area of Large Balloons, Inflatable Devices, Pendant Strands, and Air Dancers	One large balloon or inflatable device	One large balloon; one inflatable device; one air dancer; and 50 linear feet of pendant strands
Maximum Height of Banners	Controlled by structure or surface the sign is attached to	Controlled by structure or surface the sign is attached to
Maximum Height of Freestanding Signs and Feather Flags	20 feet	20 feet
Maximum Height of Small Balloons	No maximum	No maximum
Maximum Height of Large Balloons, Inflatable Device, Pendant Strands, and Air Dancers	50 feet	50 feet
Minimum Setback of Banners, Freestanding Signs, and Feather Flags	10 feet	10 feet
Minimum Setback of Large Balloons, Inflatable Device, Pendant Strands and Air Dancers	Equal to the height of the balloon, inflatable device, pendant strands, or air dancer	Equal to the height of the balloon, inflatable device, pendant strands, or air dancer
Illumination	None	None

Table 18-11-56.1 footnotes:

[1] The maximum sign area is based on the floor area of the use conducting the special event as follows:

a. If the floor area is less than 25,000 square feet, the maximum sign area is 60 square feet.
b. If the floor area is 25,000 square feet or larger but less than 100,000 square feet, the maximum sign area is 150 square feet.
c. If the floor area is 100,000 square feet or larger, the maximum sign area is 400 square feet.

(a) **Additional requirements.**

(1) A special event sign is any sign, including banners, freestanding signs, feather flags, balloons, air dancers, pendant strands, and inflatables which direct attention to an activity of limited duration.

(2) A special event sign permit is required.

(3) Special event signs are allowed in addition to other temporary signs permitted on the property.

(4) Banners.

a. Banners shall be securely fastened to a building or other permanent structure located on private property.

b. Banners may be attached to a tent or other temporary structure for which a Temporary Use Permit has been approved.

(5) The placement of special event signs shall not impede vehicle, bicycle, or pedestrian traffic at any time.

(6) Any special event signs that fall or blow into the public rights-of-way shall be removed in accordance with the provisions of Chapter 70 of the Code.

Sec. 18-11-57. TEMPORARY SIGN.

Table 18-11-57.1 Temporary signs — no permit required.

Regulation	Residential and AG Zones *(Less than one acre)*	Residential and AG Zones *(One acre or larger)*	Nonresidential Zones: NC, MU, CI, EC-L, EB, ES, EO, ETD	Nonresidential Zones: GC, RC, BP, CC-L, TOD, I-L
Number of Signs Allowed	[1]	[1]	[1]	[1]
Maximum Sign Area per Developed Zone Lot	72 square feet	100 square feet	[2]	[2]
Maximum Sign Area per	120 square feet	120 square feet	150 square feet	250 square feet

Regulation	Residential and AG Zones *(Less than one acre)*	Residential and AG Zones *(One acre or larger)*	Nonresidential Zones: NC, MU, CI, EC-L, EB, ES, EO, ETD	Nonresidential Zones: GC, RC, BP, CC-L, TOD, I-L
Undeveloped Zone Lot				
Maximum Sign Height [3]	6 feet	10 feet	10 feet	20 feet
Display Duration of Sign on a Developed Lot	[4]	[4]	[4]	[4]
Display Duration of Sign on an Undeveloped Lot	No limit	No limit	No limit	No limit
Minimum Setback	[5]	[5]	[5]	[5]
Illumination	[6]	[6]	[6]	[6]

Table 18-11-57.1 footnotes:

[1] Any number as long as the total square feet of all signs does not exceed the maximum sign area for that zone district or per building user or tenant, as applicable.

[2] The maximum sign area is based on the floor area of the use displaying the sign as follows:

a. If the floor area is less than 25,000 square feet, the maximum sign area is 60 square feet per building user or tenant.

b. If the floor area is 25,000 square feet or larger but less than 100,000 square feet, the maximum sign area is 150 square feet per building user or tenant.

c. If the floor area is 100,000 square feet or larger, the maximum sign area is 230 square feet per building user or tenant.

[3] Banner height controlled by the structure that the banner is affixed to.

[4] One sign may be displayed for up to 180 days. The remainder of signs may not exceed 30 days of display.

[5] Five feet or the height of the sign, whichever is larger, and 25 feet from intersecting rights-of-way.

[6] Concealed illumination for swing signs only, and the level of illumination shall not exceed five foot-candles when measured five feet from the sign.

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(a) **Additional requirements.**

(1) For purposes of this section, temporary signs may be freestanding signs, banners or feather flags. All other types of temporary signage including air dancers, inflatables, pendant strands, and balloons shall be considered a special event sign regulated in accordance with Section 18-11-56.

(2) Freestanding signs shall be securely fastened to a vehicle or to the ground in a manner that prevents them from falling over or being blown over in the wind.

(3) Banners shall be securely attached to a vehicle, building, or permanent structure located on private property.

(4) Banners may be attached to a tent or other temporary structure for which a Temporary Use Permit has been approved.

(5) Feather flags shall be securely fastened to the ground to prevent them from falling over or being blown over in the wind.

(6) Vehicles used to display signs or banners shall be legally parked on private property and shall comply with Section 38-421 of the Code.

(7) Any temporary signs that fall or blow into the public rights-of-way shall be removed in accordance with the provisions of Chapter 70 of the Code.

Sec. 18-11-58. Reserved.
Sec. 18-11-59. Reserved.
Sec. 18-11-60. Reserved.
Sec. 18-11-61. Reserved.
Sec. 18-11-62. Reserved.

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DIVISION 7. OTHER DISPLAYS ON WALLS, STRUCTURES, OR SITES

Sec. 18-11-63. General provisions.

(a) Except as stated in Subsection (b) below, this Division 7 applies to all displays on walls, or structures that:

(1) Are not exempt from the requirements of this article under Section 18-11-6;

(2) Are not prohibited signs under Section 18-11-7;

(3) Do not qualify as attached signs under Division 3, freestanding signs under Division 4, or temporary signs under Division 6; and

(4) Exceed the height, size, duration, or another physical standard in this article.

(b) This section does not apply to any city-sponsored sign, work of art, or wall graphics that are located:

(1) On city property; or

(2) On public utility boxes, meters, or panels where such placement is allowed by a written contract with the city and/or public utility company.

Sec. 18-11-64. Special review required.

(a) Applications for approval of a display under this Division 7 shall be reviewed by the Thornton Arts, Sciences, and Humanities Council (TASHCO) pursuant to the review criteria in Section 18-11-65.

(b) A decision on the application shall be made within 45 days after the city's receipt of a complete application. Any appeal of the decision shall be heard and resolved as set forth in Section 18-11-19(a).

(c) An approved special display expands the number, size, and duration of signs otherwise permitted on the property. Any approval of a special display shall not affect the ability of the applicant to erect or maintain any other signs on the property permitted by this article and the approved display shall not be included in calculations to determine the total sign area or number of authorized signs.

(d) An approval under this Division 7 runs with the property unless otherwise specified by TASHCO in the approval document and all conditions and limitations related to the approval shall be binding on future owners and users of the property.

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Sec. 18-11-65. Review criteria.

The TASHCO may approve an application for a special display if it finds that the proposed display:

(a) Is a form of speech or expression protected by the First Amendment to the U.S. Constitution and/or the Colorado Constitution;

(b) Will be created, constructed, erected, or displayed in a way that is visually distinct from other permitted signs on the property;

(c) If located on public property, will activate or enhance a public space or streetscape;

(d) Does not exceed the dimensions of any surface upon which it is mounted;

(e) Will be treated to address vandalism and exposure to sun;

(f) Will not require extensive or repeated maintenance, or the applicant has provided adequate assurance (including financial assurance) that maintenance and repairs will be timely performed;

(g) Does not create a threat to public health or safety or to vehicular, bicycle, or pedestrian traffic safety;

(h) Does not create noise, sound, light, reflection, glare, shading, flickering, vibration, or odor impacts on nearby properties; and

(i) Does not impair the performance of required city functions on or around the property.

Sec. 18-11-66. Maintenance required.

The maintenance standards in Section 18-11-5 apply to all special displays approved under this Division 7.

Sec. 18-11-67. Reserved.

Sec. 18-11-68. Reserved.

Sec. 18-11-69. Reserved.

Sec. 18-11-70. Reserved.

Sec. 18-11-71. Reserved.

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ARTICLE XII: NONCONFORMITIES

DRAFT 3 – MAY 27, 2025

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Chapter 18 / Article XII: Nonconformities

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DIVISION 1. GENERALLY

Sec. 18-12-01. PURPOSE AND APPLICABILITY.

(a) **Purpose**. The purpose of this article is to:

(1) Bring as many nonconforming lots, buildings, structures, site elements, and uses into conformance or as close to conformance as feasible or reasonably practical to further city goals and promote safety and consistency with new Code standards,

(2) Recognize the existing investments made and interests of property owners in continuing to utilize nonconforming lots, buildings, structures, site elements, and uses, and

(3) Preclude an increase in the nonconformity of nonconforming lots, buildings, structures, site elements, and uses.

(b) **Applicability**.

(1) **General applicability**.

a. The standards of this article apply to nonconforming lots, buildings, structures, site features, and/or uses in which the nonconformity was created by initial adoption of, or amendments to, the city's development code or due to existing conditions of areas brought into the city's jurisdiction, unless otherwise expressly provided in this chapter.

b. The standards of this article apply to nonconforming lots, buildings, structures, site features, and/or uses included in regulated floodplains in which the nonconformity was created by adoption of new floodplain mapping through FEMA or MHFD, unless otherwise expressly provided in this chapter or Chapter 22.

c. The standards of this article do not apply to nonconforming lots, buildings, structures, site elements, and/or uses that were not legally established pursuant to the laws and regulations that were in effect at that time; those situations are deemed illegal and are not protected under the allowances of this article.

d. The standards of this article do not prohibit the exercise of statutory or common law vested rights while the approval is valid.

e. The standards of this article do not apply to nonconforming signs. See Section 18-11-5(h) regarding procedures for nonconforming signs.

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Sec. 18-12-02. Maintenance and minor repair.

Nothing in this article shall be construed to prevent or prohibit the routine maintenance and minor repair of nonconforming buildings, structures, and site elements. This includes strengthening or restoring to a safe condition any building, structure, or part thereof declared to be unsafe by any public official charged with protecting the public safety, health and welfare pursuant to orders of such official or modifications necessary for ADA compliance.

Sec. 18-12-03. Change in ownership or tenancy.

A change of ownership or tenancy shall not, in and of itself, affect the nonconformity status of a lot, building, structure, site element, or use.

Sec. 18-12-04. Reserved.

Sec. 18-12-05. Reserved.

Sec. 18-12-06. Reserved.

Sec. 18-12-07. Reserved.

Sec. 18-12-08. Reserved.

DIVISION 2. NONCONFORMING LOTS

Sec. 18-12-09. Applicability.

(a) The standards of this section apply to nonconforming lots. A nonconforming lot is a lot of record that does not meet the standards of Article III, including the area and width requirements for the zoning district in which it is located.

(b) The standards of this section shall not apply to a nonconforming lot located in a subdivision for which the subdivision plat is approved by city staff but has not yet been recorded.

Sec. 18-12-10. Regulations for nonconforming lots.

(a) A nonconforming lot may contain any use or structure provided that the use or structure conforms to all other applicable dimensional and use requirements for the district in which the lot is located.

(b) The use category within a conforming building or structure on a nonconforming lot may be modified to another use category so long as any redevelopment activity or required improvements associated with the new use do not increase the degree of nonconformity or create additional nonconformities.

(c) If a nonconforming lot is consolidated with an adjoining lot to create a single conforming lot it may not later be subdivided in a nonconforming manner.

Sec. 18-12-11. RESERVED.

Sec. 18-12-12. RESERVED.

Sec. 18-12-13. RESERVED.

Sec. 18-12-14. RESERVED.

Sec. 18-12-15. RESERVED.

DIVISION 3. NONCONFORMING BUILDINGS AND STRUCTURES

Sec. 18-12-16. APPLICABILITY.

The standards of this section shall apply to nonconforming buildings and structures. A nonconforming building or structure is an existing building or structure that was legally established but no longer complies with the dimensional, design, locational or other standards applied to buildings in this Chapter.

Sec. 18-12-17. REGULATIONS FOR PRINCIPAL BUILDINGS AND STRUCTURES.

(a) A nonconforming building or structure shall not be moved or relocated over any distance, unless it is listed as a historic landmark or within a historic district per the standards of the Thornton Historic Recognition Code, is in the State or National Register of Historic Places, or it will be moved in a manner that complies with the regulations of this Code.

(b) A nonconforming building or structure shall not be vertically or horizontally enlarged or expanded in a way that increases the nonconformity.

(c) A nonconforming building or structure may be modified if such modifications comply with the standards of this Code.

(d) As a part of redevelopment, nonconforming buildings and structures shall be brought into compliance in accordance with Table 18-7-01.1.

Sec. 18-12-18. REGULATIONS FOR NONCONFORMING ACCESSORY BUILDINGS AND STRUCTURES.

(a) No nonconforming accessory building or structure shall remain in place after the principal use, building, or structure on the lot is terminated by abandonment, damage, or destruction unless

such accessory use or structure is made to conform to the standards for the zoning district in which it is located, is a historic landmark or within a historic district per the standards of the Thornton Historic Recognition Code, or it is listed in the State or National Register of Historic Places.

(b) No nonconforming accessory building or structure shall become or replace any terminated nonconforming principal building or structure.

Sec. 18-12-19. DAMAGE OR DESTRUCTION OF NONCONFORMING BUILDINGS AND STRUCTURES.

(a) A building, structure, or part thereof shall be considered destroyed if the cost of repair is more than 50 percent of the pre-damage assessed value of the structure.

(b) Should a nonconforming building or structure or a portion thereof be destroyed, it shall not be reconstructed except in conformity with the provisions of this Code.

(c) The above requirement does not apply to primary and accessory buildings or structures that are a historic landmark or within a historic district per the standards of the Thornton Historic Recognition Code or is listed in the State or National Registers of Historic Places. Structures meeting these classifications may be reconstructed as long as such reconstruction does not increase the nonconformity of the original structure.

Sec. 18-12-20. RESERVED.

Sec. 18-12-21. RESERVED.

Sec. 18-12-22. RESERVED.

Sec. 18-12-23. RESERVED.

Sec. 18-12-24. RESERVED.

DIVISION 4. NONCONFORMING SITE ELEMENT

Sec. 18-12-25. APPLICABILITY.

The standards of this section shall apply to nonconforming site elements. A nonconforming site element is any fence, wall, retaining wall, berm, screening, sight distance triangle obstruction, utility, open space, buffer, landscaping, parking, loading, driveway, bicycle parking, pedestrian infrastructure, transit accommodation, or outdoor lighting that was legally established but no longer complies with the dimensional, design, locational or other standards applied to site elements in this Chapter.

Sec. 18-12-26. REGULATIONS.

As a part of redevelopment, nonconforming site elements, regardless of whether they are located in the area of activity, shall be brought into compliance in accordance with Table 18-06-01.1, Table 18-07-01.1, Table 18-8-01.1, Table 18-09-01.1, Table 18-09-01.2, and Table 18-09-01.3.

Sec. 18-12-27. DISCONTINUANCE.

Nonconforming site elements shall be allowed to remain in place until an applicable compliance scenario, per Table 18-06-01.1, Table 18-07-01.1, Table 18-8-01.1, Table 18-09-01.1, Table 18-09-01.2, or Table 18-09-01.3 is triggered.

Sec. 18-12-28. RESERVED.

Sec. 18-12-29. RESERVED.

Sec. 18-12-30. RESERVED.

Sec. 18-12-31. RESERVED.

Sec. 18-12-32. RESERVED.

DIVISION 5. NONCONFORMING USES

Sec. 18-12-33. APPLICABILITY.

(a) The standards of this section shall apply to nonconforming uses. A nonconforming use is a legally established use of land, buildings, or structures that no longer complies with the use regulations of this Code, including supplemental use standards.

(b) Nonconforming uses include principal, accessory, and temporary uses. Existing uses that require a Special Use Permit approval, that were lawfully established without such approval, shall constitute a nonconforming use.

Sec. 18-12-34. REGULATIONS.

(a) **Continuation**.

(1) No nonconforming use shall be extended, expanded, enlarged, or moved to occupy a different or greater area of a development site, building, or structure than was occupied by such use at the time it became nonconforming.

(2) No building or structure containing a nonconforming use shall be enlarged, extended, or moved unless such building or structure is thereafter containing a conforming use.

(3) The establishment of accessory uses to nonconforming uses shall be considered extensions, expansions, or enlargements of nonconforming uses.

(4) If a nonconforming use ceases for more than six months in any 12-month period, subsequent use of the development site, building, or structure previously containing such use shall thereafter only contain conforming uses, including accessory uses.

(5) The violation of any ordinance directly related to the operation of a nonconforming use immediately terminates the right to operate the nonconforming use.

(b) **Change of use**.

(1) **Principal Uses**.

a. As a part of a change of use, the principal use of the tenant space or building shall comply with the allowances established in Tables 18-4-09.1 – 18-04-09.8.

b. Should the change of use occur on a multi-use site, nonconforming uses of currently occupied tenant spaces and buildings may continue.

(2) **Accessory Uses**. As a part of a change of use, nonconforming accessory uses shall be discontinued.

Sec. 18-12-35. DAMAGE OR DESTRUCTION.

(a) If a building or structure (whether conforming or nonconforming) containing a nonconforming use is damaged to an extent less than 50 percent of the pre-damage assessed value of the structure, it may be reconstructed and used as before if a building permit for the reconstruction is secured within 12 months after such damage occurs. Should the building permit expire or be cancelled, the structure shall not be reconstructed or used except in conformity with the provisions of this chapter.

(b) If a building or structure (whether conforming or nonconforming) containing a nonconforming use is damaged to an extent exceeding 50 percent of the pre-damage assessed value of the structure, the structure shall not be reconstructed or used except in conformity with the provisions of this chapter.

Sec. 18-12-36. RESERVED.

Sec. 18-12-37. RESERVED.

Sec. 18-12-38. RESERVED.

Sec. 18-12-39. RESERVED.

Sec. 18-12-40. RESERVED.

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ARTICLE XIII: DEFINITIONS

DRAFT 3 – MAY 27, 2025

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DIVISION 1. GENERALLY

Sec.18-13-01. PURPOSE AND APPLICABILITY.

(a) **Purpose**. The purpose of this article is to clarify and define the language of this Development Code. If a term is not defined in this article or elsewhere in this chapter, it shall be defined with its everyday meaning as determined by its dictionary definition.

(b) **Applicability**. The rules of interpretation and the definitions established in this article shall apply to all articles of this chapter, unless otherwise specified.

Sec.18-13-02. INTERPRETATIONS.

In interpreting the language of this chapter, the following general rules of interpretation shall apply, unless explicitly stated otherwise in a particular use of a term or phrase. The requirements of this chapter shall be interpreted and applied as the minimum requirements necessary to carry out the purpose of the Development Code and to promote public health, safety, and general welfare.

(a) **And / Or**. The term “and/or” means either or both of the subject components.

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

(c) **Fractions**. When any requirement of this chapter results in a fraction of a unit, a fraction of one-half or more is considered a whole unit and a fraction of less than one-half is disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component is disregarded and rounded down to the nearest whole number.

(d) **Including**. The word “including” is considered non-exclusive unless stated otherwise.

(e) **Lot**. The word "lot" includes the words “site”, “building site”, "plot", and/or "parcel."

(f) **Mandatory**. The words "shall," "must," and "will" are mandatory in nature.

(g) **On the premises of**. The phrase "on the premises of," means "on the same lot."

(h) **Permissive**. The word "may" is permissive in nature.

(i) **Person**. The word "person" includes a firm, association, partnership, trust, company, corporation, or any other entity usually defined in legal usage as a person.

(j) **Plurals**. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise.

(k) **References to other regulations/publications**. Whenever reference is made to a regulation, manual, resolution, code, statute, or document, it shall be construed as a reference to the most recent edition of such regulation, manual, resolution, code, statute, or document, unless otherwise specifically stated.

(l) **Tense**. Words used in the present tense include the future tense.

(m) **Terms not defined**. If a term used in this chapter is not defined, the director is authorized to interpret the term in accordance with Section 18-02-19, Interpretations, based upon the definitions used in professionally accepted sources.

(n) **Text, diagrams, and illustrations**.

(1) In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, or map, the text shall control.

(2) Diagrams and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

(o) **Used or occupied**. The words "used" and "occupied" include the words "intended, designed, or arranged to be used or occupied."

Sec.18-13-03. Exclusions.

(a) All land use definitions are contained within Article IV along with the additional provisions for each use.

(b) All definitions for terminology related to oil and gas regulations are contained within Article V.

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Reserved.

Sec.18-13-04. Reserved.
Sec.18-13-05. Reserved.
Sec.18-13-06. Reserved.
Sec.18-13-07. Reserved.
Sec.18-13-08. Reserved.

DIVISION 2. DEFINITIONS

Sec.18-13-09. Number definitions.

(a) **100-year flood, 100-year storm event**. A flood having a recurrence interval that has a one percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood." The term does not imply that the flood will necessarily happen once every 100 years.

(b) **100-year floodplain.** The area of land susceptible to being inundated as a result of the occurrence of a 100-year flood.

(c) **500-year flood, 500-year storm event.** A flood having a recurrence interval that has a 0.2 percent annual chance of being equaled or exceeded during any given year (0.2-percent-annual-chance flood). The terms "five-hundred year flood" and "0.2 - percent chance flood" are synonymous with the term "500-year flood." The term does not imply that the flood will necessarily happen once every five hundred years.

(d) **500-year floodplain.** The area of land susceptible to being inundated as a result of the occurrence of a 500-year-flood.

Sec.18-13-10. "A" Definitions.

(a) **Access drive.** Access drive means a street, easement, or right-of-way providing ingress and egress to properties adjacent to a public or private street.

(b) **Access easement drive.** A type of access drive, an access easement drive provides for access to private property where other access drives, driveways, or streets are not feasible. Use of access easement drives shall only be when there is no abutting, public right-of-way to provide access to a property. Properties with an access easement drive shall have a recorded easement that defines the access to the drive.

(c) **Accessible parking spaces.** Off-street vehicle parking spaces meeting the standards of the Americans with Disabilities Act, as amended.

(d) **Accessory use.** A use subordinate to the principal use in terms of area, extent, and purpose that contributes to the comfort, convenience, or necessity of occupants of the principal

building or principal use served and is located on the same lot as the principal use served. Also, those uses listed in Division 10 of Article IV of this chapter.

(e) **Active transportation.** Modes of transportation that involve self-propelled motion, including but not limited to walking, cycling, jogging, skateboarding, inline skating or traveling in a non-mechanized wheelchair.

(f) **Activity centers.** Places where people gather for various live, work, and play opportunities, as detailed in the Thornton Comprehensive Plan.

(g) **Adaptive reuse.** A form of redevelopment that comprises the conversion of an existing structure from the use for which it was constructed to a new use by maintaining elements of the original structure and adapting/changing elements for a new use.

(h) **Advertise.** The act, by any form of communication, of directing attention to a person, place, or thing or any combination of these.

(i) **Aggregate plants.** A facility that processes and produces a variety of materials used in construction, including crushed stone, sand, and gravel. These materials are used to make concrete, asphalt, and other building materials.

(j) **Agricultural buildings.** Structures designed to house farm implements, hay, grain, poultry, livestock or other agricultural products.

(k) **Agricultural District.** The Agricultural District established under this chapter; also known as the "AG" District.

(l) **Agriculture and Animal Related Uses.** Those uses listed in Division 2 of Article IV of this chapter.

(m) **Air dancer.** A tube-like fabric device which is inflated by a fan at its base and which waves or moves to attract attention.

(n) **Alley.** An access easement or public right-of-way which provides secondary access to adjacent property, generally in the rear of the property and used for the purpose of garage and service access and not intended for general travel.

(o) **Alley loaded.**

(p) **Animal.** Any living creature, domestic or wild.

(q) **Animated sign.** A sign having an intermittent or continuing variation in the illumination or physical position of any part of the device, including signs that are mechanically agitated or that rotate, revolve, spin, swing, flap, wave or make any other motion. Animated signs do not include air dancers, feather flags, cylinder signs, signs held by a person, and such variations necessary during the changing of messages on a permitted electronic sign.

(r) **Antenna.** The specific device used for the purpose of collecting or transmitting electromagnetic waves. Antennae include but are not limited to directional antennae (such as

panels, microwave dishes, and satellite dishes) and omnidirectional antennae (such as whip antennae and vertical antennae).

(s) **Applicant.** The owner of land or the owner of subsurface oil and gas or leasehold interest therein or the applicant's authorized representative or the city or other quasi-governmental entity that is proposing an action requiring review and approval by one or more of the sections in this chapter. An applicant may subsequently become the developer once approval is granted, and in this case the terms shall be interchangeable.

(t) **Appurtenances.** Accessory equipment which may be carried above the roof, including but not limited to ventilators, microwave dishes, elevator houses, mechanical equipment and other similar items.

(u) **Arboretum.** A place where trees and plants are grown for scientific and educational purposes.

(v) **Area median income (AMI).** Area Median Income is defined as the midpoint of a specific area's income distribution and is calculated on an annual basis by the Department of Housing and Urban Development; for purposes of Chapter 18 the Adams or Weld County AMI shall be used depending on the application of the definition.

(w) **Artificial turf.** A surface of synthetic fibers that is used in place of natural grass in recreational, residential, or commercial applications which effectively simulates the appearance of a well-maintained lawn and meets all of the quality, materials and installation standards listed in Section 18-08-36**.**

(x) **As-built plans.** Revised construction plans prepared at the completion of the project, which reflect changes made to the design during construction and changes in site conditions.

(y) **Atrium.** A glass enclosure which is attached to a building on at least one of its sides. It often serves as an entry or central corridor for a building.

(z) **Attached residential uses.** When used in this Chapter, the terms Attached Residential, Attached Uses, and Attached Residential Uses may be used interchangeably to refer to the following residential uses: Duplexes; Dwelling, 2 Units Attached; Dwelling, 3-8 Units Attached; Dwelling, attached Live-Work units; and Triplex/Quadplex uses.

(aa) **Attached sign.** A sign affixed to a building or structure.

(bb) **Auto auction.** A facility for the auction of automobiles, vans, and light trucks used as personal vehicles.

(cc) **Average grade.** For the purposes of measuring the height of a building, average grade means the average of the ground level adjoining the building at all exterior walls. The average between the highest point of grade and the lowest point of grade shall be the average grade. Depressions such as window wells, stairwells for exits, ramps for vehicle access into garages, etc. shall be disregarded in determining structure height.

(dd) **A-weighted sound pressure level.** The sound pressure level as measured with the sound level meter using the A-weighted network. The standard unit notation is dB(A).

(ee) **Awning.** A shelter supported entirely from the exterior wall of a building constructed of non-rigid or rigid materials.

(ff) **Awning sign.** A sign attached to an awning, shall be considered a wall sign and shall not include a projecting sign or a sign on a canopy.

Sec.18-13-11. "B" Definitions.

(a) **Balcony**. A platform that projects from the wall of a building and is enclosed by a parapet or railing.

(b) **Banner.** Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.

(c) **Base districts.** A base zoning district that establishes a basic set of uniform development regulations for a defined geographic area.

(d) **Base station.** For the purposes of an eligible facilities request, a type of structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications [service]. The definition of base station does not include or encompass a tower as defined herein or any equipment associated with a tower. Base station includes, without limitation:

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

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

The definition of base station does not include any structure that, at the time the relevant application is filed with the City under this chapter, does not support or house equipment described in paragraphs (1) and (2).

(e) **Basement.** Any level of a building where more than one-half of the vertical distance between floor and ceiling is below the grade of the site.

(f) **Berm.** An earthen mound, which provides visual interest on a site, screens undesirable views, provides noise reduction, and accomplishes other design objectives.

(g) **Billboard.** A sign advertising products not made, sold, used, or served on the premise displaying the sign or that conveys an informational or noncommercial message.

(h) **Block.** A group of lots existing within well-defined and fixed boundaries within a subdivision and usually being an area surrounded by streets or other features such as parks, railroad rights-of-way, or municipal boundary lines.

(i) **Block face.** All the lots on one side of a block.

(j) **Board.** The board of adjustment of the City of Thornton.

(k) **Botanical garden.** A collection, cultivation and display of a wide range of plants labelled with their botanical names.

(l) **Brush.** All cuttings from trees, bushes and shrubbery growth.

(m) **Buildable area.** The area within a lot which meets the building location requirements of this chapter and other applicable sections of this Code or city ordinances.

(n) **Building.** A structure for the support or shelter of any use or occupancy.

(o) **Building Code.** Chapter 10 of the Code including the various standard codes adopted by Chapter 10.

(p) **Building footprint.** The outline of the total area which is covered by a building's perimeter at the ground level.

(q) **Building frontage.** The horizontal linear dimension which is designated as the primary façade of that portion of a building occupied by a single use or occupancy. A corner tenant will be permitted to use the secondary façade to determine the "building frontage."

(r) **Building setbacks.** The required distance between every structure and the lot lines of the lot on which it is located.

(s) **Building tenant or user.** For the purposes of the sign regulations in Article XI, a person or group who holds, occupies, or possesses land or property by any kind of right or title from the property owner for a period of time longer than 30 days.

(t) **Building wrap sign.** A large-format vinyl or mesh sign that is affixed or adhered to a building façade. A building wrap sign is not a wall graphic.

(u) **Bulk.** The total volume of a structure.

(v) **Business.** Any lawful commercial endeavor to engage in the manufacturing, purchase, sale, lease or exchange of goods and/or the provision of services.

(w) **Business park.** A large tract of land that has been planned, developed, and operated as an integrated facility for more than one office building and supporting ancillary uses with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

(x) **Business Park District.** The Business Park District established under this chapter; also known as the "BP" District.

(y) **Business school.** A facility offering instruction and training in a service or the arts such as secretarial, barbering, cosmetology, commercial arts, computer operations, and similar training.

(z) **Butcher.** To prepare animal carcasses for consumption.

Sec.18-13-12. "C" Definitions.

(a) **Cabinet sign.** Any sign consisting of a box or case-like frame, enclosing a sign face (or faces) fabricated as a single plane of translucent or opaque material such as plastic or Plexiglas. Commonly referred to as a can-type sign which is a sign affixed to, or an integral part of, a cabinet which is designed as a single unit.

(b) **Caliper.** The diameter of the tree trunk measured six inches above the ground for trees up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

(c) **Camouflaged.** Minimizing the visual impact of a wireless telecommunication facility by painting the structure in such a way that it blends with its surrounding context. Examples of camouflaging include painting an antenna to match the color of the building to which it is mounted and painting a tower a non-contrasting gray, blue, white or similar color.

(d) **Canopy.** A functional rigid roof-like multi-sided shelter structure which is wholly or partially supported by a building structure and/or columns, braces or poles extending to the ground. The structure is nearly exclusively utilized by gas or service stations to provide a shelter for customers.

(e) **Canopy sign.** A sign attached to a canopy. The maximum sign area for a canopy structure shall be calculated separately from the main building and cannot be shared among the canopy structure and the main building. The canopy structure shall not include an awning sign or a projecting sign.

(f) **Cantilever.** An architectural element which projects from a structure and is supported at only one end.

(g) **Capital improvements program.** A proposed schedule adopted by the Council of all future public improvement projects and their construction priority, together with cost estimates and the anticipated means of financing each project.

(h) **Carport.** A covered structure open on a minimum of two sides, either freestanding or attached to the principal structure, used to offer limited protection to vehicles.

(i) **Cast in place wall.** A concrete wall constructed on-site by pouring concrete and aggregates into a mold.

(j) **Category 1, 2, or 3 materials.** For the purposes of this Chapter, these terms refer to allowable exterior building cladding materials that are identified and differentiated as Category 1, Category 2, and Category 3 materials in the building design standards in Article VII of this Chapter.

(k) **Cement, concrete, lime, or gypsum manufacturing.** An operation that produces cement, concrete, lime or gypsum products for use in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process, or a finished product manufactured on the premises, and the storage of the materials and equipment required to manufacture. It may also include the manufacture and storage of products and supplies and maintenance of required equipment. It does not include the retail sale of finished products.

(l) **Centerline.** A line representing the physical center of a roadway between road shoulders.

(m) **Certificate of occupancy.** A certificate issued by the city after final inspection and upon a finding that the building, structure, and/or development complies with all provisions of the applicable city codes, permits, requirements and approved plans.

(n) **Change of use.** A change in the purpose or activity for which a particular piece of land or its buildings is designed, arranged or intended or for which it is occupied or maintained as provided in the zoning regulations for the district in which the land is located.

(o) **Channel.** The physical confine of stream or waterway consisting of a bed and stream banks, existing in a variety of geometries.

(p) **Channelization.** The artificial creation, enlargement or realignment of a stream channel.

(q) **Chapter.** Chapter 18 of the City of Thornton Municipal Code.

(r) **Character.** The sum or composition of a building's or group of buildings' attributes which serve to distinguish its appearance and establish its visual image. Attributes that contribute to character include but are not limited to its size, shape, height, material, architectural style, functional type, and overall form qualities.

(s) **Chemical manufacturing plants.** A business that engages in manufacturing chemicals and chemical preparations, from organic and inorganic raw materials.

(t) **Christmas tree lot.** A temporary facility for the sale of Christmas trees and related seasonal decorations.

(u) **City.** The city and the city manager or other official, body or agency designated by the Charter or this Code or any ordinance to act in its behalf.

(v) **City Center Legacy District.** The City Center Legacy District established under this chapter; also known as the "CC-L" District.

(w) **City Council / Council.** The city council of the city of Thornton.

(x) **City Manager.** The city manager of the city of Thornton or designee.

(y) **Civic Institutional District.** The Civic Institutional Zoning District established in this chapter; also known as the "CI" District.

(z) **Club or lodge.** A facility providing for the activities of private service organizations and clubs that operate on a nonprofit basis.

(aa) **Cobble, cobble stone.** A medium sized, rounded stone between two and six inches in diameter that is used in landscape design to create natural stone accents, dry stream beds, ponds, or waterfalls.

(bb) **Code.** The Thornton City Code.

(cc) **Co-locating.** The placement of two or more antennae on a single tower structure to be used by two or more different service providers.

(dd) **Colocation.** For the purposes of an eligible facilities request, a type of co-locating that includes the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

(ee) **Commercial manufacturing or storage of hazardous materials.** The manufacturing or storage of controlled chemicals and other hazardous materials such as gasoline, flammable liquids, gases, and industrial waste products.

(ff) **Commercial power equipment.** Any power equipment rated more than five horsepower and includes but is not limited to chain saws, pavement breakers, riding tractors, and powered hand tools, except that equipment used for construction activities for which a permit has been issued.

(gg) **Commercial satellite access.** A clear and free space path for transmission or reception of electromagnetic signals between a commercial satellite dish as defined in this section and regulated in Section 18-04-158 of this chapter, and its orbiting satellite.

(hh) **Commercial satellite access cone.** A hypothetical cone with a radius not more than 1,000 feet at its base, inverted in such a way that the apex of the cone is substantially centered at the focal point of a commercial satellite dish. The slope of the cone is to be determined upon approval of a commercial satellite access permit as described in Section 18-04-158. The geometry of the commercial satellite access cone is determined by the focal point of the dish, its height above sea level, the distance away the obstruction may be located, the height of the obstruction and the relative angle between the dish's focal point to the nearest point of obstruction. The relative angle of obstruction shall be less than five degrees.

(ii) **Commercial satellite system.** All of the components that both transmit to the satellite and receive from the satellite, and the free space path between. The system components include all the transmitters, receivers, dishes, and the physical mounting hardware associated with each.

(jj) **Commercial Uses.** Those uses listed in Division 3 of Article IV of this chapter.

(kk) **Commission.** The planning commission of the City of Thornton.

(ll) **Common area, common interest area [as used in Article VIII].** An area of land and buildings within a residential project that is developed for the use and enjoyment of all residents of the project, as distinguished from land designated for their individual, private use. For the purposes of the landscaping standards in Article VIII, Division 3, common areas do not include detention or drainage areas.

(mm) **Community space.** Community space shall include land area dedicated to public gathering including but not limited to parks, plazas, playgrounds, athletic courts, and splash pads.

(nn) **Compatible.** Having harmony in design and/or appearance between two or more attributes of a structure;

(1) Having harmony in design and/or appearance between two or more structures;

(2) Having harmony in design and/or appearance between two or more attributes of a neighborhood; or

(3) Having harmony in use or function between two or more attributes of a neighborhood or area.

(oo) **Comprehensive Plan.** The Thornton Comprehensive Plan as adopted and amended by city council, and any interpretations thereof. This Plan includes the city's Future Land Use Map and serves as the long-term vision and roadmap for the city's future. The city's adopted functional master plans and area plans that provide necessary detail to support the Comprehensive Plan's policy framework shall also be considered components of the Comprehensive Plan.

(pp) **Concealed illumination.** An artificial light source either internal to a sign structure or shielded from public view and from the surrounding properties used to illuminate only the face of a sign and not any area beyond the face.

(qq) **Conceptual irrigation plan.** A two-dimensional plan drawn to scale that diagrammatically shows the layout of irrigation hydrozones by conceptual irrigation zone.

(rr) **Conditional approval.** For the purposes of vested property rights outlined in Section 18-02-37, the adoption of an ordinance by the council establishing terms and conditions requisite to the right to develop real property pursuant to a site specific development plan.

(ss) **Condominium.** A single dwelling unit in a multi-unit dwelling structure which is separately owned and which may be combined with an undivided interest in the common areas and facilities of the property.

(tt) **Construction drawing / plan.** The maps or drawings showing the specific location and design of improvements to be installed for the subdivision or development project in accordance with all applicable requirements and land uses.

(uu) **Construction permit**. ### [definition needed]

(vv) **Continuous noise.** A steady, fluctuating or impulsive noise which exists essentially without interruption for a period of ten minutes or longer.

(ww) **Corner lot.** A lot that abuts a public right of way or private road on more than one side.

(xx) **Cornice.** The horizontal architectural element at the top of a wall just below the start of the roof.

(yy) **Corporate campus.** A development consisting of multiple buildings for employment uses permitted in the Business Park Zoning District that is owned and utilized by one corporation.

(zz) **Council.** Refers to the City Council of the city of Thornton.

(aaa) **Covenant (land use).** A promise contained in a deed to land or real estate which is binding upon the current owner and all future owners.

(bbb) **Co-working facility.** A neutral, non-exclusive, limited shared space defined in a membership-based service arrangement or agreement or subscription wherein a firm has no tenancy interest, leasehold estate, or other real property interest with respect to the accommodation on an as-needed basis. The agreement gives the firm a right to share the use of the space and may include an exclusive mailing address and office services. An executive suite/exclusive desk/dedicated desk/secured suite/private office under a coworking space agreement falls under this definition.

(ccc) **Cul-de-sac.** A road that is closed to vehicles at one end and terminates in a circular drive.

(ddd) **Cultivated vegetation.** The living plant material that is grown for ornamental and other purposes and is suited to the growing conditions of the city.

(eee) **Curb and gutter.** A concrete structure installed at the edge of a street or off-street parking area to collect and direct surface runoff to a storm drain system.

(fff) **Curb cut.** The portion of a curb and sidewalk that allows vehicular access to a development site.

(ggg) **Cylinder sign.** A rotating or stationary cylindrical pole that is attached to a wall.

Sec.18-13-13. "D" Definitions.

(a) **Days.** Means calendar days, unless otherwise specified.

(b) **Dead-end street.** A street that is connected to another street at only one end.

(c) **Dead or dying condition.** A condition in which a plant is without living tissue or which is so weakened that it will not grow with reasonable vigor when given reasonable care.

(d) **Deciduous.** A plant with foliage that is shed annually.

(e) **Decision making body.** The individual or body vested with the authority to act on application requests by approving or denying the requests. This may include the director, the commission, the board or the council.

(f) **Density.** Refer to the definition for Dwelling Unit Density.

(g) **Denver street grid system.** In the context of the city of Thornton, this shall include streets that generally lead to and exist within the city limits of Denver, that travel through neighboring municipalities throughout Thornton's Future Growth Area.

(h) **Department.** The City Development Department of the City of Thornton

(i) **Detached residential uses.** When used in this chapter, the terms Detached Residential, Detached Uses, and Detached Residential Uses may be used interchangeably to refer to all uses that have one detached dwelling unit on a lot. Specifically, this term includes Dwelling, 1 Unit Detached and may include Live-Work units that are detached. Live-Work units more typically fall within Mixed-Use building category.

(j) **Detention area, detention pond.** An area which is designed to capture specific quantities of storm water and to gradually release the storm water at a sufficiently slow rate to mitigate flooding.

(k) **Developed property.** Property or a lot upon which significant site improvements, such as utility installations, paving and, in many instances, the construction of one or more structures has occurred. For the purposes of sign regulation, it shall additionally mean all private property within 200 feet of an existing building.

(l) **Developer.** That person who is improving a parcel of land within the city and who may or may not be the owner of the property.

(m) **Developer's agreement.** An agreement by a developer with the city which clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities and improvements and any other mutually agreed to terms and requirements.

(n) **Developing area.** An area determined by the board to contain an average residential density less than one dwelling unit per 2.5 acres or has less than an average of 50,000 square feet of gross floor area devoted to nonresidential structures which require a certificate of occupancy.

(o) **Development activity.** Physical work on a property that involves building or improving structures or land including but not limited to grading, tree removal, and the construction of structures. Development activity is described as new development, or redevelopment per Section 18-01-9. Development activity does not include regular maintenance of existing development site improvements.

(p) **Development engineering manager.** The Thornton Development Engineering Division head or their designee.

(q) **Development Plan.** A plan approved in accordance with the requirements and procedures in Section 18-02-17 et seq. A Development Plan is not the master plan, the official map, the zoning plan, a plan for the clearing and rebuilding of slum districts and blighted areas, or a plan for the replanning, improvement, and redevelopment of neighborhoods.

(r) **Development project.** A public- or private-sector venture involving the development, structural modification or redevelopment of commercial, industrial, residential or other properties.

(s) **Development Reserve District.** The Development Reserve Zoning District established in this chapter; also known as the "DR" District.

(t) **Development site.** A legally established lot, or a group of lots and tracts, which are occupied or proposed to be occupied by a building or group of buildings or other construction such as paving, grading or mining. Also sometimes referred to as "site".

(u) **Director.** The department head for the Thornton City Development Department or their designee, also known as the development director.

(v) **Dish.** A specific type of antenna shaped in the form of a parabolic dish, cone, or horn.

(w) **Dish diameter.** The longest distance measured using a straight line through the center point of a dish antenna and intersecting the rim of the dish antenna on opposite sides of the center point, with this measurement being made in the same plane and not along the dish surface.

(x) **Dissolve transition.** A mode of message transition on an electronic sign accomplished by varying the light intensity or pattern, where the first message gradually and uniformly appears to dissipate and lose legibility simultaneously with the gradual and uniform appearance and legibility of the second message.

(y) **Distribution lines.** The lines having a rated voltage of less than approximately 26 kilovolts that are used to distribute electricity, from the substation to the consumer.

(z) **District.** Unless otherwise specified in this chapter, the term "district" shall mean zoning district.

(aa) **Domestic power equipment.** Any power equipment rated at five horsepower or less and used for home or building repair or grounds maintenance, including but not limited to lawn mowers, garden tools, snow removal equipment, chain saws, hand power tools, or any other similar equipment.

(bb) **Dormer.** A windowed wall area flanked on both sides by sloping roof areas.

(cc) **Downgrade.** A downward grade, as in downhill.

(dd) **Dripline.** A vertical line extending downward from the tips of the outermost branches of a tree or shrub to the ground.

(ee) **Drive aisle(s).** A vehicle passageway or maneuvering space by which vehicles enter and depart parking stalls. May also be used as just "aisle."

(ff) **Driveway.** A private driving surface providing access for vehicles to a parking space, garage, dwelling, or other structure.

(gg) **Dwelling unit.** One or more rooms designed to accommodate the occupancy limits as defined within the International Building Code, Chapter 10, Table 1004.1 and as amended plus independent living, sanitary, sleeping facilities.

(hh) **Dwelling unit density.** The ratio of dwelling units to gross land area.

(ii) **Dynamic braking device.** A device used primarily on trucks for the conversion of the motor from an internal combustion engine to an air compressor for the purpose of braking with or without the use of wheel brakes.

Sec.18-13-14. "E" Definitions.

(a) **Easement.** A grant of one or more of the property rights by the property owner for limited use of private land for a public or quasi-public purpose and within which the owner of the property cannot erect any permanent structures except when authorized by the City.

(b) **Eastlake Business District.** The Eastlake Business Zoning District established in this chapter; also known as the "EB" District.

(c) **Eastlake neighborhood.** The historic town of Eastlake, established by subdivision in 1911 and annexed into the city in 1990, and the immediate surrounding area. The city has adopted several plans that provide guidance for preserving and enhancing the unique character of this neighborhood.

(d) **Eastlake Office District.** The Eastlake Office Zoning District established in this chapter; also known as the "EO" District.

(e) **Eastlake Residential District.** The Eastlake Residential Zoning District established in this chapter; also known as the "ER" District.

(f) **Eastlake Service District.** The Eastlake Service Zoning District established in this chapter; also known as the "ES" District.

(g) **Eastlake Subarea Plan.** The Eastlake Subarea Plan, as adopted and amended by city council, which provides guidance on land use, infrastructure, parks, open space and trails, and urban design to preserve and enhance the unique character, vitality, and community identity of the historic town of Eastlake, known as Old Town Eastlake.

(h) **Eastlake Transit Oriented Development District.** The Eastlake Transit Oriented Development Zoning District established in this chapter; also known as the "ETD" District.

(i) **Eave.** The projecting lower edges of a roof overhanging the wall of a building.

(j) **Electric substation.** An area or group of equipment containing switches, circuit breakers, buses, and transformers for switching power circuits and to transform power from one voltage to another or from one system to another.

(k) **Electric substation and gas regulator station.** A facility for the transforming of electricity or the regulation of transmission gas pressure.

(l) **Electric transmission lines.** An electric power line used for the movement or transfer of electric energy in bulk between points of supply and points of delivery. Typically, these lines are rated 44 kv and above.

(m) **Electrical generating plant.** A facility owned and operated by a public utility franchised by the city, or operated by the city, that generates electricity from mechanical power produced by gas, coal, or nuclear fission.

(n) **Electronic sign.** A sign that is capable of displaying words, symbols, figures or images and that can be electronically or mechanically changed by remote or automatic means.

(o) **Elevation.** Height or distance above sea level.

(p) **Elevation drawing.** A geometrical projection of a building on a plane perpendicular to the horizon.

(q) **Eligible facilities request.** Any request for modification of an existing tower or base station that does not substantially change, as defined in this Article XIII, the physical dimensions of such tower or base station, involving:

(1) Colocation of new transmission equipment;

(2) Removal of transmission equipment; or

(3) Replacement of transmission equipment.

(r) **Eligible support structure.** For the purposes of an eligible facilities request, any tower as defined for an eligible facilities request, or base station provided that it is existing at the time the relevant application is filed with the city under this chapter.

(s) **Emergency work.** Work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from imminent exposure to danger or potential danger.

(t) **Employment Center Legacy District.** The Employment Center Legacy District established under this chapter; also known as the "EC-L" District.

(u) **Entertainment Uses.** Those uses listed in Division 4 of Article IV of this chapter.

(v) **Entrance lobby.** A public or semi-public area of the ground floor of a building off a building entryway that provides access to private interior spaces including but not limited to residential units or offices.

(w) **Evapotranspiration (ET).** A measure of water depletion from the soil due to evaporation from the soil surface and transpiration through plant foliage.

(x) **Evergreen.** A plant with foliage that persists and remains green year-round.

(y) **Existing.** For the purposes of an eligible facilities request, a constructed tower or base station that was reviewed, approved and lawfully constructed in accordance with all requirements of applicable law as of the time of an eligible facilities request, provided that a tower that exists as a legal, non-conforming use and was lawfully constructed, is existing for purposes of this section.

Sec.18-13-15. "F" Definitions.

(a) **Façade.** The elevation or exterior face of a building and that portion of any exterior elevation of a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

(b) **Facilitator.** In relation to natural medicine services, a facilitator is a natural person who is 21 years of age or older, has the necessary qualifications, training, experience, and knowledge to perform and supervise natural medicine services for a participant, and is licensed by the director of the division of professions and occupations to engage in the practice of facilitation.

(c) **Farmers market.** A common facility or area where the primary purpose is for growers and producers to gather to sell a variety of fresh fruits and vegetables and other locally produced farm and food products, and handcrafted items directly to consumers.

(d) **Feather flag.** A tall and thin flag, usually made out of nylon, that is attached to a pole and flutters in the wind to attract attention. Feather flags, also called flutter flags, are portable signs.

(e) **Fence.** Any structure that is comprised of posts, boards, wire, stakes, rails or any combination of similar elements that provides a physical barrier, enclosure, or boundary, except this definition does not include golf safety nets as defined in this section and regulated in Section 18-04-186.

(f) **Fence sign.** A sign affixed in any way to or painted on any part of a fence.

(g) **Fertilizer manufacturing.** A facility where commercial fertilizer, soil conditioner, plant amendment, or compost is manufactured, produced, compounded, mixed, blended, or in any way altered chemically or physically.

(h) **Final acceptance.** The acknowledgment by the city that the guaranty period has expired and there are no outstanding items to be corrected under the provisions of the guaranty.

(i) **Financial institution.** A facility for the custody, loan or exchange of money and the extension of credit**.**

(j) **Fine turf.** Any combination of cool season grass species, varieties, blends of varieties, or mixes of species that require more than 27 inches (1.0 to 1.75 inches/week), or 20 gallons per square foot, of water per year. Commonly used cool season fine turf species include, but are not limited to, Kentucky bluegrass, perennial ryegrass, creeping bentgrass, tall fescue, hybrid Texas bluegrass, Chewing's fine fescue, and creeping red fine fescue.

(k) **Fire Code.** A reference to the requirements of the International Fire Code, as adopted and amended by the City of Thornton, found in Sections 10-160 and 10-161 of the City Code.

(l) **Fire lane.** A fire lane is a designated area kept clear for emergency vehicles, particularly fire trucks, to access buildings and hydrants quickly.

(m) **Flood or flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

(n) **Floodplain.** The area of land that could be inundated as a result of a flood, including the area of land over which floodwater would flow from the spillway of a reservoir. See Special Flood Hazard Area and regulations in Chapter 22.

(o) **Floodway.** The channel of a river or other watercourse and the adjacent land areas that must be kept free of obstructions in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

(p) **Floor area.** The total square feet of floor area in a building measured to the outside faces of exterior walls or to the omitted wall lines, whichever produces the larger area.

(q) **Floor area ratio.** The ratio of floor area to lot area.

(r) **Flow line.** The low point within a street section wherein water collects and flows, typically the gutters along each edge of the pavement.

(s) **Flow sensor.** A water flow meter placed inline on the irrigation system mainline that measures water flow typically in gallons per minute.

(t) **Fluctuating noise.** A noise where the sound pressure level varies more than six dB(A) during the period of observation when measured with the slow meter characteristic of a sound level meter.

(u) **Food truck.** A motorized or towed wheeled vehicle that is designed, equipped and used to prepare, or serve, and sell food at a transitory or static location, and is not situated in a permanent structure as an accessory to a business located in the structure for purposes of primarily serving patrons of the business.

(v) **Form.** A volume of space characterized by its shape, size, and the interrelationship of its boundaries.

(w) **Four-legged intersection.** Crossroads where two roads meet, usually at a right angle.

(x) **Freestanding sign**. A sign affixed to an independently supporting pole or structure independent of support from any building or other structure.

(y) **Front loaded**. A type of housing where the garage is situated at the front of the home, adjacent to the front door entry.

(z) **Front view area.** The area between the public or private street used to assign an individual address, space, unit or building number to a main building, and a line along the face of the main building that fronts the public or private street, which line is then extended from the corners of the building more or less parallel to the street in either direction to the nearest property line. This area includes, and may be larger than the front yard as defined in this chapter. The front view area does not include a roof surface that may be visible from a public or private street.

(aa) **Front yard**. That portion of a lot that typically but not always abuts a street and extends across the width of the lot between the street and the setback line.

(bb) **Frontage.** The length of property along one side of a street between property or lease boundary lines or along one side of an access easement.

(cc) **Frontage buildout**. The minimum percentage of the façade that must be built to the minimum setback line. The remainder of the façade may be built behind the minimum setback line but no further setback than the maximum setback line.

(dd) **Frontage street.** A local or collector street parallel and adjacent to a regional thoroughfare or arterial street providing access to adjacent properties.

(ee) **Functional turf.** Turf grass that is needed to serve a human function, including, use for recreational purposes and, civic or community events; on park property designated for sport, gathering, or recreation; on a golf course used directly for sport (driving ranges, chipping, and putting greens, tee boxes, greens, fairways and rough); on a school field used for sport, gathering, or recreation; on a sports field; or within cemeteries used for visitation and gathering.

(ff) **Future land use categories / future land use designation.** Land use categories that correlate to the land use designations on the Future Land Use Map in the city's Comprehensive Plan.

(gg) **Future Land Use Map.** The map and its associated Future Land Use Categories that are a material component of the Comprehensive Plan. The Future Land Use Map serves as a tool to guide future development within the city and its growth area by conveying a vision for different types of places and land uses within the city as well as unincorporated land in Adams and Weld Counties.

Sec.18-13-16. "G" Definitions.

(a) **Gabion basket.** Fencing using a minimum wire gauge of 11 galvanized steel wire basket with openings no larger than 4" x 4" and filled with stones.

(b) **Gable.** That portion of a roof which forms a triangle at the building end and extends from the ridge to the eaves.

(c) **Garage / estate / yard sale.** The temporary and occasional sale of tangible personal property at retail by a person who is not in the business of selling tangible personal property at retail.

(d) **Gathering space or area.** A space within a common area where the general public can gather for social interaction or collective activities. A gathering space or area typically includes pavement, seating and landscaping.

(e) **General Commercial District.** The General Commercial Zoning District established in this chapter; also known as the "GC" District.

(f) **Gentle density.** The placement of mid-density housing types, such as Duplexes, that provide a gradual density transition from lower density detached homes to higher density housing.

(g) **Geological hazard.** A geologic phenomenon that is so adverse to past, current, or foreseeable construction or land use as to constitute a significant hazard to public health and safety or to property. The term includes, but is not limited to:

(1) Avalanches, landslides, rock falls, mudflows, and unstable or potentially unstable slopes;

(2) Seismic effects;

(3) Radioactivity; and

(4) Ground subsidence.

(h) **Golf course**. A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course may include a clubhouse, restrooms, driving range, and shelters as accessory uses.

(i) **Grade.** The average of the finished ground surface elevations measured at the highest and lowest exterior corners of a structure; or the slope of a road, street or other public way, or the slope of the ground surface elevations.

(j) **Grading.** The act of excavating or filling or combination thereof and which changes the existing topography.

(k) **Grading permit.** A permit to excavate or fill, or combination of both, which changes the existing topography of the land.

(l) **Gravity wall.** A wall that uses its own weight to resist the lateral pressure of the soil behind it, preventing sliding and toppling.

(m) **Green court common area.** The shared landscaped common area in a green court subdivision configuration that each home has direct pedestrian access to and that is designed for common use for the abutting grouping of homes.

(n) **Green courts.** A grouping of homes with frontage on a shared green space rather than a street, which receive vehicular access through a rear alley.

(o) **Green design practices.** Practices that significantly reduce or eliminate the negative impact of buildings on the environment and on the building occupants. Green building design and construction practices address sustainable site planning, safeguarding water and water efficiency, energy efficiency, conservation of materials and resources, and indoor environmental quality.

(p) **Gross land area**. The land area proposed to be subdivided, including land to be dedicated for streets and other public purposes.

(q) **Ground cover**. Living plant material, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity and which grows or spreads in such a manner as to provide continuous plant coverage. Annuals, herbaceous perennials, mulches and deciduous tree canopies are not ground cover.

(r) **Guaranty**. Any form of security, including a surety bond or irrevocable letter of credit, in an appropriate amount and form satisfactory to the city. The term "guaranty" shall cover construction performance and term warranty provisions.

(s) **Guy wire**. An engineered support system for a lattice or monopole tower consisting of a series of wires, lines, or ropes which attach points high on the tower to anchor points situated around the base of the tower.

Sec.18-13-17. "H" Definitions.

(a) **Hazardous area.** An area containing or directly affected by wildfire hazard, flood hazard, geologic hazard, or hazards created by land use activities. An area of corrosive soil, expansive soil and rock, or siltation shall not be included in this term or designated as an area of state interest unless the Colorado Water Conservation Board, through the local conservation district, identifies such area for designation. Floodplains shall not be included in this term until such designation has been first approved by the Colorado Water Conservation Board pursuant to C.R.S. 30-28-111 and 31-23-301.

(b) **Hazardous substance.** For purposes of initial site assessment in Section 18-02-16(d)(1)b., means any flammable materials, explosive, hazardous or toxic substances or related materials as defined and amended in Paragraph 14 of Title 42 U.S.C. Section 9601; and "chemical substances" as defined and amended in Paragraph 2 of Title 15, U.S.C. Section 2602; and "hazardous waste" as defined and amended in Paragraph 5 of Title 42, U.S.C. Section 6903; and "petroleum" as defined and amended in Paragraph 8 of Title 42, U.S.C. Section 6991; and "hazardous materials" as defined and amended in Paragraph 2 of Title 49, U.S.C. Section 1802.

The term "hazardous substance" shall apply to any release or discharge of such substances regardless of whether such substances are located under the ground, on the ground, in water, in the air, in buildings or other enclosures, or in any containers whatsoever.

(c) **Height.** The vertical distance measured from the average grade around the structure to the highest point of the structure.

(d) **High water-demand landscapes.** Landscapes that require approximately 100 percent of reference evapotranspiration or up to twenty (20) gallons of water per square foot in an average year to maintain optimum appearance.

(e) **Highest adjacent grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(f) **Historic or learning sites.** A physical location containing the remains of past human activities or events with a collection of objects, features and/or structures.

(g) **Home site.** A plot of ground within a manufactured home park designed for the accommodation of one manufactured home, together with its accessory structures, including carports or other off-street parking areas, storage sheds, patios, patio covers, awnings and other appurtenances.

(h) **Homeowners' association.** An association of homeowners or property owners within a residential subdivision, condominium project, or townhouse development, often organized for the purpose of enforcement of private covenants and/or the carrying out the maintenance of common areas, landscaping, parks, building exteriors, and streets.

(i) **Horizontal uniformity ratio.** The ratio between the average illumination and the minimum illumination of a horizontal surface.

(j) **Human scale.** Intentionally designing buildings, streets, and/or neighborhoods that facilitate and encourage humans to interact with the objects around them. Human scale spaces are designed primarily for people rather than automobiles. This is achieved by incorporating architectural features, streetscapes, sidewalks, common public spaces, and amenities that are appropriately scaled to create a safe, welcoming, convenient, and attractive environment for human interaction.

(k) **Hydrozone.** An area within the landscape defined by a grouping of plants requiring a similar amount of water to sustain health.

Sec.18-13-18. "I" Definitions.

(a) **Impervious surface.** Surfaces or covers on or in real property that prevents or significantly impedes absorption and infiltration of stormwater into the earth. This includes but is not limited to buildings, manmade structures, driveways, patio areas, roofs, concrete or asphalt sidewalks, parking lots, or storage areas.

(b) **Improved lot.** A lot which has all the land improvements in place to support the future construction of buildings and other improvements related to the use of the land for a specific purpose.

(c) **Impulsive noise.** A noise containing excursions usually less than one second in duration and varying more than 20 dB(A) during the period of observation when measured with the fast meter characteristic of a sound level meter.

(d) **Industrial, Automotive, and Transportation Uses**. Those uses listed in Division 5 of Article IV of this chapter.

(e) **Industrial hemp**. A plant of the genus cannabis and any part of the plant, whether growing or not, containing a delta-9 tetrahydrocannabinol concentration of no more than three-tenths of one percent on a dry weight basis.

(f) **Industrial Legacy District**. The Industrial Legacy District established in this chapter; also known as the "I-L" District.

(g) **Infill development.** Any vacant lot or parcel within developed areas of the city, where approximately 80 percent or more of the land within a 300-foot radius of the site has been developed, and where water, sewer, and streets have already been developed and are provided. Annexed areas located on the periphery of the city limits shall not be considered as infill development.-

(h) **Inflatable device.** A large balloon, often in the shape of an animal, character, or hot air balloon that is used in advertising to attract attention.

(i) **Initial acceptance.** An acknowledgment by the city that, to the best of the city's knowledge, all work has been completed in accordance with the plans and specifications.

(j) **Initial site assessment (ISA).** An evaluation of a specific parcel of land to be dedicated to the city to determine that the land is free from any hazardous substance. The ISA shall include a review of existing information relating to historical and current ownership and use of the property along with an on-site inspection in order to determine the likelihood that there exists on the property any hazardous substances, concluding in a written report of the findings of the ISA, and recommending any corrective actions if a hazardous substance exists. The city may promulgate regulations detailing with specificity the sources of information that shall be presented as a part of an ISA.

(k) **Instructional arts studio.** Small private facilities for individual and group instruction and training in the arts which include but are not limited to; production rehearsal; photography, and the processing of photographs produced only by users of the studio facilities; martial arts training studios; gymnastics, yoga, and similar instruction; and the recording of music.

(l) **Interference with commercial satellite access.** The deliberate or unintentional location of physical obstructions such as buildings, signs, trees, or other erected structures, which fall between the satellite communications facility and the orbiting satellite. Such interference

obstructs the operation of the satellite communications operations by prohibiting access to the radio signals to or from the orbiting satellite. Interference is avoided by restricting obstruction heights as a function of distance away from the satellite communications facility.

(m) **Interior lot line**. A lot line not adjacent to a street or alley.

(n) **Irrigation system**. A permanent, artificial watering system designed to transport and distribute water to landscape plants.

Sec.18-13-19. "J" Definitions.

(a) **Joint-use**. The sharing of a building and/or sign by more than one permitted use.

(b) **Junk.** Any scrap, waste, worn out, discarded material or debris collected or stored for destruction, disposal or some other use.

Sec.18-13-20. "K" Definitions.

(a) **Kitchen.** Any room principally used, intended, or designed to be used for cooking or the preparation of food. The presence of a range or oven, or utility connections suitable for servicing a range or oven, shall be considered as establishing a kitchen. The meaning of "kitchen" shall exclude a kitchenette, bar or butler's pantry which don't require utility connections suitable for servicing a range or oven.

Sec.18-13-21. "L" Definitions.

(a) **Land disturbance.** Any manmade change to landform, vegetation and hydrology, creates bare soil, or otherwise may cause erosion or sedimentation, that potentially changes its runoff characteristics. This includes but is not limited to any clearing, grading, excavation, placement of fill materials, paving, construction, or anything that causes substantial removal of vegetation.

(b) **Land improvements.** Physical changes made to land and/or structures placed on or under the land surface in order to change the natural or preexisting conditions of the land in preparation for the construction of buildings and other improvements related to the use of the land for a specific purpose. Typically land improvements would include grading, street pavement, curbs and gutters, sidewalks, drainage facilities, storm and sanitary sewers, and utility facilities.

(c) **Landfills or Recycling Facilities, Excluding Collection Centers.** A discrete area of land or an excavation where solid wastes are placed for final disposal, which is not a land application unit, waste impoundment, or waste pile. Landfills include, but are not limited to, ash monofills, construction and demolition landfills, industrial landfills, sanitary landfills, tire monofills and similar facilities where final disposal occurs.

(d) **Landscape architect.** An individual who possesses the theoretical and practical knowledge of the professional occupation of the practice of landscape architecture, including but not limited to the planning, design and construction of features upon the natural landscape involving such aspects as site analysis, site planning, topographic grading, surface hydrology, surfacial geology, planting design and plant material selection, irrigation system design and installation, construction drawings and specification preparation and construction inspection to ensure the quality of materials and workmanship related to landscape specifications.

(e) **Landscape area [as used in Article VIII].** Any land that is planted with cultivated vegetation or with artificial turf installed in accordance with the requirements of Section 18-8-36. Areas of the rear yard that are designated for planting with annual flowers, vegetables, or other plant materials shall be considered landscaped during the winter months even if nothing is currently growing at that time but shall be maintained free of weeds at all times throughout the year.

(f) **Landscape buffer [as used in Article VIII].** Landscape areas used to physically separate one land use from another.

(g) **Landscape canopy, landscape overstory [as used in Article VIII].** The upper vegetative cover of a tree or plant material grouping and may also be referred to as "overstory."

(h) **Landscape Code [as used in Article VIII].** Article VIII of Chapter 18, the Development Code, which is part of the Thornton City Code.

(i) **Landscape fabric [as used in Article VIII].** A porous geotextile fabric installed below inorganic rock mulch.

(j) **Landscape, landscaping [as used in Article VIII].** Any combination of: living plant material, such as trees, shrubs, vines, ground covers, flowers, vegetables, turf or grass; natural features, such as land and water forms; structural features, including but not limited to landscaped pedestrian plazas, fountains, reflecting pools, screening, walls, fences and benches. Areas of the rear yard that are designated for planting with annual flowers, vegetables, or other plant materials shall be considered landscaped during the winter months even if nothing is currently growing at that time but shall be always maintained free of weeds throughout the year. Marijuana grown in accordance with Section 14 or Section 16 of Article XVIII of the Colorado Constitution is not considered landscaping.

(k) **Landscape mitigation plan [as used in Article VIII].** A plan for the replacement of plant material that is removed, destroyed or otherwise negatively affected by the development of a property.

(l) **Landscape Plan [as used in Article VIII].** A plan drawn to scale that shows the layout of all landscape components and their specifications for a development site.

(m) **Landscape setback [as used in Article VIII].** A required landscape planting area on private property measured from back of the curb that is adjacent to a street right-of-way, or the

landscaped planting area that is a portion of the front, side and rear yards which are required to be landscaped.

(n) **Large balloon.** An inflatable balloon two feet or more in diameter but is not an inflatable device.

(o) **Legacy district.** A zoning district that cannot be applied to any additional land in the city after month, date, 2025, the date of adoption of this chapter. A Legacy District allows for the continuation of development and uses in that district. However, property will no longer be zoned to the Legacy District because other base zoning districts better accommodate modern development forms.

(p) **Legal building site.** A lot that can be developed within the provisions of this chapter and within other rules and regulations adopted by the city.

(q) **Levee**. A manmade structure, usually an earthen embankment designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to mitigate temporary flooding.

(r) **Level of service (LOS).** Level of Service (LOS) is a measure of congestion derived from traffic volumes and roadway capacity. LOS has ratings of A, B, C, D, E, and F. Ratings of E and F indicate the roadway is congested with existing volume and capacity.

(s) **Light pole banner.** A banner designed specifically for attachment to a free-standing light pole on private property by a mounting structure that supports, at a minimum, the top and bottom of the banner. Light pole banners shall not include flags or pennants.

(t) **Light trespass.** Light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.

(u) **Limited use.** A main use that has additional provisions that restrict its use in certain districts, as described for various uses in Article IV.

(v) **Loading and service areas.** Includes but is not limited to, trash enclosures, dock doors, building mounted equipment, and loading spaces for vehicles 10,000 lbs. or more gross vehicle weight. This definition does not include drive-throughs or their service windows.

(w) **Lodging Uses.** Those uses listed in Division 6 of Article IV of this chapter.

(x) **Lot.** A designated area of land established by a plat and to be used, developed, or built upon as a unit.

(y) **Lot area.** The total square feet or acreage contained within lot lines.

(z) **Lot coverage.** A measure of intensity of land use that represents the portion of a site that is covered by non-permeable pavement or buildings. This portion includes but is not limited to all areas covered by buildings, parking structures, driveways, roads, artificial turf, and any area of concrete or asphalt, other than sidewalks and trails, unless the type of paving is considered to be permeable by the director or designee. In the Eastlake Base Zoning Districts and Legacy

Base Zoning Districts, Lot Coverage does not include surface parking, driveways or walkways in calculating coverage.

(aa) **Lot depth.** The average distance between the front and rear lot lines.

(bb) **Lot line.** A property line bounding a lot, excluding any dedicated street or alley.

(cc) **Lot width.** The distance between side lot lines measured along the front setback line.

(dd) **Low water-demand landscapes.** Landscapes that require approximately 50 percent of reference evapotranspiration or up to twelve (12) gallons water per square foot in an average year to maintain optimum appearance.

Sec.18-13-22. "M" Definitions.

(a) **Main building.** A building on a lot intended for occupancy by the main use.

(b) **Main use.** Those uses listed in Section 18-04-09. Also known as a principal use.

(c) **Maintenance.** Any activity undertaken to prevent the deterioration, impairment, or need for repair of an area, detention area, channel, control measure, structure, right-of-way, or land use, including, management, repair or replanting of vegetation.

(d) **Manual on Uniform Traffic Control Devices (MUTCD) for Streets and Highways.** The national standard for traffic control devices on streets and highways in the United States, typically referred by its acronym.

(e) **Manufactured home.** Any preconstructed building unit or combination of preconstructed building units or closed panel systems that:

(1) Include electrical, mechanical, or plumbing services that are fabricated, formed, or assembled at a location other than the site of the completed home;

(2) Is designed for residential occupancy in either temporary or permanent locations;

(3) Is constructed in compliance with the federal act, factory-built residential requirements, including those for multi-unit dwelling structures, or mobile home standards;

(4) Is designed to be installed in a permanent or semi-permanent manner with or without a permanent foundation;

(5) Is not self-propelled; and

(6) Is not licensed as a recreational vehicle.

(f) **Manufactured Home Legacy District.** The Manufactured Home Legacy Zoning District established in this chapter; also known as the "MH-L" District.

(g) **Manufactured home park.** A unified residential development of manufactured homes, as defined in this article, on home sites arranged on a lot under a single ownership.

(h) **Manufactured home site area.** A plot of ground within a manufactured home community, designed for the accommodation of one manufactured home dwelling unit and its accessory structures.

(i) **Marijuana.** Shall have the same meaning as defined in Article XVIII, Section 16, subsection (2)(f) of the Colorado Constitution.

(j) **Marijuana cultivation facility.** Any real property used for or upon which there is any type of structure or any such facility that includes or is associated with cultivating, preparing, or packaging marijuana.

(k) **Marijuana product manufacturing facility**. Any real property used for or upon which there is any type of structure, or any such facility that includes or is associated with manufacturing, preparing, or packaging marijuana products.

(l) **Marijuana products**. Concentrated marijuana products and marijuana products that are comprised of marijuana and other ingredients and are intended for use or consumption, such as, but not limited to, edible products, ointments, and tinctures.

(m) **Marijuana use facility.** Any real property used for, in whole or in part, or upon which there is any type of structure, or any part thereof, where persons gather to smoke, ingest, or otherwise use marijuana, except for the dwelling unit of one of the persons.

(n) **Massing**. The distribution of the volume of a structure or landscaping and the visual weight relationships of the various forms of a structure or landscaping to one another and to the structure or landscaping as a whole.

(o) **Median**. An area in the approximate center of a city street or state highway which is used to separate the directional flow of traffic, may contain left-turn lanes, and is demarcated by curb and guttering, having painted or thermally applied stripes or other means of distinguishing it from the portion of the roadway utilized for through traffic.

(p) **Medical marijuana-infused products manufacturer.** Any real property used for or upon which there is any type of structure, where one or more persons manufacture, package, label or otherwise prepare medical marijuana for use or consumption other than by smoking, including but not limited to edible products, ointments and tinctures, for distribution at a medical marijuana center to patients and primary caregivers.

(q) **Medical marijuana optional premises cultivation operation.** Any real property used for or upon which there is any type of structure, where one or more persons cultivate medical marijuana plants for distribution of any form of marijuana at a medical marijuana center or directly to patients or primary caregivers.

(r) **Medical marijuana use facility**. Any real property used for, in whole or in part, or upon which there is any type of structure, or any part thereof, where medical marijuana patients gather

to smoke, ingest, or otherwise use medical marijuana, except for the dwelling unit of one of the patients.

(s) **Micro-mobility hub.** A term used to describe space directly abutting a transit stop or station for the sole purpose of conveying access to public or semi-public transportation options or other shared use of a vehicle, bicycle, or other transportation mode that allows users to access transportation services on an as-needed basis; made more common with emerging mobile application based, on demand transportation technologies. Micro-mobility hubs are generally smaller than 500 square feet.

(t) **Mineral Conservation Legacy District.** The Mineral Conservation Legacy Zoning District established in this chapter; also known as the "MC-L" District.

(u) **Mixed-use.** Mixed-use refers to either vertical mixed-use development or horizontal mixed-use development as defined in this article. This is a general use of the term to describe a development pattern, distinguished from the specific name of the Mixed-Use Zoning District.

(v) **Mixed-Use development, horizontal.** Development that is intentionally designed to integrate a compact, walkable mix of land uses from two or more distinct Use Categories to provide a multifunctional and symbiotic environment where residents have convenient access to shopping, dining, entertainment, or employment opportunities. Buildings are thoughtfully arranged with shared open spaces and pedestrian-friendly streetscapes.

(w) **Mixed-use development, vertical / mixed-use building.** Vertical mixed-use development integrates a mix of land uses from two or more distinct Use Categories within a single building. These developments combine ground-floor commercial, office, or retail uses with upper-floor residential dwelling units. This development optimizes land utilization and creates a compact, walkable multifunctional environment that can offer the convenience of living, working, and accessing amenities within proximity. Mixed-use buildings include Multi-Unit Dwelling, Above Ground Floor and Dwelling, Live-Work uses.

(x) **Mixed-Use District.** The Mixed-Use District established under this chapter; also known as the "MU" District.

(y) **Mobility hub.** A term used to describe a transit station, transit stop, or a combination of private, public, or semi-public property in combination with transit services that seamlessly connects the transit services to different modes of transportation (including but not limited to things like bicycle rental, carshare, and etc.).

(z) **Model home.** An unoccupied dwelling unit built initially for display purposes which typifies the types of units that will be constructed in the subdivision.

(aa) **Moderate water-demand landscapes.** Landscapes that require approximately 80 percent of reference evapotranspiration or up to sixteen (16) gallons of water per square foot in an average year to maintain optimum appearance.

(bb) **Monument sign.** A freestanding sign supported on the ground and having a solid base as opposed to being supported by poles or open braces.

(cc) **Motor Court.** A group of homes arranged with front doors and garages facing a shared private driveway.

(dd) **Motor home.** A self-propelled vehicle designed to provide temporary living quarters for travel, recreation, or vacation use.

(ee) **Mulch [as used in Article VIII].** Nonliving organic and inorganic wood, rock or stone materials used in landscape design to provide a protective covering around plants and to retard erosion, retain soil moisture, reduce weed growth and maintain even soil temperatures.

(ff) **Multimodal transportation.** Multimodal transportation includes walking, biking, transit, rail, cars and trucks. Multimodal transportation is the movement of people and goods on roadways, including but not limited to, motorists, transit-riders, freight-carriers, bicyclists and pedestrians, including those with disabilities.

(gg) **Multi-unit residential uses.** When used in this Chapter, this term refers to all Multi-Unit Dwelling, Multi-Unit Dwelling Complex, Cottage Housing, and Multi-Unit Dwelling, Above Ground Floor uses.

(hh) **Multi-use trail.** A multi-use trail is an off-street, pathway that supports opportunities for both recreation and transportation. The trail is a separated facility for people walking and biking that does not run immediately adjacent to a roadway.

Sec.18-13-23. "N" Definitions.

(a) **N Line (North Line) Station.** See definition for RTD North Metro Commuter Rail Line (N Line) Station.

(b) **Native seed [As used in Article VIII].** Native species and hardy introduced grass species that can survive on rain with little to no irrigation once established. These grasses require less fertilization and maintenance in general, and do not persist when mowed below six inches in height. Cool season native seed species typically require 11 inches, or 7 gallons per square foot, of water per year. Warm season native seed species typically require 7 inches, or 5 gallons per square foot, of water per year.

(c) **Natural area.** Land area, water body or water courses which are primarily left in their undisturbed natural condition.

(d) **Natural open space.** Land left in its natural state with no built improvements other than low impact gravel trails, benches, wildlife viewing platforms, and other similar improvements as approved by the city.

(e) **Neighborhood Commercial District.** The Neighborhood Commercial Zoning District established under this chapter; also known as the "NC" district.

(f) **Net acre.** An acre of land that does not include public rights-of-way.

(g) **Net land area**. The land area within a subdivision which excludes areas dedicated to the public, including dedicated parks and open spaces and public rights-of-way.

(h) **New development.** See Section 18-01-9 for the definition of this development activity type.

(i) **Nonbusiness purpose.** For the purposes of noise regulations, the use, operation, or maintenance of any sound amplifying equipment for other than a business purpose. It shall include but not be limited to philanthropic, political, patriotic and charitable purposes.

(j) **Noncommunicative aspects**. Those characteristics of a sign which are not related to its message content, such as size, height, setback, location, structural strength or weight, illumination, color, reflectiveness, materials, density, spacing, orientation, etc.

(k) **Nonconforming sign**. A sign which does not conform to the regulations within this chapter, but was lawfully erected under the regulations in force at the time it was erected.

(l) **Nonconforming structure.** A structure which does not conform to the regulations, other than the use regulations, of this chapter, but which was lawfully constructed under the regulations in force at the time of construction.

(m) **Nonconforming use**. A use that does not conform to the use regulations of this chapter, but was lawfully established under the regulations in force at the beginning of operations and has been in regular use since that time.

(n) **Nonresidential development.** Development including uses other than residential uses.

(o) **Nonresidential uses.** Uses that fall under the agriculture and animal related; commercial; entertainment; industrial, automotive, and transportation; lodging; public institutional; and/or utilities and infrastructure use categories established in Article IV.

(p) **Non-serviced.** A building, structure, or lot which is not connected to municipal utilities.

(q) **Nontributary water, nontributary groundwater.** See Chapter 74 definitions, Section 74-87.

(r) **North Washington Subarea Overlay District.** The North Washington Subarea Overlay District established in this chapter; also known as the "NW-O" District.

(s) **Not nontributary water, not nontributary groundwater.** See Chapter 74 definitions, Section 74-87.

Sec.18-13-24. "O" Definitions.

(a) **Occasional sales - garage sales.** The temporary and occasional sale of tangible personal property at retail by a person who is not in the business of selling tangible personal property at retail.

(b) **Occupancy**. The purpose for which a building or land is used.

(c) **Official governmental sign**. Any temporary or permanent sign erected and maintained by the city, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

(d) **Official zoning map**. The map establishing the zoning classifications of all land in the city, and showing all amendments to zoning classifications as they may be adopted from time to time.

(e) **Off-site.** Land outside of a development site boundary.

(f) **Off-site access.** Ability for people to enter a development site from outside the development site via vehicle, walking, biking, or other mode of transportation.

(g) **Omitted wall line.** A line on the ground determined by a vertical plane from:

(1) The overhang or outermost projection of a structure;

(2) The outer edge of the roof of a structure without walls; or

(3) Two feet inside of the eave line of a structure with roof eaves.

(h) **On-site access.** Ability for people to navigate through or within a development site via vehicle, walking, biking, or other mode of transportation.

(i) **On-site sign.** A sign directing attention to a business, commodity, service, product, or property located, sold, or conducted on the same property or site as that on which the sign is located.

(j) **Open fencing.** A fence in which openings between the materials of which the fence is constructed represent no more than fifty (50) percent of the total surface of the fence when viewed perpendicular to the face of the fence. Examples include three rail, chain link, decorative, picket and wrought iron fencing.

(k) **Open space.** An area of land that is kept in or returned to its natural state to protect or preserve wildlife habitat, to protect, preserve, or enhance wetlands, or to provide, preserve, or support view, vista or wildlife corridors. Open space may include agricultural uses and natural features located on a site, including, but not limited to, meadows, forested areas, steep slopes, floodplains, hazard areas, unique geological features, ridgelines, unique vegetation and critical plant communities, stream corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical and cultural resources.

(l) **Operation of law.** An action resulting from bankruptcy, intestate or testate succession, foreclosure, tax forfeiture and sale or other legally prescribed devolution of property.

(m) **Outdoor activity areas.** Parks, designated playground areas or similar types of recreation areas including trail and trail corridors, amphitheaters or similar outdoor entertainment venues or areas.

(n) **Overall development plan.** A development plan that shows how an entire site is proposed for development. It may show phases which will be built at different times.

(o) **Overland flow path.** A designed pathway to safely convey stormwater flows from detention basin spillways and sump inlets to a Watercourse in the event that the capacity of the detention basin/storm sewer system is exceeded for any reason.

(p) **Overlay District.** An overlay district is a zoning district with a defined geographic area that is superimposed on top of one or more underlying base zone districts that modifies or supplements the base zone district regulations. The standards of the overlay district shall supersede the standards of all other applicable base districts within the geographic area of the overlay district.

Sec.18-13-25. "P" Definitions.

(a) **Pad site.** A building lot available for retail development, such as next to a shopping mall or center.

(b) **Parapet wall.** That part of any exterior wall which is located entirely above the roofline.

(c) **Park area [as used in Article VIII].** The entirety of a tract or lot which is utilized as a public or private park.

(d) **Parking**. The standing of a vehicle, whether occupied or not. Parking does not include the temporary standing of a vehicle when commodities or passengers are being loaded or unloaded.

(e) **Parking lot island**. A parking lot landscape area surrounded on at least two sides by vehicle parking areas.

(f) **Parking pad.** An area for the parking of personal vehicles, not including the driveway, constructed with an all-weather and drainable material approved by the director or a material specified in the Standards and Specifications.

(g) **Parking study.** A report that recommends a specific number of parking spaces for a proposed development.

(h) **Parks and Open Space District.** The Parks and Open Space Zoning District established in this chapter; also known as the "POS" District.

(i) **Parkway.** A portion of the public right of way between the back of curb and the sidewalk that typically includes street trees or other landscaping, streetlights, utilities, or other public or private improvements.

(j) **Party wall.** A wall built on an interior lot line used as a common wall for buildings on both lots.

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(k) **Pavilion**. An open-sided structure with a roof supported by columns used at public parks for amusement or shelter.

(l) **Pedestrian crossing.** A designated area for people to cross a street when not using a vehicle.

(m) **Pedestrian-oriented.** Designed with an emphasis primarily on the street sidewalk and on pedestrian access to the site and building, rather than on automobile access and parking areas. The building is generally placed close to the street and the main entrance is oriented to the street sidewalk. There are generally windows or display cases along building facades which face the street. Typically, buildings cover a large portion of the site. Although parking areas may be provided, they are generally limited in size and they are not emphasized by the design of the site.

(n) **Pedestrian refuge island.** A median that is intended to help protect pedestrians who are crossing a multilane road.

(o) **Pedestrian walkway.** A designated path that separates pedestrian traffic from vehicular traffic.

(p) **Pennant**. A flag tapering to a point and usually strung together by line or rope.

(q) **Perimeter street.** Any existing or proposed street which abuts or will abut the parcel of land to be subdivided.

(r) **Photometric lighting.** A digital representation of the light output of a lighting fixture that provides information on how far the light reaches into different areas of a development site.

(s) **Placemaking.** A people-centered approach to the planning, design and management of public spaces.

(t) **Plainly audible.** That the information content of sound is unambiguously transferred to the listener, such as, but not limited to, understanding spoken speech, comprehension of raised or normal voices, or comprehension of musical rhythms.

(u) **Planned Development Legacy District.** The Planned Development Legacy Zoning District established in this chapter; also known as the "PD-L" District.

(v) **Planner-in-charge**. The city staff person in the city development department assigned to coordinate the city's review of an application.

(w) **Planting bed.** All landscaped areas that are not planted with fine turf, utility turf, or native seed grasses.

(x) **Plat**. A map or plan of property.

(y) **Plat application.** The application form and all accompanying documents required by this chapter for review of a subdivision plat.

(z) **Pole sign**. A freestanding sign supported by poles or open braces.

(aa) **Portable sign.** Any sign designed to be moved easily and not permanently affixed to the ground or to a structure or building. All portable signs shall be subject to regulations applying to temporary signs.

(bb) **Pre-development, pre-development conditions.** The condition of a development site prior to any development activity.

(cc) **Primary entrance.** The main entrance of a building or structure that is used by the majority of patrons to access the building or structure.

(dd) **Primary internal access drive.** An access, that is not within right-of-way but connects to the right-of-way, provides for vehicle and active transportation access, and that connects to right-of-way or secondary internal access drives and typically contains, at a minimum, two travel lanes, a median, and sidewalks on both sides of the primary internal access drive.

(ee) **Principal dwelling unit.** The primary home on a property which contains an Accessory Dwelling Unit.

(ff) **Private improvement.** Any improvement required by this chapter or as a part of the conditional approval of a subdivision which is provided by the developer and not maintained by the city or a quasi-public entity.

(gg) **Private street.** A roadway that is owned and maintained by a private individual or group and is only used by the owner or those with the owner's permission.

(hh) **Professional engineer.** Any person licensed by the state of Colorado to practice in the disciple of civil engineering.

(ii) **Professional land surveyor.** Any person licensed by the state of Colorado to practice in the disciple of land surveying.

(jj) **Projecting sign.** A sign constructed of rigid material affixed perpendicularly to a wall of a building or structure and extending horizontally 12 inches or more beyond the surface of the wall and shall not include an awning sign, under-canopy sign or a canopy sign.

(kk) **Proper notice.** Notification of the applicant or interested party in writing at least 15 days in advance of a public hearing before the board or other action as specified in this chapter; by placing the notice in the United States mail, postage paid and mailed to the applicant or interested party at the address on the application or as listed in the latest tax role of the county.

(ll) **Property.** A lot or parcel of land together with all structures located thereon.

(mm) **Public and Institutional Uses.** Those uses listed in Division 7 of Article IV of this chapter.

(nn) **Public gathering space or area.** A space within a common area where the general public can gather for social interaction or collective activities. A public gathering space or area typically includes pavement, seating and landscaping.

(oo) **Public hearing.** A hearing held after public notice to allow interested persons to present testimony or evidence before the Board, Commission or Council.

(pp) **Public improvement.** Any improvement required by this chapter for which the city or a quasi-public agency conditionally agrees to assume responsibility for maintenance and operation, or which may affect an improvement for which the city or a quasi-public agency is already responsible. Such facilities include but are not limited to streets, parks, trails, drainage facilities, water and sewer facilities, gas, electricity, telephone, cable television, and other utility facilities.

(qq) **Public park**. Public land which has been designated for park or recreational activities, including but not limited to a park, playground, nature trail, swimming pool, reservoir, athletic field, basketball or tennis court, pedestrian/bicycle path, open space, wilderness area, or similar public land within the city which is under the control, operation, or management of the city.

(rr) **Public safety telecommunication facility.** A wireless telecommunication facility used exclusively for purposes related to the immediate health, safety, and welfare of the general population.

Sec.18-13-26. "Q" Definitions.

(a) **Quasi-public agency.** An institution constituted with a governing board and obtaining more than 51 percent of its funds from tax revenue.

(b) **Quick acting rain sensor.** A rain sensor capable of sensing rainfall and stopping any irrigation activity within five minutes. Quick acting rain sensors prevent watering during rain events and watering after adequate rain has already fallen.

Sec.18-13-27. "R" Definitions.

(a) **Raised intersection.** A traffic calming device that elevates an entire intersection to the level of the sidewalk to slow drivers and encourage vehicles to yield to pedestrians.

(b) **Rear loaded.** A type of housing where the garage is situated at the rear of the home, rather than at the front adjacent to the front door entry.

(c) **Rear yard.** That portion of a lot between two side lot lines that does not abut a street and that extends across the width of the lot between the rear setback line and the rear lot line.

(d) **Recommending body.** The individual or body vested with the authority to make a recommendation on application requests to the decision-making body. This may include the director or the commission.

(e) **Recreational vehicle (RV).** See definition of "Motor Home"

(f) **Redevelopment.** See Section 18-01-9 for the definition of this development activity type.

(g) **Regional Commercial District.** The Regional Commercial Zoning District established in this chapter; also known as the "RC" District.

(h) **Regional Transportation District (RTD).** The Regional Transportation District, more commonly referred to as RTD, is the regional agency operating public transit services to the Denver Metropolitan Area.

(i) **Regulated affordable housing.** Housing that is made affordable through public subsidies or statutory regulations that restrict or limit resident income levels or rents.

(j) **Relief.** The visual and tactile roughness, differentiation and depth of a surface which results from various textures or materials or from contrast or blending of several elements, materials or colors.

(k) **Reserve strips.** A parcel of land that is usually one-two feet in width, abutting a right-of-way, that is conveyed to a government agency or public utility provider free of encumbrances intended to control access to the abutting right-of-way.

(l) **Residential development.** Development including residential uses, which include Duplex; Dwelling I Unit Detached; Dwelling, 2 Units Attached; Dwelling 3-8 Units Attached; Dwelling, Live-Work; Manufactured Homes; Multi-Unit Dwelling; Multi-Unit Dwelling Above Ground Floor Only; and Triplex / Quadplex.

(m) **Residential Estate District.** The Residential Estate Zoning District established in this chapter; also known as the "RE" District.

(n) **Residential – High Density District.** The Residential - High Density Zoning District established under this chapter; also known as the "RH" District.

(o) **Residential – Low Density District.** The Residential - Low Density Zoning District established under this chapter; also known as the "RL" District.

(p) **Residential – Mid Density District.** The Residential - Mid Density Zoning District established under this chapter; also known as the "RM" District.

(q) **Residential uses.** Those uses listed in Division 8 of Article IV of this chapter.

(r) **Retention area, retention pond.** An area which is designed to capture specific quantities of storm water and remains filled with stormwater, fluctuating based on precipitation levels.

(s) **Ride sharing services.** A company that, via websites and mobile applications, matches passengers with drivers of vehicles for hire that, unlike taxis, cannot legally be hailed from the street.

(t) **Right-of-way.** Property dedicated to the city or other entity by a property owner which is intended to be occupied by a street, sidewalk, bike lanes, landscaping, railroad, utilities, and other similar uses and future roadways.

(u) **Roadway stub.** A roadway that has only one outlet for vehicular traffic and is intended to be extended or continued in the future.

(v) **Rock landscape business.** A business which operates to construct, install and maintain yards, gardens, patios, related grounds and other outdoor areas.

(w) **Roof pitch.** The slope of the roof or the angle that is formed between the roof and the horizontal plane.

(x) **Roof sign**. A sign erected above the highest point of the coping of a flat roof; or to the deck line of a mansard roof; or to the average height of a gable, pitched, or hipped roof. Also any sign mounted on a pitched or sloping wall and extending higher than the lowest portion of the adjoining roof shall constitute a "roof sign."

(y) **Roundabout.** A circular intersection or junction in which road traffic is permitted to flow in one direction around a central island, and priority is typically given to traffic already in the junction.

(z) **RTD.** See definition for Regional Transportation District.

(aa) **RTD North Metro Commuter Rail Line (N Line) Station.** A transit station located along the RTD N Line specifically operated for N Line passenger transfer activity.

Sec.18-13-28. "S" Definitions.

(a) **Safe system approach.** A transportation planning and construction philosophy defined by the United States Department of Transportation.

(b) **Sale or lease.** Any immediate or future transfer of ownership or any possessory interest in real property, whether by deed, contract, plat, map, other written instrument, or by operation of law.

(c) **Sales and use tax.** The tax paid by a consumer for using, storing, distributing or otherwise consuming tangible personal property or taxable services inside the city.

(d) **Satellite parking.** A parking lot containing parking spaces required for a permitted use, but in a location not on the same lot as the permitted use.

(e) **Scale.** As used in physical relationships, the relationship of the apparent size or bulk of a building or parts of a building to the size of a human being. As used in engineering and architectural drawings, the ratio of the linear dimension of an element of an object as represented in the drawing to the real linear dimension of the same element of the object itself.

(f) **School.** For the purpose of Section 18-04-55 pertaining to sexually oriented businesses, any public or private educational facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools,

secondary schools, special education schools, junior colleges, and universities. The term "school" includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school.

(g) **Screening.** The use of fences, walls, landscape, or other structures to prevent views of a certain aspect of a development.

(h) **Secondary entrance.** An entrance to a building which is not considered a primary entrance, typically used as residential access into a mixed use building, an auxiliary entrance into a commercial building, an employee entrance, or an emergency exit.

(i) **Secondary internal access drive.** An access, that is not within right-of-way, provides for vehicle and active transportation access, and that connects a primary internal access drive to buildings and parking areas and typically contains, at a minimum, two travel lanes and a sidewalk on one side.

(j) **Segmental wall.** A modular block retaining wall made of dry-cast concrete units that are stacked without mortar.

(k) **Semi-arid climate.** A climate characterized by an average of ten to 20 inches of annual precipitation.

(l) **Service laterals.** The underground or overhead service conductors between the utility provider's distribution system and the customer's meter or building wall.

(m) **Serviced.** A building, structure, or lot which is connected to municipal utilities.

(n) **Setback**. For the purposes of sign regulation in Article XI, the minimum distance between any lot line and the closest edge of a sign face or sign structure, whichever is closest to the lot line. When referring to buildings setback means the minimum distance a building may be erected from a street, alley, or lot line.

(o) **Short-term rental**. A dwelling unit, or portion thereof, that is leased for periods of less than 30 days per occurrence, the owner of which holds a valid license issued pursuant to this chapter.

(p) **Side loaded.** A type of housing where the garage is situated at the side of the home, rather than at the front adjacent to the front door entry.

(q) **Side yard**. That portion of a lot:

(1) Extending from the front setback line to the rear setback line between the side setback line and the side lot line; or

(2) Which is between a lot line and a setback line, but is not a front or rear yard.

(r) **Sidepath.** A sidepath is an off-street, low stress facility that supports opportunities for both recreation and transportation. It is characterized as a wide sidewalk (at least ten feet wide) alongside a roadway, separated by a buffer.

(s) **Sign**. Any display or object which is primarily used to identify or display information about or direct or attract attention to a person, institution, organization, business, product, event, location or otherwise by any means, including but not limited to physical objects, coverings of physical objects (e.g. with paint or wraps), or displays created through the internal or external projection of light into areas or onto surfaces, works of art, wall graphics, building wrap signs, and murals.

(t) **Sign cabinet.** The box frame in which a sign panel is placed.

(u) **Sign copy.** The letters, numbers and/or graphics that convey information on a sign.

(v) **Sign face**. The area of a sign on which information is placed.

(w) **Sign permit.** Written authorization issued by the city for the erection, installation, maintenance, and display of a specific sign on any property within the city in accordance with the regulations of this chapter.

(x) **Sign with backing**. Any word, letter, emblem, insignia, figure, or similar character or group thereof 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.

(y) **Sign without backing.** Any word, letter, emblem, insignia, figure, or similar character or group thereof that is not backed by, incorporated in, or otherwise made a part of any larger display area.

(z) **Significant and healthy trees.** Trees that are above a 50% condition rating, or that provide screening, buffering, wildlife habitat and/or linkages to wildlife habitat, or are located within public rights-of-way. This does not include trees on the restricted tree list identified in the City's Standards and Specifications.

(aa) **Single-Family Detached Legacy District.** The Single-Family Detached Legacy Zoning District established in this chapter; also known as the "SFD-L" District.

(bb) **Site.** For the purposes of an eligible facilities request, for towers other than towers in the public rights-of-way and eligible support structures, a site means the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. For other towers in the public rights-of-way, a site is further restricted to that area comprising the base of the structure and to other transmission equipment already deployed on the ground.

(cc) **Skating facilities (indoor or outdoor).** A public facility that is designed for use by persons riding skateboards, in-line skates, or roller skates. Or an ice-skating rink.

(dd) **Slaughter**. To kill any live animal for consumption.

(ee) **Slope.** The inclination of a surface as determined by dividing the vertical change in distance by the horizontal change in distance.

(ff) **Small balloon.** An inflatable balloon less than two feet in diameter.

(gg) **Smart controller [as used in Article VIII].**An automatic irrigation controller that receives information from a weather station, soil moisture sensor, and flow sensor to regulate irrigation activities by adapting to actual environmental conditions.

(hh) **Soil amendment.** Organic and inorganic materials added to soil to improve texture, nutrients, moisture holding capacity, and infiltration rates.

(ii) **Soil moisture sensor [as used in Article VIII].** A scientific instrument buried in the ground within an irrigated landscape that provides a real-time measurement of available water in the soil.

(jj) **Solar collector.** Any device used to collect solar energy and convert it to any other form of energy, including, without limitation, photovoltaics, flatplate concentrating devices, vacuum tubes and greenhouses. A solar collector does not include standard skylights or windows.

(kk) **Sound level meter**. An instrument or apparatus capable of measuring sound pressure level when properly calibrated, and is of a type 2 or better instrument as specified in the American National Standards Institute Publication S1.4 - Part 1.

(ll) **Sound pressure level.** A measurement of sound that is calculated as 20 times the logarithm to the base 10 of the ratio of the root mean square pressure of a sound to the reference pressure, which is 20×10^{-6} Newtons per meter squared.

(mm) **Special event sign.** A temporary sign directing attention to an activity of limited duration. Examples include, but are not limited to grand openings, special sales, community events or similar activities.

(nn) **Special flood hazard area (or area of special flood hazard).** The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year, also known as the 100-year floodplain. In the city, it also means those areas identified as provided in Chapter 22.

(oo) **Special Use Permit.** Those procedures outlined in Section 18-02-35; also known as SUP.

(pp) **Specified minimum yield strength (SMYS).**

(1) For steel pipe manufactured in accordance with a listed specification, the yield strength specified as a minimum in that specification; or

(2) For steel pipe manufactured in accordance with an unknown or unlisted specification, the yield strength determined in accordance with §192.107(b) of 49 CFR 192 part A.

(qq) **Speed bumps.** A raised area across a vehicle travel lane to slow traffic.

(rr) **Speed reduction measures.** Actions that can be taken to reduce the speed of vehicles and improve road safety for all users.

(ss) **Spill.** Any unauthorized sudden discharge of E&P waste to the environment.

(tt) **Sports court.** An indoor or outdoor rectangular area used as the playing area in sports including but not limited to basketball, tennis, racquetball, volleyball, pickleball, and squash.

(uu) **Sports field.** An open, outdoor area marked with lines for playing a specific sport including but not limited to soccer, football, baseball, and rugby. Golf courses are not considered sports fields.

(vv) **Stacking space**. An area in which motor vehicles line up while waiting to go through a drive-through facility or designated passenger drop-off and/or pickup area.

(ww) **Standards and Specifications.** The latest edition of the City of Thornton's Standards and Specifications for the Design and Construction of Public and Private Improvements.

(xx) **Start of construction.** The date the construction permit is issued, provided that the actual start of permanent construction, repair, reconstruction, placement or other improvements is within 180 days of the permit date. Permanent construction does not mean:

(1) Land preparation such as grading and filling;

(2) Installation of streets or walkways;

(3) Excavation for a basement, footings, piers or foundations or the erection of temporary forms; or

(4) The installation on the property of accessory buildings.

(yy) **Station Area Master Plan (STAMP).** Plans adopted by the city to encourage transit-oriented development which identify and provide guidance on the desired land uses, multimodal connectivity, and development characteristics for specified land area near an RTD North Line (N Line) Station or other transit station. The city has multiple Station Area Master Plans and each provides unique land use guidance for a specific transit station area.

(zz) **Stealth design.** A method of design that disguises or hides a telecommunication facility in the context of its surroundings, or makes the facility an architectural feature of an existing/proposed structure, or locates the facility within a structure. In any case, the facility shall be considered stealth in design if it is sufficiently difficult to recognize as a facility for wireless telecommunications.

(aaa) **Street**. A right-of-way not less than 25 feet in width which provides primary access to adjacent property. Streets are classified by function as follows:

(1) **Local street.** A street primarily intended to serve and provide access to properties abutting the street and not connecting with other streets in such a way as to encourage through traffic.

(2) **Collector street.** A street connecting a series of local streets to each other in such a manner that local traffic is collected and distributed to other collector or to arterial

streets. Collector streets provide both land access service and local traffic movement within and between residential neighborhoods, commercial areas and industrial areas.

(3) **Arterial street.** A street designed to carry high volumes of traffic across and through the city and which interconnects with and augments the regional thoroughfare system to provide service for trips of moderate length and to distribute travel in or to topographic areas smaller than those of regional thoroughfares.

(4) **Regional thoroughfare.** A street or highway primarily designed to serve major centers of activity within a metropolitan area, having high existing or projected traffic volumes and carrying a high proportion of the total urban travel within a minimum of mileage.

(5) **Street frontage.** The distance for which a lot line of a zone lot adjoins a public street classified as a collector, arterial, regional thoroughfare, or freeway, interstate or tollway from one lot line intersecting said street to the furthest distant lot line intersecting the same street. A property shall be considered adjacent to a freeway, interstate or tollway even if it is separated from one of the highways by a publicly owned tract or a tract with a public easement that is restricted from development based on its use, topography, or physical characteristics.

(bbb) **Street links.** Road sections between intersections.

(ccc) **Street network.** A system of roadways in a given area.

(ddd) **Street nodes.** Intersections and cul-de-sacs**.**

(eee) **Street side yard.** That portion of a lot that abuts a street and that is not the front yard, based on the location of the primary entrance, and extends along the depth of the lot between the street and the setback line.

(fff) **Streetscape.** The scene, taken as a whole, that may be observed along a street. It includes both natural and manmade elements such as vegetation, sidewalks, medians, streets, streetlights, fencing, signs, or utilities, which as a group, defines its character.

(ggg) **Structure**. That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(hhh) **Subdivision.** A division of a tract or parcel of land into two or more lots, building sites, or other divisions for the purpose of sale, or building development, whether immediate or future, including all divisions of land involving the dedications of a new street or a change in existing streets.

(iii) **Subdivision configuration.** A distinct design of a subdivision that has standards contained within Division 4 of Article X.

(jjj) **Subdivision connectivity index.** A numeric value that measures the connectivity of a street network.

(kkk) **Subdivision plat.** A completed map of a subdivision setting forth fully and accurately all legal and engineering information, survey certification and any accompanying materials as required by this chapter.

(lll) **Substantial change.** For the purposes of an eligible facilities request, a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

(1) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than ten percent or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater: for other eligible support structures, it increases the height of the structure by more than ten percent or more than ten feet, whichever is greater;

(2) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater: for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;

(3) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure;

(4) For any eligible support structure, it entails any excavation or deployment outside the current site;

(5) For any eligible support structure, it would defeat the concealment elements of the eligible support structure; or

(6) For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified in (1)—(4) above.

(mmm) **Surrounding property**. Any parcel or portion of real property that is located within 1,000 horizontal feet of a commercial satellite dish.

(nnn) **Swing sign.** A sign that is suspended from a horizontal support that is attached to a vertical support mounted in the ground.

Sec.18-13-29. "T" Definitions.

(a) **Temporary sign.** A sign, not intended for long-term use, that is secured to the ground, fastened to a structure or vehicle, or weighted down in some fashion. Temporary signs are portable or movable. Examples include: freestanding signs, banners, small balloons, large balloons, inflatable devices, pendant strands and air dancers.

(b) **Temporary Use Permit.** Those procedures outlined in Section 18-02-24; also known as TUP.

(c) **Temporary uses.** Those uses listed in Division 11 of Article IV of this chapter.

(d) **Tenant Improvements.** Improvements to the interior of a building to accommodate a new tenant which does not include changes to the exterior of the building, parking lot or site.

(e) **Theater.** A building, room, or outside structure with rows of seats, each row usually higher than the one in front, from which people can watch a performance or other activity.

(f) **Through street.** A street on which the through movement of traffic is given preference and which connects to other streets, as opposed to a dead end.

(g) **Tobacco paraphernalia.** Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the consumption, use, or preparation of tobacco products.

(h) **Tobacco product.** Any product containing, made, or derived from tobacco or nicotine intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff. It also includes any electronic device that delivers nicotine or other substances to the person inhaling from the device, including, but not limited to an electronic cigarette, cigar, pipe, or hookah. A tobacco product does not include any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for other therapeutic purposes where such product is marketed and sold solely for such an approved purpose.

(i) **Tower.** For the purposes of an eligible facilities request, any type of tower structure or similar that is built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.

(j) **Tract.** A parcel platted in a subdivision which is set aside as a restricted tract unsuitable for development, as defined in Section 18-10-11(b), or for a public or community-wide purpose which shall be shown on the face of the plat. A public or community-wide purpose may include

drainage areas, storm water detention or retention areas, areas for signs, parks, public gathering spaces, open space, utilities, or land areas reserved for other public facilities. Except for restricted tracts, a tract is further defined as having been dedicated to the city or a quasi-public agency, having an easement to the city or a quasi-public agency, or as being owned by a homeowners' association for the subdivision in which the tract is located.

(k) **Traffic calming.** A collection of measures that aim to reduce the negative effects of motor vehicles, while improving conditions for people who don't drive.

(l) **Traffic counts.** The process of recording the number of vehicles or pedestrians that pass a specific point along a road, highway, or intersection over a set period of time.

(m) **Traffic engineer.** The Traffic Engineer for the City of Thornton or their designee.

(n) **Trail.** A public pathway for the use of pedestrian, nonmotorized bicycle, or equestrian uses officially designated on a subdivision plat. the city's Comprehensive Plan, or the Parks and Open Space Master Plan.

(o) **Trailer.** A vehicle that is towed by another vehicle and is not powered by its own engine.

(p) **Transit.** Regular, continuing, shared-ride, surface transportation services that are open to the general public or open to a segment of the general public defined by transit agency.

(q) **Transit agency.** A public entity responsible for administering and managing transit services.

(r) **Transit-oriented development.** Compact, pedestrian-oriented development in proximity to transit stations consistent with the Comprehensive Plan and, where applicable, Station Area Master Plans. This type of development increases convenient access to transit and is characterized by a human scale, compact urban form, and multimodal connectivity.

(s) **Transit-Oriented Development District (TOD).** The Transit-Oriented Development Zoning District established under this chapter; also known as the "TOD" District.

(t) **Transit passenger shelter.** A structure which affords protection from the weather to persons who are waiting to board a publicly-owned or franchised transit vehicle.

(u) **Transit route.** The path which a transit vehicle travels and that is specifically labeled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals.

(v) **Transit station.** A facility including park-and-ride stations and transfer stations located at selected points along transit routes including but not limited to commuter rail, rail rapid transit, light rail transit, light guideway transit, express bus, and local fixed route bus, for passenger pickup, drop off, or transfer, but excluding areas for vehicle repair or storage, bus stops or bus shelters.

(w) **Transit stop.** An officially marked and designated area where people can wait for any type of public transportation vehicle that is operated on a scheduled route and open to use by the general public.

(x) **Transmission equipment.** For the purposes of an eligible facilities request, equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(y) **Transmission lines**. The lines used to deliver electricity to substations or to other substations, having a rated voltage of approximately 26 kilovolts or greater.

(z) **Transportation and Mobility Master Plan (TMMP).** The Thornton Transportation and Mobility Master Plan, also referred to as the TMMP, as adopted and amended by city council, and any interpretations thereof. The TMMP is a component of the Comprehensive Plan that provides detailed guidance on the development of transportation-related infrastructure in the city.

(aa) **Transportation demand management.** The application of strategies and policies to increase the efficiency of transportation systems that reduce travel demand, or to redistribute this demand in space or in time.

(bb) **Transportation Impact Study (TIS).** An assessment of a proposed development's impacts on existing transportation infrastructure and traffic conditions.

(cc) **Transportation management strategies.** A plan of action or policy for planning, organizing, and coordinating of the movement of goods or people from one place to another.

(dd) **Transportation network.** An interconnected system of transportation facilities that facilitates movement of goods and people and that is both the existing streets rights-of-way, trails, sidewalks, sidepaths, internal access, and private access as well as the city's planned rights-of-way, streets, trails, sidewalks, sidepaths and the public and private access to said facilities.

(ee) **Traveled way.** The portion of the roadway designated for the movement of vehicles,

(ff) **Tree Equivalent (TE).** A measurement described in Section 18-8-03 that defines a permissible landscaping measurement for the city's landscaping standards described in this Chapter.

(gg) **Trees, significant and healthy.** See definition for 'Significant and Healthy Trees'.

(hh) **Turf or turf grass.** Continuous plant coverage consisting of hybridized grasses that, when regularly mowed, form a dense growth of leaf blades and roots.

(ii) **Turnaround.** The circular or T-shaped terminating end of a cul-de-sac which provides sufficient area for the turning of emergency vehicles, sanitation trucks, other service vehicles and automobiles.

Sec.18-13-30. "U" Definitions.

(a) **Ultra-low water demand landscape.** Landscapes that require approximately 30 percent of reference evapotranspiration or up to eight (8) gallons water per square foot in an average year to maintain optimum appearance.

(b) **Under-canopy sign.** A sign with pedestrian orientation suspended beneath or projecting from a wall beneath a canopy, awning, ceiling, marquee, or roof overhang. An under-canopy sign is not a projecting sign.

(c) **Understory.** The lower vegetative cover of naturally low-level woody, herbaceous, and ground cover plant species that exist in the area below the canopy of trees.

(d) **Undeveloped property.** All private property which does not have a building or structure on it and which is at least 200 feet from a building or paved parking area.

(e) **Unreasonable noise.** Any excessive or unusually loud sound or any sound which disturbs the peace and quiet of any neighborhood or which annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of any person or causes damage to property or business.

(f) **Upgrade.** An upward grade, as in uphill.

(g) **Use by right.** A use that is permitted by the zoning district regulations and which is not a Limited Use and does not require an SUP or a TUP.

(h) **Use categories.** Categories that group together similar land uses, based on their functional, product, or physical characteristics. The Use Categories are identified in Article IV or this Chapter.

(i) **Utilities and Infrastructure Uses.** Those uses listed in Division 9 of Article IV of this chapter.

(j) **Utility, dry; dry utilities.** Utilities that do not convey water, storm water, sanitary sewer, or other water based utilities.

(k) **Utility turf.** Any combination of improved varieties of certain cold-tolerant, warm season turfgrasses and certain native grass species that can withstand shorter mowing heights, as low as three inches, and more closely resemble a turf lawn if maintained regularly, including mowing that requires a minimum of 18 inches, or 12 gallons per square foot, of water per year. Commonly used warm season fine turf species include, but are not limited to, hybrid bermudagrass, zoysia grass and buffalograss. Warm season turf can be used anywhere cool season/fine turf would be allowed and is preferred for its water savings on non-functional turf areas.

(l) **Utility, wet; wet utilities.** Utilities that do convey water, storm water, sanitary sewer, or other water based utilities.

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Sec.18-13-31. "V" Definitions.

(a) **Variance.** A grant of relief from the requirements of this chapter which permits development in a manner that would otherwise be prohibited by this chapter.

(b) **Vegetation**. Plants in general or the sum total of plant life in an area.

(c) **Vehicular sign**. A sign or business identification affixed to any vehicle, including, but not limited to, automobiles, trucks, tractors, trailers, wagons, carts, manufactured homes and similar vehicles and their accessories. Vehicle signs do not include words that identify the manufacturer or make of a vehicle, bumper stickers and similarly sized adhesive or magnetic decals. The purpose of vehicular signs is to allow the identification of a business on a vehicle used in the conduct of that business to transport persons or products or the delivery of services in connection with such business.

(d) **Vertical deflection device.** Traffic calming devices that change the height of a roadway to slow down vehicles.

(e) **Vertical uniformity ratio.** The ratio of the minimum illuminance to the average illuminance on a vertical surface.

(f) **Vested property right.** Unless the ordinance approving the site specific development plan designates a longer period of time, vested property right means the right for three years to undertake and complete the development and use the property under the terms and conditions set forth in the approving ordinance and in the site specific development plan. The vesting period may otherwise only be extended after proper notices, public hearing and a subsequently adopted ordinance approving the extension in accordance with the provisions of Section 18-02-37.

(g) **Visitability.** Housing and community spaces designed in such a way that they can be lived in or visited by people who have trouble with steps or who use wheelchairs or walkers.

Sec.18-13-32. "W" Definitions.

(a) **Wall graphic**. An exterior building picture or image, including but not limited to a painting, fresco, or mosaic.

(b) **Wall sign**. A sign painted on or affixed to an exterior wall; or to an upright structure of masonry, plaster or other building materials serving to enclose, divide or protect an area; and is not a projecting sign, roof sign, canopy sign, or fence sign. Wall signs include signs attached to an awning shelter.

(c) **Wall system**. A series of parallel retaining walls, usually with landscaped terraces between walls, which together make up a single wall system.

(d) **Water body / water bodies.** Any surface waters which are contained in or flow in or through the city, but does not include roadway ditches, ephemeral streams, water in sewage systems,

water in treatment works of disposal systems, non-municipal water facilities, water in potable water distribution systems, or irrigation or lateral ditches not discharging directly to live streams or municipal water facilities.

(e) **Watercourse.** Any natural or manmade channel flowing continuously or intermittently in a definite direction and course or used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff.

(f) **Water surface elevation.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains riverine areas or stormwater infrastructure.

(g) **Water-wise landscape.** A water efficient landscape adapted to the local environment.

(h) **Water-wise landscape principles.** Methods of landscaping that focus on efficient use of water and include: planning and design, soil amendment, efficient irrigation, appropriate plant selection, practical turf areas, use of mulches, and proper maintenance.

(i) **Weather station.** An instrument that collects temperature, humidity, wind and solar radiation data and relays it to the smart controller.

(j) **Weed**. Any ground cover which:

(1) Is growing on a site and is typically not installed for the purposes of landscaping;

(2) Is not typically propagated by the horticultural or nursery trades; or

(3) Presents a particularly noxious visual, allergenic or growth characteristic.

(k) **Weighted sign**. A sign which uses weights to keep the sign in place instead of stakes or other attachment to the ground.

(l) **Wetland**. An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support vegetation, and that under normal circumstances, will support a prevalence of vegetation typically adapted for life in saturated soil conditions.

(m) **Wildlife habitat.** A natural or manmade environment that contains the elements of food, shelter, water, and space in a combination and quantity necessary to sustain one or more wildlife or plant species at stable population levels in historically used habitats. Sensitive wildlife habitat areas include, but are not limited to, nesting, brood rearing areas, rookeries, leaks, migration corridors, and calving and fawning grounds for big game.

(n) **Wildlife refuge.** The system of public lands and waters set aside to conserve fish, wildlife, and plants

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(o) **Wireless telecommunications facility.** Any equipment or structures used for the purpose of collecting or transmitting electromagnetic signals, or to provide immediate support to such equipment or structure.

Sec.18-13-33. "X" Definitions.

[RESERVE]

Sec.18-13-34. "Y" Definitions.

[RESERVE]

Sec.18-13-35. "Z" Definitions.

(a) **Zoning district**. A classification assigned to a particular area of the city within which zoning regulations are uniform.

(b) **Zoning Map.** A map that geographically illustrates all zoning district boundaries within the city, as described within the Development Code, and which is adopted by city council as the official zoning map for the city.

Sec.18-13-36. Reserved.
Sec.18-13-37. Reserved.
Sec.18-13-38. Reserved.
Sec.18-13-39. Reserved.
Sec.18-13-40. Reserved.

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ATTACHMENT B

OUTSIDE AGENCY AND DEVELOPER COMMENTS RECEIVED MAY 2025

Outside Agency and Developer Comments and Staff Responses (through May 12, 2025)

Article 1 – General Provisions

Utility Provider Comment: Clarify “utilities” to mean “utilities including but not limited to natural gas and electricity”

> Staff Response: Staff made this revision since it is the intent of the code to include the identified utilities and no externalities are anticipated.

Article 2 – Development Review Procedures

Planning/Design Firm Comment: Is the Development Plan replacing the Minor Development Permit and Major Development Permit?

> Staff Response: Yes, the new Development Plan is replacing both the Major and Minor Development Permit. Since the Development Plan will now be reviewed administratively, there is no point in separating the two types of review. Staff did make a provision for simple residential driveway and artificial turf permits with the new Minor Planning Permit.

Planning/Design Firm Comment: Is the Preliminary Plan replacing the Conceptual Site Plan? it appears the Preliminary Plan does not require a conceptual landscape plan – Is that correct?

> Staff Response: Yes, the Preliminary Plan is replacing the Conceptual Site Plan. Staff has proposed that the new Preliminary Plan be a single, much more generalized plan, containing aspects such as land uses, general circulation, buffering of uses, general layout, and areas of public land dedication, similar to an Overall Development Plan in the current code. However, submittal requirements for the most part are not governed by the Code but rather by the Division’s Checklists in order to provide flexibility. Therefore, the requirements for the new Preliminary Plan may change over time.

Utility Provider Comment: Add the word “natural” in front of the words “gas transmission on Sheet 21.

> Staff Response: Staff has made the requested revision in the third draft of the Development Code.

Article 3 – Zoning Districts

General Article 3 Comments

Housing Agency Comment: Provide a definition of "character" *[referencing Purpose and Intent of Sec. 18-3-09]* or strike it from the code. "Neighborhood/community character" is a problematic term that is understood to be "dog whistle language" which protects the status quo

and prevents much needed housing from being built while protecting the interests of the already-housed.

> Staff Response: Staff agrees and references to neighborhood character have been removed from the intent statements in Article 3 (except for the Eastlake Zoning Districts which are not being modified as part of this Code Update).

Planning/Design Firm Comment: No density (DU/AC) listed for any residential district? Is that on purpose? does it defer to comp plan?

> Staff Response: The project team intentionally removed rigid density numbers for most districts since, without strict density caps, developers can build a wider range of housing types to provide for more affordable "missing middle" housing such as duplexes, fourplexes, townhomes, and mixed-use buildings where appropriate. With the existing Code, developers were using Planned Development zoning for developments that slightly exceeded the density limit even if the projects met the intent of the district, were compatible with the area and Comprehensive Plan, and were high quality projects. In the new Code, the lot area and dimensional standards are intended to govern the appropriate type of housing and density for each zoning district. The Comprehensive Plan provides guidance on the appropriate density ranges for an area and in the new Development Code, staff purposefully created dimensional standards and permitted uses to align with the Comprehensive Plan. A maximum density number has been retained in the new Code for Eastlake Districts and Legacy Districts that include residential uses because these districts are meant to retain their existing character due to the unique historic layout of Eastlake and the long-established neighborhoods in the Single-Family Detached (Legacy) District.

Housing Agency Comment: *[Art. 3, generally]* Please revise building standards for all districts except RE and RL so that new development and redevelopment brings building fronts closer to streets, achieves greater heights, and provides less open space on lots. The standards as proposed are too similar to historically- suburban standards. Past and current standards have resulted in the very-low density residential pattern, which fails to support commercial businesses or meet the region's housing demand. City tax revenue and the pedestrian/cycling environment will also benefit from more urban standards.

> Staff Response: Staff re-evaluated all zoning districts and proposed changes in Draft 2. Numerous setbacks and lot sizes were reduced to the extent appropriate for the Thornton community. There are many standards both within Article 3 as well as other articles that were drafted subsequent to these comments that are significantly different from the existing code to allow for better housing diversity, facilitate a pedestrian and cycling environment, and bring neighborhood scale commercial closer to the street with parking located behind the buildings.

Housing Agency Comment: While the building code is outside the scope of the current code re-write, commenter is requesting the following improvement to Thornton's housing development procedures. Please create pre-approved master building permit plans for all housing types: single family detached, attached, etc. This will significantly expedite the building permitting process and accelerate the end of the housing crisis in the region.

Staff Response: Staff appreciates the recommendation to help us find solutions for affordability. Although this comment is outside the scope of the Development Code Update, Thornton's Building Department already accepts pre-approved master plans. Please contact the Building Department if you would like to learn more about this.

Residential – Low Density (RL)

Housing Agency Comment: *[on RL Dimensional Standards Table]* Appreciate these standards enabling more "missing middle!" Please consider allowing triplexes for all alley-loaded lots.

Staff Response: The RL Zone District is intended to develop as Thornton's lowest-density zone district and has been determined appropriate for only 1-2 unit structures. This change was not incorporated as such but it should be noted that triplex and quadplex homes are allowable in the Residential – Mid Density Zone District (RM), which complies with the city's Comprehensive Plan in any location which would allow rezonings to the RL district.

Developer Comment: In general, I am concerned that some of the *[RL]* dimensional standards are not aligned with today's market reality and product that homebuilders are building and homebuyers are looking for. I would be happy to join in a meeting to walk through some of our product in more detail as a case study. Here are a few examples:

- My suggestion would be to completely eliminate a required lot size, but require new homes to instead meet minimum street frontage requirements as well as conform with setbacks. That will provide more flexibility in planning for different variety of product depth while enforcing the streetscape function. The figures provided here are very inflexible. Based on typical production lots these days, your minimum lot area for SFD-alley and SFD-front are each at least 1,000 SF too much. Similar comment to Duplex minimum lot area.
- 50' lot width minimum for SFD is very prohibitive. I would also strongly recommend you consider reducing the minimum lot frontage for front loaded homes from 45' to 40'. Many builders are beginning to develop 30' wide traditional product as a smaller but equally functional alternative to a 35' wide home. This is a direct response to try and provide more affordability, particularly for families who are still looking for a traditional yard and 4+ bedrooms. Likewise, we have seen alley loaded homes as narrow as 20' (30' lot frontage) for similar reasons.
- Consider reducing the front setback to structure to 10'? Minimizing setbacks will also aid in providing flexibility to plan for reducing outdoor water use for landscaping
- Can the front setback note #2 more specifically distinguish between front setback for front facing garage doors vs. all other structural setback to allow for porches and other protrusions? I would suggest the allowable front protrusion be increased from 5' to 10' to provide more architectural flexibility. Also, can elements such as window wells, A/C pads, and architectural features be specifically excepted in the side setback?
- What is the purpose of requiring a maximum % lot coverage? Shouldn't this be dictated by setbacks?
- To confirm, any SFA product exceeding 2 units, such as 3-6 unit townhomes, would need to fall under RM Residential? Instead, can standards be added to allow townhome product in RL Residential? This will simplify zoning in communities that try to mix traditional single family with SFA product.

Staff Response:

- For detached lot sizes we looked at some of our more recent PD zoned residential developments as well as previous input provided by Westside after the first presentation to the Thornton Joint Task Force. We saw a range from 2,500 SF to 5,000 SF for front loaded products and from 1,500 SF to 2,880 SF for rear loaded products. We decided on something close to the upper-middle of those ranges while correlating to the lot widths for our new provisions. In the RL zoning district that is 4,500 SF front loaded and 3,500 SF rear loaded and in the RM zoning district that is 4,500 SF front loaded and 2,500 SF rear loaded. These are very much reduced from our SFD zoning district which requires a 6,000 SF lot. We do receive considerable feedback from existing residents that is not favorable toward higher densities and so we must also take their opinions into account along with what we hear from our Planning Commission and City Council.
- I see in your first email you recommended lot widths for detached front loaded products as 40' – 45'. After much discussion and consideration, we decided to keep these lot frontages at 50 feet in order to assuage the problem of too many driveways breaking up the streetscape to keep the street safer and more attractive. We also wanted to ensure that there is enough space between driveways for on-street parking. We did, however, make an allowance to reduce the lot widths to match the allowance for the attached product (30' in the RL zone and 25' in the RM zone) when there is a shared driveway.
- We are amenable to this suggestion. Garage setbacks must remain at 20-feet to accommodate parking.
- This sounds like the same question as the suggestion above, with which we are in agreement. Note #2 is specific in that the first number in the chart refers to the front setback to the porch (with or without living space above) and the second number refers to the garage.
- There is a section titled "Encroachments" at the end of Article 3 which does allow these types of things. We plan to add window wells and AC pads to the list and allow them to protrude up to 2-feet from the building.
- Lot coverage is currently a code provision. We have increased the allowable lot coverage from what exists now in the Code and revised the definition to include not just buildings but also driveways, parking lots and other paved surfaces. This is in response to suggestions from staff who often deal with requests to increase lot coverage as well as complaints from residents.
- The RL zone district is a new zone district that currently does not exist anywhere in the city. It is meant to be a lower density residential zone that has detached and duplex products. All land that is currently zoned SFA will be renamed to RM, which is meant for mid density residential products such as townhomes while allowing detached and duplex products on slightly smaller lots than the RL district.
- The RL zone district is a new zone district that currently does not exist anywhere in the city. It is meant to be a lower density residential zone that has detached and duplex products. All land that is currently zoned SFA will be renamed to RM, which is meant

for mid density residential products such as townhomes while allowing detached and duplex products on slightly smaller lots than the RL district. I believe the RM district can fill the desire to have a mix of housing types that you are expressing, and it does actually require a mix of housing types while allowing exemptions for specific reasons. If we allowed townhomes in the RL district there would be no reason to have a separate low density district. It would actually be easier for a builder to develop an existing SFA / RM property since it would not need to be rezoned while any development in the RL zone would require a rezoning since there is not yet any RL zoned land.

Residential – Mid Density (RM)

Housing Agency Comment: Too subjective as written: what are the criteria of an analysis? How much of an "adjacent" parcel should be included? *[on RM District exemption from providing two housing types - "The applicant submits an analysis that demonstrates to the satisfaction of the Director that the mix of dwelling types will be achieved through existing or planned housing on adjacent parcels."]*

Staff Response: The mix of uses would align with the Comprehensive Plan. The criteria is based on the Comprehensive Plan's specifications and policy guidance of how a required mix of land uses can be achieved across adjacent areas that have the same Future Land Use designation on the Future Land Use Map. Because there are different Future Land Use Categories that have different use-mix requirements and some land is already developed while other land is not, it is not possible to indicate one specific amount in the Code. Some properties may not have a Future Land Use designation that requires any mix of housing in which case they are exempt from this requirement as stated in the Code. Each case would be unique based on what is already built, proposed to be built, and what the Future Land Use designation is.

Housing Agency Comment: Really appreciate the requirement of 2 types of housing w/all new dev. *[in RM District]* Please clarify whether redevelopment is subject to these provisions *[required mix of dwelling types in RM]* - for this and all other zone districts.

Staff Response: This applies primarily to new development. A narrow application to "Major Redevelopments" as defined in Article 1, those which require a revised Preliminary Plan, may be subject to this requirement depending on the entitlement history and development progress. However, this is unlikely as many developments have been subject to the non-codified Comprehensive Plan requirements for two or more unit types since 2020. That said, staff strongly supports the provision of more than one housing type to help with housing diversity and solutions to affordability in areas identified for such in the Comprehensive Plan regardless of whether it is new development or redevelopment.

Housing Agency Comment: Is this "apartments" or "multifamily?" Or is some small-scale commercial being allowed in this district? Please clarify (based on the use table?). *[referring to "All Other Uses" column in Table 18-3-10.1; RM Zone District]*

Staff Response: Apartments (i.e. Multi-Unit Dwelling uses) are not permitted in this zone district. This refers to all other nonresidential principal uses permitted in the RM District such as schools and religious facilities in the RM District. Based on this comment, staff

added clarification in Draft 2 of the new Code in Article 3 that indicates "The column for "All Other Uses" in the dimensional standards tables shall apply to all principal uses not identified in the other columns in the table as well as any accessory uses built on the lot of the applicable principal use. Temporary uses shall be regulated by Division 11 of Article IV of this chapter."

Housing Agency Comment: Would this *[Table 18-3-10.1; RM Zone District]* preclude a daycare facility?

Staff Response: Daycare facilities are considered "Other Uses" in this table. They are permitted in the RL, RM, and RH zone districts with a Special Use Permit.

Planning/Design Firm Comment: what about SFD-SM? Similar density to duplex and TH *[note: Table 18-3-10.1; RM Zone District]*

Staff Response: Various allowances for small SFD units have been incorporated in the Development Code, and the primary tool regulating this use is minimum lot size. However, green courts, motor courts, which are two potential configurations of SFD units, and Cottage Housing (developments that allow multiple detached and duplex uses on one lot) have all been given paths to approval in many of Thornton's base zone districts as a component of this Development Code update. Note: Staff has interpreted the abbreviations SFD and SFD-SM in this comment to be "single family detached" and "single family detached – small," respectively.

Planning/Design Firm Comment: cottage housing? similar density to TH [note: TH = townhouse; *Table 18-3-10.1; RM Zone District*]

Staff Response: Cottage Housing is considered a multi-unit use in this Development Code. Staff proposed allowing Cottage Housing as a Limited Use in the RM District with a maximum of eight dwellings permitted per Cottage Housing lot. As this comment was associated with Table 18-3-10.1, staff has also created a new column for Cottage Housing dimensional standards since it didn't fit with the other dimensional standards.

Residential Mid and High Density (RM/RH)

Homebuilder Comment: Request to reduce minimum lot sizes and some setbacks even further for attached homes (e.g., townhomes). Many builders are building much smaller townhomes in the metro area. *[Note – staff met with this homebuilder to discuss needs further]*

Staff Response: Staff is proposing to reduce lot sizes and some setbacks in the zoning districts that permit attached homes to allow for products currently being built to help with affordability. Staff had already reduced minimum lot sizes considerably from current Code and this is a significant way in which staff is enabling more affordable housing.

Developer Comment: 2+ housing types in any medium/high density housing project [RM Residential – Medium District and RH Residential High District regulations]

Staff Response: This requirement implements the city's Comprehensive Plan and is intended to provide for a diverse mix of housing options. The need to diversify the city's housing types has been identified for the past couple decades in the last Housing Master

Plan and the city's Housing Needs Assessments. These documents are approved by City Council.

Development may be exempt from this requirement if:

- The location of the proposed development does not require at least two distinct dwelling types on the Future Land Use Map based on its Future Land Use Designation in the Comprehensive Plan; or
- The total land area of the site proposed to be developed is less than five acres; or
- The applicant submits an analysis that demonstrates to the satisfaction of the Director that the mix of dwelling types will be achieved through existing or planned housing on adjacent parcels.

Residential – High Density (RH)

Housing Agency Comment: Does the city really mean "aesthetics?" If so, please change "character" to "aesthetics." *[reference to preserving character in purpose and intent of RH]*

Staff Response: Staff appreciates this perspective and references to neighborhood character have been removed from the intent statements in Article 3 (except for the Eastlake Zoning Districts which have not been modified as a component of this Code Update).

Developer Comment: I think that including retail in an apartment project can create a great symbiotic plan. However, retail often does not fit with the development or is not commercially viable. As a result, the retail space can sit empty, which is a negative for the community and the developer. I also see that you suggest that the code require integrated retail when called for in the comprehensive plan. An area can be ripe for residential but needs to mature before bringing in retailers. There are ways to design a project so that retail can come at the appropriate time and is also integrated with the plan, but execution is often difficult. Moreover, communities often want the retail built before the appropriate time. The term integrated is a little ambiguous and may be so purposefully. It could mean that it is part of the actual structure or simply placed near but a part of the remainder of the development. I think I am just raising the issue, but I really don't have an answer on how to address it. I understand your objective, which makes sense, but I am a little concerned about how the code would implement it.

Staff Response: At the very beginning of the Code update, staff was proposing to require a commercial component in the RH District for developments of a certain size to obtain more mixed-use developments but determined not to make this a requirement. Instead, the RH District allows for some commercial, but does not require it.

Planning/Design Firm Comment: *[Include in RH District Dimensional Standards]* cottage housing?

Staff Response: Included in most recent draft.

Housing Agency Comment: suggest changing lot coverage maximum [for RH multi-unit buildings from 80] to 90%

Staff Response: Staff made this change.

Developer Comment. *Change to 10-feet for both front and rear setbacks in RH.* [Regarding RH - Front setback for multi-unit buildings and all other uses = 15-feet; rear setback = 20-feet]

> Staff Response. Staff does not recommend reducing these setbacks further. The current code allows a 25-foot front setback and 15-foot rear setback. The rear setback was increased due to conflicts encountered in the existing code with a 15-foot setback allowed in the dimensional chart and a 25-foot setback required in the design regulations when multi-family development is adjacent to another residential zone district. Additionally, the referenced front setback is only along arterial streets; when abutting a collector or local street the setback is 10-feet.

Residential – High Density (RH) and Mixed-Use (MU)

Developer Comment: *[RH and MU District Dimensional Standards - Development Site Area per Dwelling Unit = 1000 SF]* 1000 SF is a very high minimum. Studios can be 400 SF. Remove this minimum for multi-unit building and let market dictate.

> Staff Response. This is a measurement of site area, not dwelling area. However, staff decided to change the measurement to be Complex Area Minimum = 1 acre to remove confusion.

Developer Comment: *[RH and MU District Dimensional Standards - Maximum height of multi-unit buildings and all other uses - 60 feet]* 65' to achieve 5-story

> Staff Response. Staff adjusted this height limit to 65 feet in all districts where Multi-Unit buildings are allowed, except in the NC District due to its low intensity nature, and in the Eastlake Districts and the CC-L District which are not being changed with this Code update.

Mixed-Use (MU) and Transit-Oriented Development (TOD)

Housing Agency Comment: Please define this term *[Commercial in MU*]. Could a private parking garage w/in a multifamily development count as one of the two required uses?

> Staff Response: The use of "Commercial" here refers to the use table in Article 4. "Commercial Uses" are defined here. Parking structures are considered "Industrial, Automotive, and Transportation Use," and would not be permitted as one of the two required uses.

Housing Agency Comment: Reduce these *[MU front and street side]* setbacks to allow the buildings to better address the streets and create walkable environments.

> Staff Response: In Draft 2, staff is proposing to reduce the multi-unit dwelling column to 10' min and 15' max setbacks on collector streets.

Housing Agency Comment: Please consider changing lot coverage max to 90%. *[in MU district for "All other uses"]* Please allow building height to 80'. Suburban dev. standards will hinder mixed use development from "penciling out."

> Staff Response: Building height varies by use but does not exceed 65 feet *(staff increased from 60 feet)*. This would allow for buildings up to five stories, including mixed-

use structures. The 80% lot coverage is a balance between aspirations of higher density with the general characteristics and nature of the Thornton community. It would be possible to seek an Administrative Adjustment, per Article 2 processes, if an additional 12 feet in building height were needed as a 20% increase in building height would be possible if the criteria of an Administrative Adjustment were satisfied.

Housing Agency Comment: Please add a new #6: non-profit or community service provider *[to list of Use Categories that satisfy mix of uses requirement in MU District].* More important, affordable housing mixed-use development should be exempt from #1-3. Social service providers (day care, health clinic, developmental services, etc.) and building amenities that match the design intent of the mixed-use district (fitness center, Business center, leasing office, etc.) should be allowed as ground floor uses.

Staff Response: This comment stems from a misinterpretation of the Code. Uses identified in this comment as "Social service providers" are accounted for in Article 4 as "Public and Institutional Uses." The fitness center, business center, and leasing center referenced are accessory to the residential use and would be considered as such for the purposes of this section 18-3-17(b)(1)(a). An affordable housing provider would be required to comply with the requirement to provide a mix of uses from two or more of the five use category options in the MU zone district. The provision of residential and public/institutional uses (which includes the mentioned service providers) meets this requirement. Additionally, the mix can be achieved with a horizontal versus vertically integrated mix of uses. Please note that no property is currently zoned MU and the city welcomes the opportunity to work with affordable housing providers to find appropriate sites and building configurations that do not require rezoning a property to MU if the mix of uses would be difficult to achieve, or try to broker a partnership for a site with a nonresidential developer. It may also be feasible to allow for a Planned Development Overlay to allow for some variation in the required mix of uses since the provision of affordable housing is one option for the allowance of a PD Overlay.

Developer Comment. Mix of uses – the required mix includes a minimum of 25 percent of the floor area of the development shall include uses from the commercial category.

- *Comment: (Multifamily review):* This is forcing commercial uses in area where the demand may not be there will cause vacant commercial space. Market and location should drive this demand. Percentage should be reduced.
- *Comment: (Commercial review):* Limit this requirement to 25% commercial of the ground floor area (or reduce total %). 25% total commercial is difficult to achieve in many common circumstances, such as a 4-story apartment building with ground floor retail.

Staff Response. Staff have decided to change the provision to be a ground floor rather than total floor area requirement. To improve the chances for success, staff is proposing 50% of the ground floor area in the MU zone district includes any of the listed use categories - commercial, entertainment, or public and institutional.

Follow-up Note. Staff met with the developer on 5/12/25 to discuss and the developer did not agree that staff's changes were sufficient (despite staff lowering the requirement) and requested that the required amount be reduced down to 25% instead of 50% as originally requested. Staff is discussing further internally and will bring the issue up to Council.

Housing Agency Comment: *This should read: 25% of the ground floor [instead of 25% of the floor area as minimum percentage of commercial required]*... Affordable housing mixed-use should be exempt from this requirement.

Staff Response. Staff changed the provision to be a ground floor rather than total floor area requirement. Staff is proposing 50% of the ground floor area instead of 25% but expanded the range of allowable uses within that 50% beyond to include commercial, entertainment, or public and institutional. As mentioned in above response, service provider uses are considered public and institutional uses. Staff is not proposing to exempt affordable housing from the requirement for a mix of uses in this district since that would be counter to the intent of the district. It may be feasible to allow for a Planned Development Overlay to allow for some variation in the required mix of uses since the provision of affordable housing is one option for the allowance of a PD Overlay. It should also be noted that there currently is no MU zoned property in the city.

Housing Agency Comment: don't allow front-loaded homes in MU or TOD

Staff Response: We appreciate this comment and understand that allowing front-loaded garages detracts from the pedestrian nature that should be characteristic of this type of development. However, the city struggles to get mixed-use development and is allowing this in an attempt to reduce barriers to developers providing for a mix of uses. The new Development Code does incentivize alley-loaded homes over front-loaded garages through allowance of smaller lot sizes in an attempt to encourage more pedestrian-friendly development that promotes human interaction and safety.

Housing Agency Comment: *[In TOD dimensional standards for "All Other Uses"]* Please allow building height to 80' or 90'. Please reduce the front and side setbacks to be less suburban and allow buildings to better address the street. These suburban dev. standards will hinder mixed use/TOD development from "penciling out."

Staff Response: Building height varies by use but does not exceed 65 feet *(staff increased from 60 feet)*. This would allow for buildings up to five stories, including mixed-use structures. The 80% lot coverage is a balance between aspirations of higher density with the general characteristics and nature of the Thornton community. It would be possible to seek an Administrative Adjustment, per Article 2 processes, if an additional 12 feet in building height were needed as a 20% increase in building height would be possible if the criteria of an Administrative Adjustment were satisfied.

Developer Comment: limit parking in front of the building to maintain urban form, circulation MAY be necessary under some circumstances. Remove circulation limit. *[No vehicular circulation or parking is allowed between the building and street where a maximum setback is listed. Applies to MU, TOD, NC, and GC Districts]*

Staff Response. In the case where no circulation is allowed between the street and the building, the intent is to create vibrant and pedestrian friendly mixed-use and commercial corridors by bringing building facades to the street, create street-oriented entries, and protect pedestrians thereby encouraging pedestrian activity and circulation along the street. Allowing circulation between the street and the building would run counter to this intent.

Follow-up Note. Staff met with the developer on 5/12/25 to discuss and the developer was still against this circulation limit in the Code at least for the NC and GC Districts, indicated it may be ok for the MU and TOD Districts. Stated that the parking provision was acceptable in these districts, but that the circulation restriction should be removed from NC and GC. Staff is looking at removing this for the GC District but is not in favor of removing it for the NC District.

Neighborhood Commercial (NC) and General Commercial (GC)

Developer Comment. Neighborhood Commercial and General Commercial dimensional standards and Allowed Building Standards Exceptions regulations. Frontage Build Out, Minimum (%) = 50% in NC and 50% / 60% in GC.

- *Comment: lower frontage build out %... or "Min Frontage Build Out (Primary Street) lessor of: 100 ft or 30% of primary street frontage." (no frontage build out standard appears to currently exist for Under Sec. 18-450 of current code.*
- *Comment: in addition to reducing the minimum build out standards set above, exceptions should include "Community Space", as well as other variance options e.g.: enhanced landscaping, open space, public art, patio/outdoor seating (private or public accessible) … more options needed.*

Staff Response. Staff agrees to reduce the frontage requirement by 10% in each case. Staff also agrees to add "primary street" which will be defined as along at least one arterial street, and, if no arterial streets abut the project site, at least one collector, private street or other access easement.

Staff Response. Staff agrees to include community space, entryway elements meeting the standards of Section 18-07-28, public art, patio seating, or enhanced landscaping above and beyond the requirements of Article VIII.

General Commercial (GC)

Housing Agency Comment: *[GC District front or street side setback]* standards too suburban, lessen setbacks

Staff response: Minimum setbacks have been reduced to 10'/15' for collectors/arterials. Maximum setbacks have been reduced to 15'/35' for collectors/arterials.

Regional Commercial (RC)

Housing Agency Comment: How is this district *[RC Regional Commercial*] distinct from MU? Please consider combining these two districts.

Staff Response: The RC District allows but does not require a mix of residential and nonresidential uses whereas the MU District does require a mix of uses. Limited residential is allowed in RC to help activate the area but this is primarily a commercial district that should provide commercial, entertainment, and job opportunities and generate sales tax for the city. The RC District is intended to attract commercial users with regional draws, typically including residents beyond Thornton. Its appropriateness in the Future Land Use Areas adjacent to major transportation corridors highlights this. MU on the other hand is meant to create a subregional draw at most, and at its finest it

should be a self-sufficient neighborhood eliminating the majority of vehicular trips by integrating many commercial and residential units in close relation to one another.

Planning/Design Firm Comment: [In RC] Commercial uses should have narrower setbacks from streets to promote activation. Perhaps a bulk-plane requirement with anything under 45' (note 4) having the 15' /10' setbacks of GC zoning.

Staff Response: RC is a more auto-oriented zone district and staff proposes to keep the bigger, traditionally auto-oriented setbacks. NC and GC are the more pedestrian-oriented zoning districts and standards were improved in this new Code to ensure that NC and GC do have better street activation.

Housing Agency Comment: *[in RC Dimensional Standards Table]* Standards are too "suburban." Please allow much smaller and/or zero setbacks for front lot lines. Please allow lot coverage max to go to 90%.

Staff Response: RC is a more auto-oriented zone district and the city needs to have some areas that allow for these bigger, traditionally auto-oriented setbacks. NC and GC Districts are intended to be more pedestrian-oriented and standards were improved in this new Code to ensure that NC and GC have better street activation.

Planning/Design Firm Comment: very difficult to achieve lot coverage for other uses with new Lot Coverage definition *[70% lot coverage maximum in RC District for all other uses]*

Staff Response: Staff appreciates this perspective and changed 'All Other Uses' to 80% lot coverage.

Planning/Design Firm Comment: No height transition standards found in Art. 7 Building Design Standards. This should be re-written to allow 45' at 15'-25' setback, then height transition up to 75' max, beyond the 25' setback*. [referring to Table Note 4 for RC district dimensional standards table]*

Staff Response: The height transition standards were not complete in Draft 1 but have been added to Draft 2 and are addressed in Article 3, Section 18-3-75. Staff did not adopt the exact proposal as recommended, but the proposed height transition standards provide for appropriate transitions between low density neighborhoods and adjacent commercial and high density residential neighborhoods.

Eastlake Zone Districts

Housing Agency Comment: *[Eastlake Residential District Purpose and Intent]* Please define "single-family heritage and design character" or strike from the code. Please propose some quantifiable outcomes/goals instead.

Staff Response: Due to the historic and unique nature of the old town Eastlake area, the Eastlake Zoning Districts are not being amended as part of the scope of this Development Code Update. This existing Code language stems from the Eastlake Subarea Plan. The city conducted outreach to property owners in the Eastlake Districts in 2022 to discuss the possibility of updating the Eastlake Zoning Districts and the owners were not receptive to any changes.

Housing Agency Comment: *[ETD District Dimensional Standards Table]* Change max density to 24 DUs/acre. Change max height to at least 60' and change the max lot coverage to 90% and allow a greater FAR of 2.

> Staff Response: Due to the historic and unique nature of the old town Eastlake area, the Eastlake Zoning Districts are not being amended as part of the scope of this Development Code Update. These are existing dimensional standards from the current Code. The city conducted outreach to property owners in the Eastlake Districts in 2022 to discuss the possibility of updating the Eastlake Zoning Districts and the owners were not receptive to any changes.

Parks and Open Space (POS)

Housing Agency Comment: Please consider allowing food production as a main use. *[in Parks and Open Space District]*

> Staff Response: Crop production is an intense agricultural use and as such is not appropriate in Parks and Open Space. However, Community Gardens are permitted by right as an accessory use in all zone districts.

Employment Legacy and Industrial Legacy (EC-L / I-L)

Planning/Design Firm Comment: What about annexations that have the Comp Plan designation for EC?

> Staff Response: The Comprehensive Plan designation of Employment Center aligns with the Business Park (BP) Zoning District. The existing EC Zoning District is becoming a Legacy District because it was never used except for one parcel in the entire city. Nearly all major employment uses in the city are zoned for either BP or Planned Development and staff proposes to continue utilizing the BP District for employment uses.

Planning/Design Firm Comment: but not limited to? Is EC required to provide all of this? *[referring to Employment Center Design: (b)4. The development needs to provide appropriate pedestrian amenities such as, but not limited to, courtyards, benches, fountains, accent paving, lighting, and public art.]*

> Staff Response: This language is being carried over from existing code as EC is being converted to the EC-L Legacy District. Standards for legacy districts are not being changed in this Development Code Update since they only apply to existing development and no new property in the city could be zoned to EC-L. If redevelopment was ever proposed on the one EC-L zoned property, the city would encourage rezoning to a non-legacy district, likely the BP District.

Planning/Design Firm Comment: Where is this defined? "Modules" specifically. *[referencing "(III) Large parking lots must be divided into "modules" linked by internal access drives and separated by landscaped islands." under Employment Center Design]*

> Staff Response: Modest edits were made to address the ambiguous language and rather than "modules" the proposed standard now refers to "separate parking areas" which is more definable based on the standards of Article IX. Further, only one parcel has the EC

zoning and it is proposed to become a Legacy District, prohibiting future rezonings to this zone.

Planning/Design Firm Comment: What about annexations that have the comp plan designation for industrial?

Staff Response: The Comprehensive Plan no longer includes an Industrial category. This was a deliberate decision to not create new areas for heavy industrial in the city made in agreement with the Economic Development Department during the planning process for the Comprehensive Plan in 2018-2020. Industrial type uses and warehousing uses would generally be permissible within the BP, RC, and GC zone districts. However, Heavy Industrial, Outdoor uses are no longer proposed except for in the Industrial-Legacy Zone District.

Planned Development (PD) / Planned Development Overlay (PD-O)

Developer Comment: If I heard you correctly during the meeting, Thornton's planning staff is considering recommending that Planned Developments would solely be used as an overlay to other districts. I think that PD's can be useful in unusual circumstances. I understand discouraging them, but I am a little nervous about getting rid of them altogether.

Staff Response: The new Code will have a PD overlay option as well as Administrative Adjustments which will allow some flexibility to adjust standards. The intent is to use the base zoning districts instead of having applicants write all the standards independently in order to make development review more consistent and efficient.

Developer Comment: I have concern that achieving community-wide LEED certification and Type A/B accessibility is not feasible on all types of projects, specifically for integrated mixed neighborhoods that have a concentration of more traditional single family homes. I'd suggest this is left more open and flexible to be reviewed on a project-by-project basis.

Staff Response: These are only two options to choose from and not required for all projects to choose. Other options are providing for a mix of uses, affordable or attainable housing, or other unique provision that helps implement city goals as outlined in the Comprehensive Plan. The last allowance provides flexibility.

Calculating Dimensional Standards and Encroachments

Planning/Design Firm Comment: I didn't see Density listed on any of the residential zone districts *[Sec. 18-3-71. Dwelling Unit Density]*

Staff Response: The description for how density is calculated is in the Code because some Eastlake Districts and Legacy districts still identify densities. Subsection (b) indicates that this doesn't apply to zoning districts that do not identify a density limit.

Planning/Design Firm Comment: how do setbacks, etc. work? Do they default to another category? *[for cluster development, Sec. 18-3-71 (d)]*

Staff Response: Staff has removed references to cluster development from the Development Code. Articles 3 and 4 were the first articles worked on in the new Code

and as later articles were developed, it was determined that there was not a need to reference or create standards for cluster development in Thornton.

Planning/Design Firm Comment: what about *[lot width calculation]* on a curve or cul de sac? Shouldn't it be measured at front setback?

Staff Response: This is a change from existing practice. The reduction in the standard lot width from 60 to 50 feet for SFD products no longer warrants a separate frontage measurement for corner/cul-de-sac lot. Additionally, it is reasonable to foresee applicants applying for an Administrative Adjustment when necessary to accommodate development on lots with a curve or on a cul-de-sac.

Planning/Design Firm Comment: “Yards” shouldn’t apply to MF projects, setbacks should be to property lines, etc, not yards *[Sec. 18-3-73 Yard Setback]*

Staff Response: Yards are created by setbacks, setbacks are not measured from the end of a yard and are measured from the property line. Language has been revised for clarification.

Planning/Design Firm Comment: Encroachments: Window wells are limited to 2-feet, however a legal window well for access must be 3-feet

Staff Response: Thank you for bringing this detail to our attention. Staff will make that revision to the Code language.

Article 4 – Use Standards

Housing Agency Comment: Please clarify why there are two "special permits," how do they differ? Which bodies are the final decision makers? Please consider consolidating into one type. *[referring to Special and Limited Use]*

Staff Response: Special Uses are approved by a Special Use Permit (SUP) and require a public hearing of the Planning Commission. Limited Uses are approved administratively by the City Development Director. SUPs are required for uses that are appropriate in some locations in the zone district but might not be appropriate in all locations where that zone district occurs based on existing surrounding conditions or where a use needs to meet certain conditions to be appropriate. The Limited Use restricts specific attributes or uses in specific areas. For example, the size of a use might be limited in a particular zone district, or a use might be limited to specific locations in some districts that were developed with lower densities than what is allowed in the district. Limited Uses are not an additional permit but rather a use classification similar to being permitted by right, but with conditions that need to be met.

Housing Agency Comment: Please make Day Care Facilities a "P" in all districts except for RE. There is a known shortage of these services and limitations on this use have a negative impact low income people and people of color. *[Principal Use Table]*

Staff Response: Staff acknowledges the concern within this comment. The proposed land use designations for this use are carried forward from the current Development

Code. The SUP is proposed for residential districts and agricultural as coordination with surrounding development and traffic patterns needs to be considered prior to approval of a day care facility in residential zone districts. The Day Care Facility land use does not regulate smaller, family childcare home facilities regulated by the State. Additionally, when a childcare facility is accessory to a primary use (e.g. shopping center, businesses, or religious institutions) these standards also do not apply. Further consideration could be given to this in future code amendments.

Developer Comment. For General Commercial & Restaurants More than 3,500 SF: increase the square footage cut off from 3,500 SF. There is no delineation of use by size (SF) in current code for Restaurants. There is existing delineation by size for General Merchandise or Food Store (3,500 SF).

Staff Response. This allows smaller restaurants to be located in more zoning districts, whereas larger restaurants are allowed in most of the same zones as limited or specific uses and are allowed as uses by right in RC and BP zones.

Follow-up Note. Staff met with the developer on 5/12/25 to discuss and the developer reiterated the need for these commercial uses to be increased to 5,000 sf because that is the size needed for modern small retail and 3,500 sf is an arbitrary size from the old (existing) code. Staff is open to making this change if directed by Council. Staff's concern is that since we are allowing small retail in some residential districts, staff does not want commercial that is too disruptive in terms of traffic, parking, and noise for a residential area.

Planning/Design Firm Comment: This *[referring to the Private Entertainment / Recreation / Fitness Facility, indoor land use]* shouldn't be special use for residential communities.

Staff Response: See accessory uses, this is covered under "Accessory Community Center, Private; Accessory Game Court, Private." The intent of this use classification is that if the use of a gym/community center/entertainment center were used in a quasi-public fashion, where it also serves as a business and is a primary use, it is reviewed under this classification.

Developer Comment. Drive Through Facilities: severely cutting down on the districts that permit Drive-thrus (via special use permit) to General and Regional Commercial. Current code allows for Restaurants with Drive-throughs & Financial Institutions with drive-in, in NS, CR, RC, BP, CC, O/I. Recommendation: Permit, via special use permit, Drive Throughs to include MU, TOD and BP.

Staff Response. During our outreach to the residents of Thronton as well as elected and appointed officials, staff received several negative comments regarding too many auto-oriented uses such as gas stations, drive throughs and car washes. The special use permit process ensures area property owners have an opportunity to provide public comment and for elected and appointed officials to put conditions on the approval of the permit that mitigate case-specific concerns that are not otherwise addressed via supplemental use standards.

Follow-up Note. Staff met with the developer on 5/12/25 to discuss and staff agreed to allow drive-throughs by right (instead of SUP) in the RC District and possibly the BP District if directed by Council.

Developer Comment. Drive Through Facilities: A drive-thru lane shall not be located between the building and a public street. Recommendation: This is difficult to achieve in most shopping centers, as the DT lane, to meet stacking, must wrap around the building, often times in front of a public street. The language in (c)(2) states, "Screened from view from public right of way by Type "buffer", this contradicts # (3) which states no DT lane between street and building.

Staff Response. In addition to the comments regarding too many auto oriented uses, part of the purpose of this code update has been to improve the pedestrian experience and aesthetics of buildings especially when viewed from the right-of-way. We have seen good examples of drive-throughs that do not wrap the building. For example, this Panera Bread drive-through in Westminster:



As you can see, there is still a need to screen the view from the street.

Follow-up Note. Staff met with the developer on 5/12/25 to discuss and the developer and staff did not come to agreement on this issue. Staff will discuss further internally. The developer said this standard could apply in the TOD and MU Districts but elsewhere should have screening instead.

Planning/Design Firm Comment: What about restaurants with or without drive through? *[regarding the restaurant + / - 3,500 SF land use]*

Staff Response: Drive-throughs are now proposed as accessory use and require a Special Use Permit. Existing drive-throughs can be maintained so long as they do not cease operations for more than six months in a 12-month period. This change was made based on comments from Council, boards and commissions, and residents requesting options to more appropriately locate auto-oriented uses in the city.

Developer Comment. Car Wash - Special Use Permit to be required in General Commercial. Current code allows for use by right in Community Retail & Regional Commercial.

Staff Response. During our outreach to the residents of Thronton as well as elected and appointed officials, staff received several negative comments regarding too many auto-oriented uses such as gas stations, drive throughs and car washes. The special use permit process ensures area property owners have an opportunity to provide public comment and for elected and appointed officials to put conditions on the approval of the permit that mitigate case-specific concerns that are not otherwise addressed via supplemental use standards.

Engineering Firm Comment: City Code Section 18-4-74 currently requires automatic doors for all car washes with forced air blowers located within 750 feet of residentially zoned property and that the automatic doors be closed when the blowers are in use. With today's technology there are alternate dryer models available that result in reduced sound emissions for car washes and there are additional sound attenuation measures that could be incorporated or evaluated to reduce off-site sound impacts. Therefore, we respectfully request that the 750- foot restriction be removed or the code section be modified to allow a reduced distance if the car wash otherwise meets the City's adopted Noise Ordinance.

Staff Response: Staff has included language providing relief from this section of code if an applicant can prove that car wash blowers utilize technology meeting the sound code in Chapter 38.

Developer Comment. Vehicle Fueling Station: Special Use Permit required in all commercial districts. Current code permits use by right in CR, RC & BP districts. Recommendation: permitted as use by right (or Limited Use Permit) in General Commercial (GC) and Regional Commercial (RC).

Staff Response. During our outreach to the residents of Thronton as well as elected and appointed officials, staff received several negative comments regarding too many auto-oriented uses such as gas stations, drive throughs and car washes. The special use permit process ensures area property owners have an opportunity to provide public comment and for elected and appointed officials to put conditions on the approval of the permit that mitigate case-specific concerns that are not otherwise addressed via supplemental use standards.

Follow-up Note. Staff met with the developer on 5/12/25 to discuss and agreed to a compromise to allow Vehicle Fueling Stations by right (instead of SUP) in the RC District if directed by Council.

Planning/Design Firm Comment: What about rental? *[referring to the land use "Truck , Machinery, Heavy Equipment Sales, Service or Repair"]*

Staff Response: Added "rental" to the land use name.

Housing Agency Comment: [Sec. 18-4-88. Parking Structure] What about a multi-story parking structure within a residential, or mixed-use building?

Staff Response: Parking structures are permitted in the RH, MU, and TOD Zone Districts by Special Use Permit (SUP) as they are typically larger than many of the primary structures that they serve. With limited use of parking structures in Thornton, staff is proposing the use of SUPs to ensure that parking structures are appropriately designed

and consider adjacent development and neighborhoods due to their large massing and scale. Additionally, any principal use can be proposed as an accessory use to be considered by the Director who would determine whether the use is customarily incidental to a main use and otherwise complies with the accessory use regulations.

Housing Agency Comment: Please allow *[solar farm]* on much smaller lot sizes. *[Sec. 18-4-161(b) A solar farm shall be allowed on lots five acres or greater in area.]*

Staff Response: Solar farms are larger scale solar collection operations, typically requiring more than five acres of land to scale and where commercial sale of the energy collected is intended. The following land uses are permitted by right as accessory uses in all zones: Solar Energy Collection System, Canopy Solar Energy Collection System, Ground Mounted, and Solar Energy Collection System, Roof Mounted. Further, the standards for the accessory collection of solar energy do allow buy backs from utility companies, typical of access collected energy for such uses. Staff does not propose changes to where Solar Farms are permitted.

Housing Agency Comment: *[Art. 4, generally]* Please allow crop production to happen more easily in more parts of the community. Specifically, allow commercial greenhouses/nurseries on lots much smaller than the proposed two acres. People's ability to produce food within their neighborhoods will create more affordable, economically sustainable, equitable communities.

Staff Response: Crop production is an intense agricultural use and as such is not appropriate in all zones. However, Community Gardens are permitted by right as an accessory use in all zone districts. Urban gardens, including residential front yards, are similarly permitted by right where residential uses are a permitted use.

Housing Agency Comment: *[Art. 4, generally]* To further support efforts to build more homes and end the region's humanitarian crisis, please consider streamlining entitlement processes and making all residential types, "P" in the Principal Use Table. Please also allow: a. Duplexes of all types in the RM and RH districts to occur throughout – not just as intersections. b. "3-8 Units Attached" to occur throughout the RH districts – not just at intersections. c. "Multi-Unit Buildings 5-12 Units (single lot) in the RH districts to occur throughout – not just as intersections. d. "Multi-Unit Building Complex (single lot) in the RH district to occur throughout – not just as intersections.

Staff Response: The referenced standards only pertain to RM and RH zones previously developed as single-family detached homes. The standard reads "When [fill in housing type] are proposed in RM or RH Districts in neighborhoods which were previously developed with only 1 unit detached dwellings on separate lots, the duplexes shall be located only at the intersection of a collector and local roadway or two collector roadways." New development would not be held to this restriction. This standard is intended to slowly infuse attached and multi-unit development into existing neighborhoods which may have been zoned RM or RH but developed as detached housing due to PD or previously approved plans that may not align with the changes proposed in the RM and RH zones. This limitation would not apply to new development utilizing the RM or RH zones.

Housing Agency Comment: *[Art. 4, generally]* Please propose a small variety of commercial uses in the RM zone district. Doing so will enable more trips by walking, rolling, strolling, and biking.

Enabling limited neighborhood commercial uses in typically-residential-only neighborhoods will have a positive impact on city tax revenue, air quality, public health outcomes, and reduce vehicle miles traveled.

> Staff Response: Staff acknowledges this comment and the merit it provides. The new Development Code has been intentionally updated to align better with Thornton's Comprehensive Plan. The determination for the type of land use desired and appropriate in the city outlined in the Comprehensive Plan is the result of a multi-year process of significant outreach to the community, Council, and boards and commissions. To ensure that adequate developable land for housing and the Comprehensive Plan vision for residential areas is retained, staff does not propose allowance of commercial uses in the lower density residential districts similar to what is proposed in the higher density RH zone. However, the Accessory Commercial Unit is permitted in the RM District which allows for some small-scale commercial operations. The new Code provides significantly more zoning options for integrating commercial and residential uses in appropriate locations in the RH, NC, GC, RC, MU and TOD Districts.

Planning/Design Firm Comment: *[Residential section of Principal Uses Table is]* missing Cottage Housing (also made this note in Div. 8 – Residential Use Supplemental Standards)

> Staff Response: Cottage Housing was added to the principal use table in Draft 2.

Community Advocate Comment: As the Development Code is being updated, I would like for front yard food gardens to be permitted. As a gardener and social justice advocate, we know that many of our residents, especially in Wards 1 and 2, struggle to put food on the table. They can utilize their front yards to grow their own food during the summer months, reducing barriers like transportation and cost. I know that Code Compliance may be concerned about the cleanliness of front yard gardens, especially in the winter, but some dishevelness does happen during that time of the year. Plus, having some of that overgrowth over the winter is beneficial for our ecosystem. Could individuals who are interested in front yard vegetable gardening be provided with a permit (after submitting an application) similar to beekeeping?

> Staff Response: A new use called "Urban Garden" has been added to Section 18-04-194 of Article 4 of the new Code *(note: section number will change in final version)* that allows food producing gardens as an accessory use in front, street side, side, and rear yards on detached and duplex/two attached home lots without a permit as long as certain requirements including maintenance are met.

Article 5 – Oil and Gas Regulations

No comments submitted. Note that the Oil and Gas Regulations are not being amended as part of the Development Code Update.

Article 6 – General Development Standards

Fence and Screen Wall Standards

Highway Authority Comment: Thank you for allowing the E-470 Public Highway Authority the opportunity to review and respond to the Draft development code update. E-470 has 2 general comments pertaining to zoning and development:1) E-470 discourages residential development adjacent to the highway. 2) When residential development is permitted adjacent to E-470, we recommend the development considers noise measures. E-470 isn't responsible for noise mitigation.

> Staff's Response: Thank you for your comments and we will note that E-470 is not responsible for noise mitigation. For clarification, we are not rezoning any property as part of the Development Code update. The city will certainly consider noise for any residential development anywhere where noise could be an impact.
>
> A provision has been added to Article 6 in Draft 3 of the Development Code that indicates that construction of fences and/or walls for development adjacent to a regional thoroughfare shall be the responsibility of the developer and not a transportation agency.

Planning/Design Firm Comment: This is a huge expense and for what purpose does it need to be two sided? *[18-06-07 General Fence and Screen Wall Standards. (a)(2) Perimeter fences 42 inches in height or greater shall be of two-sided construction]*

> Staff Response: This is a current code requirement based on sound attenuation in Section 18-565 for residential developments adjacent to arterial streets or regional thoroughfares. The height limitation has been revised in the new Draft Code to 60-inches or greater, which is the typical height of perimeter fences along arterial roads.

Planning/Design Firm Comment: Regarding proposed Standard: (a)(4) Fences adjacent to natural open space, detention ponds, parks, and public gathering areas shall be open fences, other than chain link fences, unless otherwise approved by the director as an Administrative Adjustment per Section 18-02-12. QUESTION: Is there flexibility on what open means?

> Staff Response: There is flexibility based on the definition of open fencing, which is, "A fence in which openings between the materials of which the fence is constructed represent no more than fifty percent of the total surface of the fence when viewed perpendicular to the face of the fence. Examples include three rail, chain link, decorative metal, and wrought iron fencing." Additionally, the allowance for an Administrative Adjustment is intended to provide a process by which an application can be submitted by a property owner or developer for review and approval by the director to adjust the standard. The review process is intended to ensure that proper review is given to fences not meeting this standard but provide a process by which applicants can diverge from the standard.

Planning/Design Firm Comment: Does this include wing fences? That will be tough for pet owners who need a 6' on all sides *[18-06-09 Fence and Screen Wall Height Standards. The maximum height of fences or screen walls shall be as detailed in Subsections (a)(1) and (2) of this section, unless otherwise allowed in Subsection (b) of this section or required elsewhere in this Code: Primary front yard - four feet above grade.]*

Staff Response: This does not include wing fences since they are not in front of the house. Staff added clarification in Draft 2 of the Code that wing fences can be 6'.

Planning/Design Firm Comment: Is there anywhere in the City where a side yard abuts an arterial? *[Height Exceptions. A fence in a side or rear yard may have a maximum height of eight feet if abutting an arterial street, regional thoroughfare, interstate or toll road.]*

Staff Response: Very few but yes. Added side, where previously was just rear.

Retaining Wall and Wall System Standards

Developer Comment. 18-06-17(a) Retaining Wall and Wall System Height Standards. *Proposed Standard:* If the retaining wall or wall system is located on residential lots with Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Dwelling, 3-8 Units Attached; Triplex/Quadplex; or Dwelling, Live-Work uses it shall not exceed a height of four feet.
Commentor Recommended Change: Four feet to eight feet.

Staff Response: Staff recommends retaining the proposed four-foot height limit for lots that contain the listed residential uses (this maximum would not apply for unlisted uses). The standard is consistent with current code [Sec. 18-492(c)(1)] but does expand the standard to apply to all development and not just commercial development for projects five acres or larger. Further, the standard is specific in addressing where this maximum applies stating, "If the retaining wall or wall system is located on residential lots with…" The specificity of "…is located on residential lots…" limits where this maximum can apply, even in residential subdivisions. In residential subdivisions where a retaining wall greater than four feet would be needed, a developer could incorporate the wall into a common ownership lot or tract in order to provide the needed retaining wall. Additionally, there is an allowance for a developer to choose to apply for an Administrative Adjustment to the standard if necessary for "…practical development of a site." Staff proposed this standard for a multitude of reasons including:

- Retaining walls greater than four feet are expensive to maintain and would be a burden to property owners of detached or attached residential uses. The standard doesn't directly prohibit retaining walls greater than four feet as walls greater than four feet in height could be placed in a common ownership lot or tract.
- Homeowners of detached and attached residential uses are typically not engineers and walls greater than four feet may require additional engineering work difficult to ascertain as a homeowner.
- The current discretion provided to the Director to allow retaining walls greater than four feet is maintained. The proposed development code simply proposes that the new Administrative Adjustment process be used to establish parameters for the exceeding height.

Developer Comment. Retaining Wall Terrace - *Proposed Standard:*

Cumulative Wall Height from Lowest Grade	Terracing	Minimum Terrace Width
4 -7.99 feet	Optional	5 feet

8 feet and taller	Required	8 feet

Commentor Recommended Changes:
- 4-7.99 feet, terrace width to 4 feet
- 8 feet+, terrace width to 5 feet

Staff Response*:* The choices in terrace widths are largely aesthetic in nature but also incorporate safety concerns for landscape maintenance. These considerations can hinder developable land as the increased terrace width requires larger land area for development of a retaining wall, especially when greater than eight feet tall.

- Staff does recommend changing the terrace width for walls shorter than eight feet to five feet.
- Staff does not recommend reducing the terrace width for retaining walls greater than eight feet from eight to six feet.

For aesthetics and safety staff believes that 8 feet is necessary.

Planning/Design Firm Comment: SFD and Cottage? *[should they be included in types of residential lots where retaining wall cannot exceed 4 feet? 18-06-17(a) Retaining Wall and Wall System Height Standards.]*

Staff Response: Cottage housing will not typically be owned by an individual homeowner, meaning taller retaining walls would be under common ownership through an HOA or property management company. Very tall retaining walls tend to be seen on properties with warehousing and similar uses.

Utility Company Comment: Regarding retaining walls in Sec. 18-06-20(b), note that retaining walls are not allowed in dry utility easements

Staff Response: Staff has made this change on Draft 3 of the Code.

Planning/Design Firm Comment: Is there a reduction in plant material then if we can not have trees?

Staff Response: There are specific requirements for terrace areas in Article 8, Retaining Wall Landscape Buffer. Within Article 8, tree equivalents are established for what is required if a tree isn't planted. Further, trees are not permitted within the terrace and trees must be setback from both the top and bottom of a retaining wall by 10 feet.

Screening Standards

Planning/Design Firm Comment: What about true MF? *[Sec. 18-06-32. Off Street Parking Screening Standards. Proposing that parking lots for nonresidential, mixed-use districts, and multi-unit dwellings are required to be screened using a list of options that are not less than six feet (generally, the options are opaque)]*

Staff Response: MF (which is called multi-unit dwellings in the new code) parking needs to be screened.

Developer Comment: Allow for landscaping as a screening option for off-street parking.

Staff's Response: The proposed language has changed to allow landscaping approved per the landscaping standards in Article 8 to screen off-street parking lots in all nonresidential districts, the MU district and in the RH district.

Developer Comment: Allow landscaping for screening of air conditioners.

Staff's Response: Landscaping is permitted as a screening method so long as it is meeting the requirements of being 80% opaque and comprises evergreen shrubs. Additionally, applicants could apply for an adjustment to seek different screening options if unique or difficult site constraints exist. Staff does not recommend changes to this standard because it is intended largely to screen equipment within front yards and there is design flexibility built into the side or rear yard exception described above.

Developer Comment: For parking structure screening standards that indicate screening shall apply to parking structure visible from a public ROW or adjacent property, comment is: This should only be applicable when fronting the ROW, not when internal to the site. "Visible" is not a good way to define this.

Staff Response: In reviewing the standard staff agrees that visible is not a clear enough term and provides some subjectivity in the review process. However, the standard is not only about screening parking structures and the vehicles inside from the right-of-way but it is all about the adjacent properties. This standard is about preventing headlights of vehicles from emitting light or glare to adjacent properties and right-of-way, accomplished using a wall of four feet or more in height. Said walls would be incorporated into the architecture of a parking structure, typical of parking structure designs.

Follow-up Note: Staff met with the developer on 5/12/25 to discuss this comment and will give further consideration to providing clarity on the term "visible" in the final version.

Building Façade Lighting Standards

Developer Comment: Regarding building façade lighting standards, wall packs should be allowed around the building, not just at entrances to avoid having a lot of costly pole mounted fixtures."

Staff Response: The proposed standard does limit the location of wall packs, but does not limit the location of light fixtures. The use of the term "wall pack" is intended to be specific and does not extend to every light fixture on the exterior of the building. Other standards of this section include provisions for lighting on the building other than wall packs which would be used in the case of a lighting fixture that does not meet the definition of wall pack. Upon further review, staff has determined that a definition of wall pack should be added to the code along with the proposed figure for this section. Staff has also determined that wall packs can be allowed above the second floor level since they will not be as noticeable higher on the building.

Article 7 – Building and Site Design Standards

Residential Design Standards for Detached and Attached Homes

Planning/Design Firm Comment: Are there or will there be Architectural Quality Enhancements for SFD and 2 attached homes?

> Staff Response: There are no architectural quality enhancement standards proposed for the Duplex; Dwelling, 1 Unit Detached; Dwelling, 2 Units Attached; Dwelling, Triplex/Quadplex; Bed and Breakfast; or Boarding/Rooming House uses. We added numerous provisions to improve aesthetics for these uses so that additional quality enhancements were not necessary. There is a requirement for quality enhancements for the Dwelling, 3-8 Unit Attached Use (townhomes).

Planning/Design Firm Comment: do we have this *[A building façade oriented toward the street side yard as defined in Section 18-3-73]* draft section?

> Staff Response: Please refer to: Sec. 18-07-15 Duplex; Dwelling, 1 Unit Detached ; Dwelling, 2 Units Attached; Dwelling, Triplex/Quadplex; Bed and Breakfast; and Boarding/Rooming House Building Design Standards.

Planning/Design Firm Comment: 1) What about standard SFD? ; 2) should have separate standards than attached product

> Staff Response: Staff did not see a need for differentiating the building design standards from the duplex and triplex/quadplex uses. For housing that includes more attached units (townhomes), staff created different design standards.

Planning/Design Firm Comment: What about SFD small or cottages?

> Staff Response: We allow much smaller lots now and there is no minimum on home size. Cottages are a multi-unit development type in this Code defined as allowing multiple detached and/or duplex homes on one lot.

Planning/Design Firm Comment: Unit feels as if this is for rent. *[referencing "Dwelling, 1 Unit Detached" in applicability list]*

> Staff Response: Unit as in dwelling unit. The new Development Code no longer uses the term "family" to define housing types, such as single-family or multifamily. Instead, housing types are described by number of units.

Planning/Design Firm Comment: Wouldn't this *[Dwelling, 2 Units Attached]* paired or duplex seems duplicative

> Staff Response: Not duplicative - duplex is both units on one lot, attached is each unit has its own lot.

Planning/Design Firm Comment: Confused by Option1 and 2, when would each apply? Why would anyone choose option 2? *[in reference to façade type requirements]*

Staff Response: The second option was created to resolve homebuilder comments regarding the expense of Option 1 requiring brick or stone. Option 2 provides more affordable options while also ensuring aesthetic appeal through variation of more common and less expensive materials. Option 2 allows a home to be clad in cementitious siding and/or stucco with no brick or stone as long as some variation is provided.

Planning/Design Firm Comment: What about dwelling 1? *[in reference to: Orientation. The primary entrances of individual units on Duplex; Dwelling, 2 Units Attached; Dwelling, Live-Work; and Triplex/Quadplex buildings shall be located on the front façade and oriented in one of the following ways:]*

Staff Response: Edited to reflect inclusion of Dwelling, 1 Unit Detached uses.

Planning/Design Firm Comment: this is 6x10 porch, seems large for attached or small product. *[referencing minimum porch size of 60 sf]*

Staff Response: Staff reduced the size to 50 sf in Draft 2.

Garage Setback Requirement for Detached and Attached Homes

Homebuilder Comment: Thanks for all your information regarding the garage setback updates in the code, I received a question from our plans team that I just wanted to clarify with you as we go forward. Below is the guidance provided from the presentation slide. To confirm, my understanding is that, for compliance with the revised standard, garages that sit behind the front porch or front plane of the home need to be at least 5' back from these points… Let me know if I'm on the right track." Is that correct or are homes that sit behind the front porch/plane of the house that are less than 5' setback included in the 15%? [Note: staff also met with this homebuilder to discuss the garage setback changes further and there was further discussion about decreasing the number of homes that needed to meet the garage setback requirement in order to have enough home models to meet the anti-monotony standards]

Staff Response: Staff revised the Code in Draft 2 to reduce the number of homes that need to meet the garage setback from 85% to 75% of homes in a subdivision. Staff also revised the setback requirement to 5' behind the front porch if provided, or 2' (instead of 5') behind the front door.

Homebuilder Comment: The garage door setback 5' from the front door is an issue. None of our home plans have this feature. Very few homes in Thornton have this feature.

Staff Response: The updated Development Code will decrease lot sizes and setbacks in many areas in order to meet a number of goals such as reducing the number of PD zonings and ensuring that new neighborhoods are more walkable and pedestrian friendly. Garages which project far in front of the house discourage pedestrian activity and reduce interaction between residents. Pushing the house in front of the garage, especially if there is a front porch, increases the chances of casual meetings between neighbors. The shadowed location of the front door set far behind the garage also makes it more difficult to observe activity, increasing the opportunity for unlawful activity and making residents feel less safe. The new standards encourage garages in the rear of the home but we realize that having alleys and rear garages is not always the best

solution for every builder or resident and so we are still making an allowance for front facing garages.

Staff has proposed a change to this provision to refer to the front porch instead if one is provided, and to a slight decrease in the required setback behind the front plane of the home. In 75% of the homes in a development, the garage must be setback at least 5-feet behind the front porch, or 2-feet behind the front door. 25% of the homes may have a garage that projects no more than 5-feet beyond the front door or porch.

Planning/Design Firm Comment: front-loaded *garages [comment on (i)(3)a. Attached garages on a Front Façade]*

Staff Response: Based on multiple discussions with home builders, staff reduced garage setbacks and also reduced the number of homes with garages extending in front of the main building to 25%.

Planning/Design Firm Comment: too restrictive, no distance should be set. Image of Richmond model wouldn't be accepted with this *[in reference to "A maximum of 15% of homes in a subdivision may have a front garage that extends past the front porch or Front Façade entry door by a maximum of five feet.]*



Staff Response: Staff has worked with numerous home builders to make these provisions easier to meet by allowing 25% of homes in a subdivision to have a garage that protrudes up to 5-feet beyond the front plane of the house or the front porch.

Planning/Design Firm Comment: *[Attached garages on a Front Façade of a Dwelling, 1 Unit Detached home shall have a maximum of three single car garage doors or one two-car garage door and one single car garage door.]* Pretty limiting - may consider requiring enhanced garage doors over 3 car garages

Staff Response: Staff considered this and concluded that the current language is most appropriate for the vision of the community. Additional garage doors are allowed side-facing or in the rear yard.

Planning/Design Firm Comment: front-loaded *[comment on (g)(2)a. Attached garages located on a Front Façade]*

Staff Response: Please restate the question for clarity. Staff is uncertain what the intent of the comment is.

Planning/Design Firm Comment: Too restrictive. *[referring to five foot maximum in "A maximum of 15% of homes in the development may have a front garage that extends past the front porch or Front Façade entry door by a maximum of five feet."]*

Staff Response: After consulting with numerous home builders, staff revised these standards. A maximum of 25% of homes in the development may have a garage that extends past the front porch by a maximum of five feet.

Cottage Housing Standards

Planning/Design Firm Comment: This *[Cottage Housing]* should be listed above entry statement as a housing type

Staff Response: Cottage housing is now included as a multi-unit product.

Planning/Design Firm Comment: most built for rent communities don't include public/private streets. This *[street provision requirements for cottage housing developments]* will likely be problematic for many

Staff Response: Based on previous reviews for this type of development, staff recommends that streets within these types of developments are needed to improve the walkability and aesthetics of the development. This was achieved successfully in an existing build-for-rent development in Thornton.

Planning/Design Firm Comment: builders use cluster layout and often the units abutting a "street" would side the street not front, to make the backyards work. *[response to cottage housing buildings being oriented toward a public or private street]*



Staff Response: The image provided with the comment would actually meet the requirements since the parking lot wouldn't be considered as a street.

Residential Design Standards for Multi-Unit Dwellings and Multi-Unit Dwelling Complexes

Developer Comment: *[Regarding Multi-Unit Dwelling and Multi-Unit Dwelling Complex Design Standards Exterior cladding materials requirements]*: 50% minimum brick/stone plus 20% minimum glazing – almost entire façade is masonry and removes variety and character. Incredibly costly and will increase costs to renters, removing attainable housing. Recommend staying with current code requirement of 20% masonry and then max of 80% being stucco or fiber cement siding.

Staff Response: The intent was to increase the quality of materials used along with attempts to reduce the mass and scale of the buildings.

- A certain percentage of brick or stone is required on the front elevation, with less on the sides and none on the service parts of the facades. This contrasts with the current requirement for 360-degree architecture where the same degree of detail and amount of masonry is expected on all sides of buildings.
- This requirement is reduced for buildings in the RC, CI, and POS zone districts, and is reduced even further for buildings in the A, BP and I districts. This provides a higher degree of design detailing and human scale materials where more pedestrian use is expected.
- Alternate building materials may be allowed by the Director on a case-by-case basis if the Director finds that the proposed material is compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture.
- Numerous provisions are contemplated such as reduced setbacks or allowing some residential uses within commercially zoned districts which reduce the need for PD zoning and the negotiation and time commitment that entails.
- A new Administrative Adjustments process is proposed which will allow applicants to request small adjustments to numeric / quantitative provisions, and numerous Director flexibility options are sprinkled throughout the new code. This provides some flexibility without the need for a variance.
- The provisions in the new code are aimed at creating strong aesthetic standards that are much more objective in order to provide council the assurance they need to allow more applications to be processed administratively. This can save considerable time and money due to a reduction in negotiations and reviews as well as the elimination of the time needed to prepare for and go to public hearings. More administrative and objective reviews provide more fair certainty for by-right uses that meet all code requirements.
- Staff is also recommending that the CSP be less detailed and separated from the zoning process, which should save time and money since the details won't need to be worked out so early in the process.

Follow-up Note: Staff met with the developer on 5/12/25 to discuss this comment further and although staff thinks that the provision that the Director can approve different materials is sufficient to allow creativity, will consider this further.

Developer Comment: *[Regarding Multi-Unit Dwelling and Multi-Unit Dwelling Complex Design standard that plain, monolithic structures with long, monotonous, unbroken wall and roof plane surfaces of 60 feet or more are prohibited]*: Change 60' to 75'.

Staff Response: The provisions in the new code are aimed at creating strong aesthetic standards. The current code has the same 60-foot provision to prevent monotony.

Developer Comment: [Regarding options for incorporating design elements if the Type 1 Façade (primary façade) is more than 60 feet wide on a multi-unit dwelling building], change the requirement for three design elements to two.

Staff Response: While more options may be needed, the last three options would offer more varied and interesting architecture and should be retained to provide flexibility. At

least three design elements are needed to provide a higher aesthetic in multi-unit design. Staff talked with the developer and the developer said that they would need more options. Staff will consider further.

Developer Comment: *[Regarding multi-unit dwelling design]* Adjust two-foot-deep recess in subsection "a" to one-foot projections as they will provide the same result.

Staff Response: Staff does not agree that a one-foot projection or recess will provide the same result as a two-foot projection or recess. A two-foot recess will create a stronger shadow line and more variety to the footprint of large buildings.

Developer Comment: For multiunit dwelling entryway requirements, need to add additional options to select from such as entries with canopies over ground floor windows or doors, vertical trellises / landscaping, variations in façade color and texture or other architectural features, other as approved in the Development Permit process.

Staff Response: Staff will consider additional options, however entries with canopies or other design features are already required for primary entries for multi-unit buildings less than 10,000 square feet under the Entryway Requirements. Vertical trellises with landscaping don't work well in practice in our climate since the plants will be dead for half of the year and often aren't maintained as needed to create the design element desired. Variations in façade color and texture should be achieved through the cladding material and building massing requirements.

Developer Comment: *[For multi-unit dwellings, the requirement that all sloped roofs shall include a minimum 18-inch overhang beyond the building, and a 12-inch overhang along gable ends.] Comment:* Regarding the main overhang, 12-inches is typical in industry.

Staff Response: This is current code language. The larger overhang is necessary on large buildings to create shadow lines and to terminate the vertical surface and emphasize the roof edge.

Follow-up Note: Staff met with the developer on 5/12/25 to discuss this comment further and the developer indicated to staff that the larger overhang is more expensive and the overhang is not always consistent with the architectural style. Staff will likely change this to 12-inch.

Developer Comment: *[For Building Entryway Design Standards for Live-Work and Multi-Units Above the Ground Floor uses, the non-residential entrance shall be provided on the Type 1 façade.]* This should be "provided on Type 1 or 2 façade".

Staff Response: The intent of this provision is to have entrances on the street or at least facing pedestrian areas as much as possible. A Type 1 façade faces a street, primary internal drive, or a park. A Type 2 façade faces a parking area, drive-through lane or open space and trial corridors. It would not meet the intent of the provision to have commercial entrances on Type 2 facades. Residential entrances can be located on either Type 1 or Type 2 facades.

Follow-up Note: Staff met with the developer on 5/12/25 to discuss this comment further and the developer indicated to staff that developers may want to have their entrance on

the short side of the building versus the long side. This provides more flexibility to obtain leasing interest in these types of spaces. Requests to at least have more flexible language allowing it on Type 2 facades in certain instances.

Planning/Design Firm Comment: If requiring this *[Sec. 18-07-19. Multi-Unit Residential Amenity Requirements]* - there should be a combination of these items not to provide all of these. That is rather stringent and cumbersome on the rent prices

Staff Response: We have completely revised this section. The new language requires a certain sum of money to be spent on amenities based on a formula similar to the PLD formula.

Nonresidential & Mixed-Use Façade and Building Material Standards

Developer Comment: *[For Nonresidential Façade Type 1 – Primary entrance, or adjacent to: public/private streets, primary or secondary internal drives, dedicated park or public space.]* Recommendation to encourage 360 architecture, but limit type 1 facades to a single façade (or at most 2). (Example: A building located on a corner lot, with 2 public ROW's, and adjacent to an internal drive. This building now has 3 sides of Type 1 facades – very expensive building material requirements.)

Staff Response. The intent of this provision is to ensure that primary entrances and the highest level of architecture face the street. In the case where a building is not adjacent to any public streets we want to ensure that there will be at least one Type 1 Façade. The provision of internal access drives adjacent to all buildings is not a requirement of Article 9, these drives are only required for larger sites when connecting to the ROW. Therefore a building on a corner lot does not necessarily require three Type 1 facades.

Follow-up Note: Staff met with the developer on 5/12/25 to discuss this comment further and clarified that the intent is not to create three Type 1 Facades so we will assess the language to ensure that this would not occur.

Planning/Design Firm Comment: Missing content *[for prohibited material for nonresidential and vertical mixed-use buildings]*.

Staff Response: The "and" at the end of this sentence was a typo and this has been corrected so the sentence is now complete. No additional materials were identified.

Developer Comment: Regarding Category 1 Nonresidential Material Types being brick or stone, 2 material choices is highly restrictive, add more options (or reduce the min % of Category 1 materials required for Type 1 and 2 facades).

Staff Response: The intent of this provision is to increase the quality of materials used along with attempts to reduce the mass and scale of the buildings.

- A certain percentage of brick or stone is required on the front elevation, with less on the sides and none on the service parts of the facades. This contrasts with the current requirement for 360-degree architecture where the same degree of detail and amount of masonry is expected on all sides of buildings.

- This requirement is reduced for buildings in the RC, CI, and POS zone districts, and is reduced even further for buildings in the A, BP and I districts. This provides a higher degree of design detailing and human scale materials where more pedestrian use is expected.
- Alternate building materials may be allowed by the Director on a case-by-case basis if the Director finds that the proposed material is compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture.
- A new Administrative Adjustments process is proposed which will allow applicants to request small adjustments to numeric / quantitative provisions, and numerous Director flexibility options are sprinkled throughout the new code. This provides some flexibility without the need for a variance.
- The provisions in the new code are aimed at creating strong aesthetic standards that are much more objective in order to provide council the assurance they need to allow more applications to be processed administratively. This can save considerable time and money due to a reduction in negotiations and reviews as well as the elimination of the time needed to prepare for and go to public hearings. More administrative and objective reviews provide more fair certainty for by-right uses that meet all code requirements.
- Staff is also recommending that the Preliminary Plan (CSP) be less detailed and separated from the zoning process, which should save time and money since the details won't need to be worked out so early in the process.

Follow-up Note: Staff met with the developer on 5/12/25 to discuss this comment further and developer requested adding more materials like decorative block and metal to allow more diversity. Staff noted that that those materials are allowed as Category 2 materials which are allowed more widely on the buildings and that the Director can allow other materials. However, staff agreed to look at options for making allowance for additional materials clearer.

Nonresidential & Mixed-Use Window Standards

Developer Comment: Regarding Nonresidential Window Standards, t*hese requirements are very strict (and in-turn expensive to developers and tenants). Reduce min requirements. Type 3 facades should not have a min glazing.*

Staff Response. Standards vary per zone district, with the most windows required for residential products and in the Mixed-Use and TOD zone districts. Less are required in the NC, GC, and CC-L zone districts, and even less in the RC BP, CI, and POS zoning districts. The AG and I-L districts have the lowest requirement of all with no requirement on the Type 3 façade.

- A new Administrative Adjustments process is proposed which will allow applicants to request small adjustments to numeric / quantitative provisions, and numerous Director flexibility options are sprinkled throughout the new code. This provides some flexibility without the need for a variance.

- The provisions in the new code are aimed at creating strong aesthetic standards that are much more objective in order to provide council the assurance they need to allow more applications to be processed administratively. This can save considerable time and money due to a reduction in negotiations and reviews as well as the elimination of the time needed to prepare for and go to public hearings. More administrative and objective reviews provide more fair certainty for by-right uses that meet all code requirements.

Nonresidential, Mixed-Use & Multi-Unit Building Entryway Standards

Planning/Design Firm Comment: why is this *[Nonresidential, Vertical Mixed-Use, And Multi-Unit Dwelling Building Entryway Design Standards. For Live-Work and Multi-Units Above the Ground Floor uses, the non-residential entrance shall be provided on the Type 1 façade]* not above in multi-use dwelling section?

Staff Response: Rather than duplicating the lengthy entryway standards section located in the nonresidential/vertical mixed-use division, Multi-Unit Dwellings have been identified with the nonresidential and mixed-use buildings division just for the entryway standards section. No other standards of the nonresidential and mixed-use building design standards (Division 4) apply to Multi-Unit Dwellings. Within the Multi-Unit Dwelling design standards section in 18-07-18 in Draft 2 of the Code, subsection (d)(2) and (d)(3) indicate that Multi-Unit Dwellings must meet the entryway standards of Section 18-07-28 (section numbering per Draft 2).

Planning/Design Firm Comment: *[Table 18-07-28.1: Building Entryway Design Features 1]* should be separated by zone district or type of "nonresidential" buildings and not treated the same. Need separate standards for retail vs office vs industrial. very different building types with different needs

Staff Response: These are separated by zone district. Buildings in the AG and I-L zones have lesser requirements.

Planning/Design Firm Comment: Not a lot of flexibility - how would you do this *[Landscape Forecourt shall have a minimum length of 10 feet]* with a 45 entrance and still have good ped access?

Staff Response: Alternative enhancements could be chosen in this situation.

Nonresidential Façade Articulation Standards

Planning/Design Firm Comment: vague statement *[Sec. 18-07-29 (c) Façade articulation requirements. Structures shall not be comprised of large or plain unarticulated vertical surfaces.]*

Staff Response: A major goal of the new Code is to provide objective standards, and staff has updated the existing Code's vague language to accomplish this. In very few places, staff concluded that broader statements were still the best option to allow for flexibility. The architectural standards have been made substantially more clear and objective. Staff acknowledges that the referenced statement is vague but wanted to provide a broad statement for flexibility.

Planning/Design Firm Comment: should be longer for industrial buildings *[(2) Expanses of blank facades may not exceed 20 feet in length unless at least one of the following is provided:]*

Staff Response: Staff agrees with this comment. Staff is revising the Code to split up façade articulation requirements by zoning districts consistent with how standards for cladding materials and windows are delineated. Districts that allow industrial-type buildings would allow for a longer expanse. This change will be reflected in Draft 3 of the Code.

Planning/Design Firm Comment: should be longer for industrial buildings *[Roofline articulation shall be provided every 60 feet of roof length]*

Staff Response: Staff agrees with this comment. Staff is revising the Code to split up roof articulation requirements by zoning districts consistent with how standards for cladding materials and windows are delineated. Districts that allow industrial-type buildings would allow for a longer length. This change will be reflected in Draft 3 of the Code.

Planning/Design Firm Comment: What about logistic? *[in Division 6 title: Building Additions, Accessory Structures, Carport Standards, and Court Configurations]*

Staff Response: Is this referring to delivery facilities? Need clarification.

Article 8 – Landscape Standards

Residential Landscaping Standards

Developer Comment: Shrub TE should be reduced to 5-7 as 10 will be hard to achieve. Same with perennials, should be reduced down to 10-15 instead of 20.

Staff Response: This comment is in response to the long-standing code requirement that equates 10 shrubs or 20 perennial plants with one tree equivalent (TE). There has not been a problem with achieving the code requirements for landscaping using this formula in practice. Colorado nurseries are currently moving toward smaller plants, making the shrubs and perennials in 5 gallon containers more difficult to find than the 3 gallon containers. The new code responds to these changing circumstances by allowing the use of the smaller 3 gallon shrub and perennial containers. This will make achieving the long standing rate of shrubs to trees less difficult.

Developer Comment: This cost is excessive to supply/plant one 2" caliper tree.

Staff Response: This comment is in response to the new in-lieu fee alternative for failure to protect and save existing trees on-site. Where healthy trees can't be saved, replacement with new trees, that together equate to the size of the lost tree, is required. When site conditions make it impractical to replace the existing tree with new trees, a fee in-lieu of $1,000 per TE is required.

The intent of this fee in-lieu is not to allow developers to provide money instead of landscaping, which could lead to the loss of the urban canopy. The fee is actually just a bit more than the current cost to buy, install and warranty a tree. Flexibility is provided

by adding a provision which allows the average of 3 competitive bids for installation of similar plants for review and acceptance of an alternative fee.

Developer Comment: Adjust to 1 TE per 40 LF of street frontage for health of trees at maturity. Proposed spacing is too close.

Staff Response: This comment refers to the long-standing code requirement of one and one-half TEs for each 50 lineal feet of street frontage.

This comment is not accounting for any understory planting, the one-half TE equals 5 shrubs for the same 50 lineal feet, which allows for multi-level landscapes vs. just overstory trees with no living ground coverage.

Developer Comment: Landscaping hedge option should be allowed in lieu of wall and fences for Mixed-use and Multi-family as well.

Staff Response: This comment is in response to the Mixed-Use and Nonresidential Street Buffer Requirements chart. The intent of this allowance was specifically for commercial "redevelopment sites" where they may not currently have enough landscape area adjacent to the street to meet more than a 5-foot deep landscape buffer and, due to the commercial nature, visibility of the business is priority along arterials or collector roadways. A mixed use or multifamily development would not be allowed to have only a 5-foot landscape buffer from an arterial or collector roadway with only a hedge protecting users from the vehicular traffic. This would not be in line with the vision zero goals.

Planning/Design Firm Comment: Are the Residential Street buffer required (Sec. 18-8-19.1) which are measured from the ROW to the Lot line or building? Sec. 18-584 in the Legacy code was measured from the property line to building.

Staff Response: The new residential street buffer is similar to the requirement in the current Code Section 18-584, which is measured from the perimeter street curb to the residential lot line resulting in a landscape buffer on the private property. In practice, staff realized that this method of providing residential buffering from the perimeter street did not always work well. The new residential street buffer is measured from the private property lot line, which typically coincides with the right-of-way line.

Developer Comment: Unclear on what determines which option a project falls under.

Staff Response: This comment refers to the transition Area Buffer Requirements chart. If, based on the proposal, a transition area buffer is required, any of the options can be applied to allow the applicant and owner flexibility to address the desired site needs. The intent of this chart is not a "prescriptive requirement", it is to provide options for the developer that align to City goals.

Developer Comment: One 40' canopy tree at maturity is 1,256 SF. This calculation is unrealistic. Should be adjusted to 1 TE per 1,000 SF.

Staff Response: This comment is in response to the long-standing code provision that requires one TE be provided for each 600 square feet of landscape area or any fraction thereof. Historically the code has required one TE per 600 square feet for all open

landscape areas. Staff would not recommend decreasing to match a tree coverage calculation as it would not account for providing any understory plant material to cover the landscape areas resulting in less plant coverage and a changed aesthetic to the City.

Developer Comment: Artificial turf must be allowed for outdoor game amenity areas like Bocce courts, putting greens, game lawns, etc.

Staff Response: This comment is in response to the prohibition of artificial turf and non-functional lawns in new development and redevelopment. The areas mentioned do allow sod and artificial turf.

Developer Comment*:* Per every 15 spaces, 6 spaces is not achievable

Staff Response: This comment is in response to a requirement for one landscape island for every six vehicle parking spaces. This provision was an attempt to clarify and simplify the current parking lot landscaping requirement which can be confusing. Upon further review staff realized that the wording was still confusing and so adjusted the language to be more clear. This is basically the same as the requirement in the existing code but it is calculated differently for clarity.

Developer Comment: As code is written, this would be 10 shrubs in a 75 SF space. Not realistic for plant health as they mature. Recommend reducing TE definition and/or increasing SF per 1 TE.

Staff Response. This comment refers to a provision requiring one TE per 75 square feet of parking lot island area. This comment assumes only shrubs, but trees are also allowed and encouraged. Assuming the minimum island area of 100 square feet, this provision would require one tree and three shrubs per island which will not result in plant overcrowding.

Developer Comment: Challenge to meet this minimum with tight sites.

Staff Response. This comment is in response to an allowance for functional turf or lawn. The lawn area must be at least 2,500 square feet with multiple features that enhance leisure and comfort. Areas may not be smaller than 20 feet in width. The intent of this provision is to limit non-functional turf or the use of turf in ways that do not meet water conservation goals.

Nonresidential Landscaping Standards

Developer Comment: Parking Lots Minimum landscape islands per every 6 vehicle parking spaces. *Comment: increase to 12 or more spaces per landscape island.*

Staff Response: This provision was an attempt to clarify and simplify the current parking lot landscaping requirement which can be confusing. Upon further review staff realized that the wording was still confusing and so adjusted the language to be more clear. This is basically the same as the requirement in the existing code but it is calculated differently for clarity.

Developer Comment: Minimum of one tree equivalent per 75 sf of parking lot island area… and each parking lot island must be 100 SF min… therefore a min of 1.33 trees per parking lot

island. *Comment: reduce the number of TE's required per parking lot island (or SF), such that the result is 1 TE per every 200 SF (or every 2 islands).*

> Staff Response. A parking lot island is required to be at least 100 SF of plantable area, so this requirement results in 1.3 TE's on the smallest allowable island. This is a reduction from current code which requires a minimum of 2 TEs per 100 SF island. This new provision also makes the calculation for larger islands much easier and less complicated.

Article 9 – Access and Mobility Standards

Block Length Standards

Planning/Design Firm Comment: A diagram showing how this *[block length on local streets]* is measured would be helpful. [note: sub-(5)-(8) has same comment]

> Staff Response: The decision was made to not include diagrams for this item because more detailed information will be provided in the city's standards and specifications instead.

Planning/Design Firm Comment: If this *[Block lengths on local streets shall be: At least 200 feet in length]* is also for block depth, no lot could be less than 100' deep unless they were alley loaded.

> Staff Response: From street centerline to alley centerline is not block depth, so lots could be shallower.

Planning/Design Firm Comment: are gates allowed on private streets? or is this *[Gated streets, roadways, and developments are prohibited on public rights-of-way]* prohibiting any gated community?

> Staff Response: If it is intended to provide public access, it is prohibited to ensure proper emergency vehicle access. Gate access on private roadways would need to be considered during the development review process. Gated entrances would not be permitted on private streets that provide for public access like right-of-way via access easements or other forms of public access.

Planning/Design Firm Comment: Section 18.09.09-C.5-6 says blocks can't exceed those lengths. *[in reference to 18-09-14(b) Traffic calming and speed reduction standards. If the uncontrolled block lengths in a residential development exceed 800 feet in length on a local street, or 1,500 feet on a collector street…]*

> Staff Response: To clarify, this section does not indicate that it is a maximum length [says "shall be...not greater than…"], proposed as prohibited from exceeding, or proposed as prohibited from adjustment (i.e. it could be adjusted, made a variance, etc...). Additionally, the director can waive the maximum...but then this sub-(g) would kick in for when they exceed the maximum lengths. Block lengths can exceed 800 or 1,500 feet for local and collector streets, respectively, under certain provisions outlined in the Development Code. For example, block length can be exceeded to connect to existing streets/street stubs, through an Administrative Adjustment, or because of site constraints

necessitating longer blocks. Therefore, this section is intended to require traffic calming when blocks do exceed the prescribed lengths.

Minimum and Maximum Parking Standards

Developer Comment: Parking maximums that will preclude certain commercial and restaurant uses

Staff Response: With this feedback and other developer feedback regarding parking maximums, staff has proposed that off-street vehicle parking shall not exceed 75 percent more than the minimum required. Previously this standard was 25 percent more.

Developer Comment. [Regarding proposed standard for 25% Parking Maximum] We propose removing the maximum parking restriction of 25% or increasing it to allow for greater flexibility depending on the unit mix and type of project. Increase the maximum or remove the maximum. The new parking standards generally conform with other municipalities and are a reduction from the existing code. However, the 25% max above the minimum is highly restrictive to many commercial users (grocery stores, restaurants, etc) who need and use the parking and often have requirements far exceeding code minimums. There is a variance to increase the max parking through Section 18-09-21.2 (pg 47), which allows for a parking study to identify the need for more parking. The physical options to achieve this variance (more parking lot islands, permeable surface) are often not plausible.

Staff Response: Similar to the minimum parking comments, staff is also considering revisions to this standard based on feedback provided by various stakeholders including developers, Council, residents, and etc. We are also factoring in research and data from multiple sources including industry standards, other municipal codes, existing development, real world/market conditions, and etc. Many of our comparable cities in the Metro and across the country have parking maximums. Within the metro, a 25% maximum would be more restrictive than what our comparable cities are requiring and staff agrees that some revision would be appropriate in this case.

Staff will be making a revised recommendation for maximum parking requirements over the coming weeks, and a final recommendation will be presented to elected officials in May. Ultimately City Council will have final approval authority. *[Note, since writing this comment, staff has proposed a 75% maximum in Draft 2 of the Code]*

Developer Comment. Regarding Table 18-09-20.1 Minimum Required Vehicle Parking Spaces [shown below], best practice for multi-family parking ratios is to land between 1.5 to 2 spaces per unit depending on the unit mix, including guest parking. The minimums the code is proposing are excessive and will cause larger parking fields for projects where spaces will remain unused.

Use	Minimum Required Vehicle Parking Spaces
Multi-Unit Dwellings (single lot), Multi-Unit Dwelling Complex (single lot) Cottage Housing	1.5/ studio,1 bedroom unit + 2 / 2 bedroom unit + 2.5 / 3 bedroom unit + 3 / 4+ bedroom unit + 1 / 5 units guest parking

Use	Minimum Required Vehicle Parking Spaces
Multi-Unit Dwelling, Above Ground Floor Only (single lot)	1.5 / studio,1 bedroom unit + 2 / 2 bedroom unit + 2.5 / 3 bedroom unit + 3 / 4+ bedroom unit + 1 / 5 units guest parking + (the nonresidential portion of this use shall have a minimum parking amount consistent with the nonresidential use)

- Below is the proposed code showing the minimum parking per unit type and what the maximum would be at 25% more than that.

Thornton Proposed Parking Code Multi-family		
Unit	**Min Parking**	**Max Parking**
Studio	1.5	1.875
1-BR	1.5	1.875
2-BR	2	2.5
3-BR	2.5	3.125
4-BR	3	3.75
Guest	1 per 5	

- Below is an example of a 250-unit project that has 60% 1-bedroom units and 40% 2-bedroom units. The way the code is written, the minimum parking required by code would be at 1.9 spaces per unit with a max of 2.4 which is excessive.

Example

250 Unit	#/Units	Min Parking	Max Parking
60% 1-BR	150	225	281.25
40% 2-BR	100	200	250
Guest		50	62.5
Total	250	475	593.8
Ratio		1.9	2.4

Commentor Proposed Revision: We propose adjusting the minimum parking requirement to the following:

- 1 space per Studio
- 1 space per 1-Bedroom unit
- 1.5 spaces per 2-Bedroom unit
- 2 spaces per 3-Bedroom unit
- 1 space per 5 units for Guest parking

Staff Response*:* Staff agrees with this suggested revision. The suggested revision aligns with the majority of metro cities and would aid in providing for additional land for development rather than arbitrarily requiring more parking. Planning staff appreciates you taking the time to provide input and analyze the impacts of the proposed parking minimums. We are evaluating parking requirements for multifamily developments and taking into consideration stakeholder feedback (developers, Council, residents, etc.). We are also factoring in research and data from multiple sources including industry standards, other municipal codes, existing development, real world/market conditions, and etc.

Staff will be forming recommended parking requirements over the coming weeks, and a final recommendation will be presented to elected officials in May. Ultimately City Council will have final approval authority.

Planning/Design Firm Comment: Add storage closets/rooms *[to floor areas that may be excluded from the computation of required off-street parking]*

Staff Response: This has been added.

Planning/Design Firm Comment: *[minimum required parking spaces for general commercial and office]* Low for grocery (comment seems to imply that Gen. Commercial and Gen. Office are also low….but that it is really low for grocery)

Staff Response: This does not preclude a grocery store from including more than the minimum amount of parking. We have adjusted the maximum parking from an additional 25% above the minimum to 75% above the minimum. This was based on similar feedback gathered from other developers regarding grocery stores.

Planning/Design Firm Comment: 1 space per fuel-pump is excessive, given that many people fuel and leave without entering a C-store.

Staff Response: Staff intended this to be for the location where one will fuel/charge. Staff proposes one space for a charging station but has removed the requirement for fuel-pumps. Fuel pumps will require space for a car to park and fill up, which was the original intent of this standard.

Planning/Design Firm Comment: 4 total, 4/unit?, garage*? [residential duplex max. parking requirement of "4 spaces"]*

Staff Response: Duplex is defined as two units on one lot, so this would be a total of four spaces for the duplex (i.e. 4 spaces per two units).

Planning/Design Firm Comment: why isn't this *[Dwelling, 2 Units Attached (1 unit per lot)]* also called a Duplex.

Staff Response: This is divided by a lot line, other is not.

Planning/Design Firm Comment: Studio should be separate at 1 space/studio [apply across]

Staff Response: Changed studio and 1br to 1 space.

Planning/Design Firm Comment: Does this mean leasing, clubhouse/gym space? Clubhouse/gym doesn't create additional users. What use does leasing fall under?

> Staff Response: No. The “multi-unit dwelling, above ground floor only” land use is a mixed-use building. The parking standard here refers to the ground floor commercial. Slight edits have been made to clarify.

Developer Comment: Transportation Impact Study (TIS) (18-09-07): Traffic study required for any proposed development anticipated to generate **100** or more vehicle trips during any 60-minute period (most commercial uses) *[Note: No specific comment was given.]*

> Staff Response: Based on the parenthetical items provided in the comment and the bold text for the “100” trips sited from the standard, staff is assuming that this is too low of a threshold from the commentor’s perspective. However, this threshold is not a new and is a continuation of current practice, but the addition of the standard to the development code is new and is intended to provide more certainty to development.
>
> - 100 trips or more is an industry standard for TIS analysis and barring more specific comments staff does not propose any changes to this standard.

Parking Location Standards

Planning/Design Firm Comment: does this *[“In all zoning districts, up to one-half of required vehicle parking may be contract parking provided at an hourly, daily, or monthly fee basis, the remaining shall be available as free parking.”]* include garage parking or only surface?

> Staff Response: The referenced standard is existing Development Code language. It is intended to ensure that some free parking is made available when applied to the parking minimums, most notably for multi-unit development. The standard only applies to required parking. If a development were to exceed the minimum parking the standard would only apply to the minimum, limiting half the minimum to have to be free parking.

Planning/Design Firm Comment: how are these *[front yard, street side yard in Table 18-09-24.1]* defined for Multi-unit /multi-building projects? [see yellow highlight] Comment also applies to Front, Street Side, Interior Side, Rear Yard.

> Staff Response: An image will be provided for clarification.

Planning/Design Firm Comment: how are these defined for Multi-unit /multi-building projects? *[same comment as above but on Table 18-09-24.2]*

> Staff Response: An image will be provided for clarification.

Planning/Design Firm Comment: This *[setbacks in RC district in Table 18-09-24.4]* seems bigger than necessary, especially if trying to promote walk-abilty.

> Staff Response: This setback would only apply for parking located in the front yard. The intent is to orient parking lots behind the buildings and create a street-oriented environment (not promote parking in front of building).

Electric Vehicle Charging Standards

Developer Comment: Pg 52 | Electric Vehicle Charging (18-09-22) Any parking area with 100 or more spaces shall provide EV chargers for 5% of the provided parking. Recommendation: Define the level of charging (level 1, 2,3) Level 2 being the most common for this application. Offer a reduction to the total # of EV charging if level 3 charging is provided. E.g. …provide 5.0% of parking spaces as level 2 charging, OR, 1.0% of parking spaces as level 3 charging. *[Note, commenter referenced various electric vehicle charging sections in Draft 1 of the Code. A meeting was held with this developer in which developer stated the city should only required the wiring, not the charging station itself.*

Staff Response: Staff acknowledges the comments provided and will formulate revisions that consider the growing and changing industry standards related to electric vehicle charging. Given the different charging types and needs more clarity in defining types of charges and when those types are needed (e.g. long-term charging needs v. short-term, fast charging needs) is an appropriate revision to make. Staff will revise the standards prior to City Council reviewing the final proposed code at the May planning sessions.

Staff did meet with the commentor and discussed this standard at length. In order to address the comments provided staff will better define charger types and their use and installation in new developments, considering cost and impact to different land use types.

Update: The language was changed in Draft 2 to refer to the state's new model code for electric vehicle charting being adopted by the Building Department. This changes requirement to provision of wiring instead of chargers.

Parking Lot Connectivity Standards

Developer Comment: Parking lot design standards that are beyond excessive

Staff Response: Most of the new code language related to parking lots was derived from our existing code with modification of the trigger for parking lot standards. Current code divides commercial parking into "Commercial Design Standards for Projects of Five Acres and Larger" and "General Commercial Development Projects Under Five Acres." Much of this distinction is maintained as the requirement for the new internal access drives are triggered by the existence of either 200+ parking spaces or a development larger than five acres. If the site is under both those thresholds, parking is permitted to be provided using other alternatives including driveways, access easements, and parking lot drive aisles. Some standards in the current code only apply to commercial sites that are 15 acres or greater. For better parking lot design, the project team has proposed to remove this upper limit and consolidate many of the parking lot design standards along the five acre/200+ parking space threshold mentioned above.

- The primary and secondary drive requirements are brand new. We currently don't have much regulation of parking lot circulation which leads to our staff having to work extensively with applicants to get circulation that works, extending the review time. The project team is still considering tweaks to refine the access drive requirements and welcome suggestions from the development community could help with that.

- For landscaping, staff thinks that the existing parking lot landscaping requirements are very complicated and don't work well at all. The project team thinks that the new landscaping requirements are much clearer and will be easier to work with.
- The proposed Code consolidates many of the various standards related to parking into one Article (Article 9) whereas existing Code scatters parking standards across multiple articles and sections. The intent is to create a more clear and user-friendly code and to make parking standards more uniform for all uses. Please let us know which particular standards you consider excessive and/or inconsistent with current practice. Are there current code requirements you would prefer that we maintain?

Planning/Design Firm Comment: this seems a little too high *[Parking area connectivity. A minimum of 70 percent of all parking area drive aisles shall connect to internal access drives or to an adjacent parking lot.]*

Staff Response: This is intended to create parking lot connectivity as opposed to a sea of parking that is unsafe for pedestrians and provides better vehicular access. Staff is in the process of adding a diagram to help clarify what this would look like. Drive aisles provide access to parking spaces and typically connect to an internal access drives, making 70 percent connectivity relatively easy to accomplish and is representative of typical parking lot designs. If a site needed to seek relief from this standard an Administrative Adjustment would be available to seek relief through more onerous processes like a Variance or Planned Development Overlay.

Planning/Design Firm Comment: Are tandem parking spaces allowed? *[referencing access easement standards]*

Staff Response: Yes. Access easements are to cover the primary and secondary drives but there should not be requirements for bike lane, parking, etc. when talking about the easement itself.

Article 10 – Subdivision Standards

Planning/Design Firm Comment: Are there or will there be Subdivision Quality Enhancements?

Staff Response: There are no subdivision quality enhancement standards proposed. Staff has included many of the current Code subdivision quality enhancements as requirements in the new code.

Article 11 – Sign Standards

No comments submitted. Note that the Sign Standards are not being amended as part of the Development Code Update.

Article 12 – Noncomformities

No comments submitted.

Article 13 – Definitions

Housing Agency Comment: Define the term "commercial" development. Are privately run parking garages within a MU development allowed to be counted towards one of the two required development types?

Staff Response: Commercial is a category of uses in the land use table.

Housing Agency Comment: Please define the term "community character" or "neighborhood character" or strike it from the code.

Staff Response: This has been removed from the code.

Planning/Design Firm Comment: This *[Lot Coverage]* is focused on permeability, which ignores the impact of detention ponds or other stormwater management. The Lot Coverage %s dictated in other sections of the code are the same as the prior code, which permits sidewalk and paved patios/plaza in the "open area"

Staff Response: We have revised the definition to exclude sidewalks and trails from the definition of lot coverage.

Development Stakeholder Comments Received May 21, 2025 and Staff Responses

Article 1 – General Provisions

Planning/Design Firm Comment: Commenter appreciates the Relationship of Future Land Use Categories to zoning districts chart.

Article 3 – Zoning Districts

Planning/Design Firm Comment: Regarding the RE district – Are ADU's allowed?

> Staff Response: Yes. The accessory uses table shows ADUs as a permitted use in the RE district, and the ADU accessory use provisions in Article 4 state that ADUs are allowed accessory to Dwelling, 1 Unit Detached uses only.

Planning/Design Firm Comment: Regarding the RL district – Are greencourts and motorcourts considered low density? Seems more appropriate for medium density.

> Staff Response: Greencourts and motorcourts are a configuration and not a use type. They are allowed in districts that allow detached and attached homes (motorcourts only allow detached and duplex homes). The lot sizes will be controlled by the zone district.

Planning/Design Firm Comment: Regarding the RM district – In 18-3-10(b)(1)a.1. it would be helpful to indicate that up to 8 dwelling units are allowed per lot.

> Staff Response: This change will be made in the final version.

Planning/Design Firm Comment: Regarding the RM district dimensional tables:

- Detached lots with alley access lot size (2,500 SF) is too restrictive – Boulder Creek Neighborhood's standard Wee Cottage lots are 1,960 SF.

  > Staff Response: We are proposing to Council that the minimum lot size for detached homes with alley access in the RM zone district to 2,000 square feet. We believe this will allow the majority of current products to be built and if something is slightly under 2,000 square feet, the Administrative Adjustment can be used.

- Detached lots with front access size (4,500 SF) and the lot width (50-feet) are too large – The lot width should be 35-feet and the minimum size should be 3,150 SF.

  > Staff Response: We are proposing to Council that the minimum lot size for detached homes with front vehicular access in the RM zone district to 3,500 square feet. However, the minimum lot width is proposed to remain at 50 feet. We believe this will allow the majority of current products to be built while keeping a slightly larger lot size and width than suggested to alleviate the dominance of driveways on the street.

- Side setbacks for detached homes are too large – the Wee Cottage side setback is four-feet and the Cityscape side setback is three-feet.

  Staff Response: We understand that these products are being built with these setbacks, however we don't want to allow front loaded homes to be built with such small setbacks in the RM district. Other builders have indicated that a 5-foot setback is sufficient for these products. The Administrative Adjustment can be used for a slight decrease. We will propose the smaller three-foot setbacks for alley loaded homes in the RM district to Council.

- Building height maximums are too low for detached homes (35-feet) – the three-story BCN Wee Cottages and Richmond Cityscape are 45-feet tall.

  Staff Response: We are proposing to Council that the minimum height for all detached homes to 45-feet.

Planning/Design Firm Comment: Regarding the RH district dimensional tables. The interior side setback for the alley access attached homes is too large.

Staff Response: We will propose the smaller setbacks for alley loaded homes in the RH district to Council.

Planning/Design Firm Comment: Regarding the MU district. The minimum 50% of the ground floor area requirement for nonresidential uses is more feasible on smaller infill sites but is typically not supported by the market on larger, suburban sites. There should be more nuance to it. Limit to main facades and allow uses accessory to multi-family. Even in downtown Denver, many retail spaces on ground floors remain vacant.

Staff Response: Staff has revised this requirement to be 25% of the ground floor area per developer comments and Council direction.

Planning/Design Firm Comment: Regarding the TOD district dimensional tables:

- No front loaded homes should be permitted in TOD district. Not efficient enough and driveway cuts reduce safety for pedestrians and cyclists.

  Staff Response: Alley-loaded homes are encouraged by the Station Area Master Plans but they are not precluded, therefore we need to allow the front loaded homes. We often need to allow the front loaded homes adjacent to existing low density neighborhoods to provide a transition.

- The lot size for detached homes with alley access (2,000 SF) and lot width (25-feet) are too large. The lot area should be like 1,800 SF and 22-feet wide.

  Staff Response: We will propose the smaller lot size and width to Council.

- The front and street side setback for detached homes (eight-feet), and interior side setback (five-feet) are too big.

  Staff Response: Staff will propose a five-foot front setback and a three-foot interior side setback for alley loaded detached homes in the TOD district to Council.

Planning/Design Firm Comment: Regarding the NC district dimensional tables. The front and street side setback maximum is too big (25-feet on arterials and 20-feet on collectors and local streets), especially with landscape requirements for elimination of non-functional turf.

> Staff Response: This is the maximum setback, you can use the minimum setback of 15-feet to arterials and six-feet to collector or local streets.

Planning/Design Firm Comment: Regarding the RC district dimensional tables:

- The front and streetside minimum setback (25-feet) is a very deep setback in the context of a retail center. Smaller setbacks should be permitted for shorter buildings. Ex, less than 30-feet in height = 15-foot setback. This creates a landscape design challenge with such a large area that must be planted as a landscaped bed, given that turf would be non-functional.

  > Staff Response: Because the maximum width of the landscape buffer for nonresidential buildings is 15 feet, this proposal seems to make sense. Staff will propose a change to the front and street side setback from 25-feet to 15-feet to Council.

- There is a typo in the "Distance between buildings up to" and "more than 2 strories".

  > Staff Response: Thank you, we have corrected this typo.

- Good update to the lot coverage maximum from the prior draft.

Article 4

Planning/Design Firm Comment: Regarding the Accessory Uses table. Drive through facilities should be by SUP in the BP zone district.

> Staff Response: Staff has made this change based on developer and Council comments.

Article 6

Planning/Design Firm Comment: Regarding Section 18-06-07(a) – General fence and screen wall standards. All fences and screen walls over 30 inches in height above grade require a building permit. With front yard fences permitted at 48", this means all front yard fences require building permits. This seems like a burden on the building department – can a fence only permit be processed through planning?

> Staff Response: This is current code language. Changing this to a planning process might be possible in the future but is not something that can be accomplished at this time with this code update. Moving this permit from the building department to the planning department would just shift the burden from the building department who currently process all fence permits to the planning staff.

Planning/Design Firm Comment: Regarding Section 18-06-10(a)(1)m. – Allowed fence and screen wall materials. Three rail fencing. A minimum 11-gauge galvanized steel wire with openings no larger than 4" x 4" is allowed except as otherwise prohibited in Section 18-08-23.

- Consider adding hog wire fencing for open fence options on the condition that it's framed with wood, or decorative metal. It is much more attractive than chain link and provides equal transparency.

  Staff Response: Staff will add this type of fencing to Article 6.

Article 8

Planning/Design Firm Comment: Regarding 18-8-22(d)(2) Parking lots – Parking lot islands. Add requirement for 18" clear space for vehicle entry and exit.

> Staff Response: We don't have this requirement in the current Code. It's good design practice, but that is a cost and expense that is more subjective and should be an ownership choice, not a City requirement. There is nothing that precludes the inclusion of an 18" clear zone if it is incorporated.

Planning/Design Firm Comment: Regarding 18-8-33(e) Irrigation design requirements. Add another allowance for the use of a domestic water meter instead of an independent irrigation water meter – "Required landscape is located in a rain garden."

> Staff Response: This isn't appropriate here as this list is the 'exception' qualifications for allowing a shared irrigation service. Rain garden plantings still require irrigation due to the climate and extended periods of no natural precipitation the City receives.

Article 9

Planning/Design Firm Comment: Regarding 18-09-12(b)(2)a.2. A street approaching another street at an oblique angle shall be curved upon approaching the street intersection so that the two intersecting streets are at right angles for a minimum distance of 100 feet from the intersection of the flow lines of the intersecting streets.

- Suggested alternative from the Town of Mead 2025 Engineering Standards, Chapter 300, page 70. Whenever a street intersects a street of higher or equal classification, a tangent length (as measured in a straight line from the nearest gutter flowline of the intersected street to the point on the centerline of the intersecting street) shall be provided for safe sight distance and safe traffic operation. The minimum required tangent lengths indicated (in Table 300-1) apply to the leg(s) for which the crown is not caried through the intersection. The angle of departure shall not exceed 10 degrees for the length of tangent. The underlined section allows for flexibility in situations where a road intersects with a large curve that still provides adequate sight distance. Perhaps a minimum sight triangle standard along with this, to keep the intent of the drafted language.

  Staff Response: Planning staff worked extensively with the city's Development Engineering staff and Traffic Engineer to ensure that these standards are consistent with current practice while provided flexibility in development. Staff has forwarded this comment to the Traffic Engineer and Development Engineering staff for consideration. It is important to note that the Traffic Engineer may waive the standards of this section. If a sufficiently safe design was provided and the Traffic Engineer agreed with the

intersection design proposed, this standard could be waived. Staff has not proposed any changes as this standard is current practice.

Planning/Design Firm Comment: Regarding 18-09-23(a)(2)a.

- Required guest parking for a Multi-unit or Dwelling, 3-8 Units Attached Residential Land Uses may be on local streets where space is sufficient and when designated as such during the land use or development approval process. Add townhomes to this provision since they also require guest parking per the table on page 49.

  Staff Response: Guest parking would be permitted to be on-street so long as an Administrative Adjustment was applied for and approved. However, the addition of this as a by-right standard would provide additional design flexibility and ease the need to provide dedicated land for parking where local streets may already provide it. Staff supports this change when local streets are designed with parking and where the Green Court configuration is not being used for the Dwelling, 3-8 Units Attached Land Use, and will forward this request to Council for their consideration.

Planning/Design Firm Comment: Regarding 18-09-26.1. : [Triplex/Quadplex] move after duplex for logical increase in # of units.

Staff Response: This table is in alphabetical order, staff does not recommend this change for consistency of organizational structure.

Planning/Design Firm Comment: Regarding 18-09-35(c)(2) and (3) Parking dimensional and design standards for a 9-foot-wide space and 10-foot-wide space.

- Diagrams may clarify, but the references to aisles and rows do not make sense. Would like to review again, once diagram is provided.

  Staff Response: The diagram is provided within the draft 3 article, which is now available on the project website. I think this will clear up any confusion. This provision hasn't changed from the current code.

Planning/Design Firm Comment: Regarding Table 18-09-38.1 Minimum short-term bicycle parking requirements.

- Provide alternative means of calculating bike parking in TOD, where parking requirements are very low. There should be code to ensure ample bike parking for people commuting to the train station by bike, then visiting local businesses.

  Staff Response: Staff also interprets this comment to apply to long-term bicycle parking amounts. Because the addition of bicycle parking is new to Thornton, staff does not recommend a unique bicycle parking calculation for the TOD zone district. Even new uses with low parking counts will be required to provide at least five bicycle parking spaces (10 in the case of residential uses) as the standards require the greater of either the required ratio or the number of five or 10.

  A hypothetical development, for example, could contain a mixed-use development with 50 residential units and 10,000 square feet of General Commercial Uses. Considering parking in said mixed-use development, a possible unit variation could comprise 35

studio/1-bedroom units and 15 2-bedroom units and 10,000 square feet of General Commercial uses. The minimum required vehicle parking would be 58 spaces for the residential portion and 40 spaces for the commercial development. This would result in a need for 10 short-term parking spaces (five for residential uses, five for the commercial uses) and 10 long-term bicycle parking spaces. Current code would require no bicycle parking.

Staff does recommend applying the bicycle parking amounts to a development as if it did not have adjustments or reduction in vehicle parking to account for the possibility of lower vehicle parking in TOD and MU Districts. Staff does not recommend additional changes.

- Non-grid style bike racks allow 2 bikes to park, by nature. Increase minimum to 2 spaces, or there will be a single rack for 40 vehicle spaces in RH, MU, and TOD.

  Staff Response: Staff supports this change as it increases bicycle parking requirements and it is logical based on bicycle rack design.

Planning/Design Firm Comment: Regarding Section 18-09-38(e)(2)d. Storage within a dwelling unit shall not be considered a long-term bicycle parking space.

- Committing to providing a wall-mounted bike rack should count. Serious cyclists are scared to lock bikes in common areas, where they still get stolen sand would much prefer storage within their private units.

  Staff Response: This standard does not preclude storage in a dwelling. Long-term bicycle parking is intended to provide space outside of dwellings for storage of bicycles, similar to that provide in a garage or shed for detached or attached residential uses. This standard is focused on Multi-Unit Residential Land Uses with 20 or more units. To address safety concerns standards around locked access to non-tenants could be considered.

Article 10

Planning/Design Firm Comment: Regarding Section 18-10-22. Simplify the PLD equation – instead of 10 acres per 1000 people, change it to 1 acre per 100 people. This removes a step in the calculation which makes it simpler and is less likely to result in an error. First, multiply the number of proposed dwelling units by the projected number of persons per dwelling unit to get the total number of projected residents. Then, divide the total number of projected residents by 100 to get the number of acres to be dedicated.

Staff Response: Staff is amenable to this change.

From:	Martin Postma
To:	Tina Hippeli
Cc:	Tyler Carlson; Lori Hight; Karen Widomski
Subject:	RE: Facades, Massing & Articulation Recommendations for Code Update
Date:	Friday, May 23, 2025 12:03:38 PM
Attachments:	image001.png image002.png

Tina, thank you for your thoughtful suggestions.

Below you will find our responses to these ideas.

1. Pronounced (at least four feet deep) recesses and/or projections in the wall plane.

Response: Recesses and/or projections which are four-feet deep would be allowed by the existing language of requiring them to be at least two-feet deep. Developers may choose to increase the amount of relief to four feet, or other amounts which are greater than two feet. However, requiring recesses and/or projections which are at least four-feet deep may be too much for smaller structures and therefore would not be appropriate for all developments.

2. The building's main roof is pitched with at least five distinct ridgelines, at least two of which are at least two feet apart in height, and two of which are at right angles to the others (taken from the City's current Design Standards Section 18-472 (11) – [optional] Quality Enhancement Standards).

Response: The roof is not part of the façade of a building. In accordance with the description found in Article 13 a Façade is as follows:

> The elevation or exterior face of a building and that portion of any exterior elevation of a building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

For this reason, the details associated with the roof are not appropriate to include in façade requirements. Roof articulations are detailed in 18-07-16(f)

3. Type 1 and Type 2 or 3 facades shall have projected or recessed stacked balconies at least five feet in depth for each unit abutting the façade.

Response: This item will be added to the list of façade options.

4. Multi-Unit Dwellings shall provide at least one building entryway in accordance with Section 18-07-28(c)(1) on all Type 1 and Type 2 Façades. (Moved from standalone requirement to option in massing & articulation requirements)

Response: Entryway requirements are multifaceted depending on the size of the Multi-Unit building and are intended to be a requirement not an option. We can

instead offer an option to add additional entryway features.

For example, on a Multi-Unit building 10,000 SF or less, the primary entrance is required to provide an entryway feature from 18-07-28(c)(2), and the option for the Façade pick list can be to provide an additional feature from that section on at least one entryway on all facades where an entryway exists.

On a Multi-Unit building greater than 10,000 SF all primary entrances are required to provide an entryway feature from 18-07-28(c)(4), and the option for the Façade pick list can be that the entryway feature chosen in 18-07-28(c)(4) must not be 18-07-28(c)(4)a. (portico) and f. (mosaic, mural or tile surround). In addition, all other entrances must provide one entryway feature from 18-07-28(c)(2).

5. Category 1 materials for Type 1 facades:
   a. We recommend reducing the Category 1 materials for Type 1 facades to 30% to allow for a variety of architectural styles. This, along with the other proposed code standards and the architectural features we outlined above, will ensure that new communities will have visual interest, a variety of design elements and offer higher standard of living for residents and the community.

   b. We are concerned that the proposed 50% masonry required will eliminate different architectural styles and limit the type of buildings that can be built. The Modern Agrarian architectural style we are trying to achieve on Creekside Gardens would not be achievable with the currently proposed minimums.

Response – Staff has taken this request into consideration and is reducing the required masonry requirement to 40%. As stated in the code, the Director has authority to approve other types of enhanced materials as well and that this requirement is not in any way intended to stifle design creativity or architectural expression.

During the Council Planning session of Tuesday, May 20, 2025, staff presented your comments received May 16th to the Council. In response, we received the direction below regarding the following items:

1. Based on a desire to mitigate the proliferation of drive-throughs in future developments, the new Development Code will require a Special Use Permit regardless of zoning classification.

2. Drive-throughs that are constructed under the new Code will not be allowed to wrap around the front of buildings.

3. The maximum height of multifamily structures will be increased to 65 feet. Consideration is being given to increasing this height more within TOD areas.

4. The floor area required to be non-residential in mixed-use structures located within the MU and TOD zoning areas will be 25% of the ground level.

5. Council confirmed that the threshold for requiring two or more distinct types of residential units will be ten acres.

6. The upper limit for small restaurants is being raised from 3,500 to 5,000 square feet.

7. The provision is about screening vehicles, not the parking structures themselves. Therefore, staff intends to retain existing language for the purpose of providing safety and screening of headlights.

Other:

8. Staff is recommending retaining the existing overhang length of 18 inches. This is being done to help increase shade and mitigate the effects of the urban heat island effect, while still allowing for passive solar benefits in cooler months.

Martin Postma
THORNTON

From: Tina Hippeli [redacted]
Sent: Friday, May 16, 2025 2:32 PM
To: Martin Postma [redacted]
Cc: Tyler Carlson [redacted]; Adam Kantor [redacted]; Lori Hight [redacted]>; Collin Wahab [redacted]>; Kira Stoller [redacted]>; Tim Semones [redacted]>; Karen Widomski [redacted]
Subject: (External) Facades, Massing & Articulation Recommendations for Code Update

Hi Martin,

Thank you again for taking the time to meet with us on Wednesday as we walked through staff comments on our Creekside Gardens project.

Below you will find the current proposed code language for the massing and articulation

requirements (shown in black text). As we discussed yesterday, the last three bullets are very challenging to achieve in all product types, especially two and three-story multi-family. We have provided four additional options for your review and consideration (shown in blue text). The addition of these options will ensure visual interest, variety in building form and allow for a mixture of different architectural building styles.

- Massing and articulation requirements:
  - "If a Type 1 Façade is more than 60 feet wide, the perceived mass and scale of the façade shall be reduced by incorporating at least **three** of the following design elements that are consistent with the development's architectural character and create distinctive variations in the façade:"
    - Pronounced (at least two feet deep) recesses and/or projections in the wall plane
    - Distinct changes in texture, type, and color of exterior building cladding materials
    - Pedestrian building pass-throughs
    - Eight-foot minimum step back of the entire Type 1 Façade after the ground, second, or third floor. If a building is five or more stories tall, two step backs shall be provided
    - 20-foot minimum step back of 30 percent of the mass of the Type 1 Façade such as in a manner that results in a "C" or "U" shaped building.
    - Pronounced (at least four feet deep) recesses and/or projections in the wall plane.
    - The building's main roof is pitched with at least five distinct ridgelines, at least two of which are at least two feet apart in height, and two of which are at right angles to the others (taken from the City's current Design Standards Section 18-472 (11) – [optional] Quality Enhancement Standards).
    - Type 1 and Type 2 or 3 facades shall have projected or recessed stacked balconies at least five feet in depth for each unit abutting the façade.
    - Multi-Unit Dwellings shall provide at least one building entryway in accordance with Section 18-07-28(c)(1) on all Type 1 and Type 2 Façades. (Moved from standalone requirement to option in massing & articulation requirements)

- Category 1 materials for Type 1 facades:
  - We recommend reducing the Category 1 materials for Type 1 facades to 30% to allow for a variety of architectural styles. This along with the other proposed code standards and the architectural features we outlined above will ensure that new communities will have visual interest, a variety of design elements and offer higher standard of living for residents and the community.
  - We are concerned that the proposed 50% masonry required will eliminate different architectural styles and limit the type of buildings that can be built. The Modern Agrarian

architectural style we are trying to achieve on Creekside Gardens would not be achievable with the currently proposed minimums.

Our design team is working to package imagery showing a variety of materials and percentages that we discussed. We will forward that to you as soon as it is compiled.

Thank you again and let us know if you have any questions or would like additional information.

Have a great day!

Tina Hippeli Development Manager
[redacted], Denver, CO 80222
[redacted]
Evergreen
Multifamily Retail Industrial

From: George, Donna L
To: Development Code
Subject: (External) Thornton Development Code update draft 3 -- PSCo/Xcel Energy response
Date: Sunday, May 25, 2025 3:00:00 PM

The requested changes that were made on the Code are acknowledged; thank you!

Regards,

Donna George
Xcel Energy | You. Us. Together.
Right of Way and Permits Referral Processor
Electric & Gas Distribution, Gas Transmission
[redacted], Denver, CO 80223
O: [redacted]
E: [redacted]
Direct Supervisor: [redacted]
www.xcelenergy.com

From:	Martin Postma
To:	Tyler Carlson; Tina Hippeli
Cc:	Lori Hight; Karen Widomski; Ty Robbins
Subject:	RE: Facades, Massing & Articulation Recommendations for Code Update
Date:	Wednesday, May 28, 2025 4:12:52 PM
Attachments:	image003.png image004.png image005.png

Greetings Tina and Tyler,

Please see our responses to the questions you provided last week Friday.

Also, please know that we are working on answers to the Galloway questions and will provide them to you as soon as they are ready.

1. The only additional façade options are recessed balconies and additional entry requirements? Or did you add others that we didn't suggest?

   Response:

   Only balconies were added to the façade options. The language pertaining to balconies is as follows:

   Projected or recessed stacked balconies at least five feet in depth for each unit abutting the façade.

   Thank you for the options you provided to us previously. We have incorporated elements of your suggestions and added additional options related to entryways.

   As previously indicated, here are the additional options which were added:

   Entryway requirements are multifaceted depending on the size of the Multi-Unit building and are intended to be a requirement not an option. We can instead offer an option to add additional entryway features.

   For example, on a Multi-Unit building 10,000 SF or less, the primary entrance is required to provide an entryway feature from 18-07-28(c)(2), and the option for the Façade pick list can be to provide an additional feature from that section on at least one entryway on all facades where an entryway exists.

   On a Multi-Unit building greater than 10,000 SF all primary entrances are required to provide an entryway feature from 18-07-28(c)(4), and the option for the Façade pick list can be that the entryway feature chosen in 18-07-28(c)(4) must not be 18-07-28(c)(4)a. (portico) and f. (mosaic, mural or tile surround). In addition, all other entrances must provide one entryway feature from 18-07-28(c)(2).

2. Drive thru's wrapping a building are prohibited in <u>every</u> zoning category? This remains a significant issue for ICSC and we'll need to notify Council of the negative ramifications of pedestrian/automotive conflicts that will result not to mention inefficient land uses and additional land required for parking/drive thru lanes. It's bad planning.

   Response:

   Allowing the drive-through lane to wrap the building was proposed to Council at our May 20th planning session and Council declined to make the change. Staff's view is that more pedestrian vehicle conflicts would occur by placing the drive-through between the street and the building since the street facing façade may be required to have a primary entrance. In addition, drive-through facilities are only allowed on a Type 2 façade and street facing facades must be Type 1 facades. Drive-throughs may be approved by SUP in appropriate zoning districts as re-affirmed at the May 20th meeting. Staff will have a follow-up conversation with Council on June 3rd .

3. What about SUP requirements for gas/car wash?

   Response:

   Car washes are allowed within the RC and I-L districts as a use-by-right and are only by SUP in the GC zoning district. Vehicle fueling stations are allowed by SUP in the GC, RC, and BP district, and by right in the I-L district. Your proposal was brought to Council at our May 20th planning session and Council declined to change the designations.

4. What was decided about retaining walls, especially in detention/open space tracts?

   Response:

   As discussed at our meeting with you, the four-foot limit on retaining wall heights which are located on residential lots only pertain to the residential lots themselves, not areas with detention ponds or other HOA-owned tracts.

   For additional information about retaining walls, please see Article 6.

5. What was decided about parking lot / air conditioner screening with landscaping?

   Response:

   Below are the parking lot screening requirements:

   (4) Parking lot screening and buffering. To minimize negative impacts on surrounding properties and right-of-way, parking lot perimeters shall be visually screened to mitigate effects of headlight glare off-site. Screening shall be accomplished by the use of landscape vegetation, fences/walls, or a combination of elements as approved during the development review process.

   a. Screening and buffering shall diffuse/obscure 50 percent of the proposed parking

perimeter to a minimum height of 36 inches at maturity.

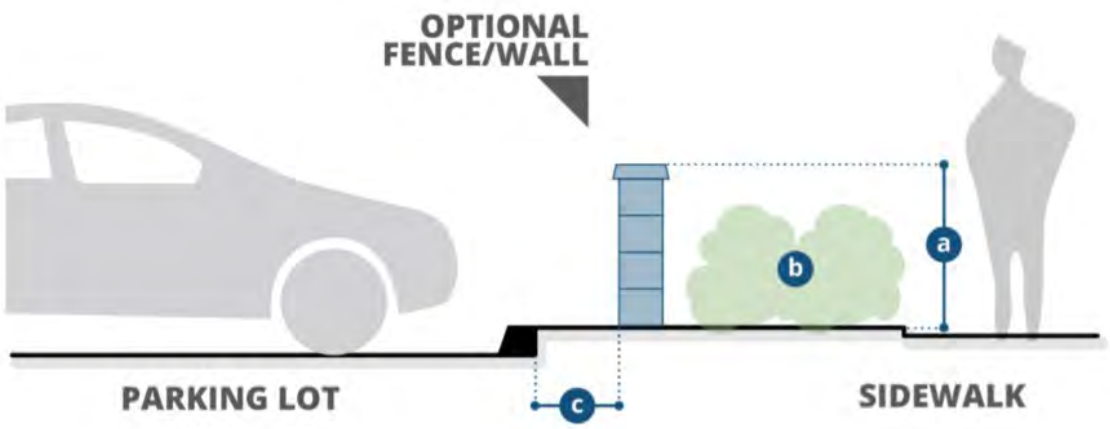
b. Vegetative screening shall be deciduous or evergreen woody plant material and shall not be achieved by utilizing ornamental grass or perennial plant material.

c. Plant material shall not be located within two feet of the curb, unless wheel stops are provided, and shall adequately offset from adjacent walkways or adjacent hardscapes.

d. Openings for pedestrian, vehicular access or drainage purposes shall not be included in the perimeter calculation.

e. Accommodations for snow removal and storage shall be incorporated throughout to minimize damage to proposed buffering and screening of the parking facility.

Figure 18-8-22.3. Parking Lot Screening and Buffering. (The letters in Figure 18-8-22.3 refer to the subsection letters contained within Section 18-8-22(d)(4).)



Landscaping that meets the standards indicated is acceptable for screening equipment. The following is the current language:

Sec. 18-484. GROUND OR WALL MOUNTED BUILDING EQUIPMENT SCREENING STANDARDS.

(a) General requirements.

(1) Screening shall be provided for all ground or wall-mounted building equipment, including but not limited to generators, air-conditioning condensers, heat pumps, ventilation units, transformers, backflow preventers, pedestal mount irrigation controllers and/or above ground water meters that are visible from any public right-of-way or adjacent property. Equipment that is located in a side or rear yard and is otherwise screened by landscaping, fencing, or a building, so that it is not visible from the right-of-way or adjacent property shall not require additional screening.

(2) Locating building equipment within the building or on the roof, as practical, is encouraged in order to minimize exterior visual impacts. Ground mounted equipment is prohibited within the front or street side setback, unless otherwise approved by the director.

(b) Screening materials.

(1) Materials used for screening shall be a minimum of 80 percent opaque.

(2) Materials used for screening shall include allowed materials for fences and screen walls as established in Section 18-06-32(b) and shall complement the exterior building cladding materials of the primary building.

(3) Evergreen shrubs with a minimum height sufficient to screen the equipment may be utilized.

(c) Alternatives. If, due to site constraints or utility provider restrictions, it is not possible to screen ground or wall mounted building equipment in accordance with the requirements above, the director may approve an alternative screening method, such as but not limited to painting equipment to match or complement the building façade, as an Administrative Adjustment per Section 18-02-12.

6. What was decided about commercial façade requirements as it relates to only 1 façade being Type 1?

   Response:

   Since receiving your comments staff is proposing that on corner lots, buildings will not be required to have more than two Type 1 facades.

7. What was decided about adding additional materials to the Category 1 beyond brick/stone? Is decorative block an option?

   Response:

   Decorative block is an allowed building material on the Type 1 façade. It can be up to 60% of the Type 1 façade in the RE, MH-L, SFD-L, RL, RM, RH, MU, TOD, NC, GC, and CC-L Zoning Districts, up to 70% in the RC, CI, and POS zoning districts, and up to 80% in the AG, BP, and I-L zoning districts. Staff feels that this is sufficient. The Director has the ability to approve alternative materials that are compatible in terms of general appearance, quality and durability, architectural style, design, color, and texture.

8. What has been decided about EV charging requirements? Are you going above and beyond the state mandate?

   Response:

   Parking areas for new development shall comply with the Colorado Model Electric

and Solar Ready Code for electric vehicle charging stations and electric vehicle charging readiness.

Martin Postma
THORNTON

From: Tyler Carlson [redacted]>
Sent: Friday, May 23, 2025 12:26 PM
To: Martin Postma [redacted]; Tina Hippeli [redacted]>
Cc: Lori Hight [redacted]>; Karen Widomski [redacted]v>
Subject: (External) Re: Facades, Massing & Articulation Recommendations for Code Update

Martin

Thank you for your detailed response… much appreciated! Can you answer the following follow up questions, please?

1. The only additional façade options are recessed balconies and additional entry requirements? Or did you add others that we didn't suggest?
2. Drive thru's wrapping a building are prohibited in every zoning category? This remains a significant issue for ICSC and we'll need to notify Council of the negative ramifications of pedestrian/automotive conflicts that will result not to mention inefficient land uses and additional land required for parking/drive thru lanes. It's bad planning.
3. What about SUP requirements for gas/car wash?
4. What was decided about retaining walls, especially in detention/open space tracts?
5. What was decided about parking lot / air conditioner screening with landscaping?
6. What was decided about commercial façade requirements as it relates to only 1 façade being Type 1?
7. What was decided about adding additional materials to the Category 1 beyond brick/stone? Is decorative block an option?
8. What has been decided about EV charging requirements? Are you going above and beyond the state mandate?

FYI – I've asked Galloway to comment on your new parking lot design standards and have not yet heard back from them. I'll let you know when I do. Thanks!

Tyler

Tyler Carlson CEO & Managing Principal
[redacted]

Developer Comments on Parking Lots Standards in Article IX

Received May 28, 2025

a. **Table 18-09-35.1 Minimum parking space dimensions for attached and detached residential uses.**

Parking dimension	0 degree (parallel parking)	45 degree	60 degree	90 degree (head-in parking)
Garage - depth	Not permitted	Not permitted	Not permitted	20 feet
Garage - width	Not permitted	Not permitted	Not permitted	10 feet
Driveway, parking pads, carports - depth	24 feet	18 feet	18 feet	19 feet
Driveway, parking pads, carports - width	10 feet	8.5 feet	9 feet	9 feet

(c) **Off-street vehicle parking space dimensional standards for multi-unit residential and nonresidential land uses**.

(1) **8.5-foot wide space**. If a parking space is eight and one-half feet wide, it shall meet the minimum dimensional standards established in Table 18-09-35.2.

a. **Table 18-09-35.2: 8.5-foot wide spaces.**

8.5' width (or smaller) is more consistent with compact stalls, which appears to be what these are with the 35% limitation.

18' long stalls for "compact" spaces is larger than typical "compact". We see as small as 15'-16' length for compact stall minimums.

Parking dimension	0 degree (parallel parking)	45 degree	60 degree	90 degree (head-in parking)
One-way aisle	11 feet	11 feet	15 feet	24 feet
Two-way aisle	20 feet	20 feet	20 feet	24 feet
One-way one row	N/A	30 feet	35 feet	42 feet
Two-way one row	N/A	38 feet	40 feet	42 feet
One-way two rows	N/A	48 feet	55 feet	60 feet
Two-way two rows	N/A	56 feet	60 feet	60 feet

Equates to 18' length stalls

b. Vehicle parking spaces that are 8.5 feet wide shall not exceed more than 35 percent of the total required parking unless otherwise approved by an Administrative Adjustment per Section 18-02-12.

>> INSERT DIAGRAM<<

(2) **9-Foot Wide Space.** If a parking space is nine feet wide, it shall meet the minimum dimensional standards established in Table 18-09-35.3.

a. **Table 18-09-35.3: 9-foot wide spaces.**

Parking dimension	0 degree (parallel parking)	45 degree	60 degree	90 degree (head-in parking)
One-way aisle	11 feet	11 feet	14 feet	22 feet
Two-way aisle	20 feet	20 feet	20 feet	22 feet
One-way one row	N/A	30 feet	34 feet	40 feet
Two-way one row	N/A	38 feet	40 feet	40 feet
One-way two rows	N/A	48 feet	54 feet	58 feet
Two-way two rows	N/A	57 feet	60 feet	58 feet

For some users, 22' drive aisles are tight!

*So long as the City will allow larger than the minimums listed, probably ok.

>> INSERT DIAGRAM<<

(3) **10-foot-wide space**. If a parking space is ten feet wide, it shall meet the minimum dimensional standards established in Table 18-09-35.4.

a. **Table18-09-35.4: 10-foot-wide spaces.**

Parking dimension	0 degree (parallel parking)	45 degree	60 degree	90 degree (head-in parking)
One-way aisle	10 feet	9 feet	10 feet	20 feet
Two-way aisle	20 feet	20 feet	20 feet	20 feet
One-way one row	N/A	29 feet	31 feet	38 feet
Two-way one row	N/A	39 feet	41 feet	38 feet
One-way two rows	N/A	48 feet	52 feet	56 feet
Two-way two rows	N/A	58 feet	61 feet	56 feet

For some users, 20' drive aisles are tight!

*So long as the City will allow larger than the minimums listed, probably ok.

>> INSERT DIAGRAM<<

(d) **Parking area design standards**.

(1) **Parking space delineation**. For uses other than attached and detached residential land uses, each off-street parking space shall be clearly and permanently identified by stripes, buttons, tiles, barriers, or other methods approved by the director.

a. Spaces for attached and detached residential land uses shall meet the dimensions in Subsection 18-09-35(b)(1) but need not be delineated when on a driveway or within a garage.

(2) **Parking area surfacing**.

a. For attached and detached residential uses the surface of a parking space, maneuvering area for parking, or driveway shall consist of an all-weather and drainable material approved by the director or a material specified in the Standards and Specifications.

b. For all uses but the attached and detached residential uses, the surface of an enclosed or unenclosed parking space, maneuvering area for parking, or a driveway which connects to a street or alley shall be on a compacted subgrade and shall consist of a surfacing material identified in the Standards and Specifications.

(3) **Wheel stops.** Off-street parking spaces shall have wheel stops as follows:

No one wants wheel stops! Remove section a.

a. For nonresidential uses, and

1. Parking spaces along the perimeter of a commercial parking lot or garage; and

2. Parking spaces abutting sidewalks, sidepaths, trails, or pedestrian walkways.

This could be simplified to state that a 2' buffer from all landscaping/ screening must be provided to allow for vehicle overhang. Wheel stops may be used in-lieu of a buffer.
Typically we see code state that vehicle overhang cannot impede the accessible route or clearances.

b. Wheel stops shall be a minimum of six inches tall unless alternatives are approved by the director.

c. Wheel stops or barriers shall be placed at least three feet from any screening or landscaping and shall be placed so that:

1. No part of the automobile extends into the public sidewalk, sidepath, trail, or on-site pedestrian walkway, or adjoining property except in the following circumstance.

2. Curbs may be used in lieu of wheel stops, however, when head-in parking is adjacent to sidewalks, sidepaths, trails, or pedestrian walkways the sidewalk, sidepath, trail or pedestrian walkway width shall be increased by 2 feet.; and

d. No part of the automobile extends into screening identified in Article VI or landscaping identified in Article VIII except for the following circumstances:

DRAFT

1. Required parking lot landscaping shall be protected from vehicles by the placement of wheel stops, curbs, or other means approved by the director. If wheel stops are not used, landscaping is not allowed in the two-foot vehicle overhang area.

2. Screening abutting parking spaces, where wheelstops are required, may provide a barrier that protects the screening and the barrier shall be setback two feet and parallel to the screening in lieu of wheelstops. Paint alone is not a sufficient barrier.

This snow storage section is vague in a good way, but if the City starts to enforce that it cannot be located in required parking stalls, that is when it becomes an issue.

Snow storage. All outdoor, off-street vehicle parking areas shall include a designated snow storage area(s), as approved by the director.

Why approved by Director and not just approved as part of the site plan/planning review?

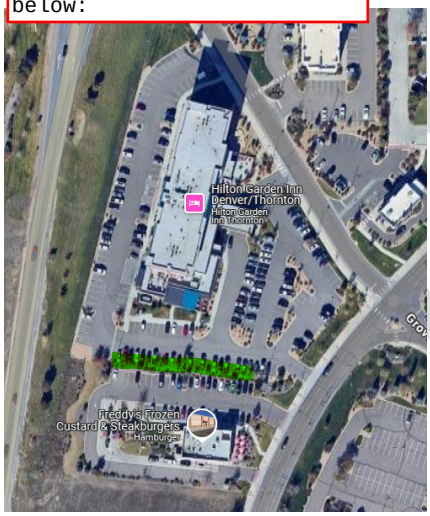
(e) **Parking area connectivity**.

This is going to be a tough standard to calculate and enforce. Not a requirement that is typical. May be better to say dead-end drive aisles are discouraged or will be reviewed by Director.

A minimum of 70 percent of all parking area drive aisles shall connect to internal access drives or to an adjacent parking lot.

Adjoining parking areas serving (or parking areas designed to provide future access to) Nonresidential or Multi-Unit Residential uses shall be interconnected as follows:

This is forcing coordination and common area maintenance issues between different owners. Example: a cross access would be required along the green highlight area below:



a. At least one connection shall be provided at all lot lines that are coincident for at least 60 feet with another nonresidential or multi-unit residential use;

b. The connection shall be at least 20 feet wide;

c. The connection shall align with a connection that has been previously constructed on an adjacent property or shall be stubbed for future connection if the adjacent site is undeveloped;

The connection shall have a slope of no greater than the maximum allowable slope as detailed in the Standards and Specifications, unless otherwise approved by the director;

The connection shall not be placed where a building on an adjacent property is within 50 feet of the lot line which would hamper traffic movements within the parking lot; and

The connection shall be placed in an area which will not require the removal of significant natural features such as wetlands or trees with a caliper of 6 inches or more.

>> INSERT DIAGRAM<<

Hardship is always a challenge to prove! If adjacent owners not wanting to cooperate is considered a hardship, then maybe ok.

(3) **Administrative Adjustment.** In the event that the conditions of this section cannot be met without undue hardship, or if such connections would create undesirable traffic flow, the Director may waive the connection requirement per an Administrative Adjustment per Section 18-02-12.

(4) Where a parking lot connection is required, an easement for ingress and egress to adjacent lots shall be recorded by the property owner with the applicable county clerk and recorder in the form of an easement plat.

(f) **Parking structures**.

(1) Parking Structures are allowed by Special Use Permit in the zoning districts specified in the Principal Use Table in Section 18-04-09.

(2) Parking structures shall comply with the use standards as identified in Section 18-04-88.

>> INSERT DIAGRAM<<

(g) **Short-term parking.** Parking spaces reserved for curb-side pickup of patrons, rideshare pick up and drop off, or other short-term parking needs, shall be located either to the side of the principal building, in the rear of the parking lot, away from principal building entrances, near employee exits, or in another location approved by the director through an Administrative Adjustment (Section 18-02-12) so as not to inhibit pedestrian travel between the principal building entrance and off-street parking areas.

(h) **Electric vehicle chargers and electric vehicle readiness**.

Not typical to have EV chargers be a "use" as accessory or permitted. Typically they are required as part of the parking requirements.

(1) **Applicability.** Electric vehicle chargers are permitted as an accessory use in accordance with Section 18-04-172(j). Vehicle Fueling Stations that consist of, or include, electric vehicle charging facilities as defined and regulated in Section 18-04-97 are considered a principal use that shall be permitted only as identified in the Principal Use Table in Section 18-04-09 and in compliance with the use standards of Section 18-04-97.

(2) **Parking area**. Parking areas for new development shall comply with the *Colorado Model Electric and Solar Ready Code* for electric vehicle charging stations and electric vehicle charging readiness.

(3) **Parking structures**. The following standards of Subsections 18-09-35(h)(2)a., (2)b., and (2)c. shall apply to parking structures with regards to electric vehicle chargers:

a. Parking structures for specific commercial or residential occupancies as defined in the *Colorado Model Electric and Solar Ready Code* shall comply with the electric vehicle charging and electric vehicle charging readiness standards as descried in said code.

b. Parking structures with 100 or more parking spaces shall provide electric vehicle chargers for at least five percent of provided parking spaces and the infrastructure needed for a minimum of 10 percent of provided parking spaces to be converted to electric vehicle chargers at a later date.

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b. Provide a joint use parking agreement as part of the development review process detailing how the parking spaces will be shared among the uses, which shall be recorded as an easement on the applicable subdivision plat or as an easement plat with the applicable county clerk and recorder upon approval; and

This is typically handled through a private agreement rather than as an easement on a plat

c. Sign an acknowledgement that the continuing validity of the applicant's development permit depends upon the continuing ability to provide the requisite number of parking spaces. If the shared parking is no longer available or the property owner fails to comply with the requirements of this section, the parking requirement reverts to the requirements identified in Table 18-09-26.1 and the property owner or applicant must demonstrate compliance with said requirements or the development permit may be revoked. Continued conformance will be determined at the time of land use application or if a tenant improvement requires demonstration of minimum parking amounts.

(4) If there is a change in ownership, change in use, expansion in building area or reduction in parking area, a new joint use agreement shall be submitted to the city and additional parking shall be provided, if required in accordance with this article.

Sec. 18-09-36. INTERNAL ACCESS DRIVES.

(a) **Generally**. All development sites' internal site access and circulation shall be provided via the standards of this section, Division 3 of this article, and Section 18-09-39 except where an Administrative Adjustment per Section 18-02-12 is permitted, a Variance per Section 18-02-36 is granted, or at the sole discretion of the director. The standards of this section pertain to parking lots and internal site access and shall not apply to streets or right-of-way unless described as such in this section.

(1) Development sites that are greater than five acres or have at least 200 parking spaces shall contain both primary and secondary internal access drives and may contain driveways and drive aisles.

a. Driveways and drive aisles meeting these standards shall not be connected directly to right-of-way. This standard shall not preclude minimum parking requirements.

b. Parking lot connectivity shall comply with Subsection 18-09-35(e) , Parking area connectivity.

(2) Sites smaller than five acres or 200 parking spaces may address on-site access and mobility using driveways (see Section 18-09-29), drive aisles (see Subsection 18-09-35(c)), primary or secondary internal access drives (see Subsections 18-09-36(b) &(c)), or access easements (see Section 18-09-37).

a. This standard of Subsection 18-09-32(a)(2) shall not preclude minimum parking requirements. Use of drive aisles and driveways to provide access to the right-of-way shall be approved by the director.

(3) Where an internal access drive, drive aisle, or driveway provides access directly to a loading or delivery space, the travel lanes provided shall be at least the minimum width of the loading or delivery space.

(4) Off-street access shall meet all applicable Standards and Specifications. Where a stricter standard applies between this article or the Standards and Specifications, the stricter standards shall apply.

(5) The standards of this section pertain to off-street access for vehicles, pedestrians, and active transportation users and include primary internal access drives, secondary internal access drives, pedestrian and active transportation access and circulation, landscaping, off-street parking standards, and off-street loading and delivery standards.

(b) **Primary internal access drive**. Primary internal access drives shall connect a development site to the public right-of-way, connect to secondary internal access drives, and meet the standards established in Table 18-09-36.1.

(1) **Table 18-09-36.1 Primary internal access drive standards.**

Access drive component	Required	Minimum dimensions
Two travel lanes	Yes	10-13 feet per lane, subject to Fire Code and the Standards and Specifications.
Median [1]	Yes	9 feet, medians shall have breaks to accommodate turning movements.
Median landscape	Yes	See Section 18-8-26.
Bicycle lane	No	If provided, shall be 6 feet.
Parallel parking width	No	If provided, shall be 8 feet.
Parallel parking length	No	If provided, shall be 22 feet.
Angled parking	No	If provided, see Subsection 18-09-35(b).
Curb and gutter	Yes	Per Standards and Specifications.
Parkway	No	If provided, the parkway shall meet the same standards as the right-of-way buffer, see Section 18-8-18.
Sidewalk – both sides of drive	Yes	6 feet

Table 18-09-36.1 Footnote:

[1] Medians may only be required for the first 200 feet of the length of the primary access drive immediately from the access point of right-of-way.

Medians not typically required.

Sidewalks not necessarily req'd on both sides of a private access.

This section generally treats a primary internal access drive as ROW.

>> INSERT DIAGRAM<<

(c) **Secondary internal access drive**. Secondary internal drives shall connect primary internal access drives to buildings and parking **areas** and meet the standards established in Table 18-09-36.2.

(1) **Table 18-09-36.2 Secondary internal access drive standards.**

Component	Required	Minimum dimensions
Two travel lanes	Yes	10-13 feet per lane, subject to Fire Code and the Standards and Specifications.
Bicycle lane	No	If provided, shall be 6 feet.
Parallel parking	No	If provided, shall be 8 feet.
Angled parking	No	If provided, see Subsection 18-09-35(b).
Curb and gutter	Yes	Per Standards and Specifications.
Parkway	No	If provided, shall be 6 feet, see Section 18-8-18.
Sidewalk – one side of drive	Yes	6 feet

Generally sidewalks should be placed where they make sense rather than a blanket requirement.

>> INSERT DIAGRAM<<

Sec. 18-09-37. Access easements.

(a) **Generally.** All development site access that requires and the use of an access easement or an alley, public or private, shall adhere to this section except where an Administrative Adjustment (see Section 18-02-12) is permitted, a Variance (see Section 18-02-36) granted, or at the sole discretion of the director. Access easements may include:

(1) Private streets;

(2) Alleys;

(3) Drive aisles per Section 18-09-35;

(4) Internal access drives per Section 18-09-36; or

(5) Shared driveways.

Access easements on all drive aisles and internal drives are not typical.

(b) **Access easement.** All lots and tracts shall have direct access to the public right-of-way or an access easement that connects to a public street or internal access drive that connects to a public street. The following minimum standards shall apply to access easements:

(1) An access easement shall be a minimum of 20 feet wide;

If required, should be width of drive.

(2) An access easement without secondary ingress or egress is prohibited from exceeding 150 feet in length unless granted by Fire Code;

(3) Access easements shall comply with Fire Code; and

(4) The transportation elements – including any provided sidewalks, on-street parking, bicycle facilities, landscaping, medians, or other elements – contained within the access easement shall comply with:

a. Chapter 18; or

b. The Standards and Specifications;

(c) **Additional access easement standards.**

(1) development engineering manager may vary these standards based on the location of other access points, the configuration of the property, the traffic generation projections, and public safety considerations.

(2) The director may vary these standards based on the location of other access points, the configuration of the property, the traffic generation projections, and public safety considerations

Not typically required

(3) The developer shall submit for city approval with a Development Plan (Section 18-02-17) the proposed maintenance system, including snow removal, and financial plan for maintenance, and shall demonstrate the plan is adequate to address long-term maintenance and replacement of the easement surface.

Is a "study" more than just a plan showing the turning radius movements?

If so, that would not be typical.

(4) The developer shall submit for city approval with a Development Plan (Section 18-02-17) a proposed fire turning radius study and shall demonstrate that all emergency services have adequate access to all structures.

(5) The proposed location, configuration, use and ownership of access easements shall be approved by the city based on the design and character of the development. The director may require additional access easements for:

a. Cross access between adjacent or abutting properties; or

b. For off-street vehicle parking in adjacent parking lots serving more than one property.

(6) If the developer or successor requests the city to accept the access easement as a public street, the developer or successor shall demonstrate that the access easement meets the structural standards in the city's Standards and Specifications prior to dedication to the city.

Sec. 18-09-38. Bicycle parking.

(a) **Minimum bicycle parking requirements applicability**. Bicycle parking standards shall apply as detailed in this section.

(b) **General bicycle parking facilities standards**.

(1) **Surfacing**. Bicycle parking, with the exception of indoor, long-term parking facilities, shall be provided on a hard-surface, all-weather pavement of asphalt or concrete or may be permeable surfaces like stone pavers.

Could allow some additional materials such as a decomposed granite or path type material.

(2) **Placement**.

a. Bicycle parking shall be located as not to interfere with pedestrian access or ADA compliance.

b. Bicycle parking shall be located a minimum of three feet away from walls, fences, and the edge of landscaping at the time of maturity, as measured from the edge of the bicycle parking facility closest to the wall, fence, or landscaping.

c. Bicycle parking shall maintain a minimum clearance of four feet when measured from the ground or floor.

(3) **Rack types**.

a. Bicycle racks shall meet all requirements of the Americans with Disabilities Act.

b. Grid/schoolyard bicycle racks are prohibited.

>> INSERT DIAGRAM<<

c. Bicycle lockers or similar types of facilities are permitted and count towards required bicycle parking standards.

(c) **Minimum short-term bicycle parking requirements**. The minimum short-term bicycle parking requirements established in Table 18-09-38.1 shall apply to all but the attached, detached, and multi-unit residential land uses in the Zone Districts identified in Table 18-09-38.1.

(1) **Table 18-09-38.1 Minimum short-term bicycle parking requirements.**

Zoning district	Minimum required number of short-term bicycle parking spaces
RH; MU; TOD	1 per 20 vehicle parking spaces or 5, whichever is greater
NC; GC; CI	1 per 40 vehicle parking spaces or 5, whichever is greater
RC; BP	1 per 80 vehicle parking spaces or 3, whichever is greater

a. For development activities qualifying as intermediate redevelopment and for which an increase in vehicle parking spaces is required, a minimum of 10 percent or one space of the short-term bicycle parking identified in Table 18-09-38.1 shall be provided, whichever is greater.

b. Development activities qualifying as minor redevelopment do not need to provide short-term bicycle parking.

(2) **Short-term bicycle parking facilities standards**.

a. Short-term bicycle parking facilities shall be located such that they are highly visible, with adequate lighting, from the street and/or building entrance(s) from where bicyclists approach.

b. If provided outdoors, short-term bicycle parking facilities shall be sited within 50 feet of the main entrance of the land use the short-term bicycle parking is being used for.

c. If provided in a parking structure, short term bicycle parking shall be within 50 feet of a pedestrian entrance.

d. If provided indoors, short-term bicycle parking facilities shall be located within an easily-accessible common area designated for secure bicycle storage.

e. The location of short-term bicycle parking facilities shall not conflict with pedestrian, ADA, and/or vehicle access and mobility.

f. Short-term bicycle parking facilities adjacent to a sidewalk, sidepath, trail, or pedestrian walkway shall be sited to ensure that a minimum five-foot walkway clearance is maintained.

(3) **Minimum short-term bicycle parking facility dimensional standards**. Short-term bicycle parking facilities must comply with the spacing standards as set forth in this subsection in Tables 18-09-38.2 through 18-09-38.5:

a. **Table 18-09-38.2 Short-term bicycle parking minimum space and access dimensions – horizontal spaces.**

Number of Spaces	Individual Space Width	Space Length	Access Behind Bicycle Space
One-Two Spaces	Two Feet	Six Feet	Four Feet
Three or more, side by side	One-and-a-half feet	Six feet	Four Feet

>> INSERT DIAGRAM<<

Don't typically see this level of specifics. Suggest removing access behind.

Don't typically see wall mounted spaces outdoors.

b. **Table 18-09-38.3: Short-term bicycle parking minimum space and access dimensions – wall mounted spaces**

Number of Spaces	Individual Space Width	Space Length	Access Behind Bicycle Space
One Space [1]	Two Feet	Six Feet	Four Feet

Table 18-09-38.3 Footnote:

[1] Wall mounted spaces shall only comprise one space attached to a wall where the back rest on two wheels on the ground.

>> INSERT DIAGRAM<<

Don't typically see vertical spaces outdoors.

c. **Table 18-09-38.4: Short-term bicycle parking minimum space and access dimensions – vertical spaces.**

Number of Spaces	Individual Space Width	Space Length	Access Behind Bicycle Space
One-Two Spaces	Two Feet	Six Feet [1]	Five Feet
Three or more, side by side	One-and-a-half feet	Six feet [1]	Five Feet

Table 18-09-38.4 Footnote:

[1] Vertical spaces shall be measured from the floor to the top of the wall mounted equipment used to create the bicycle rack meeting the standard as described in Subsection 18-09-38(c)(2)a.3.

>> INSERT DIAGRAM<<

d. **Table 18-09-38.5: Short-term bicycle parking minimum space and access dimensions – bike locker spaces.**

Number of Spaces	Individual Space Width	Space Length	Access Behind Bicycle Space
Bicycle locker, standard	Two feet	Six Feet	Four Feet
Bicycle locker, pie shaped	30 inches at widest end	Six feet	Four Feet

>> INSERT DIAGRAM<<

(e) **Minimum long-term bicycle parking requirements**. The minimum long-term bicycle parking requirements established in Table 18-09-38.1 shall apply to Multi-Unit Residential Land Uses only.

(1) **Table 18-09-38.1 Minimum long-term bicycle parking requirements.**

Zoning district	Minimum required number of long-term bicycle parking spaces
RH; MU; TOD; NC; GC; RC; CC-L	1 per 10 vehicle parking spaces or 10, whichever is greater. This standard shall apply only to new development and redevelopment with residential units in excess of 20 units in one building. The standard shall only apply to the residential portions of the development.

(2) **Long-term bicycle parking facilities standards**.

a. Long-term bicycle parking shall be covered and enclosed.

b. Long-term bicycle parking shall be located near the building entrance it is intended to serve.

c. Long-term bicycle parking may be located within an internal common area such as a lobby, bicycle locker room, or stairwell.

d. Storage within a dwelling unit shall not be considered a long-term bicycle parking space.

e. Long-term bicycle parking shall meet the dimensional standards of the applicable table identified in Tables 18-09-38.02 through 18-09-38.05.

>> INSERT DIAGRAM<<

>> INSERT DIAGRAM<<

(f) **Parking structures**. Bicycle parking shall be located within a parking structure on the level closest to the street and/or a primary building entrance.

Sec. 18-09-39. Pedestrian walkways.

(a) **Generally**. On-site, pedestrian walkways shall meet all standards for sidewalks and sidepaths as established in the Standards and Specifications and shall:

(1) Provide a minimum of one path of travel via a pedestrian walkway that connects the accessible entrances of each building within the site with the sidewalks along a public or private street, meeting the Accessibility Standards for Pedestrian Facilities in the Public Right-of-Way (PROWAG) and any additional applicable Americans with Disabilities Act (ADA) requirements.

a. A "path of travel" includes a continuous, unobstructed way of pedestrian passage by means of which the altered area may be approached, entered, and exited, and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

Should not apply to existing developments that are missing connections when you are adding a new pad.

(2) Connect all buildings on the site to one another.

(3) Provide connections to and through parking areas using internal access drives or separate and distinct pedestrian walkways.

(4) Connect internal access drives to buildings.

(5) Connect two dead end streets that are within 300 feet of each other and to dead end streets within 300 feet of an existing street with a sidewalk or sidepath.

(6) Connect each building on a development site to trails, parks, open space, and public gathering space located within the development site or abutting to the development site.

a. For each 600 feet of abutting frontage or property lines to a trail, park, open space, or public gathering space a pedestrian access point shall be provided in intervals of 600 feet and shall be in the form of a pedestrian walkway.

(7) Connect building entrances to Transit Stops, Transit Passenger Shelters, Transit Stations, or Micro-mobility Hubs on the same property and to adjacent public sidewalks along direct routes of travel.

(8) Be designed with minimal disruptions to safe, continuous pedestrian connectivity.

(9) Be lit with one of the pedestrian scale lighting options, as detailed in Section 18-06-50.

(10) If a pedestrian walkway is used for vehicle overhang, then the walkway shall be widened by two feet.

(b) **Pedestrian walkway design in larger off-street vehicle parking areas**. When an off-street vehicle parking area is larger than 200 spaces or within a development site that is five acres or greater it shall meet the following criteria:

(1) Pedestrian circulation shall be provided from the sidewalks, sidepaths, trails, and pedestrian walkways along the adjacent public rights of way to all buildings within the site.

(2) Pedestrian crosswalks within a development site shall be distinguished from the driving surface by the use of raised crosswalks, brick pavers, integrally colored and patterned concrete, or other methods approved through the development permit process. Pedestrian access route surfaces must be generally planar and smooth, with a design conforming to the requirements of the Americans with Disabilities Act.

Can striping be added as an option?

(3) Pedestrian sidewalks in front of buildings shall be designed to accommodate pedestrian activity.

a. Sidewalks in front of or adjacent to buildings of less than 10,000 square feet shall be at least 10 feet in width, exclusive of auto overhang.

b. Sidewalks in front or adjacent to buildings of more than 10,000 square feet shall be at least 15 feet in width, exclusive of auto overhang.

Should allow alternative that could be site specific.

(c) A coordinated pedestrian circulation system that ensures safe accessibility throughout the development site and separates pedestrian circulation from vehicular circulation is required. Building placement shall provide pedestrian plazas and/or corridors to encourage walking between buildings, such as is shown in Figure 18-09-39.1.

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ATTACHMENT C
MAY 2025 OPEN HOUSE COMMENTS

Attachment C

Comment Summary from City of Thornton Development Code Open Houses - May 19 & 20, 2025

General Comments Submitted from Open House Attendees:

1. Plenty of Thornton plans talk about being more multi-modal, less car-centric, more diverse housing. This code change has some small changes that will improve our city. But it is not enough.
   - There should be more mixed use + incremental development
   - Eliminate parking minimums. So much excess parking exists in Thornton.
   - Build streets w/ fewer stop lights, more medians w/ trees, fewer driveways onto arterial streets, less focus on level of service and instead focus on multi-modal performance measures
   - Get rid of painted bike lanes that have no barrier. No one uses them + are a waste of space"

2. As you change the naming conventions of the different zoning regulations, please don't mix store fronts or other businesses within areas of single family homes, for example. I see the plans for mixed use zoning and I'm concerned how they will come together.

3. Pleased to see that there is a process in place to provide better looking facades for Thornton buildings + housing. Thank you.

4. Consider different tap fees for different types of uses. (single family, multi-family, commercial).

5. Thornton Valley East AKA "The ghetto" because that's how we're treated. I heard several different answers to the same question. As far as development, ALL you wanted to hear was about codes. Not the concerns about your codes. It's time for the city to listen to their people. Take care of what you have! Put the money back into Original Thornton. Then start improvements heading north. ALL you are worrying about is money. I heard that several people want to move out of Thornton. Thats sad when 120th to 128th feel like they're in lower Thornton, not being taken care of. How about putting low-income & the crime with it in your front/back yard. Then pray that police show up. Pray that you get anything you've been paying taxes on. You just want to sell, get money and not take care of your people. Who cares what developers want? They build, the office space stays open for years. They can afford that. We the people don't want to see it. If you can't take care of what you have now in your city, you don't deserve more. None of you would survive in my neighborhood, and it showed tonight! Nothing we said was truly listened to. I heard several excuses & lies. My mom has been waiting 55 years for change.

6. Please put all these posters on line. Is a bus route proposed for Colorado to Washington on 128th. What is the width of parking spots proposed for housing.

7. As a long-time resident of King Ranch, my neighbors and I have desired an attractive retail space to be developed on the 12 acres in front of our subdivision. I see that you

have added a new zoning district, Food Truck Court. I believe that property would be an ideal location for the 1st Food Truck Court in Thornton. How can we make that happen? Thank you.

8. 120th and Quebec:
    - Annex corner of property to join vacant land (adjoining lot) in order to have one complete piece of land for development.
    - Currently, King Ranch residents want one story only commercial property. We do not want 3 story (anything) because of high density/traffic problems.
    - King Ranch would support Food Court ideas as a temporary use of this land.

10. Warren (Walt) R. was incredibly patient and knowledgeable about our great city and helped me tremendously with my numerous questions about a certain development project.

Comments Submitted from Open House Attendees Related to Proposed Development at 128th Avenue and Claude Court:

The following comments were expressed about a specific development proposal. Please note that the rewriting of the Development Code is not related to this specific development proposal.

1. Just say NO to 128th Ave & Claude Ct. zoning change proposal. SAY NO TO MAIKERS PLEASE. THANK YOU.

2. My family lives by 128th + Claude Ct. This property is zoned commercial. Builder Maiker wants this changed to residential. All residents are adamantly opposed to this. This Section 8, low-income housing is not appropriate at this location. Will the city listen to us + our concerns? It is already affecting property values. Please listen to your constituents. Thank you.

3. Please don't import more crime and Section 8 housing on the 128th and Claude Court land development it has hurt my home value and sale of my neighborhoods home sales. It will bring more crime. This is awful please stop this. You will be hurting your citizens and constituents

4. I live in the impacted area of 128th & Claude Ct. We respectfully request that the city do not allow Maiker Properties to build Section 8 / affordable housing on this tiny plot of land. It is already impacting our home values. This will bring increased crime and Thornton already has high crime. The are other plots of land to develope low income housing. Please plan smarter and don't effect our homes.

Attachment D

Draft Not Approved

